

W.P.A. 26660 of 2025

**Kumari Durga B.P. @ Durga Kumari B.P.
Vs.
M/s. Eastern Coalfields Limited & Ors.**

Mr. Gobinda Kar
...for the Petitioner

Ms. Priti Banerjee
Ms. Swapna Sikdar
...for the respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner and Eastern Coalfields Limited (for short, ECL).
3. By presenting this writ petition, petitioner has claimed appointment on compassionate ground based on relevant provisions as contained under Clause 9.5.0 of National Coal Wage Agreement (NCWA).
4. It is submitted on behalf of the petitioner that her father died on 31st May, 1993 and thereafter mother of the petitioner received all retiral dues. Mother also died in the year 2020.
5. Based on the provisions as contained in 9.5.0 (iii) of NCWA it is submitted that the benefit

which has been provided to male dependant member of the family of the deceased employee, petitioner is required to be considered for appointment on compassionate ground by enrolling her name in the live roster. Mother of the petitioner made an application on 11th June, 2012 for providing employment under compassionate ground to her younger daughter and same is not considered.

6. On behalf of ECL prayer of the petitioner is opposed based on 9.5.0 of NCWA as it is provided under 9.5.0(iii) that benefit of employment on compassionate ground is extended to the male dependant family member of the deceased employee. In the event said male member is minor on the date of death of employee, there is provision to enroll the name of the male member on the live roster till he attains majority and thereafter in accordance with law claim of such male member can be considered for employment. However, such provision is absent in case of female dependant member of the family of the deceased employee and it is provided under 9.5.0(ii) that the female dependant member below the age of 45 years

will have the option either to accept monetary compensation per month or employment. But there is no specific provision which makes a female dependant member of the family of the deceased to be considered for appointment, if such female member is minor on the date of death of the employee.

7. This Court finds substance in the submission made on behalf of ECL as there is no provision which makes a female member of the family of deceased to be eligible for consideration of her appointment under compassionate ground in the event she is minor on the date of death of employee, on attaining majority.
8. It is trite that appointment on compassionate ground is not a vested right and same is governed by the relevant scheme. If scheme does not permit such appointment, Court cannot exercise discretion to extend such benefit. Moreover, object of providing employment on compassionate ground is to tide over immediate financial crisis which other members of the family of the deceased may face due to untimely death of breadwinner, but here in the instant case, employee died on 31st May, 1993 and present writ petition is filed on 20th November, 2025

claiming appointment on compassionate ground. It needs to be recorded herein that petitioner became major in 2005-2006. Therefore, at this belated stage, no relief can be granted to the petitioner.

9. Writ petition stands dismissed.

10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)