

1st April., 2026
Item no.M/L 278
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 2063 of 2025**

In the matter of:
Ram Majhi *.... Petitioner*
VS.
Coal India Limited & Ors. *....Respondents*

For the Petitioner:
Mr. Gobinda Kar *....Advocate*
For the ECL:
Ms. Tanushree Das Gupta *....Advocate*

1. The petitioner is aggrieved by the reasoned decision passed by the authority on 7th December, 2024 rejecting his claim for compassionate appointment.
2. The predecessor-in-interest of the petitioner died-in-harness in the year 2006. The authority while considering the application of the petitioner seeking compassionate appointment submitted in the year 2006 fixed up a date for screening on 15th October, 2007. Neither the petitioner nor the other dependant of the deceased employee appeared.
3. A second date was fixed on 30th November, 2007 when the dependants appeared. The screening was conducted and the proposal for employment of the petitioner was sent to the authority but as certain discrepancies were detected in the affidavit and in the indemnity bond, the proposal was returned.
4. The petitioner never submitted necessary documents required for further processing of the application for which the application of the

petitioner could not be processed further. Since thereafter, the petitioner did not take any steps in the matter to proceed with his application seeking appointment on compassionate ground.

5. It is in the year 2019 that the petitioner submitted an application under the Right to Information Act, 2005. Thereafter, he made a representation on 17th September, 2020 renewing his prayer for compassionate appointment. He did not submit the required documents for further processing the claim. A representation was submitted by him again in October, 2022.
6. A writ petition was filed by the petitioner in the year 2023 where direction was passed for consideration of his case.
7. The authority considered the case of the petitioner and opined that his compassionate appointment is guided by the National Coal Wage Agreement. As per the said agreement, employment is provided to only one dependant of the worker and for processing the application for compassionate appointment a three tier process for screening is conducted.
8. As the petitioner did not complete the entire screening process and never submitted the required documents, such as, the affidavit and the indemnity bond with proper sureties, which are very vital for further processing the claim for appointment on compassionate ground, the case of the petitioner could not be processed further.
9. It is after a lapse of more than ten years, the application under the Right to Information Act was submitted. The authority has detected that on the date of death of the employee as per the date of birth of the petitioner, he was only sixteen years nine months of age. The petitioner is presently above thirty five years.

10. The authority was of the opinion that as the petitioner did not process his case after 2007, accordingly, there is no scope for providing any compassionate appointment to him at such a delayed point of time, that too, after he has crossed the upper age limit of thirty five years for employment.
11. Learned advocate for the petitioner submits that he was never made aware of the documents which he was supposed to submit before the authority.
12. Assuming that the petitioner was not intimated about the documents, but the petitioner himself did not take any effort to communicate with the authority from 2007 till 2019 when he filed the application under the Right to Information Act. There was complete silence on the part of the petitioner.
13. The respondent authority rightly considered the prayer of the petitioner in the light of the decision passed by the Hon'ble Supreme Court in Civil Appeal No. 988 of 2019 in the matter of State of Himachal Pradesh & Anr. Vs. Shashi Kumar and the order passed by the Hon'ble Supreme Court in the matter of Umesh Kumar Nagpal Vs. State of Haryana reported in (1994) SCC 4 138 that compassionate appointment is an exception to the general rule of appointment and the same cannot be granted after a lapse of reasonable period of time. The object of providing compassionate appointment is to enable the family of the deceased tide over the immediate financial crisis faced on the death of the bread winner.
14. Compassionate appointment cannot be claimed and offered after lapse of time and after the crisis is over.
15. In the present case, the employee expired in the year 2006. In the year 2026, the prayer of the petitioner for consideration of his

application seeking compassionate appointment cannot be allowed.

The writ court ought not to come to the aid of an indolent litigant who is not vigilant enough to pursue his right at the proper time.

16. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

17. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)