

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15315 of 2019

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Moti Devi Daughter of Late Upendra Jha Resident of Village- Dalhatta Bazar,
P.O. and P.S.- Munger, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary, Urban Development Department Government of Bihar, Patna.
2. The Joint Secretary Urban Development Department Government of Bihar, Patna.
3. The District Magistrate Munger.
4. The Municipal Commissioner Municipal corporation Munger, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the Respondent/s	:	Mr. Rajeev Roy (GP1)
For the Municipal Corp	:	Mr. Shivendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 07-08-2019

Heard the learned counsel for the parties.

2. The petitioner is the widow daughter of late Upendra Jha, an employee of the Municipal Corporation, Munger, who at the time of his death was working as Pump Khalasi at Munger.

3. The employee died on 09.10.2014.

4. From the perusal of the writ petition, it transpires that the wife of the deceased employee made an application for being considered for compassionate



appointment but no order could be passed as the corporation kept on seeking directions and guidelines for providing appointment on compassionate ground.

5. In the meantime, the daughter of the deceased employee, who was married to a poor person became a widow and during the lifetime of the deceased employee, she became dependent on him. The brother of the petitioner, no doubt is in government service, but he is not affording any help to the family of the deceased employee. The petitioner who is a widow and was absolutely dependent on her parents has now sought compassionate appointment in place of her deceased father.

6. It is also disheartening to note that the mother of the petitioner also is dead.

7. In that view of the matter, there would be, as far as this Court can presume, no claimant for being considered for appointment on compassionate ground.

8. Under the aforesaid circumstances, this Court directs the petitioner to make a representation before the



Municipal Commissioner, Munger (respondent no. 4) to consider her for being appointed on compassionate ground on any class-IV post, subject to the scheme of such compassionate appointment which may be prevalent in the corporation. Such representation shall be filed within a period of three weeks from today. The Municipal Commissioner, Munger shall look into the case of the petitioner in right perspective and the law which has developed with regard to grant of compassionate appointment in order to provide succour to the family of the deceased employee.

9. The Municipal Commissioner, Munger shall also take into account that the brother of the petitioner, though is gainfully employed in government service but has refused to look after the family of the deceased employee.

10. Under such circumstances, it would be only appropriate for the concerned Municipal Commissioner, Munger to look into the claim of the petitioner and pass



necessary orders in accordance with law within a period of eight weeks of the receipt of such representation.

11. Needless to state that any order which would be passed by the Municipal Commissioner, Munger shall be subject to the scheme of compassionate appointment which is prevalent in the corporation.

12. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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