

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17728 of 2008

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Sanjay Kumar Das, son of late Santoshi Das, resident of Village-Nayagaon, Near
Satsang Mandir, P.S. East Cplony, Jamalpur, District Munger

.... Petitioner/s

Versus

1. The Food Corporation of India through its General Manager, Patna
2. The General Manager (Region), Food Corporation of India, Regional Office,
Arunnachal Bhawan, Exhibition Road, Patna.
3. The Manager (Personnel), Food Corporation of India, District Office, Kachahari
Road, Bhagalpur
4. The Area Manager, Food Corporation of India, District Office, Kachahari Road,
Bhagalpur
5. The Depot Manager, Food Corporation of India, Food Storage Depot Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh,
For the F.C.I. : Mr. P. K. Verma, Sr. Advocate
Mr. Suman Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-11-2017

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

Father of the petitioner was Class IV employee has died in
harness on 26.6.2006 and whereafter petitioner filed an
application along with all testimonials in the year 2006 itself but
till date the petitioner could not have been appointed on
compassionate ground.

The circular of the Food Corporation of India (hereinafter
referred to as the Corporation) dealing with compassionate
appointment has given certain guidelines with respect to



compassionate appointment. As per guideline dated 5th May, 2003 which reflects normally on the death of bread earner the appointment on compassionate ground of dependent can be given up to 5% of the total vacancy of direct recruitment quota and consideration will for one year. In case of non-availability of the regular vacancy on consideration of bad financial condition of the family if it is decided to grant extension of benefit of compassionate appointment it may be extended to one year more but maximum period for offering compassionate appointment if financial crisis continued, can be extended maximum for three consecutive years.

The case of the petitioner is that he after death of his father just filed an application for appointment but even after lapse of so much time, did not give result when the case was taken up this Court vide order dated 28.7.2015 directed the Corporation to file a supplementary counter affidavit to give details of the persons appointed during the period of three years ever since the petitioner has filed an application on 6.12.2006.

In paragraph 8 of the supplementary counter affidavit, mentions details of persons have been appointed during the period from 2006 to 2009. On perusal of the same it appears that for the period 2006, 2007 and 2008, none was appointed but in



2009 four persons have been appointed. The petitioner could not be accommodated in Class III post he was holding minimum required qualification for appointment . The statement has been made in the affidavit that no vacancy was available in Class IV posts and further stated that as and when the vacancy will be available in Class IV his case will be considered.

Learned counsel for the petitioner submits that application of petitioner remained pending but he has wrongly been deprived of compassionate appointment but looking to the background and family status the respondent should have offered appointment on Class IV post.

Mr. P.K. Verma, learned Senior counsel for the Corporation has submitted that petitioner could have been considered for appointment maximum for the years consecutively subject to having requisite qualification and availability of vacancy. As per affidavit none has been appointed on account of non-availability of post as on today, there is no vacancy. He has further submitted that compassionate appointment has some purpose that in the event of death of bread earner to tide over the financial crisis the benefit of appointment on compassionate is extended to mitigate adversity but after expiry of long period it loses its purpose.



From the record it appears that father has died in 2006. He has applied in 2006 itself, circular provides that maximum period for consideration is for three years and during that period no appointment has been made.

In such view of the matter, looking to the entire facts and circumstance of the case no relief can be given to the petitioner, in view of the situation, that there is no vacancy. Accordingly this Court does not find any reason to interfere in the matter.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.122017
Transmission Date	NA

