

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1563 OF 2020

DATED : 27.01.2020

Between :

M. Srinivas S/o.Late Pentaiah,
Aged about 39 yrs, R/o.H.No.8-3-206/1, FCI Colony,
Peddabanda, Nalgonda-508001

.....Petitioner

And

The Zonal Manager,
Food Corporation of India, No.2,
Haddows Road, Chennai & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Standing counsel for the respondents.

2. According to petitioner, his father while working as Dusting Operator in the respondent-Corporation, died in harness on 08.09.1998, leaving behind his wife, two sons and one daughter. Petitioner claims to be the eldest of siblings of his father. Petitioner made application for provision of employment on compassionate grounds. His application was rejected, by order dated 03.07.2006. Challenging the same, petitioner filed W.P.No.27657 of 2008. The said writ petition was disposed of, by order dated 19.12.2008, in terms of the earlier orders of this Court in W.P.No.18119 of 2006 and batch. In W.P.No.18119 of 2006, this Court directed reconsideration of the cases of petitioners therein, for providing compassionate appointment after issuing notices to them and to pass orders. After the disposal of W.P.No.27657 of 2008, the orders were passed on 13.03.2009, rejecting the request of petitioner. Now, challenging the said order, the present writ petition is filed, alleging non-consideration of petitioner's claim for appointment on compassionate grounds and seeks direction to declare the action of the respondents in not considering his application for compassionate appointment, as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

3. According to learned counsel for the petitioner, the only reason for rejection was that there was lapse of three years, in his claim and by the time it came up for consideration, there were no vacancies available. He would further submit that on the said ground the request of the petitioner could not have been rejected.

4. Two aspects require consideration to appreciate the said contentions is firstly, the father of petitioner died on 08.09.1998 and the claim for appointment cannot be made after 21 years. Secondly, the request for consideration was rejected by proceedings, dated 13.03.2009, and the same remained unchallenged almost for 11 years.

5. Further it is seen from the order dated 13.03.2009, all aspects of petitioner's claim were considered and having regard to the policy of Food Corporation of India, it has expressed its inability to consider the petitioner for provision of such employment, as there were no vacancies within the 5% Direct recruitment quota for the years 2006 and 2007.

6. The appointment on compassionate grounds is not a matter of right. The scheme was introduced by the employer only to obviate sudden death of a bread winner in the family as it should not be put into serious financial difficulties on account of such demise of the bread winner. Therefore, the appointment on compassionate grounds ought to be granted soon after the calamity occurs in the family, but it is not a continuous scheme to enable another family member to secure employment, whenever, he/she wants. The primary requirement to provide employment on compassionate grounds is that there is loss of

bread winner and that the family is in destitute circumstances and the family is unable to survive financially because of sudden death of earning member of the family. A family which can survive for more than 20 years, cannot claim that they are still in destitute circumstances, warranting granting of relief. The principle of law is well settled.

7. In view thereof, the claim in the writ petition is not valid. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

27th January, 2020

Rds

P.NAVEEN RAO,J

