HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1917/2025
CNR: RJHC021105782024 | URN: CW / 5186U / 2025

1. State of Rajasthan, through Principal Secretary, Forest Department, Government Secretariat, Jaipur.
2. The Principal Chief Conservator of Forest, Jaipur.
3. The Chief Conservator of Forest, Indira Gandhi Nahar Pariyojana (IGNP), Bikaner.
4. The Deputy Conservator of Forest, Indira Gandhi Nahar Pariyojana (IGNP), Hanumangarh Jn.

----Petitioners

Versus

Bimla Devi W/o Late Shri Sohan Lal, aged about 48 Years, R/o Ward No. 2, RCP Colony, Shri Vijay Nagar, District Shri Ganganagar (Raj.)

----Respondent

For Petitioner(s) : Mr. Aditya Singh-Dy.G.C.
For Respondent(s) : Mr. Vinod Goyal

JUSTICE ANOOP KUMAR DHAND

Order

20/11/2026

1. The instant writ petition has been filed against the impugned order dated 21.08.2023, passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur (for short, 'the Tribunal'), by which the appeal submitted by the respondent has been allowed and the petitioner-authorities have been directed to pay all pensionary benefits including family pension and gratuity amount to the petitioner.

2. Learned counsel appearing on behalf of the petitioner- State submits that as per the Circular Memorandum dated 06.03.1997

issued by the Department of Finance, an employee is required to complete ten years of continuous service for his family members to be entitled to get the benefit of family pension in the eventuality of such employee's death. However, in the instant case, there was a break of 95 days in the service of the respondent's husband. Overlooking this material aspect of the matter, directions have been issued to the petitioner-authorities to grant family pension and all other pension benefits to the respondent. Counsel submits that the appeal was submitted by the respondent after a delay of 23 years, hence, interference by this Court is warranted.

3. Per contra, learned counsel for the respondent opposed the prayer and submitted that the husband of the respondent was a daily-wage employee, i.e., a work-charged employee. In the case of work-charged employees, it is not necessary that the employee must have completed ten years of service prior to his death for grant of all pension benefits including family pension and gratuity. Counsel submitted that this view is settled by the Co-ordinate Bench of this Court in the case of **Baso Devi Vs. State of Rajasthan and Ors.** (S.B. Civil Writ Petition No. 1898/1993, decided vide order dated 05.08.2002); and in the case of **Sirempwati Vs. State of Rajasthan and Ors.** (S.B. Civil Writ Petition No. 6966/2006, decided vide order dated 10.12.2008). Counsel submitted that even the Tribunal was of the view that a break of 95 days in service cannot be a ground to denial family pension to the respondent. Hence, interference of this Court is not warranted and the instant petition is liable to be rejected.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. Perusal of the record indicates that the husband of the respondent was engaged as daily wager i.e. *Beldar* by the petitioner-authorities in the year 1988 on work charge basis and thereafter, he continued his services. Looking to his continuous and satisfactory service, the petitioner was declared as semi-permanent employee on 01.04.1998 on the post of Cattle Guard and considering his services as regular, the status of regular employee was granted to him w.e.f. 01.04.1990. Thereafter, the petitioner passed away on 01.04.1998, hence, he completed 10 years of service but this fact has come on record that there was an absence of 95 days in the service of the respondent's husband however, the Tribunal was of the view that such absence or break in service cannot be ground for denial of family pension to the respondent. The issue involved in the instant petition has already been set at rest not once but twice by the Co-ordinate Bench of this Court in the cases of **Baso Devi** (Supra) and **Sirempwati** (Supra), wherein it has been held that the dependents of a work-charged employee who has not completed ten years of service prior to his death are also entitled to seek a direction for grant of family pension. Hence, under the aforesaid circumstances, the respondent has found to be eligible to receive family pension and gratuity amount among other pension benefits.

6. This Court finds no merit or substance in the arguments advanced by learned counsel for the petitioner-authorities as the non-receipt of family pension gives rise to a recurring cause of action for which no period of limitation is prescribed. The

aggrieved party is entitled to approach the appropriate forum of law for redressal of his grievance.

7. Accordingly, the instant writ petition stands dismissed. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J

Crt_5/D-A/73/Ashu