

**Most. Kaushalya Devi Vs. Central Coalfields Ltd. and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/514976](http://sooperkanoon.com/514976)

**Court :** Jharkhand

**Decided On :** Jan-13-2005

**Reported in :** [2005(1)JCR498(Jhr)]

**Judge :** M.Y. Eqbal, J.

**Acts :** Service Law; [Constitution of India](#) - Article 226

**Appeal No. :** W.P. (S) No. 123 of 2005

**Appellant :** Most. Kaushalya Devi

**Respondent :** Central Coalfields Ltd. and ors.

**Advocate for Def. :** Ananda Sen, Adv.

**Advocate for Pet/Ap. :** A.K. Sahani, Adv.

**Judgement :**

ORDER

**M.Y. Eqbal, J.**

1. By the Court.-The petitioner has prayed for quashing the communication as contained in letter dated 30.6.2004 issued under the signature of Senior Personnel, Officer, Religara Colliery, Central Coalfields Limited informing the petitioner that her application for compassionate appointment has been rejected.

2. The petitioner's case is that her husband Sama Kumar was a permanent employee working in Religara Colliery and he was married with the petitioner on 18.5.2001 and about five months thereafter he died in-harness. The petitioner applied for compassionate appointment and submitted all the papers including an affidavit sworn by her mother-in-law that the petitioner is the legally married wife. The name of the petitioner was forwarded by the Religara Colliery to the competent authority for taking a decision. The competent authority sitting in the headquarter took a decision that since the name of the petitioner was not entered in the service book so she is not entitled to get appointment on compassionate ground.

3. This Court takes judicial notice of the following facts :-

(i) The decision taken by the competent authority is never communicated to the applicant. Only the applicant is informed about the decision taken by the competent authority.

(ii) Even this Court is not aware whether the competent authority sitting in the headquarters takes a decision by simply rejecting the application or by passing a reasoned order. Such decision has never been filed by the respondents in any of the writ petitions filed by the persons seeking compassionate appointment.

4. I have come across many cases where I found that the competent authority do not apply their mind and never realize the difficulties of those dependants who starve because of the death of bread earner.

5. Henceforth, any such decision taken by the competent authority in any of such cases for compassionate appointment shall be supplied to the applicant along with a letter of communication of such decision.

6. In the instant case as noticed above there is nothing to show that the authority have denied the fact that the petitioner is not legally married wife and her husband died only after 5 months back.

7. In such circumstances, rejection of the application by the competent authority on the ground that her name was not entered in the service book is absolutely

illegal, arbitrary, capricious and whimsical.

8. For the aforesaid reason, this writ petition is allowed and the respondents are directed to immediately take a decision giving compassionate appointment to the petitioner. Such decision must be taken within a period of six weeks from the date of receipt/ production of a copy of this order.

9. Let a copy of this order be sent to the Chairman-cum-Managing Director of CCL to issue standing instruction to the officers who constitutes a Committee for taking decision in the matter of compassionate appointment. Ordered accordingly.

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