

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6076 of 2010

1. Dilkunwar W/o Late Gobri, Aged about 55 years, Caste – Dhobi, Occupation – housewife, R/o. Village – Dugga, Bhatgaon, Tah – Surajpur, Distt – Surguja (CG)
2. Shivlal S/o Late Shyamlal, R/o Patna, Tahsil Baikunthpur, Distt. Korea (Cg)

---- Petitioners

Versus

1. South Eastern Coal Field Ltd. Through the Chairman cum Managing Director, Head Office – Seepat Road, Basant Vihar, Bilaspur (CG)
2. Cheif General Manager SECL Vishrampur, Distt. Surguja (Cg)
3. Area Personnel Manager Bhatgaon Area SECL Post Bhatgaon, Distt. Surguja (Cg)
4. Personnel Manager, SECL Bhatgaon, Area, Tahsil Surajpur, Distt. Surguja (Cg)
5. Sub Area Manager, SECL, Bhatgaon Area, Post Bhatgaon, Distt. Surguja (Cg)

---- Respondents

Shri Ashok Kumar Shukla, counsel for the petitioner/s.
Shri Vinod Deshmukh, counsel for the respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/09/2016

With the consent of learned counsel for the parties, the matter is heard finally.

The petitioners have assailed order dated 14.07.2010 and 18.07.2010 by which, the claim for appointment on compassionate basis, upon death of husband of petitioner No.1, has been rejected.

2. One Gobri, General Majdoor Category – I died on 11.04.1996 leaving behind his widow. It is stated that the deceased was survived by not only his widow but also a daughter, who was married to petitioner No.2 – Shivlal. After the death of the employee, application was made for grant of compassionate

appointment to respondent No.2 which according to the petitioner was processed and various information, certificates were directed to be submitted, but ultimately, the claim was rejected on 12.02.2003 on the ground that indirect dependent cannot be granted compassionate appointment during the life time of direct dependent.

3. Petitioner No.1 – widow accepted an offer for compassionate appointment with the result that an order was passed on 04.06.2004 awarding monetary compensation as a measure of social security. Aggrieved by the decision of the respondents, the petitioner earlier filed a writ petition registered as W.P. No.4788/2004 which was disposed off vide order dated 30.03.2010. In that case, without expressing any opinion on the merits of the case, it was observed that the respondent authorities may examine the facts and consider the case under the provisions of Clause 9.3.3 and 9.5 of the Memorandum of Agreement dated 19.07.1996 and pass appropriate orders, in accordance with law. Thereafter, impugned communication dated 13/14.07.2010 was made, giving rise to this instant petition.

4. Learned counsel for the petitioner submits that as per provisions contained in Memorandum of Agreement (Annexure P/13), even son-in-law is included as one of the dependent and can be appointed on compassionate basis under the scheme of social security. Initially, when enquiry was made, all official document was submitted but the benefit was wrongly denied.

5. On the other hand, learned counsel for the respondents submits that though initially, an application for grant of compassionate appointment of the son-in-law was made by the widow of deceased employee, later on, when the claim was rejected, respondent No.1 accepted payment of monetary compensation in lieu of compassionate appointment for her son-in-law. Petitioner No.1, thus, having elected for monetary compensation, claim of compassionate appointment is liable to be rejected. Reliance has been placed on order dated 18/01/2016 in *Laxmi Narayan Verma v. South Eastern Coalfields Ltd. and ors.* passed by this Court in WPS No.3819/15.

6. According to petitioners, this claim of compassionate appointment of son-in-law was rejected on 12/02/2003. However, that order was not subjected to challenge. The widow of the deceased employee – petitioner No.1 was thereafter, offered monetary compensation vide letter dated 15/07/2004. This monetary compensation was accepted by petitioner No.1.

7. The earlier writ petition was disposed off with a direction to consider without expressing any opinion on merits of the case. Once the monetary compensation has been received by the dependent widow of the deceased, the claim of compassionate appointment of son-in-law is liable to be rejected in view of the decision of this Court in the case of **Laxmi Narayan Verma (supra)**.

8. In view of above, this petition is liable to be dismissed and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge