

Court No. - 34

Case :- WRIT - A No. - 14914 of 2023

Petitioner :- Abhishek

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Birendra Pratap Yadav, Krishna Kant Yadav

Counsel for Respondent :- C.S.C, Shyam Mani Shukla

Hon'ble Ajit Kumar, J.

Heard learned counsel for the parties and perused the record.

Petitioner is aggrieved for non-action on the part of the respondents in deciding the pending claim of the petitioner for compassionate appointment as the father late Deep Chandra, who was working as Safai Karmchari with the respondent No.- 4, had died in harness on 2nd April, 2010.

Learned counsel for the petitioner submits that if the property was bequeathed by the father in favour of a particular son or wife that by itself cannot be a ground to deny the claim of the petitioner for compassionate appointment and, therefore, the respondents were not justified in asking for a decision to grant probate/ letter of administration in favour of legatee under the Will.

Learned Standing Counsel does not dispute that the Will executed in favour of a third party other than a direct dependent cannot be a ground to deny the claim of the petitioner for compassionate appointment as it relates to movable or immovable property only bequeathed by the testator. He submits that appropriate decision can be directed to be taken by the authority in the matter of compassionate appointment after hearing all the dependents of the members of family.

Sri Shyam Mani Shukla, learned counsel appearing for the respondent Nos.- 3 & 4 does not have any objection to the above direction being issued.

In view of the above, the petition stands disposed of with a direction to the respondent No.- 2 to decide the claim of the petitioner for compassionate appointment after hearing all the dependents, who have come forward to put up their claim or in support of the claim of petitioner without being influenced by the order passed by the Nagar Swasthya Adhikari, Nagar

Nigam, Agra on 22nd December, 2020.

Appropriate decision shall be taken by the authority concerned within a 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.

Order Date :- 26.10.2023

Atmesh