

Court No. - 16

Case :- WRIT - A No. - 17105 of 2018

Petitioner :- Shravan Kumar Kushwaha

Respondent :- Managing Director Uttar Pradesh Rajya Vidyut Utpadan Nigam, Lucknow And 4 Others

Counsel for Petitioner :- Amit Kumar Tiwari, Pranesh Kumar Mishra

Counsel for Respondent :- Anil Kumar Mehrotra

Hon'ble Mrs. Sangeeta Chandra, J.

Heard learned counsel for the petitioner and Sri Anil Kumar Mehrotra appearing for respondents.

The petitioner is aggrieved by the offer of appointment made to respondent no.4 who is his real brother.

The petitioner as well as respondent no.4 are both sons of Late Vishun Dev Mahato, who was working as a labour with the respondent nos.1 to 3.

Learned counsel for the respondents has pointed out that it is evident from the pleadings on record that the petitioner had earlier filed Writ Petition No.7567 of 2016, which was disposed of by this Court on 19.2.2016, directing the authorities to take a decision with regard to the petitioner's application for compassionate appointment. The said decision has been taken by the office of the Executive Engineer, Boiler Maintenance Division-I Anpara B, on 21st December, 2017, which has also been filed as Annexure-22 to the writ petition, rejecting the case of the petitioner. The petitioner has not challenged the decision dated 21st December, 2017 in the writ petition. The only prayer made by the petitioner is for a mandamus to be issued to respondent no.3, the Executive Engineer, to provide retiral benefits and gratuity of the deceased father as per share of the petitioner. The petitioner's grievance is basically with respondent no.4 getting all the benefits arising out of the death of the father of the petitioner, who died in harness.

Issue notice to respondent no.4, returnable at an early date.

The petitioner shall take steps within one week. The office shall list the matter on 24th September, 2018.

Sri Anil Kumar Mehrotra may also file counter affidavit on behalf of respondent nos.1 to 3 within the said period.

Order Date :- 9.8.2018

Shalini