



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

S.B. Civil Writ Petition No. 5551/2020

Shanti Devi W/o Late Shree Prem Pal Bhati, Aged About 60
Years, R/o 25A, Ramdevji Ka Bada Bas Sewari, Tehsil Bali,
District Pali, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department
Of Home Affairs, Government Of Rajasthan, Jaipur,
Rajasthan.
2. Department Of Pension And Pension Welfares, Jaipur
Through Director, Jaipur, Rajasthan.
3. Joint Governance Secretary Home (Police), Jaipur,
Rajasthan.
4. Director General Of Police, Rajasthan, Jaipur, Rajasthan.
5. Superintendent Of Police, Pali, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Mahaveer Singh
For Respondent(s) : Mr. B.L. Bhati, AAG
Mr. Sandeep Soni
Mr. Sukhdev Sharma

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/11/2025

1. By instituting the present Writ Petition under Article 226 of
the Constitution of India, the petitioner seeks the issuance of an
appropriate writ, order, or direction commanding the respondents
to disburse the ex gratia amount due to her, along with interest
thereon at the rate of 18% per annum.



2. Briefly stated the facts of the case are that the petitioner's husband, Late Shri Prem Pal, was appointed as a Constable in the respondent-Department on 23.08.1975 and served with exemplary dedication and integrity. While performing his official duties, he met with a fatal accident on 02.06.2013 and passed away the same day. His name was accordingly deleted from the police nominal roll on 20.06.2013.

2.1. Following his demise, the petitioner was sanctioned family pension on 12.08.2013, which she continues to receive. Being an illiterate woman from a rural background, she was unaware of her entitlement to *ex gratia* benefits under the Rajasthan Civil Services (Pension) Rules, 1996. Upon learning about such entitlement, she sought information under the Right to Information Act, 2005, and thereafter submitted an application for *ex gratia* pension on 15.12.2016, enclosing all requisite documents.

2.2. Despite submission of a complete application, no action was taken. Upon reminders, she was asked to re-submit the application in Form No.17, which she did on 18.03.2017. The Superintendent of Police, Pali, recommended her case to the Financial Adviser, Police Headquarters, Jaipur, on 08.04.2017, supporting her claim. The Financial Adviser sought clarification regarding delay, which was duly explained by the Superintendent of Police, Pali stating that the delay had occurred due to departmental lapses and not due to any fault of the petitioner.



2.3. The matter was then referred to the Home (Group-2) Department for relaxation under Rule 75(4) of the Rules of 1996. Repeated recommendations were made in favour of the petitioner, including letters dated 07.06.2017 and 03.01.2018, and the District Collector, Pali, also directed early action. The Superintendent of Police, in his reply dated 09.03.2018, expressly admitted that the delay was departmental. However, despite these admissions, the petitioner's claim was ultimately rejected vide order dated 13.04.2018 solely on the ground of delay. Upon learning of the rejection through an RTI response in 2020, the petitioner filed the present writ petition seeking quashing of the impugned order and release of *ex gratia* benefits. Hence, the instant Writ Petition.

3. Learned counsel submitted that the denial and delay in granting *ex gratia* benefits constitute a grave miscarriage of justice. It was urged that the respondents themselves admitted the petitioner's entitlement as well as departmental responsibility for the delay, yet rejected the claim on technical grounds. The duty to inform employees and their dependents about available benefits, counsel argued, lies equally with the employer, and failure to do so amounts to administrative negligence. The rejection is therefore arbitrary, unreasonable, and violative of Articles 14 and 21 of the Constitution.

3.1. It was further contended that *ex gratia* pension is a welfare measure intended to provide financial security to the family of a deceased employee who dies in the course of service. Treating a



portion of the deceased employee's service as "dies non" after his death and continuing provisional pension instead of regularizing it were also described as illegal and unconstitutional. Thus, the instant writ petition may be allowed and the petitioner benefit of ex-gratia amount may be granted to her.

4. Learned counsel for the respondents argued that under Rule 105 of the Rajasthan Civil Services (Pension) Rules, 1996, an application for *ex gratia* must be made within one year of death. The petitioner applied after more than three years without sufficient cause, and her claim was rightly rejected vide order dated 13.04.2018. It was submitted that since she applied for family pension immediately after her husband's death, she cannot claim ignorance of *ex gratia* benefits. The petition filed in 2020 suffers from delay and laches, and a similar writ petition (SBCWP No.5540/2020) is already pending; hence, this petition is not maintainable.

5. I have heard the learned counsel for the parties and gone through the material available on the record.

5.1. Upon consideration of the submissions and material on record, this Court finds it is undisputed that the petitioner's husband, Late Shri Prem Pal, died in an accident while discharging his official duties. The death thus occurred during the course of employment and cannot be treated as a natural death.

5.2. The record reveals that the petitioner, an illiterate widow, applied for *ex gratia* benefits as soon as she became aware of her entitlement. Her claim was repeatedly recommended by the



competent officers, including the Superintendent of Police, Pali who categorically admitted that the delay was due to departmental lapses. Therefore, holding the petitioner responsible for the delay is wholly unjustified.

5.3. The respondents' decision to reject the claim on technical grounds, despite their own acknowledgment of administrative fault, reflects a hyper-technical and insensitive approach inconsistent with the welfare nature of the *ex gratia* scheme. Such conduct defeats the very object of the pensionary provisions, which are intended to provide immediate financial relief to the bereaved family of an employee who dies in service.

5.4. Accordingly, this Court holds that the delay in processing the application was entirely departmental and that the petitioner cannot be penalized for circumstances beyond her control. The rejection of her claim on this ground is arbitrary and unsustainable in law.

6. In light of the foregoing, this Court concludes as follows:

a. The petitioner's husband, Late Shri Prem Pal, died while performing his official duties; his death, therefore, constitutes a service-related death under the *ex gratia* scheme contained in Rule 75 and Rule 105 of the Rajasthan Civil Services (Pension) Rules, 1996.

b. The delay in submission and processing of the petitioner's *ex gratia* application was entirely due to departmental lapses, as admitted by the authorities themselves.



c. The impugned order dated 13.04.2018 rejecting the petitioner's claim for *ex gratia* pension on the ground of delay is illegal, arbitrary, and liable to be quashed.

7. Accordingly, the writ petition succeeds and is allowed. It is hereby ordered that the impugned order dated 13.04.2018 is quashed and set aside. The respondents are directed to process and release the *ex gratia* amount i.e. Rs.20,00,000/- (Twenty Lacs) payable to the petitioner under the applicable Rules, treating the death of her husband as one having occurred during the course of service. The payment of *ex-gratia* shall be made within 60 days from the date of receipt of a certified copy of this order.

7.1. Before parting, this Court deems it appropriate to observe that in cases of death in the line of duty, the authorities must act with sensitivity and promptness to ensure that bereaved families are not subjected to unnecessary hardship on account of procedural rigidity. Welfare provisions like *ex gratia* pension must be implemented in their true spirit and not frustrated by technicalities.

8. Stay petition and all pending applications, if any shall stand disposed of.

(FARJAND ALI),J

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