

STATE OF MANIPUR AND ORS. A  
v.  
SMT. A. ONGBI MEMCHA DEVI AND ANR.

APRIL 17, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.] B

*Service Law :*

*Appointment on compassionate grounds—Employee dying in harness—His widow appointed on compassionate grounds—After several years Writ petition filed by her for direction to appoint the brother-in-law (brother of the deceased)—High Court allowing the Writ petition—Validity of—Held—Widow already appointed and continuing in service—Brother not a dependent—Not entitled to further employment on compassionate grounds.* C

The first respondent was appointed on 1.1.1974 in the service of the appellants State on compassionate grounds as her husband died in harness. She continues in service and even got promoted to the next higher post. In 1991, she filed a writ petition in the High Court to appoint her brother-in-law (brother of the deceased) on compassionate grounds. The writ petition was allowed. The review petition filed by the State against the order was dismissed. Hence these appeals. D E

Allowing the appeals and setting aside the High Court's orders, this court

**HELD :** Brother is not a dependent of the deceased employee who died in harness. Since on compassionate grounds, the widow has already been appointed and she has been continuing in service they cannot claim further employment on the basis of the death of the employee in harness. F

[368-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5710 of 1995 Etc. G

From the Judgment and Order dated 22.2.94 of the Gauhati High Court in C.R.No. 97 of 1991.

V.C. Mahajan and S. Janani for the Appellants. H

A The following Order of the Court was delivered:

Leave granted.

B These appeals by special leave arise from the judgment and order dated 22.2.1994 passed in Civil Review Application No. 17 of 1993 in C.R.No. 97 of 1991 and CR 97/91 of the High Court of Gauhati at its Bench at Imphal. One, A. Raghumani Singh, was appointed in the service of Manipur State and he died in harness. Therefore, his widow Smt. Arambam Ongbi Memcha Devi, was appointed as L.D.C. on 1.1.1974 on compassionate grounds and she was promoted as U.D.C. on October 13, 1981. In 1991, she filed a writ petition in the High Court for direction to appoint her brother-in-law on compassionate grounds. The writ petition was allowed by the High Court in Civil Rule No. 97 of 1991, against which a Review Petition was filed. As stated earlier, the Review Petition was also dismissed. Thus, these two appeals by special leave. Though time was taken for filing counter by the respondent, no counter has been filed.

D The brother is not a dependent of the deceased employee who died in harness. Since on compassionate grounds, the widow has already been appointed and she has been continuing in serviced they cannot claim further employment on the basis of the death of the employee in harness. The High Court was, therefore, not correct.

E The appeals are accordingly allowed. The orders of the High Court are set aside. In the facts and circumstances no costs.

G.N.

Appeals allowed.