IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 5999 of 2022

Putul Devi, wife of Late Mohan Ram, aged about 46 years, resident of Q. No. 14, F. Block, Staff Quarter, RIMS Colony, Bariatu, P.O. & P.S.- Bariyatu, District- Ranchi.

… …. Petitioner

Versus

1. The Union of India represented though Secretary, Department of Health and Family Welfare, Govt. of India, New Delhi.
2. The State of Jharkhand represented through Chief Secretary, Ranchi.
3. The Deputy Commissioner, Ranchi.
4. Director, Rajendra Institute of Medical Science, Ranchi.
5. Neha Kumari, wife of Late Suraj Kuma, daughter of Deepak Ram, resident of G.Type, Staff Colony, ISM, near NCC office, Dhanbad.

… … Respondents

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner	:	Mr. Jitesh Kumar, Advocate
For the Resp-State	:	Mr. Varun Prabhakar, AC to GP-III
For the Resp-RIMS	:	Mr. P.A.S. Pati, Advocate

6/ 18.12.2024 The instant writ petition has been preferred by the petitioner being the mother of deceased employee, who died in harness while working as Corona worrier during COVID-19 pandemic, for appointment on compassionate ground.

2. At the very outset, learned counsel appearing for the respondent-RIMS submits that the case of the petitioner for compassionate appointment could not be considered only on the ground that the petitioner is seeking appointment for her daughter and as per the scheme, the daughter of the petitioner, being married, is not entitled for such appointment.

3. From bare perusal of the Rules, whereby the scheme of compassionate appointment is governed, it appears that father, mother, unmarried brother and sister can be considered for compassionate appointment, in case the deceased employee was unmarried. It is not in dispute that mother was not dependent on the deceased son. There is also no quarrel to the fact that wife is the first legal heir of the deceased employee. In the instant case, the wife has deserted the entire family.

4. The very purpose for compassionate appointment is to provide succor to the bereft family. In the instant case, the death has occurred on 27.7.2021. It is not a case that the petitioner has applied for compassionate appointment belatedly, rather, it is within the stipulated period. Even after filing of the writ petition, the petitioner has not crossed the maximum prescribed age and hence, the petitioner herself is entitled to be appointed on compassionate ground. From the records, it appears that sister of the deceased was also fully dependent on his deceased brother. As per rules and scheme, this Court is of the view that there is no illegality for accepting her prayer for compassionate appointment.

5. Since the bereft family is on road for surviving their livelihood, this Court hereby directs the respondent-RIMS to consider the case of the petitioner for compassionate appointment and issue formal order of compassionate appointment. Let it be made clear that if the petitioner wishes that in her place, her daughter be appointed, the respondents shall consider the same and issue appointment letter in favour of daughter of the petitioner. Let the entire excise be completed within a period of eight weeks from the date of receipt / production of a copy of this order.

6. With the aforesaid observations and directions, this writ petition stands allowed.

(Dr. S. N. Pathak, J.)

R.Kr.