

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.2086 of 2016 (O&M)

Date of Decision: 18.09.2018

General Manager (Region), FCI & Ors.

...Appellants

VS.

Amrik Singh

... Respondent

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Chetan Mittal, Sr.Advocate with
Mr. Udit Garg, Advocate for the appellants

SURYA KANT J. (Oral)

(1) This order shall dispose of LPA Nos.2086 of 2016; 550 of 2017; 209, 463, 684 & 1014 of 2018 which have been preferred by the authorities in Food Corporation of India against the order dated 02.08.2016 passed by learned Single Judge whereby the respondent, in each case, has been directed to be considered for appointment on compassionate grounds under the *ex gratia* policy within 5% quota of direct recruitment of Group 'D' posts.

(2) The entire case built up in the appeal is that the respondent(s) were duly considered but they could not be accommodated for want of posts.

(3) We find that in the written statement filed before learned Single Judge, no such specific plea regarding review of cadre strength or substantial reduction in Group 'D' posts was taken expressly or impliedly. In the impugned speaking order also, only an evasive averment that the respondent(s) could not be appointed for want of vacancy in 5% direct recruitment quota was made. Such a reasoning falls short of supporting the categoric plea now sought to be taken, namely, that the cadre strength of

sanction order dated 26.06.2000. Unfortunately, the said order was also not placed before the learned Single Judge. Faced with this, learned senior counsel for the appellants submits that they wish to produce the entire material before the learned Single Judge for re-consideration.

(4) In this view of the afore-stated stand and as prayed for, the appeals are dismissed as not pressed with liberty to the appellants to file review applications before learned Single Judge. The appellants shall explain the factum of availability of 6700 posts or need of manpower which have been outsourced, as referred to by learned Single Judge in the order under appeal. Since the appellants have been pursuing these appeals, we request the learned Single Judge to sympathetically consider their application for condonation of delay.

(5) With liberty afore-mentioned, the appeals are dismissed.

(Surya Kant)
Judge

18.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No