

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4979 of 2017

Radhey Shyam Kumar Son of Late Sudarshan Rai, Resident of Village-Purani
Pannapur, Police Station Akilpur Danapur District-Patna.

... .. Petitioner/s

Versus

1. The General Manager I. R. L. Food Corporation Of India, New Delhi.
2. The Acting Director Anchal Food Corporation of India Anchal Office Kolkatta.
3. The General Manager Region Food Corporation of India Arunachal Building Exhibition Road, Patna 800 001
4. The Manager Depot Food Corporation of India, Food Storage Department, Phulwarisharif, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate
For the Respondent/s : Mr. Prabhakar Tekriwal, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 06-05-2025 Heard Learned counsel for the petitioner and Learned
counsel for the respondents.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for considering the case of the petitioner on compassionate ground. Counsel submits that petitioner's father was working as handling labour in the Food Corporation of India who voluntarily retired on 03.03.2003. Counsel submits that petitioner has three brothers. Counsel further submits that the date of superannuation of petitioner's father was 15.06.2007, but on the medical ground, he has taken voluntary retirement on 03.03.2003. Counsel submits that petitioner has applied for his appointment on the post of handling labour. Counsel submits that the stand has been taken



in the counter affidavit that the petitioner's father was handling labour in Gang No.2 who retired on medical ground and as per the provisions of Food Corporation of India, if any handling labour retires on medical ground, his ward can be appointed on compassionate ground. Further pleading of the Food Corporation of India in the counter affidavit is that there is provision for appointment on compassionate ground or upon death of an employee to the ward only on 5% vacancy accruing in that year against the direct recruitment quota. Further stand has been taken in the counter affidavit that case of the petitioner has been considered by the management and as there was no vacancy at the particular period of time, his case was listed at Item No.8 and it has been assured that whenever, the vacancy occurs, petitioner's case will be considered and he will be appointed. Counsel further submits that in the counter affidavit, it has been mentioned that in the Region, altogether total strength of departmental labour is 1641 and out of this, total 1762 persons are working which shows that more than 7% labours are working in excess and only due to this reason, petitioner has not been appointed.

3. It transpires to this Court that the said counter affidavit has been filed by the Food Corporation of India in the



year 2018 and now 7 years have been lapsed and there is no development intimated by the Food Corporation of India before this Court by way of filing supplementary counter affidavit.

4. This Court is of the view that keeping this case pending shall not solve any purpose. Therefore, it is hereby directed to the petitioner to file his representation before the Food Corporation of India annexing the counter affidavit filed by the Corporation and the Managing Director of Food Corporation of India is hereby directed to consider the stand of the Corporation submitted in the counter affidavit and shall pass a reasoned and speaking order with regard to the petitioner within 90 days from the date of production of this order.

5. It is made clear that if, any vacancy is available, then in that case, it is directed to appoint the petitioner as handling labour.

6. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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