

Manoj Kumar Vs. State of U.P. and ors.

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SooperKanoon Citation : sooperkanoon.com/491816

Court : Allahabad

Decided On : Dec-04-2002

Reported in : (2003)1UPLBEC576

Judge : Anjani Kumar, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : Civil Misc. Writ Petition No. 52028 of 2002

Appellant : Manoj Kumar

Respondent : State of U.P. and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : R.K. Srivastava and ;K.C. Srivastava, Advs.

Disposition : Petition dismissed

Judgement :

Anjani Kumar, J.

1. Petitioner, by means of present writ petition under Article 226 of the [Constitution of India](#), challenges the order dated 6.8.2002 passed by the contesting respondent.

2. I have heard learned Counsel for the parties. The grievance of the petitioner is that his father died during the service tenure on 14.5.2002 and he has applied immediately thereafter for an appointment under Dying-in-Harness Rules, but his application has been rejected by the order impugned in the present writ petition. A perusal of the impugned order demonstrate that according to the G.O. dated 6.12.1973, read with G.O. dated 20.1.1999, in case any of the family members of the deceased is already in the employment of the categories specified in the G.O. aforesaid, then further incumbent is not entitled for the benefit of Dying-in-Harness Rules and that is why the application of the petitioner has been rejected. Learned Counsel for the petitioner has not been able to reply the statement that his mother is already in the employment of Nagar Nigam, Aligarh as Sweeper. In this view of the matter, in my opinion, the order impugned in the present writ petition does not suffer from any error of law, therefore, no interference is required.

3. For the reasons stated above, this writ petition has no force and is accordingly dismissed. However, the parties shall bear their own costs.