

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**L.P.A. No. 49 of 2024**

Basanti Devi, aged about 32 years, wife of Late Simraj Munda @ Shivraj Munda, resident of Mauza Idpara, P.O. Harhad Kander, P.S. Rajrapa, District Ramgarh, State Jharkhand ..... Appellant

Versus

1. M/s. Central Coalfields Limited through its Chairman-cum-Managing Director, having its office at Darbhanga House, P.O. G.P.O., P.S. Kotwali, District Ranchi
2. The Director (Personnel), M/s. Central Coalfields Limited, having its office at Darbhanga House, P.O. G.P.O., P.S. Kotwali, District Ranchi
3. The Project Officer, Kuju Colliery, Kuju, Central Coalfields Limited, P.O. & P.S. Kuju, District Ramgarh
4. Manager (Personnel), Kuju Colliery, Kuju, Central Coalfields Limited, P.O. & P.S. Kuju, District Ramgarh
5. Staff Officer (P&A), Kuju Area, Central Coalfields Limited, District Ramgarh P.O. & P.S. Central Kuju, ....Respondents

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**CORAM: HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE DEEPAK ROSHAN**  
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For the Appellant: Ms. Saman Ahmad, Advocate

For the Respondents: Mr. Abhishek Choudhary, Advocate

**Reserved on:21.01.2025**

**Pronounced on:25 /02/2025**

**Per Deepak Roshan, J.**

The instant intra court appeal is directed against the order dated 19.12.2023 passed by learned Single Judge in W.P.(S) No.4415 of 2023; whereby the learned Writ Court dismissed the said writ petition preferred by the petitioner-appellant for compassionate appointment.

2. The brief facts of the case as it appears from the pleadings and documents annexed with the respective affidavits, is that the Appellant is the wife of deceased Shivraj @ Simraj Munda, who was an employee of the Respondent Company and at the time of his demise, he was working as a loader at CCL, Kuju Colliery, Ramgarh. The couple was married in the year 2004: the husband of the petitioner passed away on 21.11.2011. i.e. more than 13-14 years ago.

After the demise of her husband, the appellant along with one other co-accused was charged for his murder. Thereafter, in 2018, she was acquitted "*due to lack of evidence and also on the basis of benefit of doubt*".

3. The learned Single Judge has rejected the writ petition on two grounds. First, that since more than 13 years had elapsed since the death of the ex-employee, there existed no "emergent urgency to justify employment on compassionate ground".

Second, that since the Appellant was acquitted of her husband's murder on the basis that there was no eyewitness to the offence and available circumstantial evidence was not sufficient to justify a conclusion of guilt, the acquittal could not be regarded as an "honourable acquittal".

4. The FIR naming the appellant as an accused was registered under Section 302/34, IPC on 22.11.2011 on the basis of information received from the deceased's brother. Thereafter, the appellant was arrested and remained in judicial custody at least till May. 2012.

On 15.05.2012, the appellant through a "*Bandi Aavedan Patra*" represented before the GM. Kuju Colliery that she should be considered for appointment on compassionate ground. Thereafter, on 22.06.2015, 07.07.2015 and 13.10.2016, she claims to have again made representations to the Respondent, CCL.

5. Meanwhile, on 07.06.2018, the appellant was acquitted by the Learned ASJ-II, Civil Court, Ramgarh on the ground that the circumstantial evidence put forward by the prosecution was not such as to mandatorily support a hypothesis of guilt. The Sessions Judge recorded that the accused persons *"are liable to be acquitted from the charges levelled against them U/S 302/34 IPC due to lack of evidence and also on the basis of benefit of doubt"*. The Sessions Judge further noted in the acquittal order that the sole eye-witness of the alleged offence had not supported the case of the prosecution and had been declared hostile.

6. Thereafter, on 03.07.2018, the appellant is said to have again represented the respondent company that she be considered for compassionate appointment, and, on 18.11.2019, to have informed the respondent that no appeal had been preferred against the order of acquittal dated 07.06.2018.

Subsequently, on 07.07.2023, the appellant was informed by the Manager (Personnel) Kuju Colliery that her application for compassionate appointment had been considered and rejected by the Zonal Office vide Letter dated 28.06.2023. The Letter dated 28.06.2023 sent by Staff Officer (P&A) to the Project Officer, Kuju Colliery states that since the appellant's acquittal was not an honourable acquittal, she was not entitled to appointment on compassionate grounds.

7. The aforesaid decision of the respondent to not grant compassionate appointment to the appellant was challenged by way of

W.P. (S) No. 4415 of 2023, which was dismissed by way of the Impugned Order dated 19.12.2023.

8. The object underlying compassionate employment is to enable the family of a deceased employee to tide over the sudden crisis due to the death of the bread-earner, and as has been held by the Hon'ble Supreme Court, this object does not survive indefinitely. In the present case about fourteen years have already elapsed since the death of the appellant's husband and no emergent necessity justifying compassionate appointment can be claimed by the appellant. Pertinently, in *State of W.B. vs. Debabrata Tiwari*<sup>1</sup>, the Hon'ble Apex Court has clarified that in case of delay attributable to the person claiming compassionate employment or the Government corporation, the right to compassionate employment cannot be enforced because the sudden crisis being faced by the deceased's family ceases. The following paragraph of *Debabrata Tiwari* (supra) bears relevance:

*"35. ....in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. Further, the financial circumstances of the family of the deceased, may have changed, for the better, since the time of the death of the government employee. In such circumstances, Courts or other relevant authorities are to be guided by the fact that for such prolonged period of delay, family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such a case, as noted by this Court in Hakim Singh would amount to treating a claim for compassionate appointment as though it were a matter of Inheritance based on a line of succession which is contrary to the Constitution. Since compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependents of the deceased government employee as a consequence of his death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the government employee. (emphasis added)"*

9. Having regard to the peculiar facts and circumstances of this case, we are of the considered view that the learned Single Judge has not

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<sup>1</sup> 2023 SCC OnLine SC 219

committed any error in rejecting the claim of the appellant and the same suffers from no infirmity in law. The order of the learned Single Judge is in conformity with the law laid down by the Hon'ble Apex Court and warrants no interference.

**10.** Learned counsel for the appellant has failed to point out any error or perversity in the impugned order and the same requires no interference. Accordingly, the instant appeal fails and is dismissed. Pending I.As, if any, is also closed.

**(M. S. Ramachandra Rao, C.J.)**

**(Deepak Roshan, J.)**

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