

Court No. - 34

Case :- WRIT - A No. - 16159 of 2023

Petitioner :- Somesh Kumar Sharma And 4 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mohd. Yaseen, Siddharth Khare

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

Heard Sri Siddharth Khare, learned counsel appearing for the petitioner and Sri P.K. Srivastava, learned Additional Chief Standing Counsel appearing for the State respondents.

Sri Siddharth Khare, learned counsel for the petitioners has argued that the controversy involved in the present case in principle is identical to one that was involved in Writ - A No.- 15345 of 2023 (Dharmveer Singh and another v. State of U.P. and others) which was decided on 16th October, 2023. The issue was as to which rule would apply as to the claim for compassionate appointment, the one that existed on the date of death of deceased employee or the other one that stood amended on the date of application or consideration of compassionate appointment.

This Court following various authorities has held very clearly in the aforesaid judgment that the rule would apply that existed on the date of death of the deceased employee because the cause of action arises on the date of death in matters of compassionate appointment.

In view of the above, this petition is allowed in terms of the judgment and directions of this Court passed in Writ - A No.- 15345 of 2023.

Order Date :- 29.11.2023

Atmesh