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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8301/2018**

NIRMAL GUPTA & ANR

..... Petitioners

Through: Mr. Ajesh Luthra and Ms. Sriparna
Chatterjee, Advocate

versus

FOOD CORPORATION OF INDIA

..... Respondent

Through: Mr. Om Prakash and Mr. Pradeep
Kumar Tripathi, Advocate

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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09.08.2018

The present writ petition has been filed with the prayer “(a) *Pass an order/ direction or Writ in the nature of mandamus directing the respondent to consider the request of the petitioner No. 1 for considering petitioner No. 2, the younger son of the petitioner No. 1 for compassionate appointment;*”

The counsel for the respondent is already in receipt of the copy of the petition and submits that the order passed by the respondent shows that the petitioner No. 2 – Neeraj Gupta happened to be handicapped and the son of the deceased employee.

The representation filed by the petitioners had been rejected with the remarks, as under: “*The family has own house and got Rs.15 lakhs. The children are grown up. Even though, the dependent son is handicapped, the family is not indigent and is not in need of financial assistance as such the*

case is rejected.”

I have carefully perused the remarks given by the respondent. Apparently, the reason given for rejection does not satisfy even the laymen what to say to the authority or to the Court. Having house cannot be treated as the ground for rejection of employment on compassionate ground. Similarly, if the amount was paid as terminal benefit, the same also cannot be treated as ground for rejection. It would be pertinent to mention that it has been observed by the authority that *“even though, the dependent son is handicapped, the family is not indigent and is not in need of financial assistance and as such, the case is rejected.”*

After due application of mind, even this Court is not in position to be convinced that the person is handicapped and yet is in no need of any financial assistance. In the entire order passed by the respondent, it has not been mentioned that the applicant – Neeraj Gupta, who happened to be handicapped has any regular income. Despite admitting the fact that the person is handicapped without having any regular income, to reject the prayer is complete non-application of mind, not only the minority but against the human grounds also. In such a scenario, this Court is of the considered opinion that his case would be considered leaving aside the grounds taken for the rejection order by passing the speaking order which is required to be passed in the case of appointment on compassionate grounds.

The writ petition is disposed of accordingly.

P.S.TEJI, J

AUGUST 09, 2018/PB