

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2953 of 2017

Indra Kunwar W/o Late Kawal Sai, Aged About 46 Years R/o Village Bhatgaon Eitbhatta, Post Office Bhatgaon, Tahsil And Police Station Bhatgaon, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Bilaspur, Chhattisgarh.
2. Director, Personnel, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Bilaspur, Chhattisgarh.
3. Sub Area Manager, South Eastern Coalfields Limited, Bhatgaon Sub Area, Post Office Bhatgaon Colliery, District Surajpur, Chhattisgarh.
4. Personnel Manager, Bhatgaon Sub Area, South Eastern Coalfields Limited, Bhatgaon Sub Area, Post Office Bhatgaon Colliery, District Surajpur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Chandresh Shrivastava, Advocate
For Respondents	:	Shri Shailendra Shukla, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/11/2017

Heard.

1. The only issue arising for consideration is whether the petitioner is entitled to payment of monetary compensation in lieu of employment.
2. According to learned counsel for the petitioner after the death of petitioner's husband on 23.12.2000, the petitioner submitted an

application on 26th September 2001, but no payment was made to her nor any employment was granted. According to the petitioner, representations were made. When no response was given, this petition was filed.

3. Learned counsel for the respondents would submit that in the records of the respondents, there is no application filed by the petitioner giving any option of payment of monetary compensation or employment. He submits that under the Social Security Scheme, the widow of the employee was required to give an option whether she wants employment or compensation of Rs.3,000/- per moth in lieu thereof. As nothing was submitted, there was no occasion for the respondents to pass any order and for present state of affairs, the petitioner herself is responsible.
4. It appears that there is a dispute as to whether the petitioner had actually submitted the application earlier. The acknowledgment given in Annexure P-3 does not bear any seal and Annexure P-4 does not bear any date. Respondents have denied it. Therefore, there appears to be dispute with regard to whether the petitioner had submitted an option immediately after the death of her husband.
5. However, it appears that even if it is assumed that immediately thereafter, the application was not submitted but it was submitted belatedly, in any case, rule will come to the aid of the petitioner for grant of benefit of monetary compensation to her even if it is accepted that at this stage, compassionate appointment cannot be granted.
6. Learned counsel for the respondents fairly submits that if the petitioner submits documents relating to her identity before the authority, appropriate orders would be passed with regard to grant of monetary compensation to the petitioner.
7. In view of the submissions so made herein-above, I am inclined to dispose off the petition with a direction that if the petitioner submits the identity before the authority within a period of 30 days, the authority shall decide

the matter within another 60 days and within 90 days, appropriate orders shall be passed with regard to payment of monetary benefit to the petitioner from the date she has become entitled under the scheme.

8. The petition is accordingly disposed off with the observation and direction as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge