

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.3621 of 2022

Sunita Murmu, wife of Sugda Kisku, resident of Bara Bhorai, P.O. Lohandiya Bazar, P.S. Lalmatiya, District Godda, Jharkhand.

... .. Petitioner

Versus

1. The Chief General Manager, Eastern Coalfields Limited, having its Head Office Sanctoria, P.O. Disherghar, P.S. Ranigarh, District Burdwan (W.B.).
2. The Deputy General Manager, Rajmahal Mining Project Eastern Coalfields Limited, Lalmatiya, P.O. & P.S. Lalmatiya, District Godda.
3. The Manager Personnel, Rajmahal Mining Project Eastern Coalfields Limited, Lalmatiya, P.O. & P.S. Lalmatiya, District Godda.
4. Nodal Officer, Rajmahal Mining Project Eastern Coalfields Limited, Lalmatiya, P.O. & P.S. Lalmatiya, District Godda.

... .. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Manoj Kr. Jha, Advocate
 Mr. Ashish Verma, Advocate
 For the Respondent(s): Mr. Rajesh Lala, Advocate

13/ 21.01.2026

Heard learned counsel representing the petitioner and learned counsel representing the respondents.

2. In this writ petition, the petitioner claims compassionate appointment as her husband was employed in the Eastern Coalfields Limited (ECL), who died in harness on 30.04.2006.

3. Learned counsel representing the Eastern Coalfields Limited, submits that in the nomination form, the deceased did not nominate anyone to receive the death benefits. He further submits that so far as payment of death-cum-retiral dues is concerned, the same have been disbursed to Pakloo Hansda in terms of the Succession Certificate. He submits that in a Succession Case filed for

grant of Succession Certificate, Succession Certificate was granted in favour of Pakloo Hansda. The petitioner was also a party in the said proceeding but she did not contest the same. He lastly submits that nearly twenty years have lapsed from the date of death of husband of this petitioner and since this petitioner and the family have survived, there is no necessity to grant compassionate appointment to this petitioner.

4. After going through the entire writ petition and the annexures of the petition, I find that the instant writ petition relates to grant of compassionate appointment to this petitioner in place of her husband, who died in harness on 30.04.2006. Compassionate appointment is not a mode of securing employment. The same is an exception to the Constitutional provision. The basic purpose of compassionate appointment is to grant immediate financial relief to the family members of the deceased employee. The purpose of providing compassionate appointment is to mitigate the hardship due to the sudden death of the bread winner of the family. It is the immediate financial crisis which needs to be addressed by giving compassionate appointment. Due to passage of time, the family overcomes the immediate financial crisis thus, the need of compassionate appointment does not remain after lapse of a considerable period.

5. The Hon'ble Supreme Court in the case of ***State of West Bengal Vs. Debabrata Tiwari & Ors.*** reported in ***2023 SCC OnLine SC 219***, at para-32 and 57, held as hereunder:-

"32. On consideration of the aforesaid decisions of this Court, the following principles emerge:

i. That a provision for compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives, i.e., to enable the family of the deceased to get over the sudden financial crisis.

ii. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.

iii. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.

iv. That compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years.

v. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members, together with the income from any other source.

57. *The existence of a policy issued by the State Government is a sine qua non for making appointments on compassionate basis, vide Mumtaz Yunus Mulani (Smt.) v. State of Maharashtra (supra); State Bank of India v. Surya*

Narain Tripathi, (2014) 15 SCC 739. The appointments must follow the stipulations made in the policy. It is therefore a no-brainer that in the absence of a policy governing compassionate appointment to posts under a local authority, no appointment could be made to such an authority on compassionate grounds."

6. After twenty years of the death of an employee, the petitioner who is the wife, is approaching this Court for grant of compassionate appointment. The delay of twenty years, (no matter who was responsible for it) has definitely defeated the claim of compassionate appointment. The family of the deceased has definitely tied over the immediate financial crisis. When the family has survived for twenty years, now no compassion remains.

7. So far as the prayer of the petitioner for payment of death-cum-retiral benefits is concerned, as per the respondent's counsel, the same has been disbursed to Pakloo Hansda, in terms of the Succession Certificate.

8. Accordingly, this writ petition stands **dismissed**.

(ANANDA SEN, J.)

21st January, 2026
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