



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20428 of 2025

General Manager (HR), Steel ... Petitioners
Authority of India Ltd. and
others

Mr. H.M. Dhal, Advocate

-versus-

Ashok Kumar Giri and another Opp. Parties

CORAM:

HON'BLE MR. JUSTICE S.K. SAHOO
HON'BLE MR. JUSTICE S. S. MISHRA

ORDER

08.09.2025

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioners for setting aside the order dated 01.05.2025 passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack (in short, 'Tribunal') in O.A. No.154 of 2023.

The opposite party no.1- Ashok Kumar Giri being the applicant filed the aforesaid Original application before the learned Tribunal seeking for the following reliefs:

"(a) The impugned order dtd. 09.02.2023 under Annexure A/1 may kindly be quashed.

(b) The respondents may be directed to give employment to the applicant in Bolani Ore Mines on compassionate ground as per the circular vide RMD/K/PERS/F-14/2010/1452 dtd. 26.08.2010



under Annexure A/9.

(c) The action of the Respondents rejecting the case of the applicant vide Annexure A/1 by misinterpreting the order of this Honble Tribunal dtd. 13.01.2023 may be held as illegal, arbitrary and nullity.

(d) Any other appropriate order may kindly be passed which would be deemed fit and proper in the facts and circumstances of the case."

It is the case of the opposite party no.1 that his father, who was working in the Raw Material Division (RMD), Bolani Coal Mines of the petitioners' organization, died on 07.11.2010 due to PSVT (Cardiac arrest). The mother of opposite party no.1 submitted an application on 05.01.2011 to appoint the opposite party no.1 under rehabilitation assistance scheme as per the circular dated 26.08.2010. Since no response was received from the petitioners, the mother of the opposite party no.1 filed another application on 28.02.2011 enclosing all the documents and also a reminder was sent on 15.04.2013. Since all these letters yielded no result, opposite party no.1 approached this Court in O.J.C. No. 15028 of 2013, which was transferred to the learned Tribunal being renumbered as T.A. No. 1 of 2020 with a prayer for a direction to the opposite parties to appoint him under the rehabilitation assistance scheme.

On issuance of notice, the petitioners, as respondents in the said T.A., filed their counter affidavit, wherein it is stated that the father of opposite party no.1 died on



07.11.2010 and at the relevant period, the circular dated 26.08.2010 was in vogue for providing employment on compassionate ground in certain category of cases of death arising out of specific diseases w.e.f. 01.01.2010 to 31.12.2010 for the employees of RMD. But unfortunately the father of the opposite party no.1 was suffering from the Hollow Viscus Perforation (HVP) and the death due to the said disease was not included in the category of ailments mentioned in the said scheme and accordingly, it was prayed for dismissal of the O.A.

It seems that the opposite party no.1 filed rejoinder affidavit enclosing certain documents including copy of the legal heir certificate and in the rejoinder, stand was taken that the father of opposite party no.1 was treated in S.C.B. Medical College and Hospital, Cuttack and also the department of the petitioners opined that the father of opposite party no.1 had died due to suffering from cardiac problem and kidney diseases.

Additional rejoinder affidavit was also filed by the petitioners reiterating that the death of the father of opposite party no.1 does not come under the scheme for which the opposite party no.1 is not eligible to get appointment under rehabilitation scheme. However, it is stated that PF amounting to Rs.7,45,115/- and Gratuity amounting to Rs.3,17,700/- have been paid to the nominee of the father of opposite party no.1 and the family of opposite party no.1 did not opt for the benefit under the Employees Family Benefit Scheme wherein the last salary upto actual date of superannuation would have been paid



to them.

Learned Tribunal took into account the stand taken by the petitioners that the cause of death of the deceased employee being not one mentioned in the list i.e. Failure of Kidney, Heart Stroke or Cancer, the opposite party no.1 is not eligible for grant of compassionate appointment. Considering the pleadings and on hearing the learned counsel for both the parties, the learned Tribunal has been pleased to hold as follows:

"14. Admitted fact of the matter is that the deceased employee i.e. father of the applicant died on 07.11.2010 and at the relevant period circular dated 26.08.2010 (Annexure A/3) was in vogue for providing employment on compassionate ground in certain category of cases of death arising out of specific diseases w.e.f. 01.01.2010 to 31.12.2010 for the employees of RMD. It is seen from Annexure A/5 series that on 01.11.2010, the deceased employee was referred to SCB Medical College by the company doctor. In Annexure A/2 (the treatment letter issued by SCB) it is specifically mentioned that the deceased employee was suffering from Hollow Viscus Peforation and after investigation it is seen that he was suffering from Cardiac Problem (PSVT) and Kidney disease for which emergency surgery could not be done and died on 7.11 due to PSVT (Cardiac Arrest). Now coming to the circular dated 26.08.2010 (Annexure A/3) wherein at clause 2.0 (ii) under ELIGIBILITY heading it is mentioned that "an employee diagnosed to be suffering from any of the following ailments by the Company's Doctor evidenced by the Company's Medical records and availing of treatment on that account in the Company's Hospital or referral hospital and dying while under such treatment will be covered under this scheme; (a) Failure of Kidneys, (b) Heart Stroke (c) cancer. The report of SCB Medical



College at Annexure A/2 clearly states that the applicant was suffering from Cardiac Problem (PSVT) and Kidney Disease. It is also ascertained from Annexure A/5 series that the deceased employee was suffering from the disease but was not ascertained in the Company's Hospital and when his case started deteriorating he was referred to SCB Medical College by Company's Doctor. Even though death of the deceased employee has not been categorically mentioned of dying from "Heart Stroke" or "Failure of Kidneys" but it is amply clear that the deceased employee was suffering and undergoing treatment both for Heart & Kidney. Though this Tribunal is not expert in medico linguistics/terminologies but it is also a common fact that many cardiac arrests in adults happen because of a heart attack. This is because a person who is having a heart attack may develop a dangerous heart rhythm, which can cause cardiac arrest. Cardiac Arrest in other words also means the patient died because of stopping of heart. Just because the exact terminology of Heart Attack wasn't mentioned in the death certificate, it does not mean that the right of the family members of the deceased employee gets washed away. Therefore, in our opinion when the deceased employee was suffering and undergoing treatment both for heart and Kidney and his death resulted from that it satisfies the eligibility condition as per the scheme and the respondents should not have gone into hyper technicalities of terminology while dealing with the case of applicant. The citations relied on by the respondents are not applicable to the peculiar facts and circumstances of the case where this Tribunal finds that the respondents have acted illegally and without due application of mind for non considering the case of the applicant for a long period of time.

15. Accordingly in view of the above discussion, it is directed to the respondents to consider the case of the applicant for grant of compassionate



appointment and pass a speaking and reasoned order to be communicated to the applicant within one month from receipt of copy of this order.”

It appears that after the said order was passed by the learned Tribunal on 13.01.2023 in T.A. No.1 of 2020, the petitioners constituted an Expert Committee comprising of three doctors of the Company’s hospital at Bolani and they gave a report on 08.02.2023 that the deceased employee did not die due to any of the diseases such as Failure of Kidneys, Heart Stroke or Cancer. Taking into the said Committee report, the petitioners came to hold that since the deceased employee did not die due to any of the diseases as stipulated in the scheme for compassionate appointment, the claim of the applicant was rejected.

Aggrieved by the said rejection order dated 09.02.2023, the opposite party no.1 filed O.A. No.154 of 2023, inter alia, with the prayer as mentioned in the first paragraph of this order.

The learned Tribunal after hearing the learned counsel for both the parties and the stand taken by the petitioners came to hold as follows:

“5. This Tribunal in its order dated 13.01.2023 in TA No. 01 of 2020 at para 14 taking into account the treatment letter issued by SCB i.e. Annexure A/2 (in TA NO. 01/2020) wherein it is specifically mentioned that the deceased employee was suffering from Hollow Viscus Perforation and after investigation it is seen that he was suffering from Cardiac Problem (PSVT) and Kidney disease for which emergency surgery could not be done and died on 07.11 due to PSVT (Cardiac Arrest). In the said para 14 of the order dated 13.01.2023, it was also stated as how Cardiac Arrest also is another term for Heart



Attack. In para 15 of the said order, this Tribunal had directed the respondents to consider the case of the applicant for grant of compassionate appointment. Nowhere in the said order, this Tribunal had directed the respondents to constitute a committee. When an Medical College like SCB Medical College, Cuttack (one of the foremost medical colleges in India) gave the cause of death to be Cardiac Arrest, it is surprising that doctors from Company Hospital of respondents sit on that report to analyze it and then go on to find a conclusion that death was not due to heart attack. This Tribunal had clearly directed in TA No. 01/2020 to not to go into the hyper technicalities of medical terminology for rejecting the case of the applicant but the respondents still did the same. The further contention of the respondents that 13 years have passed and there are no indigent conditions does not hold ground since there was no delay on the part of the applicant in approaching them for grant of compassionate appointment.

6. Normally in the case of compassionate appointment, this Tribunal remits back the matter for consideration, but in view of the discussion made above, as an exception, this Tribunal while quashing the impugned order dated 09.02.2023 being bad in law, illegal, arbitrary and non application of mind, direct the respondents to grant appointment to the applicant under compassionate appointment scheme dated 26.08.2010 and pass consequential order to that effect within a period of 60 days from date of receipt of copy of this order.

Mr. H.M. Dhal, learned counsel appearing for the petitioners submitted that the impugned order dated 13.01.2023 passed by the learned Tribunal directing the petitioners to consider the case of the opposite party no.1 for grant of compassionate appointment is not a speaking



and reasoned order and as there was no prohibition for constituting the Expert Committee, the petitioners constituted the Committee and it examined the material documents and came to hold as follows:

"In view of the observations made above by the expert committee to the effect that the deceased employee has not died due to any of the diseases such as failure of Kidneys, Heart Stroke or Cancer as stipulated in the Scheme for Compassionate Appointment vide Circular dt.26.08.2010, the claim of the applicant for employment on compassionate ground is not coming under the purview of the Circular and extant guideline/rules of the Company."

The learned Tribunal has been pleased to hold that when the doctors of a premier hospital of the State like the S.C.B. Medical College and Hospital, Cuttack have given the cause of death of the father of the opposite party no.1 to be "Cardiac Arrest", it was not proper on the part of the petitioners' Company to constitute a team of doctors and to give a report negating the report of the doctors of the S.C.B. Medical College and Hospital just to deny the relief as sought for by the opposite party no.1 and to take him out of the scheme.

After going through the findings of the learned Tribunal, we find that the learned Tribunal has rightly taken into account the earlier order dated 13.01.2023 passed by it in T.A. No.1 of 2020, the report of the S.C.B. Medical College and Hospital and rightly did not place any reliance on the contrary report furnished by the Expert Committee of the petitioners' Company and thus, we hold



that the order dated 09.02.2023 passed by the petitioners is illegal, arbitrary and the same suffers from non-application of mind. Accordingly, the same is set aside. The direction of the learned Tribunal to the petitioners to give appointment to opposite party no.1 under the compassionate appointment scheme as per the circular dated 26.08.2010 suffers from no illegality or perversity.

Accordingly, the writ petition being devoid of merits, stands dismissed.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

PKSahoo