

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 247/2024

In

S.B. Civil Writ Petition No. 1808/2024

CNR: RJHC020207562024 | URN: SAW / 666U / 2024

1.

Raju Lal Adopted Son Of Late Shri Ramdev Gurjar, Aged About 25 Years, R/o Gram Beejwad, Via Nasirda, Tehsil Deoli, District Tonk, Rajasthan.
2.

Smt. Jhooma @ Jhamkoo Devi W/o Late Shri Ramdev Gurjar, Aged About 65 Years, R/o Gram Beejwad, Via Nasirda, Tehsil Deoli, District Tonk, Rajasthan.

----Appellants

Versus

1.

State Of Rajasthan, Through Principal Secretary, Public Health Engineering Department, Secretariat, Jaipur, Rajasthan.
2.

The Chief Engineer (Administration), Public Health Engineering Department, P.h.e.d. Head Office Campus, Jal Bhawan, Jaipur, Rajasthan.
3.

Assistant Engineer, Public Health Engineering Department, City Sub-Division Viii, Adarsh Nagar, Ajmer, Rajasthan.

----Respondents

For Appellant(s)

:

Mr. C.P. Sharma.

For Respondent(s)

:

Ms. Mahi Yadav, AAG assisted by
Mr. Kuldeep Singh Rathore.

HON'BLE MR. JUSTICE INDERJEET SINGH

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

03/08/2026

1.

This appeal has been filed by the appellants challenging the order dated 09.02.2024 passed by the learned Single Judge in

S.B. Civil Writ Petition No.1808/2024, whereby the writ petition filed by the petitioners was dismissed.

2. Counsel appearing on behalf of the appellants submitted that the learned Single Judge failed to take into consideration the order dated 29.03.2023 (Annexure-6), whereby the civil suit filed by the appellants seeking declaration regarding adoption was decreed.

3. Counsel appearing on behalf of the respondents opposed the appeal and supported the order passed by the learned Single Judge.

4. We have considered the submissions made by counsel for the parties and have gone through the order passed by the learned Single Judge.

5. The learned Single Judge in the order dated 09.02.2024 in paras No.3 to 7 held as under:-

"3. Heard and considered.

4. The law on compassionate appointment is fairly well settled. The Hon'ble Apex Court in the case of Fertilizers and Chemicals Travancore Ltd. and Ors. vs. Anusree K.B.: AIR 2022 SC 4766 held as under:

"Thus, as per the law laid down by this Court in the aforesaid decisions, compassionate appointment is an exception to the general Rule of appointment in the public services and is in favour of the dependents of a deceased dying in harness and leaving his family in penury and without any means of livelihood, and in such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the Rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is, thus, to enable the family to tide over the sudden crisis. The object is not to give such family a post much less a post held by the deceased. Applying the law laid down by this Court in

the aforesaid decisions to the facts of the case on hand and considering the observations made hereinabove and the object and purpose for which the appointment on compassionate ground is provided, the Respondent shall not be entitled to the appointment on compassionate ground on the death of her father, who died in the year 1995. After a period of 24 years from the death of the deceased employee, the Respondent shall not be entitled to the appointment on compassionate ground. If such an appointment is made now and/or after a period of 14/24 years, the same shall be against the object and purpose for which the appointment on compassionate ground is provided."

5. The Hon'ble Apex Court in the case of Steel Authority of India vs. Gouri Devi: AIR 2022 SC 783 held as under:

"It is further observed that once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no need to make appointment on compassionate ground at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution."

6. The Hon'ble Apex Court in the case of Central Coalfields Ltd. vs. Parden Oraon: AIR 2021 SC 1876 held as under:

"The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis which arises due to the death of the sole breadwinner. The mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that the job is offered to the eligible member of the family (Umesh Kumar Nagpal v. State of Haryana: (1994) 4 SCC 138). It was further asseverated in the said judgment that compassionate employment cannot be granted after a lapse of reasonable period as the consideration of such employment is not a vested right which can be exercised at any time in the future. It was further held that the object of compassionate appointment is to enable the family to get over the financial

crisis that it faces at the time of the death of sole breadwinner, compassionate appointment cannot be claimed or offered after a significant lapse of time and after the crisis is over.”

7. Relying upon the above quoted judgments of Hon’ble Apex Court, the present petition is liable to be dismissed solely on the ground that the application for compassionate appointment cannot be considered after long period of about 10-11 years from the date of death of the government servant, as allowing the petition would essentially defeat the basic purpose of compassionate appointment.”

6. We are in complete agreement with the view taken by the learned Single Judge that the subsequent decree of adoption granted in favour of the appellants does not entitle them to compassionate appointment, as they did not fulfill the eligibility conditions prescribed under the relevant Rules on the date of submitting their application.

7. In view of the above, we find no illegality or infirmity in the order passed by the learned Single Judge.

8. Accordingly, the appeal stands dismissed.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J