

Court No. - 20

Case :- WRIT - A No. - 8334 of 2023

Petitioner :- Anurag Mishra

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Agriculture And 5 Others

Counsel for Petitioner :- Sharad Pathak, Vijay Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.
2. Petition has been filed challenging orders dated 21st September, 2023 and consequential order dated 27th September, 2023 whereby petitioner's application for compassionate appointment has been rejected.
3. It has been submitted that earlier petitioner's grand father late Chandra Mani Mishra passed away on 27th September, 2006 while functioning on the post of Manchitrak (Tracer). It is submitted that at that time petitioner who is his grand son was five years old and deceased left behind his widow and the widowed daughter-in-law, being mother of petitioner.
4. It is submitted that subsequently petitioner's uncle Ashutosh Mishra was granted compassionate appointment vide order dated 13th November, 2006 and the said person was taking care of petitioner's family which was completely dependent upon him but unfortunately the said person also passed away on 19th May, 2022 while in service during the Covid Pandemic. It is submitted that since petitioner had at that time attained majority, he also made an application for compassionate appointment which has been rejected by means of impugned orders only on the ground that petitioner does not come within definition of 'family' in terms of U.P. Recruitment of Dependants of Government Servants Dying In Harness Rules, 1974.
5. It has been submitted that in such peculiar facts and circumstances of the case and keeping in view with beneficial provisions of Rules 1974 with regard to sustenance of a family where the sole bread earner has passed away, provision has been made under Rule 10 for exercise of powers to remove any defects therein. It is submitted that petitioner may be granted liberty to approach the State Government under aforesaid provision.

6. Considering innocuous prayer being made by learned counsel for the petitioner and without entering into the merits of the case and without interfering with the impugned orders at this stage, petitioner is granted liberty to approach the opposite party No.1 by filing a representation which shall be considered and decided keeping in view of beneficial provision of aforesaid Rules of 1974 ignoring the impugned orders within a period of eight weeks from the date a certified copy of this order is produced before the said authority.

7. With the aforesaid observations, the writ petition stands **disposed of.**

Order Date :- 19.10.2023

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