
(2013) 09 JH CK 0016

Jharkhand High Court

Case No: W. P. (S) No. 1590 of 2012

Renu Devi

APPELLANT

Vs

Central Coalfield
Limited and Others

RESPONDENT

Date of Decision: Sept. 12, 2013

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: Nan Kishore Prasad Sinha, for the Appellant; Ananda Sen, for the Respondent

Final Decision: Dismissed

Judgement

Aparesh Kumar Singh, J.

Heard learned counsel for the parties. The petitioner has approached this Court for directing the respondents to

consider her case for compassionate appointment. According to the petitioner, her husband, namely, Late Kamal Dushad was an employee of the

Respondents-Central Coalfield Ltd. as Explosive Carrier in the Piparwar Project, District Chatra, who died on 7th January, 2009 on being

murdered. According to the petitioner, she sent an application by Registered Post on 26th September, 2009 and again on 25th October, 2010

with affidavit and necessary requisites to the office of respondent no. 5, the Project Officer, Piperwar Colliery, Chatra. She has two daughters out

of wedlock with the deceased employee. She had married with the deceased employee on 19th June, 1998. Voter Card and Pass Book are

enclosed as Annexure-4. In such circumstances, she has approached this Court for directing the respondents to appoint her on compassionate

ground when the respondents have failed to take any decision in the matter.

2. Learned counsel for the respondents submits that there are no details in the official records to show the petitioner as wife of the deceased

employee. The documents annexed as Annexure-4 being the Pass Book and Voter I. D. Card, which she has claimed reliance, have been issued

much after the death of the deceased employee in January, 2009. The respondents have denied receipt of any such application as claimed by her

having been sent on 26th September, 2009. According to the respondents, as per the circular in vogue for compassionate appointment, the period

prescribed for making an application is one and half years. Her application was received on 26th October, 2010 i.e. after the lapse of one and half

years period. It is further stated on his behalf that on the contrary that father of deceased employee has made an application that his younger son

should be appointed on compassionate ground. In such circumstances, the petitioner cannot have a legally sustainable right to claim compassionate

appointment. It is further submitted on his behalf that a criminal case was instituted against the petitioner on the ground of murder of her own

husband i.e., deceased employee.

3. I have heard learned counsel for the parties and gone through the materials on record. It is apparent that the employee, Kamal Dushad died on

7th January, 2009, the application in prescribed format was received on 26th October, 2010, i.e. after the period of one and half years. It further

appears that there are no details of the petitioner in the service records of the deceased employee. The documents contained at Annexure-4 have

been issued in April and February, 2011 being the Pass Book and Voter I.D. Card i.e. after the death of the deceased employee. It further

appears from the statements of the petitioner herself in the rejoinder that she has been implicated for the murder of her husband by father in law

himself in respect of which she also in jail at the relevant point of time after murder of the deceased employee.

4. Learned counsel for the petitioner has relied upon the judgment rendered by Division Bench of this Court reported in the case of Santosh

Kumar Vs. Central Coal Fields Ltd. and Others,

5. From perusal of the said judgment, it appears that on the question of evidence to establish the relation-ship of the deceased employee with the

applicant, the respondents were directed to reconsider the issue of the status of the said petitioner after holding an inquiry in that regard.

6. In the present case, the application for compassionate appointment itself has been made after the period of one and half year. The petitioner is

also facing the trial for murder of the same deceased employee. In such circumstances, the petitioner has failed to make out a case for directing the

respondents to consider her case for compassionate appointment in lieu of death of her husband-employee in harness. Accordingly, the writ

petition is dismissed.