Court No. - 10

Case :- WRIT - A No. - 15523 of 2023

Petitioner :- Rahul
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Ranjeet Kumar Mishra
Counsel for Respondent :- C.S.C.,Awadhesh Kumar Saxena

Hon'ble Kshitij Shailendra,J.

1. Case called out. No one is present for the petitioner to press the petition.

2. Sri Avijit Saxena, holding brief of Sri Awadhesh Kumar Saxena, learned counsel for the Corporation is present.

3. On 09.11.2023, following order was passed:-

> "1. This is first call of the list.
>
> 2. Learned counsel for the petitioner is not present.
>
> 3. Learned counsel for the respondent is present and has shown to the Court a copy of the order dated 28.05.2022 whereby the petitioner's claim for compassionate appointment has already been rejected and, therefore, the submission is that no further direction can be issued unless the aforesaid order is challenged.
>
> 4. Put up this case as fresh on 28.11.2023.
>
> 5. Learned counsel for the respondent shall serve a copy of this order upon Sri Ranjeet Kumar Mishra, learned counsel for the petitioner, who shall verify the said aspect of the matter and address the Court on the next date."

4. Learned counsel for the respondent submits that copy of the order dated 28.05.2022 rejecting the petitioner's claim for compassionate appointment has already been served upon the learned counsel for the petitioner in pursuance of the previous order.

5. The Court has again perused the said order by which the petitioner's claim for compassionate appointment has been rejected as barred by limitation.

6. In view of the aforesaid facts, in absence of challenge to the order dated 28.05.2022, no writ of mandamus, as prayed for, can be issued.

7. The writ petition is **dismissed with liberty to the petitioner to challenge the order dated 28.05.2022**.

Order Date :- 11.12.2023
AKShukla/-

Digitally signed by :-
ANIL KUMAR SHUKLA
High Court of Judicature at Allahabad