

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, JABALPUR

NO. CGIT/LC/R/04/2014

Present: P.K.Srivastava

H.J.S..(Retd)

**Zonal Mahamantri,
C-Mewa Zonal,
Western Coal Field Limited,
PO, Distt. Palachorai,
Chhindwara (M.P.)**

Workman

Versues

**Chief General Manager,
Western Coalfields Limited,
Tansi Khan, Kanhan Region,
PO Dungaria, Distt. Chhindwara (M.P.)**

Management

(JUDGMENT)

(Passed on this 23rd day of December - 2025)

As per letter dated 09.12.2013 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-22012/165/2013 (IR(CM-II))** dt. 09.12.2013. The dispute under reference relates to:

“क्या श्री कलीराम पुत्र स्वर्गीय कामगार श्री कल्लू पिता स्वर्गीय माखन को सीजीएम, वेस्ट कोलफील्ड लिमिटेड तानसी कन्हान क्षेत्र पो डुंगरिया जिला छिन्दवाडा द्वारा अनुकंपा नियुक्ति न दिया जाना न्यायोचित है? यदि नहीं तो श्री कलीराम क्या अनुतोष पाने का अधिकारी है?”

The facts of the case are almost undisputed. Undisputedly, Kallu was an employee of the Western Coal Field Limited, who died while in service on 07.12.2004. The Applicant Kaliram, who claims him to be the son of Deceased Kallu from his first wife, requested for his appointment on compassionate grounds being the Dependant Son of Deceased Kallu and filed his application on 20.12.2005 with the Management and a reminder on 23.07.2007. His this

application was not granted. He raised a dispute which has been referred to this Tribunal.

The Management had defended its action with a case that, in fact Deceased Kallu had two wives. His first wife was Smt. Shanti Bai and Kaliram is his son from his first wife. His another wife is Smt. Sushila Bai and Rajesh is son of the Deceased Employee Kallu from his second wife Sushila Bai. Both Kaliram and Rajesh, who are sons of the Deceased Employee Kallu from his two wives, have placed their claim for compassionate appointment as a dependant son of their deceased father Kallu. But both cannot be granted compassionate appointment. Hence, till the dispute is resolved, the process has been put on hold.

The Rajesh appeared in this case also as an intervener. The matter was sent by this Tribunal to Mediation Centre of Hon'ble High Court of M.P. as it involved dispute between the sons of the deceased employee and there were chances for conciliation, but Mediation failed.

Affidavits and documents have been filed from all the sides, to be referred to as and when require.

I have heard argument of Learned Counsel for the Applicant Kaliram Mr. Mukesh Mishra and Mr. Neeraj Kewat Learned Counsel for Management. The intervener Rajesh did not appear. I have gone through the records as well.

From records, it is established that the two claimants Kaliram, the Applicant and the Rajesh are sons of the deceased employee Kallu from his two wives. Kaliram is his son from first wife whereas Rajesh is his son from his second wife.

Undisputedly, the Deceased Employee was Hindu, hence Hindu Marriage Act, 1956 shall apply in his case.

It is established that even if the Marriage of the deceased employee Kallu with his second wife when his marriage with his first wife was not dissolved be considered void, the son from his second marriage will be entitled to inheritance with the son from his first wife.

It would have been better that the parties would have settled this dispute within the family. One side of dependants would have agreed for post death benefits and other side for compassionate appointment. That would have been the best solution which could not be reached on in this case.

Since, Applicant Kaliram has been sponsored by the legally wedded wife of the deceased employee as his dependant son for the purpose of compassionate appointment; he has a superior claim as compared to the intervener, Rajesh, who is son of the deceased employee from his second wife. Hence, on the basis of this discussion and findings, the reference is answered as follows.

AWARD

The applicant Kaliram is held entitled to be considered by the Management of WCL for compassionate appointment being son of deceased employee Kallu. If, his claim is found otherwise not fit to be entertained, the Management may consider claim of Rajesh for his appointment on compassionate ground being dependant son of deceased Kallu.

The reference stands answered accordingly.

No order as to cost.

DATE:- 23/12/2025

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**

