



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 15342 of 2025

Varsha

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Parvesh Kumar Pandey, Vijay Babu
Counsel for Respondent(s)	:	C.S.C., Harshit Pandey

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

Learned counsel for the respondents seeks time to obtain instruction in the matter.

As prayed, ten days' time is allowed.

Put up this case on **28th October, 2025** as fresh.

(Mrs. Manju Rani Chauhan,J.)

October 13, 2025

DS



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Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

Heard learned counsel for the petitioner, Mr. Munna Pandey, Advocate holding brief of Mr. Harshit Pandey, learned counsel for respondent nos.2 & 3 as well as learned Standing Counsel for the State.

Learned counsel for respondent nos.2 & 3 submits that the amount of post retiral benefit which was agreed to be paid to the petitioner in lieu of compassionate appointment given to wife of the deceased employee, the cheque is already there with the department for the aforesaid. Learned counsel for the respondent nos.2 & 3 further submits that the account payee cheque shall be handed over to the learned counsel for the petitioner on the next date fixed.

Put up this case, as fresh, on 10th November, 2025.

Mrs. Manju Rani Chauhan, J.)

November 4, 2025

Kalp Nath Singh



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Counsel for Respondent(s)	: C.S.C., Harshit Pandey

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioner, Mr. Munna Lal Pandey, learned Advocate holding brief of Mr. Harshit Pandey, learned counsel for respondent nos. 2 & 3 and learned Standing Counsel for the State-respondents.

2. Learned counsel for the petitioner submits that petitioner's father, who was working in the Nagar Nigam, died in harness on 04.06.2023. The first wife of the deceased employee had already expired in the year 2009, leaving behind Varsha (the petitioner) as her only issue. After death of petitioner's mother in the year 2009 her father remarried Sushila Devi - respondent no. 4. After the death of the petitioner's father in the year 2023, second wife of deceased employee, who is stepmother of petitioner Varsha, moved an application claiming for compassionate appointment without disclosing certain facts. She has been granted appointment as well as other benefits without adhering to the conditions stipulated under the Uttar Pradesh Recruitment of Dependents of Government Servants Dying-in-Harness Rules, 1974¹ regarding maintenance of the dependents of the deceased employee, including the petitioner – Varsha.

¹ The Rules, 1974

3. Learned counsel for the respondents, on the basis of instructions, submits that two cheques amounting to nearly Rs.10,69,960/- have already been issued in favour of petitioner, which have been brought before this Court. Details of the aforesaid cheques are: (i) Cheque No.000001, dated 04.11.2025, amounting to Rs.7,27,040/- issued by UCO Bank, Nagar Nigam Allahabad, in favour of petitioner, Varsha, (ii) Cheque No.000002, dated 04.11.2025, amounting to Rs.3,42,920/- issued by UCO Bank, Nagar Nigam Allahabad, in favour of petitioner, Varsha.

4. Under the Uttar Pradesh Recruitment of Dependents of Government Servants Dying-in-Harness Rules, 1974, appointment on compassionate ground may be granted to only one eligible dependent member of the deceased government servant's family, subject to fulfillment of the prescribed conditions and satisfaction of the competent authority that the family is in indigent circumstances. The underlying obligation remains that the dependent so appointed shall ensure the maintenance and welfare of the other surviving members of the family, keeping in mind the object and spirit of the Rules 1974. Any deviation from this principle would defeat the very purpose for which the compassionate appointment scheme has been framed.

4. It is a settled proposition of law, as held in the case of **Umesh Kumar Nagpal v. State of Haryana**² and reiterated in the case of **State of Himachal Pradesh v. Shashi Kumar**³, that compassionate appointment is not a vested right but an exception carved out to mitigate the financial distress faced by the family of a deceased government employee. The purpose of such appointment is to provide immediate succor to the family and to ensure that the dependents, especially minor children, do not suffer destitution. Reference may also be made to the judgement of Apex Court passed in the case of **State of Uttar Pradesh v. Premlata**⁴.

6. Record reveals that the petitioner has been placed in precarious and disadvantageous position, inasmuch as, without recording any assurance or

2 (1994) 4 SCC 138

3 (2019) 3 SCC 653

4 (2022) 1 SCC 30

ensuring her future security, only two cheques of certain amounts have been issued in her name, despite the fact that she is a minor presently studying in Class XII. It further appears that the petitioner was made to believe that she would be extended other consequential benefits as well, however, failure to do so has left her in an unfortunate and awkward situation.

7. The petitioner, a minor student of Class XII, has lost both her parents and is presently under the guardianship of her maternal uncle. In such exceptional circumstances, while granting compassionate appointment to the stepmother, the competent authority was duty bound to ensure the safety, security, and future welfare of the petitioner. However, the record does not reveal that any effective steps were taken by the competent authority to ascertain whether the petitioner, being a minor, has been adequately provided for or whether the appointee (stepmother) has undertaken any responsibility towards her welfare. No affidavit or undertaking appears to have been obtained from the appointee assuring the maintenance, education, and future security of the minor petitioner. Such omission reflects a serious lapse in the discharge of statutory duty and undermines the very purpose of the scheme of compassionate appointment.

8. Having regard to the settled position of law as well as the spirit of the Rules, 1974, this Court is of the view that the competent authority ought to have ascertained, by means of a detailed verification and through an affidavit from the appointee, that appropriate arrangements had been made for the maintenance, education, and overall well-being of the petitioner. In case it is found that the petitioner's interest has been jeopardized or no sufficient safeguard has been ensured, appropriate action, including reconsideration of the appointment should have been undertaken in accordance with law. The record, however, does not indicate that any such inquiry or safeguard was undertaken prior to extending the benefit of compassionate appointment to the stepmother.

9. In such peculiar facts of the present case, this Court is of the view that while granting compassionate appointment to the stepmother, the competent authority was required to exercise a higher degree of care and prudence to ensure the safety, security, and future welfare of the petitioner. The competent

authority was also under a statutory as well as moral obligation to ensure that the rights and interests of the petitioner, being a minor dependent, were duly safeguarded before the appointment in question was finalized. The absence of any such safeguard renders the decision vulnerable to judicial scrutiny, being contrary to the settled principles governing compassionate appointment.

10. Put up as fresh on **13th November, 2025**. On the said date, Nagar Ayukt, Nagar Nigam, Prayagraj, shall remain present before this Court at 2:00 PM, to assist the Court on the aforesaid issue.

11. Registrar (Compliance) as well as Mr. Harshit Pandey, learned counsel for respondent nos.2 and 3 shall look into compliance of this order.

(Mrs. Manju Rani Chauhan,J.)

November 10, 2025

Rahul Goswami



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Counsel for Respondent(s)	: C.S.C., Harshit Pandey

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioner, Mr. Harshit Pandey, learned counsel for the respondent nos.2 and 3 and Mr. Manoj Kumar Singh, learned Chief Standing Counsel for the State-respondents.
2. In compliance with the order dated 10.11.2025, Mr. Sai Teja, Nagar Ayukt, Nagar Nigam, Prayagraj is present before this Court, and his signature has been duly endorsed on the order sheet.
3. Learned counsel for the respondent nos.2 and 3 submits that after the order was passed by this Court, the respondent authority has taken an affidavit from respondent no.4 with respect to the maintenance of the child. In the said affidavit, the respondent no.4 has averred that she is ready to pay an amount of Rs.5,000/- per month to the petitioner for her maintenance.
4. In view of the aforesaid, learned counsel for the respondent nos.2 and 3 is directed to file an affidavit annexing the affidavit of respondent no.4 along with details of other measures that will be taken for the safety, security, and maintenance of the petitioner.
5. Put up this case on 20.11.2025, as fresh.
6. In compliance of the previous order of this Court, Mr. Sai Teja, Nagar Ayukt, Nagar Nigam, Prayagraj is present for rendering assistance on the subject matter, which pertains to safety and security of a minor's future, who lost her parents. The officer assures the Court that appropriate

measures will be taken to ensure due care and vigilance in such situations. He has also acknowledged the significance of timely intervention and proper supervision in matters concerning the safety and welfare of the dependents of deceased employees and undertakes to introduce necessary precautions to avert any lapses in the future.

7. Considering the circumstances of the present case, wherein the litigant is a minor child (the daughter of the deceased employee) who is compelled to approach here against her stepmother, this Court constrains to observe that moral values of our society are being depleted as could never be imagined. Relations are being disregarded, whereas the Government promotes a number of welfare schemes for the girl child, namely, Beti Bachao Beti Padhao, Nanhi Kali, Sukanya Samriddhi Yojana (SSY) etc. Being a citizen, even if anybody, who does not have good proximity in family, should extend contribution in well being of a girl child for the sake of a harmony in our society. It is not only the duty of the Government only, though of each and every individual to protect the future of bereaved minors who are in penury, especially girl child. The Court expects respondent no.4 may extend healthy behavior with the minor girl child (petitioner).

8. The Nagar Ayukt, Mr. Sai Teja, while assisting the Court, has eloquently explained the precautions he will undertake in the future while granting compassionate appointments to the dependents of deceased employees. His clarity, sincerity, and commitment to ensuring transparency and fairness in the process are highly commendable. The Court places on record its appreciation for his thoughtful approach and his dedication to improving administrative procedures.

9. The officer concerned is not required to be present on the next date.

(Mrs. Manju Rani Chauhan,J.)

November 13, 2025

Jitendra/-