

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7757 of 2014

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Subhashani Kumari wife of late Anil Kumar Tandon (s/o late Vishnu Prasad Tandon) Resident of Mohalla - Bagloda Gali, Chowk, Patna City, Police Station - Chowk, District - Patna

.... Petitioner

Versus

1. Food Corporation of India through its Chairman AND Managing Director, 16 - 20, Barakhamba Lane, New Delhi - 1
2. The Chairman AND Managing Director, 16 - 20, Barakhamba Lane, New Delhi - 1
3. The Executive Director (East Zone), Food Corporation of India, Zonal Office (East), 10 "A" Middleton Row, Kolkatta - 71
4. The General Manager, Food Corporation of India, Arunachal Building Exhibition Road, Patna
5. The Area Manager, Food Corporation of India, District Office, Firdos Building, Exhibition Road, Patna
6. The Committee Members, Manager (QC), Manager (Depot), Manager (A/Cs), Food Corporation of India, Patna District

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Mukul Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-02-2015 No one appears for the petitioner. Learned counsel for the Food Corporation of India hereinafter referred to as the Corporation, is present.

The prayer of the petitioner in this writ application reads as follows:-

"That petitioner seeks indulgence of this Hon'ble Court for issuance of an appropriate writ/writs/direction/directions order/orders commanding respondents to appoint petitioner (widow of sole son late Anil Kumar Tandon) on Class-III post on compassionate ground due to death in harness during service of Vishnu Prasad Tandon father-in-

law of the petitioner."



From the aforesaid relief sought in this writ application as with regard to the appointment of the petitioner on compassionate ground and the admitted fact that the petitioner is a daughter-in-law of Late Vishnu Prasad Tandon, the deceased employee of the Corporation, who had died on 09.10.1999, this Court would find it difficult to sustain such a belated claim in view of the policy of compassionate appointment the Corporation laying down 'dependent family member' to mean either spouse or son or daughter, brother or sister in the case of unmarried Government servant or member of the Armed Forces referable to Spouse or son. Thus, from the scheme of compassionate appointment produced by the learned counsel for the Corporation it becomes clear that the petitioner does not fall within the specified category of dependents.

That apart the delay of almost 14 to 15 years in moving this Court in raising a cause of action of the year 1999 seeking compassionate appointment itself will be fatal keeping in view the object of compassionate appointment under which only immediate relief has to be given to the dependent family members. As a matter of fact when the petitioner also admits that till 09.05.2009, Anil Kumar Tandon being her husband was alive and was trying

to get his appointment on compassionate ground but on his failure of being appointed he did not move any authority or court, such right for being appointed on compassionate ground also cannot be acquired by the petitioner merely by way of inheritance specially when she does not fall within the category of dependant as per the policy of the compassionate appointment of Corporation.

Be that as it may, this Court does not find any merit in this application and the same is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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