

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16740 of 2021

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Nitish Kumar S/o Late Basudeo Prasad, resident of Mohalla - NH 30 Shahpur,
Thakurwari More, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Department of Food and Public Distribution, Govt. of India, New Delhi.
2. The Chairman and Managing Director, Food Corporation of India, New Delhi.
3. The Managing Director and Zonal Head, Food Corporation of India, East Zone Kolkata at Kolkata.
4. The General Manager (Regional), Food Corporation of India, Regional Office, Arunachal Bhawan, Exhibition Road, Patna, Bihar.
5. The Dy. General Manager (I.R.), Food Corporation of India, Regional Office, Arunachal Bhawan, Exhibition Road, Patna, Bihar.
6. The Divisional Manager, Food Corporation of India, District Office, Digha Ghat Patna, Bihar.
7. The Manager, Food Storage Depot, Food Corporation of India, Phulwari Sharif, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv. Ms. Ruchika Jha, Adv.
For the Respondent/s	:	Mr.Dr. K. N. Singh (Asg)
For the Respondents No. 2 to 6	:	Mr. Amiya Kunal, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 06-03-2024

The present writ petition has been filed for directing the Respondent authorities i.e. the authorities of the Food Corporation of India to consider the case of the petitioner for



appointment on compassionate ground in lieu of the death of his father in harness on 8.6.2020.

2. Shorn of the unnecessary details, it would suffice to state that the father of the petitioner died in harness on 8.6.2020, while posted as Assistant Labour in the office of Food Depot, Phulwarisharif, Patna, whereafter the petitioner had filed an application for appointment on compassionate ground.

3. The learned counsel appearing for the Respondent-Food Corporation of India (hereinafter referred to as “the Corporation”) has filed a counter affidavit, which has been taken on record, wherein it has been stated that the case of the petitioner for appointment on compassionate ground has been considered by the Respondents, whereafter his case has been rostered and at that moment of time, he was placed at serial no. 175 of the roster, maintained in the office of the Respondent-Corporation, hence, his case would be ripe for grant of compassionate employment only when all the persons above him have been granted the same.

4. The learned counsel for the petitioner has relied on an order dated 4.7.2022, passed by a coordinate Bench of this Court in CWJC No. 517 of 2020, wherein it has been held that the writ petitioner of that case would be entitled to



compassionate employment at his due priority in the roster register maintained by the Respondent-Corporation.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Managing Director and Zonal Head, Food Corporation of India, East Zone Kolkata at Kolkata, to consider the case of the petitioner for grant of compassionate employment at its own priority, as contemplated under the scheme.

6. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2024
Transmission Date	NA

