

Court No. - 7

Case :- WRIT - A No. - 9833 of 2023

Petitioner :- Harish Kumar Ojha

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

Counsel for Petitioner :- Girish Kumar Pandey,Peeyush Shukla

Counsel for Respondent :- C.S.C.,Prashant Kumar Singh

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents no. 1 & 2 and Shri Prashant Kumar Singh, learned counsel for the respondents no. 3 & 4
2. No notice be issued to respondent no. 5 taking into consideration the nature of order proposed to be passed.
3. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.
4. The contention of learned counsel for the petitioner is that the younger brother i.e. the respondent no. 5 was appointed on compassionate ground after the death of the petitioner's father. Despite the declaration of maintaining the dependents of the deceased government servant the respondent no. 5 is not maintaining the petitioner and hence the writ petition.
5. Shri Prashant Kumar Singh, learned counsel for the respondents no. 3 and 4 states that in Sub-Rule (4) of Rule 5 of the U.P. Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974 (hereinafter referred to as the Rules, 1974) there is a provision for termination of services of a person who has been appointed on compassionate ground who refuses to maintain the dependents of the deceased government servant.
6. He states that the respondent no. 3 i.e. the District Basic Shiksha Adhikari, District Ambedkar Nagar is already

considering the complaint as submitted by the petitioner in this regard and a final decision would be taken by the respondent no. 3 in accordance with law and relevant rules and it would be ensured that some reasonable settlement is arrived at between the parties.

7. Considering the aforesaid discussion the writ petition is **disposed of.**

8. It is provided that the respondent no. 3 shall proceed to consider the aforesaid application of the petitioner in accordance with law and Rules 1974 and take a final decision in the matter after providing due opportunity of hearing to all the parties concerned.

9. Let a decision be taken within a period of two months from the date of receipt of a certified copy of this order.

Order Date :- 21.12.2023
J.K. Dinkar