



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Special Appeal (Writ) No. 670/2025
CNR: RJHC020416222025 | URN: SAW / 1490U / 2025

in

S.B. Civil Writ Petition No. 12222/2016

Smt. Pushpa Devi W/o Late Shri Purshottam Singh, Aged About 59 Years, R/o Mathura Dharweje Mahakameshwar Mandir Tehsil Kama, Dist. Bharatpur Rajasthan.

----Appellant-Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Home Affairs, Government Of Rajasthan Secretariate, Jaipur, Rajasthan.
2. The Superintendent Of Police, Bharatpur Rajasthan.

----Respondents-Non-Petitioners

For Appellant(s) : Ms. Apoorva Agarwal for
Mr. Himanshu Jain

**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE BHUWAN GOYAL**

Judgment

06/10/2026

This special appeal is directed against the order dated 12.02.2025 passed by the learned Single Judge, whereby the writ petition preferred by the appellant seeking compassionate appointment to her son or any of her family member, has been dismissed.

The facts, in brief, relevant for decision of the instant appeal are that appellant's husband, a Government servant, expired on 21.05.2015, while in service. His son namely Shri Jay Singh filed an application seeking compassionate appointment which came to



be rejected by the respondents vide order dated 16.09.2015 (Annexure-1). Assailing the order, the petitioner preferred the writ petition on 27.08.2016 which came to be dismissed by the learned Single Judge vide impugned order dated 12.02.2025 on the ground of delay.

Assailing the order and inviting the attention of this Court towards the definition of "dependent" as provided under Rule 2(c) of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996 (for brevity 'the Rules of 1996'), learned counsel for the appellant would contend that since, her elder son did not fall within the definition of "dependent" at the time of death of her husband, the respondents committed an error in rejecting her another son's application vide order dated 16.09.2015, impugned in the writ petition. With regard to delay, learned counsel contended that since, the appellant had approached this Court in time, the writ petition could not have been dismissed on this count. She, therefore, prayed that the appeal be allowed, the impugned order dated 12.02.2025 be quashed and set aside and the writ petition be allowed.

Heard. Considered.

A perusal of the order dated 12.02.2025 reveals that the writ petition was dismissed on the ground that 10 years had already elapsed since the demise of the Government employee and in case, a direction for compassionate appointment were to be issued now, it would be against the object and purpose behind the compassionate appointment. It was noted that the whole object of granting the compassionate appointment was to enable the family





to tide over the sudden crises caused by the instant death of the earning family member and not to give such family a post, much less a post held by the deceased family member. Reliance was placed on the judgment of Hon'ble Supreme Court of India in the case of **Fertilizers and Chemicals Travancore Ltd. and Ors. vs. Anusree K.B.: AIR 2022 SC 4766**. We find no reason to disagree with the aforesaid findings based on sound legal principle.

Further, the record reveals that the application filed by the son of the petitioner seeking compassionate appointment was rejected by the respondents vide order dated 16.09.2015 whereagainst the writ petition was preferred with a delay of almost one year, i.e., on 27.08.2016. However, the same was in defects which, upon perusal, are found to be minor. When, despite availing several opportunities, the defects were not cured, the writ petition came to be dismissed by the Registrar (Judicial) vide order dated 14.07.2017 for want of compliance of order of this Court dated 30.03.2017. However, the same was restored on a restoration application filed by the appellant. Still, the defects were not cured despite availing several opportunities resulting into dismissal of the writ petition second time by the Registrar (Judicial) vide order dated 19.07.2024 in view of per-emptory order passed by this Court on 15.05.2024. Taking a sympathetic and lenient view, the writ petition was restored again. Still the defects were not cured. In the aforesaid factual context, it is apparent that the appellant herself had been negligent in pursuing the writ petition preferred by her seeking compassionate appointment.



Even otherwise, we find no merit in the submission advanced by the learned counsel for the appellant. Candidature of another son of the appellant seeking compassionate appointment was rejected on account that his elder brother and another son of the deceased-Government employee namely Shri Uday Singh was already a Government employee before death of the concerned Government employee dis-entitling the applicant for appointment under Rule 5 of the Rules of the 1996; relevant provision of which states as under:-

"5. Appointment Subject To Certain Conditions :-

(1) When a Government servant dies while in service one of his/her dependents may be considered for appointment in Government service subject to the condition that employment under these rules shall not be admissible in cases where the spouse or at least one of the sons, unmarried daughters, adopted son/adopted unmarried daughter of the deceased Government servant is already employed on regular basis under the central / any State Government or Statutory Board, Organisation/Corporation owned or controlled wholly or partially by the Central/ any State Government at the time of death of the Government servant or at the time of appointment of the dependent.

Provided that this condition shall not apply where the widow seeks employment for herself."

In view of the aforesaid undisputed position, we find no error in the order dated 16.09.2015 impugned in the writ petition. Reliance placed on the definition of "dependent" under Rule 2(c) of the Rules of 1996 is wholly misconceived and misplaced inasmuch as, candidature of son of the appellant was not rejected on account that he was not dependent on the deceased-Government employee at the time of his death.



In view of the aforesaid discussion, this special appeal is dismissed being devoid of merit. Pending application(s), if any, also stand(s), disposed of.



(BHUWAN GOYAL),J

(MAHENDAR KUMAR GOYAL),J

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