

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) No. 2089 OF 2013

Smt. Ganga Bai, W/o Late Shri Kamleshwar alias Kameshwar, aged about 46 years, R/o Village & P.O. Davna, P.S. Bhatgaon, Tehsil- Bhaiyathan, Revenue District- Surajpur, Civil District- Sarguja (C.G.)

... Petitioner

Versus

1. South Eastern Coalfields Limited, through Chief Managing Director, (S.E.C.L. Head Office), Seepat Road, Bilaspur, Post & P.S. Sarkanda, Tehsil- Bilaspur, Revenue & Civil District- Bilaspur (C.G.)
2. South Eastern Coalfields Limited, through Chief General Manager (Chirmiri Area), Post- Chirimiri, P.S. & Tehsil- Chirimiri, Revenue & Civil District- Koriya (C.G.)
3. Senior Personnel Officer, Kurasiya Colliery, Post- Kurasia Colliery, P.S. & Tehsil- Chirimiri, Revenue & Civil District- Koriya (C.G.)
4. Sub-Area Manager, (Kurasiya Colliery), Post- Kurasiya Colliery, P.S. & Tehsil- Chirimiri, Revenue & Civil District- Koriya (C.G.)

... Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate.
For Respondents	:	Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/12/2015

1. Grievance of the Petitioner in the present writ petition is that the husband of the Petitioner had died while working with the Respondents on 20.11.1989, however the Respondents have neither granted dependent employment to the Petitioner nor is she granted pensionary benefits.
2. At this juncture, Counsel appearing for the Respondents submits that so far as grant of compassionate appointment is concerned this Court had already while issuing notices to the Respondents refused to entertain the said claim and had restricted the claim of the Petitioner only in respect of her claim for pension and pensionary benefits. Therefore, the claim of the Petitioner for grant of compassionate appointment having already stood refused by this Court while issuing notices on 18.7.2013 and which is not disputed by the Counsel for the Petitioner as well, the issue to be

considered is as to whether the Petitioner is entitled for pension and pensionary benefits.

3. So far as the claim for grant of pension and pensionary benefits is concerned, according to the Respondents subsequent to the death of the deceased employee the Petitioner has been granted all monetary benefits payable under the Payment of Gratuity Act as well as the other monetary dues payable under the Coal Mines Provident Fund what was in the credit of the deceased employee etc. As far as the pension is concerned, according to the Counsel for the Respondents on the date of death of the deceased employee, i.e., 20.11.1989, the Pension Act itself had not come into force nor the pensionary scheme was in vogue and that the Pension Act and provision for grant of pension came much after the death of the deceased employee, therefore, the case of the Petitioner cannot be considered for grant of pension and pensionary benefits.

4. Counsel for the Petitioner fairly admits that so far as the payment of gratuity and provident fund and other monetary dues are concerned, the Petitioner has received the same.

5. In view of the fact that the pensionary scheme itself was not in vogue on the date of the death of the deceased employee, the claim of the Petitioner for grant of pensionary benefits does not sustain and the same is accordingly rejected.

6. Accordingly, the writ petition being devoid of merits is dismissed.

Sd/-
(P. Sam Koshy)
Judge