

Court No. - 6

Case :- WRIT - A No. - 20470 of 2024

Petitioner :- Pallavi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sanjeev Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Ajay Bhanot,J.

Heard Shri Sanjeev Kumar Pandey, learned counsel for the petitioner and Ms.Shruti Malviya, learned Standing Counsel for the respondents-State.

The petitioner is the married daughter of the deceased employee. She was dependant on the deceased employee and was residing with him till his death. The petitioner claims entitlement to appointment on compassionate grounds.

The claim of the petitioner is rejected by referencing the Government Order dated 04.09.2000 which contemplates that in case the husband or wife of the deceased employee is serving on any Central Government or State Government or any instrumentality of State prior to death of the employee, then such dependents shall not be entitled to appointment on compassionate grounds. The aforesaid Government Order dated 04.09.2000 is not applicable to the facts of the petitioner's case. The impugned order reflects non application of mind to the relevant facts and the law. The petitioner's case as a

married daughter of the deceased employee is liable to be considered in light of the Uttar Pradesh Recruitment of Dependents of Government Servant Dying-in-Harness Rules, 1974 as amended from time to time.

In this wake, the impugned order dated 04.10.2024 passed by the District Basic Shiksha Adhikari, Etawah is quashed. The matter is remanded to the respondent-authority for fresh consideration as per law.

The writ petition is allowed to the extent indicated above.

Order Date :- 20.12.2024

Ashish Tripathi