
(2018) 03 RAJ CK 0139

In the Rajasthan High Court

Case No : Special Appeal Writ No. 790 of 2013

Ajmer Vidhyut Vitran Nigam, Ltd. @APPELLANT@Hash Smt. Laxmi Devi

Date of Decision : 06-03-2018

Acts Referred:

Rajasthan Compassionate Appointment Of Dependants of Deceased Government Servants Rules, 1996 — Rule 2(c)

Citation : (2018) 03 RAJ CK 0139

Hon'ble Judges : PRADEEP NANDRAJOG, CJ; VINIT KUMAR MATHUR, J

Bench : Division Bench

Advocate : Ravi Bhansali, Vipul Dharania, V.N. Kalla

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the parties.

2. At the outset it may be noted that the writ petition was decided without calling for a response and thus the appellants could not bring to the notice of

the learned Judge who allowed the writ petition filed by the respondent that the respondent was married and was living with her husband who was

gainfully employed with M/s Bhuwal Synthetics.

3. The relevant facts would be that Sushil Kumar son of the respondent was an employee of the appellant and died in harness on 07.11.2012. The

respondent sought employment on compassionate basis. The application was rejected in view of the definition of dependent as per rule 2(c) of the

Rajasthan Compassionate Appointment Of Dependants of Deceased Government Servants Rules, 1996 which were adopted by the appellant. The

Rule reads as under:

â??2(c) â??dependentâ?? means a spouse, son, unmarried or widowed daughter, adopted son/daughter legally adopted by the deceased Government

servant during his/her life time and who are wholly dependent on the deceased Government servant at the time of his death.â??

4. The arguments of the appellant was that as per the definition, a dependent would be: spouse, son, unmarried or widowed daughter, adopted

son/daughter of the deceased Government servant who was wholly dependent on the deceased Government servant.

5. The respondent argued that Rule had two distinct parts and defined a dependent to mean spouse, son, unmarried or widowed daughter, adopted

son/daughter and thereafter includes all those who are wholly dependent on the deceased Government servant.

6. The learned Single Judge has found favour with the arguments advanced by the respondents.

7. A perusal of the definition of â??dependentâ?? shows that at first instances the category of relations are enlisted and for purpose of dependent

using the word â??andâ?? requires dependency to be the additional factor. A plain reading of the definition shows as aforesaid and thus the view

taken by the learned Single Judge is incorrect.

8. We note that the respondent had not challenge the vires of the Rules which exclude a dependent parent of the deceased Government servant as

entitled to appointment on compassionate basis.

9. The respondent is having a husband who is living and gainfully employed. Thus she cannot be said to be wholly dependent upon her deceased son.

10. The appeal is allowed. The impugned order dated 07.05.2013 is set aside. The writ petition filed by the respondent is dismissed.