IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 450 of 2025

1. Central Coalfield Limited through its Chairman-cum-Managing Director, having its office at Darbhanga House, Ranchi, P.O. G.P.O., Ranchi, P.S. Kotwali, District Ranchi, Jharkhand.
2. The General Manager (K), Central Coalfields Limited, Kuju Area, P.O. & P.S. Kuju, District Ramgarh, Jharkhand.
3. The Project Officer, Torpa Project, Kuju Colliery, Central Coalfields Limited, P.O. Torpa, P.S. Kuju, District Ramgarh, Jharkhand. ... Appellants

Versus

Jhanko Kumari, aged about 40 years, daughter of Late Gedar Bhuiyan, resident of village & P.O. Balsagara, P.S. Mandu, District Ramgarh, Jharkhand. ... Respondent

---

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants: Mr Indrajit Sinha, Advocate
Mr Ankit Vishal, Advocate.
For the Respondent: Ms Aanya, Advocate.
Mr Om Prakash Prasad, Advocate.
Mr Deepak Kumar Chouhan, Advocate.

04/Dated: 02.11.2026

1. Heard Mr Indrajit Sinha, who appears with Mr Ankit Vishal, learned counsel for the appellants, and Ms Aanya, learned counsel for the respondent (original petitioner).

2. I.A. No. 10145 of 2025 seeks condonation of delay of 166 days in instituting the accompanying appeal.

3. The reasons set out in paragraphs 4 to 6, apart from being vague, do not make out any case of sufficient cause.

4. However, Mr Indrajit Sinha submitted that the appellants have made out good grounds and there is every likelihood of its success.

5. This is also pleaded in paragraph 11 of the I.A. seeking condonation of delay.

6. Normally, at the stage of deciding an application for condonation of delay, there is no question of going to the merits of the matter. However, even if some indulgence were to be granted to the appellants in this matter, we are satisfied that even on merits, no case is made out to warrant interference with the impugned order dated 07.08.2024 allowing W.P. (S) No. 5890 of 2018.

7. Mr Sinha submitted that the learned Single Judge granted relief relying solely on clause 9.5.0 (ii) of the National Coal Wage Agreement-VI (NCWA-VI). He submitted that this provision had to be read along with clauses 9.3.4 and 9.4.0 (iv) of N.C.W.A.-VI. He submitted that, so read and so construed, it is apparent that a dependent, who is about 35 years of age, would be entitled to only monetary compensation and not compassionate employment.

8. Clauses 9.3.4, 9.4.0 (iv) and 9.5.0, which includes sub-clause (ii) thereof, are transcribed below for reference of convenience: -

> *"9.3.4 the dependants to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit in case of employment of female spouse would be 45 years as given in*

Clause 9.5.0. In so far as male spouse is concerned, there would be no age limit regarding provision of employment.

9.4.0 Employment to one dependant of a worker who is permanently disabled in his place

(iv) The dependants to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit in case of employment of female spouse would be 45 years as given in Clause 9.5.0. In so far as male spouse is concerned, there would be no age limit regarding provision of employment.

9.5.0 Employment/Monetary compensation to female dependant

Provision of employment/monetary compensation to female dependants of workmen who die while in service and who are declared medically unfit as per Clause 9.4.0 above would be regulated as under:

(ii) In case of death/total permanent disablement due to cause other than mine accident and medical unfitness under Clause 9.4.0, if the female dependant is below the age of 45 years she will have the option either to accept the monetary compensation of Rs.3,000/- per month or employment.

In case the female dependant is above 45 years of age she will be entitled only to monetary compensation and not to employment."

9. Clauses 9.3.4 and 9.4.0 (iv) refer to extension up to 45 years being granted to female spouses. Clause 9.5.0 generally deals with employment/monetary compensation benefits to female dependants. Sub-clauses (ii) of clause 9.5.0 provides that in case of death/permanent disablement due to cause other than mine accident and medical unfitness, if the female dependent is below the age of 45 years, she will have the option either to accept monetary compensation of Rs.3,000/- per month or employment. However, if the female dependent is above 45 years of age, she would be entitled only to monetary compensation and not to employment.

10. In this case, the respondent is the female dependent who is not a female spouse of the deceased or a medically unfit employee. Therefore, the respondent's case is governed by clause 9.5.0 (ii), which provides that if the female dependent is below the age of 45 years, she will have the option either to accept monetary compensation of Rs.3,000/- per month or employment.

11. Though the respondent may have pleaded that she was not more than 35 years on the date when she applied for compassionate appointment, a Medical Board was constituted by the appellants to determine her correct age. The Medical Board determined her correct age to be 37 and a half years, which is less than 45 years. Accordingly, in

terms of clause 9.5.0 (ii) she had a choice to either accept monetary compensation or employment. Claiming all the clauses should be read together, this choice, which clause 9.5.0 (ii) gave to the female dependent, cannot be taken away or denied.

12. At this stage, since we are not called upon, we do not decide the issue of granting the male spouse unlimited relaxation, but restrict it to only 45 years in the case of the female spouse.

13. This is also not a case of the learned Single Judge granting relief to the respondent beyond the pleadings. The respondent verily believed that she was less than 35 years old when she applied for compassionate appointment. The appellant was not sure of this position and therefore constituted a Medical Board. The Medical Board constituted by the appellants determined her age to be 37 and a half years.

14. Since such determination is well within the limit of 45 years, the learned Single Judge was justified, in the interest of justice, in directing that her case was covered by clause 9.5.0 (ii). There is no error in the view taken by the learned Single Judge. Apart from that, the view taken promotes substantial justice and is, *in fact*, in furtherance of justice, equity and good conscience.

15. Recently, the Hon'ble Supreme Court in the case of ***R. Saravanan Vs. Periyar University Rep. by its Registrar & Ors., 2026 INSC 1136*** has held that the Letters Patent Bench can interfere in the matter only when the findings are demonstrably erroneous and the mistake is glaring on the face of the record. The Letters Patent Bench is not entitled to interfere with the decision of a writ Court on the mere showing of some error of fact or in law. Further, if a decision rendered by the writ Court in exercise of its power under Article 226 of the Constitution is in furtherance of justice, equity and good conscience and is not against public policy, the Letters Patent Bench should not interfere with the writ Court's decision. Simply put, the Letters Patent Bench should not interfere with the decision rendered by the writ Court which is otherwise just and reasonable.

16. Applying the above principle as well, no case is made out to interfere with the learned Single Judge's judgment and order impugned in this appeal.

17. For the above reasons, we decline to condone the delay for failure to show any sufficient cause; further, even if we were to condone the delay, we are satisfied that, in the appeal, no case is made out to interfere with the learned Single Judge's impugned order. Therefore, the I.A. and the accompanying appeal are hereby dismissed without any order for costs.

Other Pending interlocutory applications, if any, will not survive and are disposed of.

18. At the request of Mr Indrajit Sinha, the time for compliance is extended by six weeks from today.

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

(Manoj Prasad, J.)

02.11.2026
A.F.R.

APK/RC
Uploaded on 06.11.2026