

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9934/2004

(From the judgement and order dated 14/10/2003 in LPA No. 950/2003 of The HIGH COURT OF PATNA)

SUHAVAN DEVI & ANR. Petitioner(s)

VERSUS

STATE OF BIHAR & ORS. Respondent(s)

(For final disposal)

Date: 28/03/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s) Mr.Manoj R. Sinha, Adv.
Mr. T. Mahipal,Adv.

For Respondent(s) Mr. Gopal Singh,Adv.
Mr. Anukul Raj, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted. Heard learned counsel for the parties.

The appeal is disposed of in terms of the signed order. Parties to bear
their respective costs.

(R.K.DHAWAN)
COURT MASTER

(VEERA VERMA)
COURT MASTER

(Signed non-reportable is placed on the file)

Not reportable

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2356 OF 2008
[Arising out of SLP [C] No.9934 of 2004]

Suhavan Devi & Anr.

... Appellants

Vs.

State of Bihar & Ors.

... Respondents

ORDER

Leave granted. Heard learned counsel for the parties.

This appeal is filed by the widow and son of one Suresh Tiwary who was a Havildar in the police department in the district of Munger, Bihar. In the year 1988, he was transferred from Munger to Siwan District. He did not join at the transferred place and has been missing ever since 1988. The first appellant made an application in 1998 requesting that either her husband be traced or her son (second appellant) be granted appointment on compassionate grounds. The department considered the matter and declared the missing person - Suresh Tiwary - dead by order dated 26.3.2002. Thereafter the second appellant filed an application for appointment on compassionate grounds. The respondent State rejected the application on 9.4.2002 on the

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ground that there was no provision for giving appointment on compassionate grounds to the dependant of a missing government servant. The writ petition filed by the appellants challenging the said order was rejected by a learned single Judge on 18.8.2003. The appellant filed an L.P.A. and a Division Bench of High Court of Patna dismissed the appeal, which is challenged in this appeal.

It is admitted by the learned counsel for the State of Bihar that there is a scheme for appointment on compassionate grounds as per Annexure-R-2. The rejection is on the ground that there is no provision for compassionate appointment of dependants of missing persons. But in this case, Suresh Tiwary was declared as dead only by order dated 26.3.2002. In the peculiar facts and circumstances, the fourth respondent is directed to consider the claim of the second appellant in accordance with the scheme for compassionate appointment, and if found eligible, offer him appointment.

The appeal is disposed of accordingly. Parties to bear their respective

costs.

.....CJI
(K G Balakrishnan)

.....J.
(R V Raveendran)

New Delhi;
March 28, 2008.