

## **Allahabad High court orders the UP govt to provide jobs for Woman after demise of her father**

New Delhi: The Supreme Court has decided to examine the question of whether a married woman can be given government employment on compassionate grounds after her father's death.

A bench headed by Justice S.A. Bobde recently stayed an Allahabad High Court order directing the Uttar Pradesh government to provide employment to a woman in the fire department after the demise of her father, a constable.

The state had moved the top court after the high court said the woman, Neha Srivastava, should be given employment.

Under the state's rules, jobs on compassionate grounds can be given only to unmarried daughters, apart from other dependent family members.

In its December 2015 judgment, the high court had termed the rules "unconstitutional, discriminatory and regressive", saying they smacked of gender injustice as there was no bar on married men getting jobs on similar grounds.

According to the high court, the rules are contrary to principles of equality enshrined in Article 14 of the Constitution.

Appearing in the apex court, state government counsel R.P. Mehrotra assailed the judgment, saying the high court had "overstepped its jurisdiction as rule-making was the legislature's prerogative". "Compassionate appointment is not a regular source of appointment but an exception."

Mehrotra contended that it was up to the state to grant compassionate employment on the basis of fixed rules. At the same time, he said, it cannot be a source of parallel employment for undeserving people.

Mehrotra referred to some earlier apex court judgments that such jobs could be offered under service rules as succour to a bereaved family after an employee's death but could not be claimed as a matter of fundamental right.