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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 393 of 2017**

{Arising out of Order dated 13.07.2017 passed in Writ Petition (S) No. 3899 of 2016 by the learned Single Judge}

1. South Eastern Coalfields Limited, through Chairman-cum-Managing Director, South Eastern Coalfields Limited, Bhatgaon Colliery, District Sarguja, Chhattisgarh.
2. Sub Area Manager, South Eastern Coalfields Limited, Bhatgaon Sub Area, PO Bhatgaon Colliery, District Surajpur, Chhattisgarh.
3. Area Personnel Manager, South Eastern Coalfields Limited, Bhatgaon Area, Sub Area PO Bhatgaon Colliery, District Surajpur, Chattisgarh.

---- Appellants

Versus

Nutan Khushbu Singh D/o Late Vinod Singh, Aged about 23 years, R/o Sanjay Nagar, Talapara, PS Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Vivek Chopda, Advocate.
For Respondent	:	Shri Ravindra Sharma, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****09/11/2017**

1. We have heard the learned counsel for the Appellant, which is the South Eastern Coalfields Limited. The appeal is against the judgment of the learned Single Judge whereby it has been held that the dependent sister of the deceased employee is also entitled to employment under the Social Security Scheme of employment when such a claim is extended on the basis of dependency on a worker who died while in service.

2. The wage agreement appears to provide dependency employment to dependent brother and not to the dependent sister. We do not see that there is any specific exclusion of the dependent sister though the dependency employment is extended to the dependent brother. We do not see any rationale to sustain any classification purely on ground of gender as between the sister and brother of the deceased worker. Therefore, if dependency employment is confined to the brother of the deceased employee to the exclusion of the sister, it will amount to hostile discrimination only on the ground of sex. This formidable principle emanating out of Part III of the Constitution lends complete support to the reasons stated by the learned Single Judge in the impugned order dated 13.07.2017. We do not find any illegality or factual infirmity in the impugned decision. This intra-court appeal therefore fails.
3. In the result, the appeal is dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(Sharad Kumar Gupta)
JUDGE