

**CENTRAL INFORMATION COMMISSION**

August Kranti Bhawan, Bhikaji Cama Place,  
New Delhi-110066

**F. No. CIC/YA/A/2016/002293**

**Date of Hearing** : 09.10.2017  
**Date of Decision** : 09.10.2017  
**Appellant/Complainant** : Mathur Bauri  
**Respondent** : PIO /Bharat Coking Coal

**Through:-**

Shri Nagendra Yadav, PIO/  
PUtkibahiihari

Shri Manohar Paswan for Appellant

: **Shri Yashovardhan Azad**

**Information Commissioner**

**Relevant facts emerging from appeal:**

RTI application filed on : 7/9.09.2015  
PIO replied on : -  
First Appeal filed on : 17.11.2015  
First Appellate Order on :  
2<sup>nd</sup> Appeal/complaint received on :

**Information sought and background of the case:**

The father of appellant, as stated by him, late Baru Bauri, a permanent employee as Miner Loader, in BCCL, Bhagabandh Colliery was illegally dismissed by the Management of Bhagabandh Colliery. CGIT-cum Labour Court, Dhanbad No. 2 case No.110/2004 given decision in favour of his father that the dismissal was illegal and unjustified and also ordered to provide all the financial benefits to the appellant as a legal heirs and successors of his deceased father. The appellant vide RTI application sought the following :

1. *On when and which grounds retiral benefits is being provided to the employee or his successor by the M/s BCCL Management*
2. *That if any person died during his trial of the case against illegal dismissal and the court ordered in favour of the petitioner then what*

*types of benefits provided by Department to the dependent/heirs or the deceased petitioner*

3. *Whether department of M/s BCCL has provided employment to any one for the same cases or not*
4. *Is any one provided employment on compassionate ground*
5. *Name of person responsible for illegal dismissal of late Baru Bauri and action taken against him*

Having not received information from the public authority, the appellant filed an appeal. The FAA vide order dated 22.03.2016 directed the Project Officer, Bhagaband Colliery to furnish the information.

Feeling aggrieved over non compliance of FAO, the appellant approached the Commission.

### **Relevant facts emerging during hearing:**

Both the parties are present and heard. The appellant states that his father was in employment of BCL. His father was implicated in a false case resulting in his dismissal from service during the year 2010. He states that besides the order of dismissal was challenged in the court, whereupon in the year 2012, the court found the order of dismissal of his father to be illegal and quashed the same. In this backdrop he states that the retiral benefits of his deceased father are yet to be settled and despite numerous representations compassionate appointment is not provided. Upon a query from the Commission, the PIO states that had the father of appellant continued in service, he would have ordinarily superannuated in December, 2017. The PIO states that information was furnished to the appellant in compliance of the FAO.

### **Decision:**

After hearing parties and perusal of record, the Commission finds the first appellate order perfunctory. The FAA being in a much superior administrative position ought to have considered the grievance of appellant sympathetically with due application of mind. The Commission is given to understand that the representation with respect to the compassionate appointment in lieu of the deceased is under consideration. The PIO is directed to furnish information as sought under the RTI application as well as a status report with respect to the claim of appellant for compassionate appointment, The

order shall be complied within 2 weeks of receipt of this order under intimation to the Commission.

The appeal is allowed in the aforesaid terms.

**(Yashovardhan Azad)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(R.P.Grover)**  
**Designated Officer**

Copy to:-

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