

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P. (S) No. 186 of 2023**

1. Lalti Devi aged about 38 years, W/o Late Sukhdeo Bhuia, R/o Near Kali Mandir, Gajlitand, Garachak, P.O., P.S. & District Dhanbad
2. Koshilya Devi, W/o Late Kartik Bhuia (deceased employee), R/o Madhgopali Panchayat, Poss Dumri, Dist. Giridih, Jharkhand

...   ...   **Petitioners**

Versus

1. Bharat Coking Coal Limited through its Chairman-cum-Managing Director, having its office at Koyla Bhawan, P.O. Koyla Nagar, P.S. Saraidhela, District Dhanbad
2. The Director, Personnel, Bharat Coking Coal Limited, having its office at Koyla Bhawan, P.O. Koyla Nagar, P.S. Saraidhela, District Dhanbad
3. The Project Officer, Bharat Coking Coal Limited, Mudidih Colliery, Sijua Area No. V, P.O. and P.S. Kusunda, Dist. Dhanbad

...   ...   **Respondents**

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**CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

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For the Petitioner : Mr. Abhijeet Kumar Singh, Advocate

For the Resp.-State : Mr. Arpan Mishra, Advocate

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**06/6<sup>th</sup> February 2024**

1. Learned counsel for the parties are present.
2. This writ petition has been filed for the following reliefs: -

*"For issuance of an appropriate writ/s, Order/s especially in the nature of "Mandamus" directing the Respondents to grant Compassionate appointment to the petitioner whose Father-in-law died in harness and she being the only person available for employment as per NCWA 9.3.3 is eligible for compassionate appointment as her mother-in-law is more than 50 years of age and as such not available for employment.*

*And*

*For an appropriate order show causing the respondents i.e. to explain as to why they been delaying the appointment of the Petitioner for last 6 years even after several representations and not following the provisions of NCWA 9.3.3.*

*And/Or*

*Pass such order as Your Lordships may deem fit and proper in the facts and circumstances of the case by doing conscientious justice to the petitioner."*

3. The learned counsel for the petitioners has submitted that the Late Kartik Bhuia was the employee of the respondent who died while in service on 11.09.2015. The petitioner No. 1 being the daughter-in-law whose husband has already expired filed writ petition before this Court seeking compassionate appointment. So far as petitioner No. 2 is concerned, she is the wife of the

deceased employee and she has been impleaded as petitioner No. 2 vide order dated 20.12.2023 and she is entitled for monetary compensation.

**4.** The learned counsel submits that he has taken instructions from the petitioners and the petitioner No. 1 is ready to forego her claim for compassionate appointment and the petitioners are now claiming monetary compensation which the petitioner No. 2 would be entitled in lieu of compassionate appointment.

**5.** The learned counsel has also submitted that a counter-affidavit has been filed in the present case and he has referred to paragraph No. 26 thereof that the respondents are agreeable to provide monetary compensation in lieu of compassionate appointment to petitioner No. 2 i.e. wife of the deceased employee and appropriate communication has been made to her vide letter dated 26.12.2023. The learned counsel submits that appropriate order may be passed so that the monetary compensation is paid to petitioner No. 2 at the earliest. The learned counsel has also submitted that the monetary compensation would be payable from the date of death of the deceased employee.

**6.** The learned counsel for the respondents has submitted that the writ petition be disposed of and the petitioner No. 2 be directed to approach the respondent No. 3 with all her credentials and appropriate steps will be taken so that the monetary compensation is duly paid to the petitioner No. 2.

**7.** After hearing the learned counsel for the parties and considering the facts and circumstances of this case, the petitioner No. 1 has given up the claim for compassionate appointment on the ground that the monetary compensation be paid to petitioner No. 2 in lieu of compassionate appointment. The respondents have filed their counter-affidavit indicating that the respondent No. 3 has issued a letter to petitioner No. 2 asking her to appear before the said authority for the purposes of grant of monetary compensation in lieu of compassionate appointment.

**8.** Accordingly, this writ petition is disposed of enabling the petitioner No. 2 to approach the respondent No. 3 for the purposes of the claim of monetary compensation in lieu of compassionate appointment within a period of 15 days from today by filing a representation along with a copy of this order, a copy of the writ records along with the counter-affidavit filed in the present case and the documents in connection with her identity.

9. Upon filing of such representation, the respondent No. 3 is directed to pass an order in accordance with law and ensure that the monetary compensation payable to the petitioner No. 2 is paid within a period of one month from the date of filing of the representation to be filed by the petitioner.
10. This writ petition is accordingly disposed of with the aforesaid observations and directions.
11. Pending I.A., if any, is closed.

**(Anubha Rawat Choudhary, J.)**

*Mukul*