
(2007) 07 RAJ CK 0112
In the Rajasthan High Court

Santosh Bai

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 27-07-2007

Acts Referred:

Citation : (2008) 1 RLW 613

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ashok Parihar, J.—Husband of the petitioner died while in service on 31.3.1995. Petitioner being widow with two minor children applied for compassionate appointment on 12.3.1996. The application in due proforma had also been submitted accordingly. On receipt of application, the same was also forwarded by the concerned authorities to the State Government for giving relaxation of period for filing the application. However, since no action was taken, there was no option for the petitioner but to seek protection of this Court in the present writ petition.

2. In reply, the facts as stated above have not been disputed so far. However, only technical objection as taken by the respondents is that the application was not submitted within 45 days as prescribed under the Rules of 1996. In a welfare State when a benefit is given to mitigate hardship of the family of deceased employee, the authorities are not supposed to be so insensitive to take such hyper technical objection. A widow illiterate lady with two minor children suddenly faced with the death of his husband is not expected to react immediately and complete all the formalities as per relevant rules. Even otherwise, the application has been filed within 12 months of the death of her husband. Such delay cannot be treated as inordinate delay.

2.1 Accordingly, the writ petition is allowed. Respondents are directed to give compassionate appointment to the petitioner on the post of Class-IV within 30

days from the date of receipt of certified copy of this order. Since unjustified and unreasonable stand has been taken by the respondents in the present case and the petitioner has been denied livelihood for more than a decade, the respondents shall further pay a cost of Rs. 10,000/- to the petitioner within the above period.