

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3841 of 2016

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Anita Devi, Wife of late J.C./331 Sunil kumar, STF, Bihar, Patna, Resident of
Village- Bisat, PO- Budhugere, P.S- Mufassil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director of General of Police, Patna.
3. The Assistant Inspector General of Police, (Welfare), Bihar, Patna.
4. The Superintendent of Police (Training) STF Bihar, Patna.
5. The Principal Secretary, Department of Home (Police) Bihar, Patna.
6. The Deputy Secretary, Department of Home (Police) Bihar, Patna.
7. The Principal Secretary, Department of Personnel and Administration Reforms,
Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
Mr. Subhash Kumar Jha, Adv.

For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-02-2018

Heard Mr. Ranjan Kumar Jha, learned counsel appearing
for the petitioner and Mr. Shashi Shekhar Tiwary, learned Assisting
Counsel to Additional Advocate General No.15 for the State.

This is a case in which the husband of the petitioner
deceased in harness while serving the Special Task Force under the
Bihar Government on 7.9.2011. Following the death that the
petitioner got married to the younger brother of the deceased. An
application was filed by the petitioner before the respondent for
providing compassionate appointment to the younger brother of the
deceased who was now her husband which request, has not been
entertained by the respondents, inter alia, on grounds of absence of



guidelines to such effect.

It is not in dispute that the definition of 'dependant' under the guidelines in force does include a brother of the deceased employee who was married although where the deceased Government servant is unmarried, a claim also passes to his brother as a dependant. The guidelines in force confirm that in case of a Government servant who is married it is only his widow, his son, the unmarried daughter including a widowed daughter-in-law are covered by the definition of 'dependant' and are entitled to such appointment. Though the definition of the word 'dependant' has been expanded over the years to include a divorcee/disserted daughter of the deceased Government servant and further expanded to include a married daughter but subject to stipulations where there is no son to look after the dependants of the deceased Government servant but the brother yet is kept outside the coverage.

In so far as the case in hand is concerned, Annexure 1 which is an order dated 7.9.2011 of the Director General of Police, Bihar, Patna demonstrates that the request of the petitioner for compassionate appointment to the brother was disposed of with no indulgence in absence of stipulation so present in the guidelines, while offering appointment to the widow of the deceased Government servant but she never came forward to accept the offer.

In my opinion even though the act of the younger brother of



the deceased Government servant is laudable in providing support to his sister-in-law (widow of the deceased) and merits appreciation but unfortunately in absence of relevant stipulations in the guidelines governing the issue of compassionate appointment, this Court is unable to accept the request so made by the petitioner through the writ petition which is accordingly disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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