

PETITIONER:
STATE OF MANIPUR AND OTHERS

Vs.

RESPONDENT:
SMT.A. ONGBI MEMCHA DEVI & ANR.WITHCIVIL APPEAL NO 5712 OF 1

DATE OF JUDGMENT17/04/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC (4) 210 1995 SCALE (3)608

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

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 also dismissed. Thus, these two appeals by special leave. Though time was taken for filing counter by the respondent, no counter has been filed.

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.

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