

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.39354 OF 2015

ORDER:

The petitioner is the younger son of one Adapa Nageshwar Rao, who worked as picker in the 1st respondent's corporation and died on 22-07-2008. The elder brother of the petitioner was married and he was separated from the joint family. The petitioner and his mother alone remained and the petitioner is unemployed. The petitioner submitted a representation on 01-08-2011 to the Area Manager, Food Corporation of India, Guntur District, for consideration of his case on compassionate grounds for employment. He submitted additional documents also on 12-12-2011. The 2nd respondent addressed a letter on 20-01-2014 asking the petitioner to appear before the Regional Office, Chennai on 19-02-2014 along with original documents for verification. Though the petitioner appeared on the prescribed date, no further action was taken by the respondents. The petitioner is a Post-Graduate in Business Administration and filed the present writ petition challenging the inaction of the respondents in considering his case for appointment on compassionate grounds.

2. A counter-affidavit is filed stating that the Zonal Office, Chennai, vide letter, dated 09-03-2016 informed the Regional Office that the petitioner was married on 29-08-2010 and that as per DOPT clarification, dated 30-05-2013, a married son is not eligible for compassionate appointment and accordingly, the case of the petitioner was not considered.

3. Learned counsel for the petitioner produced before this Court a copy of the office memorandum, dated 05-09-2016 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, North Block, New Delhi, answering query with regard to the eligibility of married sons in affirmative manner stating as follows:

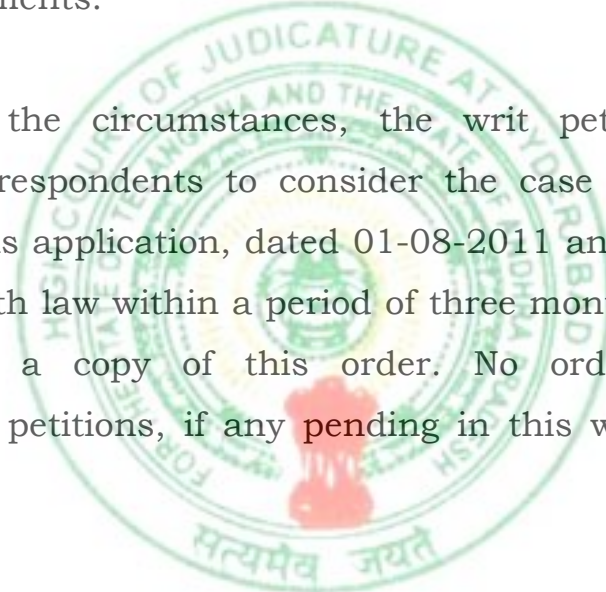
“Sl.No.60. Question: Whether ‘married son’ can be considered for compassionate appointment?

Answer: Yes, if he otherwise fulfils all the other requirements of the Scheme i.e., he is otherwise eligible and fulfils the criteria laid down in this Department’s O.M. dated 16th January, 2013. This would be effective from the date of issue of this FAQ viz., 25th February, 2015 and the cases of compassionate appointment already settle w.r.t the FAQs dated 30th May, 2013 may not be reopened.

Sr.No.13 of the FAQs dated 30th May, 2013 may be deemed to have been modified to this extent.”

4. In view of the same, there is no bar for consideration of the case of the petitioner for appointment on compassionate grounds, for which, he already made an application and submitted required documents.

5. In the circumstances, the writ petition is allowed directing the respondents to consider the case of the petitioner pursuant to his application, dated 01-08-2011 and 12-12-2011 in accordance with law within a period of three months from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.



A.RAMALINGESWARA RAO, J

DATED: 22-09-2016

Hsd