

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 65 of 2023**

Md. Sultan Ahmad, S/o Suleman Ahmad, R/o Qr. No. 1617, Sector
1B, P.O. & P.S.-Ram Mandir (B.S. City), District-Bokaro

Appellant

Versus

1. Managing Director, Bokaro Steel Plant, Bokaro
2. M.I.B. Chairman, B.G.H., Bokaro
3. General Manager, Public Administration & Recruitment Section,
Bokaro Steel Plant, Bokaro
4. General Manager (Vigilance & O.D.), Bokaro Steel Plant, Bokaro
5. D.G.M. (Personnel) T/A Department, Bokaro Steel Plant, Bokaro
6. Ajay Kumar, D.G.M. T/A, Public Administration, Bokaro Steel Plant,
Bokaro
7. Controlling Officer (Medical Invalidation Board), High Power
Committee, Bokaro Steel Plant, Bokaro
8. E.G. Surin Bankira, Sr. Manager (Personnel), Medical Invalidation
Board, B.G.H., Bokaro Steel Plant, Bokaro
9. Samrindar Jha, (Sr. Manager, R & P.R.) Controlling Officer, Bokaro
Niwas Side In-charge, Bokaro Steel Plant, Bokaro
10. Dr. Satish Kumar, B.G.H. Doctor, Senior Cardiologist, Bokaro Steel
Plant, Bokaro
11. Dr. A.K. Singh (D.M.S. & C.M.O.), B.G.H., Bokaro Steel Plant, Bokaro
12. D.G.M. (Personnel), B.G.H, Bokaro Steel Plant, Bokaro

Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Appellant : Mr. Brij Bihari Sinha, Advocate
Mr. Ishank Ranjan, Advocate
For the Res.-BSL/SAIL: Mr. Indrajit Sinha, Advocate
Mr. Saket Upadhyay, Advocate

Reserved on 23.06.2026

Pronounced on 30.06.2026

Per : Rajesh Shankar, J. :

1. The present Letters Patent Appeal is directed against the judgment/order dated 02.11.2022 passed in W.P.(S) No. 4577 of 2012 whereby the writ petition filed by the petitioner/appellant has been dismissed observing that the cause of death of the petitioner's father as mentioned in his death certificate issued by the Bokaro General Hospital (BGH) i.e., 'Septicemia with Shock' is not enlisted in the list of debilitating diseases (Annexure-1) of the

scheme for compassionate appointment.

2. The learned counsel for the petitioner/appellant submits that the father of the appellant namely Md. Suleman (hereinafter referred as 'the deceased employee') was an employee of Bokaro Steel Plant and he was suffering from heart disease. The deceased employee was treated at Bokaro General Hospital and Abdur Razzaque Ansari Memorial Weavers' Hospital, Irba, Ranchi. On 18.10.2011, he filed an application for declaring him medically invalid in view of the Circular No. BSL/Pers/RR/402/2010-450 dated 20.02.2010 claiming that he was suffering from 'heart disease/paralysis'.
3. Thereafter, he was medically examined by the Medical Invalidation Board (MIB) on 16.12.2011. However, he subsequently died on 18.12.2011, i.e., just after two days of the medical examination. In the death certificate of the deceased employee issued by the BGH, the cause of death was mentioned as 'Septicemia with Shock' and under the diagnosis column, 'sudden cardiac arrest' apart from other diseases was mentioned.
4. The minutes of the MIB meeting held on 16.12.2011 was released by the medical department of Bokaro Steel Plant vide decision no. MED/05/2011-309 dated 06.01.2012 wherein it was observed that the father of the appellant was suffering from Diabetes Mellitus (DM), hypertension, nephropathy, Ischaemic heart disease, cerebral infarct. It was finally opined by the MIB that the deceased employee was medically not invalid.
5. The said decision of MIB was intimated to the mother of the

petitioner/appellant vide registered post no. Pers/TA/2012-70 dated 19.01.2012. Thereafter, the respondent no. 8 issued letter no. Pers/TA/2012-353 dated 18.04.2012 to the mother of the appellant offering her final settlement under the Employee Family Benefit Scheme which was applicable in every death case in SAIL so as to provide long term financial support to the dependents of the ex-employee who died in harness. The said offer was however not accepted by the mother of the appellant.

6. The appellant filed writ petition being W.P.(S) No. 4577 of 2012, however the same was dismissed by the learned Single Judge of this Court vide order dated 02.11.2022 observing that as per the death certificate of the deceased employee, his medical condition did not fall under any of the 'debilitating diseases' mentioned in Annexure-1 of the Circular dated 20.02.2010.
7. The learned counsel for the appellants submits that the father of the appellant died just two days after undergoing the medical examination before the MIB, which clearly suggests that the opinion of the Board was not fair and genuine.
8. It is further contended that the Ethics Committee of Medical Council of India was of the firm opinion that the deceased employee was suffering from many morbidities and chronic diseases and should have been declared medically unfit for the job. The Ethics Committee also discarded the plea of the doctors that they had evaluated the patient as per MIB guidelines and in consonance with the list of certain debilitating diseases mentioned in Annexure-I of the Circular dated 20.02.2010.

9. It is also submitted that the respondents blindly and mechanically followed the Circular dated 20.02.2010 overlooking the spirit of such socio-economic welfare policy.
10. It is further contended that though in the death certificate of the deceased employee issued by the Bokaro General Hospital, the cause of death was written as 'Septicemia with Shock', however, in the diagnosis column, the words- 'Sudden Cardiac Arrest', were clearly mentioned. As such, the ailments of the deceased employee certainly fell under the list of 'debilitating diseases'.
11. The learned counsel for the appellant, in support of his argument, puts reliance on the following judgments: -

(i) Ankit Tiwari Vs. The Steel Authority of India Ltd. & Others reported in 2017 SCCOnLine Jhar 4148

(ii) Steel Authority of India Ltd. Vs. Ranjit Kumar Thakur & Others reported in 2002 SCC OnLine Jhar 618

12. The learned counsel appearing on behalf of the respondents, while opposing the aforesaid contentions, submits that the cause of death of the deceased employee was 'Septicemia with Shock' which was not covered under any of the 'debilitating diseases' mentioned in Annexure-1 of the Circular dated 20.02.2010 relating to the guidelines & procedure for dealing with the cases of compassionate appointment and therefore he was not declared medically invalid.
13. It is also argued that the deceased employee had not died due to cardiac disease and as such there was no question of providing compassionate appointment to the appellant. It is further urged

that the employees and their families are governed by the scheme dated 20.02.2010 and as such the appellant cannot claim compassionate appointment against death of his father due to the diseases not enlisted under Annexure-1 of the said Scheme.

14. It is also submitted that even if the decision of the Ethics Committee constituted by the Medical Council of India is taken as true, then also, the Ethics Committee has not observed in its report as to whether the scheme of compassionate appointment was also applicable in the case of the deceased employee.
15. The learned counsel for the respondents also raises the issue of maintainability of writ petition/LPA by submitting that in view of the notification published on 31.03.2010 by the Ministry of Personnel, Public Grievances and Pensions, Government of India, the service matters pertaining to the Steel Authority of India is amenable to the jurisdiction of the Central Administrative Tribunal, Circuit Bench, Ranchi.
16. In support of the said contention, the learned counsel for the respondents puts reliance on the judgment of the Hon'ble Supreme Court rendered in the case ***L. Chandra Kumar Vs. Union of India & Others*** reported in ***(1997) 3 SCC 261***. He also puts further reliance on the judgment of the Hon'ble Supreme Court rendered in the case of ***Rajeev Kumar and Another Vs. Hemraj Singh Chauhan and Others*** reported in ***(2010) 2 SCC 517***.
17. Heard the learned counsel for the parties and perused the materials placed on record.

18. We have perused Circular No: BSL/Pers/RR/402/2010-450 dated 20/02/2010 whereby the guidelines and procedure have been framed for dealing with the cases of compassionate appointment. In fact, two types of compassionate cases are covered under the said guidelines. The first is with respect to the case of death or permanent total disablement due to accident 'arising out of and in course of employment' as per the National Joint Committee for Steel Industry (NJCS) agreement, whereas the second is where an employee is declared incapable to perform his/her normal duty by the Committee constituted for this purpose, due to his/ her physical/mental incapacity on account of suffering from chronic debilitating diseases.
19. Clause 5.3.1 of the said Circular provides that compassionate employment of the dependant family member is to be considered on "medical invalidation" of an employee on specified "debilitating diseases". The list of debilitating diseases is mentioned at Annexure-I of the said circular.
20. Clause 5.3.3 provides that the employee should have been under treatment in the Company's/Company's sponsored hospital for the above ailments. The cases of sudden death, where an employee was continuing with his/her normal job and was not under treatment for the above diseases, shall not be governed under these guidelines. It also provides that the date for consideration under the guidelines shall be the date on which the Committee declares an employee as medically invalid. If an employee dies due to disease or otherwise before declaration of medical invalidation

by the Committee, then such death shall be considered as natural death and shall be dealt with as per clause 9.1 of the guidelines.

21. Clause 9.1 of the said Circular provides that the cases of natural death while on duty, shall not be considered for compassionate employment and the dependant family members may avail benefits under the "Employee Family Benefit Scheme."
22. It was specifically mentioned in the decision taken by the MIB vide minutes of meeting held on 16.12.2011 and released on 06.01.2012 that the deceased employee was suffering from DM, hypertension, nephropathy, Ischaemic heart disease, cerebral infarct. Out of the said diseases, 'Ischaemic heart disease' was included in the aforesaid list of the circular's debilitating diseases under the heading-'Incapacitative Cardiac Disease.' However, the MIB was of the opinion that the deceased employee was not medically invalid.
23. The learned Writ Court, while passing the impugned order dated 02.11.2022, has put much emphasis on the death certificate of the deceased employee wherein the cause of death was mentioned as 'Septicaemia with Shock' and has held that the said disease was not enlisted as one of the debilitating diseases under Annexure-1 of the circular dated 20.02.2010. The Writ Court has however, overlooked the fact noted in the decision of the MIB dated 06.01.2012 wherein it was specifically mentioned that the deceased employee was also suffering from 'Ischaemic heart disease'.
24. In fact, the issue of medical invalidation of the deceased employee

was to be considered by the MIB on the basis of his medical condition observed in the Board's meeting held on 16.12.2011 and not on the basis of the cause of death written in the death certificate issued by the Bokaro General Hospital. Nonetheless, in the death certificate also, under the diagnosis column, apart from other diseases, "sudden cardiac arrest" was also mentioned. The respondents have also filed documents pertaining to the treatment of the deceased employee done in Bokaro General Hospital (BGH) alongwith the counter affidavit dated 22.07.2024. Those treatment documents also disclose mention of- "suddenly the patient had cardiac arrest and all respiratory measures done, but patient could not be survived and stopped respiration at 9.40 am on 18.12.2011. Death clinically certified by the Doctor on duty. Party informed."

25. The aforesaid facts apparently suggest that the deceased employee was suffering from heart disease which was mentioned in the list of debilitating diseases (i.e., Annexure-I of the Circular dated 20.02.2010) and therefore the respondents ought to have declared the deceased employee as 'medically invalid.'
26. Even otherwise, it is evident from the record that the appellant's mother had filed a complaint before the Medical Council of India against the concerned doctors of BGH who had examined the deceased employee and had declared his case as "medically not invalid." Pursuant to the said application, the matter was forwarded to the Registrars of Medical Registration Councils of different states i.e., Madhya Pradesh, Odisha and Bihar. The Odisha Council of Medical Registration examined the matter

against some of the doctors whose matters were pending consideration before it and gave them clean chit.

27. Thereafter, the mother of the appellant filed appeal before the Medical Council of India. Medical Council of India constituted an Ethics Committee which submitted its report observing that the deceased employee was indeed suffering from many morbidities and chronic diseases and should have been declared medically unfit for the job. It was further observed that the argument of the doctors that they had evaluated the patient as per the Medical Invalidation Board based guidelines and as per the list of certain enlisted conditions only, was not acceptable. The medical council of India also ordered to remove the names of the concerned doctors who had examined the father of the appellant, from the Indian Medical Register for a period of one month.
28. Thus, the ethics committee of the Medical Council of India was also of the opinion that the deceased employee was suffering from many morbidities and chronic diseases and should have been declared medically unfit for the job.
29. We have also perused the judgment of the Co-ordinate Division Bench rendered in the case of ***Ranjit Kumar Thakur (Supra.)*** as has been relied upon by the learned counsel for the appellant. In the said case, the contention of the appellant-SAIL was that the scheme was applicable only to the cases where death had occurred due to kidney failure, heart attack or cancer. Learned Co-ordinate Bench of this Court has held that the SAIL should not limit the eligibility criteria for compassionate appointment to only

those who die of either Kidney failure, heart attack or cancer. Death is not optional. One cannot opt and say that he is entitled to a particular kind of a death. Death comes to all and, therefore, limiting the eligibility to only three cases of death, is thus absolutely unreasonable and irrational.

30. The appeal filed by the Steel Authority of India Ltd. against the judgment passed in ***Ranjit Kumar Thakur (Supra.)*** has also been dismissed by the Hon'ble Supreme Court vide order dated 14.04.2003 passed in S.L.P.(C) No. 24598 of 2002 and thus the said judgment has attained finality.
31. We have also perused the judgment rendered in the case of ***Ankit Tiwari (Supra.)***. In the said case, the father of the writ petitioner applied for medical invalidation on plain paper on 06.04.2012. Subsequently, he applied in the prescribed format on 11.05.2012 and then died on 17.05.2012 before undergoing the medical examination by the Medical Board. The respondent-SAIL rejected the petitioner's claim for compassionate appointment on the ground that the employee had already died before his case could be considered by the Medical Board. The petitioner's application before the Central Administrative Tribunal, Circuit Bench, Ranchi claiming compassionate appointment also came to be rejected vide order dated 11.11.2016 passed in O.A/051/00064/2015. Subsequently, a Co-ordinate Bench of this Court allowed the petitioner's claim for compassionate appointment. It was observed inter-alia that social security and welfare measure are the underlying object behind laying down the scheme for

compassionate appointment under the State or its instrumentalities. The purpose behind such a scheme is to give succor and means of sustenance to the dependent of the employee who dies in harness or gets incapacitated due to medical invalidation. Such socio-economic welfare scheme/policy is however to be interpreted within the confines of the scheme. If a broader interpretation of such a scheme/policy advances the course of justice, the same has to be followed. If a narrower interpretation tends to defeat the object and purpose of socio-economic welfare measure, it is to be avoided. The Bench also emphasized broader interpretation of the Clause- 2.3 of the Circular dated 25.03.2011 for the purpose of bringing about the effective results.

32. In recent times, the rule of purposive construction is predominant and the courts are frequently using it where literal interpretation may not bring about a positive outcome or may lead to absurdity to achieve the object of a policy. Purposive interpretation is a legal approach adopted by the courts particularly to interpret a statute or in a given situation, a beneficial policy by focusing on the underlying purpose, object, and intent behind it, rather than just its strict literal wording. This concept operates across specific legal structural and practical dimensions.
33. One of the objectives behind issuance of the Circular dated 20.02.2010 is to provide relief/benefit to the dependent family members of the employees in cases of death, permanent disablement and medical invalidation. Thus, the said circular is a

beneficial scheme, a literal interpretation of which would frustrate its underlying spirit and as such the same is to be given purposive and broader interpretation so as to make it meaningful.

34. Thus, we are of the considered view that even if the reason of death mentioned in the death certificate of the deceased employee i.e., 'Septicemia with Shock' was not mentioned in the list of debilitating diseases under Annexure-I of the Circular dated 20.02.2010, the claim of the appellant for compassionate appointment deserved to be allowed by the respondents.
35. To our utter dismay, the learned counsel for the respondents has also insisted to record his objection with respect to the maintainability of the writ petition. Here, it is important to note that though the matter remained pending before the writ court from 2012 to 2022 i.e., for about 10 years, the said issue was never raised before the learned Single Judge. Had the said issue been raised at an early stage of the writ proceeding, the same would have been appropriately decided by the writ court itself.
36. The present matter relates to the appellant's claim for compassionate appointment. It has already been observed hereinabove that the very purpose of compassionate appointment is to give immediate financial assistance to the dependent family members of the deceased/medically invalidated employee to overcome the financial distress. The petitioner had died on 18.12.2011 and more than 14 years have passed since then. As such, at this belated stage, it will not be appropriate to relegate the appellant to seek remedy before the Central Administrative

Tribunal, Circuit Bench, Ranchi as this will literally amount to denying justice to the appellant.

37. Moreover, the conduct of the respondents clearly suggests that since very beginning, they have been adopting different tactics to decline relief to the appellant. Though the deceased employee was examined by the Medical Board on 16.12.2011 and he died on 18.12.2011 i.e., after two days, however, the decision was taken by the Board only on 06.01.2012 i.e., after more than twenty days from the date of his medical examination. Though in the said decision, the deceased employee was found also suffering from 'Ischaemic heart disease' apart from other diseases which was one of the debilitating diseases mentioned in Annexure-I of the Circular dated 20.02.2010, yet he was not declared medically invalid.
38. Astoundingly, even after the decision of the ethics committee of the Medical Council of India, the appellant was not provided compassionate appointment. That apart, in similar matters, the Co-ordinate Benches of this Court have already given relief to the dependents of the deceased employee keeping in view the purpose of extending the benefit of compassionate appointment. Despite all these, the respondents, for one reason or the other, have been adamant to decline such legitimate claim of the appellant. It is thus a gross case of arbitrariness and malafide attitude of the respondents towards the vulnerable appellant.
39. This Court takes serious note of such conduct of the respondents which is bound to be deprecated in strongest terms and they deserve to be saddled with an exemplary cost.

40. The present L.P.A. is, accordingly, allowed. The order/judgment dated 02.11.2022 passed in W.P.(S) No. 4577 of 2012 by the Writ Court is set aside. The respondents are directed to provide compassionate appointment to the appellant within six weeks from the date of receipt/production of a copy of this order. The respondents are also directed to pay cost of Rs. 50,000/- to the appellant as he was made to suffer due to their callous attitude and had to struggle for more than 14 years to get compassionate appointment. The cost shall also be paid within six weeks.
41. Let a compliance affidavit be filed by the respondents by 17.08.2026 to ensure the compliance of the aforesaid directions.
42. List this case on 20.08.2026 to consider the compliance report.
43. The present appeal is, accordingly, disposed of with the aforesaid observations and directions.
44. Pending interlocutory application, if any, also stands disposed of.

(M.S. Sonak, C.J.)

(Rajesh Shankar, J.)

30/06/2026

Vikas/A.F.R.

Uploaded on 30/06/2026