

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

WRIT PETITION NO. 16213 OF 2023

BETWEEN :-

**SMT. NIRMLA PANDEY W/O LATE SHRI
JITENDRA KUMAR PANDEY, AGED
ABOUT 32 YEARS, OCCUPATION:
ASSISTANT GRADE III IN THE OFFICE
OF DISTRICT COMMANDANT ANUPPUR
AND R/O VILLAGE AND POST
BARACHH TAHSIL JAISINGH NAGAR
DISTRICT SHAHDOL (MADHYA
PRADESH)**

....PETITIONER

(BY SHRI RAVENDRA SHUKLA - ADVOCATE)

AND

**1. THE STATE OF MADHYA PRADESH
THROUGH ITS PRINCIPAL
SECRETARY HOME DEPARTMENT**

**MANTRALAYA VALLABH BHAWAN
BHOPAL (MADHYA PRADESH)**

**2 THE DIRECTOR GENERAL M.P.
HOME GUARD CIVIL DEFENCE AND
DISASTER MANAGEMENT BHOPAL
(MADHYA PRADESH)**

**3. DIVISIONAL COMMANDANT, HOME
GUARD SHAHDOL, DIVISION –
SHAHDOL (M.P)**

**4. THE COLLECTOR SHAHDOL
DISTRICT SHAHDOL (MADHYA
PRADESH)**

**5. THE JOINT COLLECTOR SHAHDOL
DISTRICT SHAHDOL (MADHYA
PRADESH)**

**6. THE DISTRICT COMMANDANT
HOMEGUARD ANUPPUR DISTRICT
ANUPPUR (MADHYA PRADESH)**

**7. SMT. KAMLA DEVI W/O LATE SHRI
PREMDAS PANDEY, AGED ABOUT 60
YEARS, OCCUPATION: HOUSEWIFE
R/O VILLAGE AND POST BARACHH
THANA BEOHARI TEHSIL JAISINGH
NAGAR DISTRICT SHAHDOL (MADHYA
PRADESH)**

**8. BRIJENDRA PANDEY S/O LATE SHRI
PREMDAS PANDEY, AGED ABOUT 32**

**YEARS, OCCUPATION: CULTIVATION
R/O VILLAGE AND POST BARACHH
THANA BEOHARI TEHSIL JAISINGH
NAGAR DISTRICT (MADHYA
PRADESH)**

....RESPONDENTS

***(MS. SHRADDHA TIWARI – PANEL LAWYER AND SHRI ANIL KUMAR
DWIVEDI - EAVEATOR)***

WRIT PETITION No. 12358 of 2022

BETWEEN :-

**1. KAMLA DEVI W/O LATE SHRI
PREMDAS PANDEY, AGED ABOUT 60
YEARS, OCCUPATION: HOUSEWIFE
VILLAGE BARACHH POLICE STATION
BEHOARI TEHSIL JAISINGHNAGAR
DISTRICT SHAHDOL (MADHYA
PRADESH)**

**2. BRAJENDRA PANDEY S/O LATE SHRI
PREMDAS PANDEY, AGED ABOUT 31
YEARS, OCCUPATION:
AGRICULTURIST R/O VILLAGE
BARACHH POLICE STATION BEHOARI**

**TEHSIL JAISINGHNAGAR DISTRICT
SHAHDOL (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ANIL KUMAR - ADVOCATE)

AND

**1. THE STATE OF MADHYA PRADESH
THROUGH SECRETARY HOME
DEPARTMENT VALLABH BHAWAN
BHOPAL (MADHYA PRADESH)**

**2. DIRECTOR GENERAL MADHYA
PRADESH HOME GUARD AND CIVIL
DEFENCE BHOPAL (MADHYA
PRADESH)**

**3. DIVISIONAL COMMANDANT HOME
GUARD SHAHDOL DIVISION SHAHDOL
(MADHYA PRADESH)**

**4. COLLECTOR (REVENUE) ANUPPUR
DISTRICT ANUPPUR ((MADHYA
PRADESH)**

**5. COLLECTOR (REVENUE) SHAHDOL
DISTRICT SHAHDOL (MADHYA
PRADESH)**

**6. JOINT COLLECTOR (REVENUE)
SHAHDOL DISTRICT SHAHDOL
(MADHYA PRADESH)**

**7. DISTRICT COMMANDANT HOME
GUARD ANUPPUR DISTRICT ANUPPUR
(MADHYA PRADESH)**

**8. SMT. NIRMALA PANDEY W/O LATE
SHRI JITENDRA KUMAR PANDEY R/O
VILLAGE BARACHH, POLICE STATION
BEHOARI, TEHSIL JAISINGHNAGAR,
DISTRICT SHAHDOL (MADHYA
PRADESH)**

***(MS. SHRADDHA TIWARI – PANEL LAWYER AND SHRI RAVENDRA
SHUKLA – ADVOCATE FOR RESPONDENT NO.8)***

....RESPONDENTS

Reserved on	:	20.02.2024
Pronounced on	:	19.03.2024

*This petitions having been heard and reserved for
judgment/order, coming on for pronouncement this day, this Court
passed the following:*

ORDER

Both these petitions involve similar issues and are between the same parties, hence, are being decided by this common order.

2. The petitioners in WP 12358/2022 are the mother and brother of deceased Government servant, namely late Jitendra Pandey, while the petitioner in WP 16213/2023, namely Nirmala Pandey, is the wife of late Government servant, Jitendra Pandey.

3. It is undisputed between the parties that initially the father of late Jitendra Pandey was in Government service and he expired on 09.6.2007 and after his death, late Jitendra Pandey was granted compassionate appointment vide order dated 19.4.2011 as Constable in Madhya Pradesh Police. It is also undisputed that he married Nirmala Pandey, petitioner of WP 16213/2023 on 11.12.2020, and later met with death in an unfortunate road accident on 16.7.2021, a few months after his marriage with Nirmala Pandey.

4. It is also undisputed that prior to his marriage with Nirmala Pandey, late Jitendra Pandey filled the family particulars in service record and made nominations in respect of Group Insurance Scheme,

Provident Fund and Family Pension. He nominated his mother or brother in such nominations, which are on record with additional return of State in WP No. 12358/2022.

5. After the death of late Jitendra Pandey, his wife Nirmala Pandey applied for succession certificate to the Collector, Distt. Shahdol, for the purpose of grant of compassionate appointment. The said certificate was granted on 31.1.2022 vide annexure P-8 annexed to WP 12358/2022. This is impugned in WP 12358/2022 filed by the mother and brother of late Jitendra Pandey.

6. Lateron, compassionate appointment was granted to Nirmala Pandey (wife of deceased). However, the succession certificate granted by the Collector was cancelled by him vide order dated 27.3.2023 (Annexure P-10 in WP 16213/2023) on the ground that it was not disclosed that nomination is there in favour of the mother and brother of the deceased also and consequently, her compassionate appointment was also cancelled vide order dated 19.6.2023 (Annexure P-11 in WP 16213/2023). These two orders are under challenge in WP 16213/2023.

7. The learned counsel for the rival parties have argued on length in support of their respective stands. It was argued for the petitioners in WP 12358/2022 (mother and brother of deceased) that there was no nomination in favour of Nirmala Pandey (wife of deceased), hence, she is not a successor of the deceased and the succession certificate was wrongly issued by the Collector. It is further argued that Nirmala Pandey was not entitled to compassionate appointment because the family had not proposed the name of Nirmala Pandey for grant of compassionate appointment.

8. Per contra, it has been argued on behalf of Nirmala Pandey that she is the legally wedded wife of the deceased Government servant Jitendra Pandey, and that fact has not been denied by the other side. Thus, even if her name is not there in nominations for the purpose of some retiral dues, then it does not affect her right to get compassionate appointment, because compassionate appointment is given to the person entitled for the same, and not on basis of nomination. It is also stated that the succession certificate was sought from the Collector only because the respondent Department had insisted for the same, and otherwise, there was no requirement to get the said certificate issued,

because there was no dispute as to she being legally wedded wife of late Jitendra Pandey. Thus, the termination order is bad in law on this count also, apart from being issued in violation of principles of natural justice also.

9. The learned counsel or the State has supported the action of the State in cancelling the compassionate appointment granted in favour of Nirmala Pandey (wife of late Jitendra Pandey). It is mutually prayed by counsel for the rival private parties that due to this dispute, even the retiral dues of the deceased Jitendra Pande have not been finalised, and some directions may be issued in that matter also.

10. Heard learned counsel for the parties at length and perused the record.

11. The surprising feature in the present case is that despite there being no dispute of the wife of deceased being his legally wedded wife, on technicality of validity of succession certificate issued by the Collector, this dispute has been created.

12. This court would examine the issue of the legality of succession certificate issued by the Collector in later part of this order,

but first coming to requirement of succession certificate for the purpose of compassionate appointment, it appears that the authorities have been dwelling clearly in ignorance of basic legal provisions, leading to this unnecessary litigation.

13. A coordinate Bench of this Court recently had the occasion to consider the requirement of succession certificate for compassionate appointment, and the following has been held in WP No. 12753/2011 decided on 28.02.2024 :-

" 5. The issues which emerge herein are two fold; namely, whether a person can seek succession certificate in regard to grant of compassionate appointment inasmuch as that issue is to be determined in terms of the provisions contained in Sections 370 and 374 of the Indian Succession Act, 1925. Section 370 of the Indian Succession Act deals with the restriction on grant of certificates under this Part i.e. Part-X dealing with succession certificates.

6. Sub-section (1) of Section 370 of the Indian Succession Act provides that -

"(1) A succession certificate (hereinafter in this Part referred to as a certificate) shall not be granted under this Part with respect to any debt or security to which a right is required by Section 212 or Section 213 to be established by letters of administration or probate :

Provided that nothing contained in this section shall be deemed to prevent the grant of a certificate to any person claiming to be entitled to the effects of a deceased Indian Christian, or to any part thereof, with respect to any debt or security, by reason that a right thereto can be established by letters of administration under this act."

7. Sub-section (2) of Section 370 of the Indian Succession Act, 1925 defines "security" as under :

"(2) For the purposes of this Part, "security" means -

(a) any promissory note, debenture, stock or other security of the Central Government or of a State Government;

(b) any bond, debenture, or annuity charged by Act of Parliament [of the United Kingdom] on the revenues of India;

(c) any stock or debenture of, or share in, a company or other incorporated institution;

(d) any debenture or other security for money issued by, or on behalf of, a local authority; (e) any other security which the State Government may, by notification in the Official Gazette, declare to be a security for the purposes of this Part."

8. Section 372 of the Indian Succession Act, 1925

deals with the application for certificate and provides that it shall be filed in the manner prescribed by the Code of Civil Procedure, 1908 for signing and verification of a plaint by or on behalf of a plaintiff, and setting forth the following particulars, namely :-

"(a) the time of the death of the deceased;

(b) the ordinary residence of the deceased at the time of his death and, if such residence was not within the local limits of the jurisdiction of the

Judge to whom the application is made, then the property of the deceased within those limits;

(c) the family or other near relatives of the deceased and their respective residence;

(d) the right in which the petitioner claims;

(e) the absence of any impediment under Section 370 or under any other provision of this Act or any other enactment, to the grant of the certificate or to the validity thereof if it were granted; and

(f) the debts and securities in respect of which the certificate is applied for."

9. Section 374 of the Indian Succession Act, 1925

provides that what will be contents of the certificate. It provides that -

"374. Contents of certificate.- When the District Judge grants a certificate, he shall therein specify the debts and securities set forth in the application for the certificate, and may thereby empower the person to whom the certificate is granted -

(a) to receive interest or dividends on,
or

(b) to negotiate or transfer, or

(c) both to receive interest or dividends on, and to negotiate or transfer, the securities or any of them."

10. Debt is defined in Section 3(c) of the Transfer of Property Act as that which is owed and due. Chapter-VII of Indian Succession Act deals with the duties of an executor or administrator. Section 319 of the Indian Succession Act provides that -

"319. As to property of, and debts owing to, deceased.- The executor or administrator shall collect, with reasonable diligence, the property of the deceased and the debts that were due to him at the time of his death."

Section 320 provides "expenses to be paid before all debts". Section 321 provides "expenses to be paid next after such expenses". Section 322 provides "wages for certain services to be next paid and then other debts".

Section 323 provides "Save as aforesaid, all debts to be paid equally and rateably". Section 325 says "debts to be paid before legacies".

11. Thus, when these aspects are examined, then it is evident that as per Section 374 of the Indian Succession Act, the District Judge granting a certificate is required to specify the "debts and securities" set forth in the application for the certificate and by no stretch of imagination compassionate appointment is either a 'debt' or a 'security' as defined in the Indian Succession Act. Therefore, issuance of a succession certificate by the concerned Civil Judge may be an act of naivety but it will not bind the High Court while considering the application for grant of compassionate appointment.

14. Even otherwise, grant of compassionate appointment is not something that has to be "apportioned" among various successors. It is

strictly provided as per the policy for the same, and only the person entitled will get the compassionate appointment. The policy dated 29.9.2014 is on record as Annexure P-14 to WP No. 16213/2023. Upon a perusal of the said policy, it is evident that a order of preference has been provided for this purpose. As per this preferential order, at top of the preference in clause 2.1 is the legally wedded wife or husband of the deceased employee. Unmarried brother is at sixth place i.e. at clause 2.6 and he is entitled only when the parents of the deceased employee recommend his name. However, for spouse, there is no such requirement. Thereafter at clause 2.7 it is provided that if the spouse is not alive and there is no consensus among the remaining family members, then the collector shall determine the eligible member of the family. The relevant portion of the policy is as under :-

2. अनुकंपा नियुक्ति के लिए आश्रित सदस्य से तात्पर्य (क्रमानुसार)

2.1 दिवंगत शासकीय सेवक की पत्नी, अथवा पूर्णतः आश्रित पति।

2.2 मृतक शासकीय सेवक के आश्रित पति/पत्नी द्वारा योग्यता न रखने अथवा स्वयं अनुकंपा नियुक्ति न लेना चाहे तो उसके द्वारा नामांकित पुत्र या अविवाहित पुत्री।

2.3 ऐसी विधवा अथवा तलाकशुदा पुत्री, जो दिवंगत शासकीय सेवक की मृत्यु के समय उस पर पूर्णतः आश्रित होकर उसके साथ रह रही हो अथवा उपरोक्त पात्र सदस्य न होने की स्थिति

में विधवा पुत्रवधु जो शासकीय सेवक की मृत्यु के समय उस पर पूर्णतः आश्रित होकर उनके साथ रह रही हो।

2.4 दिवंगत शासकीय सेवक की संतान सिर्फ पुत्री/पुत्रियां हों और वह विवाहित हो तो दिवंगत शासकीय सेवक के आश्रित पति/पत्नी द्वारा नामांकित विवाहित पुत्री।

यह स्पष्ट किया जाता है कि मृतक शासकीय सेवक के आश्रित पति/पत्नी जीवित होने पर ही विवाहित पुत्री को अनुकंपा नियुक्ति की पात्रता होगी। (ऐसी अनुकंपा नियुक्ति पाने वाली पुत्री को शासकीय सेवक के आश्रित पति/पत्नी के पालन-पोषण की जिम्मेदारी का शपथ पत्र देना होगा)

2.5 यदि मृतक शासकीय सेवक की प्राकृतिक संतान न हो तो ऐसी दत्तक संतान जिन्हें शासकीय सेवक (दम्पति) द्वारा शासकीय सेवक के जीवित रहते हुए वैधानिक रूप से गोद लिया हो।

2.6 अविवाहित दिवंगत शासकीय सेवक के भाई अथवा अविवाहित बहन को दिवंगत शासकीय सेवक के माता-पिता की अनुशंसा के आधार पर। परन्तु अविवाहित दिवंगत शासकीय सेवक के माता-पिता भी जीवित न हो तो उनके आश्रित छोटे अविवाहित भाई/बहन को उनकी आपसी सहमति के आधार पर अनुकंपा नियुक्ति दी जाएगी।

2.7 मृतक शासकीय सेवक पति/पत्नी दोनों में से कोई जीवित न हो तो उसके परिवार के सभी सदस्यों द्वारा एकमत होकर शपथ पत्र पर नामांकित कोई एक सदस्य। परिवार में सहमति न होने पर संबंधित जिले के कलेक्टर द्वारा यह निर्णय लिया जावेगा कि किसे अनुकंपा नियुक्ति दी जावे।

यह स्पष्ट किया जाता है कि उपरोक्त सभी कंडिकाओं के परिप्रेक्ष्य में मृतक शासकीय सेवक के आश्रित पति/पत्नी के पालन-पोषण की जिम्मेदारी का शपथ पत्र अनुकंपा नियुक्ति के पात्र अभ्यर्थी से अनिवार्यतः लिया जावेगा।

15. Thus, the Collector shall assume jurisdiction in terms of clause 2.7 only when the spouse is not alive. In the present case, the

spouse was alive and was herself applying for compassionate appointment. Thus, the act of the Collector was clearly an unauthorized act in issuing “succession certificate” for compassionate appointment. The legality of compassionate appointment given to Nirmala Pandey cannot be made dependent on the said “succession certificate”. The so-called succession certificate was clearly superfluous for the purpose of compassionate appointment.

16. The learned counsel for the State has referred to an amendment dated 27.3.2023 to the policy dated 29.9.2014. However, the said amendment modifies certain clauses only so as to bring married daughter at par with unmarried daughter and married sister at par with unmarried sister, and for no other purpose. Even otherwise, the said amendment does not touch clause 2.1 that places wife at top of preference. The reliance on this amended policy (which is not part of the record) is utterly misconceived.

17. So far as the competence of the Collector to issue succession certificate is concerned, the Finance Department has issued a circular dated 19.7.1988 that provides that Group Insurance Claims are delayed on account of disputes as to succession. Hence, only for the purpose to

settle group insurance claims, the Finance Department has given limited power to the Collector to issue succession certificates. The Collector cannot assume the role of Court in terms of Indian Succession Act and issue succession certificates for all purposes, and even for purposes it is not required. For ready reference, the circular dated 19.7.1988 is as under:

मध्यप्रदेश शासन

वित्त विभाग

क्रमांक एफ 15()1/88/चार/नि-3 भोपाल 19 जुलाई, 1988

प्रति,

शासन के समस्त विभाग,

अध्यक्ष राजस्व मंडल,

समस्त विभागाध्यक्ष,

समस्त संभागयुक्त,

समस्त जिलाध्यक्ष,

विषय:- म.प्र. शासकीय कर्मचारी समूह वीमा योजना 1905 के मार्गदर्शन के संबंध में।

सन्ध :- विमान के ज्ञापन क्रमांक एफ 15(सी)13/नि-3/चार दिनांक 25.2.86

मध्य प्रदेश शासकीय कर्मचारी समूह वीमा योजना 1985 के प्रसारित नियमों ए वित्त विभाग के संदर्भित ज्ञापन में निहित निर्देशों के अनुसार ऐसे शासकीय सेवक जिनकी मृत्यु योजनान्तर्गत नामांकन पत्र भरे बिना ही हो जाती है, .योजनान्तर्गत देय राशि का भुगतान क्षतिपूर्ति वंध पत्रक भरवाकर दो ओधक्षय (Solvent) जमानतदारों से जमा लेने के पश्चात् योजना के नियम 12 के अनुसार स्वत्व स्वीकृत कर्ता संक्षम अधिकारी द्वारा किये जाने, यदि वह दावेदार

का न्यायोचित और स्वत्वाधिकार की पात्रता से संतुष्ट है के संबंध में वित्त विभाग के उपरोक्त संदर्भित ज्ञापन द्वारा निर्देश प्रसारित किया गया है यह भी निर्देशित किया गया था कि कोई भी शंकास्पाद भुगतान केवल सक्षम न्यायालय का उत्तराधिकार प्रमाण पत्र प्रस्तुत करने वाले व्यक्ति/व्यक्तियों को ही दिया जाना चाहिये जहां भुगतान अवयस्क बच्चे/बच्चियों को दिया जाना हो वहां न्यायालयीन संरक्तत्व का प्रमाणपत्र प्रस्तुत करने पर जोर दिया जाना चाहिये।

2/- शासन के ध्यान में लाया गया है कि वित्त विभाग के उपरोक्त संदर्भित ज्ञापन के प्रावधानान्तर्गत प्रक्रिया के अनुसरण से दिवंगत कर्मचारी के परिवार को ऐसे जमानतदार कभी कभी उपलब्ध कराना संभव नहीं हो पाता है, जिन्हें कि कर्मचारी को भुगतान करने वाली राशि के बराबर राशि का सालवन्सी प्रमाण पत्र प्राप्त हो। यह संभव न होने से यदि दिवंगत कर्मचारी के परिवार द्वारा न्यायालय में उत्तराधिकारी प्रमाण पत्र प्राप्त करने हेतु आवेदन किया जाता है तो न्यायालय द्वारा प्रमाण पत्र जारी करने में बहुत अधिक समय लगता है जिसके कारण दिवंगत शासकीय सेवक के योजनान्तर्गत राशि के भुगतान में विलंब होता है।

3/- राज्य शासन द्वारा विचारोपरान्त वह निर्णय लिया गया है कि ऐसे शासकीय सेवक जिनकी मृत्यु नामांकन भरे बिना ही हो जाती है, उनके परिवार को योजनान्तर्गत देय राशि का भुगतान जिलाध्यक्ष द्वारा जारी किये गये उत्तराधिकार प्रमाणपत्र के आधार पर किया जाये।

मध्यप्रदेश के राज्यपाल के नाम तथा आदेश

18. Thus, the petitioner of WP 16213/2023 (Nirmala Pandey) is held entitled to compassionate appointment being the undisputed legally wedded wife of the deceased Government servant irrespective of not being nominee.

19. So far as the prayer regarding Gratuity and other retiral benefits is concerned, it is seen that the mother of deceased employee,

who is petitioner No. 1 in WP 12358/2022 is claiming entire terminal benefits to herself, by excluding the wife of the deceased employee, on the strength of the nominations.

20. In this regard, M.P. Civil Services Pension Rules 1976 duly defines “family” in Rule 44 (5) as under :-

(5) For the purpose of this rule and Rules 45 and 46 'family' in relation to Government servant means :-

- (i) Wife in the case of a male Government servant,
- (ii) Husband, in the case of a female Government servant,
- (iii) Sons including step sons and adopted sons,
- (iv) Unmarried daughters including step daughters and adopted daughters,
- (v) Widowed daughters including step daughters and adopted daughters,
- (vi) Father, including adoptive parents in the case of individuals,
- (vii) Mother, whose personal law permits adoption,
- (viii) Brothers below the age of eighteen years including step brothers,
- (ix) Unmarried sisters and widowed sisters including step sisters,
- (x) Married daughters, and
- (xi) Children of pre-deceased son.

21. Thus, in the present case, the mother and wife are in the definition of “Family”. The nomination in favour of mother and brother was made prior to marriage. At that time, mother was the sole member of “family” as defined in the Pension Rules of 1976 for

purposes of those Rules. Unfortunately, the deceased Government servant died within 7 months of marriage and it appears that he could not update the nomination during this time. As per Rule 46 (4), the nomination becomes invalid in the event of the Government servant acquiring “family” or additional member of his family at later date.

The relevant is as under :-

(4) The nomination made by a Government servant who has no family at the time of making it, or the nomination made by a Government servant under the second proviso to clause (i) of sub-rule (3) where he has only one member in his family shall become invalid in the event of the Government servant subsequently acquiring a family, or an additional member in the family, as the case may be.

22. Thus, the nomination earlier made seems to be invalid after marriage and acquiring additional member of “family”. Thus, the matter is now to be dealt with as per Rule 45 (1) (b) of the Pension Rules of 1976 that provides that the Gratuity is to be paid to the legal heirs. Thus, the Gratuity is to be paid as per the succession order in Hindu Succession Act. The wife and mother of late Jitendra Pandey appear to be the two class-I legal heirs of late Jitendra Pandey, and all

such dues that are the “estate” of late Jitendra Pandey will have to be paid as per the order of succession in Hindu Succession Act.

23. Thus, in the matter of payment of terminal benefits i.e. Gratuity, Group Insurance, etc., the mother and wife of deceased Jitendra Pandey are entitled in 50% proportion each.

24. The deceased was not holding a pensionable post under M.P. Civil Services Pension Rules 1976 as he was appointed later to 2005. He is orally stated to be a member of National Pension Scheme (NPS). There are no pleadings as regards and no documents of such membership and remittances made in that scheme are placed on record. Thus, this Court refrains from making any comments in that regard.

25. Let the appropriate action be taken in the matter of terminal benefits within a period of 3 months from the date of production of certified copy of this order.

26. So far as the dispute as to compassionate appointment is concerned, this Court has already held above that the petitioner of WP 16213/2023 (Nirmala Pandey i.e. wife of deceased) is entitled to compassionate appointment being the undisputed legally wedded wife

of the deceased Government servant. Thus, the termination order annexure P-11 dated 19.6.2023 is quashed, and the order dated 27.3.2023 (annexure P-10), is held ineffective and inconsequential. The petitioner of WP 16213/2023 will also be entitled to all consequential benefits including arrears of salary from the date of termination.

27. Both the petitions **stand disposed of** in terms of above.

(VIVEK JAIN)
JUDGE

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