

Court No. - 34

Case :- WRIT - A No. - 17497 of 2023

Petitioner :- Yadunath Ramakant Yadav

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

Counsel for Petitioner :- Saurabh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. By means of this petition, the petitioner is seeking a direction to the respondent-authorities to consider his application for compassionate appointment on account of his unmarried brother dying in-harness on 06.10.2019.
3. It is submitted that the petitioner though has moved application seeking compassionate on 3rd March, 2023 but the same has remained undisposed of.
4. *Per contra*, it is argued by learned Standing Counsel that the petitioner being a married brother of the deceased-employee, would not fall within the definition of family of the dependent of the deceased-employee under the Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974 (For short 'the Rules, 1974') as per the last amendment made in the year 2021, which incorporates within the family, unmarried brother and not the married brother.
5. On pointed query being made, learned counsel for the petitioner has fairly admitted that the petitioner is a married brother of the deceased.

6. In view of the above, since the petitioner does not fall within the definition of family or dependent of the deceased-employee under the Rules, 1974', the respondents are under no statutory obligation to offer compassionate appointment to the petitioner, hence no mandamus as such can be issued. It would be a futile exercise to direct the authority concerned to pass any other order except the rejection order.

7. In view of the above, I do not find any force in the writ petition. The writ petition fails and is, accordingly, dismissed.

Order Date :- 21.11.2023

Shiraz