

Court No. - 20

Case :- WRIT - A No. - 8877 of 2023

Petitioner :- Kaushik Parashari

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And 3 Others

Counsel for Petitioner :- M.P. Raju

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. On 09.11.2023, the following order had been passed:-

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

Petition has been filed challenging order dated 26.07.2023 whereby petitioner's representation for compassionate posting has been rejected.

It has been submitted that the impugned order indicates that petitioner's application has been rejected on the ground that compassionate appointment of only those persons who are appointed till the year 2017 is under consideration and since petitioner was appointed in the year 2020, this case cannot be considered as yet.

Learned counsel has however adverted the order dated 20.09.2023 passed by the opposite parties whereby one other person namely Monika Gautam has been transferred on compassionate basis. It is submitted that the aforesaid appointee is of the year 2021 and therefore the opposite parties are adopting a pick and choose manner arbitrarily.

With regard to aforesaid submissions, learned State Counsel is granted ten days' time to seek instructions in this matter.

List this case on 29.11.2023, as fresh."

3. In pursuance thereof, learned State Counsel has been provided written instructions dated 23.11.2023 which are taken on record and as per which the case of petitioner is distinct from that of one Monika Gautam who has in fact been transferred on the basis of couple posting and not compassionate basis which was being claimed by petitioner.

4. In view of such instructions, learned counsel for petitioner seeks liberty to file a fresh representation before authority concerned seeking benefit of couple posting as provided under Government Order dated 07.06.2023.

5. Considering innocuous prayer being made by learned counsel

for petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No.2 i.e. Additional Director General of Police (Establishment/ Karmik), D.G.P. Headquarter, Lucknow or any competent authority. In case such a representation is filed, the same shall be considered and decided by a reasoned and speaking order within a period of six weeks from the date a certified copy of this order is produced before the said authority.

6. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 29.11.2023

Subodh/-