
(2009) 03 JH CK 0048
In the Jharkhand High Court

Mahmuda Khatoon and Chanda Khatoon @ Chanda	APPELLANT
Vs	
The State of Jharkhand and Others	RESPONDENT

Date of Decision : 08-03-2009

Acts Referred:

Citation : (2011) 2 JCR 98

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Claim in these writ applications has been made by the petitioners seeking a direction upon the Respondent-State to make compassionate appointment of the petitioners and also to pay the retiral benefits of the deceased-ancestors of the petitioners.

Counter affidavits have been filed on behalf of the Respondents in both the cases.

In W.P. (S) No. 2791 of 2008, learned Counsel for the Respondent No. 6, would explain that in the second case i.e. W.P. (S) No. 3780 of 2008 farther prayer has been made for commanding upon the Respondents to pay family pension of the deceased-employee to the writ petitioner therein.

2. Learned Counsel for the Respondent No. 6 in W.P. (S) No. 2791 of 2008 informs at the outset that the dispute is between the legal heirs of the deceased who died in harness on 09.05.2007. The petitioner in W.P. (S) No. 2791 of 2008 happens to be the daughter of the first wife of the deceased. After the death of the mother of the petitioner, the deceased-father had married the mother of the Respondent No. 6 i.e. the writ petitioner in W.P. (S) No. 2791 of 2008 and had got as many as seven children from the second wife, the eldest is the son who had prayed for compassionate appointment.

3. It is further informed that vide another writ application bearing W.P. (S) No. 4010 of 2008, Mehdi Hassan @ Munna, the Respondent No. 6 who was the petitioner therein, has prayed for a direction upon the Respondents to consider the grant of compassionate appointment to her son. The aforesaid writ

application was disposed of vide order dated 21.10.2008 directing the concerned authorities of the Respondents to consider the prayer of the petitioner and dispose of the same by a speaking and reasoned order. The representation filed by the Respondent No. 6 pursuant to the order passed in the aforesaid writ application, has not been disposed of as yet and the decision thereon is withheld by the Respondents-authorities only on the ground that another application seeking compassionate appointment, has been filed by the petitioner of the present W.P. (S) No. 2791 of 2008.

4. Learned Counsel for the Respondent-State submits that though no order of stay has been passed imposing any restrictions to consider the prayers made by the Respective parties for compassionate appointment but since a second prayer has been received from the petitioner, Chanda Khatoon @ Chanda, the Respondents-authorities have not been able to take any decision on the earlier representation filed by Mehdi Hassan @ Munna, in favour of her son who is the eldest brother of the petitioner, Chanda Khatoon @ Chanda.

5. Learned Counsel submits further that both the petitioners may be directed to submit their respective fresh representations before the concerned authorities of the Respondents and the Respondents would thereafter consider both the representations and dispose of the same by passing appropriate orders thereon after considering the demands raised therein. In case, any representation has been filed by the Respondent No. 6, claiming compassionate appointment for her son, the Respondents-authorities shall consider the same also.

6. Considering the submissions, the concerned authorities of the Respondents are directed to consider the representations for compassionate appointment filed by the parties and dispose of the same in accordance with law. As regards, the prayer for payment of retiral dues of the deceased-employee, it is informed by the learned Counsel for the Respondent-State that in absence of any information regarding the existence and identity of the petitioner Chanda Khatoon @ Chanda, certain amounts towards retiral dues of the deceased-employee have been paid in favour of Mahmuda Khatoon but now since the rival demands has also been raised by the petitioner, Chanda Khatoon @ Chanda, the Respondents-authorities shall also consider the payment of balance of the retiral benefits and to pass appropriate orders thereon. As regards the payment of family pension, the Respondents-authorities shall also take an appropriate decision and pass a reasoned and speaking order in accordance with law, within three months from the date of receipt of the respective fresh representations from the petitioners and shall communicate their decision effectively to all the parties concerned.

With these observations, both these writ applications [W.P. (S) No. 3780 of 2008 with W.P. (S) Nos. 2791 of 2008] are disposed of.