

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 105 of 2019

- Smt. Kalinta W/o Jyoti Prakash Ekka Aged About 30 Years R/o Quarter No.L1442, Vivekanand Colony Charcha Colony, Post Charcha, Manendragarh, District Koriya, Chhattisgarh

---- Petitioner

Versus

- Coal India Ltd. Through Its Chairman 10 Netaji Subhash Road, Calcutta, West Bengal
- South Eastern Coalfields Limited Chairman Cum Managing Director Seepat Road, Bilaspur, District Bilaspur Chhattisgarh
- Senior Manager Works Charcha Mines, South Eastern Coalfields Limited, Koriya, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For Respondent-SECL	:	Shri H.B. Agrawal, Senior Advocate and Shri Vinod Deshmukh, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

P. R. Ramachandra Menon, Chief Justice

25.07.2019

1. This review petition has been filed by the Respondent in Writ Appeal No.474 of 2016, referring to allowing of a similar Review Petition No.169 of 2018, involving the connected Writ Appeal No.246 of 2016. The issue is mainly in relation to the scheme of compassionate appointment. The application submitted for grant of compassionate appointment came to be rejected by the Appellant-Company, which was sought to be interdicted by filing writ petition before the Court. The rejection was on the ground that married daughter was not eligible to get compassionate appointment, not being a dependent of the deceased employee, which was interdicted by the learned Single Judge granting the relief to the writ petitioner and this made the Company to feel aggrieved who filed writ appeal before this

Court. The appeal, however, came to be allowed as per judgment dated 06.10.2018.

2. It is stated that in some other cases a contrary view was taken which however was not considered by the Division Bench when the matter was finalized. It was accordingly that the Review Petition No.169 of 2018 was filed in respect of the judgment passed by the Division Bench of this Court in Writ Appeal No. 246 of 2016. After hearing, this Court was pleased to allow the above review petition on 25.03.2019 and recalled the order dated 06.10.2018 passed by the Bench in the said appeal. In the said circumstances, it requires that the verdict passed by this Court in the connected Writ Appeal No.474 of 2016 also be reviewed and hence the petition.
3. After hearing the learned counsel for the review petitioner and also Shri H.B. Agrawal, the learned Senior counsel appearing for the Respondent-Company in the review petition, we find it appropriate to allow the review petition, to have consistency in the matter. Accordingly, we allow the review petition, as not opposed and the judgment dated 06.10.2018 in Writ Appeal No.474 of 2016 stands recalled. Writ Appeal No. 474 of 2016 stands restored and the Registry is directed to list the said appeal for further consideration along with the connected appeals.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge