

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 944 of 2017

1. Smt. Chinta Soni W/o Late Gopal Soni Aged About 49 Years R/o Kesla Road Katnaipara, Village & Post- Sitapur, District- Surguja, Chhattisgarh
2. Neeraj Soni S/o Late Gopal Soni Aged About 29 Years R/o Kesla Raod Katnaipara, Village & Post- Sitapur, District- Surguja, Chhattisgarh

---- Petitioners

Versus

1. Coal India Ltd. Through: Its Chairman 10 Netaji Subhash Raod Calcutta (West Bengal)
2. South Eastern Coalfields Limited, Chairman-Cum-Managing Director, Seepat Raod, Bilaspur, District- Bilaspur, Chhattisgarh
3. South Eastern Coalfields Limited, (A Miniratna Company), Through- The Sr. Manager (Mining) Gayatri U/g Mine, Bishrampur Area, Ketka, District- Surguja, Chhattisgarh
4. The Area Personal Manager, Bishrampur Area, Post- Ketka, District- Surguja, Chhattisgarh
5. The Mine Manager, Gayatri U/g S.E.C.L. Bishrampur Area, District- Surguja, Chhattisgarh
6. Smt. Sujanti R/o Bhaiyathan Raod Mandirpara, Surguja, Tahsil Thana & District- Surguja, Chhattisgarh
7. Praveen Soni R/o Bhaiyathan Raod Mandirpara, Surguja, Tahsil Thana & District- Surguja, Chhattisgarh
8. Naveen Soni R/o Bhaiyathan Raod Mandirpara, Surguja, Tahsil Thana & District- Surguja, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Somkant Verma, Advocate
For Respondents No. 1 to 5	:	Shri Vinod Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

27.02.2017

1. The grievance of the petitioners through this writ petition is that the husband of Petitioner No.1 and father of Petitioner No.2 was an

employee of the respondents-SECL, who died in harness on 16.07.2015 and after his death, the petitioners have moved an application for grant of dependent employment and other benefits that would fall on the death of the deceased but, the respondents-SECL issued memo dated 13.10.2015 (Annexure P/4) whereby it was directed that the petitioners should obtain Succession Certificate for the purpose of getting the said benefits. Respondent No. 7 had filed a separate writ petition before this Court praying for a direction to SECL to consider her claim for dependent employment. The writ Court vide its order dated 03.03.2016 in WPS No. 673 of 2016 directed the management of the SECL to consider the claim of the petitioner - Praveen Soni in accordance with law.

2. Learned counsel for the petitioners submits that pursuant to the direction issued by the management of SECL vide memo dated 13.10.2015 (Annexure P/4) they have already moved an application for grant of Succession Certificate before the competent Court of law, wherein respondent No.7 was also made a party and matter is still pending consideration. The anxiety and apprehension of the petitioners is that while the matter of obtaining the Succession Certificate is pending before the Court the respondents meanwhile should not create any right in favour of any other private respondents or persons particularly in the light of the order of this Court in WP(S) No. 673 of 2016.
3. Without entering into the merits of the case and the fact that the respondents SECL had directed the petitioners to bring the Succession Certificate and petitioners have already moved an application to the competent Court i.e. Civil Judge Class – I, Ambikapur for getting the Succession Certificate under Section 372 of

the Indian Succession Act, the present writ petition is disposed of with a direction that till the petitioners obtain the Succession Certificate from the competent Court of law, the respondents SECL should not pass any final order for providing dependent employment to any other person. The respondents SECL shall be free to process the applications of other claimants, if any, but final order should not be passed till the Succession Certificate case of the Petitioners against the death of the deceased late Gopal Prasad Soni is finally decided. The said observation shall also apply in respect of any pensionary and monetary benefits which would be payable to any of the legal heirs of the deceased employee.

4. With the aforesaid observation the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE