

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19148/2025

Deepmala Saini W/o Late Sh. Phool Chand Saini, Aged About 51 Years, Resident Of Lisodawala Kuan, Near Bus Stand, Alwar (Rajasthan).

-----Petitioner

Versus

1. Jaipur Vidyut Vitran Nigam Limited, Through The Managing Director, Having Its Office At Vidyut Bhawan, Jyoti Nagar, Jaipur (Rajasthan).
2. Office Of The Assistant Secretary (Recruitment), Through The Assistant Secretary, Having Its Office At Vidyut Bhawan, Jyoti Nagar, Jaipur (Rajasthan).
3. Office Of The Superintending Engineer (Operations And Maintenance), Through The Superintending Engineer, Jaipur Discom Having Its Office At Near Kali Mori Fatak, Alwar (Rajasthan).
4. Office Of The Assistant Engineer (A-Fourth), Through The Assistant Engineer, Jaipur Discom Having Its Office At Alwar (Rajasthan).
5. Shivam Saini S/o Late Sh. Phool Chand Saini, Aged About 28 Years, Presently Working On The Post Of Commercial Assistant-Ii, At Office Of The Assistant Engineer (A-Iv), Jaipur Discom, Alwar (Rajasthan).

-----Respondents

For Petitioner(s) : Mr. David Mehla

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

10/12/2025

1. Instant writ petition is preferred by petitioner with following prayer:

I. To directing the official respondents to take immediate action in accordance with Regulation

5(2) of the JVVNL Compassionate Appointment Regulations, 2016 against respondent No. 5 for violation of the mandatory condition of maintaining the dependent family members of the deceased employee.

II. To Direct the official respondents to initiate and conclude termination proceedings against respondent No. 5 for non-maintenance of the petitioner and for violation of the affidavit/undertaking furnished at the time compassionate appointment.

III. Or in the alternative, Direct respondent No. 5 to provide adequate monthly maintenance to the petitioner in terms of the undertaking and the conditions of compassionate appointment.

IV. To Direct the official respondents to consider and decide all pending representations made by the petitioner, strictly in accordance with law, within a time-bound manner.

2. Learned counsel for petitioner submits that petitioner is a widow of Late Sh. Phool Chand Saini, who died in harness on 23.09.2023 but after his demise, respondent No.5, who is son of present petitioner was granted compassionate appointment in place of Sh. Phool Chand Saini. He further submitted that despite written undertaking by respondent No.5 to maintain family members in particular petitioner, the respondent No.5 has completely neglected his obligations. He further submitted that the very object of compassionate appointment was frustrated by respondent No.5 and a serious action is required to be taken by respondent No.1 to 4 against respondent No.5.

3. Having considered the submissions and also the object behind the compassionate appointment scheme under Rajasthan Compassionate Appointment Of Dependents Of Deceased Government Servants Rules, 1996, it is apparent that the primary purpose is to provide humanitarian relief from financial destitution and appointment to member of family of deceased who undertake to maintain family.
4. Herein this case, the petitioner, who is a widow of deceased government servant has also submitted no objection for securing appointment of her own son (respondent No.5) but now she is having grievance against respondent No.5. There is a famous saying "If child is worthy and dutiful then why save money, if child is unworthy and useless then why save money."
5. Herein this case, the petitioner has an option to raise an issue under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and also under the Domestic Violence Act and Section 144 of BNSS (corresponding Section 125 of Cr.P.C.) to claim maintenance from respondent No.5. The petitioner has also an option to file complaint and representation to respondent Nos. 1 to 4, who are duty bound to take action against respondent No.5, if it is violation of undertaking submitted by respondent No.5, therefore considering the personal action claim of petitioner, it is appropriate to dispose of the writ petition with liberty to the petitioner.

6. The writ petition is disposed of with liberty to the petitioner to agitate issue of maintenance or any other financial relief under any of the law by instituting an appropriate proceedings and also making a complaint to respondent Nos. 1 to 4 against respondent No.5. The Respondent Nos. 1 to 4 shall enquire into the complaint, if made by petitioner and initiate an action against the respondent No.5, if the allegations are found to be true.
7. With aforesaid, instant writ petition along with misc. application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J