

Shiv Shankar Vs. Central Coalfields Limited and ors.

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Court : Jharkhand

Decided On : Jan-05-2009

Reported in : [2009(121)FLR688]

Judge : R.R. Prasad, J.

Appellant : Shiv Shankar

Respondent : Central Coalfields Limited and ors.

Judgement :

R.R. Prasad, J.

1. Heard learned Counsel appearing for the petitioner and learned Counsel appearing for the Respondents.

2. Learned Counsel appearing for the petitioner submits that late Nageshwar Mahto- father of the petitioner, who was under the employment of C.C.L. died in harness on 13.05.2002. Thereupon, the widow of late Nageshwar Mahto, filed an application before the authority for giving employment to her son, the petitioner, on compassionate ground, but the claim of the petitioner was rejected by the authority on the plea that the name of the petitioner does not find mentioned in the L.T.C. Option and L.T.C. Form 'A' and at the same time, his name also does not find mentioned in the Gratuity Nomination Form and that entry made in the service excerpts showing the petitioner as the son of late Nageshwar Mahto, is doubtful as

the entry made in this respect is by different ink and different handwriting but none of the ground in the facts and circumstances of the case is tenable for rejecting the claim of the petitioner.

3. In this respect, it was submitted that the service excerpts had been communicated to late Nageshwar Mahto with blank space for giving particulars which were not available with the department and those particulars were provided by making necessary entry at the relevant place and that makes it obvious that those entries would be in different ink and by different handwriting. Similarly, Gratuity nomination form needs not to have name of the other person than the nominee. Again, photocopy of LT.C./L.L.T.C. Bill Pass Register (Annexure 11) would go to show that the petitioner is the son of late Nageshwar Mahto and not only that, the name of the petitioner is very much there in the particulars of family, furnished in Form PS-3, which document is with the employer and furthermore, the department, on being suspicious as to whether the petitioner is the son of late Nageshwar Mahto or not, got an enquiry done through the Block Development Officer, Jainagar, district- Koderma, who after holding enquiry did find that the petitioner is the son of late Nageshwar Mahto and under these situations, rejection of the claim of the petitioner is quite illegal and hence, order passed under Annexure- 8, is fit to be set aside and the petitioner is entitled to have appointment on compassionate ground.

4. Regard being had to the facts and circumstances, it does appear that order as contained in Annexure- 8, under which the petitioner's claim has been rejected has been passed on a casual manner without taking into consideration the documents as also the enquiry report, showing that the petitioner is the son of late Nageshwar Mahto and hence, it is set aside. In the circumstance, it needs a fresh consideration.

5. Accordingly, this writ application is disposed of with a direction to the petitioner to file a fresh representation before the respondent No. 2, the Director of Personnel, Central Coalfields Limited, Darbhanga House, Ranchi, annexing therewith all those documents, showing the petitioner to be the son of late Nageshwar Mahto along with a copy of this order within a period of two weeks and

the respondent No. 2- the Director of Personnel, Central Coalfields Limited, Darbhanga House, Ranchi, on getting the representation, shall be taking decision in the matter of the appointment of the petitioner on compassionate ground within four weeks thereafter.

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