

(2018) 05 RAJ CK 0060

In the Rajasthan High Court

Case No : Spl. Appl. Writ No. 1505, 1433 of 2014, 173 of 2015

State of Rajasthan @APPELLANT@Hash Gyan Chand

Date of Decision : 03-05-2018

Acts Referred:

Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996 — Rule 11
Rajasthan Forest Subordinate Service Rules, 1963 — Rule 16
Rajasthan Engineering Subordinate Service (Irrigation Branch) Rules, 1967 — Rule 21

Citation : (2018) 05 RAJ CK 0060

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

Bench : Division Bench

Advocate : S.S.Ladreacha, Vikash Choudhary, H.S.Sidhu, Arjun Purohit

Final Decision : Dismissed

Judgement

S.No.,Name of Service Rules,Number of Existing Rule

14.,"The Rajasthan Forest Subordinate Service Rules,
1963",,16

1 to

13,,,"-----",,-----

15to

21,,,"-----",,-----

22.,"The Rajasthan Engineering Subordinate Service
(Irrigation Branch) Rules, 1967",,21

amendment being to debar a person who has more than two children born on or after 1.6.2002 to be appointed, be it on compassionate basis or",,

otherwise would be ineligible for appointment.,,

13. The philosophy behind the amendment needs to be understood.

Compassionate appointment has to be granted where on account of the death of a,,

Government servant while in service the family comes under a financial stress because the family members are dependent upon the Government,,

servant. The intention was not to give employment to an unemployed family member.,,

14. The three cases are illustrative of the fact that the three claimants, being the son of the deceased Government employee, were married and",,,

fatherÂ of three children when their father died. Two deceased Government employees were Beldar, the lowest paid employees. Being married and",,,

having three children the three claimants would be earning livelihood to support their wife and children. What dependence the three would have on,,

their father? Two were Beldar, the lowest paid employee.",,

15. Be that as it may, the philosophy under the concept of compassionate appointment being ignored, the decision has to be as per Rules.",,

16. For the reasons recorded hereinabove the Rules prohibit grant of appointment even on compassionate basis when the claimants are the son of the,,

deceased Government servant and are married having three children.,,

17. The appeals are allowed. Impugned orders dated dated 3rd February, 2014, 25th March, 2014 and 3rd November, 2014 are set aside. The writ",,,

petitions filed by the respondents are dismissed.,,