

WPO No. 980 of 2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

JAGABANDHU DAS
VERSUS
M/S. EASTERN COAL FIELDS LIMITED & ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 11th March, 2025.

Appearance:
Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.
Mr. Bratin Suin, Adv.
For the petitioner.

Mr. Syed Nurul Arefin, Adv.
For the respondents.

The Court :- Pursuant to the order dated 3rd December, 2024, Bardhaman Medical College & Hospital has conducted a medical examination to ascertain the age of the petitioner. The Medical Board constituted for examining the petitioner has opined that as on 20th December, 2024, the petitioner is aged about 40±2 years.

The medical report filed by Bardhaman Medical College & Hospital is taken on record. Copies of such medical report were shown to the learned

Advocates for the parties in course of hearing and has been further directed to be made over to the learned Advocates for the petitioner and the respondents.

The petitioner was sent for medical examination as there arose a dispute as to his age when the petitioner was examined by Eastern Coalfields Limited (in short, ECL) in connection with the demand made by the petitioner for compassionate appointment. The petitioner's mother Kanak Lata Das was an employee of ECL who died-in-harness on 27th August, 2018. The petitioner applied for compassionate appointment. At the Initial Medical Examination (in short, IME) conducted by ECL on 8th January, 2019, the petitioner was declared to be of age between 35-40 years. The Bardhaman Medical College & Hospital has opined that the petitioner is $\pm$ 40 years of age as on 20th December, 2024. It will be safe if we take the mean and consider the petitioner to be aged about 40 years as on 20th December, 2024. In that case then the petitioner was less than 35 years on 27th August, 2018 when his mother died. The petitioner was also below 35 years on 20th December, 2018 when the application for compassionate appointment was made. The petitioner was also less than 35 years on 8th January, 2019 when the IME was conducted. Going by such age, there appears to be no embargo in giving compassionate appointment to the petitioner on the ground of being over aged.

In the aforesaid facts and circumstances, I direct the ECL to grant compassionate appointment to the petitioner on completion of all formalities, if there is no other embargo in law in granting the same.

The entire exercise of granting appointment be completed by 30th April, 2025.

Nothing further remains to be adjudicated in this writ petition.

The writ petition is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

snn.