

(2012) 09 RAJ CK 0147

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No. 1020 of 2002 in Civil Writ Petition No. 990 of 2003

Urmila

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-09-2012

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2012) 4 WLN 472

Hon'ble Judges : Narendra Kumar Jain, J;Arun Mishra, J

Bench : Division Bench

Advocate : H.S. Khandelwal on behalf of Mr. Ribhu Dutt, for the Appellant;

Final Decision : Dismissed

Judgement

Arun Mishra, C.J.—Heard on the question of admission. There is delay of 135 days in filing the appeal.

2. For the reasons stated in the application, delay in filing the appeal is condoned. Application under Sec. 5 of the Limitation Act stands disposed of.

3. Appellant has questioned the legality of the order dt. 10.01.2012 passed by the Single Bench, dismissing Civil Writ Petition No. 990/2003.

4. Facts, in short, are that husband of appellant was given compassionate appointment on daily wages vide order dt. 15.09.1998; he died on 08.02.2001 after completion of less than three years of service; his widow applied for compassionate appointment, which was not offered on the ground that her husband was not in regular service of the State Government; he was simply a daily wage employee and as per definition of "Deceased Government servant", as provided under Rule 2(b) of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996(hereinafter referred to as "the Rules of 1996"), the case was not covered. Rule 2(b) of the Rules of 1996 is quoted below:-

2(b). "Deceased Government servant" means a person who was employed in connection with the affairs of the State including a member of All India Services of Rajasthan State Cadre and whose pay was debitable to the consolidated fund of the State and who died while in service and who was:-

(i) Permanent, or

(ii) holding a post temporarily after appointment on regular basis, or

(iii) appointed against a regular vacancy on urgent/temporary appointment and had put in one year's continuous service as such;

5. Since deceased-employee was not a "Deceased Government servant" as per definition under Rule 2(b) of the Rules of 1996, obviously the case was not covered under the compassionate appointment rules, framed by the State Government in the year 1996. Consequently, compassionate appointment could not have been offered to the dependants of such employee. It is not for the Court to rewrite the policy/rules in such matters.

6. We find no ground so as to interfere in the dismissal order passed by the Single Bench. Resultantly, the appeal is devoid of merit and the same is hereby dismissed.