IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No.613 of 2025
with
I.A. No.12627 of 2025

Banti Kumar Bhatt, s/o Late Dipak Dasondhi @ Deepak Dasondhi, R/o village-Bhatdih Basti, P.O.-Bhatdih, P.S. Mahuda, District-Dhanbad.

..... Appellant.

-Versus-

1. Bharat Coking Coal Ltd. (in short M/s. BCCL) through its Chairman-cum-Managing Director, having Headquarter at Koyla Bhawan, P.O. & P.S. Saraidhela, District-Dhanbad.
2. General Manager, Western Jharia Area of M/s. BCCL, at & P.O. Moonidih, P.S. Putaki, District-Dhanbad.
3. Project Officer, Lohapati Colliery of M/s. BCCL, P.O. & P.S. Mahuda, District-Dhanbad.

..... Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant : Mr. Kalyan Banerjee, Advocate
For the Respondents: Mr. Manish Kumar, Advocate

Order No.03 **Date: 04.05.2026**

1. Heard learned counsel for the parties.

2. I.A. No.12627 of 2025 seeks condonation of delay of 170 days in instituting this appeal.

3. Considering the reasons set out, we condone the delay and dispose of the aforesaid I.A.

4. At the request and with the consent of learned counsel for the parties, the appeal is taken up for hearing.

5. The appellant seeks compassionate appointment with the respondents by arguing that his father should be presumed as dead because he went missing on 20th August, 2008 and was not found since.

6. The learned counsel for the appellant pointed out that by a Civil Court's decree dated 11th/18th December, 2017, the appellant's father was declared as dead (civil death) and even a death certificate was issued based upon such decree.

7. The learned counsel for the appellant, therefore, submitted that in terms of the tripartite agreements, the appellant was entitled to compassionate employment.

8. We have considered the learned counsel's arguments and also analysed the record.

9. In this case, the appellant's father allegedly went missing from 20th August, 2008. The disciplinary proceedings were initiated against him which culminated in issuing a dismissal order on 22nd April, 2013. Admittedly, this dismissal order has not been set aside by any Court of law or any other authority.

10. Based on the alleged civil death with effect from 18th December, 2017, a claim was made for compassionate appointment.

11. At the time of the alleged civil death with effect from 18th December, 2017, the appellant's father was only a dismissed employee. There is nothing in the tripartite agreement or in the scheme for compassionate appointment which entitles the dependent of a dismissed employee to claim compassionate appointment upon the death of such employee post his dismissal.

12. In fact, the dismissal order dated 22nd April, 2013 was passed well before the period of seven years from the date the appellant's father went missing i.e., 20th August, 2008. Therefore, on the

date of the dismissal, no presumption could have been raised about the death of the appellant's father.

13. Considering the above circumstances, we do not detect any error in the view taken by the learned Single Judge.

14. Accordingly, we dismiss this L.P.A. without any order for costs.

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

(Rajesh Shankar, J.)

4th May, 2026
Sanjay/Rohit
Uploaded on 05.05.2026