



[2025:RJ-JD:45818]

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 1149/2018

Bhagwan Singh S/o Shri Gangaprasad, By Caste Saini Nai Kajori
Mohalla Ward No 4 Near Bhagwan School Resident Of Kherli,
Tehsil Kathumar, District Alwar

-----Petitioner

Versus

1. Suptd Engineer Pawas, Ajmer Vidhut Vitran Nigam Limited Banswara Circle, Banswara.
2. Assistant Engineer, Ajmer Vidhut Vitran Nigam Limited Partapur, Banswara Circle, Banswara.
3. Assistant Engineer Pawas, Ajmer Vidhut Vitran Nigam Limited Banswara Circle, Banswara.
4. Shashi Kumari Wife Of Late Rajesh Kumar Sain For The Present Working As Clerk Lower Division Clerk, Under Assistant Engineer Ajmer Vidhut Vitran Nigam Limited Partapur District Banswara.

-----Respondents

For Petitioner(s) : Mr. Priyanshu Gopa
Mr. Shreyansh Ramdev
For Respondent(s) : Mr. Mrigraj Singh Rathore
Mr. Rajesh Punia
Mr. Madan Lal

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

Order_Pronounced On : 29/10/2025
Order Reserved On : 10/10/2025

BY THE COURT:-

1. The instant Civil Writ Petition has been preferred by the petitioner under Article 226 of the Constitution of India seeking appropriate directions to respondent Nos.1 to 3 to ensure compliance with the legal and moral obligation of respondent No.4, who is the wife of the petitioner's deceased



son, Late Rajesh Kumar, to maintain and look after the family members of her husband. It has further been prayed that, in the event of respondent No.4 failing to discharge such obligation and to take care of the welfare of the petitioner's family, respondent Nos.1 to 3 may kindly be directed to deduct fifty percent of the salary of respondent No.4 and deposit the same in the bank account of the petitioner, so as to enable him to maintain and support the dependent family members.

2. The facts, in brief, giving rise to the present writ petition are that the son of the petitioner late *Rajesh Kumar*, was employed as a Technical Assistant under the control of the respondent-Department (non-petitioners Nos.1 to 3). It is an admitted position that said Rajesh Kumar expired while in service on 15.09.2015. Consequent upon his demise, the respondent-Department issued a letter dated 21.09.2015, calling upon the petitioner to submit an application for compassionate appointment in accordance with the provisions of the *Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996* (for short, *the Rules of 1996*). Thereafter, by another letter dated 26.09.2015, the petitioner was informed that his name had been nominated for consideration under the said Rules and he was directed to complete the requisite formalities. It appears that the respondent No.4 *Smt. Shashi Kumari*, wife



of the deceased employee Rajesh Kumar, also submitted an application seeking compassionate appointment. It is clearly discernible from the record that an offer of appointment on compassionate grounds was extended to the petitioner in recognition of the services of the deceased employee. However, the petitioner, demonstrating an apparent sense of magnanimity and selflessness, or perhaps for reasons best known to him, voluntarily recommended that the said compassionate appointment be conferred upon his daughter-in-law in his place.

3. It further emerges that, subsequent to the aforesaid recommendation, for reasons that remain obscure and unexplained, a rift or strain appears to have developed between the petitioner and respondent No. 4. This deterioration in relations seemingly prompted the petitioner to address a formal communication to the authorities, the tenor and purport of which suggest that it was occasioned by the said interpersonal discord. He addressed a letter dated 15.10.2015 to the Chairman, Municipal Board, Kherli Khatumar, District Alwar, stating that respondent No.4 was residing with her parents and had severed relations with the petitioner and his family. Upon such representation, the Chairman of the Municipal Board conducted an inquiry and submitted a report affirming that the petitioner, being an aged person, had no independent source of income and was facing acute financial hardship. The said report further



recorded that respondent No.4 had left the matrimonial home within eighteen days of her husband's demise and was living with her parents, thereby failing to maintain her in-laws. The said report, supported by local residents.

4. Despite the aforesaid factual position, the Superintending Engineer, AVVNL, vide order dated 11.03.2016, appointed respondent No.4 on compassionate grounds to the post of *Lower Division Clerk* and placed her on probation. The copy of the appointment order is enclosed as *Annexure-5*, and the subsequent posting order under the Assistant Engineer, Pawas, District Banswara, is enclosed as *Annexure-6*. It is the petitioner's specific case that respondent No.4, while claiming compassionate appointment, filed an affidavit dated 19.10.2015 (*Annexure-7*) declaring that she was residing with and maintaining the parents of her deceased husband, and that in the event of any dispute, she would be held responsible. It was further stipulated that, in the event the compassionate appointment was conferred upon her, she would assume full responsibility for the care, maintenance, and well-being of her aged parents-in-law, thereby ensuring that the dependents of the deceased employee were adequately supported, both emotionally and financially, in consonance with the underlying objective of compassionate employment. However, the said affidavit is alleged to be false inasmuch as respondent No.4 was, at the relevant time, residing separately with her parents.





5. The petitioner has also placed on record copies of the death certificate of late Rajesh Kumar (*Annexure-8*), ration card (*Annexure-9*), and a representation dated 03.06.2017 (*Annexure-10*) addressed to the Superintending Engineer, AVVNL, praying that since respondent No.4 had failed to maintain him, a portion of her salary be deposited directly into his bank account. A registered notice dated 07.12.2017 (*Annexure-11*) was also sent demanding redressal, but the same remained unheeded. Aggrieved by the inaction of the respondent authorities and by the alleged conduct of respondent No.4, the petitioner has preferred the present writ petition seeking a direction to respondents Nos.1 to 3 to deposit half of the salary of respondent No.4 in his bank account, as she has failed to fulfil her obligation of maintaining the family of the deceased employee despite securing compassionate appointment.

6. The petitioner's counsel argues that respondent No.4's compassionate appointment violates Rule 10(2) of the 1996 Rules, as it was granted without considering the welfare of the deceased employee's dependents. Respondent No. 4 allegedly abandoned her matrimonial home soon after her husband's death, failed to support the petitioner an elderly dependent and did not honour her affidavit undertaking to maintain the family. Despite receiving 70% of the compensation amount, she provided no financial assistance. The petitioner therefore seeks a direction for 50% of respondent No.4's salary to be deposited in his account or,





alternatively, her appointment to be reconsidered or cancelled.

7. The respondents' counsel refutes the petitioner's claims as baseless, asserting that respondent No.4, the legally wedded wife of the deceased employee, was lawfully appointed on compassionate grounds after submitting an affidavit to maintain her in-laws. It is submitted that she initially supported them but later faced harassment, compelling her to leave the matrimonial home and subsequently remarry, which relieved her of any legal duty to maintain her former in-laws. The counsel for the respondent-Department highlights that the 2016 AVVNL Regulations allow termination of compassionate appointments if dependents are neglected, and the matter has already been referred to higher authorities for review. Accordingly, the writ petition is termed premature and liable to dismissal.

8. Heard learned counsels present for the parties and gone through the materials available on record.

9. Upon hearing learned counsel for the petitioner and upon perusal of the entire material placed on record, this Court finds that the present case is a poignant example of how the very benevolent object underlying the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996 has been rendered nugatory by the subsequent conduct of the beneficiary.

10. The record unmistakably reveals that the petitioner's son, Late Rajesh Kumar, who was serving as Technical Assistant





under the respondents No.1 to 3, passed away while in service on 15.09.2015. The petitioner, being the aged father of the deceased employee, was initially issued communications by the competent authority on 21.09.2015 and 26.09.2015 (Annexures-1 & 2) directing him to apply for appointment on compassionate grounds under the Rules of 1996. However, before such process could culminate, respondent No.4 Smt. Shashi Kumari, widow of Late Rajesh Kuma, approached the department claiming compassionate appointment in her own name as the dependent of the deceased.

11.The material brought on record clearly indicates that the petitioner and his wife were both financially dependent upon their late son and were left destitute after his untimely demise. The contemporaneous report submitted by the Chairman, Municipal Board, Kherli Khatumar, Alwar (Annexure-4) also confirms that the petitioner had no independent source of livelihood and was surviving in acute financial distress. The said report further establishes that within merely eighteen days of her husband's death, respondent No.4 left her matrimonial home and started residing with her parents, thereby severing her physical and emotional connection with the petitioner and his wife.

12.Notwithstanding these circumstances, the Superintendent Engineer, AVVNL, by order dated 15.03.2016 (Annexure-5), proceeded to appoint respondent No.4 as Lower Division Clerk on compassionate grounds, keeping her on probation.





What assumes significance here is the affidavit dated 19.10.2015 (Annexure-7) submitted by respondent No.4 at the time of seeking such appointment, wherein she solemnly undertook assurances that she would reside with and maintain her deceased husband's parents; secondly, that she would take full responsibility for their welfare; and thirdly, that she would not contract any remarriage. While this Court consciously refrains from commenting upon her personal liberty with respect to remarriage, yet the solemn assurance given regarding maintenance of her in-laws was a material and foundational condition upon which the grant of compassionate appointment was premised.

13. It is settled law that compassionate appointment is not a vested right but an act of grace, intended to alleviate the financial hardship of the family of the deceased government servant. It is a welfare measure, not a mode of employment. The appointment granted to respondent No.4, therefore, carried an implicit fiduciary obligation that the emoluments and benefits flowing from such appointment would be used to sustain the family unit of the deceased employee. The respondent No.4, having derived such employment on the strength of her solemn affidavit, cannot now resile from the promise that formed the very substratum of the benefit conferred upon her. To allow her to do so would amount to permitting a fraud upon the compassionate scheme itself.
14. From the record, it further emerges that after obtaining compassionate appointment and receiving nearly 70% of the



provident fund and compensation amount (Annexure-13), respondent No.4 has abandoned her in-laws and is living elsewhere, reportedly maintaining marital companionship with another person. Such conduct, in the considered view of this Court, is wholly antithetical to equity, conscience, and the solemn undertaking voluntarily made by her. The parents of the deceased, being in the twilight of their lives, are left to struggle without any financial support or compassion from the very person who was expected to be their caretaker under the scheme of 1996.

15. This Court cannot be oblivious to the moral dimension that underlies the concept of compassionate appointment. The expression "dependent" under the Rules of 1996 is not a mere statutory label but embodies a moral and social responsibility towards the surviving family members of the deceased employee. When respondent No.4 chose to accept the appointment in substitution of the petitioner, who was the original nominee, she stepped into a position of trust. The principle of promissory estoppel squarely applies; having availed herself of the benefit upon a specific assurance, she cannot now disown the corresponding obligation.

16. I do not hesitate to observe that respondent No. 4 was not extended the benefit of compassionate appointment on account of her personal merit, qualification, competence, or any demonstrable eligibility. Her engagement did not arise from a regular process of public recruitment; no



advertisement was issued, no competitive selection was undertaken, and she did not undergo any written examination or interview as is ordinarily prescribed for appointments in public service. The appointment so conferred was, in substance, an act of grace—a compassionate indulgence of the State, flowing from its parens patriae responsibility to protect and support the dependents of its deceased employees.

17. The scheme of compassionate appointment is not intended to serve as an avenue for employment based on merit or achievement. Rather, it is a social welfare measure designed to mitigate the immediate hardship faced by the family of a government servant who dies in harness. Its singular purpose is to avert a situation of destitution and starvation, to provide immediate financial relief, and to ensure that the bereaved family is not left without means of subsistence.

18. In this benevolent framework, the expression “family” cannot be interpreted in a narrow or compartmentalized manner so as to mean the widow alone. It necessarily includes all those who were dependent upon the deceased employee at the time of his death namely, the parents, spouse, and children; for they together constitute a composite family unit bound by mutual dependency and shared vulnerability.

19. Consequently, when one member of such a family is extended the benefit of compassionate appointment, the appointment is not conferred in an individual capacity but as



a representative of the entire family. It therefore carries with it a corresponding moral and legal obligation to safeguard the interests of the other surviving dependents and to ensure their maintenance and well-being. This principle is not merely ethical but finds implicit recognition in the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996, which were framed precisely to uphold this humanitarian objective. Thus, the employment granted to respondent No. 4 cannot be viewed as a personal entitlement earned through merit or competitive process; it is, rather, a consequence of an unfortunate eventuality, intended to protect the deceased employee's family from deprivation. Having accepted the appointment under such a scheme, respondent No. 4 cannot be permitted to evade or repudiate her attendant responsibilities towards the other dependents of the deceased, for to do so would defeat both the letter and spirit of the compassionate appointment policy.

20. The authorities also failed to appreciate that the initial offer of compassionate appointment was extended in favour of the petitioner himself, and only upon consideration of family welfare was the same channelled in the name of respondent No.4. The petitioner, an aged man with no independent source of income and suffering from age-related ailments, has been left in a pitiable state. Such a situation, if permitted to continue, would make a mockery of the very ethos of



compassionate employment and erode public confidence in the fairness of administrative benevolence.

21. Therefore, while this Court refrains from delving into the personal choices of respondent No.4, it cannot countenance her breach of the solemn assurance to maintain her in-laws, nor can it permit her to enjoy the fruits of compassionate employment while neglecting those whose welfare formed the basis of such employment.

22. In the totality of the facts, keeping in view the petitioner's age, his medical condition, his proven dependency upon his deceased son, and the moral as well as equitable obligation of respondent No.4 flowing from her own affidavit (Annexure-7), this Court deems it just and proper to direct that from 01.11.2025 onwards, the respondent-department shall ensure deduction of ₹20,000/- (Rupees Twenty Thousand only) per month from the salary of respondent No.4, to be credited directly into the bank account of the petitioner towards his maintenance, which shall continue till his lifetime or until further orders of the competent authority.

23. With these observations and directions, the writ petition stands disposed of.

(FARJAND ALI),J

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