

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.1127 of 2011

Shraddheya Bhagat, S/o Late Shri Jairam Bhagat, Aged about 32 years, R/o Bhatgaon Colliery, Quarter No.B-94, Behind Hospital, Bhatgaon, District Surguja (C.G.)

---- Petitioner

Versus

1. South Eastern Coalfields Limited, through Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)
2. Chief General Manager, South Eastern Coalfields Limited, Bhatgaon Area, Post Bhatgaon, District Surguja (C.G.)
3. Area Personnel Manager, South Eastern Coalfields Limited, Bhatgaon Area, District Surguja (C.G.)
4. Deputy Chief Personnel Manager, Dugga Sub-Area, Bhatgaon Area, District Surguja (C.G.)

---- Respondents

For Petitioner:	Mr. Chandresh Shrivastava, Advocate.
For Respondents/SECL:	Dr. N.K. Shukla, Senior Advocate with Mr. Vikram Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/01/2018

1. The petitioner's father died in harness on 29-7-2008. The petitioner made an application for dependent employment, that has not been considered and certain information was asked on 13-11-2010 and it has been replied by the petitioner on 8-1-2011, yet the petitioner's case has not been considered for dependent employment leading to filing of this writ petition.
2. Learned counsel for the petitioner submits that the validity of death certificate of the petitioner's father has been questioned by SECL and appointment has not been given, whereas death certificate has been

issued by the competent authority.

3. Whereas, learned counsel appearing for the respondents/SECL submits that Form PS-3 submitted by the petitioner is tampered and forged.
4. I have heard learned counsel for the parties.
5. It appears from Annexure P-10 that the SECL has not considered the case of the petitioner simply questioning the authority of the Executive Magistrate to grant death certificate. If any doubt is there, the respondents were obliged to make an enquiry, if any, and could have considered the case of the petitioner thereafter, but that has not been done and since 2008, the case of the petitioner has been held-up and case of the petitioner for dependent employment has not been considered. SECL is a State under Article 12 of the Constitution of India. It is a Government of India undertaking. It has to act fairly and objectively. It cannot act arbitrarily and highhandedly. Non-consideration of the petitioner's case for dependent employment since 2008 on the part of SECL questioning the issuance of death certificate by the competent authority, is clearly arbitrary and whimsical as well. In view of the above, there is no reason not to consider the case of the petitioner for grant of dependent employment.
6. The writ petition is allowed and SECL is directed to consider the case of the petitioner for grant of dependent employment on the date of making application within 45 days from today. SECL is saddled with a cost of ₹ 10,000/- payable within two weeks from today.

Sd/-
(Sanjay K. Agrawal)
Judge