

ITEM NO.47

COURT NO.14

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 27028/2017

(Arising out of impugned final judgment and order dated 13-02-2017 in WP No. 6312/2016 passed by the High Court Of Chhatisgarh At Bilaspur)

FARIDA BANO

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 14-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Jitendra Mahapatra, Adv.
Mr. A.K.Yadav, Adv.
Ms. Jyoti Kumar Singh, Adv.
Mr. Bhaskar Malakar, Adv.
Mr. Kedar Nath Tripathy, AOR

For Respondent(s) Ms. Vanshdeep Dalmia, Adv.
Mr. Vipul Sundryal, Adv.
Ms. Kanu Agarwal, Adv.
Ms. Suchakshu Jain, Adv.
Mr. G.s. Makker, AOR

Mr. Ashwarya Sinha, AOR
Ms. Priyanka Sinha, Adv.
Ms. Shubhi Sharma, Adv.
Mr. Alok Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioner-wife had applied for compassionate appointment to the respondent- authorities on the ground that her husband who was employed with the respondent expired on 21.12.2011.

The application was moved in the month of June, 2012, but the same was not considered merely because of the reason that there was dispute raised by the son of the first wife of the deceased who even contested the fact whether the petitioner was the legally wedded wife of the deceased.

As far as service record is concerned, the petitioner is shown to be the wife of the deceased.

The High Court rejected the writ petition on the ground that a Civil Suit and the proceedings under Indian Succession Act, 1925 for grant of succession certificate were pending before the Courts below.

We have now been apprised that both the suit and the petition filed under the Indian Succession Act by the son of the first wife were dismissed in default. Since the civil proceedings and the proceedings under the Indian Succession Act have ended, it is quite obvious that nobody else but the wife would be eligible.

We therefore, dispose of this petition with a direction to the respondents to consider the case of the petitioner for grant of compassionate appointment in accordance with the prevalent rules.

The decision, if any, be taken within three months from today. In case the petitioner is aggrieved by the decision of the respondent authority, she shall be at liberty to take appropriate proceedings in accordance with law.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER