IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.297 of 2023

Nishi Verma aged about 28 years W/o late Rahul Verma, R/o Kasturwa colony, near Sanskar School, Bazar Samiti, P.O Bankipur, P.S. Bankipur, District-Patna

..... Petitioner

Versus

1. The State of Jharkhand
2. The Chief Secretary, Government of Jharkhand, P.O., and P.S. Dhurwa, District- Ranchi.
3. Secretary, Department of Personnel and Administrative Reforms, Government of Jharkhand, P.O. & P.S. Dhurwa, District- Ranchi.
4. Deputy Commissioner, Ramgarh, P.O., P.S. & District- Ramgarh
5. Sandhya Verma W/o late Ravishankar Verma, R/o 303 Anandmogee Apartment Shiramtoli, P.O & P.S. Chutiya, District Ranchi. .....Respondents.

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Manoj Kr. Choubey, Adv.

For the Res. No.5 : Mr. Indrajit Sinha, Adv.

For the State : Mr. Suraj Prakash, AC to SC-VII

11/Dated: 21.09.2026

The instant writ application has been preferred by the petitioner praying therein for a direction upon the respondent authorities to appoint the petitioner under compassionate appointment scheme due to pre-mature death of her husband who died in harness due to Corona and also for a direction to pay all monetary benefits to the petitioner after death of her husband in harness.

2. From the pleadings and also from the averments made in the counter affidavit it is evident that there is a dispute with regard to the marriage of the petitioner herself.

3. The stand of the petitioner is that she is legally wedded wife of deceased employee who was working with the respondent-department, as such, she is entitled for compassionate appointment and other monetary benefits.

4. On the contrary, it has been submitted by the learned counsel for the respondent no.5-intervenor that she is the mother of the deceased employee and there is nomination in all the service excerpt of the respondent-department showing respondent no.5 as the nominee for all the retiral benefit. Respondent No.5 also disputed the marriage of the petitioner with the deceased employee.

5. This itself creates a disputed question of fact between the petitioner and respondent no.5. It is not disputed by either of the party that in all the service documents of the deceased employee namely, Rahul Verma, no where there is name of the petitioner; however, the petitioner claims that her marriage was solemnized and even her mother-in-law, who is the respondent no.5 also blessed her in the marriage ceremony.

These statement/stand of the petitioner is certainly a question of fact which cannot be decided by the Writ Court under Article 226 of the Constitution of India.

6. So far, the affidavit of the State is concerned; though there is averment in running page 21 of the counter affidavit filed by the respondent no.3 that indeed the petitioner is wife of the deceased employee; however, the basis of such finding cannot be accepted by this Court in view of the fact that; the jurisdiction to adjudicate any fact lies with the Civil Court of competent jurisdiction. Accordingly, as to whether the petitioner is

wife or not, the petitioner is always at liberty to move an appropriate forum by filing an appropriate suit for appropriate decree.

6. It goes without saying that if in future, a suit is decreed in favour of the petitioner of being a legally wedded wife of deceased employee, then the matter would have been different and then certainly compassionate appointment can also be given to her; but as of today, every documents suggest that the respondent no.5, who is the mother of the deceased employee, has been nominated in the service documents.

7. Having regard to the aforesaid facts, this Court cannot give any relief to the petitioner; however, a liberty is being given to the petitioner to approach the Civil Court of competent jurisdiction for appropriate relief, if so advised.

8. So far as monetary benefits with regard to family pension and other retiral dues are concerned; the Official respondent is directed to release the same in favour of the 5th Respondent, who has admittedly been made nominee of the deceased employee in every service documents; as early as possible, but in any case, not beyond a period of three weeks from the date of receipt of a copy of this order.

9. Before parting, it is necessary to indicate that if the petitioner is declared legally wedded wife; she would be entitled for entire benefit including compassionate appointment in accordance with applicable rule and regulation and the official respondent shall not raise any objection with regard to delay in giving compassionate appointment.

10. As a result, the instant writ application

stands disposed of with the aforesaid observations. Pending, I.A., if any, also stands closed.

(Deepak Roshan, J.)

21/09/2026
Fahim/
A.F.R.
Uploaded on
29/09/2026