

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1544 of 2015

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Sumiran Rai Son of Ambika Rai Resident of Mohalla Chitrakut Nagar,
Nazrigang PO Takiyapar PS. Danapur Distt.Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The General Manager(I.R.C) Food Corporation of India., New Delhi.
3. The Acting Director(Anchal) Food Corporation of India Anchal Office(East) Kolkatta
4. The General Manager(Region) Foods Corporation of India, Arunachal Building Exhibition Road Patna 800001
5. The Manager (Depot) Food Corporation of India Food Storage Department, Phulwarisharif,Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, Sr.Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 10-03-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:

“I) To issue a writ in the nature of mandamus commanding the respondents no. 2 to 4 to appoint the petitioner on compassionate ground of complete loss of vision of the father of the petitioner because the term and tenure of service of the father of the petitioner is upto 30.4.2018.

II) To issue a writ in the nature of mandamus commanding the respondents to consider the rightful/ claim of the petitioner because of medical invalidation of the father of the petitioner, the family of the petitioner is under great distress and facing no source of livelihood.

III) That this is an application for issuance of writ in the nature of mandamus commanding the concerned authority to appoint the petitioner on compassionate ground in Food

Corporation of India Food Storage Department
Phulwarisharif Patna pursuant to order passed by Hon'ble
Supreme Court Cases (2008) 13 SCC.”

Learned counsel for the petitioner at the outset has shown his inability to produce any regulation of the Food Corporation of India which lays down that the compassionate appointment can be given to a dependent ward of an employee of the F.C.I. who becomes physically incapacitated alike the father of the petitioner, who is said to have lost complete vision during his tenure of service which was to continue till 30.4.2018.

Moment the petitioner has failed to satisfy this Court that the compassionate appointment can be given even to a dependent of an employee who is still alive, this Court would find it difficult to issue any direction for considering the case of the petitioner for appointment on compassionate ground.

Learned counsel has then contended that probably the petitioner would be satisfied if a direction is given to consider the case of the petitioner and pass whatever orders that F.C.I. finds him legally correct and justified.

This Court, however, in absence of any policy of compassionate appointment to a dependent of an employee alive and physically incapacitated is not in a position to direct the respondents to consider the case of the petitioner for appointment

on compassionate ground. The policy of compassionate appointment is absolutely one and the same where for the welfare of the dependents of an employee dying in harness, an alternative source of income has to be provided by offering an employment. This Court is not aware of any policy of F.C.I. as well and at least nothing has been brought to the notice of this Court by the learned counsel for the petitioner to this effect that even a dependent of an employee who is still alive and has only become physically incapacitated to work would also be entitled for appointment on compassionate ground.

In that view of the matter, this Court does not find any merit in this application and it is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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