

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4533 of 2019

=====

Punita Devi W/o Late Awdhesh Kumar A Res. of Santoshi Chowk, Dumra,
P.O. - Dumra, and P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Through the Chief Secretary, Government of Bihar, Patna.
2. The North Bihar Power Distribution company Ltd Vidyut Bhawan, Bailey Road, Patna through its Managing Director.
3. The Deputy General Manager cum Elctrical Superintending Engineer Electric Supply Area tirhut, Muzaffarpur.
4. The Electric Executive Engineer Electric Supply Division, Sheohar.
5. The District Magistrate Cum President District Compassionate Committee Sitamarhi.
6. The Senior Manager (Personnal), Electric Supply Area Tirhut, Muzaffarpur.
7. The Circle Officer Dumra Sitamarhi.
8. Sima Kumari D/o name not known to petitioner Claiming to be 2nd W/o late Awdhesh Kumar ,a Res. of Santoshi Chowk, Dumra, P.O. and P.S. - Dumra, Distt.- Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nitesh Kumar, Advocate
For the Respondent/s : Mr. Rajiv Roy (Gp1)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 01-12-2021

Heard learned counsel for the parties.

In the instant petition, the petitioner has prayed for the
following relief/reliefs:

- (i) To appoint the petitioner on



compassionate ground in accordance with the qualification of the petitioner against appropriate post in the prescribed scale of pay.

(ii) To ordain the respondents to pay the monetary benefits to the petitioner on death of her husband with interest @ 12% which has been illegally withheld by the respondents.

(iii) For grant of any other relief to which the petitioner is entitled including cost of this proceeding.

The official respondents have filed counter statements and in Para 9 it is stated that in terms of Annexure-5, deceased husband nominated respondent for the purpose of receiving G.P.F., therefore, one has to draw inference that petitioner is a legally wedded wife of Late Awdhesh Kumar. The petitioner is hereby directed to approach the concerned respondent in fulfilling formalities for the purpose of claiming compassionate appointment and other benefits which are due her.

Learned counsel for the 8th respondent has disputed that the petitioner is a legally wedded wife. On the other hand, it is contended that the 8th respondent is legally wedded wife. For the purpose of any benefits in the parent department of deceased employee, the relevant service records were required to be examined. In terms of Annexure- A5, the petitioner has been nominated as nominee, therefore, 8th respondent has not made out a case as on this day. 8th respondent is at liberty to file



appropriate suit before the Jurisdictional Court in seeking a declaration that 8th respondent is legally wedded wife of late Awdhesh Kumar.

The concerned respondents are hereby directed to consider the grievance of petitioner and appointment on compassionate ground within three months from the date of receipt of this order. The concerned respondents are hereby directed to release all monetary benefits which were due to the deceased employee to the petitioner who is legally wedded wife as on today.

With the above observation, the petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.12.2021
Transmission Date	N.A.

