IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24136 of 2013

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1. Binod Kumar Trivedi S/O Late Ram Narain Trivedi Resident Of Mohalla- New Purandarpur, P.O- G.O.O, P.S- Jakkanpur, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Comptroller And Auditor General, New Delhi.
2. The Principal Accountant General (Audit), Bihar Indian Audit And Accountant Department, Birchand Patel Marg, Patna.
3. The Accountant General (A And E), Bihar, Patna.
4. The Dy. Accountant General (Admin.), Of The Accountant General (A And E), Bihar, Patna.
5. The Accountants Officer, Cofidential Cell, Office Of The Accountant General (A And E), Bihar, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar @ Manu
For the Respondent/s : Mr. J. P. Karn

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and
HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER
(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2 16-04-2015 I.A. No. 5964 of 2014 has been filed by the petitioner seeking direction to the respondents to appoint him on compassionate basis.

Mr. J. P. Karn, learned counsel for the Union of India states that the relief as sought for in the Interlocutory application is the final relief.

Having considered the matter in full, instead of adjourning the matter we have considered it fit to dispose it of on its own merit.

It is not in dispute that the petitioner’s father was in service in the office of the Accountant General. As a Senior Accountant he died in harness on 16.05.2010. The petitioner being the only son applied for compassionate appointment. Having not been given compassionate appointment, he moved the Central Administrative Tribunal, Patna staking his claim. The matter was examined by the Tribunal where a comprehensive written statement was filed by the Accountant General bringing to the notice of the Tribunal that by way of death-cum-retiral dues, a sum of Rs.9,19,892/- was paid to the family. To this, learned counsel for the petitioner states that the petitioner got hardly $1/3^{rd}$ of it because he had two married sisters.

Be that as it may, it stands admitted that the petitioner has received a part of death-cum-retiral dues. The Tribunal has noted another important aspect. It noted that the father of the petitioner had died on 16.05.2010 and in normal course, he was due for superannuation on 31.07.2010. Therefore, he died only 2 ½ months before his superannuation. The difficulty, if any, that the petitioner would have faced, would have for that 2 ½ months alone. In our view, compassionate appointment is not an appointment by way of right. It depends upon the circumstance. Here, where the department upon these findings took a view that the petitioner was not entitled to compassionate appointment, we do not think the view is either perverse or un-reasonable. There is no denial of fact that the petitioner is in dire need of support. He is un-employed and has no source of livelihood but as noticed earlier, compassionate appointment is not an appointment by way of right.

In that view of the matter, we are not inclined to interfere in this matter. This writ application is dismissed.

(Navaniti Prasad Singh, J)

Amin/-

(Jitendra Mohan Sharma, J)

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