

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6485 of 2017**

Vivek Kumar Yadav S/o Late Shri Vinod Kumar Yadav, Aged About 21 Years Resident Of Ward No. 22, Katthi Mohalla, Tahsil Sohagpur, District Shahdol, Madhya Pradesh., Madhya Pradesh

---- Petitioner**Versus**

1. Coal India Limited Through Its Chairman 10 Netaji Subhash Road, Calcutta, West Bengal., West Bengal
2. South Eastern Coalfields Limited, Chairman-Cum- Managing Director, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Mining Manager, Sohagpur Area, South Eastern Coalfields Limited, Rajendra Coal Mines Project, Budhar, District Shahdol, Madhya Pradesh., District : Shahdol, Madhya Pradesh

---- Respondents

For Petitioner	:	Mr. Vivek Pandey, Advocate
For Respondent/s	:	Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/08/2019**

1. The claim of the petitioner in the present writ petition is for an appropriate direction to the respondents to consider the case of the petitioner for dependent employment.
2. At the outset, this Court is of the opinion that writ petition as such would not be maintainable for the reason that when the petitioner had earlier approached the M. P. High Court for the same cause of action vide WP No. 18466/2014 the M.P. High Court had categorically held that no legally enforceable right is available to the petitioner. However, liberty was granted to the petitioner to approach the authorities for a

sympathetic consideration. Respondents have now on due consideration have found that there is not such provision under which the petitioner's claim for dependent employment could be considered and have rejected the claim application vide order dated 03/04.03.2016 (Annexure P-4).

3. Once when the Madhya Pradesh High Court itself at the first instance have held that petitioner does not have an indefeasible right in his favour, there cannot be a different stand taken by this Court. Moreover, from the reply that respondents have filed, it is evidently clear that father of the petitioner died on 22.08.1998. Thereafter, the mother of the petitioner was granted monetary compensation as per the service conditions governing the field which the mother of the petitioner availed for a period of more than 15 years and petitioner as of now filed application only after the death of his mother.
4. As such the writ petition would not be sustainable and same being devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge