

Court No. - 8

Case :- WRIT - A No. - 4113 of 2023

Petitioner :- Vinita

Respondent :- Union Of India, Ministry Of Railway, New Delhi Thru. Secy. And 2 Others

Counsel for Petitioner :- Ajay Kumar Shukla, Purnendu Shukla

Counsel for Respondent :- A.S.G.I.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel appearing for the petitioner and Sri S.B. Pandey Deputy Solicitor General of India assisted by Sri Anand Dwivedi, learned counsel appearing for the Union of India.

2. Present petition under Article 226 of the Constitution of India has been filed seeking appointment on compassionate ground under relevant rules/policy after demise of petitioner's brother, Manoj who was posted as Trackman in Northern Railway, Lucknow.

3. Manoj died on 18.12.2022 after he got infected by COVID-19. Manoj himself was given appointment on compassionate appointment after his father died in harness. Manoj's wife, Ms Jyoti is alive. She has also made application for giving her appointment on compassionate ground.

4. Case of the petitioner, who is sister of the deceased, Manoj is that Jyoti used to torture Manoj, and he had suffered due to ill treatment given by his wife. Manoj had given an application to S.H.O., Alambagh on 12.10.2022 alleging torture and harassment by his wife Jyoti. It is said that the deceased, Manoj got contacted with deadly virus CORONA because of ill treatment and harassment of his wife.

5. Submissions of the learned counsel appearing for the petitioner do not merit consideration inasmuch as it is for the authority concerned to consider the competing claims about the compassionate appointment. This Court would not like to opine about the better claim of one of

two persons, who are seeking compassionate appointment after demise of Late Manoj. In view thereof, I find no substance in this writ petition for giving any direction as sought in the writ petition. Concerned authority will take into consideration the competing claims and will issue appropriate order as per the extant rules/policy regarding giving appointment on compassionate ground.

6. Disposed of.

(Dinesh Kumar Singh, J.)

Order Date :- 30.5.2023

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