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15.6.2023
S.D.

W.P.A. 4438 of 2023

Sriram Majhi
Vs.
Union of India & Ors.

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh

... For the Petitioner

Mr. Manik Das
...For the Respondent Nos. 5, 7

Report on Affidavit and Exception thereto as filed in
Court today are retained with the records.

The petitioner's grievance is that the personal hearing that was directed by a Coordinate Bench of this Hon'ble Court by an order dated August 8, 2017 with regard to compassionate appointment has not been concluded by the authorities concerned, of the Eastern Coalfields Limited (ECL). In prayer (a) of the writ petition, the petitioner has prayed for issuance of a Writ of Mandamus upon completion of hearing that commenced on May 13, 2019 and upon completion of the same necessary relief be provided to him.

The petitioner has also prayed for disbursal of death benefits to be paid to him due to the fact that his mother-in-law died-in-harness being an employee of ECL.

Mr. Banerjee, learned counsel appearing on behalf of the petitioner submits that since the petitioner is an uneducated person he failed to produce any identity proof or the death certificate of his wife during the course of personal hearing given to him, pursuant to the order dated August 8, 2017 even though the petitioner admittedly approached the authorities concerned long after the period stipulated by the said order

Mr. Das, learned counsel appearing on behalf of the ECL submits that not only the personal hearing was given to the petitioner, but the same was concluded and a reasoned order dated December 4, 2020 was passed by the General Manager, Kunustoria area, ECL. He refers to the endorsement at the bottom of the order to show that the same was received by the petitioner on December 12, 2020.

He submits that since the petitioner received the reasoned order, the present writ petition is misconceived. Furthermore, there is no infirmity in passing the reasoned order as the petitioner admittedly failed to produce any identity proof of himself and the death certificate of his wife.

Considering the submissions made by the parties and the materials placed on record, this Court is of the view that the present writ petition has been filed in gross suppression

of the materials facts. The petitioner is well aware of the fact that the personal hearing given to the petitioner has culminated in the order dated December 4, 2020. The petitioner has himself received the order by affixing his signature on both the pages of the said order on December 12, 2020. It appears that the name of the petitioner has been signed in english even though the endorsement of receipt of the letter has been made in bengali. Therefore, the contention that the petitioner is completely uneducated/illiterate cannot be accepted. Assuming that the petitioner was an illiterate person even then he would not lie in his mouth to contend that the hearing was not concluded after the copy of the reasoned order was handed to him by the authorities. Illiteracy or paucity of funds cannot be grounds for not producing the Aadhaar Card on bringing the factum of death of his wife to the notice of the authorities.

From the reasoned order, it appears that several opportunities have been given to the petitioner to attend the personal hearing. The petitioner failed to appear in many of such hearings. The petitioner was also repeatedly requested to produce documentary proof of his identity as well as was requested to prove his relationship with the deceased employee. Neither did the petitioner attend the hearing with

his wife after repeated requests nor did the petitioner submit that his wife passed away in 2017. Now by way of an Exception filed before this Court, the petitioner seeks to rely on a document to show that his wife passed away on September 4, 2017. The genuinity/authenticity of such document is in dispute. Assuming that the petitioner's wife passed away in September 2017, but not bringing the same to the notice of the authorities in 2019 during the course of personal hearing when repeated opportunities were given to him to attend the hearing with his wife raises doubt as to the genuinity of the claim of the petitioner.

The conduct of the petitioner is not at all appreciated by this Court. This Court is not willing to go into the disputed questions of fact as to whether or not the petitioner is the son-in-law of the deceased employee. Furthermore, this Court finds that the respondent authorities have conducted the proceeding with fairness and have given several opportunities of hearing to the petitioner even though steps were not taken within the stipulated time. Repeated requests were made to produce identity proof and also to prove the relationship with the petitioner's mother-in-law which the petitioner failed to do without any cogent reason.. As such, this Court finds the order dated December 4, 2020 to be a well

reasoned order. There is no infirmity/perversity in the decision making process of the authorities concerned.

In such view of the matter, **W.P.A. 4438 of 2023** is **dismissed**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)