

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.16958 of 2015

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a writ or order or direction, especially one in the nature of Writ of Mandamus (i) declare the action of the respondents in rejecting payment of Lumpsum Monetary Benefit to the petitioner in lieu of dependant employment as illegal and arbitrary (ii) consequently direct the respondents to pay the petitioner the Lumpsum Monetary Benefit in lieu of dependant employment in terms of scheme for providing dependant employment under National Coal Wage Agreements”.

Heard Mr.P.Ramprasad, the learned counsel for petitioner and Sri J.Sinivas Rao, the learned Standing Counsel for respondents.

It has been contended by the petitioner that he was appointed as a Lineman with the respondents and while discharging his duties, the petitioner was declared unfit vide proceedings dated 07.07.2012. Thereafter, the petitioner has sought employment to his son-in-law. However, the same could not be materialized. Thereafter, the petitioner submitted a representation to the respondents to grant lumpsum monetary benefit to him in lieu of dependant employment in terms of the Scheme for providing dependant employment under the National Coal Wage Agreements. But, the respondents are not paying lumpsum monetary benefit on the ground that the petitioner has made an attempt by way of an unethical means to provide employment to his son-in-law. Hence, the present writ petition is filed.

Learned counsel for petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider

the case of the petitioner for grant of lumpsum monetary benefit in terms of the Scheme for providing dependant employment under the National Coal Wage Agreements.

Learned Standing Counsel appearing for the respondents has contended that since the petitioner has used unethical method in providing employment to his son-in-law, the case of the petitioner could not be considered and on that ground, the lumpsum monetary benefit was not released to the petitioner. However, he submits that the case of the petitioner will be considered and appropriate orders would be passed in accordance with law, if the petitioner submits fresh representation.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order seeking lumpsum monetary benefit under the Scheme for providing dependant employment under the National Coal Wage Agreements. Upon such representation being received, the respondents shall consider the same and pass appropriate orders, in accordance with law, within six weeks thereafter.

With the above observations, the writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 11-07-2019
Prv

