

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5332 of 2019

Induvati W/o Late Santosh Kumar Aged About 26 Years R/o S- 207, Ward No. 26, Near Dispensary, Bartunga, Chirmiri, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Director (Personnel) South Eastern Coalfields Limited Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Sub Area Manager South Eastern Coalfields Limited, Rani Atari Sub Area, Chirmiri Area, P.O.- Putipakhana, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Assistant Manager (Personnel) South Eastern Coalfields Limited, Rani Atari Sub Area, Chirmiri Area, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Chandresh Shrivastava, Advocate.
For State	:	Shri H. B. Agrawal, Sr. Advocate along with Shri Sudhir Kumar Bajpai, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.07.2019

1. The present writ petition has been filed seeking for appropriate direction to the respondents to consider the application of the petitioner for providing dependent employment.
2. The direction also sought for is to release all the dues that were payable to the petitioner on the death of her husband who died in harness.

3. Facts of the case is that the husband of the petitioner late Santosh Kumar was working under the respondent No. 3 & 4 as Survey Mazdoor and he died on 08.08.2018 an unnatural death. According to the petitioner in the service records while the husband of the petitioner was alive he had ensured that the name of the petitioner and the son born to the petitioner entered as Wife of the deceased employee and his son(Annexure P-5).
4. Grievance of the petitioner is that in spite of the name of the petitioner, being reflected in the service record, respondents are not processing the case of the petitioner for grant of dependent employment and also for release of dues payable to the petitioner. The respondents seems to have issued Annexure P-1 dated 27.10.2018 asking the petitioner to provide certain records in respect of the police complaints that was registered on the death of the deceased employee. This Court is of the opinion that those documents are not of much relevance for the purpose of deciding the claim for dependent employment and also for considering the release of the dues payable to the legal heirs of the deceased employee.
5. Once when there is no dispute so far as the death of the deceased employee is concerned, the only fact which requires to be ascertained is whether the petitioner is the legal heir or dependent of the deceased employee or not? That could be only on verification from the service records if yet the dependent has any doubt then the department could have called for the succession certificate from the petitioner in this regard.
6. In the opinion of this Court, the cause of death and nature of death

would not decide the claim of the petitioner so far as dependent employment as well as the release of dues are concerned.

7. Under the circumstances, respondent No. 3 & 4 are directed to ensure that claim of the petitioner is processed at the earliest in accordance with the provisions of NCWA as also the service regulations governing the field. Let this exercise be completed within a period of three months from the date of receipt of copy of this order.
8. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Rohit