



2026:AHC-LKO:2111

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14910 of 2025

Ache Lal

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Public
Works Deptt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Aadya Antya, Vedant Srivastava,
Virendra Prasad Srivastava

Counsel for Respondent(s) : C.S.C.

A.F.R.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite party Nos.1, 2 & 3.
2. In view of order being passed, notice to opposite party No.4 stands dispensed with.
3. Petition has been filed challenging order dated 18.11.2025 whereby petitioner's application for compassionate appointment in terms of U.P. Recruitment of Dependents of Government Servants Dying-in-Harness Rules, 1974 [here-in-after referred to as '**Rules of 1974**'] has been rejected on the ground that it is impossible to ascertain heirship in view of a registered Will in favour of petitioner.
4. Learned counsel for petitioner submits that he is the brother of deceased-Ranjeet Kumar who passed away in harness on 27.09.2025. It is submitted that although opposite party No.4, Smt. Aruna Devi is the wife of deceased, but had a strained relationship with the deceased due to which she was separated and it is in fact petitioner who was taking care of the deceased alongwith aged parents. It is submitted that since petitioner is unemployed he would have a preferential right for compassionate appointment over opposite party No.4 but this is an aspect unconsidered in the

impugned order despite the fact that there is a registered Will in favour of petitioner.

5. Learned State Counsel has been provided written instructions dated 08.01.2026, a copy of which is taken on record and on that basis, submits that petitioner as well as opposite party No.4 have claimed compassionate appointment in view of demise of late Ranjeet Kumar. It is submitted that although a registered Will in favour of the petitioner was produced but opposite party No.4 being the undivorced wife of deceased has also submitted an application and particularly in view of registered Will, it is difficult to ascertain the rights of either parties.

6. Upon consideration of submissions advanced by learned counsel for the parties and perusal of material on record, particularly impugned order, it is evident that upon demise of late Ranjeet Kumar, his wife Smt. Aruna Devi as well as petitioner being brother of deceased have put forth their claims for compassionate appointment. While petitioner is seeking claim on the basis of registered Will dated 19.06.2025, opposite party No.4 is claiming as wife of deceased.

7. The impugned order indicates that the concerned authority has not granted compassionate appointment to either of the parties on the ground that it is difficult to ascertain eligibility of either in view of conflicting documents.

8. For the purpose of providing compassionate appointment in terms of Rules of 1974, it is relevant that the person applying for same should come within the definition of '*family*' as prescribed in Rule 2 (c) of the aforesaid Rules while a '*spouse*' is indicated in Rule 2(c)(i) and '*unmarried brother*' is indicated in Sub-Rule (iv) of the same Rules.

9. It is also relevant that Rule 4 indicates overriding effect of Rules of 1974 over any other Rules or orders and the process of recruitment is indicated in Rule - 5 thereof.

10. It is also relevant that in Rule - 7 of the Rules of 1974

procedure when more than one family member of deceased seeks employment has been indicated.

11. A perusal of Rule - 5 reveals that second proviso thereto clearly indicates that for purpose of entertaining application for compassionate appointment of a member of family of deceased, aspect of the said applicant being dependent of the deceased government servant is required. Rule - 6 indicates contents of application for employment and particularly adverts to the fact that details pertaining to all members of family of deceased, particularly about their marriage, employment and income as well as details of financial condition of family are required to be indicated.

12. In pursuance thereof Rule - 7 of the Rules provides that where more than one member of the family of the deceased seeks employment, the Head of Office shall decide about the suitability of a person seeking employment. It is provided that decision shall be taken keeping in view overall interest of welfare of entire family, particularly the widow and minor members thereof.

13. It is thus evident that the aspect of registered Will in favour of any member of family does not have any role to play with regard to grant of compassionate employment. The only aspect requires to be seen for such benefit is the suitability of the person for providing such employment. Such suitability necessarily has to be seen based on the fact whether the applicant was dependent upon the deceased employee or not. The overall interest and welfare of the entire family particularly widow and minor members thereof is also a *sine qua non* as indicated in Rule - 7 of the Rules of 1974.

14. In such circumstances, the Head of Office is required to adjudicate not only with regard to dependency of a family member of a deceased employee but also the suitability of person applying for such compassionate appointment who will also be required to take care of the widow and minor members of the deceased family.

15. In the present case, it is evident that although petitioner has applied for compassionate appointment on the basis of a

registered Will, but in the considered opinion of this Court, the said factor would be irrelevant for purposes of consideration of his application for compassionate appointment. It is incumbent upon the Head of Office to consider applications of petitioner as well as opposite party No.4 only in accordance with Rules of 1974, particularly Rules 2, 6 and 7 thereof.

16. It is also admitted between the parties that there is no Divorce Decree granted between the deceased and the opposite party No.4, who therefore continues with a status of wife of the deceased and is an aspect required to be considered by the Head of Office. Mere fact of her being estranged from the deceased does not have any relevant role particularly since as per impugned order itself, the deceased had a daughter, namely, Km. Alka whose rights in case she is an adult would also require consideration.

17. In view of discussion made here-in-above, it is evident that impugned order dated 18.11.2025 has been passed without taking into account relevant Rules of 1974 and is therefore quashed by issuance of a Writ in the nature of Certiorari. A further Writ in the nature of Mandamus is issued commanding opposite party No.3, i.e., Executive Engineer, Public Works Department, Provincial Section, Lakhimpur Kheri to decide the applications for compassionate appointment submitted by the petitioner as well as opposite party No.4, Smt. Aruna Devi afresh in light of Rules of 1974 and in light of observations made here-in-above, expeditiously, within a period of eight weeks from the date a certified copy of this order is served upon the authority concerned. For the said purpose, opportunity of hearing is required to be granted to petitioner as well as all relevant members of family of deceased including the daughter.

18. Consequently, petition succeeds and is **allowed** at the admission stage itself. Parties to bear their own costs.

January 12, 2026
lakshman

(Manish Mathur, J.)