

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 2678 of 2003**

Ajay Kumar, S/o Late Jagannath, aged about 22 years, R/o West Chirmiri Colliery, Tah- Baikunthpur, Distt – Korea (C.G.)

---- **Petitioner****Versus**

1. M/s South Eastern Coalfields Limited, Through, the Chairman-cum-Managing Director, Seepat Road, Bilaspur (C.G.)
2. Chief General Manager, S.E.C.L., Chirimiri Area, District – Korea (C.G.)
3. Personnel Manager, West Chirmiri Colliery, Distt- Korea (C.G.)

---- **Respondents**

For Petitioner : Mrs. Meena Shastri, Advocate.
For Respondents : Mr. Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/10/2017**

(1) Late Jagannath, son of Budhai, who was working as General Mazdoor in the West Chirmiri Colliery, Tah. Baikunthpur, District Kororia, died in harness on 21.09.1992. At that time, petitioner, who is son of late Jagannath, was minor. He made an application for dependent employment after attaining the age of majority i.e. in the year 1999 -2000. That application has been rejected by letter dated 1/3.3.1999 stating that as per medical report, the petitioner was under 18 years. Thereafter, in the year 2000, the petitioner again applied for the dependent employment, which has also been denied stating that the case of the petitioner is five years old and five years old case cannot be considered, against which instant writ petition has been filed questioning

the same.

(2) Learned counsel for the petitioner would submit that neither petitioner's case has been considered for grant of compassionate appointment nor monetary compensation has been paid to the wife of deceased / mother of the petitioner in terms of National Coal Wage Agreement -V.

(3) Per contra, learned counsel for the respondents would oppose the writ petition.

(4) I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove, and also gone through the record with utmost circumspection.

(5) Be that as it may, the respondent / South Eastern Coalfields Limited is directed to consider the case of the petitioner for dependent employment in accordance with National Coal Wage Agreement-V, and in alternative grant of monetary compensation to the wife of the deceased / mother of the petitioner, in case, the petitioner is not entitled for dependent employment, within a period of three months from the date of receipt of certified copy of this order.

(6) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

