



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 1203/2018

CNR: RJHC020254802018 | URN: CW / 1976U / 2018

1. Shri Choth Mal Verma S/o Shri Bhagirath Mal, aged about 59 years, R/o Mehro Ki Dhani, Tehasil- Khandela, District- Sikar, Rajasthan.
2. Smt. Kamli Devi, W/o Shri Choth Mal Verma, aged about 54 years, R/o Mehro Ki Dhani, Tehasil- Khandela, District- Sikar, Rajasthan.

-----Petitioners

Versus

1. Ajmer Vidyut Vitran Nigam Limited, Kushalgarh, Baswada, Rajasthan. through Managing Director
2. Superintendent, A.V.V.N.L., Baswada Ajmer Rural
3. Smt. Mamta Rani W/o Late Shrisubhash Chand Verma, R/o House No. 1030, Gali No. 3, Chattergarh Patti, Sirsa, Sirsa, Haryana- 125055

-----Respondents

For Petitioner(s)	:	Mr. Ramit Pareek, Adv. with Ms. Ujala Pareek, Adv. & Mr. Kartik Sharma, Adv.
For Respondent(s)	:	Mr. Vidhut Kumar Gupta, Adv. for respondent No.3. Mr. Abhishek Sharma, Adv. with Mr. Rohit Thakar, Adv. for respondent Nos.1 and 2.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

17/09/2026

1. Grievance raised by the petitioners is that their son late Shri Subhash Chand Verma, who married to respondent No.3 and was serving on the post of Technical Helper in respondent-Ajmer Vidyut Vitran Nigam Limited, unfortunately expired on 24.03.2017. As per the scheme prevailing in respondent-



Corporation, respondent No.3 applied for compassionate appointment, for which the petitioners gave their no objection. Accordingly, the respondent No.3 was granted benefit of compassionate appointment and she was appointed on the post of LDC vide order dated 30.08.2017. Learned counsel submits that son of the petitioners was the sole bread earner of the family and respondent No.3 was granted compassionate appointment with the presumption that she would maintain the other family members also. Even an affidavit for undertaking that the respondent No.3 would maintain other family members was also submitted by her.

2. However, after getting compassionate appointment, the respondent No.3 has left the petitioners at the mercy of destiny and has not been maintaining them. She has left her earlier matrimonial home and company of the petitioners. She also remarried to some other person after getting compassionate appointment.

3. Learned counsel for the petitioners submits that under the aforesaid circumstances, the petitioners are striving hard even for daily bread and butter and there is no other means to maintain them. Although, they are having two other sons, yet till date, they are not employed and are not in a position to provide financial assistance to the family.

4. It is submitted that although, the petitioners filed application before the respondent-Corporation, yet they did not pass any order to part with salary of the respondent No.3 with the petitioners nor did they release terminal benefits to anybody. Under these circumstances, the petitioners have prayed for a



direction against the respondent-Corporation to pay part of the salary of respondent No.3 regularly to the petitioners as well as to divide the terminal benefits equally.

5. Learned counsel submits that during pendency of the writ petition, petitioner No.1 has expired and only petitioner No.2 is surviving.

6. Learned counsel appearing for respondent-Corporation submitted that the compassionate appointment was granted to respondent No.3 with the expectation and presumption that she would maintain the other family members of late Shri Subhash Chand Verma also. He submits that the respondent-Corporation has got no objection in parting with the terminal benefits as well as in paying part of salary of respondent No.3 to the petitioners, as per direction of this Court. He submits that on account of inter se dispute between the petitioners and respondent No.3, terminal benefits could not be disbursed to any person. It is submitted that so far as unpaid salary of late Shri Subhash Chand Verma and payment of privileged leave is concerned that has already been released and has been paid to the respondent No.3. Other due benefits have not been paid.

7. Learned counsel appearing for respondent No.3 submitted that she was not treated properly by the petitioners, therefore, she had to leave their home. Learned counsel submits that after death of petitioner No.1, petitioner No.2 can easily be maintained by her other two surviving sons and under these circumstances, respondent No.3 cannot be burdened to share her salary with the petitioners or to share the terminal benefits, which are being paid by the Corporation in lieu of service rendered by



her husband. However, learned counsel for the respondent No.3 has accepted that during pendency of writ petition and after getting compassionate appointment, she has also remarried.

8. Heard learned counsel for the parties and perused the record.

9. Facts have not been disputed that respondent No.3 was granted compassionate appointment on account of death of her husband, who was admittedly son of the petitioners and the sole bread earner in the family. Scheme of compassionate appointment is objected to grant financial assistance to the family so that they will tide over the crisis, which arose on account of sudden death of sole bread earner in the family. The family does not only include only widow of deceased, but also includes his parents and other family members as prescribed under the Rules. In the instant case, admittedly while making application for compassionate appointment, the respondent No.3 submitted an undertaking in the form of affidavit that she would also maintain the other family members. However, conduct of respondent No.3 shows that after getting appointment, she has left the petitioners to face financial crisis as well as other deeds of life. She has moved out and has also remarried with some other person. Having availed the benefit of compassionate appointment after giving aforesaid undertaking, she cannot completely disassociate herself from the obligation, which formed the very basis of the compassionate appointment. Her subsequent departure from the matrimonial home and remarriage, coupled with the admitted failure to maintain the petitioners, is nothing but apparent violation of fundamental spirit of scheme of compassionate appointment. It cannot be



countenanced that, after the death of her husband, the daughter in law, having secured compassionate appointment in his place, may thereafter abandon her old aged in-laws and leave them at the mercy of destiny.

10. In the case of **Bhagwan Singh Vs. Suptd Engineer Pawas, Ajmer Vidhut Vitran Nigam Limited** reported in **2025 LiveLaw (Raj) 364**, Co-ordinate Bench of this Court categorically held that compassionate appointments confer moral responsibilities upon the appointee to maintain other family members and the beneficiaries of compassionate appointment cannot neglect the other dependents, relevant para of aforesaid judgment are reproduced as under:-

"13. It is settled law that compassionate appointment is not a vested right but an act of grace, intended to alleviate the financial hardship of the family of the deceased government servant. It is a welfare measure, not a mode of employment. The appointment granted to respondent No.4, therefore, carried an implicit fiduciary obligation that the emoluments and benefits flowing from such appointment would be used to sustain the family unit of the deceased employee. The respondent No.4, having derived such employment on the strength of her solemn affidavit, cannot now resile from the promise that formed the very substratum of the benefit conferred upon her. To allow her to do so would amount to permitting a fraud upon the compassionate scheme itself.

19. Consequently, when one member of such a family is extended the benefit of compassionate appointment, the appointment is not conferred in an individual capacity but as a representative of the entire family. It therefore carries with it a corresponding moral and legal obligation to safeguard the interests of the other surviving dependents and to ensure their maintenance and well-being. This principle is not merely ethical but finds implicit recognition in the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996, which were framed precisely to uphold this humanitarian objective. Thus, the employment granted to respondent No. 4 cannot be viewed as a personal entitlement earned through merit or competitive process; it is, rather, a consequence of an unfortunate eventuality, intended to protect the deceased employee's family from deprivation. Having accepted the appointment under such a scheme, respondent No. 4 cannot be permitted to evade or repudiate her attendant responsibilities towards the other dependents of the deceased, for to do so would defeat both the letter and spirit of the compassionate appointment policy.





21. Therefore, while this Court refrains from delving into the personal choices of respondent No.4, it cannot countenance her breach of the solemn assurance to maintain her in-laws, nor can it permit her to enjoy the fruits of compassionate employment while neglecting those whose welfare formed the basis of such employment."

11. This Court is in complete agreement with the observations made by Co-ordinate Bench of this Court in the case of **Bhagwan Singh (supra)**.

12. For the reasons mentioned hereinabove, the writ petition filed by the petitioners is hereby allowed. This Court deems it just and equitable to issue appropriate directions to secure the subsistence of petitioner No.2, in following manner:-

(i) Respondent-Ajmer Vidyut Vitran Nigam Limited is directed to deduct 25% of the regular monthly salary of the respondent No.3 and to credit the same directly in the bank account of petitioner No.2. Details of bank account shall be submitted by petitioner No.2 within a period of 15 days from today in the office of respondent-Corporation. The aforesaid arrangement shall continue so long as the petitioner No.2 survives.

(ii) The respondent-Corporation is also directed to release the terminal benefits of late Shri Subhash Chand Verma within a period of 30 days from today and the same shall also be divided equally between petitioner No.2 and respondent No.3, and 50% share of the petitioner No.2 shall be credited in her bank account.

13. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J

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