

Court No. - 8

Case :- WRIT - A No. - 16693 of 2019

Petitioner :- Shahjad Ali

Respondent :- State Of U.P. Thru Prin.Secy. Irrigation Lucknow And Anr.

Counsel for Petitioner :- Nripendra Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Nripendra Mishra, learned counsel for the petitioner and Sri Ashwani Kumar Singh Rathore, learned Standing Counsel.
2. The present writ petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 7.5.2019 passed by the Executive Engineer, Saryu Nahar Khand Pancham, Bahraich on the representation of the petitioner, which has been decided in compliance of the order dated 5.4.2019 passed by this Court in Writ Petition No.9619 (SS) of 2019 filed by the petitioner.
3. As there are more than one claimants for appointment on compassionate ground after demise of Tahir Ali, father of the petitioner, the competent authority has held that unless succession certificate or no objection certificate is produced in favour of the petitioner, he cannot be offered appointment on compassionate ground.
4. Learned counsel for the petitioner submits that the succession suit is pending before the Civil Judge (Senior Division), Bahraich since 2013 and the same has not yet been decided.
5. This Court in Writ jurisdiction cannot issue any direction for deciding the succession suit pending in the court of Civil Judge (Senior Division), Bahraich.

6. However, considering the facts and circumstances of the case, the present writ petition is ***disposed of*** with liberty to the petitioner to approach the competent authority again with valid succession certificate or no objection certificate or relinquishment deeds/affidavits of other claimants in his favour for giving him appointment on compassionate ground in place of his father under the U.P. Recruitment of Dependents of Government Servant Dying in Harness Rules, 1974 (for short Dying in Harness Rules). If the petitioner approaches the competent authority with requisite succession certificate or no objection certificate or relinquishment deeds/affidavits of other claimants, the competent authority shall consider the claim of the petitioner for giving him appointment under the Dying in Harness Rules.

Order Date :- 7.7.2023

Rao/-