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HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 5234 of 2026

Mansha Devi

.....Petitioner(s)

Versus

Union of India and 6 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashwini Kumar, Radheshyam, Ganesh Shankar Srivastava
Counsel for Respondent(s)	: A.S.G.I., Shiv Kumar Pal, Dy.S.G.I.

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri Ganesh Shankar Srivastava, Advocate, holding brief of Shri Ashwini Kumar, Advocate for the petitioner and Shri Shiv Kumar Pal, learned Deputy S.G.I. for the respondents.

2. This writ petition has been filed challenging the order dated 19.12.2025, whereby the Central Administrative Tribunal, Allahabad Bench, Allahabad ('the Tribunal') has dismissed Original Application No. 963 of 2022 ('O.A.') filed by the petitioner and has not interfered with the order dated 06.07.2022, whereby the Competent Authority had disposed of petitioner's representation submitted in furtherance of an earlier order passed by the Tribunal.

3. Brief facts of the case are that the petitioner's father Yogendra Ram was working as a Post Trackman in the office of Senior Section Engineer, East Central Railway, Buxar. He died in harness on 09.05.2019. The petitioner's mother and sister submitted applications before the respondents for grant of compassionate appointment to the petitioner, who was the elder married daughter of the deceased.

4. The application moved initially was rejected on 01.12.2021 on the ground that the deceased employee had less than one year of service remaining and that compassionate appointments for married daughter were rare. The said order was set aside by the Tribunal by order dated 27.05.2022 passed in O.A. No. 486 of 2022 and the matter was remitted to the respondents for re-consideration.

5. In furtherance of the order passed by the Tribunal, the petitioner submitted a fresh representation, which was rejected by order dated 06.07.2022, against which the O.A. giving rise to the present writ petition was filed with a further prayer to issue appointment letter in favour of the petitioner for any suitable post at any suitable place in Eastern Central Railway.

6. The Tribunal, after hearing the parties, has dismissed the O.A. observing that though a married daughter is eligible for compassionate appointment, it is necessary to establish her dependency upon the father at the time of his death. Placing reliance on a judgment of Hon'ble Supreme Court in the case of **State of West Bengal Vs. Debabrata Tiwari and others: AIR 2023 SC 1467**, the Tribunal has arrived at a conclusion that dependency at the time of death for immediate financial assistance to the dependent of the deceased employee is utmost consideration for grant of compassionate appointment, which is not a vested right and that there is nothing on record to establish dependency of the petitioner upon the deceased employee, i.e. her father.

7. Learned counsel for the petitioner has made submissions that once the Tribunal had set aside the earlier order rejecting the petitioner's claim and issued a direction to the respondents to consider the cause of the petitioner, rejection of her claim was not justified and the Tribunal has also erred in arriving at a conclusion that the petitioner was not dependent on her father. It is further submitted that the petitioner and her family is somehow managing their life with great financial hardships and, therefore, compassionate appointment should have been offered to her.

8. Per contra, learned Deputy S.G.I. submits that the earlier order passed by the respondents was set aside by the Tribunal in view of the order dated 04.12.2015 passed by this Court in **Writ-C No. 60881 of 2015 (Smt. Vimla Srivastava Vs. State of U.P. and another)**, wherein word 'unmarried' in Rule 2(c)(iii) of the Rules was struck down, however, direction was issued to the petitioner to prove her dependency at the time of death of her father. Submission is that once the petitioner failed to establish dependency, as directed by the Tribunal, rejection of her representation did not suffer from any infirmity and, consequently, the

Tribunal has rightly dismissed the O.A.

9. We have considered the submissions made and have perused the material available on record.

10. The earlier round of litigation ended in terms of directions issued by the Tribunal in O.A. No. 486 of 2022 filed by the petitioner. The operative portion of the order passed therein reads as under:-

"It is seen that the married daughter cannot be excluded from consideration of the compassionate appointment. However, in the light of the above said judgment of the Hon'ble High Court of Allahabad, it is made clear that it is incumbent upon the married daughter to prove her dependency at the time of the death of the deceased employee for her case to be considered for compassionate appointment. Accordingly, this Original Application is disposed of with a direction to the applicant that she shall submit her application for consideration of compassionate appointment annexing the documents to prove her dependency at the time of death of her father in 2019 within a period of four weeks from the date of receipt of certified copy of this Order. The respondents shall consider the same as and when the meeting for consideration of cases for compassionate appointment is held in further and the outcome of the said meeting shall be communicated to the applicant within two weeks thereafter.

With the above directions, the instant Original Application No. 486 of 2022 is **disposed of** and the impugned order dated 01.12.2021 is quashed."

11. A bare perusal of the above directions indicates that though the entitlement of a married daughter qua compassionate appointment was accepted by the Tribunal, specific observations were made that the married daughter has to prove her dependency at the time of death of the deceased employee for consideration of her case for compassionate appointment. The O.A. was disposed of with clear direction to the petitioner to submit her application annexing therewith documents to prove her dependency at the time of death of her father in 2019.

12. The petitioner, in furtherance of the order of the Tribunal, filed representation dated 07.06.2022 annexing therewith affidavit of her sister Mamta Kumari, educational certificate of the petitioner and her caste certificate. Except this, no other document appears to have been filed.

13. The respondent, while disposing of the representation, has clearly observed that the petitioner has not submitted any document to prove her

dependency on the ex-employee and that her father expired on 09.05.2019 at which time the petitioner was already married, who cannot be said to be the bread winner of the family. Further observations were made that all the settlement dues were paid to the widow of the ex-employee and family pension was being drawn by the widow of the deceased, who had since expired.

14. Learned counsel for the petitioner has however referred to certain affidavits and other application allegedly filed before the competent authority and a perusal of the same would indicate that except consenting to the proposed appointment of the petitioner on compassionate ground, her sister Mamta Kumari and her mother had not stated anything substantial, though it was stated that the petitioner's husband was unemployed and was dependent upon the widow of the deceased employee. As far as the petitioner is concerned, a vague averment was made in the application that her financial condition was not sound and, even after marriage, she had been residing with her parents and that her sister Mamta Kumari had decided not to take any share in the ancestral property left behind by her father (deceased employee).

15. In the opinion of the Court, the petitioner has utterly failed to substantiate by any cogent, reliable or sufficient evidence to establish before the respondents that she, despite having been married even prior to death of her father, has ever remained dependent upon her father and, therefore, this Court does not find any error in the view taken by the Department or by the Tribunal in not accepting her claim for compassionate appointment.

16. It is well settled that compassionate appointment is a concession, not a right, to be granted by way of exception to the general rule of equality in matters of employment. The purpose to give such appointment is to tied over the financial difficulties that are faced by the family of the deceased due to death of bread-earner of the family and to mitigate the loss of earning. The object is to enable the family to get over sudden financial crisis. Reference in this regard can be made to **Umesh Kumar Nagpal vs. State of Haryana and others** : (1994) 4 SCC 138, **Director of Education (Secondary) and another vs. Pushpendra Kumar and**

others : (1998) 5 SCC 192, General Manager (D. and P.B.) and others vs. Kunti Tiwary and another : (2004) 7 SCC 271, National Hydroelectric Power Corporation and another vs. Nanak Chand and another : AIR 2005 SC 106, Commissioner of Public Instructions and others vs. K.R. Vishwanth : (2005) 7 SCC 206, State of J & K. and others vs. Sajid Ahmed Mir : (2006) 5 SCC 766, V. Shivamurthy vs. State of Andhra Pradesh and others : (2008) 13 SCC 730, Santosh Kumar Dubey vs. State of Uttar Pradesh and others : (2009) 6 SCC 481, Local Administration Department and another vs. M. Selvanayagam @ Kumaravelu : AIR 2011 SC 1880, Union of India and another vs. Shashank Goswami and another : (2012) 11 SCC 307, Chief Commissioner, Central Excise and Customs, Lucknow and others vs. Prabhat Singh : (2013) 1 UPLBEC 357, M.G.B. Gramin Bank vs. Chakrawarti Singh : AIR 2013 SC 3365, Haryana State Electricity Board and another vs. Hakim Singh : (1997) 8 SCC 85, Jagdish Prasad vs. State of Bihar and another : JT 1995 (9) SC 131, Haryana State Electricity Board vs. Naresh Tanwar and another : (1996) 8 SCC 23, Sanjay Kumar vs. State of Bihar and others : (2000) 7 SCC 192, S.B.I. vs. Anju Jain : (2008) 8 SCC 475, Managing Director, M.M.T.C. Ltd., New Delhi and another vs. Pramoda Dei alias Nayak : 1997 (11) SCC 390, S. Mohan vs. Government of Tamil Nadu and another : 1999 (I) LLJ 539, Punjab Nation Bank and others vs. Ashwini Kumar Taneja : AIR 2004 SC 4155, Union of India vs. Bhagwan : 1995 (6) SCC 436, State of U.P. and others vs. Paras Nath : AIR 1998 SC 2612, Haryana State Electricity Board vs. Krishna Devi : JT 2002 (3) SC 485, State of Jammu and Kashmir vs. Sajad Ahmed : AIR 2006 SC 2743 and M/s Eastern Coalfields Ltd. vs. Anil Badyakar and others : (2009) 13 SCC 122.

17. In view of the above discussion, we are not inclined to interfere with the order passed by the Tribunal.

18. Consequently, the writ petition fails and is, accordingly, **dismissed**.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

April 15, 2026

AKShukla/-