

Court No. - 20

Case :- WRIT - A No. - 9903 of 2023

Petitioner :- Manish Shukla

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home Lko. And 2 Others

Counsel for Petitioner :- Deepak Singh, Smt. Aradhana Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

Petition has been filed for following relief:-

"I. Issue a writ, order or direction in suitable nature of mandamus commanding the respondent authorities to consider the petitioner for compassionate appointment on the post of Platoon Commander in U.P. P.A.C. Force in accordance with the Uttar Pradesh Pradeshik Armed Constabulary Subordinate Officers Service Rules, 2008 as amended from time to time in pursuance of judgment and order dated 07.07.2023 passed in Special Appeal No. 126 of 2023, State of U.P. and Others Vs Himanshu Yadav within a time to be stipulated by this Hon'ble Court."

It has been submitted that although petitioner has already been provided compassionate appointment but the same is in terms of Rules of 2015 instead of considering petitioner for earlier service Rules of 2008.

It is submitted that in similar circumstances, the court has already issued necessary directions vide judgment and order dated 2nd November, 2022 in Writ A No. 18868 of 2019, Himanshu Yadav versus State of U.P. and others which has already been held in Special Appeal No. 126 of 2023. It is submitted that petitioner is fully covered under the aforesaid judgment.

For the aforesaid grievance, the petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned.

Considering innocuous prayer being made by learned counsel for the 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. Director General of Police, U.P., Lucknow. In case such a representation is filed, the same shall be decided in the light of judgment rendered in the case of Himanshu Yadav (supra) in case petitioner is eligible for same within with period of eight weeks from the date a copy of this order is produced before the said authority. The petitioner shall

supply a copy of judgment passed in the case of Himanshu Yadav (supra) along with copy of this order.

With the aforesaid directions, the writ petition stands **disposed of.**

Order Date :- 21.12.2023

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