

(2006) 08 JH CK 0016**Jharkhand High Court****Case No:** None

Tulsi Mahto

APPELLANT

Vs

Central Coalfields Ltd. and
Others

RESPONDENT

Date of Decision: Aug. 1, 2006**Citation:** (2007) 1 JCR 276**Hon'ble Judges:** Permod Kohli, J**Bench:** Single Bench**Judgement**

@JUDGMENTTAG-ORDER

Permod Kohli, J.

Petitioner is aggrieved to the order dated 3/8th of November, 2001 passed by the respondent No. 1 Company, whereby the claim of the petitioner for compassionate appointment has been rejected on the ground of delay in making application. Admittedly, there is a delay of 23 days in making the application. Respondents even after the passing of the order impugned, issued a letter dated 17th of February, 2003 asking the concerned Staff/Officer of various Collieries to process the cases, which have been regretted due to late submission but within 30 days. Petitioner's case is covered under this letter.

2. Apart from that Mr. Sahani has brought to my notice a judgment of the Division Bench of this Court dated 18th of August, 2004 passed in L.P.A. No. 379 of 2003, wherein, this Court had directed that period for making application should be one year from the date of the death of the employee. This was in view of the Circular dated 12th of December, 1995. It is agreed too by the learned Counsel appearing for the parties that the controversy in the present petition is covered by the aforesaid judgment, which has also been confirmed by Hon'ble Supreme Court in S.L.P.(C) No. 26962 of 2004 decided on 12th of January, 2005. In view of the above, this writ petition is allowed. Impugned order dated 3/8th of November, 2001 is hereby set aside and the matter is remitted back to the Respondent No. 1 Company. Let the

claim of the petitioner be reconsidered for compassionate appointment on merits within a period of three months and outcome be communicated to the petitioner.