

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.858 of 2017

Chand Jyoti Devi wife of Brij Bihari Ram, resident of Village- Kathar, P.S.-
Krishna Brahma, District- Buxar. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Buxar.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kamala Kant Tiwary, Advocate
For the Respondent/s : Mr.Md. Nashrul Hoda Khan -SC 1

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 26-06-2019

Heard learned counsel for the petitioner and learned
Standing Counsel no. 1 for the State of Bihar.

2. The petitioner happens to be the wife of Brij Bihari Ram, constable no. 344 who went missing since 03.01.2010. The prayer of the petitioner is for a direction to the respondents for payment of family pension and other consequential benefits due to her husband.

3. As per the case of the petitioner, her husband Brij Bihari Ram was appointed as a police constable in the year, 1985. He had come home on 01.12.2009 on 5 days leave. On account of being mentally disturbed, he, all of a sudden, went missing since the night of 03.01.2010 and in spite of search and reporting the matter to the concerned Police Station, he was not found.

4. It is submitted that ultimately considering him to have died, the family performed his last rites on 30.04.2013. It is



further submitted that the prayer of the petitioner before the respondents for payment of family pension, besides other dues as also for appointment of her son Lal Bahadur Paswan on compassionate ground did not find any result and as such not having any alternatives, the instant writ petition has been filed.

5. A counter affidavit has been filed on behalf of the Superintendent of Police, Nawada as also a separate counter affidavit has been filed on behalf of the Superintendent of Police, Buxar.

6. So far as the matter relating to appointment of dependent/son of a dead or missing government servant on compassionate ground is concerned, it has been stated that a letter dated 25.06.2013 (Annexure A) to the supplementary counter affidavit of respondent no. 3 was written to the son of the petitioner stating in detail the documents and steps he was required to take for making an application for appointment on compassionate ground. It was further stated that in spite of the said letter, the required details have still not been furnished by the son of the petitioner. Further so far as payment of family pension and other consequential benefits to the petitioner is concerned, both the counter affidavits filed on behalf of the respondent no. 3 as also respondent no. 4, are silent on the same.



7. Having heard learned counsel for the parties and having gone through the records, this writ application is disposed off with liberty to the petitioner to ensure that all the details and documents asked for from her son Lal Babu Paswan, are made available to the Superintendent of Police, Nawada. In case the application along with all the documents is made available to the Superintendent of Police, Nawada within a period of six weeks from today, the same shall be considered and a decision on the compassionate appointment of Lal Babu Paswan son of the petitioner shall be taken within a period of six weeks from the date of receipt of the application. Further the petitioner will be at liberty to make an application for payment of family pension/consequential benefits on account of her missing husband also within a period of six weeks from today along with a copy of this order. The representation of the petitioner shall also be decided by the respondent no. 4 within a period of six weeks from the date of receipt of the representation along with a copy of this order.

8. Writ application stands disposed off with the above observations and directions.

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2019
Transmission Date	

