

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPSS No. 1352 of 2022 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. S.K. Mandal, Advocate for the petitioner.</p> <p>Mr. Rakesh Kunwar, Additional Chief Standing Counsel for the State of Uttarakhand/respondent no. 1.</p> <p>Mr. T.A. Khan, Senior Advocate, assisted by Ms. Sadaf, Advocate, holding brief of Mr. Vinay Bhatt, Advocate for respondent nos. 2 & 3.</p> <p>Heard learned counsel for the parties.</p> <p>Petitioner's father was serving as a daily wager in Bazpur Co-operative Sugar Factory Ltd., who died on 28.03.2018. Petitioner applied for compassionate appointment on 23.05.2018, however, his application is still pending and no decision has been taken thereupon. Thus, feeling aggrieved, petitioner has approached this Court.</p> <p>In the writ petition, a document enclosed as Annexure No.-1, which is an</p>

order dated 05/25.03.2016, issued by General Manager of the Sugar Mill. By the said order, services of 36 daily wage employees of the Sugar Mill were regularized as unskilled seasonal worker and name of petitioner's father figures at Sl. No. 10 in the said order. Based on the said document, learned counsel for petitioner submits that services of petitioner's father stood regularized in the month of March, 2016.

Mr. T.A. Khan, learned Senior Counsel appearing for Sugar Mill however disputes this fact and submits that petitioner's father did not join pursuant to the said order, therefore, he continued as a daily wager.

Per contra learned counsel appearing for petitioner submits that father of petitioner was serving in the Distillery Unit of the Sugar Mill. When he was going to hill districts for supplying bonded liquor in a truck, owned by Sugar Mill, the truck met with an accident, in which petitioner's father was seriously injured and, after the accident, he remained bedridden for about two years and thereafter, he passed away on

28.03.2018. He further contends that in the regularization order, there is no such stipulation that regularization would be effective only upon joining of duties by the concerned daily wage employee. He contends that services of petitioner's father stood regularized w.e.f. 05/25.03.2016, when the order was issued.

This Court is not inclined to go into all these questions at this stage. Since petitioner's application for compassionate appointment is pending before the Competent Authority, therefore, writ petition is disposed of with a direction to respondent no. 2 to examine petitioner's claim for compassionate appointment, as per the applicable scheme and take decision, as per law, within six weeks from the date of production of certified copy of this order.

(Manoj Kumar Tiwari, J.)

21.07.2022

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