



2026:AHC-LKO:19419

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 6060 of 2025

Mangal

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Homeguard
Govt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Madhavan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Ajay Madhavan learned counsel for petitioner and learned state counsel for the opposite parties.
2. Petition has been filed challenging order dated 29th November 2024 rejecting condonation of delay in preferring application for compassionate appointment.
3. It has been submitted that petitioner's father namely late Harsh passed away in harness on 13th December 2015 while working as a Home Guard leaving behind his widow and five children including petitioner. It is submitted that at the time of death, all five children were minor with petitioner attaining majority in March 2022. It is submitted that immediately upon attaining majority, petitioner submitted an application for compassionate appointment in terms of Government Order dated 27th September 2012 providing compassionate appointment to deceased Home Guards.
4. It is further submitted that upon such application being preferred by petitioner, he was called upon and successfully participated in physical test conducted on 30th August 2023 whereafter he was called for training but at that time he was informed that his candidature would be accepted only after approval by the State Government.
5. It is submitted that by means of impugned order, the candidature of 93

candidates has been rejected by a single order only on the ground that compassionate appointment was sought after period of five years. It is submitted that the impugned order is virtually non-speaking, since no reasons have been assigned for rejection particularly when it was incumbent upon the State Government to have indicated some reason in terms of paragraph 5 of the Government Order dated 27th September 2012 whereby power has been conferred upon State Government to condone delay in preferring applications for compassionate appointment beyond period of five years.

6. Learned State counsel on the basis of counter affidavit dated 2nd January 2026 has refuted submissions advanced by learned counsel for petitioner with submission that in view of the fact that a large number of applications have been submitted beyond the period of five years as stipulated in paragraph 5 of the Government Order dated 27th September 2012, the same was submitted/forwarded to the State Government whereupon it has been rejected by means of impugned order.

7. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is admitted that provision for compassionate appointment to the heirs of deceased Home Guards has been provided for by means of Government Order dated 27th September 2012. Paragraph 5 thereof confers power of condoning delay in preferring such application for compassionate appointment where it has been preferred after a period of five years from the date of demise of the employee.

8. It is also evident from record that by means of the impugned order, a composite order has been passed pertaining to 93 such dependants of deceased employees whereby their applications have been rejected solely on the ground that it has been preferred after a period of five years.

9. A bare perusal of the impugned order will make it clear that absolutely no reasons whatsoever have been assigned for rejection by the State Government refusing to exercise its jurisdiction to condone delay.

10. Even counter affidavit is completely silent with regard to reasons why State Government has failed to exercise such jurisdiction conferred upon it.

11. Ex facie, the impugned order dated 29th November 2024 being non-speaking in nature is hereby quashed by issuance of writ in the nature of Certiorari so far as it relates to petitioner. A further writ in the nature of Mandamus is issued commanding the opposite party No.1 i.e. Principal Secretary, Department of Homeguards, Government of U.P., Civil Secretariat, Lucknow to pass speaking and reasoned orders afresh with regard to candidature of petitioner for compassionate appointment in terms of Rule 5 of the Government Order dated 27th September 2012. Appropriate orders shall be passed expeditiously within a period of six weeks from the date certified copy of this order is served upon the concerned authority.

12. Resultantly, petition succeeds and is allowed. Parties to bear their own costs.

(Manish Mathur,J.)

March 17, 2026
prabhat