
(2018) 01 JH CK 0022
In the Jharkhand High Court
Case No : 4127 of 2007

Mumtaj Ali

APPELLANT

Vs

Steel Authority of India Limited & Ors

RESPONDENT

Date of Decision : 12-01-2018

Acts Referred:

[Constitution of India](#), [Article 226](#) -
Power of High Courts to Issue certain writs

Citation : (2018) 01 JH CK 0022

Hon'ble Judges : Pramath Patnaik

Bench : Single Bench

Advocate : Kumari Rashmi, Vijay Kant Dubey

Judgement

1. In the instant writ petition, the petitioner has, inter alia, prayed for a direction upon the respondents to consider his case for appointment on

compassionate ground on account of death of his father, who died in harness on 03.07.2006 while working as Operator in Operation Garage,

Bokaro Steel Plant, Steel Authority of India Limited, Bokaro.

2. The facts, as disclosed in the writ petition, are that the father of the petitioner died in harness on 03.07.2006 while he was working as as

Operator in Operation Garage, Bokaro Steel Plant. Thereafter, the petitioner approached the authority concerned for appointment on

compassionate ground by filing representations being the elder son of the deceased employee, but no decision has been taken by the respondents

on his representation.

3. Being aggrieved by and dissatisfied with inaction on the part of the respondents, the petitioner left with no other alternative and efficacious

remedy, has been constrained to knock the door of this Court under Article 226

of the Constitution of India for redressal of his grievances.

4. Learned counsel for the petitioner submits that the petitioner is the eldest son of the deceased employee and, therefore, his case should have been considered as per the scheme of the respondents- Company.

5. A supplementary counter affidavit dated 11.09.2017 has been filed on behalf of respondents, wherein it has been submitted that as per the scheme of the respondents-Company, there was a substitution of employment for employees suffering from Dreaded diseases, as is evident from

Annexure-A to the supplementary counter affidavit. It has further been submitted that the father of petitioner late Abdul Aziz Ansari has written a letter to the respondents to give employment to his son, namely, Manan Ali as because he was suffering from cancer (dreaded disease) on

03.03.2006, as is evident from Annexure-B to the said affidavit. It has further been submitted that as per the record of the surviving family member

of late Abdul Aziz Ansari, Staff No.253229, it can be seen from the list of the family members at serial no.2 name of petitioner is appearing and at

serial no.4 name of Manan Ali is appearing, as is evident from Annexure-C to the said affidavit. It has further been submitted that Manan Ali son of

late Abdul Aziz Ansari, Staff no.253229, has been appointed as per the Scheme of the respondent-Company on compassionate ground vide

appointment letter dated 28.05.2007. In pursuance of the said letter dated 28.05.2007, Manan Ali had joined on 04.06.2007, as is evident from

Annexure-D to the said affidavit. 6 Learned counsel for the respondents has opposed the submission of learned counsel for the petitioner and

submitted that once legal heir being the son of the deceased has been given appointment on compassionate ground, there is no scope for giving

appointment in second time to another son.

7. After hearing learned counsel for the respective parties and on perusal of the records, this Court is not inclined to accede to the prayer of the

petitioner, in view of categorical statement made in the supplementary counter affidavit. Viewed thus, this writ petition sans merit is dismissed.