

19.04.2024.
Court No.13
Item No. 51
ap

W.P.A. No. 13306 of 2023
With
I.A. No. CAN 1 of 2024

Sri Bishnu Lohar
Versus
Eastern Coal Fields Limited & Ors.

Mr. Sudip Sarkar,
Mr. K. P. Santra,
Ms. Moumita Ghosh.

...For the petitioner.

Ms. Priti Banerjee.

...For the ECL.

Re: CAN 1 of 2024 (Restoration)

1. Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 6th December, 2023 before this Court.
2. The said order is recalled and the writ petition is restored to its file and number.
3. Accordingly, CAN 1 of 2024 is disposed of.
4. There will be, however, no order as to costs.

Re: W.P.A. No. 13306 of 2023

1. Affidavit-of-service filed in Court today be taken on record.
2. The writ petitioner prays for death benefits on account of the death of his late father, Sri Ram Lohar. An earlier writ petition was filed by the writ petitioner, which was disposed of being W.P. No. 8842 (W) of 2003. The said application was disposed of by an order dated 21st July, 2004 directing the respondents to

consider the petitioner's prayer for compassionate employment and receipt of death benefits.

3. A reasoned order came to be passed by the General Manager, Mugma Area of ECL on 28th October, 2004 rejecting the petitioner's prayer for compassionate employment. A copy of the said order dated 28th October, 2004 is kept with the record.

4. The said reasoned order was sent to the petitioner. The order was passed after giving a detailed hearing to the petitioner, his mother and brother.

5. The circumstances surrounding the death of the employee have been seriously questioned and the respondents found the date of death, being time two months before his superannuation only to seek compassionate employment.

6. However, it appears to this Court that the legal heirs and/or persons entitled to death benefits on account of the service of Sri Ram Lohar, must be paid.

7. This Court notes the submissions of the learned Counsel for the ECL that another writ petition being W.P. No. 18117 of 2005 was filed by the petitioner seeking compassionate employment to the writ petitioner which has since been dismissed for default on 9th June, 2014 by a Co-ordinate Bench of this Court.

8. The prayer for compassionate employment is even otherwise now barred by efflux of time.

9. In those circumstances, this Court directs the respondent no.2 to ascertain all necessary facts with regard to the death of Sri Ram Lohar and pay terminal benefits on account of his service to the family members entitled as per the records of ECL. No claim for compassionate employment shall be entertained.

10. Let a decision be taken and payment be made to the petitioner within three months from the date of communication of a copy of this order.

11. For the aforesaid purpose communication may be made by ECL to both the writ petitioner and/or his Advocate.

12. The learned Advocate-on-record of the petitioner shall also communicate the current and available address for communication with the petitioner to the learned Advocate for the ECL.

13. With the aforesaid observations, the instant writ petition shall stand disposed of.

14. There will be no order as to costs.

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

(Rajasekhar Mantha, J.)