

THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(S) No.6176 of 2019

Archana Kumari, aged about 31 years, wife of late Amit Kumar Sinha, resident of village-Station Road, Chirkunda, PO+PS-Chirkunda, District-Dhanbad, presently residing at Quarter No.787/D, Dhulimore New Matkuria Railway Colony, PO+PS-Dhanbad, District-Dhanbad Petitioner

---Vs.---

1.The Chief Manager (Personnel), Eastern Coal Fields Ltd., Mugma Area, PO Mugma, PS Dhanbad, District-Dhanbad

2.The Deputy Manager(Personnel), Eastern Coal Fields Ltd., Lakhimata Coliary, Mugma Area, PO-Mugma, PS Dhanbad, District Dhanbad Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Vishwanath Roy, Advocate
For the Respondents	:	Mr. Anoop Kumar Mehta, Advocate

Order No. 7 : Dated 25th June, 2020

Heard Mr. Vishwanath Roy, the learned counsel appearing for the petitioner and Mr. Anoop Kumar Mehta, the learned counsel appearing on behalf of the respondents.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

3. The petitioner has preferred this writ petition for a direction upon the respondent-ECL for appointment on compassionate ground.

4. The learned counsel for the petitioner submits that a request was already made for appointment on 10.07.2019 for appointment on compassionate ground which was dismissed vide order dated 06.08.2019. He submits that the representation has also been filed. He further submits that other documents has already been filed but only NOC with respect to other family members has not been filed as the same has not been issued by the other family members.

5. Mr. A.K. Mehta, the learned counsel appearing for the respondent-ECL submits that the case of the petitioner is fully covered in view of the judgment in case of "*Gita v. Bharat Coking Coal United and Ors.*" reported in (2015) 2 *JLJR* 623. Mr. Mehta, the learned counsel further submits that the name of the petitioner has not been recorded in the service book and the sister-in-law of the petitioner is disputing the claim of the petitioner and for that she has also filed a suit which is evident from paragraph no.10 of the counter affidavit filed by the respondent-ECL. He further submits that compassionate appointment is not a right, it is by way of a concession and the petitioner is not supplying the required documents.

6. In view of the above facts and considering the disputed nature of the case, the Court is not inclined to pass any positive order, however, the petitioner is set at liberty to move before the respondent no.1 and will file a fresh representation with all the credentials on which he is relying and the authority concerned will consider the case of the petitioner in accordance with the rules, guidelines, scheme and the circulars etc. and will pass an appropriate order within a period of 12 weeks. It goes without saying that before passing any order, the

authority must provide an opportunity of hearing to the petitioner who will place his claim before the concerned authority on the date fixed by him.

7. The writ petition [W.P.(S) No.6176 of 2019] stands disposed of with the aforesaid direction.

8. I.A., if any, also stands disposed of.

(Sanjay Kumar Dwivedi, J.)

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