

Court No. - 19

Case :- WRIT - A No. - 9740 of 2023

Petitioner :- Himanshu Verma

Respondent :- Addl. Cane Commissioner / Secy. State Cane Service Authority Lko. And 2 Others

Counsel for Petitioner :- Uttam Kumar Verma

Counsel for Respondent :- Paramanand Asthana

Hon'ble Jaspreet Singh,J.

Heard learned counsel for the petitioner. Notice on behalf of respondent nos. 1, 2 and 3 has been accepted by Sri Paramanand Ashtana, learned counsel.

The petitioner has approached this Court with the limited prayer that his father who was working on the post of Seasoned Clerk in Cooperative Cane Development Union Ltd. Budhwal, District Barabanki expired on 03.06.2009.

It is urged that the petitioner has made a representation seeking appointment on the compassionate basis upon the death of his father, however, despite various reminders having been sent, no final decision has been taken till date.

It is submitted that even lately, the respondent no. 2 has considered the matter but no decision has been taken.

Sri Asthana, learned counsel appearing for the respondents submits that on the basis of a Government Order dated 31st March, 2010 all such applications seeking compassionate appointment moved after five years from the date of the employee the decision is to be taken by the State Cane Service Authority.

Be that as it may, the petitioner has moved his first representation on 26.03.2013, however, the contention of learned counsel for the respondents is that at the relevant time, the petitioner was minor and had attained majority in the month of July, 2014.

Be that as it may, even then there are representations of the year 2014, 2015, 2016, 2017 and onwards which indicates that the petitioner had filed the application but the decision has not been taken.

However, considering the issue involved, it is the Department who has to take a decision as to whether any compassionate appointment can be granted to the petitioner or not.

Accordingly, without entering into the merits, this Court is not inclined to entertain the present petition rather ends of justice can be met by directing the respondent no. 1 to consider the case of the petitioner in accordance with the relevant rules, Government Orders and pass a reasoned and speaking order deciding the representation of the petitioner preferably within a period of eight weeks from the date a copy of this order is placed before the Authority concerned.

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 19.12.2023

Asheesh