

19.03.2025.
Item No. 6.
Court No. 13
ap

M.A.T. No. 109 of 2016

**Munna Pan
Versus
Eastern Coalfields Limited & Ors.**

Mr. Debottam Das,
Ms. Dibyanjona Das.

...For the appellant.

Mr. Shiv Shankar Banerjee,
Ms. Sanchita Barman Roy.

...For the respondents.

1. The instant intra court appeal is directed against the judgment and order dated January 14, 2016 passed by the learned Single Judge of this Court in W.P. 28330 (W) of 2015.

2. The brief facts relevant to the instant case are that the petitioner is a divorcee older sister of a deceased employee, who herself was appointed on compassionate ground on account of the death of the father in harness.

3. As on the date and since after the death of the father, the mother continued to enjoy the family pension until she died. The younger sister of the petitioner, who was appointed on compassionate ground, died on 3rd July, 2012. The petitioner initially claimed compassionate employment on account of the death of her sister. The respondents rejected the application since a sister is not a dependent entitled to compensate employment.

4. The petitioner had got married earlier and her name was deleted from the list of dependent of her sister employee of Coal India Limited.

5. However, after the death of the sister in the year 2012, the petitioner in the year 2013 applied and obtained divorce by mutual consent from her husband and applied in the year 2015 for compassionate employment on account of the death of the father, who died in the year 2006.

6. Apart from the disentitlement in law of a second person being granted compassionate employment after the death of the first appointed compassionately, this Court notices manipulation on the part of the petitioner.

7. At the time of death of her sister, she was married and consequently dependent on her husband. It is essentially with a view to take advantage of the death of her sister that she appears to have applied albeit ill-adversely for compassionate employment on account of the death of her father in the year 2006.

8. The writ petition itself is speculative and a calculated move to unduly benefit from a beneficial provision in law.

9. For the reasons stated hereinabove, M.A.T. No. 109 of 2016 fails and is hereby dismissed.

10. There will be no order as to costs.

11. 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.)

(Ajay Kumar Gupta, J.)