

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6159 of 2018

Preeti Sahu D/o Late Anup Kumar Sahu, aged about 28 years, R/o 1B/89, Pump House Colony, SECL, Korba, District Korba (C.G.).

---Petitioner

Versus

1. South Eastern Coalfields Limited, Head Office at Seepat Road, Bilaspur, Through Its Chairman Cum Managing Director, District Bilaspur (C.G.).
2. The Chief Manager (Karmik Avam Shram Shakti), SECL, Bilaspur, District Bilaspur (C.G.).
3. The Regional Personnel Manager, SECL, Korba Area, District Korba (C.G.).

---Respondents

For petitioner	:	Shri A.S.Rajput, Advocate.
For respondents	:	Shri K.K.Shrivastava, Advocate.
For State	:	Shri Ratan Pusty, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2018

1. The grievance of the petitioner in the instant Writ Petition is that, the claim of the petitioner for dependent employment has been rejected by the respondents vide order dated 6/7-8-2018 – Annexure-P/6.
2. The counsel for the petitioner relying upon the judgment passed by this Court in the case of Smt. Asha Pandey v. Coal India Ltd.& Ors. [WPS No. 4994 of 2015 decided on 15/03/2016] had moved an application for dependent employment which has been rejected.
3. The facts of the case in brief is that, the father of the petitioner Late Anup Kumar Sahu was an employee under the respondents who died in

harness on 04/11/2015. The said deceased employee was survived with his widow and two daughters. One of the daughter Ku. Manisha Sahu had been provided dependent employment by the management. She was the unmarried daughter of Anup Kumar Sahu. That one year of service on compassionate ground, the said Manisha Sahu also died. Thereafter, the widow of Anup Kumar Sahu i.e. the mother of deceased Manisha Sahu and the present petitioner became dependent upon the petitioner.

4. The petitioner thereafter moved an application of dependent employment which has been rejected by the impugned order Annexure-P/6.

5. At the outset, this Court is of the view that, the decision of the respondents in rejecting the claim of the petitioner cannot be said to be bad for the reason that, the petitioner as such was not dependent on either the deceased Ku. Manisha Sahu nor was she dependent on the original employee of the respondents i.e. Anup Kumar Sahu for the reason that, she was already married to one Khilendra Singh Yadav.

6. In the entire petition, there is no averment made that the petitioner was not dependent upon her husband and for the said reason, the rejection of petition does not warrant any interference.

7. However, since, the employee who has died i.e. Ku. Manisha Sahu was an unmarried daughter and that the widow of the original employee was totally dependent upon Manisha Sahu, this Court is of the view that, the respondents authorities should consider the claim of the mother if made as to whether she would be entitled for any monetary compensation in

accordance with the provision of NCWA prevailing in the respondents establishment.

8. Let the widow of the deceased Anup Kumar Sahu also the mother of the present petitioner move an appropriate application/representation in this regard to the General Manager, Korba Area within a period of 3 weeks' from today and the authorities concerned shall process her claim in this regard in accordance with the rules and regulations and also the provisions of NCWA within a further period of 8 weeks' and an appropriate order should be passed in this regard so far as her entitlement is concerned.

9. With the aforesaid observation, the Writ Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit