

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9701 of 2014

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Ramanand Kumar Paswan, Son of Late Nand Kishore Ram, Resident of Village-
Teelsandi, P.O- Bhimpur, Police Station- Barharia District- Siwan.

.... Petitioner/s

Versus

1. The Food Corporation of India through the General Manager, Bihar, Patna.
2. The Manager (Pers)/ CAPIO, Food Corporation of India, Zonal Office (East),
Kolkata- 700071.
3. The Executive Director (East), Food Corporation of India, Zonal Office, 10
Middleton Row, Kolkata- 700071.
4. The Assistant Manager, Food Corporation of India, Bihar, Patna.
5. The Manager (Pers), Food Corporation of India, Area Office, Sri Nandan Path,
Chapra, District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Respondent/s : Mr. Prabhakar Tekriwal

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 25-10-2016

Heard counsel for the petitioner and counsel for the
Food Corporation of India.

The order, dated 04.12.2013, is under challenge, which
has been passed in the background of the previous direction issued
by the Court for consideration of the claim of the petitioner for
compassionate appointment.

Counsel for the petitioner submits that from a reading
of the order itself it is evident that it is a case of non-application of
mind with a pre-fixed notion to reject the claim of the petitioner by
applying a DOPTs office memorandum, dated 30th of May, 2013,
when the claim of the petitioner should have been considered on the

basis of the policy or the office memorandum in place at the time when the application was made.

In the alternative it is also urged that if at the time of passing of the order, office memorandum, dated 30th of May, 2013 was considered, then why will the FCI not considered the subsequent amendment and changes, where the DOPT has now even permitted the benefit of compassionate appointment to married sons, though it has been issued on 3rd of March, 2015.

Another aspect of significance, which emerges, is that the respondent-authorities has not bothered to look into the financial status of the petitioner, which is reflected from the order itself, which is also an important aspect in considering the claim for compassionate appointment.

In the totality, therefore, the Court is of the opinion that the impugned order, dated 04.12.2013, contained in Annexure-1, is required to be quashed. Matter is remanded back for fresh consideration in accordance with law.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	26.10.2016
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