

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(S) No. 5513 of 2024**

1. Janki Devi, Aged about 47 years, Wife of Late Ishwar Das,
 2. Pushpendra Kumar, Aged about 27 years,
 3. Vikash Kumar, Aged about 23 years, Both sons of Late Ishwar Das
 4. Gunja Kumari, Aged about 26 years, Daughter of Late Ishwar Das,
 All Resident of Gayatri Colony, Kathara, Near Gayatri Mandir, Badiya
 North, PO-Kathara, PS-Bokaro Thermal, District-Bokaro.
 At present residing at H.M.D./12-D, Nishan Hat, P.O. & P.S. Bokaro
 Thermal, District- Bokaro. **... .. Petitioner(s)**

Versus

1. Central Coalfields Limited, a Subsidiary of India Coal Limited through its
 Chairman-cum-Managing Director namely Sri Nilendu Kumar Singh, having
 office Darbhanga House, P.O.-GPO, P.S.-Kotwali, District- Ranchi.
 2. Director Personnel, Central Coal Fields Limited, Darbhanga house, P.O.
 G.P.O., P.S.- Kotwali, District- Ranchi.
 3. General Manager MP & IR Department Central Coalfield Limited, Head
 Quarter, Darbhanga house, P.O.-G.P.O., P.S.- Kotwali, District-Ranchi
 4. Project Officer, Central Coalfield Limited, Kathara Colliery, P.O.- Kathara,
 P.S.-Gomiya, District- Bokaro.
 5. Staff Officer (P&A) Central Coalfield Limited, Kathara Area, P.O.-Kathara,
 P.S. Gomiya, District Bokaro.
 6. Manager Personnel Central Coalfield Limited, Kathara Colliery, P.O.-
 Kathara, P.S.-Gomiya, District Bokaro. **... .. Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Atanu Banerjee, Advocate
 For the Respondent(s) : Mr. Kumar Harsh, Advocate

JUDGMENT**C.A.V on 22/04/2026****Pronounced on 15/06/2026**

The instant writ application has been preferred by the petitioner for
 the following reliefs:

*"1. ...for issuance of an appropriate writ and particularly a writ in the
 nature of certiorari for quashing the decision contained in and
 communicated by the Project Officer, Kathara Colliery by a letter
 bearing reference No. PO (KTC/PRS/9.3.0/2024/1308, dated 24-07-
 2024 (Annexure-9), whereby the claim of employment of the petitioner
 no. 3 namely Vikash Kumar not considered.*

AND

*Also for quashing the letter bearing reference no. Karmik Vibhag/
 Shram Shakti-I/2022/180, / dated 07-03-2023 (Annexure-7), issued
 under the signature of the General Manager (MP & IR) Central
 Coalfield Limited Head Quarter Ranchi, whereby the claim for*

compassionate appointment has not been considered for the reason that the application for compassionate appointment not made within the prescribed time limit, after the death of the deceased employee.

AND

Also for quashing the letter no: 1549, dated 01-09-2022 (Annexure-5), issued by Deputy Manager Personnel, Kathara Colliery, that the application for compassionate appointment cannot be consider for being not made within 15 months from date of death of the deceased employee.

AND

The petitioners prays for issuance of a consequential writ(s) order (s) directions (s) commanding upon the concerned respondents to consider the case of the petitioner no. 3 for compassionate appointment on account of death of his father Late Ishwar Das in harness and accordingly the appointment of petitioner no. 3 may be made on compassionate grounds in place of his father.”

2. The brief facts of the case is that Ishwar Das, the deceased, was the permanent employee working as a Mechanical Fitter in C.C.L and he died in harness on 11.02.15, leaving behind five dependents. On 27.04.2015, his wife-petitioner no. 1 submitted an application for employment for herself on compassionate grounds. Subsequently, petitioner no. 3, the son of the deceased employee, submitted a representation dated 28.07.2015 requesting employment for himself on the same grounds, *inter alia* alleging that his mother had been living with another person for last 2 years.

3. On 12.03.2022, Title Suit No. 09 of 2015 was settled before the Lok Adalat, Bermo at Tenughat and case was disposed of. The terms of the compromise/settlement were that the terminal benefits would be paid in the account of Vikash Kumar, and all the four heirs would be entitled to the same in equal proportions and Vikash Kumar would be given compassionate appointment in place of Late Ishar Das.

4. On 24.05.2022, the mother submitted an application for providing employment to her son, namely, Vikash Kumar. On 01.09.2022, that application was regretted as it was submitted beyond the prescribed time period. On 07.03.2023, the CCL, via letter no. 180 informed petitioner no. 1 that claim of employment of petitioner no. 3 has not been considered. Further, vide letter dated 08.07.2024 addressed to the SOP, Kathara Area, it

was directed to inform the applicant, namely, Vikash Kumar regarding non-consideration of his claim of employment.

5. Learned Counsel for the petitioners submits that initial applications were filed within the statutory limitation. Late Ishwar Das, died in harness on 11.02.2015. Promptly thereafter, petitioner no. 1 (wife) submitted an application for compassionate appointment on 27.04.2015. Subsequently, petitioner no. 2 (son) also applied on 28.07.2015. Both these applications were filed well within the 15/18-month timeline prescribed by the respondent's circular.

He further submits that delay was due to pending litigation. The apparent lapse in time was not due to negligence but because the family was embroiled in a legal dispute regarding the death benefits. Title Suit No. 09 of 2015 was instituted before the learned Civil Judge (Jr. Div.), Bermo at Tenughat, in which the respondent-Management (CCL) was also a party.

The Title Suit was settled before the Lok Adalat on 12.03.2022, resulting in a joint compromise petition where the family agreed that petitioner no. 3 (Vikash Kumar) would receive the compassionate appointment. The application filed by petitioner no. 1 on 24.05.2022, requesting employment for petitioner no. 3, cannot be said that there was delay in filing application.

He contended that it is a settled legal principle that rights cannot be prejudiced while a matter is sub-judice. He lastly contended that the respondents' current stance is contradictory to their own internal decisions. Upon examining the 2022 application, the Management explicitly agreed to consider the claim and even called the petitioners for a screening/interview on 20.09.2023, where credentials were verified by a committee. Rejecting the claim later on the ground of delay after creating a legitimate expectation is arbitrary and is violative of Article 14 of the Constitution of India and as such impugned orders may be set aside and petitioner no.3 may be given compassionate appointment.

6. Learned Counsel for the respondents-Management/CCL submits that compassionate appointment is strictly governed by the National Coal Wage Agreement and the Joint Consultative Steering Committee (JCC). The JCC decision dated 22.07.2008 explicitly mandates that applications must be filed within one and half years from the date of death. While petitioner no. 1 applied in 2015, the specific claim for petitioner no. 3 (Vikash Kumar) was only instituted on 24.05.2022, more than 7 years after the employee's death. The company is bound by its statutory time limits. At the time of Late Ishwar Das's death in 2015, petitioner no. 3 (Vikash Kumar) was a minor, aged merely 13 years, 9 months, and 11 days. He was inherently ineligible for employment when the cause of action initially arose.

He further submits that delay was entirely self-created by the petitioners due to severe internal friction including allegations by the deceased himself, and later by petitioner no. 2, that petitioner no. 1 (wife) had abandoned the family to live with another person. Furthermore, it is a settled law that compassionate appointment is an emergency provision to rescue a family from sudden financial destitution. The fact that the family has survived for over 9 years since the employee's death (2015–present) proves that the immediate financial crisis has passed, completely defeating the fundamental objective of the scheme. As such, no relief should be granted to the petitioner.

7. Heard learned counsel for the parties and after going through the documents annexed with the respective affidavits it transpires that the deceased employee, Late Ishwar Das, who was working as a Mechanical Fitter at Kathara Colliery, died in harness on 11.02.2015. On 27.04.2015, his wife-petitioner no. 1 submitted an application for employment for herself on compassionate grounds. Subsequently, petitioner no. 3, the son of the deceased employee, submitted a representation requesting employment for himself on the same grounds, *inter alia* alleging that his mother had been living with another person since last 2 years.

8. It further transpires that deceased employee, namely, Ishwar Das submitted an application along with affidavit dated 04.12.2014 to the respondent for deleting the name of her wife as she was residing with another person and during the process of deletion he died and thereafter her wife filed Title Suit No. 09 of 2015 in the Court of Civil Judge, Bermo at Tenughat which was settled before the Lok Adalat on 12.03.2022.

The terms of the compromise/settlement were that the terminal benefits would be paid in the account of Vikash Kumar, and all the four heirs would be entitled to the same in equal proportions, and Vikash Kumar would be given compassionate appointment in place of Late Ishar Das.

9. It further appears that after passing of 7 years, Smt. Janki Devi (petitioner no. 1) submitted an application on dated 24.05.2022 with a request to provide employment to her son, namely, Sri Vikash Kumar (petitioner no. 3) as per the decree passed by the Civil Court, Tenughat in Title Suit No. 09 of 2015.

The records further reveals that the application of Smt. Janki Devi was examined by the competent authority, and it was found that the request of Smt. Janki Devi for compassionate employment of Vikash Kumar cannot be considered on the ground of delayed submission of the application, which was communicated by the impugned letter dated 01.09.2022.

10. It further appears from the decision of the JCC (Joint Consultative Steering Committee) in the meeting held on 22.07.2008, which had representation of the members of different Unions, and was agreed upon by the Functional Directors, the time limit for filing an application for compassionate appointment was strictly decided to be within one and half years from the date of death.

11. Smt. Janki Devi submitted an appeal for consideration of the case of her son, namely, Sri Vikash Kumar, which has not been considered, and accordingly, the impugned letter dated 07.03.2023 was issued by the authorities.

12. The contention of the petitioners that the application of the mother should be treated as the claim of the petitioner no. 3 is not tenable in law, as the claim is non-transferable. The cause of action for filing the application by petitioner no. 3 has to be related to the date of death of his father. Since the application for Vikash Kumar was made after an expiry of more than 7 years, it is time-barred.

13. It is a settled proposition of law that compassionate appointment cannot be claimed as a matter of right. The core objective of the scheme is to provide immediate financial relief to the bereaved family to tide over the sudden crisis caused by the death of the breadwinner. By passing a long span of more than nine years since the death of the deceased employee; the very purpose and objective of employment on compassionate ground stands defeated.

14. Having regard to the discussions made hereinabove, and taking into consideration the statutory time limit of one and half years prescribed under the JCC, this Court finds no illegality or infirmity in the decisions taken by the respondent-authorities. The petitioners have failed to make out any case for interference under Article 226 of the Constitution of India.

15. Accordingly, the instant Writ application stands dismissed. Pending I.A., if any is also closed.

(Deepak Roshan, J.)

Jharkhand High Court, Ranchi
Dated: 15/06/2026
Amit

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