



**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

**Special Appeal No.273 of 2026**

**19<sup>th</sup> June, 2026**

Bazpur Cooperative Sugar Factory and others

-----Appellants

**Versus**

Mohan Pandey

----Respondent

**Presence:-**

Mr. T.A.Khan, learned Senior Counsel, assisted by Mr. Vinay Bhatt, learned counsel for the appellants.

Mr. Mukesh Kumar Kaparuwan, learned counsel for the respondent.

**JUDGMENT** : (per Mr. Manoj Kumar Gupta C. J.)

1. The present *intra-court* appeal is directed against the order of learned Single Judge dated 18.05.2026, in the Writ Petition (S/S) No. 1310 of 2026, (filed by non-appellant, hereinafter referred to as 'the petitioner'), challenging the order dated 21.01.2026, by which, the representation of the petitioner for conferring upon him status of a regular employee in the appellant-corporative society was rejected, has been entertained granting time to the respondents therein to file counter affidavit. Simultaneously, the application for interim relief has been disposed of directing the appellants to permit the petitioner to work even during off season, which is



possible only in respect of an employee who has regular status.

2. Learned counsel for the appellants submits that the order of learned Single Judge amounts to granting a final relief. It is urged that the representation filed by the petitioner has already been rejected by the order impugned in the writ petition wherein a specific finding has been recorded that the petitioner cannot be granted fitment because of the ban imposed by the Government Order dated 12.06.2018. It is submitted that the validity of the order passed by the appellant declining the claim of the writ petitioner for being conferred status of a regular employee is yet to be adjudicated and, therefore, the learned Single Judge erred in issuing the impugned direction for permitting the petitioner to serve as Security Guard even during the off season.

3. The submission has force. The representation of the petitioner has been dismissed and its validity is yet to be examined by the Writ Court. In such circumstances, in our considered opinion, the direction issued for permitting the petitioner to work even during



off season would amount to conferring status of a regular employee upon the petitioner, although the validity of the order declining such status to the petitioner is yet to be examined. Accordingly, the order of learned Single Judge dated 18.05.2026 is set aside.

4. The writ petition shall be decided without being influenced by any observation made in the instant order.

5. Pending application, if any, also stands disposed of.

**(MANOJ KUMAR GUPTA, C. J.)**

**(SUBHASH UPADHYAY, J.)**

Dated: 19.06.2026  
Kaushal/pp