

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 209/2024

Smt. Surji Bai W/o Shri Sohan Lal, Aged About 60 Years, R/o Ward No. 23, Harijan Basti, Lakheri, District Bundi, Rajasthan.

----Appellant

Versus

1.

State Of Rajasthan, Through Secretary, Local Self Government Department, Secretariat, Jaipur.
2.

Director, Local Self Government Department, Near 22 Godam Puliya, Jaipur.
3.

Nagar Palika Lakheri, Through Executive Officer, District Bundi, Rajasthan.

----Respondents

For Appellant(s)

:

Mr. Kailash Chander Sharma

For Respondent(s)

:

Mr. G.S. Gill, AAG
Ms. Shikha Sharma
Mr. Dev Kumar

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

23/02/2026

This appeal has been filed by the appellant challenging the order dated 14.02.2024 passed by the learned Single Judge whereby the writ petition filed by the appellant has been dismissed on the ground of delay and laches.

Counsel for the appellant submitted that the husband of the appellant expired in the year 1988 and the respondents are not allowing family pension to her. Counsel further submits that the learned Single Judge has wrongly dismissed the writ petition on the ground of delay and laches.

Counsel for the appellant relied upon the judgment passed by the Honble Supreme Court in the matter of S.K. Mastan Bee Vs. General Manager, South Central Railway and Another reported in 2003 (1) SCC 184.

Counsel further relied upon the judgment passed by the Division Bench of this Court in the matter of Smt. Rukma Vs. State of Rajasthan & Ors. reported in 2000 (3) WLC 102.

Counsel further relied upon Rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996.

Counsel for the respondents opposed the submissions and submitted that the appellant was also a regular employee in the Municipal Board and on account of death of the deceased employee Sohan Lal, his son Raju has been given compassionate appointment by the respondents vide order dated 30.12.1989. Counsel further submits that the appellant herself was negligent in not raising any objection with regard to grant of family pension and the learned Single Judge has rightly dismissed the writ petition filed on behalf of the appellant on the ground of inordinate delay in raising the dispute after 33 years.

The respondents have filed reply and in para Nos.II,III & IV of the Preliminary Objections, stated as under:-

“II. That Shri Sohan Lal late husband of the petitioner was appointed on the post of Safai Karamchari on 1.2.1980 and he died on 22.11.1988, thus rendering a total service of 8 years, 9 months and 21 days. It is humbly submitted that rule 13 of the Rajasthan Municipal Service (Pension) Rules, 1989 (hereinafter referred to as the Rules of 1989) deals with regulation of pension. It provides that the amount of pension shall be determined at 50% of Emoluments but shall be related to the maximum qualifying service

of 33 years. In the case of an employee, who at the time of retirement has rendered qualifying service of 10 years or more but less than 33 years, the amount of his pension shall be such proportion of the maximum admissible pension as the qualifying service rendered by him bears to the maximum qualifying service of 33 years. In the present case since late Shri Sohan Lal did not complete the qualifying service of 10 years, the petitioner is not entitled to any family pension. The writ petition is, therefore, wholly devoid of any substance and the same deserves to be dismissed.

III. That it is also pertinent to submit here that the petitioner Smt. Suraji Bai was also a regular employees of the Municipal Board Lakheri and she was appointed on the post of Safai Karamchari on 1.9.1980 and she retired from service on attaining the age of superannuation on 31.1.2014 and after her retirement she is regularly receiving pension. A copy of the order of retirement of the petitioner dated 16.4.2013 and copy of PPO No.779351 dated 4.2.2014 are submitted herewith and marked as ANNEXURES R-1 & R-2 respectively.

IV. That it is further pertinent to submit here that in place of deceased employee Shri Sohan Lal, his was given appointment son Raju on order dated as compassionate ground vide 30.12.1989. A copy of the order dated 30.12.1989 is submitted herewith and marked ANNEXURE R-3. However, these relevant and material facts have not been disclosed by the petitioner in the writ petition. The petitioner has thus not approached the Hon'ble Court with clean hands and she is not entitled to any relief in writ jurisdiction under Article 226 of the Constitution of India."

Heard counsel for the parties and perused the record.

We have gone through the order passed by the learned Single Judge as well as the judgments relied upon by counsel for the appellant. We are in complete agreement with the view taken

by the learned Single Judge dismissing the writ petition relying upon the judgments passed by the Hon'ble Supreme Court.

We have also considered the fact that the appellant herself was employed with the respondent and son of the appellant was given compassionate appointment by the respondents on account of death of the deceased employee Sohan Lal. In our considered view, the appellant herself was negligent in raising the dispute after a delay of 33 years with regard to grant of family pension.

In that view of the matter, this appeal stands dismissed.

(RAVI CHIRANIA),J

(INDERJEET SINGH),J