

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.2191 of 2018

Ku Parvati Rajwade, Aged about 22 years, D/o Late Kunte Ram, New Mines,
Bhatgaon Colliery, Q.No.M/592, PO Bhatgaon, District Sarguja (C.G.)

---- Petitioner

Versus

1. South Eastern Coal Fields Ltd., Chairman-cum-Managing Director, Seepat Road, PO SECL, Seepat Road, Bilaspur (C.G.) PIN 495006
2. General Manager, Bhatgaon Area, PO Bhatgaon, District Sarguja (C.G.)
3. Sub-Area Manager, Bhatgaon Area, PO Bhatgaon, District Sarguja (C.G.)

---- Respondents

For Petitioner:	Mr. Gary Mukhopadhyay, Advocate.
For Respondents:	Mr. H.B. Agrawal, Senior Advocate with Mr. Pankaj Agrawal, Advocate, on advance copy.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09/03/2018

1. Heard.
2. Present petition has been filed seeking direction to the respondents to consider the case of the petitioner for grant of dependent employment in the light of the death of the father of the petitioner working as Chain Operator at Bhatgaon colliery who died in harness on 4-2-2006. The claim application has been rejected on 7-6-2015 on the ground of claim being raised by the petitioner at belated stage.
3. Without entering into the merits of the case, this Court is of the opinion that once when there is a provision of law applicable to the respondents i.e. the National Coal Wage Agreement which is an agreement entered into between the Management and the employees and where the interest of such nature of persons is also taken care of, it was the bounden duty of the employer to have also explored the possibility of providing monetary compensation to the dependents of the deceased person. In the

instant case, the order of rejection of representation does not seem to have taken note of the said aspect. Under the said circumstances, ends of justice would meet if the petition is disposed of with a direction to respondent No.2 to consider the case of the petitioner for grant of compassionate appointment / granting of monetary compensation as per the provisions of the NCWA applicable on the date of death of the deceased employee. Let respondent No.2 take an appropriate decision in this regard within a period of 90 days from today and appropriate communication be duly served to the petitioner. The writ petition thus, stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Soma