

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1911 of 2016**

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1. Kallu Manjhi Son of Late Shailendra Manjhi Resident of Mohalla - East Lohanipur, Near Devi Asthan, Police Station - Kadamkuan, District - Patna.

.... .... Petitioner/s

Versus

1. Patna Municipal Corporation through its Municipal Commissioner, Patna Municipal Corporation, Patna.  
2. The Municipal Commissioner, Patna Municipal Corporation, Patna.  
3. The Executive Officer, Bankipur Circle, Patna Municipal Corporation, Patna.  
4. The Establishment Cum Compassionate Committee, Patna Municipal Corporation, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.

For the Respondent/s : Mr. Hargovind Singh Himkar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 11-12-2017**

Heard learned counsel for the parties.

The issue raised by the petitioner stands noted in the order of this Court passed on 20.09.2017.

It is the contention of the petitioner that consequent upon the death of his father on 15.08.1999 that his mother filed an application for compassionate appointment on 06.09.1999 and pursuing that, she also expired on 10.05.2004 whereafter it is the petitioner who filed an application to such effect which was recommended on 17.06.2005 and has been rejected by the Compassionate Committee of the Patna Municipal Corporation.



It is taking note of the submissions that learned counsel for the Corporation was directed to seek instruction on the sequence of events.

A counter affidavit is filed and in which it is mentioned that there is no application of the mother of the petitioner on the records of the Corporation and it is for the first time that on 17.06.2005 the petitioner did make an application for compassionate appointment which has been rejected on grounds of delayed filing. The order of the Compassionate Committee is at Annexure-3 and the name of the petitioner appears at Serial No.3 at running page 16 of the writ petition. The application has been rejected in reference to the circular of the Department of Personnel and Administrative Reforms dated 27.04.1995 which puts a cap of 5 years on any such application.

As I have noted, since the delayed filing was sought to be explained relying upon the application filed by the mother, a copy of which has been enclosed at Annexure-1 and is dated 06.09.1999 that the counsel for the Corporation was asked to seek instructions and when it is stated that no such application was filed and it is for the first time that the petitioner has raised a claim of compassionate appointment by filing such application vide Annexure-2 which is delayed. Another aspect which creates doubts on the bona fides of the petitioner is that although the petitioner has mentioned his date of



birth in the application form as 02.11.1985 but this is at variance to the age given in the affidavit filed in the present proceeding.

Be that as it may, in view of the stand taken by the Corporation and with no contest coming thereto regarding the filing of any application by the mother of the petitioner despite time afforded to the petitioner, no case for indulgence is made out.

The writ petition is disposed of.

**(Jyoti Saran, J)**

Bibhash/-

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