

**Court No. - 34**

**Case :-** WRIT - A No. - 13694 of 2023

**Petitioner :-** Smt. Ritu

**Respondent :-** Union Of India And Another

**Counsel for Petitioner :-** Chandra Bhan Dubey, Anil Kumar Dubey

**Counsel for Respondent :-** A.S.G.I., Vijay Raj Pal

**Hon'ble Ajit Kumar, J.**

Heard learned counsel for the parties and perused the record.

It is a matter where compassionate appointment is being sought by the petitioner on account of her husband late Shyam Babu dying in harness on 13th October, 2022.

A counter affidavit has been filed by the Chief Executive Officer, Cantonment Board Office, Bareilly on behalf of the respondent Nos.- 1 and 2 in which it is admitted that petitioner's husband was working as Group 'D' employee, namely, Safai Karmchari. As per his appointment order dated 24th April, 2002, nomination papers have carried the names of minor brothers 5 years of age, 8 years of age and 15 years of age.

From the records that has been brought through the counter affidavit it transpires that petitioner was married to late Shyam Babu and was certified to be his wife under the Family Certificate issued by Sub-Divisional Magistrate, Bareilly as aged about 26 years. This certificate was issued on 14th February, 2023. Another certificate issued by the Arya Samaj of the two entering tying with the matrimonial knot on 4th February, 2017 has been brought on record.

In view of the above, it would be appropriate that claim of the petitioner is examined by the competent authority, namely, respondent No.- 2, in the first instance after putting the mother of late Shyam Babu to notice and giving last opportunity to both petitioner. Accordingly, direction is issued and it is further provided that appropriate decision shall be taken within a maximum period of two months from the date of production of certified copy of this order.

Needless to add, the order to be passed by the authority concerned, shall be reasoned and speaking one and in the event petitioner is held entitled to compassionate appointment, the same shall be offered to her within the next one month's time.

With the aforesaid observations and directions, this petition stands disposed of.

**Order Date :- 26.10.2023**

Atmesh