

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.27933 of 2007

ORDER:

Heard Mr. Srinivasa Rao for petitioner. No representation for the respondent.

2. The petitioner prays for *mandamus* declaring the action of respondent in not registering the name of petitioner for dependent employment, as illegal, arbitrary and the petitioner also prays for consequential direction to register the name of petitioner for dependent of Jadala Yasoda, deceased employee of Sngareni Collieries.

3. The petitioner claims to be the adopted son of late J Yasoda and according to petitioner, the adoption of petitioner was performed and completed on 14.07.1997. On 22.07.2001, J Yasoda, it is alleged, died. The petitioner relies upon OP No.536 of 2003 to evidence that the adoption is accepted by civil court and petitioner should be considered for employment under the quota meant for children of deceased employees. With the above averments, the present writ petition has been filed.

4. The respondent opposed the writ prayer and thrust is on Circular No.P.40/ 5036/ IR/ 219 dated 27.01.1992, which reads as follows:

“ 1. In case of death of worker while in service, covered under Clause 9.4.2 of National Coal Wage Agreement-IV (NCWA-IV) and cases of permanent disablement covered under Clause 9.4.3 of NCWA-IV, the Company will provide employment to one male dependent of the worker.

2. The term 'male dependent', for all purposes of dependent employment, will mean son, son-in-law and younger brother of the ex-worker. Adopted sons will not be eligible. The dependent to be considered for employment should be

physically fit, suitable for employment underground and aged between 18 and 35 years”.

5. It is further stated that the conditions incorporated in the Circular are result of negotiations and settlement with the Union and there is no scope for including the adopted son in the category of dependent children of deceased employee. The counsel for petitioner could not satisfy the court under any other scheme or law under which the service benefit to an adopted son can be extended.

6. This court is of the view that the employment in this category is guided by rules and regulations in force in an organisation. In the case on hand, the circular relied upon by respondent negatives the claim of the petitioner. Except the above, no other ground is urged.

7. The writ petition fails and is accordingly, dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 09.08.2017
BSS

S.V.BHATT, J

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