

**(2004) 09 JH CK 0049**

**Jharkhand High Court**

**Case No:** Writ Petition (S) No. 4227 of 2004

Dwarika Bhuian

APPELLANT

Vs

Bharat Coking Coal Ltd. and  
Others

RESPONDENT

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**Date of Decision:** Sept. 1, 2004

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Citation:** (2004) 4 JCR 685

**Hon'ble Judges:** S.J. Mukhopadhaya, Acting C.J.

**Bench:** Single Bench

**Advocate:** Krishna Murari, for the Appellant; Ananda Sen, for the Respondent

**Final Decision:** Dismissed

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**Judgement**

@JUDGMENTTAG-ORDER

S.J. Mukhopadhaya, A.C.J.

1. This application has been preferred by petitioner for compassionate appointment in place of his father in-law, late Sukar Bhuian, who was in the services of M/s. Bharat Coking Coal Limited and died in-harness on 3.1.1995.

2. From clause 9:3:3 of NCWA-IU it appears that the dependant such as widow/widower, unmarried daughter, son and legally adopted son can apply for compassionate appointment on the death of an . employee of M/s. Bharat Coking Coal Ltd. In case of non- availability of such person, widow-daughter, widow daughter-in- law or son-in-law staying with the deceased may also apply for compassionate appointment, if the family is depending on such persons. It appears that the deceased had two sons. There is nothing on the record to show that on the date of death of the employee one or other son was alive or dead. Admittedly, the petitioner is the son-in-law of .the deceased but, there is nothing on the record to

suggest that the family of the deceased is depended on the son-in-law.

3. In the circumstances, and in view of the fact that now--about ten years have been passed" after the death of the deceased, this Court is not inclined to allow the prayer made by the petitioner.

4. The writ petition is accordingly dismissed.