



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

WRIT PETITION NO.2358 OF 2025

PETITIONERS : 1 **Smt. Puja Wd/o. Raju Verma,**
Aged about 33 years, Occupation:
Household.

2 **Ku. Vanshika D/o. Raju Verma,**
Aged about 13 years, Occupation : Student
(represented through natural guardian
mother Pooja Wd/o. Raju Verma)

..VERSUS..

RESPONDENTS : 1 **The Chief Managing Director,**
W.C.L. Coal Estate, Seminary Hills, Civil
Lines, Nagpur.

2 **The Area General Manager,**
W.C.L., Majri Area, Kuchana, Post: Kuchna,
Tq. Bhadrawati, District Chandrapur.

3 **The Area Personal Manager,**
W.C.L., Majri Area, Kuchana, Post: Kuchna,
Tq. Bhadrawati, District Chandrapur.

4 **The Mines Manager,**
Office of the Colliery Manager, At New
Majri, UG to OC Mines, Post: Shivjinagar,
Tq. Bhadrawati, District Chandrapur.

5 **Smt. Shayamadevi Wd/o. Rajaram Verma,**
aged about 64 years, Occupation:
Household.

6 **Karan S/o. Rajaram Verma,**
Aged about 34 years, Occupation: Private
Job.

Nos. 5 & 6 are R/o. Chaitanya Colony,
Ward No.2, New Majri Colliery, Post:
Shivjinagar, Tq. Bhadrawati, District
Chandrapur.

Shri. S. N. Singh, Advocate for Petitioners.
Shri. Ritesh Dawda, Advocate for Respondent Nos.1 to 4.

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

DATE : **6th MAY, 2026.**

ORAL JUDGMENT : **(PER : RAJ D. WAKODE, J.)**

1. Heard Shri. S. N. Singh, learned counsel for the petitioners and Shri. Ritesh Dawda, learned counsel for respondent Nos.1 to 4.

2. None appeared on behalf of respondent Nos.5 and 6, though they are duly served by the regular mode of service.

3. **Rule.** Rule made returnable forthwith. The present writ petition is heard finally with the consent of the learned counsels appearing on behalf of the respective parties.

4. The petitioners have approached this Court seeking direction to the respondent Nos.1 to 4 to grant employment on compassionate basis to petitioner No.1 on account of death of her husband, more particularly during the pendency of the Regular Civil Suit No.44 of 2020 pending before the learned Civil Judge, Junior Division, Bhadrawati which is instituted by the respondent Nos.5 and 6.

5. Brief facts leading to the filing of the present writ petition are as follows :

5.1. The husband of respondent No.5 i.e. Shri. Rajaram Verma was initially working at New Majri Colliery No.3 as a loader. He died in harness on 04.10.2005 and hence, his son i.e. Raju Verma was granted compassionate appointment in the year 2007. Raju Verma was working as a General Mazdoor with respondents – W.C.L. The marriage of petitioner No.1 was solemnized on 09.12.2009 at New Majri Colliery with Raju Verma. Petitioner No.1 and her husband i.e. Raju Verma were blessed with a girl child on 23.11.2011 i.e. petitioner No.2. Due to the ailment, the husband of petitioner No.1 i.e. Raju Verma was admitted at Yashoda Hospital, Secunderabad – Telangana and during his treatment, he died on 20.10.2019, while he was serving respondent Nos.1 to 4. Deceased employee i.e. Raju Verma had nominated petitioner No.1 as his nominee in the service record. In view of the same, the respondents – W.C.L. had called upon petitioner No.1 to submit an application for claiming gratuity, provident fund and other benefits as well as application for grant of employment on compassionate basis. Petitioners in para No.4 of the present writ petition have contended that the death benefits of gratuity and provident fund have been distributed equally amongst them and respondent No.5. Petitioner

No.1 has also applied for grant of employment on compassionate basis to the respondents.

5.2. It is an admitted fact that initially, respondent No.5 had supported the claim of petitioner No.1 for compassionate appointment and even an affidavit was also given by respondent No.5 to that effect. However, subsequently, it appears that some dispute arose between the parties and respondent Nos.5 and 6 filed Regular Civil Suit No.44 of 2020, before the learned Civil Judge Junior Division, Bhadrawati, with a prayer for seeking injunction against the appointment of petitioner No.1.

5.3. The respondent Nos.1 to 4, in their reply, have made a specific statement that though an application for temporary injunction has been filed by respondent Nos.5 and 6, no temporary injunction has been granted by the learned Trial Court as of today. However, in-spite of the aforesaid facts, the case of petitioner No.1 for grant of appointment on compassionate basis is not yet processed by respondent Nos.1 to 4 and the same is kept in abeyance pending decision of the aforesaid Regular Civil Suit No.44 of 2020. Being aggrieved by the said inaction on the part of the respondent Nos.1 to 4, the petitioners have approached this Court.

5.4. In response to the notice issued by this Court to respondent Nos.1 to 4, they appeared and filed their reply on 08.08.2025. The respondents, in para Nos.6 and 7 of their reply, have put forth their defence for not processing the case of petitioner No.1 for grant of appointment on compassionate basis. The aforesaid defence, as raised in para Nos.6 and 7 of the reply filed by respondent Nos.1 to 4, reads thus :

“6. That prima facie the claim of the Petitioner No. 1 seemed admissible and hence procedural formalities were started for her appointment by the answering Respondent. As regards to name of Vanshika i.e. Petitioner No. 2 is concerned her name has not been mentioned in service record of deceased worker, therefore she is absolutely stranger to Answering Respondents. Moreover as on today she is a minor and hence cannot be considered for employment as of today. That by abundant precaution the Answering Respondents keep the process of appointment on compassionate ground in abeyance, in case where is dispute between the claimant or any civil suit is pending before the Court.

7. That the Answering Respondents takes such stand in case of dispute and pending litigation considering the fact that once if the appointment is given to X person during the pendency of the litigation and subsequently if Y person succeeds in the suit it becomes very difficult for Answering Respondents to reverse the position. To avoid such situation and to further avoid multiplicity of the litigation and by way of precaution and in consonance with the principles of prudence, appointments in such cases are kept in abeyance till decision of the suit.”

5.5. Thus, the sole reason for which petitioner No.1 is not granted appointment on compassionate basis is the pendency of the aforesaid Regular Civil Suit, and the answering respondents have specifically stated that it is for the said reason that they have kept the process of appointment of petitioner No.1 in abeyance by way of

abundant precaution and in order to avoid multiplicity of litigation, till the decision of the suit.

6. We are of the considered opinion that the aforesaid ground, as raised by respondent Nos.1 to 4 for not processing the case of petitioner No.1 for grant of appointment on compassionate basis, is clearly unsustainable in the eyes of law. The Hon'ble Supreme Court of India, in several cases, has consistently held that the main principle for grant of appointment on compassionate basis is to provide immediate financial succor to the family who have lost their sole breadwinner. In the present case, the husband of petitioner No.1 and the father of petitioner No.2 had expired on 20.10.2019 and even after passage of seven years, petitioner No.1 is waiting the appointment on compassionate basis. The reason as enunciated by respondent Nos.1 to 4 for not processing the case of petitioner No.1 for grant of compassionate appointment is solely the pendency of Regular Civil Suit No.44 of 2020, which is filed by respondent Nos.5 and 6.

7. The fact remains that the aforesaid suit was filed on 19.12.2020, and even respondent Nos.1 to 4, in their reply, have admitted its fact that till today, even after passage of almost six years now, neither the aforesaid suit is finally decided nor any temporary

injunction has been granted by the learned Trial Court. Civil disputes may take sufficient time for final decision. It would neither be in the interest of petitioner No.1 nor of W.C.L. to keep the case of petitioner No.1 for grant of compassionate appointment in abeyance solely on the ground of pendency of the aforesaid dispute. The anxiety of respondent Nos.1 to 4, as expressed in para No.7 in their reply, can be taken care of by imposing the conditions upon petitioner No.1.

8. This Court, in similar circumstances, while deciding the case of *Mirabai Namdeo Gaurkar and Another vs. Western Coalfields Ltd., and Another* in *Writ Petition No.1795 of 2022*, has held thus :

“7. We have observed in the said decision that judicial notice will have to be taken of the time consumed in civil litigation. It could be years and indeed decades for the litigation to reach its logical end. If employment is denied to the land owner whose name is recorded in the revenue record as on the date of the notification, and that too, a land owner who WCL has found entitled to compensation, there is every possibility that the legitimate claim of the land owner will be defeated due to the filing of a civil suit which may be frivolous, vexatious or motivated.

8. In any event, the course which we have adopted in Writ Petition 1123/2022, which is that the petitioners were directed to furnish an undertaking, protects the interest of WCL and we see no impediment falling in the line with the earlier view. In the passing, we may note that our order dated 09-1-2023 in Writ Petition 1123/2022 was tested before the Hon'ble Apex Court and the Special Leave Petition is dismissed.”

9. Thus, we are supported by the view adopted by this Court in a similar case as referred supra. We see no reason as to why

the course adopted by this Court in the earlier writ petition should not be followed in the present case, and we see no impediment in falling in the line with earlier view. Thus, for the reasons stated above and in view of the law settled by this Court in Writ Petition No.1795 of 2022, we pass the following order :

ORDER

- (i) The present writ petition is **allowed**.
- (ii) Respondents – W.C.L. are directed to process the application of petitioner No.1 – Smt. Puja Wd/o. Raju Verma for grant of employment on compassionate basis and further to issue the appointment order unless there is any other impediment in appointing petitioner No.1.
- (iii) The needful shall be done within the next eight weeks from the date of receipt of this judgment and order of this Court.
- (iv) We clarify that the proposal of petitioner No.1 for grant of appointment on compassionate basis shall not be rejected on the ground that the aforesaid regular civil suit is pending.
- (v) We direct petitioner No.1 to file an undertaking before the appropriate Authority of the W.C.L. that the

appointment shall be subject to the final result in the aforesaid regular civil suit, and in the event, if the aforesaid civil suit is decided against petitioner No.1, she shall not claim any benefit on the principle of equity. The undertaking shall specifically state that the employment which may be granted to petitioner No.1 shall be treated as provisional and conditional upon the outcome of the pending civil suit.

(vi) Petitioner No.1 shall also give an undertaking that if, she is granted employment on compassionate basis, she shall maintain respondent No.5 – Smt. Shayamadevi Wd/o. Rajaram Verma till her natural lifetime out of the salary which she will receive after getting the employment on compassionate basis.

10. The present writ petition is disposed of in the aforesaid terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)