

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.517 of 2020

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Gandhi Kumar @ Vishal Kumar @ Gandhi, Son of Late Birju Rai, resident of
East Chitrakut Nagar, Road no. 11, P.O.- Digha, P.S. Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, F.C.I., Government of India, New Delhi.
2. The Secretary, F.C.I., Government of India, New Delhi.
3. The Zonal Manager (East), F.C.I., Kolkata.
4. The General Manager, F.C.I., New Delhi.
5. The Regional Manager, F.C.I., Bihar Circle, Patna.
6. The Area Manager, F.C.I., Phulwarisharif, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Nagmani Kumar, Advocate
For FCI	:	Mr. Saket Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-07-2022 Copy of the counter affidavit has already been served

on the petitioner's counsel on 28.06.2022. The same is being

filed in Court today.

The father of the petitioner was working as Handling
Labour at the Depot in Phulwarisharif, Patna of the respondent-
Corporation.

It is the petitioner's case that the petitioner's father
died in harness while in service on 22.06.2014. The petitioner
has made an application for his appointment on compassionate
grounds. These facts are not in dispute.

Submission is that in spite of the application for



compassionate appointment having been filed on 21.11.2016, till now compassionate appointment has not been offered to the petitioner.

The respondent-Food Corporation of India has filed a counter affidavit. Referring to Circular No.05/2003 dated 04.03.2003, it is submitted that the vacancies/quota for compassionate appointment is limited to 5% of the vacancies for direct recruitment. In view of the limited posts available, the applications for compassionate appointment are entered into a roster register. The appointment on compassionate basis is granted from the said roster as per availability of vacancies. The petitioner has been placed at No.150 of the roster maintained in the office of the respondent-Corporation and his case would be ripe for grant of compassionate appointment only when 149 persons above him have been granted the same.

The reliance placed on Circular No.05/2003 (Annexure R/1) appears to be a *bona fide* consideration of the petitioner's case for compassionate appointment.

It is needless to say that the petitioner would be entitled to compassionate appointment at his due priority in the roster register maintained by the respondent-Corporation.

Since the claim of the petitioner is pending and would



be granted at its own priority contemplated under the Scheme,
there is no occasion for this Court to issue any direction.

The application stands disposed of.

(Madhuresh Prasad, J)

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