



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 1619 of 2024

Vaishali w/o Jaipal Barve

vs.

Coal India Limited thr its Chairman, JBCCI_XI, Rajarghat, Kolkatta, West Bengal & Ors.

Mr. R. S. Akbani, Advocate for petitioners.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 8th JANUARY, 2026.

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Heard Shri R. S. Akbani, the learned counsel for the petitioner.

2. The petitioner before this Court seeks challenge to the communication dated 25.07.2019 placed at record page 29 -Annexure - E whereby the respondent no.3 has rejected the application submitted by the petitioner for appointment on compassionate basis after the sad demise of her father. The reason stated for such rejection is that in view of Clause 9.3.3 of Chapter-IX Social Security, of the National Coal Wage Agreement, the married daughter of the deceased is not entitled for compassionate appointment.

3. Clause 9.3.3 of Chapter-IX Social Security reads thus:

“9.3.3- The dependent for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependent is available for employment, brother, widowed daughter, widowed/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependent on the earning of the deceased may be considered to be the dependant of the deceased.”

4. However the aforesaid issue is no more *res integra* in view of the judgment of this Court in **Writ Petition No.5177 of 2022** (*Khubshu Sagar Choutel and others vs. Western Coalfields Limited and others*) decided on 27.09.2023 wherein this Court relying upon the judgment

of the Chattisgarh High Court in **Writ Petition (s) No. 4994/2015** (*Smt. Asha Pandey vs. Coal India Limited and others*), which is upheld by the Hon'ble Apex Court in SLP preferred by the Western Coalfields Limited, has allowed the petition and directed the respondent to take appropriate decision in that regard within a period of one month from the date of the judgment, vis-a-vis the claim made by the petitioner no.1 therein.

5. In view of the aforesaid decision of this Court, we also dispose of the present writ petition by passing the following order :

- (i) The writ petition is allowed.
- (ii) The impugned communication dated 25.07.2019 issued by the respondent no.3 is hereby quashed and set aside.
- (iii) The application submitted by the petitioner before the respondent authority for appointment on compassionate basis is remanded back to the respondent no.3 for a fresh consideration in view of the findings recorded by this Court in Writ Petition No. 5177 of 2022.

6. With these observations and directions, the writ petition is disposed of. No costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.