

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2153 of 2023

=====

Anand Kumar S/o Late Ganesh Ram @ Ganesh Manjhi Resident of Village-
Lallu Pokhar, Argara Road, Betwan Bazar, P.S.- Kasim Bazar, District-
Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Munger.
3. The Nagar Ayukta, Munger Nagar Nigam, Munger.
4. The Chairman, Munger Nagar Nigam, Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan Singh, Advocate
For the respondent 3&4	:	Mr. Anjani Kumar, Sr. Advocate
		Mr. Utkarsh Bhushan, Advocate
For the State	:	Mr.Shankar Kumar, A.C. to A.A.G.-7

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-04-2023 The petitioner has moved this Court seeking a direction to the respondents to consider his case for appointment on compassionate ground, after more than ten years from the date of death of his father who was working as ‘Safai Karamchari’ in the Nagar Nigam, Munger.

Learned counsel for the petitioner submits that earlier there was some dispute between the two rival claimants as to who is the wife of the deceased employee. In the fight between one Most. Rekha Devi and another lady Bhago Devi, ultimately an agreement was entered into.

This Court vide order dated 25.11.2016 in CWJC No.



10052 of 2014 issued certain directions to the competent authority to make payment of the post- retiral dues of the deceased employee to the legally entitled heirs of the said employee within a period of four months.

Learned counsel submits that in terms of the order of this Court, the competent authority considered the matter and on finding that Rekha Devi is to be accepted as the wife of the deceased, passed an order in her favour. The petitioner claims that he is son of Rekha Devi, therefore, he is entitled for the compassionate appointment.

Mr. Anjani Kumar, learned Senior Counsel represents the Municipal Commissioner, Municipal Corporation, Munger. It is his submission that the death of the father of the petitioner took place in the year 2012. The purpose behind providing appointment on compassionate ground is to provide immediate succor to the family of the deceased employee. In this Case, with the lapse of 10 years, there is no such situation where the petitioner can claim his appointment on compassionate ground. It is submitted that appointment on compassionate ground is not a mode of appointment as has been held by the Hon'ble Supreme Court in catena of judgments and in the facts of the present case where the petitioner has moved with a delay of



over ten years, this Court need not exercise its writ jurisdiction.

This Court agrees with the submissions made on behalf of the Municipal Corporation. The fact is that father of the petitioner died on 12.5.2012 and the pleadings in the writ application reveal that the two ladies who were claiming themselves wives of the deceased employee were fighting for the retiral benefits but the petitioner did not make any application for appointment on compassionate ground immediately after the death of his father. It is only after a lapse of five years from the date of death he filed an application for appointment on compassionate ground. After a lapse of over ten years from the date of death, in the facts of the present case, this Court is not inclined to entertain this writ application.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

Ajay Singh/-

U		T	
---	--	---	--

