

23<sup>rd</sup> June, 2026

Item no.D/L 09  
Court No. 18

Pradip, A.R.(Ct.)

**In the High Court at Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

Case No. **WPA 8446 of 2025**  
**(CAN 1 of 2025)**

*In the matter of:*

**Lakha Hari & Anr.**

*.... Petitioners*

**VS.**

**The Eastern Coalfields Limited & Ors.**

*....Respondents*

*For the Petitioners:*

**Mr. Anshunath Chakraborty**

*....Advocate*

*For the ECL:*

**Ms. Priti Banerjee**  
**Ms. Swapna Sikdar**

*....Advocates*

1. The petitioner no. 1 was serving in the Eastern Coalfields Limited.  
The petitioner no. 2 is his son.
2. After a prolonged litigation before this Court, the Hon'ble Division Bench on 28<sup>th</sup> February, 2024, in the appeal preferred by the Eastern Coalfields Limited being MAT 1630 of 2023 (M/s. Eastern Coalfields Limited & Ors. Vs. Lakha Hari & Anr.), the Court recorded that the petitioner no. 1 Lakha Hari has become permanently disabled. The said declaration was made by the Court relying on the report filed by the medical board of SSKM.
3. The Court directed the authority to extend all monetary benefits to Lakha Hari and to consider the prayer for compassionate appointment of his son Rabin Hari.
4. The order passed by the General Manager, Jhanjra on 3<sup>rd</sup>/4<sup>th</sup> July, 2024 rejecting the petitioner's prayer for compassionate appointment is impugned herein.

5. The ground rejecting the petitioner's application for compassionate appointment is that Lakha Hari is being paid Special Leave Allowance to the tune of rupees fifty six thousand (on average) along with free medical facilities and reimbursement.
6. Compassionate appointment can be granted only to tide over the immediate financial crisis. As Lakha Hari is receiving Special Leave Allowance, the ground of financial crisis does not apply.
7. Lakha Hari has been declared permanently disabled by the High Court but he is still drawing Special Leave Allowance without rendering any service.
8. Lakha Hari has two more daughters and another son who also claim to be his dependants.
9. The General Manager mentioned that Rabin Hari may apply for employment commensurate with his qualification as and when employment notification is published by the Company.
10. Learned advocate for the petitioners submits that the ground taken by the authority to reject the petitioner's prayer for compassionate appointment is the repetition of the grounds taken by the authority in the earlier round of litigation.
11. Prayer has been made to set aside the impugned order and to direct the authority to reconsider the prayer of the petitioner for grant of compassionate appointment.
12. The aforesaid submission of the petitioner is opposed by the learned advocate representing the respondents.
13. It has been submitted that compassionate appointment can be provided only if there is a loss of employment. In the instant case, there has been no loss of employment. The employee, that is, Lakha

Hari, is being paid Special Leave Allowance every month. As there is no financial crisis in the family, accordingly, the prayer of the petitioners for grant of compassionate appointment cannot be considered.

14. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents placed before this Court, it is plainly evident that the Hon'ble Division Bench vide order dated 28<sup>th</sup> February, 2024 directed the authority to consider the prayer for compassionate appointment of Rabin Hari. The said order of consideration was passed by the Hon'ble Division Bench upon perusal of NCWA provisions and the report filed by the medical board of SSKM.
15. At this stage, there is hardly any scope on the part of the authority to reject the prayer of the petitioner no. 2 for compassionate appointment reiterating the same provisions of NCWA which was not accepted by the Court.
16. The Court directed the authority to extend all monetary benefits to Lakha Hari. The monetary benefits that is being extended to Lakha Hari, the petitioner no. 1, is in terms of the order passed by the Hon'ble Division Bench.
17. The authority cannot re-agitate that there is no financial crisis in the family and the prayer for compassionate appointment cannot be reconsidered.
18. There is also no scope to fall back upon the provisions of NCWA all over again.
19. In view of the above, the Court is of the considered opinion that the impugned order of rejection of the petitioner's prayer for compassionate appointment is not in compliance with the order

passed by the Hon'ble Division Bench. The same is liable to be set aside and is, accordingly, set aside.

20. The authority is directed to reconsider the petitioner's prayer for compassionate appointment strictly in accordance with the order passed by the Hon'ble Division Bench and take a decision in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
21. A reasoned order shall be passed and communicated to the petitioners.
22. The formalities required to be complied with by the petitioners shall be clearly intimated to them.
23. The writ petition and the connected application stand disposed of.
24. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
25. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Amrita Sinha, J.)**