

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16450 of 2008

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Shushant Pradhan, age 27 years, Son of late Bhikhari Prashan, Resident of Mohalla-Hariji Ka Hata, Ramna Road, P.S. Nawada, Dist. Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Town Commissioner, Ara Municipal Corporation, Ara.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 4751 of 2009

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Shatrughan Kumar, age 35 years, son of late Nagina Ram, Resident of Motitola Rauza, P.S. Ara Town, Dist. Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Town Commissioner, Ara Municipal Corporation, Ara.

.... Respondent/s

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Appearance :

(In CWJC No.16450 of 2008)

For the Petitioner/s : Mr. Subroteshwar De, Adv.
For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-6
For the Corporation : Mr. Hari Shankar Roy, Adv.
Mr. Bishwa Bibhuti Kr. Singh, Adv.

(In CWJC No.4751 of 2009)

For the Petitioner/s : Mr. Subroteshwar De, Adv.
For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-6
For the Corporation : Mr. Hari Shankar Roy, Adv.
Mr. Bishwa Bibhuti Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the parties.

In both the cases, the petitioners were appointed on compassionate ground on Class-IV post but, right from very



beginning, they were discharging the duty of Class-III post. The Municipal Board in its general meeting dated 22.7.2006 vide item no.5 resolved for granting promotion to Class-III post as has been claimed that it was never acted upon. A claim has been made by the petitioners that right from very beginning, they have been working as Class-III post but, they were substantively appointed on Class-IV post.

The scheme of the compassionate appointment makes it very clear that once appointed on a particular post by way of compassionate appointment, he cannot claim the change of status or promotion and it should be treated to be a final order. As it has been claimed by the petitioners that they have been discharging the duty of Class-III, let the petitioners should make a representation to the Municipal Corporation, Ara and if the petitioners have been discharging the duty of Class-III post, though appointed on Class-IV post, they will be entitled to the salary of 20%. Secondly, if the post of Class-III is available as having been claimed by the petitioners, if there is no other senior over the petitioner, the case of the petitioners will be also considered for promotion in accordance with law.

As with regard to payment of extra amount of 20%, the same will be considered and the benefit will be given within a period of three months from the date of receipt/production of a copy of this



order.

With the aforementioned observation and direction, both the writ applications are disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.11.2017
Transmission Date	NA

