

Rajendra Singh Vs. Central Coal Fields Ltd. and ors.

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Court : Jharkhand

Decided On : Jul-02-2008

Reported in : [2008(4)JCR136(Jhr)]

Judge : Ajit Kumar Sinha, J.

Appellant : Rajendra Singh

Respondent : Central Coal Fields Ltd. and ors.

Disposition : Petition allowed

Judgement :

Ajit Kumar Sinha, J.

1. The present writ petition has been preferred for quashing the order dated 2.8.2002, whereby, the application for compassionate appointment was rejected by the respondents on the ground that the petitioner had submitted the application for appointment beyond the fixed time of six months.

2. The facts, as submitted, are set out as under: The father of the petitioner died in harness on 18.10. 1997, who was working as a Mining Sirdar. The petitioner filed an application for compassionate appointment under paragraph 9.3.3. of N.C.W.A.-V along with affidavit in support of the same on 23.11.1998. The respondents issued a letter on 4.12.1999 to the petitioner asking him to appear

before the Board and after lapse of four years i.e. on 2.8.2002 the application for compassionate appointment was rejected on the sole ground that the same was submitted beyond the fixed time of six months.

3. It appears that the respondents have issued circulars from time to time. As per circular dated 12.12.1995, the time limit of six months was fixed to apply for compassionate appointment. The second circular was issued on 1.1.2002 fixing the time limit of one year. Thereafter, another circular has been issued by which the period for application has been enhanced to one and half year.

4. Be that as it may, the fact remains that the petitioner had applied for compassionate appointment after a delay of about six months whereas the respondents after calling him for interview rejected his application after a delay of four years and the second circular had already come into operation. A Division Bench of this Hon'ble Court in an identical issue against the same respondents has passed a well considered judgment after referring to all the judgments, passed by this Hon'ble Court as well as the Hon'ble Supreme Court, on the issue, and the same is reported in 2007 (3) J.L.J.R. 692 (Satya Narayan Choudhary v. Central Coalfields Ltd.). In this case also, there was a delay of few months in applying for compassionate appointment, which led to rejection of the application after six years) on the ground that the application for compassionate appointment was submitted after expiry of six months' period from the date of death, as fixed in circular dated 12.12.1995. The Division Bench of this Hon'ble Court at paragraph Nos. 27 and 28 held as under:

27. Thus, viewed from any angle, we are not able to hold that the order impugned, rejecting the application for compassionate appointment, is valid in law or justified and in our view it has to be held that it is unjustified and unsustainable.

28. In the above circumstances, the order impugned is set aside. The respondents are directed to consider the application of the petitioner on merits and pass appropriate orders taking into consideration the observations made by this Court, as mentioned above. If necessary, the respondents will also consider relaxing the age limit in view of pendency of the matter before this Court and the delay caused by the respondents in disposal of the application filed by the petitioner. The

appropriate order shall be passed by the respondents within one month from the date of receipt of the order.

5. I am also informed that a S.L.P. was filed against the aforesaid judgment, reported in 2007(3) J.L.J.R. (supra), which has also been dismissed. In any event, I am bound by the judgment, passed by the Division Bench of this Hon'ble Court in an identical issue. This writ petition is accordingly, allowed and the impugned order dated 2.8.2002 is hereby quashed with a direction to the respondents to consider the case of the petitioner for compassionate appointment by relaxing the age limit, if required, within a period of two months from the date of receipt/production of a copy of this order. However, there will be no order as to costs.

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