

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1621 of 2023

In
Civil Writ Jurisdiction Case No.2153 of 2023

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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

Versus

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

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shambhu Sharan Singh, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, AAG- 7
For the Municipal Corp	:	Mr. K.N. Sahay, Advocate
		Mr. Rohan Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-10-2024 Heard learned counsel for the parties.

2. This is an application seeking modification of the
order dated 12.04.2023 passed by this Court in CWJC No. 2153
of 2023. The operative part of the order reads as under:-

“This Court agrees with the
submissions made on behalf of the
Municipal Corporation. The fact is
that father of the petitioner died on
12.05.2012 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.”

3. Learned counsel for the petitioner submits that he has filed this application for modification of the order to bring to the notice of this Court that the petitioner had made his application for appointment on compassionate ground immediately after death of his father. He has invited attention of this Court towards the Memo No. 1297 dated 13.06.2013 issued under the signature of the Municipal Commissioner, Municipal Corporation, Munger by which the petitioner was communicated that his father had, in fact, retired from service in the August, 2011 itself, therefore, nine months prior to his death, he had retired from service. The letter also states that there is no provision for providing a job on the basis of compassionate ground after retirement of any employee.

4. Learned counsel submits that, in fact, this letter which he has now brought on record was not received by him earlier.

5. In the counter affidavit filed on behalf of Opposite Party Nos. 2 and 3, it is stated that the petitioner had filed the



written application claiming appointment on compassionate ground. The said writ application being CWJC No. 10052 of 2014 was disposed of on 25.11.2016 by this Court. It is further submitted that the father of the petitioner had retired on 30.08.2011 itself, therefore, the petition for compassionate appointment of the petitioner could not have been considered.

6. Having heard learned counsel for the petitioner and learned counsel for the Municipal Corporation, this Court is of the considered opinion that this application is a wholly misconceived application. CWJC No. 2153 of 2023 was disposed of by this Court on the basis of the pleadings available on the record. At this stage, the petitioner is trying to raise his grievance against Annexure '5' by filing this modification application.

7. This Court finds no reason to modify the order passed in CWJC No. 2153 of 2023.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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