

(2007) 10 UK CK 0021

Uttarakhand High Court

Case No: Special Appeal No. 119 of 2006

Ved Prakash

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision: Oct. 9, 2007

Citation: (2008) 1 UC 374

Hon'ble Judges: Rajeev Gupta, C.J; J.C.S. Rawat, J

Bench: Division Bench

Advocate: M.S. Chauhan, for the Appellant; Subhash Upadhyay, Brief Holder, for the Respondent

Final Decision: Dismissed

Judgement

Rajeev Gupta, C.J.

Sri M.S. Chauhan, Advocate for the Appellant.

Sri Subhash Upadhyay, Brief Holder for the Respondents.

1. They are heard on admission.

2. Appellant Ved Prakash has filed this appeal under Chapter VIII Rule 5 of High Court Rules against the impugned judgment dated 26-07-2006 passed in Writ Petition No. 1009 of 2006 (S/S).

3. Appellant Ved Prakash filed the writ petition for the following reliefs:

I. Issue a writ order or direction of suitable nature to Respondents to consider the case of the Petitioner in pursuance of Govt. Order was in existed on the date of making the application.

II. Issue a writ order or direction in the nature of mandamus directing the Respondents to provide the compassionate appointment to the Petitioner in pursuance of the Govt. Order No. 5193/15-5-2000-40012221/99 dt. 4-9-2000 and quashed the appointment accepted on compelling circumstances to deprive

claimant of his legal right.

III. Issue any other order or direction which this Hon"ble Court may deem fit and proper in the facts and circumstances the case.

IV. Award cost of the petition to the Petitioner.

4. The Petitioner, thus, in substance, was seeking a direction to the Respondents to provide him compassionate appointment on Class III post as he was eligible for appointment to Class III post.

5. The learned Single Judge found that the Petitioner accepted his appointment on compassionate ground on Class IV post without any protest and as such he cannot be permitted to turn round at a later stage and claim appointment on compassionate ground on Class III post. The learned Single Judge, therefore, dismissed the writ petition vide impugned judgment dated 26-07-2006.

6. Sri M.S. Chauhan, the learned Counsel for the Appellant, could not dispute that the Appellant accepted his appointment on compassionate ground on Class IV post without any demur whatsoever.

7. In this view of the matter, we do not find any infirmity in the impugned judgment, which is perfectly in line with the recent dictum of the Apex Court in the case of [I.G. \(Karmik\) and Others Vs. Prahalad Mani Tripathi](#), .

8. The Special Appeal, therefore, is liable to be dismissed and is hereby dismissed summarily.