

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 79/DB/2022

Rajat Panwar, s/o Late Sri Jogeshwar Prasad Panwar, aged about 30 years,
r/o 19 Upasana Enclave, Panditwadi, Dehradun, Uttarakhand.

....Petitioner

vs.

1. The State of Uttarakhand through Secretary, Medical, Health and Family Welfare, Govt. of Uttarakhand, Dehradun.
2. Director General, Medical, Health and Family Welfare, Danda Lakhaund, P.O. Gujrada, Sahastradhara Road, Dehradun.
3. Chief Medical Officer, Dheradun.

.....Respondents

Present: Dr. N.K.Pant, Advocate, for the Petitioner. (online)
Sri V.P.Devrani, A.P.O., for Respondents No.1.

JUDGMENT

DATED: JULY 11, 2022

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks a direction to Respondent No.2 to decide his representations dated 15.02.2022 and 11.05.2022, in the light of decision rendered by Hon'ble High Court of

Uttarakhand in WPSS No. 321 of 2011, Anil Kumar Arya vs. State of Uttarakhand and others.

2. The petitioner has applied for appointment under the Dying in Harness Rules, as his father, who was working in U Health Dispensary, M.L.A. Transit Hostel, Dehradun, died in harness on 14.01.2020. Petitioner applied for appointment along with relevant documents.

3. Ld. Counsel for the petitioner prayed that a direction be given to Respondent No.2 to decide petitioner's representation for employment under Dying in Harness Rules, 1974.

4. Ld. A.P.O. submitted that such representation of the petitioner is under consideration of the Respondent Department. He has no objection, if a direction is given to Respondent No.2 to decide the representation of the petitioner, in accordance with law.

5. The claim petition is, accordingly, disposed of at the admission stage by directing Respondent No.2 to decide the representation dated 11.05.2022 (Annexure: A-2) of the petitioner, by a reasoned and speaking order, in accordance with law, at an earliest possible, and without unreasonable delay, on presentation of certified copy of this order along with copy of the representation. No order as to costs.

6. It is made clear that we have not expressed any opinion on the merits of the case.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 11, 2022
DEHRADUN

VM