

Court No. - 20

Case :- WRIT - A No. - 12742 of 2017

Petitioner :- Shiv Poojan

Respondent :- State Of U.P. Thru Prin.Secy. P.W.D. Civil Sectt.Lko. And Ors.

Counsel for Petitioner :- Kaushlendra Tewari,Santosh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioner and learned State Counsel for opposite parties.

Petition has been filed seeking a direction to opposite parties to allocate petitioner in the regular establishment in consequence and furtherance of government order dated 31st August, 1998 with regard to regularization. Consequential benefits as have been provided to junior of petitioner have also been sought.

Counter affidavit dated 16th August, 2017 has been filed on behalf of opposite parties 1 to 3 submitting that petition has been rendered infructuous in view of the fact that vide order dated 22nd June, 2017, petitioner has already been regularized in service and has joined on the regular post of Beldar on 6th July, 2017.

Learned counsel for petitioner submits upon instructions that during pendency of petition, petitioner has already passed away on 18th March, 2021 and his legal representatives are seeking substitution in aforesaid petition. However in view of the fact that relief as sought in the petition has already been granted as indicated herein above, in the considered opinion of this Court, the substitution application does not merit any consideration since the petition itself does not have any cause of action surviving.

In view of aforesaid, the petition is dismissed as infructuous without affecting any benefits granted to the deceased employee.

Order Date :- 26.10.2023

prabhat