

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2172 of 2019

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Bibhuti Bhushan S/o Late Ramdeo Paswan Resident of Rajendra
Nagar,Power House Road,P.S. Town,Dist.-Begusarai(Bihar)

... .. Petitioner/s

Versus

1. The Food Corporation Of India Through Its Chairman, 6-20,Barakhamba Lane,New Delhi-110001
2. The Executive Director(East), Food Corporation of India,zonal Office (East),10 A,Middle Tone Row, Kolkata-700071
3. General Manager(Personnel) Food Corporation of India, zonal Office (East),10 A,Middle Tone Row, Kolkata-700071
4. The Assistant General Manager (Personal),10 A, Middle Tone Row,Kolkata-700071
5. Regional Manager, Food Corporation of India,Patna

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Advocate
For the Respondents : Mr. Saket Tiwary, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 11-02-2019

Heard Mr. S.K. Lal, learned advocate for the petitioner and Mr. Saket Tiwary, learned advocate for the Food Corporation of India.

2. The petitioner is aggrieved by the order dated 18.06.2018 passed under the signature of Assistant General Manager (Personnel) for the General Manager (Personnel) whereby his claim for compassionate appointment has been rejected on the sole ground that two of the family members viz. his brothers are gainfully employed with the Government.

3. Mr. Lal, learned advocate has drawn the attention of this Court to the scheme of compassionate



appointment in the Food Corporation of India. Clause 11 of the aforesaid circular/scheme provides a passage to the authority to consider the case of even such person for compassionate appointment, in whose family there are other earning members. The aforesaid clause indicates that in a situation of that kind, an enquiry shall be made and only on satisfaction of the concerned enquiry officer/concerned officer that grant of compassionate appointment is justified having regard to the number of dependents, assets and liabilities left by the Government servant, income of the earning member as also his liabilities including the fact that earning member is residing with the family of the Government servant and whether he should be a source of support to other members of the family any order shall be passed.

4. It has therefore been urged that the order which has been impugned in the present petition does not take into account the aforesaid facts and that no enquiry was made to ascertain whether the earning members of the family were taking care of the widow of the employee or the petitioner who at the time of death of the employee was only a minor.

5. A perusal of the order impugned does indicate that no such consideration was made and the claim has only been rejected on the ground that two of the brothers



of the petitioner being in Government service. The order, on face of it, does not reflect that any such consideration or enquiry was made as is mandated under the scheme.

6. Nonetheless, this Court finds that the petitioner has not been able to make out a case for any direction to the respondent authorities to consider his case afresh after an enquiry, for such appointment on compassionate ground. This Court says so for the reason that the petitioner and his family have been able to overcome/sustain the financial disruption with the death of the sole bread earner, about seventeen years ago.

7. Assuming the fact stated by the learned counsel for the petitioner that the applicant/petitioner was a minor at the time of death of his father, but even then he had applied for being considered for appointment, is accepted to be true, this Court cannot overcome the difficulty of the petitioner not having approached this Court for necessary direction earlier in point of time or immediately after he became major/eligible for being considered for such appointment.

8. In any view of the matter, the broader principles on which the law of compassionate appointment has developed, the petitioner cannot be given any relief in the present case.



9. Appointments needless to repeat, is a national wealth and any appointment has to be in consonance with the rules in that regard.

10. The provision for compassionate appointment is aimed at immediate succour or solace to the family of an employee whose sudden death causes severe hardships to the family. However, the scheme for compassionate appointment cannot be stretched beyond a point and a person cannot be considered after a lapse of seventeen years of the death of an employee in harness.

11. The argument advanced on behalf of the petitioner that it was only for the fault of the respondent that the case of the petitioner was not considered, is also fit to be rejected on the ground that the petitioner has approached to this Court only in the year 2019.

12. Any direction to the respondent corporation for considering the case of the petitioner would be seen as misplaced sympathy.

13. There is no merit in this petition and the same is thus dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2019
Transmission Date	

