

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 22744 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring action of the respondent in withholding payment of compensation of Rs.3.00 lakhs payable to the petitioner in lieu of compensatory employment and MMC, as illegal and arbitrary.

When this matter is taken up for hearing, Sri J.Sreenivasa Rao, learned Standing Counsel for Singareni Collieries Company Limited appearing on behalf of the respondent has submitted that the petitioner initially applied for compassionate appointment in favour of his son-in-law and later he withdrew his application and sought compensation of Rs.3.00 lakhs in lieu of compensatory employment and MMC. The learned Standing Counsel has further submitted that the petitioner is entitled to Rs.2.00 lakhs towards compensation in lieu of compensatory employment but the petitioner is not entitled to Rs.3.00 lakhs. As per the scheme, in lieu of compensatory employment, the respondent – company is paying Rs.2.00 lakhs towards compensation uniformly to all employees and the same cannot be enhanced to Rs.3.00 lakhs in favour of the petitioner.

In view of the above submission, this Court is inclined to dispose of the writ petition directing the respondent to pay compensation of Rs.2.00 lakhs in lieu of compensatory employment to the petitioner in accordance with the scheme, if not already paid, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the petitioner is entitled to this compensation in lieu of compensatory employment, only if the petitioner's son-in-law is not employed. If the petitioner's son-in-law has already been employed, then, he would not be entitled to any compensation in lieu of compensatory employment.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

30.08.2018

bcj