

Court No. 2

03.7.2025

(Item No. 15)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12424 of 2025

Smt. Sabita Bouri

VS

M/S. Eastern Coalfields Limited & Ors.

Mr. Gobinda Kar

.... For the petitioner

Mr. S. M. Obeadullah

Mr. Nikhil Kumar Roy

.... For the respondents

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

The petitioner claiming to be the widow of one **Sadhan Bouri** since deceased. The deceased was an employee of the relevant Coal Company, who died on **February 28, 1999** during his employment tenure.

The petitioner claims that after the death of her husband an application was submitted in the year **2002** claiming compassionate appointment. By a communication dated **April 30, 2014, annexure P-14** at **page 62** to the writ petition, the Coal Company had asked the petitioner to submit several information and documents. Nothing has been disclosed in this writ petition to show that those documents and information were furnished by the petitioner. The claim for compassionate appointment was rejected by the

employer Coal Company by its order dated **January 6, 2017, annexure P-15** at **page 63** to the writ petition.

Prayer (a) to the writ petition shows the said order of rejection dated **January 6, 2017** has been challenged through this writ petition which has been filed on or about **May 21, 2025**, more than eight years after rejection.

In view of the settled proposition of law in the field of compassionate appointment, this clearly shows that since the family of the deceased could survive since the death of the employee during his employment tenure in 1999 till 2025, when the petitioner has challenged for the first time the rejection of compassionate appointment rejected in 2017, the claim for compassionate appointment has lost its life.

Accordingly, this Court is of the firm and considered view that there is no scope for compassionate appointment on the ground of the demise of the employee. Accordingly, the prayer for compassionate appointment stands **rejected**.

Prayer (b) to the writ petition shows petitioner claims the monetary benefit under

the relevant wage agreement of the Coal Company (MMCC).

The wage agreement of the Coal Company, *inter alia*, provides for monetary compensation in case of an employee of the Coal Company died-in-harness, this is being a benevolent and welfare policy should be construed in a liberal manner in favour of the beneficiary, if the beneficiary is found to be eligible otherwise strictly in accordance with law and the relevant wage agreement and policy of the Coal Company.

In view of the above, the respondent no. 4 upon issuing a prior hearing notice to the petitioner of at least seven days and after granting her an opportunity of hearing shall decide the issue with regard to the claim of the petitioner on account of **Monetary Compensation** in terms of the relevant wage agreement of the Coal Company read with the relevant policy and shall pass a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent no. 4 positively within a period of **six weeks** from the communication of this order and the reasoned order shall be communicated to the petitioner

positively within a period of **two weeks** from the date of the reasoned order to be passed.

It is needless to mention that, the petitioner shall be entitled to be accompanied with her one authorized representative during the hearing before the respondent no. 4.

The claim shall be considered upon careful verification of all the relevant documents and records. In the event, any information or documents are required to be furnished by the petitioner, the respondent no. 4 shall inform the same in writing to the petitioner by giving seven days time to produce the same before it and the petitioner shall act accordingly.

In the event, the reasoned decision goes in favour of the petitioner the necessary and consequential steps shall be taken by the appropriate authority of the Coal Company to give an immediate effect thereto in accordance with law but positively within a period of **three months** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner or the merits of the rival contentions of the Coal Company. The parties shall be at liberty to urge whatever points they wish to

urge in support of their respective contentions by relying upon whatever records and documents they wish to rely upon before the respondent no. 4 but the same shall not travel beyond the **Monetary Compensation** claimed by the petitioner in terms of the wage agreement and the relevant policy of the Coal Company in the facts of this case.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to her claim before the respondent no. 4 strictly in accordance with law.

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 **W.P.A. 12424 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.)