

Court No. - 34

Case :- WRIT - A No. - 17683 of 2023

Petitioner :- Asif Ali

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Navneet Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. By means of this petition filed under Article 226 of the Constitution of India, petitioner claims compassionate appointment on the basis of registered Will.
3. Learned Standing Counsel submits that by virtue of registered Will petitioner may succeed the properties of the deceased/testator but cannot become nominee in service records for service benefits. Further the execution of the Will and the properties bequeathed can be obtained through common law remedy whereas the compassionate appointment is offered to a person who is dependent of the deceased. By virtue of a registered Will the beneficiary cannot become dependent member of the family of the deceased/testator.
4. Having heard learned counsel for the parties and having perused the records, I find force in the argument advanced by learned counsel for the respondents that by virtue of registered Will petitioner may succeed the property but he cannot become the member of the family of the deceased employee so as to claim compassionate appointment under the rules framed for compassionate appointment to the dependent family of the deceased.
5. Petition is thoroughly misconceived and is accordingly ***dismissed***, consigned to records..

Order Date :- 18.10.2023

Deepika