

(2011) 08 JH CK 0013
In the Jharkhand High Court
Case No : Writ Petition (C) No. 1992 of 2011

Budhani Devi

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-08-2011

Acts Referred:

Citation : (2011) 08 JH CK 0013

Hon'ble Judges : Prakash Tatia, Acting C.J.; Harish Chandra Mishra, J

Bench : Division Bench

Judgement

H.C. Mishra, J.—The Petitioner's petition though is not strictly in the form of Public Interest Litigation but learned Counsel for the Petitioner prayed that Petitioner's husband died in harness in the year 2008 and her claim for compassionate appointment has not yet been rejected nor she has been paid any benefit accrued to her husband in consequence to services rendered by Petitioner's husband with Respondent and she has been asked to vacate the quarter allotted to the husband of the Petitioner as an employee. Therefore, the Respondent may be directed to decide the Petitioner's claim for compassionate appointment and give benefit for which she may be entitled to and she may not be evicted from the quarter in pursuance to the letter issued by the Respondent dated 14.04.2011 (Annexure-5).

2. The Respondents are, therefore, directed to decide the claim of the Petitioner with respect to the compassionate appointment, in accordance with law and if the Petitioner's husband was entitled to any benefit which may have accrued to the Petitioner's husband because of rendering of service by him with the Respondent, the Respondent may pass appropriate order within a period of 15 days from today and we are of the considered opinion that on such pretext one cannot continue to occupy the quarter allotted to an employee which was a benefit annexed to the service only and cannot continue after the end of the contract of the service with original employer. However, since the Petitioner's application has not yet been decided, therefore, we are passing this order only

on sympathetic ground that Petitioner's claim for compassionate appointment and any monetary benefit, if she is entitled to, the same may be decided within a period of 15 days and the Petitioner shall vacate the quarter immediately after 15th day.

3. However, it is made clear that we are not holding that unless and until the Petitioner is given the benefit of compassionate appointment or any monetary benefit which should have been paid to the Petitioner's husband or to the Petitioner, she can continue in possession of the quarter and this itself will not make entitle to the allotment of the quarter to the Petitioner even if compassionate appointment is given to her.

4. A copy of this order may be given to the Petitioner.