

11.02.2021.
Item no. 28.
Court No.13
ap

**W.P.A. No. 3007 of 2021
(Through Video Conference)**

**Kumari Rina Pashi @ Rina Pasi
Versus
The Coal India & Ors.**

Mr. Sujoy Chakraborty,
Ms. Shashwati Bhattacharjee.
...For the petitioner.

Mr. Shiv Shankar Banerjee,
Ms. Sanchita Barman Roy.
...For the respondent nos.3 to 5.

Affidavit-of-service filed in Court today by the
Counsel for the petitioner be taken on record.

The petitioner is aggrieved by an order dated
15th January, 2020 passed by the Eastern Coalfields
Limited.

By the impugned order, a request for
compassionate employment made by the petitioner in
place and stead of her mother, who died-in-harness,
was rejected.

The principal ground for rejection is that the
married daughters cannot claim compassionate
employment in terms of Clause 9.3.3 of National Coal
Wages Agreement-VI.

The impugned order may not have considered
the provisions of the National Coal Wages Agreement-
VI since the married daughters are also eligible for

compassionate employment subject to fulfillment of certain criteria.

The right of married daughter has been dealt with in a Division Bench judgment of this Court in the case of ***The State of West Bengal – Vs. – Purnima Das*** decided on 13th September, 2017 passed in F.M.A. No. 1277 of 2016, reported in **2017(4) CHN 362**.

The other decisions of other High Courts also referred to by the Counsel for the petitioner.

It, therefore, appears to this Court that the impugned order cannot be sustained. The Eastern Coalfields Limited shall consider and apply the criteria laid down in the aforesaid ***Purnima Das*** decision (supra) and take a suitable decision on the claims for compassionate employment made by the petitioner in accordance with law within a period of two months from the date of communication of a copy of this order.

The Eastern Coalfields Limited shall be entitled to call for further documents from the writ petitioner for the aforesaid purpose.

In the event, the Eastern Coalfields Limited conducts any independent enquiry, a copy of such report shall be furnished to the writ petitioner, to enable her to make submissions thereon.

The petitioner may make a representation against any new finding of the Eastern Coalfields Limited and the respondent no.4 on behalf of the

Eastern Coalfields Limited shall pass appropriate orders as indicated hereinabove.

The submissions and/or representation by the writ petitioner against any findings prior to passing of the final order shall be made in writing only.

With the aforesaid directions, the instant writ application shall stand allowed and disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)