



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

WRIT PETITION NO. 4605 OF 2024

1. Smt. Indu Tatoba Kale
(Indu Bhagwan Patil)
Aged about major, Occ. Nil,
r/o At Piraya Post Besur,
Tahsil Bhiwapur, District Nagpur

2. Smt. Najuka Mithun Shambharkar,
(Najuka Tatoba Kale)
Aged about 30 years, Occ. Nil,
r/o Gadgaon, Post Pimpalneri,
Taluka Chimur, District Chandrapur

....PETITIONERS

...VERSUS...

1. Western Coalfields Limited
Through its Chairman-cum-
Managing Director, Coal Estate Civil
Lines, Nagpur

2. The General Manager (Personnel/
Industrial Relations) Western
Coalfields Limited Coal Estate Civil
Lines, Nagpur

3. Deputy General Manager (MIN) SAM,
Personnel Department Murpar Sub
Area Umrer Area PO Khadsangi PS
Chimur, District Chandrapur

4. Area General Manager
Umrer Sub Area Umrer project
District Nagpur - 441204

5. Priya Devidas Mogre
(@ Priya Dinesh Kale)
Aged about major, Occ. Nil
r/o Devidas Mahaguji Mogre
Ward No. 13, Samudrapur,
District Wardha.

...**RESPONDENTS**

Shri Akshaya Sudame, Advocate for petitioners.
Shri O.A.Ghare, Advocate h/f. Shri A.M.Ghare, Advocate for
respondent nos. 1, 3 and 4.
Shri N.B.Rathod, Advocate for respondent no. 5.

CORAM : **SMT. M.S. JAWALKAR AND**
PRAVIN S. PATIL, JJ.

DATE : **20/08/2025**

ORAL JUDGMENT (PER : SMT. M.S. JAWALKAR, J.)

Heard learned counsel for both the parties.

2. Being aggrieved by the impugned order dated 10/05/2024, thereby rejecting the claim of the petitioners for grant of compassionate appointment, the present petition is filed.

3. The facts of the case in brief are as under:-

The petitioner no. 1 is the mother of deceased Dinesh who was an employee of respondent no. 1/Western Coalfields Limited and the petitioner no. 2 is the daughter of petitioner no. 1. The land of the petitioner no. 1 was acquired on 29/09/2008 and she was duly compensated for the same. Apart from that, Shri Dinesh Kale was appointed in W.C.L. under R & R Policy. Shri Dinesh expired on 14/08/2022. A settlement arrived at in the Committee of Coal Industry, which is the National Coal Wage Agreement (for short, "said Agreement"). It is the contention of the petitioners that, the Clause 9.3.3 of the said Agreement provides for grant of employment on compassionate basis to Wife/Husband as the case may be, unmarried daughter, son, legally adopted son and if none of the aforementioned dependants are available, then brother, widowed daughter, widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased.

4. It is further contention of the petitioners that, after

death of Dinesh, the petitioner no. 1 who is the only nominee of late Dinesh, made an application for considering the petitioner no. 2 i.e. daughter of the petitioner no. 1 & sister of deceased for grant of compassionate appointment.

5. The learned counsel for the petitioners submitted that, the respondent no. 5 who is wife of deceased Dinesh had filed the proceedings under the Domestic Violence Act. She was not residing with the deceased Dinesh. The learned counsel has also pointed out that, there was F.I.R. filed against the brother-in-law of respondent no. 5, however, he was acquitted from the charges.

6. The learned counsel for respondent no. 5 submitted that, at the time of death of Dinesh, the marriage of deceased Dinesh and respondent no. 5 was in subsistence. Only because the respondent no. 5 was residing separately for her own reason, her marriage with deceased Dinesh was in subsistence.

7. We have perused the relevant Clause 9.3.3 of the said Agreement (page 48 of the petition). In the said Clause, it is clear that, the first entitlement is of the wife/husband as the case may be, other dependants, which are mentioned in the Clause, and if no such direct dependant is available for employment, the brother or claim of sister can be considered. However, for that also, the concerned brother or sister ought to be wholly dependant on the earning of the deceased. Admittedly, the petitioner no. 1 is mother aged about sixty year and petitioner no. 2 who is married sister of deceased was neither dependant on the deceased Dinesh nor fit in the criteria of entitlement. In view of this specific Clause, the impugned order dated 10/05/2024 passed by the respondent no. 4 is perfectly justified and there is no reason to interfere in the said order. Accordingly, the petition stands **dismissed**.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)