

Chief Justice's Court

Case :- SPECIAL APPEAL DEFECTIVE No. - 477 of 2023

Appellant :- Shivendra Kumar

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Revenue Sectt. Lko And 2 Others

Counsel for Appellant :- Himanshu Suryavanshi, Niteesh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Jaspreet Singh, J.

Order on C.M. Delay Condonation Application:

Sri Niteesh Kumar, learned counsel for the applicant/appellant and Sri Amitabh Rai, learned Addl. Chief Standing Counsel for the State-respondents.

The application seeks condonation of 188 days delay in filing the special appeal.

Cause shown in the affidavit filed in support of the application is sufficient to condone the delay.

The delay in filing the appeal is condoned. Office to allot regular number to the appeal.

Application is, accordingly, disposed of.

Order on Special Appeal:

Matter relates to the compassionate appointment of the appellant on the ground of death of his father.

After arguing for some time, learned counsel for the appellant prays for withdrawal of the special appeal with liberty to again approach the department. He submits that direction be given to the department to consider the representation of the appellant.

State counsel has no objection insofar as withdrawal of the appeal and approaching of the appellant to the department are concerned but he submits that no further direction be issued to the department.

Without expressing any opinion on the merits of the case, the appeal is dismissed as withdrawn permitting the appellant to pursue his remedies before the department.

Order Date :- 17.7.2023

RK

(Jaspreet Singh, J) (Pritinker Diwaker, CJ)