



2026:AHC:92549-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 1090 of 2025

Lal Bahadur

.....Appellant(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Appellant(s) : Anand Mohan Pandey, Ram Raj Mishra
Counsel for Respondent(s) : C.S.C., Dharmendra Singh Chauhan

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.

HON'BLE INDRAJEET SHUKLA, J.

1. Heard Sri Sumit Ranjan Mishra holding brief of Sri Anand Mohan Pandey, learned counsel for the original petitioner-appellant, Sri Ankit Gaur, learned Standing Counsel for the State respondents and Sri Dharmendra Singh Chauhan, learned counsel for the Development Authority.

2. Having heard learned counsel for the parties and having perused the record, we find no good ground to interfere in the present intra-court appeal arising from the order of the learned single judge dated 9th October, 2025, Lal Bahadur Vs. State of U.P. and others, 2025:AHC:179606.

3. Undeniably, the father of the petitioner was engaged by the Bareilly Development Authority. He claimed to have worked for more than 240 days in one calendar year. On the strength of such facts, he had raised an industrial dispute wherein vide award dated 30.01.1990 passed by the Labour Court, Bareilly in Adjudication Case No. 25 of 1988, he was directed to be reinstated with back wages. That award of the labour court was set aside by this Court vide order dated 05.02.2009 in Civil Misc. Writ Petition No. 20299 of 1990, BDA Vs. Labour Court and another. Finding was returned that the workman i.e. the father of the present petitioner could not establish that he had worked for more than 240 days in one calendar year. On that reasoning the award of reinstatement was set aside. However the writ petition was disposed of directing payment of 30,000/- as consolidated damages/compensation to the wife of the workman as he died on 15.11.2003.

4. As to the petitioner, he claims to have been engaged by BDA on contractual basis with effect from 1.1.2004. He further claims to be continuously working, since then.

5. Seen in that light, the claim for compassionate appointment made by the original petitioner/appellant (in this case) may have no legs to stand. In absence of master servant relationship established between the BDA and father of the present appellant (since deceased), there may never arise a fact situation of death in harness. Therefore the claim for grant of compassionate appointment may not arise to the present original petitioner/appellant.

6. Also there is doubt with respect to existence of any rule to provide for compassionate appointment. In any case in absence of death in harness being established and in face of the findings returned by the writ court on the earlier writ petition filed by the father of the original petitioner-appellant, no claim for compassionate appointment may have been maintained by the original petitioner-appellant arising from the death of his father who was temporarily engaged by the BDA.

7. For the above reasons, the present appeal lacks merit and it is accordingly dismissed. However, we note that the original petitioner has himself remained engaged for almost 22 years on contractual basis. He is described to be working as a driver. Thus, notwithstanding the dismissal of this appeal his engagement on contractual basis, as driver may not be affected or discontinued. Also he may remain entitled to claim regularization in accordance with law. That claim when arises, may be dealt with on its own merits without being prejudiced by any observation made in this order.

April 24, 2026
Pratima

(Indrajeet Shukla,J.) (Saumitra Dayal Singh,J.)