

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 139 OF 2016

1. South Eastern Coalfields Ltd., through Chairman-cum-Managing Director, South Eastern Coalfields Ltd., Seepat Road, Bilaspur.
2. General Manager, Sohagpur Area, Post Dhanpuri, Dhanpuri Colliery, District Shahdol (M.P.)
3. Sub Area Manager, Nawagaon Mines, Post Dhanpuri, Dhanpuri Colliery, District Shahdol (M.P.)

... Appellants

Versus

Ku. Noor Jahan, aged 21 years, D/o Late Bilal Mansuri, R/o Village Khairaha, P.S. Burhar, District Shahdol (M.P.)

... Respondent

For Appellants	:	Mr. H.B. Agrawal, Senior Advocate, along with Mr. Rahul Mishra, Advocate.
For Respondent	:	Mr. Neeraj Pradhan, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

20/04/2016

1. The present appeal arises from order dated 1.12.2015 directing the Appellants to pay monetary compensation with effect from 28.6.2006 to the Respondent within time indicated leaving the question of interest open.
2. Learned Senior Counsel for the Appellants submits that the offer to make payment to the Respondent as the legal heir of the deceased employee under the National Coal Wage Agreement-VI, dated 10.7.2003, was made in 2005. It was declined insisting on employment in lieu thereof. On 18/23-7-2005, the Appellants declined to provide employment for reasons specified. The Respondent then requested for monetary compensation on 28.6.2006 as offered by the Appellants earlier in 2005 but which has been refused on 14.3.2007. The payment

should therefore be directed prospectively from the date of filing of the writ petition only.

3. Learned Counsel for the Respondent has supported the impugned order urging that Clause 9.5.0 (II) of the National Coal Wage Agreement-VI was a beneficial provision and which has to be interpreted progressively and liberally.

4. We have considered the submissions on behalf of the parties.

5. The Appellant being a Government undertaking falling within the definition of 'State' under Article 12 cannot be permitted to approbate and reprobate. Its conduct reflects that it is trying to blow hot and cold simultaneously. Having offered to make payment as per the agreement as far back as in 2005, it cannot be permitted to renege from the same.

6. The order under appeal calls for no interference. The appeal is dismissed.

7. At the request of the Appellants, the time for compliance is extended by 45 days from today.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge