

(2008) 07 JH CK 0183
In the Jharkhand High Court

Jai Prakash Mahto @ Guddu Mahto

APPELLANT

Vs

CCL and Others

RESPONDENT

Date of Decision : 09-07-2008

Acts Referred:

Citation : (2009) 1 JCR 137

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the petitioner has prayed for quashing the letter No. PO/GDA/FB/9.3.2/2002/1198 dated 12.9.2002, whereby the petitioner's claim for compassionate appointment was rejected. The petitioner has also prayed for a direction on the respondents to provide employment to him on compassionate ground.

2. It has been stated that the petitioner is the son of late Jai Deo Mahto, who was working under the respondents as permanent Mazdoor, died in harness on 21.11.1999. The petitioner, thereafter, applied for compassionate appointment within the prescribed time. It has been stated that the petitioner's alias name is "Guddu Mahto" and the petitioner's father had shown him as "Guddu Mahto" in the service record. The respondents did not consider the same and by the impugned order, they have rejected the petitioner's claim on the ground that the service record does not show the petitioner as the son of late Jai Deo Mahto and as such, he is not entitled for appointment on compassionate ground. By the impugned order dated 12.9.2002, the petitioner's claim has been arbitrarily rejected on the said ground. It has been stated that not only that the petitioner's name as "Guddu Mahto" has been mentioned in his father's service record, all the certificates and the relevant records go to show that the petitioner is the son of late Jai Deo Mahto. There is no other claimant for compassionate appointment and there is no reason to doubt the petitioner's claim. The petitioner was, thus, entitled for appointment on compassionate ground under the provisions of 9.3.2 of NCWA-VI. The said letter refusing the petitioner's claim

is arbitrary and liable to be quashed.

3. Learned Counsel, appearing on behalf of the respondents, on the other hand, submitted that the petitioner applied for compassionate appointment in the name of Jai Prakash Mahto. Late Jai Deo Mahto has not shown any such son of Jai Prakash Mahto in the service record. The respondents have to act on the basis of the service record and since the petitioner's name is not mentioned as the son of late Jai Deo Mahto, he is not entitled for appointment on compassionate ground under the provisions of 9.3.2. of NCWA-VI. It has been further submitted that if the petitioner has got alias name "Guddu Mahto" and if there is any such authentic document in his possession, he should have approached the Director (Personnel), M/s. CCL, Darbhanga; House, Ranchi or the Project Officer, M/s. CCL, Giddi-A, Hazaribagh, showing the said document, but instead thereof, the petitioner has rushed to this Court.

4. I have heard learned Counsel for the parties and considered the facts and materials on record.

5. On perusal of the impugned order, it does not appear that the petitioner's claim that "Guddu Mahto" is his alias, name has been considered by the concerned authorities before refusing his claim of compassionate appointment. The petitioner is said to have been in possession of the authentic document to show that he has got alias name "Guddu Mahto". According to the petitioner, his alias name "Guddu Mahto" has been shown as a son of late Jai Deo Mahto in his service record.

In view thereof, if the petitioner has any such authentic document in support of his claim, he could have produced the said document before the Director (Personnel), M/s. CCL, Darbhanga House, Ranchi or the Project Officer, M/s. CCL, Giddi-A, Hazaribagh.

6. Considering the above, this writ petition is disposed of giving liberty to the petitioner to file representation before the Director (Personnel), M/s. CCL, Darbhanga House, Ranchi-respondent No. 3 or the Project Officer, M/s. CCL, Giddi-A, Hazaribagh-respondent No. 4 regarding his claim along with authentic document to show that he has got alias name "Guddu Mahto" and he is the son of late Jai Deo Mahto. If such representation is filed, the said respondent(s) shall consider and dispose of the same by a reasoned order within a period of six weeks from the date of receipt of representation.