

08.05.2025

Item No.02

Crt.No.016

b.r.

WPA 8157 of 2025

Bapi Ruidas @ Sakti Ruidas & Anr.

-vs-

Coal India Limited & Ors.

Mr. Pralay Bhattacharya

Ms. Tanusree Ghosh

..... for the petitioners.

Ms. Priti Banerjee

.... For the Resp. nos. 2 to 8.

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

The petitioners claim that the first petitioner is the son and the second petitioner is the widow of a deceased employee of the Coal Company named **Anil Ruidas**, since deceased. The father died on **July 20, 2017** as would be evident from the **Death Certificate at page-18** to the writ petitioners. The second petitioner applied on **February 22, 2018** for grant of a compassionate appointment in favour of the first petitioner-son. The issue is still pending before the appropriate authority of the Coal Company.

Ms. Tanusree Ghosh, learned advocate led by Mr. Pralay Bhattacharya, learned counsel appearing for the petitioners submit that the service record of the deceased employee initially showed certain

discrepancies with regard to the correct recording of name of the legal heirs of the deceased employee, however, the same has been sorted out at the end of the employer Coal Company. Still the claim for compassionate appointment has not yet been decided.

Ms. Priti Banerjee, learned advocate appearing for the respondent-Coal Company being the employer of the deceased, at the outset, denies and disputes the submissions made on behalf of the petitioners. She submits that the discrepancy with regard to the recording of name on the record of the employers has not yet been sorted out and not yet settled. She submits that the death occurred in **2017** and till date, the family of the deceased has been surviving. The purpose of compassionate appointment shall not be fulfilled if it is granted, at this belated stage when the family of the deceased employee has survived for last about **eight years**. Compassionate appointment is not a matter of right, it is the benevolent policy of the employer. Compassionate appointment has not been thought of for generation or distribution of employment. It is for meeting the immediate crisis of the family of the deceased employee, who suffers an untimely and premature death. The terminal benefits on account of the deceased employee has already been disbursed and paid

to the family of the deceased. This shows that there is no hand to mouth situation of the family.

Learned counsel for the Coal Company submits that even till date, the records and documents required to be submitted by the petitioners have not been submitted and as a result, the application has been kept pending without any effect.

Per contra, learned counsel for the petitioners submit there was no delay or laches on the part of the family of the deceased employee in applying for compassionate appointment as the application was made within **six to seven months** from the date of death of the employee. The delay has occurred on the part of the authority of the Coal Company by keeping the application pending.

After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that the submissions made on behalf of the parties give rise to several factual aspects which is not the job of a writ Court to go for an enquiry and then come to a fact finding conclusion. The submissions and counter submissions of the parties are required to be dealt with by way of a fact finding enquiry in the light of the existing materials on record.

Accordingly, the **respondent no.4** upon issuing a prior notice of hearing to the petitioner and after

granting them an opportunity of hearing shall dispose of the representation of the petitioners dated **January 29, 2025, annexure p-10 at page-40** to the writ petition by passing a reasoned order in accordance with law.

The respondent no.4 shall be free to take assistance of the Office of the respondent no.5 in course of the hearing.

The petitioners shall submit a copy of this writ petition with all its annexures along with the copy of today's order upon the respondent nos. 4 and 5.

The entire matter shall be decided on the basis of the existing records with the employer-Coal Company.

The entire exercise shall be carried out and completed including by passing the reasoned order by the respondent no.4 positively within a period of **ten weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners within the said period.

It is made clear that this Court has not gone into the merits of the rival contentions of the parties. The rival contentions of the parties shall be examined by the respondent no.4 on the basis of the existing records and the existing policy for compassionate appointment of the employer in accordance with law.

In the event, the reasoned order goes in favour of the petitioners, the appropriate authority/authorities of

the employer shall take all necessary and consequential steps to give an immediate effect thereto but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

This order shall not create any right or equity in favour of the petitioners if they do not succeed to their claims before the respondent no.4 strictly in accordance with law.

It is also made clear that in the event, the respondent no.4 calls for any further information and records from the petitioners, the petitioners shall provide that without any delay and failure.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 8157 of 2025** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)