

Court No. - 34

Case :- WRIT - A No. - 18817 of 2023

Petitioner :- Tanishk Gupta

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

Counsel for Petitioner :- Pankaj Srivastava

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, the petitioner is seeking compassionate appointment on account of death of her maternal aunt in harness.

3. Learned Standing Counsel submits that the petitioner does not fall in the category of family member or dependent under the U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 which defines family of the dependent vide Rule 2(c) as under:

"(c) "family" shall include the following relations of the deceased Government servant:-

(i) wife or husband;

(ii) sons/adopted sons;

(iii) daughters, (including adopted daughters) and widowed daughters-in-law;

(iv) unmarried brothers, unmarried sisters and widowed mother dependent on the deceased Government servant, if the deceased Government servant was unmarried;

(v) aforementioned relations of such missing Government servant who has been declared as "dead" by the competent court;

Provided that if a person belonging to any of the above mentioned relations of the deceased Government servant is not available or is found to be physically and mentally unfit and thus ineligible for employment in Government service, then only in such situation the word "family" shall also include the grandsons and the unmarried grand daughters of the deceased Government servant dependent on

him."

4. Learned counsel for the petitioner could not dispute the above factual and legal position.

5. In view of the above, the prayer made for compassionate appointment of the nephew of the deceased employee cannot be granted.

6. Petition lacks merit and is, accordingly ***dismissed***.

Order Date :- 8.11.2023

Deepika