

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12708 of 2015

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1. Meena Devi W/o Late Ashok Paswan, resident of village - Nasriganj, P.O. - Digba, P.S. - Danapur, District - Patna, Bihar.

.... Petitioner/s

Versus

1. The Union of India through the Chairman - cum - Managing Director, Food Corporation of India, No. 16 - 29, Barakhmba Road, New Delhi.
2. The Sr. Regional Manager, Food Corporation of India, Regional Office, Patna.
3. The Genral Manager, Food Corporation of India, Area Office, Arunanchal Bhawan, Patna - 1.
4. The Area Manager, Food Corporation of India, District Office, Firdaus Buiding, exhibition Road, Patna - 1.
5. The Manager Industry, Food Corporation of India, Firdus Building, Exhibition Road, Patna - 1.
6. The Manager (Depot), Food Corporation of India, Food Storage Depot, Phulwarisharif, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Arun Kumar Tiwari
Mr. Purushottam Narayan Mishra
For the Respondent/s : Mr. Prabhakar Tekriwal

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 02-05-2016

Petitioner is said to be wife of late Ashok Paswan, who was shot dead on 16.6.2010. The death happened in harness. Wife filed an application for compassionate appointment but since nothing came out of that application or decision, she decided to file the present writ application.

A counter affidavit on behalf of Food Corporation of India has been filed. They do accept that late Ashok Paswan was working as a handling labour. Since there is a ceiling imposed on compassionate appointment to the extent of 5%, mere claim or assertion of right cannot beget the claimant the benefit of

compassionate appointment. Petitioner's claim has been placed at roster point no.121 and there is a long list of such claim ahead of her numbering 120, her claim can only be considered when her turn comes.

Some controversy has been raised with regard to an application filed by her claiming benefit of compassionate appointment for her son. There are many ambiguities with regard to the so-called son but that does not concern this Court in any manner because the issue is confined to the claim of the present petitioner, the wife.

In view of the above, the claim of the petitioner has been acted upon and she has been placed on the roster. She has to await her turn only after the claimants ahead of her get their opening under the same said head.

In view of the above, no mandamus can issue upon the respondents for compassionate appointment at this juncture.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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CAV DATE	
Uploading Date	02.5.2016
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