

Court No. - 8

Case :- WRIT - C No. - 3680 of 2022

Petitioner :- Ahmad Ali

Respondent :- State Of U.P. Thru Prin Secy Food And Civil Supply Civil Sectt U.P. Govt Lko And 4 Others

Counsel for Petitioner :- Awadhesh Kumar Singh

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2. Present petition has been filed challenging the order dated 31.05.2022 whereby the application of the petitioner for appointment on compassionate ground to the fair price shop owned by the grandfather of the petitioner was rejected mainly on the ground that in terms of the Government Order dated 28.02.2022, the grandson would not fall within the definition of family and as such, the petitioner is not entitled to the benefit of appointment on compassionate ground.

3. Contention of learned counsel for the petitioner is that a similar provision contained in the Government order dated 17.08.2002 came up for consideration before this Court and this Court in its judgment dated 20.07.2016 passed in Writ Petition No.2899 (MB) of 2015 (Ashok Kumar v. State of U.P. & Ors.) decided the issue by holding that the definition of the family can be expanded to include grandson where no family member was present as the intent of the entire scheme was to mitigate the suffering of the deceased licensee and to provide the family the source of income. The said judgment was followed by another judgment dated 03.09.2020 passed by this Court in Writ Petition No.13015 (MS) of 2020 (Sunil Kumar Yadav v. State of U.P. & Ors.).

4. As the provision contained in the Government Order dated 28.02.2022 is similar to the provisions interpreted by this Court in its two judgments referred above, there is no reason to have a view different from one taken by this Court in the case of Ashok Kumar (supra) and followed in the judgment Sunil Kumar Yadav (supra), as such, on that ground alone, the writ petition is **allowed**.

5. Order dated 31.05.2022 is quashed.

6. The matter is remanded to the Additional District Magistrate

concerned to pass a fresh order treating the petitioner who is the grandson and the only eligible member of the family to be a dependent in the light of the judgments in the case of Ashok Kumar and Sunil Kumar Yadav (supra).

7. The decision, as directed above, shall be taken by the Additional District Magistrate within a period of two months from today.

8. The writ petition is ***disposed off*** in above terms.

Order Date :- 15.12.2023

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