IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 147 of 2025

1. Chairman, Damodar Valley Corporation, Kolkata (West Bengal)
2. Executive Director (HR), Domodar Valley Corporation, Kolkata (West Bengal)
3. Director of Soil Conservation, Damodar Valley Corporation, Hazaribagh
4. Additional Director (HR) of Soil Conservation, Damodar Valley Corporation, Hazaribagh, Jharkhand

   All are represented through Sanjay Kumar, S/o Narayan Sinha, at present working as Director of Soil Conservation Department, Damodar Valley Corporation, Hazaribagh

….. Appellants

Versus

1. Ramnath Prasad, S/o Late Fagu Mahto, R/o Village-Barki Dhamrai, P.O.-Tilaiya Dam, P.S.-Jaynagar, District-Koderma
2. Union of India, through the Secretary, Ministry of Power, New Delhi

….. Respondents

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants: Mr. Anil Kumar, Sr. Advocate
Ms. Tanya Rai, Advocate

For the Respondents: Mr. Manoj Tandon, Advocate
Mr. Rakesh Kumar Roy, Advocate

04/19.11.2026

1. Heard Mr Anil Kumar, learned Sr. Advocate, who appears along with Ms Tanya Rai for the appellants and Mr Manoj Tandon, who appears with Mr Rakesh Kumar Roy for the respondents.

2. This appeal is directed against the learned Single Judge's judgment and order dated 20.12.2024 passed in W.P. (S) No. 1505 of 2024, instituted by respondent No. 1 herein. The impugned judgment and order, after enumerating the unfortunate circumstances in which the respondent No. 1 was virtually forced to knock on the doors of this Court on numerous occasions, directs the appellants, a public sector undertaking, to offer compassionate appointment to respondent No. 1 within six weeks.

3. Mr Anil Kumar, learned Sr. Advocate for the appellants, submits that the appellants were always ready and willing to offer either compassionate appointment or monetary compensation in lieu of compassionate employment to respondent No. 1, in terms of the Compassionate Employment Policy dated 17.07.1984, as modified from time to time. However, he submits that in 2020, a new policy was introduced under which no compassionate employment was to be offered, but only a lump sum of Rs. 15 Lakh was payable to the dependents of an employee who may have died in harness.

4. Mr. Anil Kumar submits that though the respondent No. 1 applied for compassionate appointment in 2017 when the old policy was in force, given the changed policy of 2020, there was no question of offering the respondent No.1 any compassionate employment. However, respondent No. 1 could always be paid a lump sum of Rs. 15 lakh if respondent No. 1 was willing to accept it. He submits that the policy on the date of making any offer was relevant, and if no such policy existed, or if the policy required only an offer of monetary compensation, then the directions issued in the learned Single Judge's impugned order become vulnerable and liable to be set aside.

5. Mr. Anil Kumar relied upon a judgment rendered by the Hon'ble Supreme Court in the case of ***State Bank of India and Others vs. Sheo Shankar Tewari*** reported in ***(2019) 5 SCC 600,*** in which some conflicting views were noticed by the Hon'ble Supreme Court, and a reference was made to the Larger Bench to resolve inconsistency between the two lines of decisions. Accordingly, Mr Anil Kumar submits that the impugned judgment and order warrants inference.

6. Mr. Anil Kumar further submits that in this case, the application seeking compassionate appointment was made almost five years after his father

died in harness on 15.10.2012. He submits that it is well settled that there is no right to compassionate appointment and the entire purpose of compassionate appointment is to tide over some immediate crisis. He submits that since the application seeking compassionate appointment was made belatedly, the appellants had no obligation to consider it. Still, the appellants were not averse to payment of monetary benefits in lieu of compassionate appointment. He submits that since this aspect has not been adequately considered, the impugned judgment and order warrants interference.

7. Finally, Mr Anil Kumar submits that the direction to create a supernumerary post is ex facie contrary to law. He submits that no such direction could have been issued, particularly because this was a matter of compassionate appointment, which is not a right vested in the respondents herein. He submits that this is yet another reason why the impugned judgment and order deserves to be set aside or at least modified to direct the appellants to pay monetary compensation in lieu of compassionate appointment.

8. Mr Manoj Tandon defended the impugned judgment and order based on the facts and circumstances reflected in its reasoning. He submits that respondent No. 1 has been virtually harassed by a public sector undertaking, and even solemn undertakings given to the Court have been breached. He submits that respondent No. 1 not only applied while the old policy was in force, but also secured orders from this Court for implementation of such policy. By unreasonably delaying the implementation of the Court's orders, the appellants cannot now seek to rely upon the changed policy to deny the relief already granted by this Court to the first respondent. He therefore submits that no case is made

out to warrant interference with the impugned judgment and order, and this appeal must be dismissed with exemplary costs.

9. The rival contentions now fall for our determination.

10. In the peculiar facts and circumstances of this case, to which detailed reference is made in the impugned order and brief reference hereinafter, we are satisfied that the appellants, which are public sector undertakings, have not acted fairly but have instead harassed respondent No. 1, forcing him to approach this Court on numerous occasions. Despite succeeding in these matters, the appellants have steadfastly refused to comply, and this appeal is yet another attempt to perpetuate the unfairness and wear down the resistance and meagre resources of the first respondent and his family.

11. Admittedly, under the policy of 17.07.1984, the dependents of an employee who dies in harness were given a choice to either accept one-time lump sum compensation or avail of compassionate appointment. This policy was modified from time to time, but only regarding the quantum of one-time lump sum compensation.

12. The first respondent's father died in harness on 15.10.2012, and this fact is not at all in dispute. The appellants admitted that, on their own motion, they included the first respondent's name in the list of candidates (panel) maintained for consideration of the claim for compassionate appointment. Since this was done, the first respondent was not required to formally apply for compassionate appointment under the scheme.

13. Still, for no cogent or good reason, up to 2017, neither any compassionate appointment nor compensation in lieu thereof was offered. The first respondent's mother, pleading helplessness and desperation, represented to the appellants that her son be provided a compassionate appointment under the prevalent 1984 scheme at the earliest. This representation was

more an SOS than a first or belated application seeking compassionate appointment for her son to sustain the family. Therefore, the belated argument that an application seeking compassionate appointment was made five years after the employee's demise in harness is quite misconceived and insensitive. and was rejected on 10.03.2017, with the simple observation that compassionate appointment could not be provided to the first respondent.

14. On 05.07.2018, the first respondent was compelled to institute W.P. (S) No. 2561 of 2017 seeking compassionate appointment under the old policy of 1984, which was clearly and admittedly prevalent. This writ petition was disposed of vide judgment and order dated 05.07.2018.

15. The relevant extracts of the order dated 05.07.2018 have been quoted in paragraph No. 2 of the impugned order, but still the same are transcribed below for the convenience of reference:-

> *"05.07.2018 The petitioner is aggrieved of order dated 10.03.2017 by which he has been granted compensation of Rs.5 lakhs in lieu of compassionate appointment.*
>
> *2. Plea taken by the petitioner is that in terms of Office Circular dated 17.07.1984 read with Office Memorandum dated 22.07.2008, dependant of a deceased employee has two options – either to accept compensation of Rs.5 lakhs or to opt for compassionate appointment – and it shall be the decision of the dependant to choose an option and not of the respondent-employer. The petitioner claims that he should be considered for appointment on compassionate ground and the respondent authority has illegally taken a decision on its own that Rs.5 lakhs shall be paid to him as full and final settlement in lieu of compassionate appointment.*
>
> *3. Facts are not in dispute; petitioner's father died in harness on 15.10.2012 and the application for his compassionate appointment has been accepted by the respondent-DVC. In the counter-affidavit, the respondents have pleaded that if the petitioner does not opt for compensation of Rs.5 lakhs his name shall remain in the panel of candidates for compassionate appointment and he shall be offered appointment when his turn comes.* ***In view of the stand taken by the respondents in paragraph no.8 of the counter-affidavit, the impugned order dated 10.03.2017 stands quashed.***

4. The writ petition stands allowed, in the aforesaid terms."

[Emphasis supplied]

16. The appellants challenged the learned Single Judge's above-referred order dated 05.07.2018 in L.P.A. No. 446 of 2018. However, vide I.A. No. 10591 of 2018, the appellants sought leave to withdraw the said L.P.A. Accordingly, the same was dismissed as not pressed.

17. With the dismissal of L.P.A. No. 446 of 2018, the direction as contained in the learned Single Judge's order dated 05.07.2018 attained finality. On the date such finality was attained, the old policy, i.e., the 1984 policy, was admittedly prevalent. Therefore, nothing prevented the appellants from complying with this Court's order, particularly after the appellants withdrew their letters patent appeal against it. But as further developments would show, the appellants, who litigated with public funds, were determined to deny any relief to the first respondent, perhaps for having dared to approach a Court of law to seek redress.

18. The appellants, however, did not comply with the learned Single Judge's order even though it had attained finality consequent upon the dismissal of the letters patent appeal. By this time, admittedly, no changed policy had come into force, which allegedly came into force only in 2020. The first respondent was, however, informed under the Right to Information Act, 2005, that he was empanelled for consideration for compassionate appointment and would be appointed in due course.

19. The first respondent, faced with unreasonable delays perpetuated by the appellants, was again forced to institute W.P. (S) No. 2037 of 2019. This was the third litigation that the first respondent was forced to file/defend in his request for compassionate appointment, the second being a contempt petition for disobedience of this Court's earlier order.

20. On 26.06.2019, the learned Single Judge of this Court observed that since the earlier order dated 05.07.2018 had attained finality due to the dismissal of the L.P.A., "*respondents have been left with no option but to comply the earlier order of this Court."* Again, it is pertinent to note that this observation was made when the old policy was still prevalent.

21. The first respondents' W.P. (S) No. 2037 of 2019 was finally disposed of on 15.10.2020. The relevant extracts from this order have been quoted in paragraph No.4 of the impugned order. However, for the convenience of reference, they are transcribed below:

> "4. The matter came for final consideration before this Court on 15.10.2020 and this Court disposed of the said writ petition. Last four paragraphs of the said order are profitable to quote herein below:-
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> > *"Per contra, Mr. Srijit Choudhary, learned counsel appearing for the respondent-D.V.C submits that the Corporation is acting in terms of scheme. The petitioner is on the panel. His turn has not come as yet. He submits that as soon as the turn of the petitioner will come, the petitioner will be provided compassionate appointment. He further submits that scheme is already there and compassionate appointment has to be governed with that scheme.*
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> > *In view of the aforesaid facts and considering the argument of the learned counsel for the parties, it appears that a long queue is there for appointment on compassionate ground. The father of the petitioner died in the year, 2012 and till date, the petitioner has not been appointed on compassionate ground in spite of the scheme. A co-ordinate Bench of this Court in "Yasoda Mehra" (supra) has ruled that if vacancy for compassionate ground is released each year, the list of candidates prepared each year should be first considered against those vacancies.*
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> > ***In the light of aforesaid judgment, the matter is remitted back to the Corporation to take decision in the light of discussion made in para 6 of the said judgment, within 12 weeks from date of receipt/production of a copy of this order.***

> *With the aforesaid observation and direction, this writ petition stands disposed of. Pending I.A, if any, stands disposed of."*
>
> *[Emphasis supplied]*

22. Though we are not informed of the precise date of the changed policy of 2020, we note that the order dated 15.10.2020 passed by the learned Single Judge of this court, disposing of W.P. (S) No. 2037 of 2019, made no reference to this changed policy. However, the appellants passed an order on 07.01.2021, again denying the grant of any compassionate appointment to the first respondent.

23. The first respondent, for the fourth time, had to approach this Court by filing a contempt petition. In the contempt petition, the appellants again stated in an affidavit that the first respondent had now reached the first position, Sl. No. 1, in the panel for compassionate appointment. It was submitted that, as soon as a vacancy arose, the first respondent would be appointed on a compassionate basis. Again, it does not appear that any argument based on the changed policy was put forth. Based on the statement made on oath on behalf of the appellants, the Contempt Case (Civil) No. 77 of 2021 was disposed of.

24. But the statement based on which this Court was persuaded to dispose of the contempt petition was only a façade to ward off any action for contempt. The appellants were determined not to allow the first respondent to obtain the fruits of the numerous litigations it was forced to file against a mighty public sector undertaking like the appellants.

25. Despite the contempt petition being disposed of based on the statement made on behalf of the appellants, in reality, no compassionate appointment was offered to the first respondent. This forced the first respondent, perhaps for the sixth time, to knock on the doors of this

Court by instituting W.P. (S) No. 1505 of 2024, in which the impugned judgment and order has been made by the learned Single Judge.

26. Though no Court granted interim relief staying the directions issued in the impugned judgment and order, the appellants, merely on the ground of pendency of this appeal, chose not to comply with the directions issued in the impugned judgment and order. All this was calculated to prolong the misery of the first respondent and to bring about a situation where the first respondent would have no choice but to let himself and his family perish or accept compensation in lieu of compassionate employment. The first respondent filed yet another contempt petition (seventh proceedings), but the learned Single Judge is said to have observed that the same would be considered after disposal of this appeal.

27. The contentions now raised about the changed policy or the delayed application, apart from being belated, aim to harass the first respondent and deprive him and his family of the fruits of several orders that the first respondent obtained from this Court in his favour. There is nothing bona fide in the contentions now raised on behalf of a public sector undertaking against a dependent of its employee, who died in harness.

28. The reference to the 2020 policy is quite misconceived in the gross facts and circumstances of the present case. The cause of action arose when the old policy was in force. The cause of action was adjudicated, and that adjudication attained finality, when the old policy was admittedly in force. The appellants, having flouted this Court's orders with impunity and failed to grant compassionate appointment to the first respondent, cannot now refer to the changed policy of 2020 and argue that all the decisions of this Court and all the undertakings furnished on behalf of the appellants themselves should be set at nought, forcing the first

respondent to yield to the litigative prowess and vastly superior bargaining power possessed by the appellants, a public sector undertaking.

29. It is pertinent to note that public sector undertakings litigate with public money. It is quite unfortunate that public money should be expended to deprive the first respondent, who is a dependent of a small-time employee of such a public sector undertaking who died in harness of his entitlement as crystallised through the several Court orders he was forced to obtain. Therefore, based on the changed policy of 2020, the appellants can neither seek any relief in this appeal nor wish away orders made by this Court that have attained finality. The appellants cannot seek any premium for their disobedience of the binding Court's orders and the deliberate bureaucratic delays in their implementation.

30. The argument that respondent No. 1 applied for compassionate appointment five years after the death of his father is equally misconceived. Such a plea was never raised or, in any case, accepted by the Court in the several litigations that the first respondent was forced to file in this matter. Instead, the appellants pleaded that they had suo motu empanelled respondent No. 1 to consider his claim for compassionate appointment. Since this was done in terms of the 1984 policy then in force, there was no need for a specific application. Nor was this ever a ground for denying compassionate appointment.

31. Throughout the proceedings, the appellants maintained that they had empanelled respondent No. 1 and that compassionate appointment would be granted as soon as a vacancy arose. In the contempt proceedings, this Court was informed that the first respondent was at Sl. No. 1 on the empanelment list and, on that basis, the learned Single

Judge of this Court was persuaded to dispose of the contempt proceedings.

32. The contentions regarding the direction to create a supernumerary post must be viewed in light of the above, which shows the extent to which a PSU can go—and has gone—to prolong the misery of the first respondent and his family. Public money could have been spent on a better or worthier cause rather than used to teach a poor dependant of an employee who died in harness a lesson for having dared to approach a court of law to seek redress. Therefore, in the gross facts and circumstances of this case, we do not think that such a direction warrants any interference. Any interference would only embolden the appellants to mock the judicial process, behave similarly and breach the court's orders with impunity.

33. Considering the gross facts and circumstances of the present matter, the conduct of the appellants in forcing the first respondent to file almost six or seven proceedings in this Court, and the denial of relief to the first respondent despite success in those proceedings, we are satisfied that no case is made out for interference with the impugned order.

34. In ***State Bank of India*** (supra), the Hon'ble Supreme Court referred the issue to a larger Bench, concerning whether compassionate appointment claims are governed by the scheme in force at the time of application or at the time of consideration. This order acknowledges that there are two lines of decisions. A mere reference to a Larger Bench does not erase the efficacy of the existing precedents.

35. In any event, in this matter, the application for compassionate appointment and its consideration were at the stage when the old policy of 1984 was in force. Based upon the same, this Court had, in fact, directed the benefit of the old policy to be extended to the respondent

No.1. The appellants, having flouted the orders of this Court and delayed the implementation, cannot now take some undue advantage of the conflicting precedents when, in fact, such precedents are not at all attracted in the fact situation of the present case. Thus, based upon the decision cited above, no case is made out to interfere with the impugned judgment and order.

36. Recently, the Hon'ble Supreme Court, in ***R. Saravanan v. Periyar University Rep. by its Registrar & Ors.,*** reported in ***(2026) INSC 1136,*** explained the parameters of interference by the Letters Patent Court in an appeal against the judgment and order of the learned Single Judge. The Hon'ble Supreme Court has held that the Letters Patent Bench can interfere only where the findings are demonstrably erroneous and the mistake is glaring on the face of the record. There must exist cogent grounds, and such grounds are not projected on some minor mistake in the judgment under challenge.

37. The Hon'ble Supreme Court held that the Letters Patent Bench is not entitled to interfere with the decision of the writ Court on a mere showing of an error of fact or law. If the decision rendered by the writ Court in exercise of the powers under Article 226 of the Constitution is in furtherance of justice, equity and good conscience and is not against public policy, then the Letters Patent Bench constituted under Clause 15 of the Letters Patent of Madras High Court or similar provisions of the Letters Patent of other High Courts cannot exercise its appellate jurisdiction under the Letters Patent to interfere with the writ Court's decision. Simply put, the Letters Patent Bench cannot interfere with the decision rendered by the writ Court which is otherwise just and reasonable.

38. In the present case, the impugned judgment and order are just, reasonable, and promote substantial justice. Based upon the grounds urged, we are satisfied that no case is made out to warrant interference. Applying the law laid down by the Hon'ble Supreme Court in ***R. Saravanan*** (supra), it would not be appropriate to interfere with the impugned judgment and order.

39. The directions issued in the impugned judgment and order must now be complied with within two weeks from today, and a compliance report must be filed in the pending contempt proceedings after serving an advance copy to the first respondent.

40. Accordingly, we dismiss this appeal; though we considered imposing costs, we refrain from doing so in the hope that a public sector undertaking like the appellants will at least now comply with the Court's directions without forcing the first respondent to further institute or pursue the contempt proceedings already filed. The present appeal is accordingly dismissed without any order for costs.

(M.S. SONAK, C.J.)

(RAJESH SHANKAR, J.)

19.11.2026
Satish/Vikas/
AFR

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