

Court No. - 36

Case :- WRIT - A No. - 14310 of 2023

Petitioner :- Ravi

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Sushil Kumar Pandey

Counsel for Respondent :- C.S.C.,...

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondents.

2. Petitioner, through this writ petition, has prayed for a direction from this court thereby commanding the respondents to consider and decide petitioner's claim for compassionate appointment as petitioner's father while working on Class-IV post in Ram Krishna Purva Madhyamik Vidyalaya, Shahpur Jatan, Tehsil and District Mathura died in harness on 18.2.2018.

3. During the pendency of this writ petition, case of the petitioner for compassionate appointment was considered and appointment letter was issued to the petitioner.

4. Since pursuant to appointment letter, petitioner was not being permitted to join in the school where he was appointed, this court passed a detailed order on 6.11.2023 which is extracted below:-

"1. Heard learned counsel appearing for the petitioner and Mr. Shashi Prakash Singh, learned Additional Chief Standing Counsel appearing for the respondents.

2. Petitioner through this writ petition has prayed for a direction by this court thereby commanding the Respondent No. 2 to decide the claim of petitioner for compassionate appointment.

3. Petitioner's father late Latteram while working on a class IV post in Ramkrishna Purva Madhyamik Vidyalaya Shahpur Jatan, Tehsil and District Mathura died in harness on 18.2.2018. Petitioner is the adopted son of late Latteram as such he filed an application for his compassionate appointment on 22.01.2021.

4. Since application filed by the petitioner for his compassionate appointment was not considered, he has filed the present writ petition.

5. This court after hearing the matter passed a detained order on 20.09.2023, whereby direction was issued to Respondent No. 2 to file his personal affidavit explaining therein as to why application of the petitioner for compassionate appointment has not been considered.

6. Since in compliance of the aforesaid order dated 20.09.2023 passed by this court personal affidavit was not filed, therefore, this court vide order dated 27.09.2023 directed the District Basic Education Officer, Mathura to appear before this court on 04.10.2023.

7. Today Mr. Shashi Prakash Singh, learned Additional Chief Standing

Counsel has produced before this court instructions provided by the District Basic Education Officer, Mathura vide his letter dated 04.11.2023, wherein it has been categorically mentioned that petitioner has been given compassionate appointment on Class-IV post vide order dated 04.11.2013.

8. Learned counsel appearing for the petitioner has submitted that though order has been passed by the District Basic Education Officer, Mathura on 04.11.2023, whereby petitioner has been appointed on Class-IV post in Phool Chand Vidya Mandir, Junior High School, Neemgaon Block Maat, Mathura but till date petitioner has not been allowed to join in the said school.

9. List this matter on 17.11.2023 as fresh.

10. It is expected from the authorities that by the next date petitioner's joining in Phool Chand Vidya Mandir, Junior High School, Neemgaon Block Maat, Mathura shall be ensured. "

5. Learned counsel appearing for the petitioner has submitted that in compliance of this court's order dated 6.11.2023, petitioner has been permitted to join on a Class-IV post in Phool Chand Vidyamandir, Junior High School, Neemgaon Block Maat, District Mathura.

6. Learned counsel appearing for the petitioner has further submitted that since petitioner has been allowed to join, pursuant to his compassionate appointment, therefore, this writ petition may be disposed of with a direction to the respondents to pay salary to the petitioner as and when it becomes due.

7. Learned Standing Counsel has very fairly submitted that once petitioner has been allowed to join on his post, then definitely he will be paid salary.

8. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this writ petition is finally disposed of with a direction to the respondents to pay salary of Class-IV post to petitioner as and when it becomes due.

Order Date :- 29.11.2023

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