



2026:AHC-LKO:19178

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 13023 of 2025

Mahendra Kumar Verma Alias Mehendra Verma

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy./Addl. Chief Secy.,
Home Deptt. Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rajendra Prasad Shukla, Pallavi Dubey
Counsel for Respondent(s)	: C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Ms. Pallavi Dubey, learned counsel for petitioner and learned State counsel for opposite parties.

2. The present petition has been filed challenging order dated 08.10.2025 whereby representation for compassionate appointment in terms of U. P. Recruitment of Dependents of Government Servant Dying-in-Harness Rules, 1974 has been rejected. Further prayer for a direction to opposite parties to condone the delay in making the application for compassionate appointment and considering him for appointment on the post of Assistant Sub-Inspector (M) as proposed by U. P. Police Headquarter, Lucknow vide letter dated 20.01.2025 has also been sought.

3. It has been submitted that petitioner's father late Mahesh Chandra Verma was murdered on 04.10.2013 while in harness and Case Crime No.222 of 2013, under Sections 302/ 201 I.P.C was instituted against his widow Bimlesh Kumari as well as two sons including petitioner. It is submitted that subsequently by means of judgment and order

dated 19.09.2018, petitioner was acquitted in Sessions Trial No.4 of 2014 pertaining to Case Crime No.222 of 2013 providing benefit of doubt.

4. It is submitted that upon acquittal, petitioner gave the first application for compassionate appointment on 01.11.2018 through speed-post which was received by the concerned authority but has been ignored in the impugned order which has rejected petitioner's application only on the ground that the first application for compassionate appointment was submitted on 24.03.2023 which was beyond the stipulated period of five years in terms of Rules of 1974.

5. Learned counsel has adverted to paragraph 19 of the writ petition to submit that it has been specifically stated that petitioner gave the first application for compassionate appointment on 01.11.2018, with the said assertions not being denied in paragraph 12 of the counter affidavit. It is therefore submitted that impugned order has been passed on wrong premise.

6. Learned State counsel on the basis of counter affidavit dated 13.02.2026 has refuted submissions advanced by learned counsel for petitioner and submits that the impugned order has clearly indicated that purpose of Rules of 1974 is to provide employment on compassionate basis in view of immediate financial hardship caused due to sudden demise of bread earner and is not to keep the right of employment reserved as per choice of dependents. It is submitted that the application for compassionate appointment having been filed after more than five years, has been rightly rejected particularly in view of the fact that

petitioner attained majority on 11.11.2015 but application has been submitted three years thereafter.

7. It is also submitted that even considering the application dated 24.03.2023, petitioner was permitted to participate in the physical test, which he failed for purposes of appointment on the post of Constable since he did not have requisite height.

8. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, particularly impugned order, it is thus evident that petitioner's application for compassionate appointment has been rejected on the ground that it was submitted after 10 years and six months of passing of his father due to which there was no undue hardship caused to petitioner. The order also indicates that first application for compassionate appointment was submitted by petitioner on 24.03.2023 whereafter he was permitted to participate in the Physical Education Test, which he failed due to inadequate height.

9. It is relevant that the application for compassionate appointment dated 01.11.2018 brought on record as Annexure No.7 to the Writ Petition was sent by speed-post. In paragraph 19 of the Writ Petition, it has been stated that the said application was made for the first time on 01.11.2018. The aforesaid assertion has not been denied by opposite parties in paragraph 12 of the counter affidavit.

10. It is thus evident that upon acquittal in Sessions Trial No.4 of 2014 vide judgment and order dated 19.09.2018, petitioner filed first

application for compassionate appointment on 01.11.2018 and not on 24.03.2023.

11. It appears that the aforesaid fact has escaped attention of the concerned authority while considering petitioner's application for compassionate appointment.

12. Nonetheless the impugned order also indicates that subsequently, even considering the application dated 24.03.2023, petitioner was permitted to participate in physical education test, which he could not succeed in due to lack of height.

13. The aforesaid factor was also indicative that despite considering the application dated 24.03.2023 as the first application of petitioner, delay was deemed to be condoned whereby petitioner was permitted to participate in the physical efficiency test.

14. Nonetheless since the impugned order appears to have been passed on a wrong premise that the first application for compassionate appointment was filed only on 24.03.2023 while ignoring the application dated 01.11.2018, it is held that the impugned order dated 08.10.2025 has been passed on a wrong premise and is therefore quashed by issuance of a writ in the nature of certiorari granting liberty to opposite party no.1 to reconsider petitioner's application dated 01.11.2018 for compassionate appointment in terms of provisions of the Rules of 1974.

15. Such a decision shall be taken expeditiously within a period of six weeks from the date a certified copy of this order is served upon concerned authority. Petitioner shall annex a copy

of the application dated 01.11.2018 along with the certified copy of this order.

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

(Manish Mathur,J.)

March 17, 2026

Subodh/-