

WPO/842/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

KALLA BAHADUR & ORS.
VERSUS
M/S. EASTERN COAL FIELDS LIMITED & ORS.

BEFORE:
The Hon'ble JUSTICE LAPITA BANERJI
Date: 23rd June, 2023.

Appearance:
Mr. Partha Ghosh, Adv.
Ms. Simran Sureka, Adv.
For the petitioners.

Ms. Tanushree Dasgupta, Adv.
Mr. Amit Chowdhury, Adv.
For the Eastern Coalfields Ltd.

Mr. Tapan Kumar Mukherjee, Adv.
Ms. Tuli Sinha, Adv.
For the State.

The Court :- A written instruction handed over in Court today by Ms. Dasgupta, learned counsel appearing on behalf of Eastern Coalfields Limited (ECL) is retained with the records.

The husband of the petitioner no.1 died in harness on November 24, 2020. After the death of the petitioner no.1's husband, the petitioner no.1 received the admissible provident fund dues and monthly pension as the death benefits of her husband.

The petitioner no.1 made a prayer for compassionate appointment of the petitioner no.2 being the son of the deceased employee. Such a prayer was made under the National Coal Wage Agreement (NCWA).

The grievance of the petitioners is that despite a prayer being made by the petitioner no.1 on behalf of the petitioner no.2, for compassionate appointment the same has not been considered by the respondents authorities/ECL.

Mr. Ghosh, learned counsel appearing on behalf of the petitioners, submits that there is no legitimate reason for withholding compassionate appointment in favour of the petitioner no.2.

It was submitted on behalf of ECL that since the petitioner no.2 did not appear before the *three men committee* for assessment of the genuinity of the relationship between the deceased employee and the petitioner no.2, the claim of the petitioner no.2 for compassionate appointment could not be processed.

Upon such stand being taken by the ECL, this Court directed the petitioner no.2 to appear before the *three men committee*. From the report of the *three men committee* dated October 17, 2022, it appears that there is no dispute with regard to the genuinity of the relationship between the petitioner no.2 and the deceased employee.

Considering such submissions of the parties and the materials placed on record, this Court is of the view that there is no legal impediment as far as the consideration of the prayer for compassionate appointment of the petitioner no.2, is concerned.

Since the death benefits have been disbursed in favour of the petitioner no.1 to the mind of this Court it is too late in the day to challenge the genuinity of her relationship with the deceased employee.

It is also made clear that the District Magistrate, Paschim Bardhaman in his Memo dated August 1, 2022 enclosed the enquiry report by the Deputy Commissioner of Police, Special Branch (ADPC) and that of the Block Development Officer, Andal Development Block. From the said report it is established that the petitioner no.2 is the son of the deceased employee, Ashok Bahadur, deceased employee.

Admittedly, there is no doubt with regard to the petitioner no.2 being the son of the deceased employee. Therefore, the representation for compassionate appointment will be considered by the authorities concerned within three months from date without raising the issue of genuinity of the petitioner no.1's relationship with the deceased employee. Such representation would be considered upon giving a personal hearing to the petitioner no.2 and be disposed of with a reasoned order which shall be communicated within two weeks from passing thereof.

Upon consideration of the representation made by the petitioner no.2 if it is found by the respondent ECL that the petitioner no.2 is *eligible* for compassionate appointment the same will also be processed, in accordance with law.

With the directions aforesaid **WPO No. 842 of 2023** is disposed of.

Since no direction for affidavit has been passed in the said writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(LAPITA BANERJI, J.)

snn.