

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6591 of 2016

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1. Brahmdeo Ravidas Son of late Tejo Ravidas Permanent Resident of Mansodih, P.S. Tisari, Distt. Giridih at Present resident at Yarpur Ambedkar Colony, P.S. Gardanibagh, Distt. Patna

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development Deptt. Bihar, Patna.
2. Patna Municipal Corporation through Municipal Commissioner, Patna Municipal Corporation, Patna, Budh Marg, Patna.
3. The Chief Account Officer, Patna Municipal Corporation, Patna
4. The Executive Officer, Nutan Rajdhani Anchal, Patna Municipal Corporation, Patna
5. The Executive Officer, Kankarbagh Anchal, Patna Municipal Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Respondent/s : Mr. Sanjay Prakash Verma, Adv.

Mr. Prakritita Sharma, A.C. to S.C. 25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-05-2018

Heard Mr. Manoj Kumar Pandey, learned counsel for the petitioner, learned counsel for the State and Mr. Sanjay Prakash Verma, for the Patna Municipal Corporation.

The grievance of the petitioner is that his application for compassionate appointment remains pending.

Facts of the case lie in a very narrow compass. The father of the petitioner serving as a Safai Mazdoor, a Class IV post under the Nutan Rajdhani Anchal, Patna Municipal died in harness on 24.12.2005. On his death an application was filed by the petitioner for compassionate appointment, a copy of which is enclosed at Annexure-3 but it took



more than a decade for the respondent to react vide memo No.596 dated 02.03.2017, a copy of which is enclosed at Annexure-A to the counter affidavit of the Corporation whereby certain information was asked from the petitioner as regarding no objection of the family members as well as in support of his age. The stand of the respondents Corporation is that since the petitioner has not bothered to respond hence the matter could not be taken further.

According to Mr. Pandey, learned counsel appearing for the petitioner the registered notice had returned unserved as admitted at paragraph 8 of the counter affidavit, meaning thereby, the information sought through Annexure-A never reached the petitioner for acting thereupon.

Having heard learned counsel for the parties and considering that the application of the petitioner has remained pending inter alia on grounds of non completion of formalities by the petitioner to supply no objection from his family members as well as to submit certificate supportive of his age as well taking note of the statement of the Corporation themselves of having sought such information through letter dated 02.03.2017 bearing Memo No. 596 at Annexure-A after more than a decade of the filing of the application by the petitioner, I would allow one more opportunity to the petitioner to satisfy the respondents on the issue and for the purpose let the



petitioner appear before the Executive Officer, Nutan Rajdhani Anchal, Patna Municipal Corporation on/or before 28.05.2018 along with documents referred to above and whereafter let the application of the petitioner for compassionate appointment be taken to its conclusion by the authority competent to do so.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

Bibhash

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2018
Transmission Date	NA

