



2026:UHC:4487-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

4th June, 2026

SPECIAL APPEAL NO. 206 OF 2026

The Bazpur Cooperative Sugar Factory Ltd. and others.

....Appellants.

Versus

Arjun Singh and another.

...Respondents

Counsel for the appellants

: Sri T.A. Khan, learned Senior Counsel assisted by Sri Vinay Bhatt, learned counsel.

Counsel for the respondents

: Sri Amar Murti Shukla and Ms. Chitra Joshi, learned counsel holding brief of Sri Mukesh Singh Rawat, learned counsel for respondent No. 1.
Sri M.S. Bisht, learned Brief Holder for the State of Uttarakhand.

JUDGMENT : (PER: SRI MANOJ KUMAR GUPTA, C.J.)

1. There is ten days' delay in filing the present intra-Court appeal, which is not seriously opposed by the counsel for the respondents. Accordingly, the delay is condoned and the Application seeking condonation of delay (IA No. 1 of 2026) is allowed.

2. The present intra-Court appeal is directed against the order of the learned Single Judge dated 18.04.2026, by which the writ petition, filed by non-appellant No. 1, Arjun Singh (hereinafter referred to as the 'writ-petitioner'), has been allowed and the appellants have been directed to re-consider the claim of the writ-petitioner for compassionate appointment on merits within six weeks from the date of presentation of certified copy of the order.

3. The facts, in brief, are that the father of the writ-petitioner was an employee of the appellant-Sugar Factory. He



died while in harness on 12.11.2018. The writ-petitioner submitted an application for grant of compassionate appointment on 14.01.2022. The said application was rejected by the appellants by order dated 20.05.2025 on the ground that it was filed beyond a period of three years from the date of death of the employee.

4. The learned Single Judge has noted the limitation provided under the Dying in Harness Rules, 1974, which is five years from the date of death. Thereafter, the learned Single Judge has also considered the policy decision of the appellants dated 15.11.2011, whereby a period of three years was provided for making application for compassionate appointment. It has been observed that the said policy only provides for a time-frame for filing application, but it did not provide for any adverse consequence in case application is not filed within the said period. Consequently, the said provision has been held to be directory and not mandatory. The learned Single Judge has also observed that the purpose of giving compassionate appointment is to provide succor to the family members of a deceased employee and to tide over the financial difficulties, which would fall upon them as a result of death of the employee. Accordingly, it has been observed that since the delay was only of about one and half month, therefore, the stand taken by the Department in denying the compassionate appointment has not been accepted.

5. Sri T.A. Khan, learned Senior Counsel appearing for the appellants, contended that at the relevant time, there was a ban



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imposed on compassionate appointments in Cooperative Societies and he made submissions in this behalf while making oral arguments before the learned Single Judge, but which have not been considered.

6. Along with the writ petition, the order, by which the alleged ban was imposed, was not filed. However, along with the present intra-Court appeal, a communication by the State dated 12.06.2018, addressed to the Commissioner, Department of Cane Development and Sugar Industry, has been annexed, which *inter alia* provides for keeping in abeyance the appointments on compassionate basis. As, the matter has only been remitted back to the appellants for re-considering the application of the writ-petitioner for compassionate appointment on merits and the decision is to be taken by the appellants, we find no good ground to interfere with the order of the learned Single Judge on basis of new facts and submissions. The appeal is, accordingly, dismissed.

7. Pending application, if any, also stands dismissed.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 04th June, 2026
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