

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6696 of 2016

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Bir Bahadur Ram, Son of Jagdish Ram, Resident of Village - Kalkatiya Pul, P.S. - Dehri, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary Department of Energy-cum-the Chairman, Bihar State Hydroelectric Power Corporation Limited, Sone Bhawan, Beerchand Patel Road, Patna .
2. The Managing Director, Bihar State Hydroelectric Power Corporation Limited Sone Bhawan, Beer Chand Patel Road, Patna.
3. The Engineer-in-Chief (Middle), Department of Water Resources Sichai Bhawan, Old Secretariat, Bihar, Patna.
4. The Chief Engineer (Civil) Dehri-on-Sone, P.O. and P.S. - Dehri-on-Sone, District - Rohtas, Bihar.
5. The Superintending Engineer (Civil), Sone Canal Hydroelectric Project, Dehri-on-Sone, P.O. and P.S. - Dehri-on-Sone, District - Rohtas, Bihar.
6. The Executive Engineer (Civil), Sone Canal Hydroelectric Project, Dehri - on - Sone, P.O. and P.S. - Dehri - on - Sone, District - Rohtas, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudama Singh, Adv
Mr. Surendra Kumar Mishra, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7.
For the Respondent-BHPC : Mr. A.N. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-07-2018

Heard the parties.

The petitioner prays for compassionate appointment on account of death of his mother on 21.06.2014 who was serving as Khalasi with the respondent Bihar State Hydrolic Power Corporation (hereinafter referred to as the 'Corporation').

While at paragraph 9 of the writ petition the petitioner has specifically stated that on the death of his mother, the family has



received retiral benefits and they are also getting family pension, the claim for compassionate appointment has been contested by 'the Corporation' on grounds that the petitioner's mother was an ad-hoc employee. Such is the statement made in paragraph 5 of the counter affidavit.

While accepting the position regarding payment of retiral dues at paragraph 10 of the counter affidavit, an objection is raised at paragraph 11 that since the service of the mother of the petitioner has not been regularized hence the petitioner is not entitled to compassionate appointment.

While it cannot be contested that it is only a regular employee of any establishment be it, under the State or the Corporation, who is entitled to retiral benefits, the respondent 'Corporation' does admit at paragraph 10 that the retiral dues relating to the mother of the petitioner have been paid and that nothing is due for payment. This admission itself confirms that the mother of the petitioner was holding a regular post otherwise the family would not be entitled to the terminal benefits.

In such circumstances, where the payment of retiral dues admissible to the family of the deceased has not been disputed by 'the Corporation', that her death happened in harness, a claim for compassionate appointment would become a part of such benefits.



The statement made on behalf of ‘the Corporation’ at paragraphs 10 and 11 are self contradictory and the matter requires a fresh consideration at the level of the Managing Director, respondent No.2, who should consider the claim of the petitioner for compassionate appointment and dispose of the same in accordance with law bearing in mind the observation of this Court made hereinabove. Let the disposal take place within a period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	18-07-2018
Transmission Date	NA

