

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1516/2026

Janita Kumari D/o Late Shri Jai Singh Poonia, aged about 28 Years, R/o Dulaniya, Tehsil Surajgarh, District Jhunjhunu, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan through Chief Secretary, State of Rajasthan, Secretariat, Jaipur.
2. Principal Secretary, Department of Home, Government Secretariat, Jaipur.
3. Director General of Police, Rajasthan, HQ, Lalkothi, Jaipur.
4. Commandant, 12th Battalion, RAC (IR), Vikaspuri, New Delhi.
5. Additional Director General of Police, Recruitment & Promotion Board/ Armed Battalions, Rajasthan, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Vinod Poonia
For Respondent(s) :

HON'BLE MR. JUSTICE ANAND SHARMA

Order

25/03/2026

1. This writ petition has been filed by the petitioner for seeking compassionate appointment under the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996 (for short, 'the Rules of 1996'), in place of his deceased father, who died on 17.09.2013.
2. It is stated in the writ petition that father of the petitioner was holding the post of Head Constable in 12th Battalion, RAC (IR) and was holding substantive post, however,

while he was in service, on 17.09.2013, he expired all of the sudden. His sudden death caused grave financial crisis in the family, as he was only the breadwinner in the entire family.

3. Learned counsel for the petitioner submits that the petitioner filed an application for seeking compassionate appointment on 23.10.2013, however, compassionate appointment was not granted to her on the pretext that the petitioner was married daughter of deceased Lt. Sh. Jai Singh Poonia.

4. Learned counsel for the petitioner also submits that vide notification dated 28.10.2021, an amendment has been made in the Rules of 1996, whereby even married daughter of deceased Government servant has been considered as family member and has been held eligible for seeking compassionate appointment under the Rules of 1996. After enforcement of such amendment under the Rules, the petitioner sent reminder letter dated 06.07.2022 to grant compassionate appointment to the petitioner in the light of amendment dated 28.10.2021, however, such request of the petitioner was turned down vide letter/order dated 03.01.2024. Petitioner approached this Court by way of filing S.B. Civil Writ Petition No.1284/2025, which was disposed of vide order dated 07.02.2025 passed by the Co-ordinate Bench of this Court granting liberty to the petitioner to submit representation and the writ petition was permitted to withdraw with such liberty.

5. Learned counsel for the petitioner further submits that pursuant to the liberty granted by order dated 07.02.2025, the petitioner submitted a representation, however, the representation has been dismissed vide order dated 28.11.2025 on the sole

ground that notification dated 28.10.2021, whereby the Rules of 1996 have been amended, cannot be applied retrospectively so as to cover the cases, where death has taken place wayback in the year 2013.

6. Learned counsel for the petitioner further submits that in **Civil Reference No.01/2022 (Priyanka Shrimali Vs. State of Rajasthan & Ors.)**, Larger Bench of this Court at Principal Seat, Jodhpur, has decided reference, whereby notification dated 28.10.2021 has been directed to be implemented even in the cases of married daughters.

7. Learned counsel for the petitioner also submits that in the case of **Lalita Bai & Anr. Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.17726/2016)** decided on 08.03.2023 by the Co-ordinate Bench of this Court, even in the case, where death has taken place prior to notification dated 28.10.2021, in the light of judgment of **Priyanka Shrimali (supra)**, directions were given by the Co-ordinate Bench of this Court to consider the candidature of the petitioner in that case for compassionate appointment in view of the notification dated 28.10.2021.

8. Learned counsel for the petitioner further submits that in the light of aforesaid judgment, the reasons assigned in order dated 28.11.2025 are not tenable in the eye of law and petitioner is entitled for compassionate appointment in place of her deceased father.

9. Heard learned counsel for the petitioner and perused the record.

10. Bare perusal of order dated 28.11.2025 passed by the Office of Commandant, 12th Battalion, R.A.C. (I.R.), New Delhi, would make it clear that candidature of the petitioner has been rejected solely on the ground that notification dated 28.10.2021 cannot be applied in the case, where death of deceased government servant took place in the year 2013, as the said notification is not retrospective in nature.

11. Be that as it may, the fact remains that death of the petitioner's father took place on 17.09.2013. It is a settled proposition of law that sole object of the Rules of 1996 is to provide immediate relief to the family facing financial distress on account of sudden death of sole breadwinner. Such Scheme was enacted in the form of rules so as to tide over the immediate financial crisis faced by the family and is not a Scheme for providing alternative source of recruitment.

12. The Hon'ble Supreme Court in the case of ***Sushma Gosain & Or.s Vs. Union of India & Ors.*** reported in **(1989) 4 SCC 468**, authoritatively held that compassionate appointment must be provided without delay, as the very rationale of the scheme is to relieve the family from immediate destitution caused by the death of the sole breadwinner. The Hon'ble Supreme Court emphasised that appointments should be made promptly and that the creation of supernumerary posts, if necessary, is permissible to serve the humanitarian purpose of the scheme. However, the Hon'ble Supreme Court also cautioned that undue delay defeats the very object of compassionate appointment, rendering such claims unsustainable.

13. In the case of ***Umesh Kumar Nagpal Vs. State of Haryana & Ors.*** reported in **(1994) 4 SCC 138**, the Hon'ble Supreme Court explained that compassionate appointment is an exception to the general rule of public employment and is intended *solely* to enable the family of a deceased employee, left in dire financial straits, to tide over the *immediate* financial crisis caused by the sudden death of the breadwinner. It is not a source of permanent recruitment or a vested right that can be exercised at any time in the future. The Hon'ble Supreme Court held that mere death in service does not automatically entitle the family to compassionate employment, and that compassionate appointment cannot be granted after the lapse of a reasonable period, because after such delay the very purpose of providing immediate relief is lost. The entitlement, thus, depends on immediacy of need and the financial condition of the family at the time of the employee's death, not on abstract entitlement.

14. The above legal position has been reiterated and fortified in subsequent decisions. In the case ***V. Sivamurthy Vs. State of Andhra Pradesh & Ors.*** reported in **(2008) 13 SCC 730**, the Hon'ble Supreme Court held that compassionate appointment is an exception designed to meet a transient crisis and cannot be invoked years after the death of the employee. The Court categorically observed that when a family survives for a long period after the demise of the employee, it must be presumed that the immediate financial crisis no longer exists. Claims raised after considerable delay, therefore, cannot be entertained, as they convert a humanitarian exception into a vested employment entitlement, which is impermissible in law.

15. More recently, in ***State of West Bengal Vs. Debabrata Tiwari & Ors.*** reported in **(2025) 5 SCC 712**, after having regard to the object of granting compassionate appointment, the Hon'ble Supreme Court reaffirmed that prolonged delay, whether attributable to the claimant or to administrative inaction, creates a strong presumption that the family has overcome the initial financial hardship. The Hon'ble Supreme Court held that compassionate appointment cannot be granted as a matter of course after years have elapsed and such belated claims are non-maintainable unless exceptional circumstances are demonstrated. It was further held that no vested right accrues to a dependent merely because an application was once made.

16. In the light of above judgments, where after discussing the object of the Scheme of compassionate appointment and effect of delay, it has been held that compassionate appointment cannot be granted after a lapse of a long period from the date of death of deceased government servant.

17. This Court does not find any ground to interfere in the instant writ petition, hence, the same is, dismissed.

18. Pending application(s), shall stand disposed of.

(ANAND SHARMA),J