



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No.1070 of 2025

13th July, 2026

Vikram Singh Bisht

--Petitioner

Versus

State of Uttarakhand and Ors.

--Respondents

Presence:-

Mr. D.S. Mehta, learned counsel for the petitioner.

Mr. Sushil Vashistha, learned S.C. for the State.

Hon'ble Pankaj Purohit, J. (Oral)

1. This writ petition has been filed under Article 226 of the Constitution of India by the petitioner for quashing the order dated 23.05.2025 passed by the respondent no.2 whereby petitioner has been denied the compassionate appointment.

2. The facts of the case are that the petitioner's father, late Shri Prem Singh Bisht, was serving as a Junior Assistant in the Community Health Centre, Jaspur, District Udham Singh Nagar under the Department of Medical Health and Family Welfare. He died in harness on 28.12.2022. Thereafter, the petitioner, being the unemployed son of the deceased employee, applied for appointment on compassionate grounds under the Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974, as applicable to the State of Uttarakhand. Pursuant to the directions issued by the Directorate General, Medical Health and Family Welfare, a report regarding the financial condition of the deceased employee's family was obtained from the District Magistrate, Chamoli. The report recorded that the deceased left behind his widow and two sons. The elder son



was employed in Government service and residing separately with his family, while the petitioner was unemployed. It was also reported that the widow of the deceased employee was receiving family pension. The petitioner's claim was thereafter placed before the Committee constituted to consider applications for compassionate appointment. In its meeting held on 01.03.2025, the Committee took into consideration the fact that since elder son of the deceased employee was in Government service, keeping in view the financial condition of the family, there is no justification to give compassionate appointment to the petitioner and that the family was receiving family pension, and accordingly recommended rejection of the petitioner's claim. Based on the said recommendation, the respondents rejected the petitioner's application vide order dated 23.05.2025.

3. Learned counsel for the petitioner submitted that the impugned order dated 23.05.2025 is wholly arbitrary, illegal and contrary to the provisions of the Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974, as applicable to the State of Uttarakhand. It is argued that the respondents have rejected the petitioner's claim solely on the ground that his elder brother is employed in Government service without appreciating the fact that the elder brother of the petitioner was living separately and was married and financial condition of the family cannot be said to be tide over by grant of family pension. In every case, family pension is paid.

4. It is further submitted by learned counsel for the petitioner that the respondents have completely misread Rule 5 of the Dying in Harness Rules. Learned counsel contends that the disqualification contemplated under the



Rules pertains to the applicant or the spouse of the deceased Government servant being already employed in Government service. The mere fact that the petitioner's elder brother is serving in Government employment, particularly when he is living separately with his own family, cannot be treated as a valid ground to deny compassionate appointment to the petitioner. The respondents have, therefore, taken into consideration an irrelevant factor while ignoring the material circumstances of the case.

5. Learned counsel for the respondent opposed the writ petition and submits that compassionate appointment is not a matter of right but an exception to the normal rule of public employment, intended only to provide immediate financial assistance to the family of a deceased Government servant. It is contended that the petitioner's claim was duly considered by the competent Committee, which, upon examining the report of the District Magistrate and the financial condition of the family, found that the petitioner's elder brother is employed in Government service and the widow of the deceased employee is receiving family pension. The Committee, therefore, rightly concluded that the family was not in indigent circumstances warranting compassionate appointment

6. Learned counsel for respondent further submitted that the impugned order has been passed in compliance with the directions issued by this Court in Writ Petition (S/S) No. 767 of 2025 after due consideration of the petitioner's representation. It is argued that the decision of the competent authority is neither arbitrary nor contrary to the Dying in Harness Rules, 1974, and, therefore, no interference is called for in exercise of writ



jurisdiction. Accordingly, the writ petition deserves to be dismissed.

7. Having heard the learned counsel for the parties and after perusal of the material available on record, this Court is of the considered opinion that the impugned order dated 23.05.2025 cannot be sustained. It is well settled that compassionate appointment is not a vested right and is intended to provide immediate financial assistance to the family of a deceased Government servant facing financial hardship on account of the untimely demise of its sole breadwinner. At the same time, while considering such claims, the competent authority is expected to adopt a pragmatic and humane approach consistent with the object sought to be achieved by the Dying in Harness Rules, rather than a strictly technical or mechanical one.

8. In the present case, the petitioner's claim has primarily been rejected on the ground that his elder brother is employed in Government service and that the petitioner's mother is receiving family pension. However, the material placed on record, including the report of the District Magistrate, indicates that the elder brother is residing separately with his own family. Merely because one of the family members is in Government service cannot, by itself, lead to the conclusion that the petitioner is not facing financial hardship. An employed sibling, who has an independent family to maintain, cannot invariably be expected to shoulder the responsibility of maintaining the entire family of the deceased employee. Likewise, the family pension being received by the petitioner's widowed mother cannot be viewed in isolation so as to defeat the very object of compassionate appointment. The competent authority ought to have considered whether, in the facts



and circumstances of the case, the petitioner was otherwise deserving of compassionate consideration.

9. This Court is, therefore, of the opinion that the respondents have failed to consider the petitioner's claim in its proper perspective and have adopted a hyper-technical approach while rejecting his application. Since compassionate appointment is founded on humanitarian considerations, the petitioner's claim deserves to be reconsidered by the competent authority by taking an overall view of the financial condition of the family, the fact that the petitioner's elder brother is in service, but who is living separately and maintaining his own family, cannot be a ground to deny compassionate appointment to the petitioner. The elder brother has his own responsibility to maintain his family. In each case, family pension is paid to the widow. Thus the reason to deny compassionate appointment to the petitioner cannot sustain. The impugned order deserves to be set aside.

10. Accordingly, the writ petition is allowed. Order dated 23.05.2025 passed by respondent no.2 is hereby quashed. The respondents are directed to consider the case of petitioner for compassionate appointment, if he is otherwise found eligible, in accordance with law within a period of eight weeks from the date of production of a certified copy of this order.

(Pankaj Purohit, J.)

13.07.2026

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RAJEEV DANG

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