

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19775-2018 (O&M)

Date of Decision:-30.11.2018.

Soma Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. J.S. Bhinder, Advocate for the petitioner.

ARUN MONGA, J. (Oral)

The present writ petition has been filed by one Sh. Soma Singh who states that his father Sh. Leela Ram (deceased) was serving in FCI and died on 17.10.2003 in a road accident and soon thereafter, he lost his mother also on 06.01.2004.

2.) Learned counsel for the petitioner contends that at the time death of father of the petitioner, petitioner was minor and as per the policy of respondents-FCI, the compassionate appointment is considered only if the same is sought within six months from the date of death of the deceased worker. Admittedly, the mother of the deceased could have applied. However, since she also died untimely before the period of six months expired, therefore, the benefit of applying within six months or getting job could not be availed by her. Learned counsel for the petitioner further contends that petitioner attained the age of majority on becoming 18 years old on 08.08.2004 being born on 08.08.1986 as reflected from his birth

certificate Annexure P-8. He applied for job on compassionate appointment under the policy of the respondents-FCI and when his cases was not considered favourably, he also caused a legal notice dated 26.07.2017 Annexure P/11 herein. The said legal notice has been responded vide reply of the respondents-FCI through their counsel vide Annexure P/13 dated 15.11.2017 wherein the sole ground of rejection of the application of the petitioner for compassionate appointment is that he applied after lapse of more than six months from the date of death of his father and same is against the instructions of FCI Regulations dated 02.02.1977. Learned counsel for the petitioner contends that the said ground of rejection could not have been applied to the petitioner as admittedly petitioner's mother died within six months of the death of his father, who in the event of having applied for the job would have been entitled to all the benefits. Petitioner being a minor at that time could not apply for the same and, therefore, such a stand taken by the respondents-FCI is completely against the principles of equity, fairplay and is illegal and arbitrary.

3.) Keeping in view the contentions of the learned counsel for the petitioner and the averments in the petition, present writ petition is disposed of with a direction to respondent No.2-FCI to consider the case of the petitioner without the objection that the same has been applied after a period of six months of the death of the deceased worker and take a decision thereafter, in accordance with law.

(ARUN MONGA)
JUDGE

November 30, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.