



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 652 OF 2024

Pushpa Gautam Chunarkar and another Vs. Coal India Limited & others

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. Mandar Rajeev Pande, Advocate for Petitioners
Mr. P.V. Ghare, Advocate for Respondents

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 27th MARCH, 2025

1. Heard learned counsel for the petitioners and respondents.

2. The petition questions the communication dated 18.1.2023 by which the claim of the petitioner No. 2 for appointment on compassionate basis on account of demise of late Gautam Chokharam Chunarkar has been rejected on the ground, that there is delay in making the application and the petitioner No. 2 was 13 years 2 months at the time of death of the ex-employee (page 109).

2. Though Mr. Ghare, learned counsel for the respondents seeks time, however, we find, that no reply is filed on record since last more than a year, on account of which, we have proceeded to hear the petition.

3. On perusal of the record, what we find is, that though late Gautam Chunarkar, the ex-employee

had two wives Vijubai and Pushpa, the dispute inter-se between them already stood resolved, by the first wife Vijubai having submitted her consent for the employment of the petitioner no. 2 in place of the ex - employee. This is apparent from what has been noted in the note sheet dated 07.5.2022 (page 107). The inter-se dispute between the two wives of deceased employee can be considered to be reasonable ground for the delay which may have occurred in making the claim. Insofar as second ground for rejection as is indicated from the impugned communication dated 18.1.2023 (page 109), it is stated that the petitioner No. 2 was 13 years 2 months at the time of death of the ex - employee. The petitioner today is 26 years of age and, therefore, that reason does not survive at all. We, therefore, do not see any impediment in the respondents granting employment to the petitioner No.2 in terms of the policy for compassionate appointment. We allow the petition with direction to the respondents to grant employment to the petitioner No.2 in terms of the policy of compassionate appointment if all other requirements in that regard stand fulfilled. The petition is accordingly allowed in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)