

Court No. - 35

Case :- WRIT - A No. - 16854 of 2023

Petitioner :- Akash Singh

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

Counsel for Petitioner :- Shivakant Singh, Ram Swaroop (Singh)

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

Hon'ble Vikas Budhwar, J.

Heard Sri Shivakant Singh, learned counsel for the writ petitioner, Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel, who appears for respondent no.1 and Sri Amit Negi, learned counsel, who appears for the respondent nos.2 and 3.

The case of the writ petitioner is that his father, Vijay Singh (since deceased), who was earlier posted as a Lab Assistant died-in-harness on 20.02.2022, leaving behind the family in destitution including the writ petitioner. The writ petitioner claims to have approached the respondents for according compassionate appointment.

Prayer in the present petition is for a direction to the second respondent, Vice Chancellor, Sam Higginbottom University of Agriculture Technology and Science, Rewa Road, Old Bridge, Naini, Allahabad to consider and decide the application dated 31.07.2023 for compassionate appointment.

Sri Amit Negi, learned counsel, who appears for the respondent nos.2 and 3, University submits that as per the instructions received by him, the claim of the writ petitioner might not be maintainable particularly in view of the applicability of the Dying-In Harness, Rules, 1974 along with the other ancillary issues.

However, he submits that since the writ petitioner has already approached before the second respondent, thus the second respondent shall pass an order in black and white according reasons either to accord consideration or to disregard the same. He further submits that he does not propose to file any response to the writ petition.

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 without seeking any response granting liberty to the writ petitioner to approach the second respondent along with the certified copy of the order and on the receipt of the same, the second respondent shall decide the claim of the writ petitioner within a period of two months from the date of the production of the certified copy of the order of course subject to applicability of the Rules, competing claims, the suitability and eligibility of the writ petitioner and the vacancies, if available.

Needless to point out that this Court has not adjudicated upon the merits of the matter.

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

Order Date :- 13.10.2023

S Rawat