
(2009) 09 RAJ CK 0001
In the Rajasthan High Court

Gajendra Singh

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

Date of Decision : 14-09-2009

Acts Referred:

Rajasthan Compassionate Appointment of Dependants of Deceased Government
Servant Rules, 1996 — Rule 2

Citation : (2010) 1 WLN 549

Hon'ble Judges : P.C. Tatia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prakash Tatia, J.—Heard learned Counsel for the parties.

2. One prabhu Singh was working as Class-IV employee in the office of Commissioner (Elementary Education) Bikaner. He died while in service on 03.02.2008. The said employee prabhu Singh had only one son of Sh. Narayan Singh who died on 22.06.2001 leaving behind his one son Gajendra Singh and three daughters. The deceased prabhu Singh in his wife time executed will on 13.12.2005 which was presented for registration on 13.12.2005 and it has been registered. In this will also, the deceased prabhu Singh clearly mentioned that he has only one son and he also died leaving behind his grand-son Gajendra Singh. Said Gajendra Singh applied for appointment on compassionate ground under the Rajasthan Compassionate Appointment of Dependants of Deceased Government Servants Rules, 1996. The petitioner Gajendra Singh's application was rejected by the respondents vide order 31.03.2008 (Annexure 5) merely on the ground that since petitioner Gajendra Singh is grand-son of the diseased, therefore, is not entitled to give appointment on compassionate ground under the Rule of 1996.

3. Learned Counsel for the State vehemently submitted that the petitioner being grand-son of the deceased employee cannot be given appointment under the Rules of 1996 as the dependant with reference to the employee has been defined

in the Rules of 1996 wherein grand-son has not been included. It is also submitted that the respondents yet to enquire whether the petitioner is the only son of the deceased government employee or not.

4. I have considered the submissions of the learned Counsel for the parties. It is true that in the definition "Dependant" given in Clause (c) of Rule 2 of Rules of 1996, it has been provided that "Dependant" 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 were wholly dependant on the deceased Government servant at the time of his/her death; but at the same time, it is clear from the Rules of 1996 itself that the intention is to give support to the family of employee who dies while in service leaving behind any of his family members who was dependant upon the deceased employee and to support those dependants, the provision has been made for giving appointment in peculiar facts and circumstances. As per the petitioner, the petitioner is the only grand-son as well as his father was the only son of the deceased employee and petitioner's father has already died and he was dependant upon the deceased employee.

5. In view of the above reasons, even if specifically the grand-son has not been included in the definition of dependant even then by virtue of unfortunate event of death of son of government employee's before government servant's death grand-son is valid claimant for the appointment under the Rules of 1996 as he was wholly dependant on the deceased government employee at the time of the death of government servant.

6. In view of the above reasons, the writ petition of the petitioner is allowed, the order of the respondents dated 31.03.2008 (Annex. 5) is quashed. However, it is made clear that the respondent may further enquire whether the petitioner's father was the only son of the deceased employee Prabhu Singh and petitioner was wholly dependent upon the deceased government employee at the time of death of said employee. Any exercise which the respondent wants to do, they shall complete within a period of two months from today and shall pass appropriate order of giving appointment to the petitioner if they are satisfied that the petitioner is the son of only son of the deceased employee and was wholly dependant upon the government servant prabhu Singh who died while in service.