

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20282 of 2019

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Rina Kumari @ Rina Devi W/o Late Vinod Ram @ Vinod Mehtar, R/o Village Mahua Singh Rai, Kalighat, Post and P.S. Mahua, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Water Resources Department, Government of Bihar, Principal Secretariat, Patna.
2. The District Magistrate, District Muzaffarpur.
3. The Executive Engineer, Water Resource Commissioner, Ratbara Muzaffarpur.
4. Jagdish Ram S/o Late Ganaur Ram R/o Garoul Chowk, Near Gandak Project, P.O. and P.S. Garoul, Dist. Vaishali.
5. Manju Devi W/o Arjun Ram R/o Village and P.O. and P.S. Turk, Dist. Muzaffarpur.
6. Pinki Devi W/o Pramod Ram R/o Village Paru Babu Tola, P.O. and P.S. Paru, Dist. Muzaffarpur.
7. Soni Devi @ Sunny Raut W/o Ashok Raut R/o Village-Bagdogra, P.O. and P.S. Dumrigudi, Dist. Darzeling W.B.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinkar Kumar, Advocate.
	:	Mr. Mritunjay Kumar, Advocate.
For the Respondent/s	:	Mr. Anjani Kumar (Aag4)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-11-2019 Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

2. The petitioner claims to be widow of son of late Kanti Devi. Late Kanti Devi was working as Office Attendant in the office of Water Resource Department, Muzaffarpur. She died in-harness 01.06.2018. The present application has been filed seeking direction to the respondents to allow retiral benefits



consequent upon death of late Kanti Devi and appointment of the petitioner on compassionate ground. The claim of the petitioner is that after the death of her husband, she was fully dependent upon her mother-in-law who died in-harness. The deceased employee has three married daughters.

3. Learned counsel appearing on behalf of the petitioner has submitted that though application has been filed seeking compassionate appointment but the respondents are insisting to resolve first the dispute as to who should be granted the compassionate appointment, among the family members of the deceased.

4. Learned counsel appearing on behalf of the State has submitted that it does not appear from the pleadings in the writ application that the petitioner has submitted any application seeking compassionate appointment and any of heirs of the deceased employee is resisting the petitioner's claim. He has submitted that all communications annexed with the writ petition relate to payment of death-cum-retiral dues consequent upon death of the deceased employee.

5. So far as death-cum-retiral benefits consequent upon the death of deceased employee is concerned, the same can be finalized only after claimants satisfy their respective



rights before the competent authority, either by bringing of succession certificate or through any other permissible manner.

6. Further, no application filed by the petitioner seeking appointment on compassionate ground has been brought on record.

7. This application, in such circumstances, is disposed of with a direction that if the petitioner has not filed any application for compassionate appointment, she will be at liberty to do so and it is filed within one month from today, the same should be considered and decided by the respondent authorities within six months thereafter. If, however, the application for such appointment has already been filed by the petitioner, the same must be decided within six months from the date of receipt/production of a copy of this order.

8. As regards payment of pensionary benefits, as has already been noticed above, the petitioner and other heirs of the deceased employee shall be at liberty to pursue their case before the competent authority.

9. It is expected that the sanctioning authority shall expedite payment of death-cum-retiral dues in favour of the legal heirs of the deceased employee in accordance with law.

10. This writ application is accordingly disposed of



with the directions and observations as noted above.

(Chakradhari Sharan Singh, J)

T.Kr./-

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