

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5941 of 2020

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Mukesh Kumar Son of Late Nathuni Mahto, resident of Village-Susta Post--
Susta P.S.-Sadar, District-Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Urban Development, Govt. of Bihar, Patna.
2. The Municipal Commissioner, Municipal Corporation, Muzaffarpur.
3. The Administrator, Muzaffarpur, Municipal Coporation, Muzaffarpur.
4. The Executive Engineer, Water Board, Muzaffarpur, Municipal Corporation.
5. The Assistant Engineer, Water Board, Muzaffarpur, Municipal Corporation.
6. The District Magistrate Muzaffarpur
7. The Revenue Officer, Municipal Corporation, Muazaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.Yogendra Prasad Singh (Aag7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-12-2021

None appears for the petitioner.

2 In the instant petition, petitioner has sought for
following reliefs:

(i) For issuance of an appropriate writ in the nature writ of Mandamus directing and commanding upon the respondents to appoint the petitioner on compassionate ground in Muzaffarpur, Municipal Corporation.

(ii) For issuance of an appropriate writ in the nature writ of Mandamus directing and commanding upon the respondents to make payment of arrears of salary after 4th pay revision for the period from 01.01.1989 to 31.03.1993, 5th pay revision for the period of 01.01.2002 to 31.03.2005 and 6th pay revision



for the period of 01.04.2007 to 31.01.2015.

(iii) For issuance of an appropriate writ in the nature writ of Mandamus directing and commanding upon the respondents to make payment of group insurance, first A.C.P. ad second M.A.C.P. and also the arrears of differences of salary in view of government letter no. 1774 dated 02.04.2005 after amalgamating 50% D.A. with basic salary with effect from 01.01.2005 to 01.02.2009.

(iv) For issuance of an any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Relief nos. 2 and 3 are speculative relief as petitioner has not vested right to seek relief at para 2 and 3 of the prayer.

4. The concerned respondent is hereby directed to examine the grievance of the petitioner in respect of appointing him on compassionate ground in Muzaffarpur Municipal Corporation in the light of the fact that petitioner's father, who died on 03.05.2018 while he was in service. The petitioner's mother and petitioner filed application on 27.11.2018 and 15.03.2019 respectively.

5. The 2nd respondent- Municipal Commissioner is hereby directed to pass speaking order as to whether petitioner is eligible to be appointed on compassionate ground or not? If the petitioner is otherwise eligible order of compassionate



appointment shall be issued or pass a speaking order as to why petitioner is not entitled. The aforesaid exercise shall be completed within a period of one month from the date of receipt of this order. Accordingly, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

