IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 4062 of 2020

Anita Devi, aged about 50 years, Wife of Late Arvind Kumar Tripathi, Resident of: Village & P.O- Bishunpur P.S.- Govindpur, District- Nawada, Bihar.

... Petitioner

Versus

1. The State of Jharkhand.
2. Registrar General, Jharkhand High Court, P.O & P.S: Doranda, District: Ranchi, State-Jharkhand
3. Basanti Lakra, W/o Late Arvind Kumar Tripathi, R/o: Q No. A/31 Sachiwalay Paryavaran Vibhag, Nepal House, P.O. & P.S. Doranda, Dist: Ranchi, State-Jharkhand.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner: Mr. Rajeev Kumar, Advocate
Ms Niteshwari Kumari, Advocate
For the State: Mr Shirsh Mazumdar, A.C. to S.C.-II
For Resp. No.2: Mr Amit Kumar Das, Advocate
Mr. Shivam Utkarsh Sahay, Advocate
For Resp. No.3: None

14/Dated: 04.11.2026

1. Heard Ms Niteshwari Kumari, learned A.C. to Mr Rajeev Kumar, learned counsel for the petitioner, Mr Amit Kumar Das, learned Senior Advocate, who appears with Mr Shivam Utkarsh Sahay, learned counsel for the 2nd respondent and Mr Shirsh Mazumdar, learned A.C. to S.C.-II for the State of Jharkhand.

2. The petitioner, the first wife of late Arvind Kumar Tripathi, ex-staff car driver of the High Court, has filed this petition claiming compassionate appointment for her son, Sri Aalok Kumar, and payment of the death-cum-retiral dues.

3. The Registrar General of this Court filed a supplementary counter affidavit on 02.11.2026, annexing the minutes of the

meeting dated 17.09.2026 of the Committee constituted to consider compassionate appointment matters in the Establishment of the High Court.

4. On the issue of compassionate appointment, the Committee interacted with Anita Devi (petitioner), Sri Vishnu Kumar (son of late Arvind Kumar Tripathi and Anita Devi), Sri Aalok Kumar (son of late Arvind Kumar Tripathi and Anita Devi), Smt Basanti Lakra (2nd wife of late Arvind Kumar Tripathi), Sri Aman Anand (son of late Arvind Kumar Tripathi and Smt Basanti Lakra) and Ms Anjali Anand (daughter of late Arvind Kumar Tripathi and Smt Basanti Lakra).

5. After interacting with all the above-referred persons, the Committee has made the following recommendations: -

> ***"In the light of this backdrop, the Committee, having taken into consideration, the totality of facts as well as upon perusal of the documents available on record, the oral submissions of the family members of Late Arvind Kumar Tripathi before the Committee and the statutory provisions for appointment on Compassionate Ground, is of the opinion that Sri Aalok Kumar S/o Late Arvind Kumar Tripathi, Ex-Staff Car Driver of this Court, who died in harness on 21.01.2020, appears to be eligible for appointment on compassionate ground in the Establishment of this Court.***
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> ***Accordingly, the Committee recommends the name of Sri Aalok Kumar, S/o Late Arvind Kumar Tripathi, Ex-Staff Car Driver of this Court, who died in harness on 21.01.2020 for appointment to the available vacant post of Peon carrying pay in Pay-Level 1 of the 7th PRC Pay-Matrix (corresponding to the Grade Pay of Rs. 1800/-) under the 6th PRC Pay-Scale; however, this recommendation shall remain***

subject to the condition that before offer of appointment is issued in favour of Sri Aalok Kumar, Sri Kumar shall submit a declaration form, in the prescribed Form III (in two sets) duly sworn, signed and affidavited by him before a Notary-Public to the following effect-

(i) that he will invariably take care of the livelihood of all those dependent and eligible family members of Late Arvind Kumar Tripathi, in whose favour, the Succession certificate dated 31.10.2025 has been issued by Additional Judicial Commissioner XI, Ranchi and as per the consent given by him, he shall also pay Rupees Three Thousand (Rs. 3,000/-) per month each to both Sri Aman Anand till he gets a regular employment and to Ms. Anjali Anand, till she either gets any regular employment or till she gets re-married;

(ii) that in case, any complain against him is received in the Court made by any of the dependent and eligible family members of Late Arvind Kumar Tripathi, in whose favour, the Succession Certificate dated 31.10.2025 has been issued by Additional Judicial Commissioner XI, Ranchi, then the monthly emoluments (Basic Pay admissible dearness allowance) that he will be entitled to, shall be apportioned among such members on pro-rata basis; and

(iii) that in case, he denies the apportionment of his admissible emoluments (Basic Pay + admissible dearness allowance), as mentioned above at para (ii), then the Court shall be at liberty to remove him from service and consider any other dependent and eligible family members for appointment on compassionate ground in the Establishment of the Court;

As such, taking into consideration, the totality of facts as well as upon perusal of the documents available on record and in light of the statutory provisions for appointment on Compassionate Ground, the ***liberty to remove him from service and consider any other dependent and eligible family members for appointment on compassionate ground in the Establishment of the Court****;*

As such, taking into consideration, the totality of facts as well as upon perusal of the documents available on record and in light of the statutory provisions for appointment on Compassionate Ground, the Committee is of the opinion that Sri Aalok Kumar S/o Late Arvind Kumar Tripathi, Ex-Staff Car Driver of this Court, who died in harness on 21.01.2020, is eligible to be appointed on Compassionate Ground in the Establishment of this Court. Accordingly, ***the Committee recommends the name of Sri Aalok Kumar for appointment to the post of Peon, subject to the condition that the aforesaid duly notarized Affidavit to the effect that he will look after all the family members invariably, be filed by him****."*

6. Insofar as payment of death-cum-retiral benefits and the issue of compassionate appointment is concerned, paragraphs 11 and 12 of the Registrar General's affidavit state as follows:-

"11. That, so far as the claim relating to the death benefits as well as Family Pension of Late Arvind Kumar Tripathi is concerned, upon consideration of the matter and the Succession Certificate submitted by the Petitioner-Anita Devi, it has been proposed that the disbursal of amount to be effected in the following manner-

(i) the payment of all benefits payable w.r.t. Late Arvind Kumar Tripathi, ex-Staff Car Driver of the Court who died in harness on 21.01.2020 which includes payment of Ex-Gratia amount,

G.I.S. amount, G.P.F. amount, Death Gratuity and Leave encashment amount may be made in favour of all the eight (08) persons, in equal shares in whose favour, Sucession Certificate has been issued by over-riding the nominations (wherever applicable) made by Late Arvind Kumar Tripathi during his life-time under the said schemes;

(ii) the matter of Family Pension may be decided as per the provisions stipulated under Jharkhand Pension Rules, 2000 read with CCS (Pension) Rules 1972 [Rule 54 (8) (iii) and DoP&PW O.M. 1/16/1996-P& PW dated 27the November 2012, sub rule 6(ii) of Rule 54 and sub rule 7(b) & 7 (c) of Rule 54 CCS (Pension) Rules 1972] which reads as under-

"If deceased employee is survived by more than one widow and chidren from both wedlock, family pension will be shared equally by first wife being legally wedded wife along with child from second wedlock i.e. 50% each. However, second widow will not have any claim for family pension as second marriage is null and void and she is not holding the status of legally wedded wife.";

[DoP&PW O.M. 1/16/1996-P&PW dated 27.11.2012]

"The eligibility of each child sharing pension along with legally wedded wife will be considered as per Rule 54 (8) (iii). Their claim will be considered in the order of their birth, and the younger of them will not be eligible for family pension unless the elder next above him becomes ineligible for the grant of family pension";

"In the case of an unmarried son family pension will be payable until he

attains the age of twenty-five years or until he gets married or until he starts earning his livelihood, whichever is earliest." [sub rule 6(ii) of rule 54];

"If children from second wedlock becomes ineligible to receive pension, such share of the family pension would not get lapsed but would be payable to legally wedded wife or her children as the case may be in full i.e. 100%."[sub rule 7 (b) & 7(c) of Rule 54].

12. That, in view of the aforesaid facts and subsequent developments, the answering respondent respectfully states that considering the Succession Certificate granted by a competent court of law and produced by the Petitioner and the same having been considered in accordance with the relevant policy, rules, guidelines governing the field of compassionate appointment and proportionment of death-cum-retiral benefits among the claimants from both sides, decision has been taken to extend the benefits to the respective claimants. Now there is no impediment in extending the benefits to the respective claimants and the process thereof will start after the instant Writ Petition is disposed of."

7. The learned counsel for the petitioner states that the third respondent has been duly served in this matter. Further, learned counsel for the petitioner submits that the petitioner is agreeable to the disposal of this petition based upon what is set out in paragraphs 11 and 12 of the Registrar General's affidavit and in terms of the recommendations of the Committee made in its meeting held on 17.09.2026.

8. Learned counsel for the petitioner and the petitioner present in the Court further state that they will ensure that Sri Aalok Kumar

files the necessary affidavits/undertakings and complies with the undertaking to pay Rs. 3,000/- per month to Sri Aman Anand until he secures regular employment and further pay Rs. 3,000/- per month to Ms Anjali Anand until she either secures regular employment or gets remarried.

9. Accordingly, we dispose of this petition by directing the respondents to pay the death-cum-retiral benefits in terms of what is undertaken in paragraphs 11 and 12 of the Registrar General's affidavit dated 02.11.2026. The respondents must ensure that this payment is made as expeditiously as possible and in any event within two months from today.

10. Further, subject to what is set out in the following paragraph, we direct the respondents to pass suitable orders for the appointment of Sri Aalok Kumar on a compassionate basis, in accordance with the terms and conditions set out in the Committee's recommendations.

11. However, one condition of the recommendation is that if any complaint is received against Sri Aalok Kumar from any dependent or eligible family member of late Arvind Kumar Tripathi, then Sri Aalok Kumar's salary will be apportioned among such family members on a *pro rata* basis. Further, if he refuses to apportion his salary, Sri Aalok Kumar would be liable to be removed from service and substituted by any other dependent and eligible family member for appointment on compassionate grounds in the Establishment of the High Court. These conditions appear somewhat problematic.

12. If Sri Aalok Kumar fails to pay Rs 3,000/- per month to both Sri Aman Anand and Ms Anjali Anand, a suitable condition can be inserted that these amounts would be deducted from his salary and paid over to Sri Aman Anand and Ms Anjali Anand. However, the condition that his salary will be equally apportioned amongst all dependents and family members, and that his appointment will be substituted by another family member, does not appear appropriate.

13. Therefore, subject to the above, necessary appointment orders must be issued to appoint Sri Aalok Kumar to the vacant post of Peon, as referred to in the Committee's recommendation. Such appointment order must be issued to Sri Aalok Kumar within two months from the date he furnishes the necessary undertakings and complies with the other prescribed formalities.

14. This order is made in the presence of the petitioner Smt. Anita Devi and her son Sri Aalok Kumar, who have expressly accepted the condition of paying Rs. 3,000/- per month each to Sri Aman Anand until he gets regular employment, and to Ms Anjali Anand until she gets regular employment or remarries.

15. This petition is disposed of in the above terms. No costs.

16. All concerned must act on an authenticated copy of this order.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 04, 2026

N.A.F.R.

APK/VK

Uploaded on 06.11.2026