

Court No. - 35

Case :- WRIT - A No. - 16245 of 2023

Petitioner :- Sumit Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ajit Dubey, Amit Dubey

Counsel for Respondent :- C.S.C., Sunil Kumar Misra

Hon'ble Vikas Budhwar, J.

The instant case has been nominated to this Bench by the order of Hon'ble the Chief Justice.

Heard Sri Amit Dubey, learned counsel for the writ petitioner, Shri P.K. Shahi, learning Addl. Chief Standing Counsel for the Respondent no. 1 and Sri Pramod Kumar Singh (AOR No.A/P 0390/12) holding brief of Sri Sunil Kumar Mishra, learned counsel for Respondent nos. 2, 3 and 4.

The case of the writ petitioner is that his father was a permanent employee in the U.P. State Road Transport Corporation working on the post of Hammerman since 13.10.1988. He died in harness on 05.09.2019. The writ petitioner claims to be one of the legal dependents, who seeks compassionate appointment.

Prayer in the present is for a direction to consider the candidature of the writ petitioner for being accorded consideration for compassionate appointment.

Sri Pramod Kumar Singh holding brief of Sri Sunil Kumar Mishra, who appears for Respondent nos.2 to 4 submits that the issue as to whether the writ petitioner is entitled to be accorded compassionate appointment needs determination at the first instance by the third respondent, Regional Manager, U.P. State Road Transport Corporation, who shall accord consideration to the claim of the writ petitioner.

To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to approach the third respondent, Regional Manager, U.P. State Road Transport Corporation while filing a comprehensive representation accompanied with self-

attested copy of the writ petition, who shall on the receipt of the same, consider the claim of the writ petitioner strictly in accordance with law within a period of three months from the date of production of certified copy of the order bearing in mind the eligibility, suitability as well as the competing claim, if any, within the time stipulated hereinabove.

Needless to point out that this writ petition has been decided without seeking any response, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 13.10.2023

N.S.Rathour