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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 1369/2017

17th February, 2017

BABU RAM THAPA

..... Petitioner

Through: Mr. Dharmender Tyagi, Adv.

versus

FOOD CORPORATION OF INDIA

..... Respondent

Through: Ms. Harminder Oberoi, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. Petitioner by means of this writ petition under Article 226 of the Constitution of India prays for compassionate appointment on the ground of death of his father on 18.5.1975 while working with the respondent/employer/Food Corporation of India.

2. It is seen that today in 2017 around 41 years have passed since the death of the father of the petitioner and on account of which the petitioner seeks compassionate appointment. Even taking the petitioner is major from 1980, and thus 36 years have expired since the petitioner became a major.

3. Compassionate appointment is not a mode of normal appointment or regular recruitment. Compassionate appointment is granted only if specific requirements of grant of compassionate appointment are satisfied by a person, and in this writ petition I do not find that petitioner has stated as to which is the policy of the respondent for compassionate appointment, how the petitioner satisfies the criteria for getting compassionate appointment, compassionate appointment entitlement is for how much period after the death of the employee etc etc. Accordingly, therefore, on account of the petitioner not setting out a legal cause of action as to what is the compassionate appointment policy and how the petitioner satisfies the same, this writ petition cannot be entertained and is accordingly dismissed.

4. It is also seen that this writ petition would be barred by delay and *laches* because of the correspondence which is relied upon by the petitioner for entitlement of compassionate appointment including of some correspondence being admissions of the respondent. The correspondence is from the year 1978 till 1992 when the mother of the petitioner expired on 27.3.1992. There are further references in the writ petition of correspondence and recommendations for the petitioner to get compassionate appointment and petitioner's writing letters from 1996 to

2004. After 2004 there is a complete silence till about 10 years as the next letter of the petitioner is dated 18.8.2014 seeking compassionate appointment. Clearly, therefore, simply by writing letters, and with the last gap of around 10 years from the earlier letter of the year 2004 of the petitioner, and that too when it is not stated as to how petitioner can get compassionate appointment in terms of the applicable policy, petitioner hence is not entitled to relief of compassionate appointment.

5. One of the basic objects of grant of compassionate appointment is for the family of the deceased employee who dies in harness to ride over financial crises on account of death of the employee in harness. The concerned employee being the father of the petitioner has died as stated above 41 years back. Today, therefore it cannot be argued that there is an issue of financial hardship of the family after 41 years of the death of the employee.

6. Dismissed.

FEBRUARY 17, 2017
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VALMIKI J. MEHTA, J