

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8521/2023

Smt. Sunderi WD/o Late Chetram, Aged About 38 Years,
Resident of Village Nangal Panditpura, Tehsil Kotputli, District
Jaipur.

-----Petitioner

Versus

1. State of Rajasthan, Through Its Principal Secretary, Public Works Department, Govt. Of Rajasthan, Govt. Secretariat, Jaipur.
2. Executive Engineer, Public Works Department Division, Kotputli, District Jaipur.
3. Assistant Engineer, PWD, Sub-Division Kotputli, District Jaipur
4. Smt. Murti Devi Widow of Late Shri Ram Swaroop, Resident of Village Nangal Panditpura, Tehsil Kotputli, District Jaipur

-----Respondents

For Petitioner(s)	:	Mr. R.C. Goutam, Ms. Nilanjna Gautam
For Respondent(s)	:	Mr. Dheeraj Tripathi, AGC Ms. Chanchal Gautam

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

09/04/2026

1. The petitioner, Sunderi widow of late Shri Chetram aged about 38 years, has filed the instant writ petition with the prayer to give her appointment on compassionate basis in place of her father-in-law who was working with the respondents and died while in service on 19.11.2016.
2. Learned counsel for the petitioner submits that the petitioner submitted an application for compassionate appointment against father-in-law, who was working with the respondents.

The application was filed on time, however, with some delay, which is not serious and considering the same, the respondents forwarded the application to the Higher Authorities, however, the same was not considered and rejected by the respondents on the ground that the petitioner is daughter-in-law and not a dependent in terms of Rajasthan Compassionate Appointment of Dependents of Deceased Government Rules, 1996 (for short '**Rules of 1996**' for short). Being aggrieved by the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that daughter-in-law is a dependent and the issue in this regard is no more res-integra as Division Bench of this Court in **D.B. Special Appeal (Writ) No.383/2023 titled as State of Rajasthan and Anr. Vs. Sushila Devi**, decided on 04.07.2023, examined the same issue in the light of the previous judgment passed by this Court and on that basis daughter-in-law 'being a dependent' was held entitled for compassionate appointment. In view thereof, he prayed that she may also be considered for appointment on compassionate basis in terms of the judgment passed by the Division Bench of this Court in terms of **Sushila Devi** (supra).

4. Learned counsel for the respondents - State though objected to the appointment, however, could not dispute the fact that the Division Bench of this Court in the case of **Sushila Devi** (supra) has considered the similar issue and daughter-in-law was held to be eligible for compassionate appointment by liberal interpretation of the term 'dependent' under the Rules of 1996.

5. This Court considered the facts of the case, where petitioner the daughter-in-law informed the respondents that, as her

husband died on 25.05.2020 and after his death she is the only member in the house to take care of all the dependents in the family. The Division Bench in the case of **Sushila Devi** (supra) has dealt with the similar issue, in which it examined the judgment passed by the learned Single Judge in the case of **Smt. Pinki Vs. State of Rajasthan & Ors.**¹.

6. The Division Bench in the case of **Sushila Devi** (supra) considered the definition of the term '**dependent**' and by doing liberal interpretation of the term accepted the judgment of the learned Single Judge, as passed in the case of **Smt. Pinki** (supra) and directed the respondents to consider the case of the daughter-in-law for compassionate appointment. The relevant part of the judgment passed in the case of **Sushila Devi** (supra) reads as under:-

"19. In the present case, when the government employee died, her son applied for compassionate appointment but before he could be granted compassionate appointment, he also died. In these exceptional circumstances the writ petitioner, widowed daughter-in-law applied for compassionate appointment. Once the dependency of the writ petitioner is not in dispute, we are of the view that the provisions contained in Section 2(c) of the Rules of 1996 which define 'dependent' needs to be liberally construed so as to include not only a widowed daughter but also a widowed daughter-in-law. In the case of Smt. Pinky Vs. State of Rajasthan & Ors (supra) interpretation, based on cardinal principle was as below: -

9. Lord Denning in *Magor and St Mellons v. Newport Borough Council* (1952) HL, said that

1 2012 (1) WLC (Raj.) 431

"we sit here to find out the intention of Parliament and carry it out and we do this better by filling in the gaps and making sense of the enactment than by opening it up to destructive analysis". Justice Aharon Barak, President of the Supreme Court of Israel, while discussing the scope of doctrine of the "purposive interpretation" pointed out that "in carrying out a purposive interpretation of a constitution or a statute, it is necessary to distinguish between its subjective and objective purposes. The subjective purpose of a constitution or statute is the actual intent that the authors of it, namely, the framers of the constitution or the legislature, respectively, held at the time of the making of the constitution or the statute. On the other hand, the objective purpose is not what the author actually intended but rather what a hypothetical reasonable author would have intended, given the context of the underlying legal system, history and values, etc. of the society for which he is making law. This objective purpose will thus usually be interpreted to include the realization, through the given legal text, of the fundamental or core values of the legal system."

10. The Francis Bennion in a book of Statutory Interpretation (4th edition 2002 page 810) defined the purposive interpretation as under:-

"A purposive construction of an enactment is one which gives effect to the legislative purpose by: (a) following the literal meaning of the enactment where that meaning is in accordance with the legislative purpose, or (b) applying a strained meaning where the literal meaning is not in accordance with the legislative purpose."

11. The doctrine aforesaid is not alien to our jurisprudence also. The only caution given by the Apex Court in several judgments including the J.P.Bansal v. State of Rajasthan & Anr. (AIR 2003 SC 1405) and State of Jharkhand v. Govind Singh & Anr. (JT 2004(10) SC 349) is that the effect of such interpretation of a statute in no case should be of amending the law.

12. From the discussion above, it is clear that in exceptional cases, without having any effect of amending the law the Courts with a view to bring the law as per the reasonable and purposive intention of the law maker and also looking to all relevant objective conditions may adopt the doctrine of "purposive interpretation".

13. Now coming to the Rules of 1996, purpose of which is to provide a respite by way of employing his/her dependent during the time of distress/harness due to unexpected death of a government servant, it is to be examined that whether non-inclusion of "widowed daughter-in-law", as suggested by learned counsel for the respondents serves the purpose of the Rules or ultimately the intent of the author of the Rules. The scope of the Rules of 1996, as per Rule 4 is to govern appointment of the deceased government servant on compassionate grounds without conferring any right for a particular post. The Rule 5 of the Rules of 1996 provides certain conditions for appointment and those are:-

"(1)When a Government servant dies while in service one of his/her dependents may be considered for appointment in Government service subject to the condition that employment under these rules shall not be

admissible in cases where the spouse or at least one of the sons, unmarried daughters, adopted son/adopted unmarried daughter of the deceased Government servant is already employed on regular basis under the central/ any State Government or Statutory Board, Organisation/Corporation owned or controlled wholly or partially by the Central/any State Government at the time of death of the Government servant. Provided that this condition shall not apply where the widow seeks employment for herself.

(2) Appointment under these rules shall be given on the condition that the person appointed on compassionate ground shall maintain properly the other family members who were dependent on the deceased Government servant and on furnishing an undertaking in writing that he/she shall maintain properly the other family members who were dependent on the deceased Government Servant. If subsequently, at any time, it is proved that such dependent family members are being neglected or are not being not being maintained properly by him, the appointment may be terminated by the Appointing Authority after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him to explain why his services should not be terminated."

14. At this point, the reference of the definition of the "Dependent" as given in Rule 2(c) of the Rules of 1996 shall be worthwhile which brings spouse, son, unmarried daughter or widowed daughter, adopted unmarried daughter and adopted son in its ambit, and as per Rule 5(1)

the admissibility for appointment under the Rules of 1996 is not available, where the spouse or at least one of the sons, unmarried daughters, adopted son/adopted unmarried daughter of the deceased government servant is already employed on regular basis under the Central/any other State or the Statutory Board, Organisation/Corporation owned or controlled wholly or partially by the Central or any other State Government at the time of death of the government servant.

15. It is quite important to notice here that sub Rule(1) of Rule 5 of the Rules of 1996 do not mention about a widowed daughter who is otherwise a dependent as per Rule 2(c). This exclusion is having a significance. If the law framing authority was to provide inadmissibility for appointment on simplicitor employment of any dependent, then "widowed daughter" should have also been referred in Rule 5(1), but that has not been done purposely. The exclusion of the "widowed daughter" in Rule 5(1) is made only with a view that such a daughter is supposed to serve and support her in-laws and her own children also, therefore, even if she is having some employment with the institutions referred in sub-rule(1) of Rule 5, the other dependents shall be having admissibility for compassionate appointments. The exclusion of "widowed daughter" in Rule 5(1) in quite unambiguous terms depicts that the author of the Rules were aware about the fact that a "daughter-in-law", who also happens to be a "widowed daughter" is supposed to serve her inlaws, her children and also her parental family.

16. The question now arise that if the law making authority was aware about the position of "widowed daughter-in-law" then why in the category of dependents under Rule 2(c) of the Rules of 1996, she as not been placed in explicit? To resolve this knot, a look on the relations expressly referred in the definition of dependents is desirable. The relations of spouse, son, adopted son, unmarried or adopted unmarried daughter in no way can include the relation of "widowed daughter-in-law", however, the term "widowed daughter" appears to be quite wide and that may include "widowed daughter-in-law" for the purpose of these rules.

17. If the rule makers were intending to exclude "widowed daughter-in-law" from the category of dependents, then they would have include "widowed daughter" in the category of dependents, employment of whom makes appointment on compassionate grounds inadmissible under the Rules of 1996, but it has not been done. Meaning thereby, a "widowed daughter" is also a "widowed daughter-in-law", who is supposed to serve her in-laws and children. Thus, it appears that he term "widowed daughter-in-law" is part of "widowed daughter".

7. In view of the fact that the daughter-in-law was held entitled for compassionate appointment in terms of the above judgment, objection raised by the respondents in the present case is tenable in the eye of law. Though, the Division Bench passed the judgment in the year 2023 while affirming the judgment passed by the learned Single Judge as passed in the year 2012, however,

the respondents being the same department here still have raised the same objection again.

8. This Court is surprised to note that the judgment was passed in the case of **Sushila Devi** (supra) in the year 2023 and despite knowing the law as settled by the Division Bench still the same objection was taken by the respondents in the reply in the present case, which is unreasonable and unjustified.

9. In view of the judgment passed by the Division Bench in the case of **Sushila Devi** (supra), this Court directs the respondents to consider the case of the petitioner for compassionate appointment within a period of thirty days from the date of passing of this order.

10. It is expected that the respondents will not take any further technical objection while considering the case of the petitioner and will give her compassionate appointment without any further delay even for a day. In case unnecessary delay is caused by the respondent-Department, Suo Moto contempt proceedings would be initiated against the responsible officials. The respondents are further directed to file compliance report of this order within a period of 45 days.

11. In view thereof, the present writ petition is allowed.

12. All pending application(s) stands disposed of.

13. List the matter for compliance of the order on 25.05.2026.

(RAVI CHIRANIA),J