
(2017) 01 JH CK 0018
In the Jharkhand High Court
Case No : Writ Petition (S) No. 6333 of 2008

Bali Devi	Vs	APPELLANT
State of Jharkhand		RESPONDENT

Date of Decision : 13-01-2017

Acts Referred:

Citation : (2017) 2 JBCJ 401

Hon'ble Judges : Mr. Dr. S.N. Pathak, J.

Bench : Single Bench

Advocate : Mr. Akshay Kumar Mahato, Advocate, for the Petitioner; Mr. Rakesh Kumar Shahi, JC to AG, for the Respondents

Final Decision : Dismissed

Judgement

Mr. Dr. S.N. Pathak, J.— Heard learned counsel for the parties.

2. The instant writ petition has been filed with a prayer for direction upon the respondents to appoint son of the petitioner on compassionate ground as her husband - Late Police 282 Hari Gope, died in encounter with extremists while providing security to employees of Forest Department and further to pay arrears of family pension and current family pension.

3. The factual matrix of the case is that on 28.12.1987, husband of the petitioner was on duty and providing protection to the employees of Forest Department, was killed by the extremists. On account of death of the deceased, a sum of Rs.1 Lac. was granted by way of extraordinary dutifulness by the State Government vide order no. 77/88 as contained in memo no. 1414 dated 01.05.1988. After receiving all the benefits granted by the State Government, on 30.10.2005 the petitioner moved before the respondents authorities for appointment of her on compassionate ground though the death occurred on 29.12.1987. When no order was passed by the respondents authorities, the petitioner preferred the instant writ petition.

4. Mr. Rakesh Kumar Shahi, learned J.C. To AG fairly submits that the petitioner

has been granted all the benefits given to dependents of a Police personnel after his death on duty and during naxal attacks. He further submits that family pension is being paid till date. Surprisingly, knowing fully well that even family pension is being paid till date, the petitioner has come with a prayer to get family pension/ revised pension. He further submits that the petitioner has represented for compassionate appointment of her son after twenty long years only after receiving entire amount i.e. death benefits, pension and grant of Rs.1 Lac. on account of extraordinary dutifulness whereas limitation for filing such application is only five years and as such instant writ petition is fit to be dismissed with cost.

5. Mr. Akshay Kumar Mahto, learned counsel appearing for the petitioner submits that petitioner is a poor illiterate widow of a police personnel who died during anti naxal operation while providing security to forest guards. She is not aware of the procedures and formalities of the State Government and she filed the application for appointment of her son on compassionate ground on attaining majority.

6. Be that as it may, on full consideration of hearing the rival submission of the parties, this Court is of the view that no case is made out for appointment of son of the petitioner on compassionate ground and further the petitioner has already received the entire benefits given to the deceased son/daughter, the writ petition has got no merits and as such warrants dismissal.

7. In view of the aforesaid facts and circumstances, the instant writ petition stands dismissed.