
(2023) 12 UK CK 0085

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2110 Of 2023

Sarita

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 14-12-2023

Acts Referred:

Citation : (2023) 12 UK CK 0085

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Prabhat Bohra, Atul Bahuguna

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. The present writ petition has been filed by the petitioner for seeking a direction to respondents to consider her claim for compassionate appointment.
2. It is submitted by learned counsel for the petitioner that husband of the petitioner was working as Chowkidar in regular establishment with the respondents' and was posted at T.B. Hospital, Bhowali, District Nainital. Petitioner's husband had expired on 03.04.2019 during his service, leaving behind his wife, the petitioner.
3. It is fairly submitted by learned counsel for the petitioner that during the lifetime of the husband, a litigation regarding divorce was pending before the Court for adjudication bearing Hindu Marriage Petition No.1017 of 2015 Smt. Sarita (Anjali) Vs. Hari Sevak. But, before divorce petition could have been decided, petitioner's husband expired. After death of her husband, petitioner applied for compassionate appointment on 10.04.2019, which is still pending for disposal at the level of the respondents.
4. However, during the pendency of the aforesaid representation for compassionate appointment, brother-in-law (devar) of the petitioner also claimed

compassionate appointment in place of his deceased brother, and, for that purpose, he moved a writ petition before this Court bearing No.2340 of 2019 (S/S) Amit Kumar Vs. State of Uttarakhand & Others, but, unfortunately, due to death of petitioner's brother-in-law(devar), the said writ petition was dismissed as abated.

5. Now, the fact of the matter is this, for the compassionate appointment the first and foremost claim is always of wife of the deceased-government servant and moreover, the mess which was created by brother-in-law of the petitioner, has now come to rest due to unfortunate demise of petitioner's brother-in-law. And further, since divorce petition could not reach to its logical end, due to death of petitioner's husband, the petitioner status of his legally wedded wife remained intact. Thus, she is the widow of the deceased-government servant.

6. In this view of the matter, the writ petition is finally disposed of and respondent no.2 is directed to consider the claim of the petitioner for compassionate appointment in place of her deceased-husband in the light of the observations made in the judgment, within a period of six weeks from the date of production of certified copy of this order, by a reasoned and speaking order.

7. Pending application(s), if any, stands disposed of.