

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4610 of 2020**

1. Shreemati Singh W/o Late Brijlal, Aged About 29 Years R/o Subhash Nagar, Ward No. 05, Churcha Collier, Tahsil Baikunthpur, District Koriya Chhattisgarh
2. Sandhya Singh D/o Late Brijlal, Aged About 10 Years (Minor) Through Her Natural Guardian Mother I.E. (Petitioner No. 1) R/o Subhash Nagar, Ward No. 05, Churcha Collier, Tahsil Baikunthpur, District Koriya Chhattisgarh
3. Pawan Singh, S/o Late Brijlal, Aged About 7 Years (Minor) Through His Natural Guardian Mother I.E. (Petitioner No. 1) R/o Subhash Nagar, Ward No. 05, Churcha Collier, Tahsil Baikunthpur, District Koriya Chhattisgarh
4. Sagar Singh, S/o Late Brijlal, Aged About 5 Years (Minor) Through His Natural Guardian Mother I.E. (Petitioner No. 1) R/o Subhash Nagar, Ward No. 05, Churcha Collier, Tahsil Baikunthpur, District Koriya Chhattisgarh
5. Deepak Singh, S/o Late Brijlal, Aged About 3 Years (Minor) Through His Natural Guardian Mother I.E. (Petitioner No. 1) R/o Subhash Nagar, Ward No. 05, Churcha Collier, Tahsil Baikunthpur, District Koriya Chhattisgarh

---- Petitioners**Versus**

1. South Eastern Coalfield Limited Through The Chairman-Cum-Managing Director, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh
2. The General Manager, South Eastern Coalfield Limited, Baikunthpur, District Korea Chhattisgarh
3. Deputy Chief Personnel Manager, South Eastern Coalfield Limited, Baikunthpur, District Korea Chhattisgarh
4. The Personnel Manager, South Eastern Coalfield Limited, Churcha Colliery, Baikunthpur, District Korea Chhattisgarh
5. Sub Area Manager, South Eastern Coalfield Limited, Churcha Colliery, Baikunthpur, District Korea Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For SECL	:	Mr. Vinod Deshmukh Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

02/12/2020

1. The grievance of the petitioner in the present writ petition is the alleged inaction on the part of the respondents in not granting the death cum retiral benefits payable to the petitioner on the death of the deceased employee Late Brijlal who died in harness on 22.04.2016.
2. Counsel for the petitioner submits that petitioners have a decree from the competent Civil Court to the extent of declaring them to be the legal heirs of the deceased Late Brijlal and since then the petitioners have already approached the respondents with all relevant records claiming for dependent employment and also for the release of the death cum retiral dues payable to the family.
3. Learned counsel for the respondent -SECL on advance notice submits that from the bare perusal of the Annexure P-9 it reflects that there are certain other names that are reflected in the service record of the deceased employee and therefore it appears that petitioners alone are not the only claimants.
4. Be that as it may, if the petitioners have produced certain documents from the competent Court of law along with all other documents, there is no reason why the respondents should not act on the claim of the petitioners and take appropriate decision keeping in view the rules and regulations governing the field as also the decree which the petitioners have in their favour. The said decree was also questioned by the respondents and the

First Appeal has since been rejected. Respondents are duty bound to decide the application which the petitioner has submitted.

5. Contention of the petitioner is that till date no orders have been passed by the respondent authorities needs consideration at this juncture.
6. Respondents are directed to ensure that claim of the petitioner is duly considered in terms of the documents that they have submitted and an appropriate decision be taken at the earliest preferably within a period of 90 days which shall include taking a decision on the aspect of the dependent employment as also for the purpose of releasing of death-cum-retiral dues after due verification of the fact as to whether any other person has raised the claim for the same or not.
7. The petitioners in addition to their claim that they had already made would also be at liberty to make fresh representation within a period of 15 days from the date of receipt of copy of this order supported with all relevant documents that they have in respect of their claim.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit