

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 5764 of 2022

Munna Kumar Das, son of Late Thakur Das, resident of village Raniyatand, P.O Khurchutta, P.S. Bengabad, District- Giridih, Jharkhand.
... Petitioner(s)

Versus

1. The Chairman-cum-Managing Director, Eastern Coalfields Limited, Saktoria, P.O and P.S. Sanktoria, District Burdwan, West Bengal.
2. The Director, Project And Planning, Eastern Coalfield Limited, Sanktoria, P.O and P.S. Sanktoria, District Burdwan, West Bengal.
3. The General Manager Mugma Area, Eastern Coalfields Limited (Government of India Undertaking), P.O and P.S. Nirsha, District- Dhanbad, Jharkhand.
4. The Project Officer, Chapapur, Colliery No. 2, under Mugma Area, Eastern Coalfields Limited (Government of India Undertaking), P.O and P.S. Nirsha, District- Dhanbad, Jharkhand.
5. Chabiya Devi, wife of late Thakur Das, resident of village Raniyatand, P.O Khurchutta, P.S. Bengabad, District- Giridih, Jharkhand... Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the petitioner(s): Mr. Md. Nasim Akhtar, Advocate.
For the ECL Mr. Rajesh Lala, Advocate.

02/14.10.2025: Heard the learned counsel for the parties.

2. The petitioner, in this writ petition prays for keeping his name in live roster in terms of National Coal Wage Agreement (NCWA), as the father of this petitioner died on 07.04.1998.

3. It is the case of the petitioner that once the name of the petitioner is kept in live roster, he is entitled to be appointed on attaining the age of majority.

4. After hearing the parties, I find that that the father of this petitioner was an employee of Eastern Coalfields Limited, which is a subsidiary of Coal India Limited. He died in harness on 7.4.1998. The petitioner was aged about 6 years at the time of death of his father.

5. Being a subsidiary of Coal India Limited, the parties are governed by the National Coal Wage Agreement (NCWA), which is an agreement entered into between the Union and the Management i.e. Coal India Limited in terms of of the Industrial Dispute Act. NCWA provides for social security. It provides for compassionate appointment and/or payment of monetary compensation to the widow of the deceased.

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6. As per clause 9.5.0 of NCWA, a main dependent who is aged about 12 years and above, is kept on a live roster on death of the bread winner. Once the said dependent who is kept in live roster, attains the age of 18 years, he is offered employment. As per the said provision, the period for which, the dependent is kept in live roster, the female dependent of the deceased is paid monetary compensation as per rates fixed from time to time by the Management. It is necessary to quote para 9.5.0 (iii) for better appreciation, which reads as under:-

“9.5.0 (iii) : In case of death either in mine accident or for other reasons of medical unfitness under Clause 9.4.0, if no employment has been offered and the male dependent of the concerned worker is 12 years and above in age, he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of 18 years. During the period the male dependent is on live roster, the female dependent will be paid monetary compensation as per rates at paras (1) and (ii) above. This will be effective from 1.1.2000.”

7. On the facts of this case, I find that admittedly the father of this petitioner died on 7.4.1998. Further, it is admitted that this petitioner was only six years old at the time of death of his father. In terms of Clause 9.5.0(iii) the petitioner could not have been kept in live roster, as a dependent, aged about six years, as per the scheme, cannot be kept in live roster.

8. Further, I find that more than twenty seven and half year have lapsed, from the date of death of the employee. A Compassionate appointment is granted to over come sudden financial crisis in the family due to death of bread winner.

9. The Hon'ble Supreme Court in the case of **Fertilizers and Chemicals Travancore Ltd. and Ors. Versus Anusree K.B., reported in 2022 SCC OnLine SC 1331** has held that the whole object of granting compassionate appointment is to enable the family to tie over the sudden crisis. The Hon'ble Supreme Court has held that compassionate appointment is not a source of recruitment. The main purpose is to see that the family does not suffer from immediate financial crises on the death of bread winner.

10. Due to efflux of time, the need of compassionate appointment diminishes. It is only a facility given to the family of the bread winner to overcome the sudden crisis. When the family overcomes sudden financial crisis and has sustained very long period, it cannot be said that compassionate appointment is necessary. Further, the compassionate

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appointment is not a mode of appointment.

11. Thus, considering the date of the death of the deceased and the long period which has been passed, it is not a fit case to grant compassionate appointment.

12. It is also admitted by the parties that during this entire period, the mother of this petitioner i.e. respondent No. 5 has received the monthly monetary compensation, which has increased from time to time and now it is approx. Rs.40,000/- per month.

13. Thus, no relief can be granted to this petitioner. Accordingly, this petition is **dismissed**.

14th October, 2025
Anu/-Cp2.

(ANANDA SEN, J.)