

(2010) 11 JH CK 0008
In the Jharkhand High Court
Case No : Writ Petition (S) No. 74 of 2009

Rewa Lal Munda @ Rewa Munda

APPELLANT

Vs

Central Coalfields Limited and Others

RESPONDENT

Date of Decision : 24-11-2010

Acts Referred:

Citation : (2011) 1 JLJR 489 : (2011) 1 JCR 383

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Heard learned Counsel appearing for the petitioner and learned Counsel appearing for the respondents on the interlocutory application bearing No. 4081 of 2010 whereby the order under which claim of the petitioner for appointment on compassionate ground has been rejected has been sought to be quashed. The prayer made in the interlocutory application is hereby allowed. Let the interlocutory application form part of the main writ application.

2. Heard learned Counsel appearing for the petitioner and learned Counsel appearing for the respondents on the merit of the case.

3. Learned Counsel appearing for the petitioner submits that late Bhadwa Munda, father of the petitioner died in harness while he was in service in the establishment of M/s. Central Coalfields Limited.

4. Therefore, the petitioner being son of the deceased filed an application for appointment on compassionate ground but when no decision was taken upon that application, the petitioner moved to this Court for redressal of his grievance.

5. It was further submitted that while the matter was pending, a counter affidavit was filed annexing therewith an order dated 7.9.2002 whereby it could be known that the claim of the petitioner has been rejected and, therefore, that order as contained in Annexure A has been sought to be quashed.

6. In order to assail- the said order, it was submitted that the claim of the

petitioner has simply been rejected for the reason that name of the petitioner, according to the respondents, does not find mentioned in any of the documents relating to the employment of the deceased employee and thereby the authority indirectly held that the petitioner is not an heir of the deceased employee and if the effect of the said order would be like that, then certainly the authority should have made an enquiry before coming to that conclusion.

7. Learned Counsel has referred to a decision rendered in a case of Santosh Kumar v. Central Coalfields Limited 2008(4) JCR 26 to show that in similar situation, the authority has been directed to hold enquiry by giving adequate opportunity to the petitioner to have his say in the matter. Otherwise also a detail enquiry needs to be made as certain documents relating to LTC, service excerpt lying with the employer and the other document such as relationship certificate and other documents would show that the petitioner is the son of late Bhadwa Munda.

8. As against that, learned Counsel appearing for the CCL submits that though name of the petitioner does not appear in the service excerpt but there seems to be some interpolation and that apart, no valid document is there with the company showing petitioner being son of the deceased employee.

9. The order passed under Annexure A denying the claim of the petitioner for appointment on compassionate ground, virtually amounts denial of the fact that the petitioner is the son of the deceased employee which affects social status of the petitioner and in that view of the matter, it would be appropriate to have an enquiry in the matter so that status of the petitioner be ascertained. That apart, the order as contained in Annexure A seems to have been passed without giving any opportunity to the petitioner and hence simply on that ground, the said order is fit to be set aside and accordingly, it is set aside.

10. Under the circumstances, let an enquiry be held in the matter by High Power Committee which, according to leaned counsel appearing for the CCL is there for deciding this kind of dispute.

11. It is needless to say that the High Power Committee while making enquiry will be giving opportunity to the petitioner to have his say in the matter and to produce all the relevant documents before the Committee.

12. The enquiry be completed within two months from the date of receipt/production of a copy of this order.

13. Accordingly, this application is disposed of.