

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.160 of 2023

Chhotelal Manjhi, aged about 39 years, son of Late Bablu Manjhi, Resident of Village Bhawani, P.O.-Binja, P.S. Budmu, District Ranchi, Jharkhand. Petitioner

Versus

1. Central Coal Fields Limited through its Chairman-cum-Managing Director, At Darbhanga House, P.O.-G.P.O, P.S. Kotwali, District: Ranchi.
2. Director (Personnel), Central Coal Fields Limited, At-Darbhanga House, P.O.-G.P.O., P.S. Kotwali, District: Ranchi
3. The General Manager, (P & IR), Central Coalfields Limited, At- Dharbhanga House, P.O.-G.P.O, P.S. Kotwali, District: Ranchi.
4. General Manager, Central Coal Fields Limited, Barka Sayal Area, At P.O. Urmari P.S. Bhurkunda, District-Ramgarh.
5. The Project officer, Central Coal Fields Limited, Bhurkunda Colliery At & P.O.- Bhurkunda, P.S.- Bhurkunda, District- Ramgarh.
6. Dy. Manager (Personnel), Central Coal Fields Limited, Bhurkunda Colliery At & P.O.- Bhurkunda, P.S.- Bhurkunda, District- Ramgarh. Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr Deen Bandhu, Adv.

For the Respondents: Mr. Amit Kr. Das, Adv.

Ms. Swati Shalini, Adv.

04/Dated:24.09.2024

Heard learned counsel for the parties.

- 2.** The instant writ application has been preferred by the petitioner praying for a direction upon the respondent no. 3 to consider the case of this petitioner for employment under section 9.3.2 under the heading for Social Security of National Coal Wage Agreement especially in the background that the petitioner had

applied for employment within the stipulated time of one and half years and the petitioner has also undergone interview/screening as far back as on 20.07.2012, but since then the respondents are sitting tight over this matter.

3. The case of the petitioner as per the averments made in this writ application is that his father died on 25.07.2010 and he duly applied for compassionate appointment under the relevant provision of N.C.W.A on 30.08.2011. At that time, the upper limit for filing an application for compassionate appointment was one and half years and admittedly, the petitioner filed the application on 30.08.2011. Thereafter, nothing happened on the part of respondents for about one year and finally the petitioner faced an interview and had undergone screening on 20.07.2012. However, when the case of the petitioner was not considered even after a lapse of five years, the petitioner knocked the door of this Court by filing of this application in the year 2023.

4. Learned counsel for the petitioner submits that as per the applicable provisions governing the compassionate appointment in the respondent-Company, the petitioner is duly entitled for it, but for the reason best known to the respondent he has not yet been appointed.

5. A counter-affidavit has been filed in this case wherein a specific stand has been taken at Paragraph 15 indicating therein that the mother of the petitioner and widow of the deceased employee submitted family declaration form issued by B.D.O., Patratu which shows that *Shanti Devi* is the second wife and the same certificate was sent to the B.D.O., Patratu. However, after verification of register, it transpires that it has been

issued by hiding the facts by the applicant and the certificate has been manipulated. Copy of such letter and reply are annexed with the said counter-affidavit. It has further been stated in the counter-affidavit that the petitioner submitted a red card bearing No. 7541946 issued by the B.M.O. (Block Marketing Officer), Burmu wherein his father's name is mentioned as Charwa Marandi and home address is Binja Mohalla Bhawanipur District Ranchi. Relying upon the statement, it has been contended by the learned counsel for the respondent that it is a case of forged certificate and forged claim by the petitioner, inasmuch as, in the red card, the name of the father has been mentioned as Charwa Marandi with home address at Bhawanipur District Ranchi, whereas in the instant writ application the father of the petitioner is reflected as late Bablu Manjhi. This clearly goes to show as per the respondent that there is some discrepancy in the certificates and only for that reason the matter was kept pending. Accordingly, no case is made out by the petitioner.

6. Having heard the learned counsel for the parties and after going through the documents available on record and the averments made in the respective affidavits, admittedly father of the petitioner died in harness on 25.07.2010 and this petitioner filed an application for compassionate appointment on 30.08.2011. It is also an admitted fact that the said application was filed within a period of one and a half years. Even it is not a case of the respondent that the application filed by the petitioner is belated; rather the case of the respondent is that the petitioner has not come before this Court with clean hands not only here but also

before the respondent-authorities as he has manipulated several certificates.

For brevity, Para 15 and 16 of the counter-affidavit is quoted and extracted herein below:-

“15. That it is most humbly and respectfully submitted that Smt. Shanti Devi submitted Family Declaration Form issued from BDO, Patratu, Ramgarh, which shows that Smt. Shanti Devi is the second wife and the same family Certificate was sent to BDO, Patratu by reply dated 27.08.2012, replied that after verification of Registrar it is clear that it has been issued but by hiding the facts by the applicant the certificate has been manipulated.

16. That it is humbly and respectfully submitted that Sri Chhotelal Manjhi submitted Lal Card vide no. 7541946 issued from B.M.O., Burmu, wherein his father's name is Charwa Marandi and home address is vill& P.O. Binja Mohalla - Bhawanipur, Dist: Ranchi.”

7. From the counter-affidavit it also appears that the representation which has been claimed to be filed before the respondents being Annexure 7 and 8 of the writ application has been denied by the respondents by claiming that the same does not bear any receiving signature.

Even otherwise, now in the year 2024 i.e., after a lapse of fourteen years, no case of compassionate appointment still exists, inasmuch as, the basic object of compassionate appointment will be frustrated if the same will be given to the petitioner at this stage.

8. It goes without saying that in spite of the fact as claimed by the petitioner that his screening was done way back in the year 2012, but since then he never bothered to knock the door of the respondent nor of this Court.

9. It further transpires from the cause-title of the writ application itself that the petitioner filed writ

application at the age of 39 years so even otherwise, as per NCWA, no appointment can be given to a person who has crossed the upper age-limit for seeking the job.

However, the petitioner would be at liberty to approach the respondents with regard to monitory benefit, if any, which shall be decided on its own merit.

10. In view of the aforesaid circumstances, no case is made in favor of the petitioner. As such, the instant writ application stands dismissed. Pending I.As, if any, also closed.

(Deepak Roshan, J.)

Fahim-Vedanti/-