

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10263 of 2014

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1. Sanju Devi W/o Sri Baldev Yadav R/O Quarter No. 44/84, New C.I.D. Colony,
Shastri Nagar, P.S. - Shastri Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resource Department, New Secretariate, Vikash Bhawan, Bailey Road, Patna - 800015.
2. The Secretary, Minor Water Resource Department, New Secretariate, Vikash Bhawan, Bailey Road, Patna - 800015.
3. The Additional Secretary, Minor Water Resource Department, New Secretariate, Vikash Bhawan, Baily Road, Patna - 800015.
4. The Under Secretary-cum-DDC, Minor Water Resource Department, New Secretariate, Vikash Bhawan, Bailey Road, Patna - 800015.
5. The Registrar, Minor Water Resources Department, New Secretariate, Vikash Bhawan, Bailey Road, Patna 800015.
6. The Chief Engineer, Minor Water Resource Department, New Secretariate, Vikash Bhawan, Baily Road, Patna - 800015.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha

For the Respondent/s : Mr. SC11- A.Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-12-2015

Petitioner is the widow of one Sri Baldev Yadav, who was holding the post of a Peon, a class IV post, under Minor Water Resources Department, Government of Bihar till he went missing on 27.11.2012. Information was given by the petitioner to the authorities including the Thana on 1.12.2012. Nothing has been heard about Baldeo Yadav so far nor did steps taken by the respondent State authorities or the police authorities yield any result with regard to whereabouts of the missing employee.

The Court can very well appreciate the distress which the family is going through not only mentally and psychologically but even financially because the sole bread earner is not there for the last three years.

For instances of such kind the Department of Personnel and Administrative Reforms, Government of Bihar issued a letter no.7146 dated 31st of October, 2008 making provision for grant of compassionate appointment for missing class III and IV employees under similar circumstances. The reasons for issuing of such a letter, which is Annexure- 20, has also been talked about in the body of the letter which emerges after judicial direction on this issue in yet another writ application.

In the opinion of the Court, the parameters laid down in terms of Annexure- 20 dated 31st of October, 2008 is made out in the case of the present petitioner. The State authorities have themselves have relaxed the condition of waiting for 7 years in terms of the presumption under the Indian Evidence Act. They have reduced the period in the given circumstances of such kind. Annexure- 20 also takes care in case such an employee is subsequently heard of or resurfaces.

Be that as it may, the writ application is disposed of with a direction upon the Principal Secretary, Water Resources Department

that they have an obligation to consider the claim of the petitioner in terms of Annexure- 20 and take a decision within a period of three months from today.

In addition to that, there are other government circulars extract of which has been brought on record as Annexure- 19 series by the petitioner. This provision is dated 4.3.1987, which is at page 46 of the writ application. Even this aspect has to be looked into and decision taken within the time frame indicated above.

Writ stands disposed of in terms of the above.

(Ajay Kumar Tripathi, J)

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