

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11954-2018 (O&M)

Date of Decision:-05.03.2019.

Tirath Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Loveinder Kaur Brar, Advocate for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. J.S. Puri, Advocate for respondent No.2-FCI.

ARUN MONGA, J. (Oral)

The present petition has been filed, *inter alia*, for issuance of a writ in the nature of *mandamus* directing the respondents to consider the claim of the petitioner for compassionate appointment, whose father died in harness on 21.10.2011.

2.) The petitioner qualified his Senior Secondary Examination (12th Class) as per Punjab School Education Board Certificate dated 08.11.2013 (Annexure P-3). Thereafter, the petitioner wrote a letter dated 27.09.2014, through his Advocate to the respondent-Food Corporation of India (FCI) stating therein that the other legal heirs of his deceased father i.e. widow and 3 other sons had relinquished their claim in favour of the petitioner as

per affidavits dated 04.04.2011 sworn before the Executive Magistrate. In

the said letter, the learned Advocate of the petitioner also stated that if there is any prescribed proforma for appointment on compassionate grounds, the same may be supplied so that the petitioner can apply in accordance thereof. The said letter was followed up vide 2 more letters dated 18.10.2014 and 7.11.2014 respectively by the learned Advocate of the petitioner, but to no avail. Thereafter, the petitioner also caused issuance of a legal notice dated 26.03.2018 through his Advocate seeking appointment on compassionate ground but the same was not adverted by the respondent-FCI. Hence, the present writ petition.

3.) In the counter-affidavit filed before this Court, the respondent-FCI has, *inter alia*, taken a stand that since the petitioner did not give any formal application for appointment on compassionate ground, therefore, his request could not have been considered. It is also stated that the learned Advocate of the petitioner was also sent reply dated 02.12.2014 followed by another letter dated 28/29.01.2015 stating that no member of the deceased employee had applied for appointment on compassionate ground as per the record available in District office of the FCI.

4.) Learned counsel for the respondent-FCI contends that as per policy dated 22.01.1998 (Annexure R-2/1), any application for appointment on compassionate ground has to be made within 3 months from the date of death of a worker. He contends that even though there is a provision for relaxation of the said period by competent authority in deserving cases but the present case is not a deserving one. He, accordingly, seeks dismissal of the present writ petition.

5.) It is noteworthy that despite the learned Advocate of the petitioner asking for any formal proforma, if required, for the purpose of

applying for appointment on compassionate ground, the respondent-FCI did not respond to the said request.

6.) Be that as it may, without going into the merits of the case, the present petition is disposed of with a direction to respondent No.2-FCI to treat letters dated 27.09.2014, 18.10.2014 and 07.11.2014 of the Advocate of the petitioner as application for appointment on compassionate grounds. Accordingly, respondent-FCI is directed to pass a speaking order on the legal notice dated 26.03.2018 by treating the letters, *ibid*, of the Advocate of the petitioner as application for appointment on compassionate ground. Needful be done within a period of 2 months from the date of receipt of certified copy of this order. It would be appreciated that if a sympathetic view is taken by the respondent-FCI while passing the order.

(ARUN MONGA)
JUDGE

March 05, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.