
(2015) 10 JH CK 0120
In the Jharkhand High Court
Case No : WP(S) No. 2285 of 2014

Tiku Manjhi and Others

APPELLANT

Vs

Central Coalfields Limited and Others

RESPONDENT

Date of Decision : 14-10-2015

Acts Referred:

Citation : (2015) 4 JLJR 549 : (2016) 1 LLJ 63

Hon'ble Judges : Prashant Kumar, J.

Bench : Single Bench

Advocate : Rajesh Kumar, for the Appellant; Amit Kumar Das, for the Respondent

Final Decision : Disposed Off

Judgement

Prashant Kumar, J.—This application has been filed for issuance of a direction upon the respondent-C.C.L. to appoint the petitioner No. 1 namely, Tiku Manjhi on compassionate ground as the mother of the petitioners died-in-harness. It is stated that the petitioners' mother namely, Sodhan Kamin was working as piece rated labour under the respondent-C.C.L. It is stated that in her service book, names of the petitioners mentioned as her dependents. It is further stated that the mother of the petitioner died on 31.8.2001. Thereafter petitioner No. 1 filed an application on 28.9.2001 for his appointment on compassionate ground, the respondent had given no heed to the said application. Thereafter, petitioner sent reminder, which was received in the office of Project Officer on 21.6.2002. It appears that the petitioner filed another application on 6.2.2014. It appears that when the respondent had not given heed to the aforesaid applications of the petitioner, this writ application filed.

2. A counter affidavit filed by the respondent-C.C.L. wherein they have stated that the writ application has been filed after 13 years of the death of petitioners' mother, therefore, the writ application is liable to be rejected on the ground of laches. It is further stated in the counter affidavit that there is no proof to show that the petitioner No. 1 is the legal heir of deceased Sodhan Kamin and thus, on

that ground also, petitioner No. 1 is not entitled to get any employment on compassionate ground.

3. Having heard the submissions, I have gone through the record of the case. It appears that the name of petitioner No. 1 finds place in the service book as one of the sons of deceased workman namely, Sodhan Kamin. It further appears from the record that the petitioner No. 1 applied for compassionate appointment within one month from the date of death of his mother, but no heed given by the respondent-C.C.L. It further appears that the second application was also received in the office of Project Officer, C.C.L. on 21.6.2002, but the same was also kept pending and no order passed on it. Thus, it appears that the petitioner made his application for compassionate appointment within time, but the respondent-C.C.L. kept the same pending and had not disposed of the same. Under the said circumstance, it does not lie in the mouth of the respondent-C.C.L. to say that the writ application of the petitioner is liable to be dismissed on the ground of laches. I find that the action of the respondent-C.C.L. in not disposing of the application of the petitioner for long 13 years is arbitrary and against the provisions of the National Coal Wages Agreement (N.C.W.A.). Under the aforesaid circumstance, I direct the respondent-C.C.L. to consider the application of the petitioner No. 1 for compassionate appointment and dispose of the same in accordance with law within two months. With the aforesaid observation and direction, this writ application is disposed of.