

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 128 of 2016**

1. South Eastern Coal Fields Ltd. Through : Chairman- Cum Managing Director, South Easter Coal Fields Ltd. Seepat Road, Bilaspur (Chhattisgarh)
2. Deputy Regional Manager, South Eastern Coal Fields Ltd., N C P C Colliery, Post Haldibadi, District Korea, (Chhattisgarh)
3. Collector, Korea, At Collectorate, Baikunthpur, (Chhattisgarh)

---- Appellants**Versus**

Roopa Singh D/o Late Amar Singh, Aged About 33 Years R/o Village Ratanpur, P.O. Tambdaad, P.S. & Tahsil Khargawan, Distt. Koriya (Chhattisgarh)

-----Respondent

For Appellants:	Shri HB Agrawal, Sr. Advocate along with Shri Rahul Mishra, Advocate.
For Respondent:	None.

Hon'ble The Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Judgment on Board****Per Deepak Gupta, Chief Justice****30/06/2016**

1. This Writ Appeal shows how callously a public sector undertaking i.e. South Eastern Coalfields Limited (for short 'the SECL') has dealt with this litigation.
2. The Respondent herein approached the Writ Court stating that her father died on 1.10.2009 while he was working as an employee under the Appellants. She made an application for grant of dependent employment under the National Coal Wage Agreement (for short 'the NCWA'). The stand

taken by the Appellants before the Learned Single Judge was firstly that the Respondent herein is not entitled for dependent employment and secondly there is delay in filing the Writ Petition and lastly, that the SECL has not taken any final decision as to whether dependent employment should be given to the Respondent herein or not. This last plea itself indicates that a Petition for grant of compassionate employment was pending before the SECL.

3. The learned Single Judge has, vide the impugned order, issued the following directions:-

“10. Be that as it may, case of the petitioner has not been considered by the respondent/SECL in accordance with the provisions contained in NCWA-VIII, therefore, the writ petition is allowed and the memo dated 19.9.2012 (Anexure P/1) issued by the respondent No.2 is hereby quashed. The respondents No.1 and 2 are directed to consider the case of the petitioner for grant of dependant employment in accordance with the provisions contained in NCWA-VIII, which was prevalent at the time of death of her father, on its own merit within forty-five days from the date of receipt of certified copy of this order and to pass appropriate order.

11. Accordingly, the writ petition is allowed to the extent indicated hereinabove. The petitioner will be entitled for cost of Rs.7500/- from the respondents No.1 and 2, which shall be paid by the respondents No.1 and 2 within four weeks.”

All that the Single Judge has directed is that the application filed by the Respondent herein be considered by the SECL in accordance with the provisions of the NCWA-VIII on its own merits within 45 days.

4. We do not understand why this public sector undertaking should have even challenged this order which does not decide the rights of any parties but gives liberty to the public sector undertaking to decide the application which was admittedly pending before it. It appears that instead of complying with the judgment, the Appellants have chosen to challenge this order without

application of mind as to whether there is any merit in this Appeal or not. This amounts to wastage of precious public funds and money.

6. Since this Appeal is a frivolous litigation causing waste of time of the Court, we dismiss the same with exemplary costs of Rs.10,000/-. However, time to decide of the application of the Respondent is extended up to 16.8.2016.

7. A copy of this judgment be sent to the CMD, SECL who shall ensure that such unnecessary litigation is avoided in the future.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE