

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7050 OF 2010

DATED : 11.04.2017

Between :

K.Kishore Kumar S/o.Late K.Bala Raju,
Age : 25 yrs, R/o.8-8-236/1,
Opp : Shivalayam temple, Brahmana Bazar,
Khammam, Khammam District-507 001.

Petitioner

And

The Executive Director (South),
Food Corporation of India,
Zonal Office, No.3, Haddows Road,
Nungumbakkam, Chennai-6 & others.

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner is claiming compassionate appointment by relying on the scheme of compassionate appointment introduced by the respondent-Corporation. Father of the petitioner died on 11.06.2001. It appears petitioner has been prosecuting his claim and also prosecuting litigation before this Court claiming appointment on compassionate grounds. This writ petition is filed challenging the order dated 20.11.2008 whereunder his request for provision of compassionate appointment was rejected on various grounds including the ground that huge amounts of terminal benefits were paid and that the person is having a residential house and so on. During the pendency of this writ petition, further orders are passed rejecting the request of the petitioner. Later, the prayer was amended to challenge the said order of rejection.

3. Counter affidavit is filed. Along with the counter the guidelines formulated in the year 2012 for consideration of claims to provide compassionate appointment are enclosed. The decision of the Committee rejecting the request of the petitioner for provision of compassionate appointment is also enclosed.

4. It appears that the guidelines categorises the claims of individuals into various groups and petitioner was classified as belonging to Group-B+ and held as not entitled for appointment on compassionate grounds. However the order does not speak of the

reasons why the claim of the petitioner was rejected and it is a cryptic order. The reason assigned to reject the claim of the petitioner reads as under :

“Your application referred above has been examined and your case has been found to be not eligible for selection for compassionate ground appointment”.

5. Learned counsel for the petitioner challenges the said decision primarily on the ground that the order does not speak of the reasons as to why the claim of the petitioner was rejected. He submits that a Committee of three officers was constituted by the respondent-Corporation to conduct physical verification of the claim and that the report of the Committee is in favour of the petitioner. If the report of the Committee is taken into consideration the claim of the petitioner could not have been rejected.

6. It appears from the reading of the material filed that the report of the Committee was also considered. However, the order does not speak of reasons why the report is not accepted and why the claim of the petitioner is rejected.

7. Since the respondents have unilaterally taken up the exercise of reviewing the claims of compassionate appointments, in pursuant to the decision taken on 23.10.2012 and detailed exercise was undertaken in the year 2014 and later, while considering and holding that the petitioner is not entitled for appointment, the respondents ought to have assigned due reasons in support of their decision. The decision impugned was taken by the authority of Food Corporation of India which is an instrument of State and the decision pertains to provision of appointment on

compassionate grounds. If person fulfils the parameters of compassionate appointment a right would accrue to such person to work in a public sector Organization. When such right is being denied, the basic requirement of any authority is to assign due reasons in support of the decision that the claim cannot be accepted. Thus, the order impugned in the writ petition is liable to be set aside on that ground alone and is accordingly set aside.

8. Accordingly, the writ petition is allowed and the matter is remitted for consideration of the claim of the petitioner and passing appropriate orders assigning due reasons in support of the decision. It is needless to observe that since the competent authority has called for the report of three member Committee and the report is submitted by the three member committee, the competent authority shall take due note of the report of the committee and furnish reasons in support of their decision if that report is not acceptable for the competent authority in providing employment on compassionate grounds. Since the issue has been pending for quite long time, the competent authority of the respondent-Corporation is directed to take decision and communicate the same to the petitioner as expeditiously as possible, preferably within a period of four (4) weeks, from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

11th April, 2017
Rds