

Court No. - 8

Case :- WRIT - A No. - 7016 of 2015

Petitioner :- Shiv Kumar

Respondent :- State Of U.P.Thru Prin.Secy.P.W.D.U.P. Govt.Civil Sectt.Andors

Counsel for Petitioner :- Lalit Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Lalit Shukla, learned counsel for the petitioner and Sri V.K. Shahi, learned Additional Advocate General assisted by Sri V.K. Shukla, learned Additional Chief Standing Counsel.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 12.10.2015, whereby the petitioner's appointment on compassionate ground has been cancelled on the ground that regularization order of the father of the petitioner was cancelled. However, vide order dated 13.5.2016, father of the petitioner was treated to be in regular service w.e.f. 28.3.2011.

3. Father of the petitioner died on 6.1.2015. Even the order dated 13.5.2016 is treated to be just and valid order, then also the petitioner's father would be treated to be in regular service when he died. Therefore, cancelling the appointment of the petitioner, which was given to him on compassionate ground on demise of his father in harness, does not appear to be proper and is liable to be quashed.

4. Thus, the present writ petition is ***allowed*** and the impugned order dated 12.10.2015 is hereby quashed inasmuch as the father of the petitioner died in harness and he was in regular service when he died.

Order Date :- 10.7.2023

Rao/-