IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 4161 of 2025

1.Anita Devi, Aged about-48 years, wife of late Jogendra Oraon

2. Smrity Kumari, aged aobut-26 years, Daughter of Late Jogendra Oraon

Both Residents At-Kuju Colony, PO-Kuju, PS-Mandu, Dist.-Ramgarh Jharkhand **... Petitioner(s)**

Versus

1. Central Coal Fields Limited through its Chairman-cum-Managing Director, At Darbhanga House, PO-GPO, PS Kotwali, District-Ranchi

2. Director (Personnel), Central Coal Fields Limited, At-Darbhanga House, PO-GPO, PS Kotwali, District-Ranchi

3. The Head of Department (P&IR), Central Coal Fields Limited, At Darbhanga House, PO-GPO, PS-Kotwali, District-Ranchi

4. The General Manager, Hazaribagh Area, Central Coal Fields Limited, At-Charhi, PO+PS-Charhi, District-Hazaribagh

5. Staff Officer (Personal) Hazaribagh Area, Central Coal Fields Limited, At-Charhi, PO+PS-Charhi, District-Hazaribagh

6. Chief Manager (Personal), Hazaribagh Area, Central Coal Fields Limited, At-Charhi, PO +PS-Charhi, District-Hazaribagh**... Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Ratnesh Kumar, Advocate
Mr. Om Prakash, Advocate
For the Respondent-CCL : Ms. Khushboo Kataruka, Advocate
Mr. Shubham Kataruka, Advocate
Ms. Kumari Ruchika, Advocate

JUDGMENT

C.A.V On 05/08/2026 **Pronounced On 14/09/2026**

The instant writ application has been preferred by the petitioners for the following reliefs:

> ***"1.*** *That the present writ petition is being filed for issuance of an appropriate writ(s)/order(s)/Direction(s) and/or writ in the nature of certiorari for quashing the following (I) letter/order dated 22/05/2024 (Annexure-5) passed under the signature of Chief Manager (P) G.M. office Charhi (Respondent No.6) (II) Letter/order dated 22/08/2024 (Annexure-9) passed under the signature of Head of department (P&IR) (Respondent No.-3) (III) Letter/Order dated 19/3/2025 (Annexure-12) passed under the signature of Staff Officer (P&A) Hazaribagh Area (Respondent No.-5) whereby the claim of the*

petitioner for employment under para 9.3.0 of NCWA XI has been rejected on the ground that sister is not included within the definition of dependent under N.C.W.A-XI.

Whereas JBCCI (Joint Bipartite Committee for the Coal Company) vide circular dated 11/06/2024 had modified the definition of dependent under N.C.W.A XI and a "sister" was also included in the definition of dependent

And

For any other writ(s)/Rule (s)/Order (s)/direction(s) for which the petitioner is legally entitled to, in the facts & circumstances of this case."

2. The brief facts of the case as per the pleadings are that the petitioner no.1 informed the respondent-CCL about the death of her son namely, Anshu Oraon on 04.08.2023 and requested to provide employment to her daughter-petitioner no.2 under Clause 9.3.0 of N.C.W.A-XI. The respondent-CCL rejected the claim on the ground that there is no provision for employment of unmarried sister under N.C.W.A-XI.

3. The record further reveals that, on 11.06.2024, Standardization Committee of JBCCI took a decision to modify the definition of dependent for the purpose of granting employment under NCWA-XI and even unmarried sister was included within the definition of indirect dependent.

Thereafter, a fresh application was made by the petitioner no.1 for compassionate appointment of her daughter who was sister of the deceased employee; however, the respondent-CCL again rejected the claim of the petitioner on 22.08.2024 asserting that the *"Circular dated 11.06.2024"* would not apply as late Anshu Oraon died on 03.08.2023 and at that time the amendment was not carried out.

The said order was upheld in appeal preferred by the petitioner no.1. Being aggrieved of the action of the respondents, the petitioners have filed this writ application.

4. Mr. Ratnesh Kumar, Ld. Counsel representing the petitioners submits that the case of the petitioners is that though initially daughter was not shown as dependent as per applicable NCWA-XI which was effective from 01.07.2021 to 30.06.2026 for a period of five years but after the modification in the definition of dependent for the purpose of grant of

employment as per Clause 9.3.0 of the concerned NCWA; the claim of the petitioners is justified and the impugned order rejecting the claim of the petitioners on the ground that late Anshu Oraon died on 03.08.2023 and the amendment by the Circular in NCWA-XI came into effect on 11.06.2024 will not give any benefit to the petitioner no.2 is misconceived; because, after the death of the deceased employee-Anshu Oraon, the petitioner no.1 immediately submitted the death certificate of the deceased employee and filed an application/request on 20.12.2023 to the respondent-coal company to provide employment to her daughter i.e. petitioner no.2 under Clause 9.3.0 of NCWA-XI but the same was rightly rejected but after the amendment in the definition of the dependent by the *"Circular dated 11.06.2024"* the documents/application was again submitted by the petitioner no.1 on 30.01.2024 which was within the stipulated time of filing an application for compassionate employment under the relevant clause of N.C.W.A.-XI.

5. The stand of the respondent-CCL vide letter dated 22.08.2024 in rejecting the claim for employment of petitioner no.2 on the ground that there was no provision for employment of unmarried sister at the time of death of the deceased employee; is not sustainable in the eye of law; since the Standardization Committee of JBCCI-XI took a decision on 11.06.2024 to modify the definition of the dependent whereby even unmarried sister was included within the definition of indirect dependent; the petitioner no.1 immediately applied on 18.06.2024 i.e. within seven days of the new circular dated 11.06.2024, and again on 24.07.2024 which were well within the stipulated time of filing of applications i.e. eighteen months from the date of death of any employee which in the present case is 03.08.2023.

6. Accordingly, Mr. Kumar reiterated that the ground in the impugned order of rejection which was also sustained by the appellate authority that since during the relevant time when the deceased employee died, unmarried daughter was not in the definition of dependent of the deceased

employee has no legs to stand in the eye of law and as such learned counsel prayed that the impugned order be quashed and set aside and the concerned respondent may be directed to issue appointment letter to the petitioner no.2.

7. The stand of the respondents is that the petitioner will not get the benefit of the amendment which is effective from 11.06.2024 and is to be implemented prospectively i.e. from the date of issuance to implementation instruction.

8. Ms. Khushboo Kataruka, learned counsel representing the respondents draws attention of this Court towards Serial No. 8(viii) of the Minutes of Fourth Meeting of Standardization Committee of JBCCI-XI dated 09.12.2024 and had submitted that Implementation Instruction No. 16 dated 11.06.2024 is to be implemented prospectively which is crystal clear from the said minutes of meeting. Accordingly, there is no infirmity in the impugned order and the respondents have rightly rejected the claim of the petitioner no.2 for compassionate appointment.

9. Having heard Ld. Counsel for the parties and after going through the documents available on record especially the memorandum of agreement being National Coal Wage Agreement (NCWA-XI) and also the Minutes of Fourth Meeting of Standardization Committee of JBCCI-XI held on 09.12.2024, the following questions emerge for consideration before this Court:

> ***(i)*** *Whether the claim of the Petitioner no. 2 for compassionate appointment is justified?*
>
> ***(ii)*** *Whether the minutes of fourth meeting of JBCCI held on 09.12.2024 can be made applicable in the instant case for the purpose of compassionate appointment of Petitioner no.2 when the amendment was carried out and was made effective prospectively from the date of issuance of the said instruction i.e.11.06.2024 ?*
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> ***(iii)*** *Whether the application filed by the petitioner no.1 for compassionate appointment for petitioner no.2 was within the stipulated time as incorporated in the NCWA-XI ?*

10. To decide the aforesaid questions, it is relevant to refer few admitted

facts:-

(i) *The Petitioner no.1, who is the mother of deceased employee, informed the Respondent-Coal Company that his son had died while in service and on 20.12.2023 requested the Respondent-Coal Company to provide employment to her daughter under Clause 9.3.0 of NCWA-XI.*

(ii). *The Compassionate appointment is governed by Clause 9.3.0. of NCWA-XI which was effective from 01.07.2021 to 30.06.2026. On 22.05.2024.*

(iii) *The Respondents rejected the claim of the Petitioner no.1 for compassionate appointment of Petitioner no.2 on the ground that there is no provision for employment of unmarried sister under NCWA-XI.*

(iv) *During the currency period of NCWA-XI which is effective from 01.07.2021 to 30.06.2026, the Standardization Committee of JBCCI took a decision on 11.06.2024 to modify the definition of dependent for the purpose of grant of employment under NCWA-XI; whereby even unmarried sister was included within the definition.*

(v) *Pursuant to the said amendment/decision of JBCCI dated 11.06.2024, a fresh application was filed by the Petitioner no.1 for employment of her daughter (Petitioner No.2) who was unmarried sister of the deceased employee on 18.06.2024 i.e. within seven days of the new circular dated 11.06.2024 and submitted another application on 24.07.2024.*

(vi) *The Respondents again rejected the claim on the ground that since the deceased employee late Anshu Oraon died on 03.08.2023 and said circular dated 11.06.2024 would not apply retrospectively.*

(vii) *Even the said rejection order dated 22.08.2024 was sustained by the appellate authority on the appeal filed before the Director Personnel, CCL and CMD Director, CCL on 12.12.2024 and 19.03.2025 respectively.*

11. The first and the foremost issue that can answer the questions framed hereinabove is that as to whether the instruction of JBCCI dated *11.06.2024* can have any effect upon the employment of Petitioner no.2. In this regard it is to be indicated that the *'Compassionate appointment'* which is being given by the respondent-coal company is under Clause 9.3.0 of NCWA and the concerned National Coal Wage Agreement-XI was effective from 01.07.2021 to 30.06.2026. Admittedly, on 11.06.2024, an Implementation Instruction No.16 was issued pursuant to the meeting of Standardization Committee of JBCCI-XI on 09.12.2024 wherein at Clause 8(viii) the effective date of Implementation Instruction i.e. I.I. No. 16 of NCWA-XI is indicated which reads as follows:

> *"I.I. No. 16 dated 11.06.2026 is to be implemented prospectively i.e. from the date of issuance of the implementation instruction."*

12. Even, there is no quarrel with regard to applicability of this particular instruction/modification in the definition of dependent. But this Court cannot ignore the fact that this instruction became part and parcel of NCWA-XI which was effective from 01.07.2021 to 30.06.2026.

In other words, *with effect from 11.06.2024*, "unmarried Sister" came under the definition of dependent under Clause 9.3.0 of NCWA-XI which deals with compassionate appointment. Thus, the unmarried sister of the deceased employee came well within the definition of dependent who can be considered for compassionate appointment under the provision of Clause 9.3.0 of NCWA-XI subject to other fulfillments.

13. Now, the question which will emerge in order to decide the *lis* as to whether the Petitioner No.2 can get compassionate appointment or not. In this regard, this Court drives to see the period of limitation prescribed under NCWA-XI for the purpose of making application for compassionate appointment which is 18 months from the date of death of the concerned deceased employee.

14. In the instant case, the deceased employee died on 03.08.2023 and after the first round of rejection and coming into force of Instruction - I.I.

No.16, the Petitioner no.1 again applied for compassionate appointment of unmarried sister of the deceased employee i.e. Petitioner No.2 and the said application which was received by the office of General Manager on 18.06.2024; which is well within 18 months from the date of death of deceased employee.

Furthermore, by virtue of modification/amendment pursuant to the JBCCI Meeting, whereby the definition of dependent was modified and that modification became part and parcel of the original NCWA-XI and undisputedly the said amendment will have to operate prospectively; and admittedly, when an application was filed within the period of limitation of 18 moths as per the terms of concerned NCWA and at that time the said instruction was under operation; then there is no reason why the respondents will deny the compassionate appointment to unmarried sister.

15. In other words, the moment I.I. No.16 became part and parcel of original agreement i.e. NCWA-XI; though operating prospectively, but in any view of the matter on that implementation date it became part parcel of NCWA-XI for the purpose of giving compassionate appointment as per Clause 9.3.0 of NCWA-XI; therefore, when the application for compassionate appointment was made within the stipulated time of 18 months from the date of death of the deceased employee; and by virtue of said instruction, unmarried sister was included in the list of dependent; there is no reason why the claim of the petitioner for compassionate appointment was rejected.

16. Ld. Counsel for the Respondents has heavily relied on the order passed by the Division Bench of this Court in *LPA No. 533 of 2024* and submits that the issue involved in this writ application is covered by the said judgment, however, after going through the aforesaid judgment, the factual matrix of the said case and the instant one are entirely different. In the said case the instruction was not applicable during the currency period of NCWA-XI; rather the same was within the currency period of NCWA – X and therefore the Division Bench of this Court has held that *"to claim*

compassionate appointment on the basis of a subsequent policy decisions is impermissible". In the said case, the consideration for compassionate appointment was made much earlier to the implementation/instruction no.16 dated 11.06.2024 therefore this judgment will not help the Respondents.

Another judgment relied upon by the respondents is *"Secretary to Government Department of Education (Primary) and Ors. V. Bheemesh @ Bheemappa"* [1] particularly paragraph no. 18; however, it is also not applicable in the factual matrix of this case and also in view of the discussion made hereinabove that the amendment/modification in the scheme which became operative from a particular date; the time of filing of application for compassionate appointment was well within the time as stipulated in the concerned NCWA-XI.

17. Having regard to the aforesaid discussion, this Court holds as under:-

> ***(i)*** *The claim of the Petitioner no. 2 for compassionate appointment is justified.*
>
> ***(ii)*** *The minutes of fourth meeting of JBCCI held on 09.12.2024 has to be made applicable in the instant case for the purpose of compassionate appointment of Petitioner no.2, inasmuch as, the amendment was carried out and was made effective prospectively from the date of issuance of the said instruction i.e.11.06.2024 which was well within the currency period of the existing NCWA-XI.*
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> ***(iii)*** *The application filed by the petitioner no.1 for compassionate appointment for petitioner no.2 was well within the stipulated time as incorporated in the NCWA-XI.*

18. Accordingly, the impugned Order/Letter dated 22/05/2024 (Annexure-5) passed by Respondent No.6, Letter/Order dated 22/08/2024 (Annexure-9) passed Respondent No.3 and Letter/Order dated 19/03/2025 (Annexure-12) passed by Respondent No.5; whereby the claim of the Petitioner No.2 for employment under Clause 9.3.0 of NCWA-XI has been

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[1] (2021) 20 SCC 707

rejected, is, hereby, quashed and set-aside.

19. The concerned Respondent is hereby directed to issue appointment letter to the Petitioner No.2 forthwith; but not in any case, beyond a period of 6 weeks from the date of receipt/production of copy of this order.

20. Accordingly, the instant writ application stands allowed. Pending I.A., if any, also stands disposed of.

(Deepak Roshan, J.)

Jharkhand High Court, Ranchi
Dated: 14/09/2026
Amit

A.F.R.

Uploaded on 15/09/2026