

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6825 of 2020

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Parwati Devi Wife of late Manager Singh Resident of Village- Turkauliya,
P.s.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar, Patna
2. The Deputy Development Commissioner, East Champaran, Motihari
3. The District Magistrate, East Champaran, Motihari
4. The District Deputy Establishment Collector, East Champaran, Motihari
5. The Block Development Officer, Chhauradaman, East Champaran, District

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Respondent/s : Mr. Ajay Kumar, AC to GP-4

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

Date : 21-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:

“A. A writ in the nature of
MANDAMUS or other appropriate writ/s,
order/s, direction/s commanding the
Respondent Authorities following:-

- i. For payment of dues salary of the Late husband of the Petitioner of the period 2013 to 2015 with statutory interest on that dues amount.
- ii. For payment of regular salary of the Petitioner from 2015 till death of her husband on 19.07.2017.



iii. For compassionate appointment to a family member of the deceased employee Manager Singh who died in harness on 19.07.2017.

B. To any other relief/s which the Petitioner is found entitled to.”

3. Grievance of the petitioner are two-fold, namely, payment of arrears of salary of her husband from the year 2013 to 2015 and from 2015 till the death of petitioner's husband on 19.07.2017 and further providing compassionate appointment. The deceased employee was worked with the respondent as *Jan Sevak*. He died while he was in service on 19.07.2017. The respondents have not extended salary to the deceased employee or husband of the petitioner from time to time from the year 2013. No disciplinary proceedings have been initiated for remaining alleged unauthorized absent till the death of petitioner's husband. Therefore, denying of monetary benefit which were due to the deceased is without authority of law. No provision of law has been brought to the notice of this Court that any employee who remained unauthorized absent, he is not entitled to monetary benefits in the absence of initiation of inquiry and its conclusion. Further deceased employee died while he was in service, in the result, one of the legal representatives of deceased- employee is entitled to



compassionate appointment.

4. At this juncture, learned State counsel submitted that order of compassionate appointment has been issued to the family member of the deceased employee during pendency of the present petition.

5. Thus, concerned respondent is hereby directed to extend monetary benefits viz., arrears of salary and other benefits, which were due to the deceased-employee to his legal heirs. The above exercise shall be completed within a period of three months from the date of receipt of this order.

6. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

