

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 54 of 2018

1. South Eastern Coalfields Limited, Through Its Chairman - Cum - Managing Director, South Eastern Coalfields Limited Sipat Road Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. General Manager (P And A) , South Eastern Coalfields Limited Sipat Bilaspur Chhattisgarh.
3. General Manager (Personnel) South Eastern Coalfields Limited Raigarh Area Raigarh Chhattisgarh.
4. Deputy General Manager (Personnel), South Eastern Coalfields Limited, Chhal Sub Area District Raigarh Chhattisgarh.
5. Manager (Personnel) South Eastern Coalfields Limited Sipat Bilaspur Chhattisgarh.

---- Appellants

Versus

- Smt. Kumari Devi W/o Late Shri Dharamdas Aged About 46 Years R/o S E C L Domnara Colony Qr. No. M/146, P O Pharakanara, Tahsil Kharsiya District Raigarh Chhattisgarh.

---- Respondent

For Appellants	: Shri Vinod Deshmukh, Advocate
For Respondent	: Shri DR Patel, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

21.02.2018

- 1) We have heard the learned counsel for the appellants- SECL and the learned counsel for the respondent.
- 2) This matter relates to payment of monetary compensation to a widowed mother on account of the demise of her husband, who was a

coal worker. Such compensation is admittedly due to her, till her son who was included in the live roster gets employment in SECL.

3) Late Shri Dharamdas, the husband of the respondent, died on 26.02.2013. The respondent applied for grant of employment on 15.03.2013. Therefore, applying clarification No.1 of Annexure-R/2 which is extracted by the learned Single Judge in paragraph-5 of the impugned order, the payment on monthly basis has to be made from the first day of the month following the month in which the widow/female dependant applied for employment or cash compensation. There is no dispute that the widow applied for employment on 15.03.2013. There is also no dispute that she was paid monetary compensation only from 01.01.2015. She would not be eligible to draw such compensation once her son gets employment. That event has also happened as is evidenced by Annexure- A/2 produced along with this appeal. The limited direction given by the learned Single Judge is to pay the difference of monetary compensation which was due from 01.04.2013 to 31.12.2014. This is in consonance with the clarification referred to in paragraph- 5 of the impugned order.

4) We do not see any illegality or error of jurisdiction in the impugned order. We do not find any ground to interfere with the discretionary relief granted by the learned Single Judge in Writ jurisdiction. No grounds are made out for interference through this intra Court appeal. In the result, this appeal is dismissed with costs of Rs.10,000/- payable by the appellants to the respondent.

5) Learned counsel for the appellants has now made a persuasive request that the time limit of three months fixed by the learned Single Judge may be enlarged. We see that there is no direction by the learned Single Judge for payment of interest in favour of the widowed respondent/petitioner. Taking into consideration all relevant and attendant factors, we enlarge the time for compliance of the payment of the learned Single Judge by two weeks from today as last chance on the firm condition that the amount of Rs.10,000/- payable as costs to the respondent, shall also be paid by the appellants within said period of two weeks from today.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge