

Court No. - 75

Case :- WRIT - A No. - 17823 of 2006

Petitioner :- Shail Kumari And Another

Respondent :- State of U.P. and Others

Counsel for Petitioner :- Surya Shanker Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Shekhar Kumar Yadav,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State and perused the record.

By means of this writ petition, the petitioner has prayed for a writ, order or direction in the nature of mandamus commanding the respondents to decide the representation of petitioners with regard to facilities which is available to other employee who expired during the course of service by treating the death of Ram Krishna Misra as civil death and further prayed for commanding the respondents to issue appointment letter appointing the petitioner No. 2 under Dying in Harness Rules.

Learned counsel for the petitioner submits that petitioner No. 1 namely Ram Krishna was working as Lekhpal on substantive post and was posted at Tehsil Karchhana, district Allahabad in the year 1998. During the course of employment, he was not traceable and as such an information was sent to the police station Karchhana, district Allahabad by the petitioner No. 2 who is son of Ram Krishna Misra on 09.10.1998, this news published in the news paper Amar Ujala on 14.10.1998.

The grievance of the petitioner No. 2 is that he has approached to the authority concerned with regard to the facilities which is available under the government rules to dependent of government deceased employee and when the authority concerned had not made any head to the request of the petitioner No. 2, he moved a representation to the District Magistrate, Allahabad, Sub-divisional Officer, Karchhana and Tehsildar, Karchhana on 08.03.2006 which is still pending.

Learned Standing Counsel does not dispute the aforesaid contention and states that in case the said representation which is still pending, same shall be considered and disposed off in accordance with law.

Having considered the facts and circumstances of the case, but without prejudice to the merits of the case, the writ petition is finally disposed off with direction to the concerned respondent authorities to consider and decide the representation of the petitioner no 2, pending before it, by speaking and reasoned

order within a period of two months from the date of production of copy of this order.

Order Date :- 7.12.2020
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