

Court No. - 20

Case :- WRIT - A No. - 9701 of 2023

Petitioner :- Anuj Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Panchayat Raj Deptt. Lko.
And 4 Others

Counsel for Petitioner :- Ravi Kumar Dwivedi, Dinesh Kumar Ayra

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 no.1, 2 and 3.

2. In view of order being proposed to be passed, notices to opposite parties no.4 and 5 stand dispensed with.

3. Petition has been filed seeking following reliefs:

"i. Issue a writ, order or direction in the nature of Mandamus thereby commanding the opposite party No.3/ concerned authority to appoint the petitioner at the post of his Late father Baij Nath, under "Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974.

ii. Issue a writ, order or direction in the nature of Mandamus thereby commanding the opposite party No.3 to release the funds, bonus, gratuity and other consequential benefits etc. in favour of the petitioner.

iii. Issue a writ, order or direction in the nature of mandamus thereby commanding the opposite parties No.2 & 3 to restrain the opposite party No.5 to sell or mortgage the property of the Late father of the petitioner.

iv. Any other order or direction which this Hon'ble Court may deem just and proper under the facts and circumstances of the case may be passed in favour of the petitioner.

V. Allow this Writ Petition with cost."

4. Learned counsel for petitioner submits that he is however not pressing prayer no.3 and is laying emphasis with regard to prayer no.1 and 2. It is further submitted that petitioner's father late Baij Nath Pandey passed away in service on 23.10.2022 while on a Class IV post in the Office of District Panchayat Officer, District- Sultanpur.

5. Learned State counsel however submits that apart from petitioner, opposite parties no.4 and 5 are also claiming to be heirs and beneficiaries of late Baij Nath Pandey.

6. Considering the aforesaid submission that addressing

petitioner's grievance would entail factual aspect, for the aforesaid grievance, petitioner has already submitted a representation dated 07.07.2023. At present learned counsel for petitioner restricts his prayer for a final decision with regard to same.

7. Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case, opposite party No.3 i.e. District Panchayat Raj Officer (DPRO) is directed to consider and decide representation dated 07.07.2023 after affording opportunity of hearing to opposite party no.4 namely Shri Aman Kumar Pandey and opposite party no.5 namely Smt. Urmila Devi @ Lakshmi Pandey as well within a period of two months from the date a certified copy of this order is produced before said authority. Petitioner shall annex a copy of representation dated 07.07.2023 alongwith copy of this order.

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

Order Date :- 19.12.2023

Subodh/-