

Court No. - 7

Case :- WRIT - A No. - 9660 of 2023

Petitioner :- Sujata Singh

Respondent :- State Of U.P. Thru Addl. Chief Secy. Deptt. Of Basic Edu. Lko And 2 Others

Counsel for Petitioner :- Jyoti Sikkane Mehrotra

Counsel for Respondent :- C.S.C., Shivam Sharma

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, learned Standing counsel appearing on behalf of the respondents no. 1 & 2 and Sri Shivam Sharma, learned counsel for the respondent no. 3.

Instant writ petition has been filed by the Unmarried Sister of the deceased employee claiming compassionate appointment.

The contention of learned counsel for the petitioner is that the brother of the petitioner was working as Assistant Teacher who died in harness on 17.04.2022.

The contention is that despite the deceased employee having left behind the widow but there was acrimony between the husband and wife and as such, it is the petitioner who is entitled for compassionate appointment.

On the other hand, Sri Shivam Sharma, learned counsel for the respondent no. 3 states that as per the rules governing compassionate appointment namely Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974 (hereinafter referred to as "Rules, 1974"), the petitioner would not have any claim for compassionate appointment as the deceased Government had left behind his wife who would have a prior claim for compassionate appointment. He also contends that the wife has also not been impleaded as a party.

However, there is a suggestion at Bar that the competent authority may consider the rival claim of all the parties as per the procedure provided under Rule 7 of the Rules, 1974.

Considering the aforesaid, the writ petition is disposed of with the direction to the respondent no. 3 to consider the claim of the petitioner and other claimant including the wife of the deceased employee for compassionate appointment in accordance with Rules, 1974. For this purpose, the competent authority shall also notice a notice to the widow of the deceased employee and other claimants, if any and then consider their rival claim for compassionate appointment.

Let such consideration be done within a period of eight weeks from the date of receipt of a certified copy of this order.

Order Date :- 18.12.2023/Pachhere/-