

18.07.2023
Item No.56
Court No.25
Avijit Mitra

WPA 22102 of 2022
Kuldeep Khaira
Versus
Coal India Limited & ors.

Mr. Abhinaba Dan
...for the petitioner
Mr. Manik Das
...for the respondent nos. 2 to 6

The petitioner prayed for compassionate appointment in place and stead of his father. The petitioner's father was an employee of the Eastern Coalfields Limited (ECL) who died in harness on February 23, 2000. Initially, a prayer for compassionate appointment of the petitioner's brother-in-law was made by the petitioner's mother by a representation dated May 17, 2000. The prayer for compassionate appointment of the petitioner's brother-in-law was rejected on August 19, 2009 since the petitioner being a direct dependent of the deceased employee was present.

After the said rejection, no steps were taken till 2012. Thereafter, an application was made in 2012 for employment of the petitioner in disabled category. Such prayer of the petitioner was rejected in 2016 by the ECL.

Mr. Dan, learned counsel appearing on behalf of the petitioner submits that the petitioner being a disabled person could not take necessary steps in accordance with law challenging the said rejection.

Mr. Das, learned counsel appearing on behalf of the ECL submits that there is no communication since 2016 till

2022. The said lack of communication for almost 5 years goes to show that the bereaved family was not in need of immediate financial assistance. Therefore, the petitioner's prayer for compassionate appointment cannot be considered due to delay and laches on the part of the petitioner.

Considering the rival submissions of the parties and the materials placed on record this Court is of the view that the petitioner has not been vigilant about his right. After the initial rejection of compassionate appointment of his brother-in-law in 2009, the petitioner did not take any steps. In 2012 the petitioner made an application for compassionate appointment. Even after the rejection of such application in 2016, the petitioner did not challenge the same till April 19, 2022.

The reason for granting of compassionate appointment is to provide immediate succor to a bereaved family who might face immediate financial hardship due to the sudden death of the breadwinner of the family. The prayer for compassionate appointment cannot be considered such a belated stage.

A beneficial reference may be made to a judgment of the Apex Court reported in **2023 SCC OnLine SC 219 (State of West Bengal vs. Debabrata Tewari)**.

In the light of the discussions above WPA 22102 of 2022 is dismissed.

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

(Lapita Banerji, J.)