
(2011) 07 JH CK 0039
In the Jharkhand High Court
Case No : Writ Petition (S) No. 3405 of 2008

Ragini Kumari

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-07-2011

Acts Referred:

Citation : (2011) 07 JH CK 0039

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioner has prayed for a direction on the Respondents to appoint the Petitioner on compassionate ground and also to release the deathcumretiral benefits and fix her pension.

2. It has been stated that the Petitioner's husband, Late Akhilesh Prasad Singh, was an Assistant Teacher in Primary School, Kushmahi, Huntarganj, Chatra. The Petitioner is the legally married wife of said Akhilesh Prasad Singh. Out of the said wedlock, two daughters were born. Unfortunately, the Petitioner's husband died in harness on 4th November, 2006, leaving behind the Petitioner and two minor daughters. The Petitioner reported the incident and, subsequently, applied for appointment on compassionate ground and also for payment of deathcumretiral benefits. The Petitioner made several requests and representations, but neither the compassionate appointment has been given to the Petitioner nor the deathcumretiral benefit has been released till date.

3. The Respondents have contested the writ petition. In their counter affidavit, it has been stated that the deceased employee Akhilesh Prasad Singh left behind two wives; the Petitioner and one Hemlata kumari. He also left two daughters from the first wife and one daughter from the second wife. The second wife has been also claiming compassionate appointment. She has been also claiming the deathcumretiral benefits of the deceased employee. In view of the said dispute, no order has been passed regarding their claim of compassionate appointment as well as deathcumretiral benefits.

4. I have heard learned Counsel for the parties and considered the facts and materials on record. It is an admitted fact that the Petitioner's husband died long back on 4th November, 2006, but till date the claim of deathcumretiral benefits has not been settled by the Respondents. They have also not passed any order on the claim of compassionate appointment. The Respondents have kept the matter pending for years together on the ground of dispute between the claimants. They have neither rejected the claim of the Petitioner nor have asked the Petitioner to approach appropriate forum for getting the dispute resolved. It has been admitted by the learned Counsel appearing on behalf of the Respondents that the family pension has been apportioned between the first wife and the minor daughter of the second wife, but they have not passed any order regarding the claim of deathcumretiral benefits and compassionate appointment.

5. Considering the above, this writ petition is disposed of, directing the District Superintendent of EducationcumEducation Officer, ChatraRespondent No. 3 to consider the Petitioner's claim and pass final speaking order within two months from the date of receipt/production of a copy of this order.