

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

S.B. Civil Writ Petition No. 11446/2025

Vikram Nath S/o Late Shri Moti Nath, Aged About 19 Years, R/o  
Dhani, Hariya Mali, Pali, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan, Through The Additional Chief Secretary, Energy Department, Government of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. Managing Director, Jodhpur Vidyut Vitran Nigam Limited, Office New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.
3. Secretary (Admn.), Jodhpur Vidyut Vitran Nigam Limited, Office New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.
4. Deputy Director (Headquarters), Jodhpur Vidyut Vitran Nigam Limited, Office New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.
5. Assistant Engineer, Jodhpur Vidyut Vitran Nigam Limited, Sojat Road, District Pali, Rajasthan.

-----Respondents

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|-------------------|---|-----------------------------------------------------|
| For Petitioner(s) | : | Mr. Manvendra Singh Rathore<br>Ms. Saumya Choudhary |
| For Respondent(s) | : | Mr. Manvendra Singh on behalf of<br>Mr. D.S. Sodha  |

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**HON'BLE MR. JUSTICE KULDEEP MATHUR**

**Order**

**Date of Reserve : 12/02/2026**

**Date of Pronouncement : 23/02/2026**

1. By way of filing the present writ petition under Article 226 of the Constitution of India, petitioner has prayed for the following reliefs:-

*"It is, therefore, humbly and respectfully prayed that this writ petition of the petitioner may kindly be allowed:-*

*A. By an appropriate writ order or direction, this writ petition may kindly be allowed and the respondent authority may be directed to kindly give appointment to the petitioner in place of his deceased father on compassionate grounds.*

*B. By an appropriate writ order or direction, the Communication dated 21.02.2025 (Annexure-01), wherein the application of the*

*petitioner for the purpose of compassionate appointment was rejected by the respondent authority on the ground that at the time of his father's death, the age of the petitioner was 15 years and 3 months; therefore, he can't be given compassionate appointment in place of his deceased father, may kindly be quashed and set aside, while extending him the benefit of appointment on compassionate basis.*

*C. By an appropriate writ order or direction, any order denying appointment on a compassionate basis to the petitioner in place of his deceased father on the ground that at the time of his father's death, the age of the petitioner was 15 years and 3 months, may kindly be quashed and set-aside.*

*D. By an appropriate writ order or the direction, the respondent authority may kindly be directed to consider petitioner's candidature for the purpose of compassionate appointment in place of his deceased father from the initial date filing the application with all of consequential benefits.*

*E. Or alternatively, by an appropriate writ order or respondent direction, the authority may kindly be directed to give an appointment to the mother or sister of the petitioner on compassionate grounds, and the petitioner may kindly be with accrued compensated along with interest on the ground of illegal and unexplained delay.*

*F. Any other appropriate writ, order or direction ....."*

2. The facts necessary for adjudication of the present controversy are that the father of the petitioner, Shri Motilal Nath, while working on the post of Helper in the office of the Assistant Engineer, Sojat, died on 12.05.2021. The petitioner, on 04.03.2024, submitted an application under the compassionate appointment rules prevailing in the respondent organization, i.e., Jodhpur Vidyut Vitran Nigam Ltd., seeking appointment to the post of C.A.-II, for which he possessed the requisite educational qualifications. The Secretary (Administration), Jodhpur Discom, Jodhpur, vide communication dated 21.02.2025 (Annexure-1), informed the petitioner that since he was a minor, i.e., aged about 15 years and 03 months at the time of the death of his father, he was not entitled to appointment as claimed. Accordingly, his original documents and application were returned.

3. Learned counsel for the petitioner vehemently submitted that no rule has been cited in the communication dated 21.02.2025

(Annexure-1) requiring that the minimum age of the dependent must be 16 years or above at the time of the death of the employee. He submitted that the rules governing compassionate appointment generally prescribe the minimum age for submitting an application, which pertains to eligibility at the time of application. Learned counsel further submitted that the ground of rejection of the petitioner's application for compassionate appointment as he was only 15 years and 03 months old at the time of his father's death is unsustainable in law. Therefore, the impugned communication dated 21.02.2025 (Annexure-1) deserves to be declared illegal and arbitrary.

4. Drawing the attention of the Court towards the orders dated 05.04.1997 and 18.11.1999 (Annexure-5), learned counsel submitted that in the case of the unfortunate death of an employee, it is the duty of the competent authority of the Department to promptly inform the widow and other dependents of the deceased employee about the provisions and procedure for claiming appointment on compassionate grounds. Learned counsel further submitted that employers have a duty to inform dependents of their rights under the compassionate appointment scheme, particularly when the dependents are minors or unaware of the procedural requirements.

5. Learned counsel submitted that in the present case, the father of the petitioner was a low-paid employee of the respondent organization, who died while battling COVID-19. Therefore, prompt action on the application submitted by the petitioner seeking compassionate appointment was expected on the part of the respondent so as to provide immediate relief to the bereaved

family of the deceased, thereby protecting the interests of the dependents of the employee who died in harness. On these grounds, learned counsel implored the Court to allow the present writ petition and appoint the petitioner in place of his deceased father on compassionate ground.

6. Heard learned counsel for the parties.

7. The communication dated 21.02.2025 (Annexure-1), issued from the office of the Secretary (Administration), Jodhpur Discom, Jodhpur, is reproduced below for ready reference:-

"उपरोक्त विषयान्तर्गत आप द्वारा श्री विक्रम नाथ पुत्र स्व. श्री मोतीनाथ पूर्व टेक्निशियन द्वितीय की निगम सेवा के दौरान दिनांक 12.05.2021 को मृत्यु होने के फलस्वरूप उनके स्थान पर अनुकंपात्मक आधार पर नियुक्ति हेतु प्रस्तुत प्रकरण का अवलोकन करने से यह विदित हुआ है कि श्री विक्रम नाथ की जन्मतिथि 13.02.2006 है जिसके अनुसार उनके पिता स्व. श्री मोतीनाथ की मृत्यु की तिथि को उनकी आयु मात्र 15 वर्ष 3 माह है. जबकि निगम के आदेश क्रमांक 324 प्रे 673 दिनांक 27.6.2019 (एडीएमएन 250) के अनुसार अनुकंपात्मक आधार पर नियुक्ति हेतु आवेदक की न्यूनतम आयु 16 वर्ष होने पर ही आवेदक को 18 वर्ष की आयु अर्जित होने पर नियमानुसार नियुक्ति प्रदान की जा सकेगा। अतः उक्त प्रकरण में किसी प्रकार की कार्यवाही अपेक्षित नहीं होन से प्रकरण के साथ प्रेषित किये गये मूल दस्तावेज आपको लौटाये जा रहे है। इस संबंध में स्व. श्री मोतीनाथ के अन्य पात्र आश्रितों द्वारा यदि अनुकंपात्मक आधार पर नियुक्ति हेतु आवेदन किया जाता है तो उस पर नियमानुसार विचार किया जा सकता है। सूचनार्थ प्रेषित है।"

8. This Court, after hearing learned counsel for the parties and perusing the impugned communication dated 21.02.2025 (Annexure-1), finds that, as per the respondents, compassionate appointment can be granted to the wards of a deceased Government servant only if, at the time of the employee's death, the dependent is above 16 years of age, i.e., the minimum age prescribed for submitting an application seeking compassionate appointment, which can thereafter be kept alive for consideration until he attains the age of majority, i.e., 18 years. Admittedly, in the present case, the petitioner was below the age of 16 years at the time of the death of his father.

9. In the opinion of this Court, although appointments on compassionate grounds are an exception to the general rule of

recruitment and are made to mitigate the hardship suffered by the family of a deceased Government employee, the Government/JdvvnI cannot be compelled to wait indefinitely until a minor child attains majority for submitting application for employment. It is to be noted that the eligibility or minimum age criteria has been prescribed only for the wards of the deceased Government employee and in cases where, considering the financial hardship suffered by the family, the widow of the deceased employee herself applies for compassionate appointment, no maximum age limit for consideration of such application is prescribed under the rules.

10. Thus, the action of the respondent in rejecting the petitioner's application seeking compassionate appointment on the ground that, at the time of his father's death, he did not meet the minimum age criteria prescribed for submitting the application, and therefore his claim for appointment could not be kept alive until he attained majority, cannot be faulted. The impugned communication dated 21.02.2025 (Annexure-1) does not suffer from any illegality or arbitrariness.

11. Consequently, the present writ petition is dismissed, being devoid of any merit.

12. The stay application also stands disposed of.

**(KULDEEP MATHUR),J**

Dinesh/-