



AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19165 of 2025

Sumit Kumar Singh

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ranjeet Singh
Counsel for Respondent(s)	: C.S.C., Dharmendra Dhar Dubey

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. The father of petitioner, who was working as Conductor in the respondent Corporation¹, died-in-harness on 30.07.2000. The petitioner, who is the eldest son of the deceased employee - late Sushil Kumar Singh, was minor at that time, therefore, his mother moved an application informing the authorities about the petitioner's age and requested that the claim for his compassionate appointment may be considered when he attains majority. In this respect, the petitioner's mother again submitted an application on 22.09.2002. After the petitioner attained majority, an application requesting for compassionate appointment was placed before the respondent no. 3² on 12.01.2006, pursuant to which by order dated 14.09.2007 appointment on contractual basis as Conductor under the Dying-in-Harness quota was given to the petitioner.

2. The petitioner not being aware of the settled position of law regarding nature of appointment offered under compassionate ground,

1 U.P. State Road Transport Corporation

2 Regional Manager, U.P. State Road Transport Corporation, Moradabad Region, Moradabad

joined pursuant to the aforesaid appointment order on contractual basis and has now approached this Court submitting that the petitioner could not have been appointed on contractual basis under the Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974³, on compassionate ground, as per the settled position of law. In support of his submissions, he has placed reliance on a judgment of Full Bench of this Court in the case of **Senior General Manager, Ordinance Factory, Kalpi Road, Kanpur v. Central Administrative Tribunal and another**⁴, and a judgement of Division Bench of this Court in the case of **Ravi Karan Singh v. State of Uttar Pradesh**⁵.

3. Mr. Dharmendra Dhar Dubey, learned Counsel appearing for respondent nos. 2 to 4 submits that now the petitioner cannot turn around and challenge the appointment accepted on contractual basis, after the delay of so many years from the date of joining.

4. It has been experienced that in some cases the responsible Government authorities exercise its discretion travelling beyond not only statutory provisions of the rules, which are framed to safeguard the interest of person in destitution like the petitioner and his family herein, who have been in penury due to sad demise of the sole breadwinner (petitioner's father), but also they frequently act in defiance of the settled position of law. Authorities often remain oblivious to the law of the land, which resultantly floods a number of cases in the court and ultimately clogs its roster.

5. The State and its instrumentalities are presumed to act fairly and reasonably in terms of the mandate of Article 14 of the Constitution of India and to protect the interest of the public at large

3 The Rules, 1974

4 2016 (2) ADJ 751 : 2016 0 AIR (All) 89 : 2016 0 Supreme (All) 72

5 Laws (ALL) 1999 2 35 : C.M.W.P. 39127 of 1997

especially at the time of discharging the duties towards those who are not aware of nuances of law and procedure.

6. Dealing with the functioning of the Government authorities, the Apex Court in the case of **Urban Improvement Trust, Bikaner v. Mohan Lal**⁶, has observed that the State Governments should make efforts to eliminate unnecessary litigation. Vexatious and unnecessary litigations are clogging the wheels of justice for too long, making it difficult for the courts to provide easy and speedy access to justice to bona fide and needy litigants.

7. Going through the circumstances of the present case, this Court is of the view that the petitioner who is not too educated to be expected being aware of the intricacies of prevailing law and the rules applicable for appointment on compassionate ground. Though, the respondent authorities were under legal obligation to exercise their functions with due diligence and it was incumbent upon the Department/ respondent Corporation, not to issue such an appointment letter, being aware of the rules as applicable as well as the settled position of law, therefore, the petitioner cannot be made to suffer for the carelessness on the part of the respondent authorities.

8. In view of the above, two weeks' time is granted to the respondents to look into the matter and do the needful and apprise of the same to this Court by the next date.

9. Put up this case on **07th January, 2026**, as fresh.

(Mrs. Manju Rani Chauhan,J.)

December 18, 2025

DS

6 (2010) 1 SCC 512 : 2009 SCC OnLine SC 1754