



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



D.B. Civil Writ Petition No. 19514/2024

1. Union Of India, Through The General Manager, North-Western Railway At Church Gate, Mumbai.
2. The General Manager (Personnel), North-Western Railway, Jagatpura Road, Mother Teresa Colony, Sawai Gaitor, Jagatpura, Jaipur (Raj.)-302017
3. The Divisional Railway Manager/additional Divisional Railway Manager, Manisha Road, Railway Colony, North Western Railway, Ajmer (Raj.) 305001
4. The Sr. Divisional Personnel Officer Ajmer, Manisha Road, Railway Colony, North Western Railway, Ajmer (Raj.) 305001
5. The Divisional Railway Manager (Administration), North Western Railway, Ajmer (Raj.)

-----Petitioners

Versus

Smt. Rinky Sharma, Daughter Of (Late) Shri Kamal Kishore Sharma, R/o 691/4, 16 Kala Bagh, Near Jawahar Lal Nehru Hospital, Ajmer (305001) Died While In Service From The Post Of Cipher-Operator, D.o. N.w. Railway, Ajmer

-----Respondent

For Petitioner(s)	:	Mr. Rahul Kamwar
For Respondent(s)	:	Mr. Abhishek Choudhary with Mr. Bharat Singh Bhati and Mr. Hemraj Bairwa

**HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR**

Order

11/02/2025

AVNEESH JHINGAN, J (ORAL):-

1. This petition is filed seeking quashing of order dated 21.08.2024 passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur (for short 'the Tribunal').



2. The brief facts are that father of the respondent (hereinafter referred to as 'employee') was permanent employee of North Western Railway. The employee expired on 24.08.2019 while serving as Cipher-Operator. The respondent was the sole surviving member of family of the employee and applied for a compassionate appointment. The request was rejected vide order dated 08.01.2020. The respondent served a legal notice dated 13.01.2022. The Original Application (O.A.) filed by the respondent was accepted. Relying upon the decision of the Full Bench of this Court in Civil Reference No.1/2022: Smt. Heena Sheikh vs. State of Rajasthan dated 13.09.2022, the Tribunal remanded the matter back to consider the compassionate appointment of the respondent on the basis of the evaluation arrived on merits as per the parameters stipulated in the executive instructions and guidelines. Hence, the present petition.

3. Learned counsel for the petitioners submits that the respondent is the sole surviving member of family of the employee but she is married daughter, her husband is employed and she is not eligible for compassionate appointment. The grievance raised is that the Tribunal has issued direction to give her appointment.

4. Learned counsel for the respondent submits that the respondent is daughter of the deceased and is eligible for compassionate appointment. It is contended that married daughter of the deceased employee is entitled for compassionate appointment, has been decided by the Full Bench of this Court in Smt. Heena Sheikh (supra).

5. The grievance raised by the counsel for the petitioners that the Tribunal has issued direction for appointing the respondent,



lacks merit. The Tribunal relied upon the decision of the Full Bench of this Court in Smt. Heena Sheikh (supra) holding that married daughters are eligible for consideration of the compassionate appointment. The matter was remanded to consider the request for compassionate appointment as per the procedure prescribed in the policy, guidelines and instructions.

6. Another aspect is that the communication dated 08.01.2020 rejecting the request of the respondent for compassionate appointment is a non-speaking order. It only communicates that competent authority has not found the respondent eligible for compassionate appointment. The order passed rejecting the request has civil consequences and cannot be sustained being violative of principles of natural justice. The Tribunal has rightly remitted the matter for consideration of request for compassionate appointment as per the policy, guidelines and instructions.

7. There is no legal or factual error in the impugned order. The writ petition is dismissed. All pending application(s) stand dismissed.

(PRAMIL KUMAR MATHUR),J

(AVNEESH JHINGAN),J

Simple Kumawat /21

Whether Reportable: **Yes**