

Court No. - 33

Case :- WRIT - A No. - 19499 of 2023

Petitioner :- Asha Sarkar

Respondent :- Registrar General and others

Counsel for Petitioner :- Ravendra Pratap, R.A. Ram

Counsel for Respondent :- C.S.C., Ashish Mishra

Hon'ble J.J. Munir,J.

Heard learned Counsel for the petitioner in support of this petition.

The petitioner's husband, Timir Sarkar, died in harness on 25.04.2022. The petitioner has instituted his petition, seeking appointment of her son, Amit Sarkar, under the U.P. Recruitment of Government Servants (Dying in Harness) Rules, 1974.

This Court understands that Amit Sarkar is a major, and not minor. If that is so, it is something unknown to law that for a major, an action of any kind by proxy can be brought through the agency of another person, unless he be under some kind of disability recognized by law.

In the opinion of this Court, this petition, at the instance of the mother of the claimant for compassionate appointment is not maintainable. It is, accordingly, **dismissed as not maintainable**, with liberty to Amit Sarkar to bring a fresh petition on the same cause of action, but in his own name.

Mr. F.A. Ansari, learned Special Counsel for the High Court, has appeared.

Order Date :- 24.11.2023

I. Batabyal

(J.J. Munir, J.)