

IN THE HIGH COURT OF JHARKHAND AT RANCHI**L.P.A. No. 399 of 2026**

1. Janki Devi, wife of Late Ishwar Das
2. Pushpendra Kumar, son of Late Ishwar Das
3. Vikash Kumar, son of Late Ishwar Das
4. Gunja Kumari, daughter of Late Ishwar Das

All are residents of Gayatri Colony, Kathara, Near Gayatri Mandir, Badiya North, P.O. Kathara, P.S.- Bokaro Thermal, District- Bokaro, at present residing at H.M.D./12-D, Nishan Hat, P.O. & P.S.- Bokaro Thermal, District- Bokaro

... Appellants

Versus

1. Central Coalfields Limited through its Chairman-cum-Managing Director namely Sri Nilendu Kumar Singh, having office at Darbhanga House, P.O.- GPO, P.S.- Kotwali, District- Ranchi
2. The Director Personnel, Central Coalfields Limited, Darbhanga House, P.O.- GPO, P.S.- Kotwali, District- Ranchi
3. The General Manager, MP & IR Department, Central Coalfields Limited, Head Quarter Darbhanga House, P.O.- GPO, P.S.- Kotwali, District- Ranchi
4. The Project Officer, Central Coalfields Limited, Kathara Colliery, P.O.- Kathara, P.S.- Gomiya, District- Bokaro
5. Staff Officer (P&A), Central Coalfields Limited, Kathara Area, P.O.- Kathara, P.S.- Gomiya, District- Bokaro
6. The Manager Personnel, Central Coalfields Limited, Kathara Colliery, P.O.- Kathara, P.S.- Gomiya, District- Bokaro

... Respondents

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

For the Appellants	: Mr. Atanu Banerjee, Advocate Mr. Aditya Banerjee, Advocate
For the Respondents	: Mr. Anoop Kumar Mehta, Advocate Mr. Shubham Malviya, Advocate

Reserved on 05.08.2026**Pronounced on 11.08.2026****Per : Rajesh Shankar, J. :**

1. The present Letters Patent Appeal is directed against the order dated 15.06.2026 passed in W.P.(S) No. 5513 of 2024 whereby the learned

Single Judge has dismissed the said writ petition filed by the writ petitioners/appellants.

2. The facts of the case as stated in the writ petition is that one Ishwar Das (hereinafter to be referred as "the deceased employee"), a regular and permanent employee of the Central Coalfields Limited (CCL), was working on the post of Mechanical Fitter at 'Kathara Colliery'. He died in harness on 11.02.2015 leaving behind his mother Sukmati as well as the writ petitioners/appellants. Subsequently, the mother of the deceased employee also died. The appellant no.1 (widow of the deceased employee) filed an application before the Project Officer, Kathara Colliery, CCL (the respondent no. 4) on 27.04.2015 seeking compassionate appointment. The said application was made within the prescribed time.
3. The appellant no.2 being eldest son also made an application dated 28.07.2015 to the respondent no. 4 seeking compassionate appointment on account of the death of his father, i.e. the deceased employee.
4. In the meantime, the appellant no.1 filed Original (T) Suit No. 09 of 2015(A) in Civil Court, Bermo at Tenughat seeking declaration of her entitlement to receive all death benefits of the deceased employee. The said suit was referred to the 'Lok Adalat' where the appellants filed joint compromise petition dated 02.02.2022. The parties arrived at a settlement to the effect that the death benefits of the deceased employee would be paid to the appellant no. 3 and the same would be divided in equal proportion among all the appellants. It was further

agreed that the compassionate appointment on account of death of the deceased employee would be given to the appellant no. 3.

- 5.** The said title suit was disposed of in 'Lok Adalat' held by the District Legal Services Authority, Bokaro on 12.03.2022 as the matter was amicably settled by the appellants. Thereafter, the decree was drawn by the learned Civil Judge (Jr. Division), Bermo at Tenughat on 24.03.2022 and the said joint compromise petition was treated as part of the decree.
- 6.** Thereafter, on 24.05.2022, the appellant no. 1 made an application to the respondent no. 4 seeking compassionate appointment in favour of the appellant no. 3, however the Deputy Manager (Personnel), Kathara Colliery, CCL, vide letter No. 1549 dated 01.09.2022 informed the appellant no.1 that the claim for compassionate appointment of the appellant no. 3 would not be considered for the reason that the said application was not made within the prescribed period of 15 months from the date of death of the employee.
- 7.** The appellant no.1 again made a representation on 05.09.2022 to the General Manager, MP & IR Department, CCL, Ranchi (the respondent no.3) seeking compassionate appointment of appellant no. 3, however the said application was also not considered by the said respondent on the ground that the application for compassionate appointment was not made within the prescribed period.
- 8.** The appellant no. 1 then made yet another application on 10.07.2024 to the respondent no. 3 mentioning that the required documents in

relation to the appointment of the appellant no. 3 on compassionate ground were submitted whereafter all the family members were called for interview on 20.09.2023, however the appointment on compassionate ground was not given to the appellant no. 3. In response to the said letter of the appellant no. 1, the respondent no.4 issued letter dated 24.07.2024 stating that the claim of the appellant no. 3 for compassionate appointment cannot be considered after seven years of the death of the employee.

- 9.** The appellants then filed a writ petition before this Court being W.P.(S) No. 5513 of 2024, however the same was dismissed by the learned Single Judge vide impugned order dated 15.06.2026 observing inter-alia that the application for compassionate appointment of the appellant no. 3 was made after the time limit of one and half years as fixed in the meeting of Joint Consultative Steering Committee (JCC) held on 22.07.2008.
- 10.** Learned counsel for the appellants submits that the appellants were fully dependent upon the income of the deceased employee and have been facing severe financial crisis after his death.
- 11.** It is further submitted that the learned Single Judge has not appreciated the fact that the application for compassionate appointment was made by the appellant no. 1 well within the prescribed period of one and half years but no decision whatsoever was taken on the said application.
- 12.** It is also contended that as per the compassionate appointment scheme of the respondents, the proposal by the widow of the deceased

employee seeking compassionate appointment of one or other dependent has to be considered by the competent authority.

- 13.** Learned counsel for the appellants further argues that it is not a case of transfer of the claim for compassionate appointment, rather is for consideration of compassionate appointment of one of the eligible dependents as proposed by the widow of the deceased employee since she is now above 45 years.
- 14.** It is also urged that the application for compassionate appointment of the appellant no.3 is not a fresh application, rather it is in continuation of the earlier application made by the appellant no. 1 within the prescribed period. It is true that compassionate appointment cannot be claimed as a matter of right, but in view of the compassionate appointment scheme of the respondents, such an application was being considered by the respondents in the instant case, which would be apparent from the fact that the Management itself called the appellants for screening / interview on 20.09.2023 and their credentials were verified by a competent committee. As such, the subsequent rejection of the claim for compassionate appointment on the ground of delay is not legal and justified.
- 15.** It is further argued that the respondents were also party in the Original (T) Suit No. 09 of 2015 (A), in which the settlement was made amongst the appellants and was also confirmed by the employer –CCL (respondents herein) by giving their no objection to such settlement. Therefore, they are also bound by the terms and conditions of the settlement.

- 16.** On the contrary, the learned counsel for the respondents submits that compassionate appointment in CCL is governed by the 'National Coal Wages Agreement' and the decision taken in the meeting of the JCC held on 22.07.2008 which was represented by the members of the different Unions. The said decision of JCC mandates filing of an application seeking compassionate appointment within one and half years of the death of the employee.
- 17.** It is further submitted that the employee died on 11.02.2015 and due to the family dispute of the appellants, the compassionate appointment could not be granted to any of his dependents. The application for compassionate appointment of the appellant no. 3 was made on 24.05.2022. i.e., after seven years of the death of the employee, which was much beyond the timeline prescribed for filing application seeking compassionate appointment and as such the same was rightly declined by the respondent-Management.
- 18.** It is also submitted that the purpose of giving compassionate appointment is to rescue the family of the deceased employee from sudden financial crisis and the same cannot be claimed as a matter of right after several years as the family overcomes the phase of crisis.
- 19.** Heard learned counsel for the parties and perused the materials available on record.
- 20.** The appellants have claimed compassionate appointment of the appellant no. 3 on account of death of the employee which has been rejected by the respondents on the ground of delay in filing such application.

21. Thrust of the argument of learned counsel for the appellants is that the application for compassionate appointment was made by the appellant no. 1 well within time which was kept pending by the respondents and as such the subsequent applications filed for compassionate appointment of the appellant no. 3 were erroneously rejected on the ground of delay in filing the same, rather these should have been treated by the respondents in continuity to the earlier application filed by the appellant no.1.
22. Before coming to the merit of the rival contentions of the parties, it would be appropriate to refer few judgements of the Hon'ble Supreme Court dealing with the object and purpose of compassionate appointment as well as the circumstances under which the claim for compassionate appointment is to be considered.
23. In the case of ***State of West Bengal Vs. Debabrata Tiwari and Others*** reported in ***(2025) 5 SCC 712***, the Hon'ble Supreme Court has held that the object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis due to the death of the bread earner leaving the family in penury and without any means of livelihood. It has further been held that a provision is made for giving gainful appointment to one of the dependents of the deceased who may be eligible for such appointment out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be in a position to make both ends meet. Thus, it would be of no avail to grant compassionate

appointment to the dependents of the deceased employee after the crisis which arose on account of death of a breadwinner, has been overcome. Where a long lapse of time has occurred since the date of death of the employee, the sense of immediacy for seeking compassionate appointment would cease to exist and thus lose its significance and this would be a relevant circumstance which must weigh with the authorities in determining as to whether a case for grant of compassionate appointment has been made out for consideration.

- 24.** In the case of **Secretary to Government Department of Education Primary & Others Vs. Bheemesh alias Bheemappa** reported in **(2021) 20 SCC 707**, the Hon'ble Supreme Court has held that every appointment to a post or service must be made strictly by adhering to the mandate of Articles 14 and 16 of the Constitution. Appointment on compassionate ground, is an exception to the regular mode of recruitment, as it is intended to provide succour to the family of the deceased government servant, which is thrown out of gear both financially and otherwise, due to the sudden death of the government servant in harness. It has further been held that the appointment on compassionate ground is not automatic, but subject to strict scrutiny of various parameters including the financial position of the family, the economic dependence of the family upon the deceased employee and the avocation of the other members of the family. Therefore, no one can claim to have a vested right for appointment on compassionate grounds.

- 25.** In view of the settled proposition of law, compassionate appointment cannot be treated as a mode of appointment since it violates Article 14 and 16 of the Constitution of India. Appointment on compassionate ground, is an exception to the regular mode of recruitment and the same is given to the dependent of the deceased employee on purely humanitarian ground to tide over the sudden crisis due to the death of the bread earner. The purpose of providing compassionate appointment is achieved only if the same is given to one of the dependents of the deceased employee immediately after his/her death. Thus, the time of filing of the application seeking compassionate appointment is one of the relevant considerations for deciding such a claim.
- 26.** If the application for compassionate appointment is filed after unreasonable delay since the date of death of the employee, the sense of immediacy in seeking compassionate appointment ceases to exist and thus lose its significance. Under such circumstance, the claim for compassionate appointment is liable to be declined.
- 27.** On perusal of the record it transpires that the employee died in harness on 11.02.2015 and after his death, the appellant no. 1 made application seeking compassionate appointment on 27.04.2015. It is not in dispute that the said application of the appellant no. 1 was well within time. It is however also an admitted position that the said application of the appellant no. 1 was objected by the appellant no. 2 who also made rival claim for compassionate appointment by filing an application on 28.07.2015 alleging that the appellant no. 1 had been

living with another person for the last two years and was not taking care of the other family members of the deceased employee.

28. Due to internal dispute of the appellants, the compassionate appointment was not given to any of the family members of the deceased employee and the same was kept pending. The internal dispute of the appellants was subsequently resolved by them as late as on 02.02.2022 when they agreed in the 'Lok Adalat' to distribute the death benefits of the deceased employee in equal proportion and the right to the compassionate appointment was given to the appellant no. 3. The first application claiming compassionate appointment in favour of the appellant no. 3 was made by the appellant no. 1 on 24.05.2022, i.e., after about seven years of the death of the employee.
29. Thus, it emerges from the aforesaid facts that the delay occurring in consideration of the appellants' claim for compassionate appointment was not due to fault of the respondents, rather owing to the internal dispute of the appellants themselves. In the first application made on 27.04.2015, the appellant no. 1 herself had claimed compassionate appointment which was objected by the appellant no. 2 by making rival claim and subsequently, the appellant no. 1, after a considerable delay, made fresh application seeking compassionate appointment in favour of the appellant no. 3. As such, the subsequent applications cannot be said to be in continuation of her earlier application dated 27.04.2015.
30. We have also gone through the judgment of the Hon'ble Supreme Court rendered in the case of ***Malaya Nanda Sethy Vs. State of Orissa and others*** reported in ***(2024) 15 SCC 766***, relied upon by

the learned counsel for the appellants. In the said case, the appellant had applied for compassionate appointment within time under the existing rules i.e. Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, however the same was kept pending by the respondents. In the meantime, the Rules, 1990 was replaced by Odisha Civil Services (Rehabilitation Assistance) Rules, 2020 and the respondents decided to consider the claim of the appellant as per the Rules, 2020. The said decision of the respondents was challenged in the High Court of Odisha, however the High Court was of the view that the claim of the appellant was required to be considered as per the amended Rules. In appeal before the Hon'ble Supreme Court, Their Lordships observed that if there was no fault and/or delay on the part of the appellant and all throughout there was delay on the part of the department, the appellant should not be made to suffer. Keeping in view the peculiar facts and circumstance of the said case, it was held that the appellant could not be denied appointment under Rules, 1990. It was further held that the authorities must consider and decide application for appointment on compassionate grounds as per the policy prevalent, at the earliest, but not beyond a period of six months from the date of submission of such completed application.

- 31.** The aforesaid judgment was passed looking to the peculiar facts and circumstance of the said case where department was at fault for delay in deciding the application for compassionate appointment of that appellant. However, in the present case, the facts as stated hereinabove, suggest that the appellants themselves were at fault for

not being decisive in claiming the compassionate appointment for a particular dependent of the deceased employee. Thus, the observation made in the case of ***Malaya Nanda Sethy (supra)*** cannot be applied in the case of the appellants. Moreover, in the said case also, their Lordships have reiterated the object and purpose of appointment on compassionate ground as consistently held in various judicial pronouncements including those discussed hereinabove.

- 32.** In view of the aforesaid legal and factual position, we do not find any infirmity in the impugned order dated 15.06.2026 passed in W.P.(S) No. 5513 of 2024.
- 33.** The present appeal is accordingly dismissed.
- 34.** Pending interlocutory application(s), if any, also stands disposed of.

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

(Rajesh Shankar, J.)

August 11, 2026
Ritesh/
A.F.R.
Uploaded on 11.08.2026