

20.05.2026.
Item No. 3.
Court No. 13
ap

F.M.A. 1709 of 2025
With
I.A. No. CAN/1/2025
Eastern Coalfields Limited
Versus
Union of India & Ors.

Mr. Manik Das.

..For the appellant.

Mr. Nandalal Singhania,
Ms. Sumedha Banerjee.

...For the respondent no.1.

Ms. Soma Chakraborty.

..For the respondent nos.4 & 5.

1. The subject appeal is directed against the judgment and order dated 19th September, 2025 passed by a learned Single Judge of this Court in W.P.A. 9156 of 2024.

2. By the impugned judgment, a challenge to an Award dated 31st August, 2023 passed by the Central Government Industrial Tribunal-cum-Labour Court, Asansol in Reference Case No. 20 of 2021 was rejected.

3. Since all the documents including the proceedings, pleadings and evidence before the Tribunal are part of the stay application, this Court is of the view that no useful purpose would be served by calling for affidavits from the respondents.

4. Reference before the Tribunal was made by the Central Government on 21st October, 2021 to the

Central Government Industrial Tribunal-cum-Labour
Court Asansol to the following effect:

“Whether the action of the management Chapuikhas Colliery under Satgram Area of M/s. Eastern Coalfields Ltd. in denying employment to Shri Rabi Majhi, dependent son of Late Hopna Majhi, Ex SF Trammer, UM No.396335, Chapuikhas Colliery, is just and legal? If not, to what relief Shri Rabi Majhi is entitled?”

5. The facts relevant to the case are that one Hopna Majhi functioned as Ex Surface Trammer at the Chapuikhas Colliery managed and controlled by the Eastern Coalfields Limited (in short “ECL”). He died on 1st June, 1997. Upon his death, his wife Budhni Majhi applied for compassionate employment under the provisions of NCWA-VI. The application of Budhni Majhi was discarded by the ECL on the ground that there was a physically able dependent of the deceased being his son Rabi Majhi to seek compassionate employment.

6. Mr. Das, learned Counsel appearing on behalf of the appellant would, however, argue that this finding of fact by the Tribunal was incorrect as Budhni Mejhain withdrew her application and sought compassionate employment for her son instead. He further submits that Rabi Majhi was medically examined in the year 2000 and his age was found between 17 and 22 years. He further submits that the application of his son was, however, rejected on the ground that it was made belatedly.

7. There was a Memorandum of Understanding subsequently between the Management and the ECL and the Trade Union concerned whereby and under the Management agreed to reopen and reconsider several cases of rejection of pleas for compassionate employment.

8. The case of Rabi Majhi came to be reconsidered thereafter and pursuant thereto, sometime in 2009, the ECL, inter alia, by a letter dated 4th February, 2009, Rabi Majhi was asked to come for medical examination afresh at the Satgram Area Hospital. The evidence-in-chief of Rabi Majhi as well as the Management witness and the pleadings before the learned Single Judge, however, admittedly establish that the last medical examination attended by Rabi Majhi was only in the year 2000.

9. At no place in the evidence before the Tribunal has it emerged that Rabi Majhi attended the Satgram Area Hospital pursuant to the notice dated 4th February, 2009. The Tribunal at paragraph 12 continued at page 10 of the Award has, therefore, made an incorrect recording that the management witness, namely, Kalyan Roy had stated that Rabi Majhi attended the Satgram Area Hospital for medical examination pursuant to the letter dated 4th February, 2009.

10. It is clear and explicit from a reading of the affidavit-in-chief filed by MW-1, Kalyan Roy that at

paragraph 6 of the evidence-in-chief that Rabi Majhi attended the first medical examination on 22nd April, 2000 and not thereafter much less pursuant to the notice dated 4th February, 2009. Both Management and particularly Rabi Majhi, remained silent thereafter.

11. The raising of the Industrial Dispute by Rabi Majhi and the reference by the Central Government made in October, 2021 12 years after the Management Notice was itself erroneous.

12. It is now well-settled that compassionate employment is not a matter of right and not a regular avenue of employment. It is an exception and a beneficial measure to prevent the family of a deceased employee from falling into penury and starvation. Reference in this regard is made to the case of **Umesh Kumar Nagpal – Vs. – State of Haryana** reported in **(1994) 4 Supreme Court Cases 138**. The said proposition has been reiterated from time to time by the Hon'ble Supreme Court of India in its several other decisions.

13. Be that as it may, the Tribunal ought to have, therefore, considered the case of compassionate employment of Rabi Majhi in the light of the fact that the prospective employee did not attend and avail the second opportunity for compassionate employment in the year 2009 by failing to turn up for medical examination. There is no correspondence between

2009 until 2021 by Rabi Majhi pursuing his claim or taking out any proceedings against the ECL, seeking compassionate employment.

14. This, therefore, is a case where the order of the Tribunal can be deemed is perverse in that vital evidence on record has been misread, misconstrued, misinterpreted and misunderstood.

15. At the risk of repetition, it is found that the Tribunal sought to refer to a medical examination of the year 2000 as the medical examination result at Satgram Area Hospital in the year 2009.

16. Admittedly there is absolutely no evidence whatsoever before the Tribunal that the employee, Rabi Majhi, attended the medical examination in the year 2009.

17. The silence of Rabi Majhi from 2009 to 2021 is long, belated and fatal to any case for compassionate employment. There is a presumption therefore that the family of Late Hopna Majhi was well and financially secure from the date of death of original employee until the date of reference in the year 2021.

18. Having regard to the aforesaid discussions, this Court is of the view that the CGIT committed error both in fact and law. The Single Bench of this Court has not appreciated the vital error in the finding of fact recorded by the Tribunal.

19. For the reasons stated hereinabove, the Award of the CGIT dated 31st August, 2023 is quashed and

the impugned judgment and order dated 19th September, 2025 passed in W.P.A. 9156 of 2024 is hereby set aside. The writ petition filed by the ECL being W.P.A. 9156 of 2024 is allowed.

20. F.M.A. 1709 of 2025 is also allowed and disposed of.

21. In view of the disposal of the appeal itself, the connected application being CAN 1 of 2025 is also disposed of.

22. There will be no order as to costs.

23. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)