

(2016) 05 JH CK 0181
In the Jharkhand High Court
Case No : L.P.A. No. 343 of 2015

Bigan Manjhi

APPELLANT

Vs

The Central Coal Fields Limited

RESPONDENT

Date of Decision : 16-05-2016

Acts Referred:

Citation : (2016) 3 JBCJ 584

Hon'ble Judges : Mr. Virender Singh, CJ. and Mr. Shree Chandrashekhar, J.

Bench : Division Bench

Advocate : Mr. Yogendra Prasad, Advocate, for the Appellant; Mr. Rajesh Lala and Mr. Arpit Kumar, Advocates, for the Respondents

Final Decision : Disposed Off

Judgement

Virender Singh, C.J.—On dismissal of W.P.(S) No.6406 of 2013 vide impugned order dated 28.04.2015 passed by the learned Single Judge, appellant-writ petitioner (hereinafter to be referred to as petitioner) has preferred the instant appeal.

2. The petitioner sought appointment on compassionate ground on the death of his father on 24.12.1996 who died in harness while working as an employee in Topa Colliery of the respondent Central Coalfields Limited(CCL). He lost his mother also before the death of his father. The case set up by the petitioner is that at the time of death of his father he was minor which fact is disputed by the respondent -Central Coalfields Limited on the ground that the application form filled by him in July 1997 and submitted to respondent-CCL discloses his age 19 years. The other aspect which crops up for consideration in this case is whether after the case of the petitioner was rejected for compassionate appointment vide order dated 17.01.2003, he was communicated of the said order or not. The categorical plea of the petitioner is that it was never communicated to him whereas, on the other hand, the order dated 08.12.2015 passed by the Project Officer, Topa Colliery, Kuju Area, pursuant to the order dated 06.11.2015 notices letter No. PD/MP/9.3.2/Kuju/03/364 dated 17.01.2003.

3. Faced with the difficulty to demonstrate communication of the aforesaid letter to the petitioner, counsel for the respondent-CCL fairly stated that the respondent-CCL is not in possession of any document to indicate as to on which date the aforesaid order of rejection was conveyed to the petitioner. However, he states that the respondent is ready to reconsider the case of the petitioner afresh, after affording an opportunity of hearing to him in which he will also be at liberty to place on record any documentary evidence in support of his claim, which proposal is also acceptable to the learned counsel for the petitioner.
4. Under the present set of circumstances, when the instant matter requires reconsideration on certain important aspects, we hereby, set aside the impugned order dated 28.04.2015 passed by the learned Single Judge and remit the matter to the respondent -CCL for re-considering the case of the petitioner afresh, after affording him reasonable opportunity of hearing.
5. Let this exercise be carried out within four weeks from the date, copy of the order is made available to respondent-CCL.
6. Disposed of, in the aforesaid terms.