

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 42 of 2025

1. The Central Coalfields Limited, through its Chairman-cum-Managing Director, Ranchi
2. The General Manager (P & IR), Central Coalfields Limited, Ranchi
3. The Director (Personnel), Central Coalfields Limited, Ranchi
4. The Project Officer, Dhori (K) Colliery, Central Coalfields Limited, Dhori, Bokaro
5. The Chief General Manager, Dhori Area, Central Coalfields Limited, Dhori, Bokaro
6. The General Manager, Dhori Area, Central Coalfields Limited, Dhori, Bokaro

... .. Appellants

Versus

Sunita Devi, W/o Late Shibu Manjhi, R/o Village-Gabhar Mochro,
P.O.-Angwali, P.S.-Petarwar, District-Bokaro, Jharkhand

.... ... Respondent

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

For the Appellants : Mr. Indrajit Sinha, Advocate
 Mr. Ankit Vishal, Advocate
 Ms. Puja Agarwal, Advocate
 Mr. Sagar Kumar, Advocate
For the Respondent: Mr. Ratnesh Kumar, Advocate
 Mr. Ramchander Sahu, Advocate

Reserved on 24.09.2025
Per : Rajesh Shankar, J. :

Pronounced on 10.10.2025

1. The present appeal has been preferred against the order dated 10.06.2024 passed in W.P.(S) No. 6215 of 2015 whereby the learned Single Judge has allowed the said writ petition directing the respondents/appellants to release the monetary compensation in favour of the petitioner/respondent with effect from 19.12.1996 i.e., the date of death of her husband namely Shibu Majhi (hereinafter referred as the deceased employee).
2. The factual background of the case as stated in the writ petition is that the deceased employee was working under the appellants as Piece Rated worker at Dhori (K) Colliery and he died in harness on

19.12.1996. Thereafter, the respondent being the widow submitted an application to the Project Officer, Dhori (K) Colliery, CCL, Bokaro-the appellant no. 4 on 15.10.1998 requesting to appoint her on compassionate ground, however the said application was rejected by the Dy. Chief Personnel Manager, Dhori Area vide Letter No. GM(D)/PD/9.3.2/2002/639 dated 26/27.03.02 on the ground that she had filed the said application after lapse of about two years from the date of death of her husband whereas as per the Circular of the CCL, the application for appointment on compassionate ground was required to be filed within six months from the date of death of the deceased employee.

3. Aggrieved with the decision of Dy. Chief Personnel Manager, Dhori Area, the respondent filed writ petition being W.P.(S) No. 3560 of 2008 before this Court which was disposed of vide order dated 17.10.2011 with an observation that there was no error in rejecting the claim of the respondent for compassionate appointment, however, if she applied for getting benefit under Coal Mines Provident Fund in a prescribed format, the same would be forwarded to the CMPF Authority to decide her claim in accordance with law and rest of the claims would be paid by the management in accordance with law, rules, regulations, policies and government enforceable orders applicable to her.
4. Thereafter the respondent preferred appeal being L.P.A No. 91 of 2014 challenging the said order of the writ court which was disposed of by a Co-ordinate Bench of this Court vide order dated 21.11.2014 with an observation that in case of filing of the representation by the respondent seeking monetary benefits in lieu of the compassionate

appointment, the same would be accorded consideration expeditiously; preferably within six weeks.

5. The respondent thereafter, filed a representation before the Project Officer, Dhori (K) Colliery, CCL on 29.12.2014 seeking monetary compensation and vide order no. PD/MP/Monetary Benefit/2015/3133 dated 05.09.2015 issued by the CCL HQ, Darbhanga House, Ranchi an amount of Rs. 15,712.62/- per month was awarded her as a monetary compensation to be payable from first day of the next month i.e., with effect from 01.01.2015.
6. The respondent filed another writ petition being W.P.(S) No. 6215 of 2015 challenging the order dated 05.09.2015 to the extent of granting her monetary compensation from the first day of the month following the month in which she had submitted the application for the same. In the said writ petition, it was contended by the respondent that the monetary compensation should have been paid to her from the date of death of her husband i.e., with effect from 19.12.1996. The said writ petition was allowed by the learned Single Judge vide impugned order dated 10.06.2024 granting monetary compensation to the respondent from the date of death of her husband.
7. The learned counsel for the appellants submits that the learned Single Judge has failed to consider that the concerned employee had died on 19.12.1996 whereas the application for monetary compensation was filed by the respondent on 29.12.2014 and as such there was delay and laches on the part of the respondent herself in making claim for monetary compensation.
8. It is also submitted that the respondent cannot be allowed to take

undue advantage of prolonged delay in submitting application for grant of monetary compensation in terms of Clause 9.5.0 of National Coal Wage Agreement (NCWA)-VI.

9. It is further contended that the purpose of granting monetary compensation to the dependent of the deceased employee is to provide immediate financial assistance and therefore the respondent cannot be allowed to take undue advantage in claiming monetary compensation with effect from the date of death of her husband particularly when she herself did not file the application immediately after his death.
10. On the contrary, the learned counsel for the respondent submits that NCWA-VI clearly provides for granting compassionate appointment to the dependent of the deceased employee and in the case where female dependent is not offered such appointment, then she is entitled to be paid the monetary compensation.
11. It is further submitted that while rejecting the claim of the respondent for compassionate appointment, the appellants had not offered her monetary compensation and as such the learned Single Judge has rightly directed the appellants to make payment of monetary compensation to the respondent from the date of death of her husband. The impugned order being completely justified, needs no interference of this Court.
12. Heard the learned counsel for the parties and perused the materials placed on record.
13. The short question that falls for consideration before this court is as to whether under the present facts and circumstances, the learned Single Judge is justified in granting monetary compensation to the respondent

from the date of death of her husband.

14. We have perused the relevant provisions of NCWA-VI, Clause 9.3.1 of which provides for giving employment to one of the dependents of the employees who have either become permanently disabled or have died while in service. Clause 9.3.2 provides that in case of female dependents, their employment/payment of monetary compensation would be governed by Clause 9.5.0.
15. Clause 9.5.0 provides as follows: -

"9.5.0 Employment/Monetary compensation to female dependant Provision of employment/monetary compensation to female dependants of workmen who die while in service and who are declared medically unfit as per Clause 9.4.0 above would be regulated as under:

(i) In case of death due to mine accident, the female dependent would have the option to either accept the monetary compensation of Rs. 4,000/- per month or employment irrespective of her age.

(ii) In case of death/total permanent disablement due to cause other than mine accident. and medical unfitness under Clause 9.4.0., if the female dependent is below the age of 45 years she will have the option either to accept the monetary compensation of Rs. 3,000/-per month or employment.

In case the female dependent is above 45 years of age she will be entitled only to monetary compensation and not to employment.

(iii) In case of death either in mine accident or for other reasons or medical unfitness under Clause 9.4.0, if no employment has been offered and the male dependent of the concerned worker is 12 years and above in age, he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of 18 years. During the period the male dependent is on live roster, the female dependent will be paid monetary compensation as per rates at paras (i) & (ii)

above. This will be effective from 1.1.2000.

(iv) Monetary compensation wherever applicable, would be paid till the female dependent attains the age of 60 years.

(v) The existing rate of monetary compensation will continue. The matter will be further discussed in the Standardisation Committee and finalised.

Note: In case of TISCO, the matter would be settled at bipartite level.”

16. Thus, Clause 9.5.0 clearly provides that in case of death/permanent disablement of an employee due to mine accident, the female dependent of any age has two options; either to seek compassionate appointment or to accept monetary compensation of Rs. 4,000/- per month. In case of death/permanent disablement of an employee due to the cause other than mine accident, a female dependent below the age of 45 years has two options; either to claim for compassionate appointment or for monetary compensation of Rs. 3000/- per month. However, if the female dependent is above the 45 years of age, she has only one option i.e to claim for monetary compensation and not for employment. It is further provided that the monetary compensation wherever applicable, is to be paid to the female dependent till she attains the age of 60 years.
17. The learned counsels for the parties in support of their respective contentions have referred few judgments rendered by the Hon'ble Supreme Court as well as this Court.
18. We have perused the judgment of Division Bench of this court rendered in the case of ***Central Coalfields Limited Vs. Hira Devi*** reported in ***2013 SCC OnLine Jhar 5***. In the said case, the age of the widow of the deceased employee was above 45 years and she had filed application for compassionate appointment. Subsequently, she was

advised to file application for monetary benefit, however instead of filing the application for monetary benefit, she filed writ petition which was disposed of observing that the widow of the deceased employee was entitled for monetary benefit from the date of his death. The appeal filed by the Central Coalfields Limited against the order of the writ court was decided by Division Bench of this Court observing as under:-

"4. We considered the submission of learned counsel for the appellant and perused the reasons given in the judgment dated 17th October, 2011 as well as the scheme. It appears from the totality of the scheme that a dependent and particularly a female dependent of the deceased employee is entitled to two benefits, which are in alternate; one of compassionate appointment and another of monetary benefit. It appears that petitioner widow of the employee was under impression that she can get the compassionate appointment which appears to be more beneficial to the petitioner, she applied for compassionate appointment and she pursued her remedy for compassionate appointment, even by filing the writ petition in the year 2010. Therefore, the petitioner, if under a wrong impression has committed one wrong, it cannot be said that she was not willing to take the alternate remedy, which is lesser beneficial to the petitioner. Therefore, in the facts of the case, we are of the view that if the learned Single Judge has allowed the relief to the petitioner for monetary benefit under the scheme, it may be due to the reason of only conversion of the application of seeking compassionate appointment to an application for monetary benefit.

5. In view of above reasons, we are of the considered opinion that there is no reason for interference in the impugned judgment. However, the petitioner shall be given all monetary benefit from the date of application submitted for compassionate appointment.

With this modification, this L.P.A is disposed of."

19. We have also perused the judgment of Division Bench of this court rendered in the case of ***Gangia Devi Vs. M/s Bharat Coking Coal Ltd. & Others*** reported in ***2020 SCC OnLine Jhar 1133***. In the said case, initially the application for compassionate appointment was made by the son of the deceased employee within six months from the date of death of his father, however the said application was rejected. Thereafter, the widow of the deceased employee filed an application for monetary compensation which was kept pending by the authority. The widow of the deceased, thereafter, filed writ petition which was disposed by the Single Bench holding that she was entitled for monetary compensation from the date of filing of the application for the same. In appeal, Co-ordinate Bench of this court, looking to the relevant provisions of NCWA-V held that since payment of the monetary compensation was to be made on account of death of the concerned employee, the cause of action for disbursement of monetary compensation had to be from the date of his death. In that view of the matter, the widow of the concerned employee was entitled to be paid monetary compensation from the date of his death and not from the date of submitting the application for getting the same.
20. We have also perused the judgment of Division Bench of this court rendered in the case ***Putul Devi Vs. M/s Bharat Coking Coal Limited & Others*** reported in ***2011 SCC OnLine Jhar 1156***. In the said case, the widowed daughter-in-law of the deceased employee had filed a writ petition seeking compassionate appointment, however the said writ petition was dismissed with an observation that she was not entitled for compassionate appointment but her case for monetary

compensation was required to be considered in the light of **NCWA-V**. Thereafter, the authority rejected the claim of the widowed daughter-in-law on the ground that she was not the wife of the deceased employee. She again filed a writ petition which was dismissed observing that she had failed to show any provision under which the widowed daughter-in-law could get the monetary compensation.

21. The appeal against the order of the writ court was allowed with the following observations: -

"5. A bare perusal of the Clause 9.3.2 clearly shows that the female dependents are entitled to their employment/payment of monetary compensation as provided in para 9.5.0. female dependents have been defined in Clause 9.3.3 and in this Clause the widowed daughter-in-law has been included specifically. For monetary compensation, under Clause 9.5.0, which is provision for such benefit to female dependents, there is no other definition and there appears to be no reason for ignoring widowed daughter-in-law, which has been specifically mentioned in Clause 9.3.3 and, therefore, the respondents proceeded under wrong assumption that only the widow of the employee is entitled to such benefit and before learned Single Judge, relevant Clauses have not been placed, therefore, the learned Single Judge in concurrence to the finding recorded by the respondent authority rejected the claim of the writ petitioner only on the ground that appellant-writ petitioner is not the widow of the deceased-employee.

6. The delay in payment of monetary compensation to the appellant-writ petitioner is not due to the fault of the appellant-writ petitioner and even the appellant-writ petitioner has submitted her representation for claim of monetary compensation in the year 1996. The respondent-employer shall pay all the monetary benefits to the appellant-writ petitioner from the date of death of the deceased-employee. However, in view of the long passing of time, the

monetary compensation shall be paid without any interest and the respondent-employer shall continue to pay the benefit up-to the period as prescribed in the above provisions."

22. We have perused the judgment of the Hon'ble Supreme Court rendered in the case of ***M/s Eastern Coal Fields Ltd. & Others Vs. Dukhni Bhuiya (Civil Appeal No. 6730 of 2023)***. In the said case, an employee of the Eastern Coal Fields Ltd. had died in harness on 14.09.1999 and the application for monetary compensation was filed by the widow of the deceased employee in the year 2020. The Hon'ble Supreme Court granted interim order dated 14.10.2022 directing the ECL to pay the due amount under Clause 9.5.0 (i) of the NCWA as amended up to date for the period commencing from three years prior to the date of filing of the writ petition in the High Court till the date of payment. Finally, Their Lordships disposed of the said appeal vide order dated 13.10.2023 observing that in the peculiar facts of the case where the respondent waited for almost 21 years before approaching the Court by filing the writ petition seeking monetary compensation from the appellant, the amount as directed to be paid by the interim order dated 14.10.2022 was adequate to meet the ends of justice.
23. On conjoint consideration of the provisions of NCWA-VI as well as the judgments cited by the learned counsels for the parties it is held that when an application for compassionate appointment is made by a female dependent within the prescribed period for filing of the same and the said application is rejected, such female dependent will be entitled to get monetary compensation from the date of death of the employee. However, when the application for compassionate appointment is made by a female dependent after the stipulated period

of six months but not after inordinate delay and her claim for compassionate appointment is rejected, then she will be entitled to get monetary compensation from the date of her application submitted for compassionate appointment.

24. In the case in hand, admittedly the respondent was below 45 years of age at the time of death of her husband and as such she had two options i.e., either to apply for compassionate appointment or to seek monetary compensation. The respondent had chosen to claim for compassionate appointment which was rejected by the Dy. Chief Personnel Manager, Dhoru Area, CCL, Bokaro vide order dated 26/27.03.2002 on the ground that the same was not filed within the prescribed period of six months from the date of death of her husband. At the time of rejection of the representation of the respondent, the appellants did not offer her monetary compensation. We are of the view that since the claim of the respondent for appointment on compassionate ground was rejected on the ground of delay in submitting such application, she was entitled to be paid the monetary compensation and as a model employer, the appellants should have offered monetary compensation to her, however, they failed to do so. The respondent having filed the application belatedly was neither granted compassionate appointment nor any monetary compensation to which she was entitled in terms of the provisions of NCWA-VI.
25. Thus, as per the entire scheme of the NCWA-VI, we are of the view that the respondent cannot be given benefit for the delay on her part in making the application for compassionate appointment and at the same time the appellants also cannot be allowed to take benefit for their own

latches in not offering the monetary compensation to the respondent while rejecting her claim for compassionate appointment.

26. For the reasons as discussed hereinabove, the respondent is entitled to be paid the monetary compensation from the date she had filed application seeking compassionate appointment i.e., with effect from 15.10.1998.
27. The impugned order dated 10.06.2024 passed in W.P.(S) No. 6215 of 2015 is modified to the extent that the appellants shall be liable to pay the monetary compensation to the respondent from 15.10.1998 i.e., the date when she had submitted the application seeking compassionate appointment.
28. The present appeal is, accordingly, disposed of with the aforesaid direction and observation.
29. Pending interlocutory application, if any, also stands disposed of.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

10.10.2025

Vikas/ **A.F.R.**