`HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 396/2022

CNR: RJHC020021662022 | URN: CW / 814U / 2022

1. Mrs. Murli Devi W/o Shri Ram Lal Yadav, Mother Of Late Shri Lal Chand, Aged About 62 Years, R/o A-36, Shri Niwas Nagar, V.K.I. Area, Jaipur (Raj.)
2. Ms. Prerna Yadav D/o Late Shri Lal Chand, Aged About 11 Years, Through Her Legal Representative Mrs. Mursli Devi, Aged About 62 Years, R/o A-36, Shri Niwas Nagar, V.K.I. Area, Jaipur (Raj.)

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Chief Secretary, Department Of Home, Govt. Of Rajasthan, Secretariat, Jaipur (Raj.).
2. The Director General Of Police, Police Headquarters, Lalkothi, Jaipur (Raj.)
3. The Director, Department Of Pension, Vitta Bhawan, Government Of Rajasthan, Jaipur (Raj.)
4. The Superintendent Of Police, Intelligence Department, Police Headquarters, Jaipur (Raj.)
5. Rajni Yadav Widow Of Late Shri Lal Chand Yadav, D/o Shri Roodmal Yadav, R/o Village Sargoth, District Sikar Rajasthan

----Respondents

Connected With

S.B. Civil Writ Petition No. 16190/2016

CNR: RJHC020621942016 | URN: CW / 29910U / 2016

Rajni Yadav Widow Of Late Shri Lal Chand Yadav, D/o Shri Roodmal Yadav, R/o Village Sargoth, District Sikar Rajasthan

----Petitioner

Versus

1. State Of Rajasthan Through Additional Chief Secretary, Home Department, Government Secretariat, Jaipur.
2. Director General Of Police, Police Head Quarter, Lal Kothi, Jaipur.
3. Director, Intelligence Training Academy, Nehru Nagar, Jaipur.
4. Director, Pension Department, Vitta Bhawan, Government Of Rajasthan, Jaipur.
5. Superintendent Of Police, Intelligence Department, Police Head Quarter, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 16583/2016

CNR: RJHC020402852016 | URN: CW / 30521U / 2016

Rajni Yadav Widow Of Late Shri Lal Chand Yadav D/o Shri Roodmal Yadav, age about 35 years, R/o Village Sargoth, District Sikar Rajasthan

----Petitioner

Versus

1. State Of Rajasthan Through Additional Chief Secretary, Home Department, Government Secretariat, Jaipur
2. Director General Of Police, Police Headquarter, Lal Kothi, Jaipur
3. Director, Intelligence Training Academy, Nehru Nagar, Jaipur
4. Director, Pension Department, Vitta Bhawan, Government Of Rajasthan, Jaipur
5. Superintendent Of Police, Intelligence Department, Police Headquarter, Jaipur

----Respondents

For Petitioner(s)	:	Mr. Akshit Gupta for Mr. Mahendra Shah, Senior Advocate Mr. Iliyas Khan for Mr. Tanveer Ahamad
For Respondent(s)	:	Mr. S. K. Gupta, Senior Advocate assisted by Ms. Surbhi Agarwal Mr. Somitra Chaturvedi, Dy. G.C. Ms. Priyansha Barwar for Mr. Rahul Lodha, AGC

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

27/10/2026

1. These writ petitions have been filed claiming compassionate appointment and pensionary benefits accrued on account of death of Lal Chand Yadav (hereinafter referred to as ‘deceased employee’), who was appointed as a Constable in the Intelligence Department at Jaipur (Belt No. 744) and died on 06.06.2016.

2. The case of the petitioner, Rajni Yadav, in S.B. Civil Writ Petition Nos. 16583/2016 and 16190/2016 is that her marriage with the deceased employee was solemnised in the year 1988 and that she is his legally wedded wife. She has, therefore, claimed compassionate appointment and other pensionary benefits, respectively.

2.1 Further, Ram Lal Yadav, father of the deceased employee, moved applications for impleadment as a party respondent in the aforesaid writ petitions filed by Rajni Yadav contending therein that the deceased employee was unmarried and had never solemnised marriage with Rajni Yadav. It is further contended that Rajni Yadav had already been married and had a daughter and, therefore, was not entitled to pensionary benefits in the capacity of the widow of the deceased employee. It is also contended that the deceased employee had adopted Prerna Yadav and Rahul Yadav.

2.2 Subsequently, S.B. Civil Writ Petition No. 396/2022 was filed by Murli Devi, the mother of the deceased employee, and Prerna Yadav, who claims to be his adopted daughter. They claim entitlement to pensionary benefits on the ground that the deceased employee was unmarried and had never solemnised marriage with Rajni Yadav.

3. On the other hand, the case of the respondents, as set out in their replies to the writ petitions, is that four applications have been submitted by different claimants seeking pensionary benefits and other emoluments of deceased employee. The first application was submitted by Murli Devi, the mother of the deceased employee; the second by Ram Lal Yadav, his father; the third by

Rajni Yadav, who claims to be his widow, seeking compassionate appointment and other emoluments; and the fourth by Rahul Yadav and Prerna Yadav, who claim to be the adopted son and daughter, respectively, of the deceased employee, seeking compassionate appointment. The further case of the respondents is that, as a dispute exists regarding the legal heirs entitled to receive the benefits payable on account of the death of the deceased employee, such benefits cannot be released to any of the claimants in the absence of a succession certificate.

4. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the principal dispute pertains to the determination of the legal heirs of the deceased employee, which cannot be adjudicated under writ jurisdiction. It can only be decided by leading evidence before a court of competent civil jurisdiction. Since the entitlement of the rival claimants to receive the benefits in question depends upon the determination of their respective rights, the benefits cannot be released to any of them until the dispute is resolved by the competent court. In these circumstances, the insistence of the respondents upon production of a succession certificate before releasing the benefits cannot be held to be illegal. Accordingly, no illegality is found in the action of the respondents in withholding the release of the benefits pending resolution of the dispute.

5. In view of the above, S.B. Civil Writ Petition No. 16190/2016 and S.B. Civil Writ Petition No. 396/2022 are dismissed.

6. In so far as S.B. Civil Writ Petition No. 16583/2016 is concerned, learned counsel for the respondents submits that Rajni Yadav has already been appointed to the post of Nayab Tehsildar

under the Rajasthan Administrative and Subordinate Services under the widow quota and, therefore, her claim for compassionate appointment no longer survives. Learned counsel appearing on behalf of Rajni Yadav does not dispute the aforesaid submission. Accordingly, S.B. Civil Writ Petition No. 16583/2016 is dismissed as having become infructuous.

7. It goes without saying that the parties can approach the competent court for the adjudication of their respective claims and for seeking appropriate relief in accordance with law.

8. All pending applications, if any, stand disposed of.

(SANDEEP TANEJA),J

155-157/TN

Digitally signed by
TRIBHUWAN NATH
KUSHWAHA
Date: 2026.10.30
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