

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

WRIT PETITION NO.3389 OF 2016

[Smt. Mayabai wd/o Rammurti Dhunde and one .vs. Western Coalfields Limited and one]

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

Court's or Judge's orders

Shri Sheikh Ayyub, counsel for the petitioners.
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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 22, 2016.

By this writ petition, the petitioners seek a direction against the respondents to appoint the petitioner no.2 on compassionate ground, on a suitable job, under Rule No.9.5.0 of the National Coal Wage Agreement.

Rammurti, the husband of the petitioner no.1, was working with the respondent no.2-Western Coalfields Limited. Rammurti expired on 27.12.1998. The petitioner no.1 received monetary compensation in lieu of employment, as the petitioner no.1's son was only 4½ years of age at that time. According to the petitioners, though one of the dependents of Late Rammurti was entitled to an employment on compassionate ground, the respondents forced the petitioner no.1 to accept monetary compensation in lieu of employment in the year 2000. According to the petitioners, the petitioner no.1 being illiterate and the petitioner no.2 being minor, she was not aware of the position that she could have secured the employment for the petitioner no.2. It is stated that the monetary compensation is wrongfully paid to the petitioner no.1 in the year 2000, though the petitioner no.1 or petitioner no.2 was entitled to compassionate appointment.

We are afraid, the relief sought by the petitioners cannot be granted in exercise of the writ jurisdiction. It cannot be declared that the respondents have forced the petitioner no.1 to accept monetary compensation in lieu of employment that too more than 16 years earlier. More than 18 years have lapsed from the death of Rammurti. The question, whether the petitioner no.1 was forced to accept the monetary compensation in lieu of employment, cannot be decided in exercise of the writ jurisdiction. Also, the writ petition is filed more than 18 years from the death of Rammurti. The object of granting appointment on compassionate ground would get frustrated in view of inordinate delay. In any case, since the petitioner no.1 has accepted the monetary compensation in the year 2000, she cannot be permitted to turn around and claim in a petition filed in 2016 that she was forcefully made to accept the monetary compensation.

Since the relief sought by the petitioners cannot be granted, we dismiss the writ petition with no order as to costs.

JUDGE

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