

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 845 of 2017

Ashwani Mahant S/o Late Nain Das, Aged About 28 Years R/o
Gevra Basti, P.S. Kusmunda, Tahsil Katghora, District Korba,
Chhattisgarh **---- Petitioner**

Versus

1. South Eastern Coalfields Limited Through Chief Managing Director, South Eastern Coalfield Limited, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh,
2. South Eastern Coalfield Limited, Through General Manager, South Eastern Coalfield Limited, Kusmunda Area, Gevra, District Korba, Chhattisgarh
3. South Eastern Coalfield Limited, Through Chief Personnel Officer, South Eastern Coalfield Limited, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh **--- Respondents**

For Petitioner : Mr. Vikash Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

12/07/2019

1. Counsel for the petitioner makes an oral request for making a correction in the cause-title so far as respondent No. 2 is concerned, as inadvertently the "Managing Director" has got typed instead of "General Manager".
2. The oral request stands allowed. Let necessary amendment be carried out during the course of the day itself.
3. The limited grievance that the petitioner has raised in the present writ petition is that the claim of the petitioner seeking compassionate appointment has not been decided by the respondent till date.
4. The fact of the case is that the father of the petitioner namely, Nain Das Mahant was working as a Dumper Operator under the respondents. The said employee suddenly went missing on 25.07.2003 and was not traceable thereafter.

5. Since, the father of the petitioner could not be traced for a considerable long period, a suit for declaring the said person as dead was filed and the declaration of death of the father of the petitioner was obtained on 17.12.2013 from the Court of Civil Judge Class II Tahsil Katghora, District Korba. On the basis of the decree of Civil Judge Class II, the death certificate was also issued by the Competent Authority on 17.12.2013. Based on the decree of the declaration of death of the father of the petitioner and the subsequent death certificate received by the petitioner, an application for compassionate appointment was moved before the respondent on 29.01.2009 and thereafter repeated reminders have been made to the respondent but till date no decision has been taken by the authorities concerned.
6. Given the limited dispute that the petitioner has raised, this Court is of the opinion that ends of justice would meet, if the respondents are directed to consider the case of the petitioner at the earliest and decided his claim for compassionate appointment keeping in view the death certificate and the decree of declaration of death that the petitioner has obtained from the competent Court of law. It is expected that the respondent would take a decision at the earliest preferably within a period of 3 months from the date of receipt of copy of this court. It shall be the responsibility of the petitioner to apprise the respondents so far as the order passed by this Court is concerned.
7. Accordingly, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge