

19.03.2025
Ct. 23
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 29237 of 2024

Bedana Bouri & Anr.

-Vs-

The Chairman Coal India, Coal Bhawan & Ors.

Mr. Guddu Singh

... for the petitioners

Mr. Syed Nurul Arefin

... for the respondent nos. 2 to 4

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

It is the case of the petitioner no. 1 that while working in Eastern Coalfields Limited (in short, ECL), the petitioner no. 1 fell ill and was sent by the ECL authorities to Mercy Hospital, Kolkata for being medically examined. The petitioner no. 1 further says that the said Mercy Hospital opined that the ailment from which the petitioner no. 1 was suffering is an incurable decease. Pursuant to such report given by the Mercy Hospital, Kolkata, the ECL authorities constituted a Medical Board on 17th February, 2016 wherein the petitioner no. 1 was declared medically unfit under the Clause 9.4.0 of the National Coal Wages Agreement-XI (in short, NCWA-XI) and his services was terminated with immediate effect. The ECL authorities

in this connection had issued a letter dated 18th March, 2016, which is annexed at page 16 of the writ petition. The petitioner no. 1 says that under the provisions of NCWA-XI on having declared unfit, the petitioner no. 1 has to be construed to have become disabled and as such, a dependent family member of the petitioner no. 1 is entitled to compassionate appointment on complying with the requisite formalities under the said NCWA. The petitioner no. 1 applied for giving compassionate appointment to his son, the petitioner no. 2. However, no response came from the side of the ECL, as a consequence whereof, the petitioner no. 1 made a representation on 13th December, 2021. Even after receiving the said representation, no steps have been taken for granting compassionate appointment. In this factual matrix, the petitioners have filed the instant writ petition, *inter alia*, seeking a direction upon the ECL authorities to consider the representation and grant an employment on compassionate ground to the petitioner no. 2.

Initially a direction to file a report in the form of an affidavit was given but due to some communication gap, the said report has not yet been filed.

After hearing the parties, in order to expedite the matter as filing of a report in the form of an affidavit by granting extension of time for the same will tend to further delay the matter thereby frustrating the whole

object under NCWA-XI in case of an employee being given voluntary retirement after having been declared unfit by the Medical Board, the respondent no. 3 is directed to take a decision as to the issue of granting compassionate appointment to the petitioner no. 2 at the request of the petitioner no. 1 within a period of 8 weeks from the date communication of a server copy of this order and shall inform the petitioners about such decision.

It is made clear that this Court has not gone into the merits of the matter and the respondent no. 3 shall be free to take an independent decision without being influenced by any observation made in this order but by strictly adhering to the applicable legal premises. The respondent no. 3 shall give the petitioners a personal hearing, and call for medical documents from the petitioner no. 1, if necessary.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

All parties including the respondent no. 3 shall act on the server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)