

Court No. - 34

Case :- WRIT - A No. - 20068 of 2023

Petitioner :- Onkar Chauhan

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Dinesh Kumar Yadav, Rishi Kumar Dwivedi

Counsel for Respondent :- C.S.C., Dhananjay Awasthi

Hon'ble Ajit Kumar, J.

Heard Sri Dinesh Kumar Yadav, learned counsel for the petitioner, learned Standing Counsel for State respondent and Sri Dhananjay Awasthi, learned counsel for respondent nos. 2 to 4.

Petitioner claims compassionate appointment on account of his father dying in harness, however, from the pleadings it transpires that the respondent no. 5 who is the elder brother of the petitioner has already been offered compassionate appointment and working as such.

Learned counsel for the petitioner upon a pointed query being made as to how a second brother can get compassionate appointment as it would be against the principle of compassionate appointment and the object of the scheme that has been floated, learned counsel for the petitioner states that the 5th respondent has been offered appointment without his consent.

I do not find therefore, any justification to entertain this petition to question the appointment of respondent no. 5 as that has not been prayed in this petition.

No second brother can be offered appointment. If the petitioner has any grievance regarding consent papers obtained by his brother, he may apply for a common law remedy, if so advised.

Subject to the aforesaid liberty, this petition **consigned to records.**

Order Date :- 5.12.2023

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