

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.12554 OF 2024  
(Arising out of SLP(Civil) No.6907/2023)**

**THE STATE OF UTTAR PRADESH & ORS.**

**APPELLANTS**

**VERSUS**

**VIRENDRA PAL SINGH**

**RESPONDENT**

**O R D E R**

Heard learned counsel for the parties.

2. Leave granted.

3. The matter relates to compassionate appointment. By order dated 06.08.2014, appellants had denied compassionate appointment to the respondent primarily on the ground that the application was made 13 years after the death of his father. This was challenged by the respondent before the Single Bench of the High Court. Learned Single Judge considered the scheme of compassionate appointment under the Uttar Pradesh Recruitment of Dependents of Government Servants (Dying in Harness) Rules, 1974 and by the judgment and order dated 09.02.2021 allowed the writ petition directing compassionate appointment to the respondent.

4. This was challenged by the State before the Division Bench in a Letters Patent Appeal. By the impugned judgment and order dated 07.09.2022, Division Bench dismissed the said appeal and held as follows:

"So far as the reason assigned by the State Government for not accepting the claim of the

respondent-petitioner for appointment on compassionate ground, namely, that the respondent-petitioner's mother did not make any application seeking compassionate appointment, is concerned, we are of the considered opinion that the same is also not tenable in the facts and circumstances of the present case. In fact, it is not in dispute that at the time of death of the respondent-petitioner's father, his mother was the sole adult member in the family and she had to take care of family of 6 persons including herself. It further appears that family depended on agriculture property and as such was living in a rural set up and the amount of family pension made available to the mother of the respondent-petitioner was only Rs.3600/- per month. In our considered opinion, if the facts of the present case do not constitute a valid ground/reason for condoning the alleged delay in moving the application seeking compassionate appointment, no other set of facts would ever constitute any valid reason for condoning the delay.

The State Government cannot be oblivious of the situation in which family of a deceased government employee finds itself on untimely death of bread earner of the family. It is not that learned Single Judge has not recorded any reason for not remitting the matter back to the State Government for reconsideration. AS noticed above, the respondent-petitioner had to litigate since the year 2010 itself seeking compassion appointment and in the facts, as narrated above of the present case, it would not be appropriate to remit the matter to the State Government for relaxing of the requirement of making application within 5 years from the date of death of deceased employee.

We, thus, are of the opinion that the judgment and order dated 09.02.2021, passed by the learned Single Judge does not warrant any interference in this Special Appeal."

5. We see no error or infirmity in the view taken by the High Court. It is unfortunate that respondent has been dragged to repeated litigation by the appellants for no fault of his own since the year 2010.

6. We are thus not inclined to entertain this appeal,

which is, accordingly, dismissed. Appellants are directed to provide appointment to the respondent in a commensurate post, which shall be done within a period of six weeks from the date of receipt of a copy of this order.

.....J.  
(UJJAL BHUYAN)

.....J.  
(SANDEEP MEHTA)

New Delhi  
November 20, 2024

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).6907/2023

[Arising out of impugned final judgment and order dated 07-09-2022 in SPLA No.346/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

THE STATE OF UTTAR PRADESH & ORS.

Petitioner(s)

VERSUS

VIRENDRA PAL SINGH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.28849/2023-CONDONATION OF DELAY IN FILING and IA No.28852/2023-EXEMPTION FROM FILING O.T.)

Date : 20-11-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN  
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Ms. Ruchira Goel, AOR

For Respondent(s) Ms. Vanshaja Shukla, AOR  
Mr. Rishad Murtaza, Adv.  
Mr. Siddhant Yadav, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

2. The appeal is dismissed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(RAM SUBHAG SINGH)  
COURT MASTER (NSH)