



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 3719/2024

Priyanka Mathur W/o Rishi Mathur, Aged About 34 Years,  
Resident Of 44 Pawan Vihar, Near B.r. Birla School, Jhanwar  
Road, Jodhpur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Government, Department Of Medical And Health, Secretariat, Jaipur (Raj.)
2. Director (Non Gazetted), Medical And Health Services, Jaipur, Rajasthan.
3. Deputy Director (Nursing), Medical And Health Services, Secretariat, Jaipur (Raj.).
4. Chief Medical And Health Officer, Jodhpur, Central Jail Road, Shiv Road, Ratanada, Jodhpur.
5. Superintendent, Umaid Hospital, Jodhpur

-----Respondents

For Petitioner(s) : Mr. Rishab Purohit.

For Respondent(s) :

**HON'BLE MR. JUSTICE ARUN MONGA**  
**Order (Oral)**

**19/03/2024**

1. Grievance of the petitioner herein, who is a married daughter of the deceased government employee, arises out of orders dated 08.02.2024 (Annex.13) and 24.01.2022 (Annex.9), whereby her application / claim for compassionate appointment was rejected on the ground that only son of deceased employee is entitled for the same. She being married daughter cannot claim benefit of government job.

2. Briefly speaking relevant facts, as pleaded, are:

2.1 Petitioner applied for appointment on compassionate grounds but her application was rejected vide order dated 08.02.2024 (Annex.13). The petitioner is the married daughter of the deceased government employee. Respondents have rejected her claim for such appointment solely for the reason that only the son



of the deceased government servant is eligible for compassionate appointment. She claims that the married daughter is also completely eligible for appointment in question as per the judgment rendered by this Hon'ble Court in the case of Priyanka Shrimali & Meenakshi Trivedi. Hence, this writ petition.

3. The stand taken in the impugned order is that compassionate appointment was offered to Shri Ravi Mathur son of the deceased employee. However, subsequently the married daughter of the deceased, Mrs. Priyanka Mathur, applied for compassionate appointment on 08.11.2021. According to the comments of the Administrative Department and the notification dated 28.10.2021 issued by the State Government, compassionate appointment is given to the married daughter only when no other dependents of the deceased State employee are available. In this case, due to availability of Shri Ravi Mathur, son of deceased employee Mrs. Leela Mathur, compassionate appointment cannot be given to Mrs. Priyanka Mathur.

4. In the aforesaid backdrop, I have heard the rival contentions.

5. Admittedly, the petitioner's brother Ravi Mathur, did not actually join the post offered. He, in fact, submitted an affidavit dated 09.11.2021 (Annex.8), wherein, he deposed that he has no objection if the said appointment is given to his sister – Priyanka Mathur. He thus did not join the job he was offered hoping that his sister will given benefit thereof.

6. The short controversy, which emerges thus is whether the impugned order rejecting the claim of the petitioner on the ostensible ground of notification / circular dated 28.10.2021 is





sustainable in the teeth of judgment rendered by Full Bench of this Court in the case of **Priyanka Shrimali Vs. State of Rajasthan & Ors. (Civil Reference No.1/2022) & other connected matters** decided on 13.09.2022.

5. In fact, learned counsel for the petitioner has also drawn my attention to a subsequent Single Bench judgment rendered in **Meenakshi Trivedi Vs. State of Rajasthan & Ors.: SBCWP No.16830/2022** decided on 25.01.2024. Same has been rendered relying on Priyanka Shrimali (supra). He states that in the said writ petition, a similarly situated married daughter of a deceased employee, whose claim was also rejected relying on the circular dated 28.10.2021 was directed to be considered by issuing directions to the respondent department therein.

6. Having seen the judgment rendered in Meenakshi Trivedi (supra), I am in agreement with the arguments canvassed by learned counsel for the petitioner.

7. Before proceeding further, let us first see the judgment rendered in Meenakshi Trivedi (supra), relevant part of which is reproduced hereinbelow:-

*"7. This Court also observes that the petitioner's father (deceased government servant) expired on 20.01.2021 and the same was reflected in Annexure-1, whereafter, the petitioner immediately submitted an application for compassionate appointment before the respondent no.5; the same was referred vide communication dated 02.03.2021 to the respondent no.3 with all relevant documents.*

*7.1. This Court further observes that the State Government amended the definition of the dependent under Rule 2(c) of the Rules of 1996 on 28.10.2021 and the applicability of the said amendment was prospective in nature, and not retrospective, and the same was stated by the respondents document (Annexure R/1 of the reply).*





Therefore, it is clear that the petitioner's case does not fall under the amended definition of 'dependent' as introduced by way of notification dated 28.10.2021.

8. This Court also observes that the petitioner's case is governed as per the old definition of the 'dependent' under Rule 2(c) of the Rules of 1996, and in the said old definition, the married daughter was included by the Larger Bench in case of **Priyanka Shrimali (Supra)**. This Court further observes that only in the present definition under Rule 2(c) as introduced on 28.10.2021 the words "married daughter" find place, if no other dependent of the deceased Government servant mentioned in clause (ii) and (iii) above is available; but the said condition is not mentioned in the old definition of the 'dependent' as contained in the Rules of 1996.

9. This Court further observes that in the old definition of the 'dependent', there is no such condition regarding the first category as to the eligibility for compassionate appointment, and the married daughter was also included by the Larger Bench in the aforementioned precedent law of **Priyanka Shrimali (Supra)**. In the present case, the petitioner is the daughter of deceased government servant and deceased government servant was also having a son-Punit Trivedi, and as per the present definition of 'dependent' under Rule 2(c) of the Rules of 1996, as notified on 28.10.2021, the son comes under the first category of dependents eligible for compassionate appointment; but the present case is not governed under the present definition of the 'dependent', rather the same is governed by the old definition, because the matter and cause of action as well as most of exercise in question pertain to the period prior to the amendment notification dated 28.10.2021.

10. This Court also observes that the sole bread winner of the family died, and thereafter, the entire family faced not only emotional hardship but also the financial hardship, because the whole family was dependent on him, and therefore the compassionate appointment is meant to provide immediate financial relief to the bereaved family. This Court further observes that the petitioner, a married daughter, in the facts and circumstances of the case, is completely eligible for the compassionate appointment in question, even as per the settled proposition of law.

11. Thus, in light of the aforesaid observations and looking into the factual matrix of the present case as well as afore-quoted precedent law, the present





*petition **allowed**. Accordingly, while quashing and setting aside the impugned communication dated 31.03.2022 (Annexure-5), the respondents are directed to grant compassionate appointment to the petitioner within a period of three months from the date of receipt of a certified copy of this judgment. All the benefits of such compassionate appointment to the petitioner shall operate prospectively. All pending applications stand disposed of."*

8. A perusal of the above leaves no manner of doubt that a married daughter cannot be denied the claim on the ground of her marriage as long as she is otherwise entitled to seek such benefit.

9. In the present case, the brother of the petitioner has given 'No Objection' in favour of the petitioner and accordingly I see no reason why one of the surviving dependents of the deceased employee be not given benefit of compassionate appointment in accordance with the applicable policy of the State.

10. Accordingly, the impugned orders dated 24.01.2022 (Annex.9) and 08.02.2024 (Annex.13) are set aside. The competent authority of the respondents is directed to decide the application / claim of the petitioner for compassionate appointment in accordance with judgments rendered in Meenakshi Trivedi (supra) and Priyanka Shrimali (supra).

**(ARUN MONGA),J**

232-Sumit/-

Whether Fit for Reporting: Yes / No