



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

WRIT PETITION NO.1986 OF 2026

Virendra Prakash Vishwakarma and anr.

vs.

Western Coalfields Ltd. and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ibrahim Abid Fidvi, Advocate for petitioners.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 7th March, 2026

Heard Shri Ibrahim Abid Fidvi, learned counsel for the petitioners.

2. The contention is that the petitioner No.1 is the son of petitioner No.2. The petitioner No.2 is the second wife of Prakash Vishwakarma who was the employee of the respondent and was working as SS Attendent. Prakash Viwshwakarma died in harness on 06/09/2003. After the death of the aforesaid employee, dispute arose between the first wife of Prakash viz. Rajni and the petitioner No.2 regarding the entitlement to the terminal benefits of Prakash and compassionate appointment. However, after an amicable settlement Memorandum of Understanding (MOU) was executed between the parties thereby distributing the terminal benefits to the first wife and the claim of compassionate appointment to the second wife i.e. petitioner No.2.

3. Accordingly, the petitioner No.2 had applied to the respondent for grant of appointment on compassionate basis. Shri Fidvi, learned counsel submits that since the petitioner No.2 could not be granted appointment on compassionate basis, petitioner No.1 applied to the

respondent for grant of appointment on compassionate basis on 22/08/2025. The aforesaid application is at record page 50 (Annexure-15). Shri Fidvi, learned counsel submits that because of such dispute as to the second wife of Prakash Vishwakarma and the reason being petitioner No.1 is illegitimate son of the aforesaid employee, the respondents are not processing the application of the petitioners.

4. In view of above and for the reasons stated, more particularly the MOU executed between the parties on 11/08/2006 and the formal no objection given by Smt Rajni Vishwakarma on 11/12/2010 for the appointment to the petitioner on compassionate basis, the respondents are directed to consider the aforesaid application dated 22/08/2025 submitted by petitioner No.1 for appointment on compassionate basis on its merits and in accordance with law within a stipulated period of eight weeks from the date of production of the order of this Court. The decision taken thereupon shall be communicated to the petitioners within a period of two weeks from the date of such decision.

5. In view of aforesaid, the writ petition is disposed of. No costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)