

ITEM NO.5

Virtual Court 4

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.8963/2020

(Arising out of impugned final judgment and order dated 26-09-2019 in APOT No. 78/2019 passed by the High Court at Calcutta)

BHARAT COKING COAL LIMITED & ORS.

Petitioner(s)

VERSUS

RUDA DEVI & ORS.

Respondent(s)

(With appln.(s) for seeking amendment in SLP, permission to file amended SLP, exemption from filing c/c of the impugned judgment, c/delay in refiling and permission to raise additional question of law)

Date : 17-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Vikramjeet Banerjee, ASG  
Mr. Neeraj Kumar Gupta, AOR  
Ms. Shruti Agarwal, Adv.  
Mr. Ranjit Kumar Singh, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1 Application seeking amendment in the Special Leave Petition is allowed and permission to file an amended copy of the Special Leave Petition is granted.

- 2 The facts of the present case, as indicated in the judgment of the learned Single Judge of the High Court, are that the the police on investigation found that the deceased employee (whose legal heirs are the respondents) had been abducted and murdered. FIR No 21/2019 was lodged on 3 July 1999. The dead body was not found. The Superintendent of Police, Purulia, by a letter dated 28 October 1999 informed the General Manager of Bharat Coking Coal Limited that the principal accused and his associates were absconding and evading arrest. In the course of the investigation, the apparel worn by the deceased employee was seized. The police opined that the dead body may have been concealed in the riverbed of the Damodar river. It was in these circumstances that the learned Single Judge applied the presumption that arises under the provisions of Section 108 of the Evidence Act 1872. Finding that the case for compassionate appointment was within the purview of Clause 9.4.2 of the National Coal Wage Agreement III, the Single judge granted relief.
- 3 There was a delay of six years in filing a Letters Patent Appeal against the judgment of the Single Judge by which the petitioners were directed to grant compassionate appointment. On the facts of the case, as they have emerged before this Court, we are of the view that the directions of the learned Single Judge were eminently fair and consistent with law.
- 4 We see no reason to entertain the Special Leave Petition which is accordingly dismissed. However, since the family of the deceased has been made to run from pillar to post for twenty years after his death, we are of the view that

an order for payment of costs to the respondent would be warranted. We accordingly direct that the petitioner shall comply with the order of the learned Single Judge, within a period of one month from today. The petitioner shall also pay costs quantified at Rs 2 lakhs to the widow of the deceased.

- 5 A report of compliance shall be filed within a period of six weeks from today before the Registrar (Judicial) of this Court, failing which the proceedings shall be listed for further directions before the Court.
- 6 The Special Leave Petition is accordingly dismissed.
- 7 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)  
AR-cum-PS

(SAROJ KUMARI GAUR)  
BRANCH OFFICER