

---

**(2011) 12 AHC CK 0396**  
**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 63893 of 2011

Mansha Devi Mishra

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

---

**Date of Decision :** 09-12-2011

**Acts Referred:**

**Citation :** (2012) 2 ADJ 164 : (2012) 132 FLR 972

**Hon'ble Judges :** Rajes Kumar, J

**Bench :** Single Bench

---

## Judgement

Hon"ble Rajes Kumar, J.—Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. The petitioner claims to be daughter of the deceased employee Late Triloki Nath Mishra, who was Sub-Inspector in the Police Department, died in harness on 18.6.2004. Prior to the death of her father, the mother also died on 17.4.2002. Late Triloki Nath Mishra left behind two daughters, namely, Smt. Asha Ojha and the petitioner.

3. It is the contention of the petitioner that she was married with one Sri Ravi Prakash Tripathi at Allahabad but after some time strained relationship developed on account of dowry and the petitioner started living with her father and moved an application on 31.7.2007 for compassionate appointment. The petitioner filed divorce petition No. 166 of 2008 which has been decreed on 23.10.2009. The petitioner further moved an application for compassionate appointment before the Senior Superintendent of Police, Badaun on 16.7.2007. When the petitioner's application has not been considered, a reminder was sent on 29.10.2007. Thereafter, the application of the petitioner has been processed and the Senior Superintendent of Police, Badaun wrote a letter to respondent No. 2-the Deputy Inspector General of Police (Karmik) U.P. Police Head Quarter, Allahabad for necessary direction. On the report being sought by the Senior Superintendent of Police, Badaun from Superintendent of Police, Pratapgarh, the Circle Officer, Pratapgarh made an inquiry and submitted report dated 28.8.2010 to the

Superintendent of Police, Pratapgarh. In the said report, it is mentioned that she was totally dependent on Late Triloki Nath Mishra and is only surviving heir, who has no source of livelihood and suffering from financial crisis. The claim of the petitioner is pending.

4. By means of the present writ petition the petitioner is seeking a direction to decide the claim expeditiously.

5. Learned Standing Counsel states that the petitioner is not entitled for compassionate appointment on the ground firstly, on the date of death of her father, the petitioner was married daughter, secondly, on the date of moving the application in the year 2007 she was not divorced daughter inasmuch as the divorce petition has been filed in the year 2008 and has been decreed on 23.10.2009 and, thirdly, the divorce daughter is not included within the definition of the "family".

6. Admittedly, the application of the petitioner for the appointment on compassionate ground is pending and has not been disposed of. Therefore, without going into the merit of the case, the respondent is directed to dispose of the application of the petitioner expeditiously preferably within six months from the date of presentation of certified copy of this order having regard to the contention of the petitioner as well as the contention of learned Standing Counsel and the provisions of the Rules.

7. The writ petition is accordingly disposed of.