(2012) 12 JH CK 0086

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1734 of 2004

Sunil Kumar Singh APPELLANT

Vs

Steel Authority of India Ltd. and Others RESPONDENT

Date of Decision : 19-12-2012

Acts Referred:

Citation : (2013) 1 JLJR 263

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Naresh Kumar Singh, for the Appellant; Ananda Sen, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. These petitioners have come before this court seeking quashing of reasoned order contained at Annexure-5 passed in their respective cases dated 4/6.11.2003 and 4/6.11.2003 by which their claim for compassionate appointment have been rejected.

2. The case of these petitioners is that their fathers, who were permanent employees of the respondent''s company, died-in-harness on 9.11.1997 and 20.12.1998 respectively.

3. They had earlier come before this Court in C.W.J.C. No. 4299 of 2000, which was disposed on 3.1.2003 directing the respondents to dispose of representation of the petitioner within an specified time. The respondents had preferred Letters Patent Appeal being LPA No. 151 of 2003 and analogous LPA, which were heard together and dismissed by judgment dated 10.4.2003 by the Division Bench of this Court without interfering in the direction passed by learned single Judge.

4. It is submitted that the respondents have rejected the claim for compassionate appointment on the ground which are totally extraneous consideration in a claim for the compassionate appointment. It is further

submitted that in the reasoned order passed by the respondents, it has been indicated that the dependent of the deceased like the petitioners have been granted payments under different heads after the death of the employees totaling Rs. 2,35,872/- and Rs. 2,64,357/- respectively. It is further indicated in the impugned order that they have been getting the Employees Family Benefit Scheme @ Rs. 5,601/- per month and Rs. 7,213/- per month, which is equal to the last monthly wages drawn by their deceased father and would be continuously paid till the date on which the deceased fathers would have normally superannuated, if alive.

5. Learned counsel for the petitioner submits that these consideration are in teeth of the judgments rendered by the Hon''ble Supreme Court in the case of Balbir Kaur and Another Vs. Steel Authority of India Ltd. and Others, . It is, therefore, submitted that the action of the respondents are wholly arbitrary in teeth of the judgment of the learned Supreme Court of India and they are entitled to grant of the compassionate appointment on the death of their fathers in-harness.

6. The respondents-Steel Authority of India have appeared and filed their counter affidavits on their behalf in which they have stated that Bhawanathpur Lime Stone Mines is under the Raw Materials Division of Steel Authority of India Ltd., which is facing huge monetary losses due to technological changes in the steel plants. It is further submitted that there is considerable excess manpower at Bhawanathpur Lime Stone Mines leading to increased cost of production three times of current market price. In these circumstances, Voluntary Retirement Scheme was floated and large number of employees have been separated from the unit. There is no vacancy against which the petitioners can be appointed. It is further stated that in S-1 category, which is lowest level, there are 170 work force in place of 100 and in totality there are 200 more employees than the actual work force. As such, since 1993 onwards, no regular appointment has been made by the Bhawanathpur Lime Stone Mines. Learned counsel for the respondent has also supported the impugned order by stating that the consideration, which have been indicated by the petitioner while passing the impugned order, are not the only consideration as already stated hereinabove on their behalf. The respondent are in the process of reducing manpower not only in the said unit, but also throughout the Steel Authority of India Ltd. Moreover, it is stated that as per the Employees Benefit Scheme, the amount, as stated hereinabove, is being paid to the petitioners per month, which is equal to the last monthly wages drawn by the deceased and was to be paid till the deceased would have reached normal age of superannuation, if he remained alive. As such, immediate succor had been provided to the dependent of the deceased, who died-in-harness. Idea or concept of compassionate appointment is to grant immediate relief to the dependant of the deceased employees, who died-in-harness and after 14 to 15 years of the death, in the circumstances, which have been discussed hereinabove, the petitioners have survived after the loss of the bread earner and also getting monthly wages as indicated hereinabove under the

Employees Benefit Scheme and as such, the impugned orders do not suffer from any illegality or arbitrariness. Learned counsel for the respondents has also submitted that the Hon''ble Supreme Court in several judgments has also laid down the principle that the compassionate appointment is intended to be given to the dependent immediately on the death of bread earner to prevent them from starvation on loss of earning and other benefits, which the bread-earner would have earned. In these circumstances, therefore, the petitioners cannot justify their claims for compassionate appointment after 14-15 long years after the death of the employees concerned.

7. I have heard learned counsel for the parties at length. It is true that the petitioner had earlier approached this court and the respondents were directed to dispose of their applications for compassionate appointment and the said directions were not interfered in LPA by the Division Bench of this Court either. However, from the perusal of the impugned order and also counter affidavits filed by the respondents supporting the same, it appears that the Mines in which the petitioners'' fathers were employed had been facing severe losses and is in continuously exercise to reduce the manpower to offset the loss as per the policy decision by the respondents-Steel Authority of India. They have also stated that no addition of the manpower has taken place since 1993 and the employees have been granted voluntarily separation package or even transferred to other places to reduce the burden of over staffs in the said mines. It further appears that these petitioners have also been granted the benefit of Employees Scheme to the extent of last monthly wages drawn by the deceased, which would be continued to be paid till the deceased would have obtained superannuation, if alive.

8. In these circumstances and the fact that 14-15 years have passed by now and the family of the deceased has survived after sudden loss of bread earner on their death in the year 1997 and 1998 respectively, the impugned actions of the respondents cannot be said to be arbitrary and illegal or in teeth of the judgment of the Hon''ble Supreme Court. Accordingly, these writ petitions are without any merit and are being dismissed.

