

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.737 of 2015

In

Civil Writ Jurisdiction Case No.7757 of 2014

Subhashani Kumari. Wife of Late Anil Kumar Tandon.(S/o Late Vishnu Prasad Tandon.) Resident of Mohalla - Baglodan Gali, Chowk, Patna City, Police Station - Chowk, District – Patna.

... .. Appellant

Versus

1. Food Corporation of India through its Chairman, and Managing Director, 16-20, Barakhamba Lane, New Delhi-1.
2. The Chairman and Managing Director, 16-20, Barakhamba Lane, New Delhi - 1.
3. The Executive Director, (East Zone), Food Corporation of India, Zonal Office (East), 10 "A" Middleton Row, Kolkatta - 71.
4. The General Manager, Food Corporation of India, Arunachal Building, Exhibition Road, Patna.
5. The Area manager, Food Corporation of India, District Office, Firdos Building, Exhibition Road, Patna.
6. The Committee members, Manager (QC), Manager (Depot), Manager (A/Cs), Food Corporation of India, Patna District.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Rabi Bhushan Prasad No. 1, Advocate
Mr. Vijay Prakash Bhargava, Advocate
For the Respondents : Mr. Prabhakar Tekriwal, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 17-08-2017

Heard counsel for the appellant and counsel for the Food Corporation of India. Perused the order dated 18.02.2015.

The claim for compassionate appointment made in the writ application before the learned single Judge has been rejected. The learned single Judge has dismissed the writ application primarily on two grounds, firstly, that there was



a delay of 14-15 years in moving the Court for a cause of action which arose in the year 1999 and, secondly, that the compassionate appointment policy does not envisage any kind of opening for the petitioner because of her status as well as the relationship.

Since compassionate appointment is not a fundamental right of any individual and flows from a policy, no abrasion or interpretation to extend the ambit of policy is required to be made by a Court of law. Since the appellant is the daughter-in-law of the erstwhile employee, therefore, in absence of any provision for such relation to claim the benefit of compassionate appointment, the learned single Judge rightly dismissed the writ application being devoid of merit. There is no infirmity in the order of the learned single Judge.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
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