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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 213 of 2020**

(Arising out of order dated 11.12.2019 passed in Writ Petition (S) No.9216 of 2019 by the learned Single Judge)

1. The South Eastern Coalfields Limited Through- Chairman-Cum Managing Director, South Eastern Coalfields Limited, Headquarter, Seepat Road, Bilaspur, Chhattisgarh.
2. General Manager (Personal/mp) South Eastern Coalfields Limited, Head Quarter Seepat Road, Bilaspur, Chhattisgarh.
3. General Manager (Mining) Kusmunda Project, South Eastern Coalfields Limited, Post Office Kusmunda Colliery, District- Korba, Chhattisgarh.
4. Area Personnel Manager Kusmunda Project, South Eastern Coalfields Limited Kusmunda Area, Post Office Kusmunda Colliery, District- Korba Chhattisgarh.
5. Deputy Manager (Personnel) Kusmunda Project, South Eastern Coalfields Limited, Kusmunda Area, Post Office Kusmunda Colliery, District- Korba, Chhattisgarh.

---- Appellants**Versus**

Smt. Usah Bai D/o Late Sukrit Das Aged About 35 Years W/o Narayan Das, R/o Village- Sarwamangla Nagar, Durpa, Post Durpa, Tehsil- Katghora, Police Station- Kusmunda, District- Korba, Chhattisgarh.

---- Respondent

For Appellants	: Shri Sudhir Kumar Bajpai, Advocate
For Respondent	: Shri Sunny Agrawal, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgement on Board****P. R. Ramachandra Menon, Chief Justice****25.02.2020**

1. Challenge is against the verdict passed by the learned Single Judge on 11.12.2019 whereby the Respondents in Writ Petition (S) No.9216 of 2019 (who are the present Appellants) were directed to consider the claim of the

Writ Petitioner to get compassionate appointment in the light of the verdict passed in similar case i.e. **Smt. Asha Pandey v. Coal India Limited and Others** passed in **Writ Petition (S) No.4994 of 2015**, a copy of which as produced as Annexure P/12.

2. We have heard Shri Sudhir Kumar Agrawal, the learned counsel appearing for the Appellants as well as Shri Sunny Agrawal, the learned counsel representing the Respondent-Writ Petitioner.
3. The basic issue is with regard to the differential treatment allegedly being pursued by the employer in the case of granting compassionate appointment to the children of the deceased, with reference to the relevant clauses in the Coal Wage Agreement. It is the contention of the Appellants in the case concerned that, the right of a 'married daughter' of a deceased employee for getting the benefit stands on different footing than the right of a son of the deceased employee and that, the benefit can be given only in terms of the Coal Wage Settlement.
4. The above issue projected before this Court in **Writ Appeal No.246 of 2016** (parties being, **Coal India Limited and Others v. Smt. Asha Pandey**) and connected cases, came to be considered elaborately and as per judgment dated **03.09.2019**, we (same Bench) repelled the contention raised from the part of the Appellants herein and declared that the right of a 'married daughter' is also to be considered on par with the other eligible dependents of the deceased to get compassionate appointment. We also made reference to the various provisions of the Constitution of India and also the law declared by the Apex Court in various judgments. It was

accordingly that, the matters were finalized holding that, there was no infirmity in the order passed by the learned writ Court in Writ Petition (S) No.4994 of 2014 and the subsequent orders passed relying on the verdict in the above case. We also made it clear that, the writ Court, after holding part of Clause 9.3.3 of the National Coal Wage Agreement-VI and Clause 9.4.0 (1) of National Coal Wage Agreement-IX to be void and inoperative, to the extent it excludes the married daughter from consideration for dependent employment, directed the Appellant-Company to consider the claim of the Petitioners therein for dependent employment afresh, in accordance with law. It was made clear that, the said direction of the writ Court was only with regard to consideration of the claim for dependent employment and to grant the same; subject to fulfilment of other requirements to get entitled for dependent employment as prescribed in Clause 9.3.3. of the National Coal Wage Agreement-IX. It was accordingly that, the appeals came to be dismissed as per judgment dated 03.09.2019.

5. When the present matter (arising from the judgment dated 11.12.2019 passed by the learned Single Judge by placing reliance on *Asha Pandey's* case) is taken up for consideration, the learned counsel appearing for the Appellant concedes that the verdict passed by this Court in *Asha Pandey's* case was taken up before the Apex Court by filing a Special Leave Petition (Civil) Diary No.238 of 2020. The said matter came up for consideration before the Supreme Court on 31.01.2020. After hearing the parties, the delay was condoned; but holding that there was no reason to interfere with the judgment passed by this Court, the SLP was dismissed on merits.

6. In the said circumstance, we find that nothing remains to be considered. The verdict passed by this Court in *Asha Pandey's case* having become final, by virtue of the affirmation given by the Apex Court on merits, the present appeal stands dismissed as devoid of any merit.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Anu