

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5078 of 2019

Ku. Chanda D/o Late Shri Jawahirlal Aged About 30 Years R/o Village Basti, Post Baikunthpur, District Koriya Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coal Fields Limited (S.E.C.L.) Through Its Chairman Cum Managing Director (C.M.D.) Seepat Road, Bilaspur Chhattisgarh
2. Chief General Manager, South Eastern Coal Fields Limited, (S.E.C. L.), Chirmiri Area, District Koriya Chhattisgarh.
3. Sub Area Manager South Eastern Coal Fields Limited (S.E.C.L.) Undergaound Mines, Koriya Colliery, North Chirmiri, Area, Tahsil Baikunthpur, District Koriya Chhattisgarh.

----Respondents

For Petitioner	:	Ms. Meena Shastri Advocate
For Respondents	:	Mr. V.R.Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/07/2019

1. The grievance of the petitioner is that the petitioner's application for compassionate appointment has till date not been finalized by the respondent.
2. The facts of the case is that father of the petitioner, Lt. Shri Jawahirlal, was an employee of the respondents who died in harness on 17.08.2005. After the death of the employee, the petitioner had moved the respondent for releasing of the death-cum-retiral benefit as also for grant of compassionate appointment. The management did not redress the grievance of the petitioner on the ground that the petitioner was not the daughter of the deceased employee. Subsequently, the petitioner and her mother is said to have filed a succession certificate in the Court of First Civil Judge Class I, Baikunthpur in succession case No. 23 of 2005. The said succession case was allowed by the Court on 31.03.2018, a decree in this regard was also passed in favour of the petitioner. In the said

succession case, the respondent S.E.C.L was also a party, the order passed by the Judgment and Decree of the Civil Judge Class I on 31.03.2018 seems to have attained finality. Thereafter, the petitioner has moved another application for considering her claim for compassionate appointment which till date has not been finalized.

3. Given the aforesaid undisputed facts as narrated by the petitioner, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending, rather ends of justice would meet if the respondent No. 2 & 3 are directed to consider the claim of the petitioner for dependent employment, in the light of the decree of succession which the petitioner has in her favour and other materials which the management may have or require for the purpose of scrutinizing her claim for dependent employment.
4. Let respondent No. 2 & 3 take a decision on the claim of the petitioner within a period of 4 months from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise respondent No. 2 & 3 so far as the order passed by this Court is concerned.
5. The writ petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha