
(2007) 04 RAJ CK 0015
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1918 of 2005

Keli Devi (Smt.)

APPELLANT

Vs

Rajasthan State Road Transport Corporation and Another

RESPONDENT

Date of Decision : 16-04-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 2 WLN 154

Hon'ble Judges : H.R. Panwar, J

Bench : Single Bench

Judgement

H.R. Panwar, J.—By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to consider and provide her compassionate appointment as also to pay the payment of unutilized privilege leave, provident fund, insurance, extra duty allowance etc. with interest @ 18% per annum.

2. A reply to the writ petition has been filed by the respondents. In para 6 of the reply, it has been stated that the petitioner has been paid a sum of Rs. 25,000/- and Rs. 5,60,700/- has been deposited before the Workmen Compensation, Sirohi in compliance of the order date 03.05.2002 in a claim case being Suit No. 03/2001. The petitioner has also been paid a sum of Rs. 6267/- against unutilized privilege leave and Rs. 18,619/- as final payment of GPF and Rs. 25,000/- against the workman welfare fund vide order dt. 18.10.2001.

3. Learned Counsel for the petitioner submits that gratuity payment has not been paid. However, in para 9 of the reply, it has been stated that the gratuity amount of Rs. 18767/- has been paid to the petitioner on 09.06.2005. In the circumstances, therefore, the relief No. (i) prayed for has already been granted to the petitioner by the respondents. So far as question of relief No. (ii) with regard to compassionate appointment is concerned, the respondent came with a case that there is no vacant post, however, learned Counsel for the respondents has shown me an office order No. Mukhya/Karmik/1-C/06/495 dt. 14.06.2006,

wherein the posts for compassionate appointment have been sanctioned for Security Guard, IVth Class Employee/ Sweeper. It has also been made clear that for considering the compassionate appointment, the educational qualification can be relaxed in view of Rule 7(2) of the Rules. Thus, there is no impediment now for providing the compassionate appointment to the petitioner. The petitioner is eligible for the compassionate appointment as she fulfills the requirement to the extent that her husband died while in service of the respondents. In this view of the matter, the writ petition deserves to be allowed to the extent directing the respondents to consider and provide the compassionate appointment to the petitioner on the post of Class-IV Employee/Sweeper, if found suitable, in view of the order dt. 14.06.2006. The respondents are directed to consider and provide the compassionate appointment to the petitioner on the suitable post. This exercise will be done within four months from today.

4. With these directions, the writ petition is allowed. Stay petition stands disposed of. There shall be no order as to costs.