

10.04.2023
DL-8
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4014 of 2023

Tapas Muchi (Ruidas)
Vs.
Coal India Limited & Ors.

Mr. Md. Nauroz Rahber,
Mr. Adivan Ahmad,
Mr. M. Jawwad

....for the petitioner.

Affidavit of service filed in Court today is retained with the records.

Despite service, no one represents the respondents.

The petitioner's father was an employee of Bharat Coking Coal Limited (BCCL)/respondent nos.2 to 6. The petitioner's father was terminated from service on January 14, 2013 for being medically **unfit** due to permanent disablement declared by the medical board. Thereafter, the petitioner made an application to be considered for compassionate appointment.

By an order dated May 5, 2016, a Coordinate bench of this Hon'ble Court directed the petitioner's candidature to be considered by BCCL. The order of rejection of his candidature was set aside. The petitioner's candidature was considered and he was

required to submit the necessary documents by the Deputy Manager (Personnel) by a communication dated 22nd/23rd October, 2020. The petitioner handed over the necessary documents on June 21, 2021.

Mr. Rahber, learned counsel appearing on behalf of the petitioner submits despite submission of the relevant documents in 2021, no communication has been made by BCCL to the petitioner in respect of the compassionate appointment. The petitioner made a representation on January 24, 2023 reiterating his prayer.

Considering the submissions made on behalf of the petitioner, this Court directs the representation dated January 24, 2023 to be disposed by the Director (Personnel) or any other authority delegated by him and a reasoned order be passed within 8 weeks from date upon giving a personal hearing to the petitioner and/or his representative. Such reasoned order be communicated within 2 weeks of passing thereof.

It is made clear that the order passed by the Hon'ble Coordinate Bench on May 5, 2016 in WP No.97 of 2015 filed by the petitioner's father (Subal Muchi) shall be taken into consideration while passing the reasoned order.

With the directions aforesaid, **WPA 4014 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)