

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3022 OF 2015

[Ku. Jyoti d/o Bhanudas Mohurle and others .vs. Western Coalfields Limited and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri H.A. Khedikar, counsel for the petitioners,
 Shri A.M. Ghare, counsel for the respondent nos.1 and 2,
 Mrs. R.S. Shirpurkar, counsel for the respondent nos.3, 5 to 7.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 15, 2015.

By this petition, the petitioners challenge the appointment of the respondent no.3 by the respondent nos.1 and 2 on compassionate ground.

The petitioner no.4 claims to be the second wife of Bhanudas Mohurle and the petitioner nos.1 to 3 claim to be the daughter and sons of Bhanudas Mohurle, who expired while serving with the respondent-WCL. The respondent no.3 is admittedly the legitimate son of Bhanudas Mohurle. The respondent no.3 had applied to the respondent nos.1 and 2 for appointment on compassionate ground. By the impugned order, the respondent nos.1 and 2 appointed the respondent no.3 on compassionate ground. The appointment of the respondent no.3 is challenged by the petitioners in the instant petition.

According to the petitioners, the illegitimate son of an employee can also fall within the definition of term 'dependent' and, therefore, it was necessary for the respondent nos.1 and 2 to consider the claim of the illegitimate son of Bhanudas Mohurle for appointment on compassionate ground. It is submitted that the objection of the petitioners to the appointment of the respondent no.3 ought to have been favourably considered by the respondent nos.1 and 2.

There is no merit whatsoever in the case tried to be made out on behalf of the petitioners. Admittedly, the respondent no.3 is the legitimate son of Bhanudas Mohurle. Suffice it to say that the petitioners cannot effectively challenge the appointment of the respondent no.3 on compassionate ground, in the circumstances of the case.

In view of the aforesaid, we dismiss the writ petition, with no order as to costs.

JUDGE

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JUDGE