

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 750/2025

Ashik Ali S/o Late Shri Haider Ali Shekh, Aged About 74 Years,
R/o Panchayt Samiti Bhinai, District Ajmer

----Appellant

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Panchayat And Rural Development Secretariat Jaipur
2. Chief Executive Officer, Zila Parishad, Ajmer.
3. Additional Chief Executive Officer, Zila Parishad Ajmer

----Respondents

For Appellant(s)	:	Mr. Madhu Sudan Sharma
For Respondent(s)	:	

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

Order

27/03/2026

1. This appeal has been filed by the appellant against the order dated 17.04.2025 passed by the learned Single Judge of this Court.
2. Brief facts of the case are that the appellant had applied for compassionate appointment in place of his father who died while in service in the year 1999. The appellant was denied appointment by the respondents on the ground of pendency of the criminal case under Sections 147, 148, 149, 323, 324, 452, 307 and 427 IPC. Thereafter, the appellant filed writ petition in the year 2000 before this Court, which was dismissed by the learned Single Judge vide order dated 17.04.2025. Consequently, the present special appeal (writ) has been filed.

3. Learned counsel for the appellant submitted that the appellant who although convicted in the criminal case lodged against him, but he has been granted the benefit of Probation as well as benefits under Section 4/12 of the Probation of Offenders Act, 1958.

4. Learned Single Judge while deciding the writ petition in para Nos.8, 9 & 10 held as under:-

"8. Contention of the petitioner that in the aforesaid criminal case, subsequently on conclusion of the trial he has been granted the benefit of probation as well as benefits under Section 12 of the Act of 1958, is of no consequence for the reason that the consideration of character of the candidate was to be made on the date on which application was being considered by the competent authority. Admittedly, on the date of consideration of the application, a criminal case was pending against the petitioner. Hence, the application filed by the petitioner for appointment has rightly been rejected by the respondents.

9. In the judgment of Avtar Singh (supra) cited by the petitioner, the Hon'ble Apex Court has held that the verification of character and antecedents of the candidate is necessary to find out fitness of the incumbent and has also held that even if acquittal has been made, employer may consider nature of offence, whether acquittal is honourable or giving benefit of doubt on technical reasons and decline to appoint a person who is unfit or dubious character. In the instant case, even if conclusion of trial of the petitioner in the above criminal case is taken into

consideration (although such conclusion took place much later) even then it is a matter of fact that the petitioner was convicted for the charges levelled against him. Hence, the aforesaid judgment of Avtar Singh (supra) is not applicable in the case of the petitioner. The other judgment of Shiv Prasad Meena (supra) is also of no help to the petitioner for the reason that on the date of consideration of application, a criminal case was pending against the petitioner. Judgment of Manoj Kumar (supra) is altogether different facts and different points. Hence, the same does not apply to the present facts of the case.

10. In view of the above discussion, I do not find any merit and substance in the writ petition filed by the petitioner, more so, in the light of the fact that compassionate appointment is always objected to give immediately relief to bereaved family and after such a lapse long time, even otherwise no purpose is likely to be fulfilled by seeking compassionate appointment."

5. We have heard learned counsel for the appellant and perused the material available on record.

6. Admittedly at the time of filing of the application, the appellant was 49 years old and after a long passage of time, the petitioner is now 74 years. The object of granting compassionate appointment is to provide immediate relief to the bereaved family and therefore after such a long lapse of time, no purpose would be fulfilled for granting compassionate appointment and also considering the age of the petitioner as of now is 74 years, no case is made out for interference.

7. Accordingly, the present appeal is dismissed.



8. All pending application(s), if any, stands dismissed.

(RAVI CHIRANIA),J

(INDERJEET SINGH),J

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