

Court No. 2
22.4.2025
(Item No. ML-52)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 6785 of 2025

Sashi Sethi
VS
Coal India Limited & Ors.

Mr. Praloy Bhattacharjee
Ms. Tanushree Ghosh
Mr. Koushik Roy
.... For the petitioner
Ms. Tanushree Dasgupta
..... for ECL

Affidavit of service filed in Court today, is taken on record.

Ms. Tanushree Ghosh, learned counsel appears for the petitioner.

Ms. Tanushree Dasgupta, learned counsel appears for respondents Coal Company.

The petitioner is the widow of the deceased employee of the Coal Company. The employee died on **April 4, 1999** as would be evident from **paragraph 3** to the writ petition. On **November 5, 1999** the widow made a representation before the employer Coal Company claiming compassionate appointment for her elder **son-in-law** one **Purusottam Sethi, annexure P-3** at **page 24** to the writ petition. The petitioner states that the necessary medical examination and other formalities were duly carried out and the name of the said son-in-law was placed in

the roll of the employer concerning compassionate appointment. Since then no steps have been taken. The petitioner being the widow has received the terminal benefits on account of her deceased husband and there is no claim in this regard. On **April 17, 2010, annexure P-7** at **page 31** to the writ petition, the Coal Company requested the said son-in-law to produce certain materials on records. On **July 20, 2010** at **page 32** to the writ petition, a further reminder was given by the Coal Company. On **February 19, 2021** an application was submitted by the petitioner under the Right to Information Act, 2005 which was replied to by the Coal Company by its communication dated **March 24, 2021, annexure P-9** at **page 33** to the writ petition. The petitioner then made a representation dated **May 29, 2024, annexure P-10** at **page 34** to the writ petition, before the Coal Company claiming compassionate appointment for her son-in-law.

Ms. Tanushree Ghosh, learned counsel appearing for the petitioner submits that, immediately after the death of the employee in the year **1999** the petitioner has submitted all the required documents claiming compassionate appointment in favour of her **son-in-law**. However, after more than about 11 years the Coal Company sought for further documents through its said communications dated **April 17,**

2010 and **July 22, 2010**. Therefore, the Coal Company has delayed the issue and kept it pending. There was no laches on the part of the petitioner and the petitioner has pursued her claim throughout.

Learned counsel for the petitioner submits that, compassionate appointment is a welfare policy to meet the immediate crisis of the family of the deceased employee. The deceased employee was the sole earning member of the family wherein the son-in-law had also stayed. Immediately after the untimely demise of the deceased employee the only male member of the family was available the elder son-in-law, in whose favour the compassionate appointment was claimed by the widow. All the process were complied with for granting the said compassionate appointment. Still appointment has not yet been issued in favour of the son-in-law. The petitioner claims compassionate appointment in favour of her son-in-law.

Ms. Tanushree Dasgupta, learned counsel appears for Coal Company submits that, in the year 2008 by a communication dated **February 13, 2008, annexure P-6** at **page 25** to the writ petition, the petitioner was requested to furnish the relevant documents and records. The record disclosed by the petitioner does not show that the widow being the primary claimant has relinquished the claim for

herself to receive compassionate appointment and to grant the same in favour of her son-in-law. In as much as, after 2010 for the first time the petitioner pursued her alleged claim in 2021 when the application was submitted under the Right to Information Act for about after 11 years. This clearly shows that there was no imminent requirement for survival of the family of the deceased employee who died in 1999. No evidence has been disclosed in the writ petition that the son-in-law is the sole male member of the family and the resident of the family of the deceased employee.

Accordingly, learned counsel Ms. Dasgupta, appearing for the respondents prays for dismissal of the writ petition.

After considering the rival contentions of the parties and upon perusal of the materials on record this Court, at the outset, reiterates the settled position of law concerning compassionate appointment.

Compassionate appointment is a welfare policy of the State/employer. Compassionate appointment cannot be claimed as a matter of right, it is always the discretion of the employer. Compassionate appointment was thought of to meet the imminent crisis of the family immediately after the untimely death of the breadwinner of the family who is the employee of the concerned employer. Compassionate

appointment is not an alternative mode of generation of employment.

Applying the said settled principle of law, in the facts of this case, this Court is of the view that, there was never any imminent crisis faced by the family of the deceased employee. Had it been so, the petitioner would have applied before this Court immediately after the death of the employee being her husband when the application made for compassionate appointment was kept pending.

From the facts of this case it is evident that in between **2010 to 2024** the claim was never pursued by the petitioner. The record does not show that the petitioner has relinquished her right and then claimed compassionate appointment in favour of her son-in-law. Compassionate Appointment is not for extension and/or distribution and/or enlargement of employment amongst the relatives of the family at the cost of the employer.

While exercising equitable jurisdiction by this Constitutional Court under Article 226 of the Constitution of India, in the facts like this, this Court is also of the view that the petitioner is not also entitled to any equitable relief. Delay defeats equity. There is no vested right created in favour of the petitioner.

In view of the foregoing reasons and discussions, this Court is of the considered and firm view that, this writ petition is totally devoid of any merit and is liable to be dismissed in limine.

Accordingly, this writ petition **W.P.A. 6785 of 2025** stands **dismissed**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)