

IN THE HIGH COURT OF JHARKHAND AT RANCHI**Civil Review No. 06 of 2024**

1. Manju Devi, aged about 62 years, W/o Late Haripat Saw;
2. Manoj Kumar, aged about 36 years, Son of Late Haripat Saw;
Both resident of Saunda Central, P.O. and P.S. Saunda, District Ramgarh, Jharkhand

..... **Petitioners/Appellants/Petitioners****-Versus-**

1. Central Coalfields Limited through its Chairman Cum Managing Director, office at Darbhanga House, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi
2. Director Personnel, Central Coalfields Limited, Darbhanga House, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi
3. Senior Manager (P & IR), Central Coalfields Limited, Darbhanga House, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi
4. The General Manager, IR-L/NEE/MP & R, Central Coalfields Limited, Darbhanga House, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi
5. Project Officer, Central Saunda Colliery, C.C.L., P.O. and P.S. Saunda, District Ramgarh

... **Respondents/Respondents/Opp. Parties**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

For the Petitioners : Mr. Saibal Mitra, Advocate

For the OP-CCL : Mr. Sabyasanchi, Advocate

C.A.V. On: 30.06.2026**Pronounced On: 10.09.2026**Per, Anubha Rawat Choudhary, J.

This review petition has been filed for the following reliefs: -

“That instant Civil Review Application is arising out from the Judgement dated 22-11-2023 passed in L.P.A. No. 403 of 2023 by the Hon’ble Mr. Justice Shree Chandrashekhar and Hon’ble Mrs. Justice Anubha Rawat Choudhary whereby and whereunder Hon’ble Mr. Justice Shree Chandrashekhar and Hon’ble Mrs. Justice Anubha Rawat Choudhary have been pleased to dismiss the L.P.A. No. 403 of 2023 filed by the Petitioner, without considering the Judgment passed in the matter of similarly situated person, reported in 2012 (2) JCR page 261 (Jhr) i.e. in

the matter of W.P. (S) No. 3577 of 2004, which has been affirmed upto the Hon'ble Supreme Court of India."

2. The arguments of the review petitioners as recorded in the judgement under review is quoted as under: -

"3. The learned counsel for the appellants while assailing the impugned order has submitted that the authorities rejected the claim of compassionate appointment of the appellant no. 2 primarily on account of delay in filing the application for compassionate appointment. The application for compassionate appointment filed by the appellant no. 1 was entertained by the authorities and the delay was attributable to the fact that appellant no. 1 had suffered from psychological disorder, which was duly intimated to the authorities upon being asked to explain the reasons for the delay. The learned writ Court has rejected the plea of the appellants on the ground that appellant no. 2 was major at the time of death of his father and he could have himself applied for compassionate appointment which he did not file within the stipulated timeframe as per National Coal Wage Agreement. The learned counsel submits that the reason for the delay was well explained but the learned writ Court failed to consider the matter in totality of the facts and circumstances of the case."

3. The judgement passed in L.P.A. No. 403 of 2023, which is under review, was dictated in open court and submissions of the learned counsel for the appellants has been recorded in the judgement itself which does not reveal that the judgements were cited at the time of hearing. However, it has been argued by the learned counsel for the review petitioners that the judgement cited above be considered and lenient view is required to be taken on the point of limitation while considering compassionate appointment.

4. ***The learned counsel for the respondents*** has opposed the prayer and has furnished the list of dates and events and has submitted that the claim of compassionate appointment was rejected on numerous grounds and not only on the point of limitation. It has been argued that the arguments advanced by

the appellants in the L.P.A have been taken into consideration while dismissing the appeal by the judgement under review. It has been submitted that the review petition be dismissed.

The following points have been raised: -

- a. *That as per the circular of CCL dated 03.11.2009 any application for compassionate appointment can be filed within a period of one and half years here instant application was filed after lapse of 22 months i.e after delay of 4 months.*
- b. *That plea taken by the petitioners that petitioner No 1 was suffering from mental illness does not sustain as at the time of death of deceased petitioner No 2 was major and he could have filed an application.*
- c. *That in service book age of petitioner No 2 was mentioned as 8 years old on 20.09.2002 whereas documents have been filed which suggest that date of birth of petitioner is 15.08.1987.*
- d. *That there was no request for getting the name of petitioner No 2 included in the liver roster. As per the own declaration of petitioner No.2 he was not minor when his father expired.*
- e. *That first writ application was filed after lapse of eight years from the death of deceased which frustrates the purpose of compassionate appointment.*
- f. *That thirteen years have been passed since the father of petitioner no 2 has expired and accepting such belated claim would be antithesis to the basic purpose of compassionate appointment which is to help the family tie over the immediate crisis on account of the death of its earning member.*

5. This Court is of the considered view that the learned counsel, while arguing the L.P.A., ought to have placed the judgement during the course of arguments and mere annexing the same with the memo of appeal was not enough. Judgements are required to be placed before the court during arguments so that the other side may also respond to the judgments.

6. However, since the review petition has been filed primarily referring to the judgments, whereby lenient view was taken in the matter of limitation relating to compassionate appointment, they are being considered in the factual background of the case at hand.

7. The undisputed sequence of events is as under: -

- A. Deceased namely Haripat Saw who was permanent employee of CCL as Trammer at Saunda Colliery died on 10.08.2009.
- B. Petitioner No 1 is wife and petitioner No 2 is the son of the deceased.
- C. After expiry of 22 months from the date of death, the petitioner no.1 gave representation on 11.06.2011 for the compassionate appointment.
- D. On 25.09.2012 respondent asked explanation regarding delay in submission of application.
- E. Vide order dated 12.12.2012 respondent rejected application of petitioner for compassionate appointment on the ground of delay.
- F. Being aggrieved by the order dated 12.12.2012, petitioners filed writ application vide W.P.(S) No. 3738/2016 which was allowed vide order dated 09.12.2016 and order dated 12.12.2012 was quashed and direction was issued to consider the representation within a period of two months.
- G. Being aggrieved by the order dated 09.12.2016 passed in the writ petition, the respondent preferred L.P.A. No. 260/2017 which was disposed of on 04.10.2017 with following observations: -

“5) In view of the aforesaid direction, this appellant (original respondent) was directed to consider the case of the original petitioner no. 2. Thus, no direction has been given for giving the compassionate appointment. The consideration will be in accordance with law, rules, regulations, policies, agreement between the Management of the appellant-Company and the respondents including the period of limitation, etc. and the decision will be taken by this appellant as per the direction given by this Court.”
- H. By virtue of order passed in writ application, on 10.03.2017 petitioners filed their representation for the reconsideration of their application for compassionate appointment.

I. The respondent passed speaking order on 20.11.2017 in compliance with W.P.(S) No. 3738/2016 and LPA No 260/2017 and rejected the representation of the petitioners. The findings of the authority are as under: -

“In compliance thereof the case of compassionate appointment of Sri Manoj Kumar/Petitioner No. 2 has been re-considered as herein below:

- *That Lt. Haripat Saw, ex-employee was in the employment of the company at Central Saunda Colliery under Barka-Sayal Area and died in harness on 10.08.2009.*
- *That upon death of the employee application for compassionate appointment in respect of Sri Manoj Kumar, Son of the deceased/Petitioner No. 2 was admittedly submitted on 11.06.2011 i.e. after expiry of 01 year and 10 months from the date of death of the employee on 10.08.2009.*
- *That at the material period of time when the employee died a limitation period of 01 year for submitting application for compassionate appointment from the date of death of the employee issued by Circular dated 19.03.2005 was in operation and however the said time limit was further extended up to 1 ½ years by a Circular dated: 03.11.2009. Copies of the Circular dated: 19.03.2005 and dated: 03.11.2009 are annexed hereunto and marked as Annexure A & B respectively.*
- *That the limitation period of 01 year was fixed in compliance to an order/judgment dated 13.08.2004 passed by a Division Bench of the Hon'ble High Court, Jharkhand in the case of Sushil Kumar Bhengra vrs UOI & Ors. being W.P. (S) No. 6589/2002 wherein it was the observation of the Hon'ble Division Bench that time limit of 01 year for making application was sufficient.*
- *That however, the matter of limitation period was subsequently taken up at the Joint Consultative Steering Committee (J.C.S.C.) level of CCL, Ranchi and after much deliberation, decision extending the time limit up to 1 ½ years was taken and circulated by the above said letter dated: 03.11.2009.*
- *That the J.C.S.C. is a forum comprising of both the management representatives and Union representatives and as such, decisions taken thereat are binding in character.*

- *That for the reason that the application for compassionate appointment was submitted even much beyond the maximum time limit of 1 ½ years allowed by the Circular dated: 03.11.2009 and as such, upon re-consideration, your claim for compassionate appointment being found beyond the prescribed norms of the company deserves further rejection.*
- *That law in this regard is well settled that employment on compassionate ground de-hors the rules/regulations/scheme/administrative orders etc. are not permissible.*
- *That the Hon'ble High Court, Jharkhand in LPA No. 731/2004, by a judgment dated: 19.12.2005, held that the appointment on compassionate ground cannot be claimed after the prescribed limitation period.*
A copy of judgement dated: 19.12.2005 is enclosed at Annexure C.
- *That a Division Bench of Hon'ble High Court, Jharkhand in Sushil Kumar Vengra vrs. Union of India & Ors. being WP (S) No. 6589/2002 by a judgment pronounced on 13.08.2004 held that to considered an application made beyond the prescribed time limit, did not lay down the correct law.*
A copy of the judgment dated: 13.08.2004 is enclosed at Annexure D.
- *That even further the employee died on 10.08.2009 and by now about 08 years has elapsed since then and as such by virtue of such expiry of time period the employment on compassionate ground has lost its efficacies defeating the very purpose and object of compassionate appointment to give immediate financial relief to the distressed family members.*
- *That in Form PS-3, the deceased has declared the age of his son, Manoj Kumar as 08 years as on 20.09.2002 whereas the candidates who has applied for employment, has disclosed his date of birth as 15.08.1987. Thus, his candidature appears to be doubtful and suspicious. Son, Sri Manoj Kumar was apparently a minor on the date of death of the employee and no request for keeping his name in live roster was made at that time on his behalf. This besides, the writ application filed in the year 2016 i.e. after 07 years from the date of death of the deceased employee and 04 years from the date of rejection order i.e. on 11.12.2012*

and by that time, the very purpose of compassionate appointment has become frustrated.

- *As such, the case of compassionate appointment in respect of Sri Manoj Kumar, son/Petitioner No. 02 upon re-consideration in compliance to the orders passed by the Hon'ble High Court, Jharkhand and having been found beyond the prescribed norms of the company and also contrary to the well settled laws, is thus rejected hereby as to above.*

J. Being aggrieved by the order dated 20.11.2017, petitioners filed writ petition being W.P. (S) No. 2198/2018. On 01.05.2023 writ petition was dismissed on merits on three grounds: -

- On the ground of limitation.
- Incorrect date of birth.
- Eight years had already lapsed.

The findings of the learned writ court have been recorded in paragraph 6 to 8 of the writ order.

K. The petitioners preferred L.P.A No. 403/2023 which was dismissed on 22.11.2023 by recording findings from paragraph 5 to 13.

8. The scope of review has been considered by the Hon'ble Supreme Court in the judgment reported in ***(2012) 7 SCC 200 (Haryana State Industrial Development Corpn. Ltd. v. Mawasi)***. Paragraph Nos. 29 to 35 of the said judgment are quoted as under: -

“29. In Thungabhadra Industries Ltd. v. Govt. of A.P. [AIR 1964 SC 1372 : (1964) 5 SCR 174] , another three-Judge Bench reiterated that the power of review is not analogous to the appellate power and observed: (AIR p. 1377, para 11)

“11. ... A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. We do not consider that this furnishes a suitable occasion for dealing with this difference exhaustively or in any great detail, but it would suffice for us to say that where without any elaborate argument one could point to the error and say here is a

substantial point of law which stares one in the face, and there could reasonably be no two opinions, entertained about it, a clear case of error apparent on the face of the record would be made out.”

30. *In Aribam Tuleshwar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389] , this Court answered in affirmative the question whether the High Court can review an order passed under Article 226 of the Constitution and proceeded to observe: (SCC p. 390, para 3)*

“3. ... But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate powers which may enable an appellate court to correct all manner of errors committed by the subordinate court.”

31. *In Meera Bhanja v. Nirmala Kumari Choudhury [(1995) 1 SCC 170] , the Court considered as to what can be characterised as an error apparent on the face of the record and observed: (SCC p. 173, para 9)*

“9. ... it has to be kept in view that an error apparent on the face of the record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions. We may

usefully refer to the observations of this Court in *Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale* [AIR 1960 SC 137] wherein, K.C. Das Gupta, J., speaking for the Court has made the following observations in connection with an error apparent on the face of the record: (AIR pp. 141-42, para 17)

17. ... An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ."

32. In *Parsion Devi v. Sumitri Devi* [(1997) 8 SCC 715] , the Court observed: (SCC p. 719, para 9)

"9. ... An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC ... A review petition, it must be remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise'."

33. In *Lily Thomas v. Union of India* [(2000) 6 SCC 224 : 2000 SCC (Cri) 1056] , R.P. Sethi, J., who concurred with S. Saghir Ahmad, J., summarised the scope of the power of review in the following words: (SCC p. 251, para 56)

"56. ... Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise. The mere possibility of two views on the subject is not a ground for

review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practised.”

34. *In Haridas Das v. Usha Rani Banik [(2006) 4 SCC 78] , the Court observed: (SCC p. 82, para 13)*

“13. ... The parameters are prescribed in Order 47 CPC and for the purposes of this lis, permit the defendant to press for a rehearing ‘on account of some mistake or error apparent on the face of the records or for any other sufficient reason’. The former part of the rule deals with a situation attributable to the applicant, and the latter to a jural action which is manifestly incorrect or on which two conclusions are not possible. Neither of them postulate a rehearing of the dispute because a party had not highlighted all the aspects of the case or could perhaps have argued them more forcefully and/or cited binding precedents to the court and thereby enjoyed a favourable verdict.”

35. *In State of W.B. v. Kamal Sengupta [(2008) 8 SCC 612 : (2008) 2 SCC (L&S) 735] , the Court considered the question whether a Tribunal established under the Administrative Tribunals Act, 1985 can review its decision, referred to Section 22(3) of that Act, some of the judicial precedents and observed: (SCC p. 633, paras 21-22)*

“21. At this stage it is apposite to observe that where a review is sought on the ground of discovery of new matter or evidence, such matter or evidence must be relevant and must be of such a character that if the same had been produced, it might have altered the judgment. In other words, mere discovery of new or important matter or

evidence is not sufficient ground for review ex debito justitiae. Not only this, the party seeking review has also to show that such additional matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court earlier.

22. The term ‘mistake or error apparent’ by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22(3)(f) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision.”

9. The judgment passed by the Hon’ble Supreme Court reported in **(1996) 6 SCC 44 (supra)** has been cited by the learned counsel for the review petitioners in the grounds of review.

10. Upon going through the aforesaid judgment, this Court finds that it has been held that it is not everything said by a Judge while giving a judgment that constitutes a precedent. The only thing in a Judge's decision binding a party is the principle upon which the case is decided and for this reason it is important to analyse a decision and isolate from it the ratio decidendi. It has also been held that according to the well settled theory of precedents, every decision contains three basic postulates – (i) findings of material facts, is the inference which the Judge draws from the direct, or perceptible facts; (ii) statements of the principles of law applicable to the

legal problems disclosed by the facts; and (iii) judgment based on the combined effect of the above. It has been held that a decision is only an authority for what it actually decides and what is of the essence in decision is its ratio and not every observation found therein not what logically follows from the various observations made in the judgment. There is no dispute or quarrel in connection with proposition of law with regard to binding precedent. The law is well-settled that the precedents are required to be applied to the facts of a case.

11. So far as the point raised in the review application that, as per own circular of the C.C.L., date of birth mentioned in the Matriculation Certificate is the authentic proof of date of birth for getting service in C.C.L. is concerned, there is no dispute about this fact. However, there is no explanation from the side of the petitioners as to how and under what circumstances, the ex-employee had disclosed the age of Manoj Kumar in his Form P.S.-3 as 8 years as on 20.09.2002. Meaning thereby, Manoj Kumar was born in the year 1994, whereas Manoj Kumar, who had filed an application for compassionate appointment, disclosed his date of birth as 15.08.1987. It was on account of this discrepancy, the authority had come to the conclusion that the candidature of Manoj Kumar seeking compassionate appointment was itself doubtful and suspicious. Such finding of the authority is based on materials on record and cannot be said to be perverse or contrary to law.

12. So far as the various judgments, which have been relied upon by the petitioners in connection with ignoring the delay in filing application seeking compassionate appointment, is concerned, the same do not apply to the facts of the present case, inasmuch as, in the present case, the explanation for the delay has been rejected on merits by the concerned authority refusing to grant compassionate appointment.

13. Further, the order passed by the learned Single Judge in W.P. (S) No. 3738/2016, by which the earlier order of rejection for grant of compassionate appointment vide order dated 12.12.2012 on the ground of delay was set-aside, was subject-matter of challenge in L.P.A. No. 260/2017, wherein the

concerned Division Bench clearly held that the consideration for compassionate appointment will be in accordance with law, rules, regulations, policies, agreements between the Company and the writ petitioners including the period of limitation etc. In such circumstances, there was no occasion for the authority to ignore the period of limitation and it is not in dispute that there was delay of four months in filing the application seeking compassionate appointment and explanation for delay has been rejected on merits.

14. The fact also remains that the circulars, by which the period of limitation was fixed for filing application for compassionate appointment, were not under challenge at any stage by the writ petitioners/review petitioners. In such circumstances, it is not permissible for the writ petitioners/review petitioners to contend that their application could not have been rejected on the ground of delay.

15. Learned counsel for the review petitioners has, in particular, referred to the judgment reported in **2012 (2) JCR 261 (Jhr) (supra)**, against which L.P.A. was dismissed and SLP was also dismissed.

16. In the judgment cited by the learned counsel for the review petitioners which has been passed by this Court in the case of **Rohit Kumar vs. CCL, Ranchi** reported in **2012 (2) JCR 261 (Jhr)**, the application seeking compassionate appointment was claimed to have been filed well within time, but the same was not filed in the prescribed form. In the aforesaid judgment, the employee died on 10.05.2001 and thereafter the mother of the petitioner requested for giving compassionate appointment to the son by filing an application on 19.02.2002, which was within time. However, the claim of the writ petitioner was rejected on the ground that the application for getting compassionate appointment was submitted after 1 year and 8 months i.e. beyond the time limit prescribed for making such application. It was the case of the writ petitioner that the application for compassionate appointment was made within time, but his mother being an illiterate widow, could not apply it in the prescribed form at the first instance.

In the aforesaid background, the Court referred to the earlier judgments,

wherein this Court had taken lenient view with respect to compassionate appointment and directed the respondent to consider the case ignoring the technicalities, such as, delay in filing the application and the application not having been submitted in the prescribed form. The court also observed that the delay, if any, was only 2 months. The order in the Writ Court was challenged in L.P.A. No. 182/2012 which was dismissed vide order dated 17.05.2012, against which the Hon'ble Supreme Court dismissed the SLP bearing No. 26972/2012 vide order dated 21.07.2014 by observing that the Hon'ble Supreme Court found no good reason to interfere with the order impugned in the peculiar facts and circumstances of the case.

17. The judgments, which have been cited by the learned counsel for the writ petitioners, primarily dealt with delay in making application for compassionate appointment.

18. The said judgements do not apply to the facts of this case as the records of the present case reveal that the claim for compassionate appointment was rejected by the competent authority by citing numerous reasons and each reason has been dealt with by the learned writ court while dismissing the writ petition. Paragraph Nos. 6 to 8 of the judgment passed by the learned Writ Court in W.P. (S) No. 2198 of 2018 are quoted as under: -

“6. On consideration of the factual aspects of the case and the submissions advanced by the learned counsel for the parties, it appears that though in Form PS-3, the age of the petitioner no. 2 was recorded as 8 years as on 20.09.2002, but the petitioner no. 2 has disclosed his age as 15.08.1987 and the educational certificate brought on record in this application further certifies the aforesaid claim. It would thus appear that when the father of the petitioner no. 2 had died on 10.08.2009, the petitioner no. 2 was already a major. The application of the petitioner no. 1 was basically concentrated with a request to grant compassionate appointment to the petitioner no. 2 which on being refused has been made the subject matter in W.P.(S) No. 3738 of 2016 and L.P.A. No. 260 of 2017 and consequent to the said orders, the impugned order dated 20.11.1997 as contained in Reference No.

560 was passed. Admittedly, when the petitioner no. 2 was a major at the time of the death of his father, he could have submitted a representation for grant of compassionate appointment in terms of rules and regulations prevalent at the time of death of his father, but instead the petitioner no. 1 had made an application and on being asked about the delay of such application, a plea was taken about her suffering from mental imbalance. When the petitioner no. 2 was himself a major, the question of a fresh starting point of limitation would not arise irrespective of the fact that the petitioner no. 1 was suffering from mental imbalance which according to her led to delay in submitting the application for compassionate appointment in favour of the petitioner no. 2.

7. On a perusal of the impugned order dated 20.11.2017, it appears that the reasons which have led to the rejection of such claim apart from the delay in submitting such application, which is beyond the period of 1 year 6 months, was the expiry of about 8 years since the date of the death and there has been certain discrepancy in the date of birth of petitioner no. 2 as though in Form PS – 3, the age of the petitioner no. 2 was recorded as 8 years as on 20.09.2002, whereas in his application he has disclosed his age as 15.08.1987. The impugned order has rightly come to a conclusion that there was no request for getting the name of petitioner no. 2 included in the live roster. Moreover, as per the own declaration of petitioner no. 2, he was not a minor when his father had expired. It also appears that now 13 years have passed since the father of the petitioner no. 2 had expired and accepting such belated claim would be antithesis to the basic purpose of compassionate appointment which is to help the family tide over the immediate crisis on account of the death of its earning member.

8. Considering the facts and circumstances of the present case, admittedly there appears to be delay in making such application

claiming for compassionate appointment and on consideration of the totality of the aforesaid, I am not inclined to interfere in the impugned order as contained in Letter no. 560 dated 20.11.2017 and consequently this writ application stands dismissed.”

19. This Court finds that -

1st reason for rejection of the application was that the Candidature of the son of the deceased was doubtful or suspicious.

The order passed by the authority also reveals that the candidature of the petitioner no. 2, namely, Manoj Kumar was found to be doubtful and suspicious, inasmuch as, in the Form PS-3, the deceased employee had declared the age of his son Manoj Kumar as 8 years as on 20.09.2002, whereas the candidate who had applied for employment as Manoj Kumar has disclosed his date of birth as 15.08.1987. The learned writ court has taken into consideration this mismatch with respect to the date of birth of the son of the deceased employee and considered the consequences by taking both the date of birth into consideration.

2nd reason for rejection of application for compassionate appointment – limitation considering the date of birth of the son as 15.08.1987.

So far as the point of limitation is concerned, it is not in dispute that the application seeking compassionate appointment was filed 4 months after expiry of the prescribed period of 18 months and initially the authority rejected the application on the ground of delay which was challenged in the writ petition being W.P. (S) No. 3738/2016 and the writ petition was allowed by directing the respondents to pass fresh order in terms of the directions mentioned therein. However, the order of the writ court was challenged in L.P.A. No. 260/2017 and the Hon'ble Division Bench, while disposing of the said L.P.A., observed that the Writ Court had not passed any direction for giving compassionate appointment and the consideration was to be in accordance with law, rules, regulations,

policies, agreements between the Management of the Company and the respondents including the period of limitation etc. Fresh order was passed and the application seeking compassionate appointment was held to be barred by limitation. The writ petitioners sought to explain the delay by stating that the wife of the deceased was suffering from mental illness.

The learned writ court rejected the said explanation by observing that the son claimed to be a major on the date of death of the employee and therefore held that the mental illness of his mother was no ground for him not to apply for compassionate appointment within prescribed time and the explanation of delay in filing the application for compassionate appointment was not found acceptable.

3rd reason for rejection of the application was that if P.S form (wherein the son was 8 years as on 20.09.2002 as declared by his father) is considered the son was minor and no steps were taken to get his name entered in live roster

After having recorded the fact that as per declaration of employee the age of his son on 20.09.2002 was 8 years and if this declaration is accepted the son was minor and no steps were taken to get his name entered in live roster. The learned writ court has taken into consideration this aspect of the matter also while dismissing the writ petition.

20. The authority rejecting the application for compassionate appointment had cited that the candidature of the son of the deceased was doubtful or suspicious on account of wide discrepancy in the age of the son as declared by the deceased employee in the statutory form and the age as declared by the son and there was no explanation from the side of the petitioners so far as this aspect of the matter is concerned. The learned writ court considered both the date of birth independently and upheld the rejection of the application seeking compassionate appointment by citing sound reasons.

21. The L.P.A. Court, in the judgement under review, while upholding the judgement of the learned writ court, has considered all the aforesaid three

grounds cited by the authority to reject the application for compassionate appointment. Once the compassionate appointment is rejected on merits by citing reasons and further holding that even the explanation for delay was not acceptable on merits, there was no question of taking a liberal approach by the writ court and by the L.P.A. Court while dismissing the appeal against the writ order.

22. In view of the aforesaid facts and circumstances, no ground of review has been made out in this review petition, which is hereby ***dismissed***.

23. Pending interlocutory application, if any, is also disposed of.

(Sujit Narayan Prasad, J.)

I Agree.

(Sujit Narayan Prasad, J.)

(Anubha Rawat Choudhary, J.)

Dated: 10.09.2026
Uploaded On: 10.09.2026
Mukul -AFR