

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 4622 of 2020

Date : 3.3.2020

Between:

Kunarapu Mallaiah S/o Laxmaiah
Aged 59 years
Occ Retd Singareni employee
R/o Q No T2-210 Santhosh Nagar
8 Incline Colony GV 8 Incline Colony
Kamanpur Mandal Peddapalli District

Petitioner

And

The Singareni Collieries Company Limited
Rep by its Chairman and Managing Director Kothagudem
Town and District Telangana State & others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 4622 of 2020

ORAL ORDER:

Heard learned counsel for petitioner and learned standing counsel for Singareni Collieries Company Limited (for short SCCL).

2. Petitioner was employed in SCCL. He retired on medical invalidation grounds on 28.4.2016 and applied for provision of employment to his son-in-law viz., Bore Pochaiah. Request of the petitioner was rejected by proceedings dated 23.9.2019, impugned in this writ petition.

3. According to order impugned herein, request of the petitioner was rejected on the ground that daughter of petitioner is born to another lady during subsistence of marriage with first wife, therefore, it is not permissible according to National Coal Wage Agreement.

4. Employment and other service conditions in SCCL are also governed by National Coal Wage Agreements. Clause 9.4.0 of the Agreement No. VI deals with employment to wife of dependant worker, who is permanently disabled. According to Clause 9.4.0 (iii), dependant means, wife or husband as the case may be, unmarried daughter, son and legally adopted son. It enables provision of employment to brother, widow daughter/ widow daughter-in-law or son-in-law, if no such direct dependant mentioned above is available for employment and the above mentioned are residing with the employee and are almost wholly dependant on the earnings of the employee.

5. Admittedly, person sponsored by petitioner is husband of his daughter born through second wife. Learned counsel for petitioner does

not dispute the fact that during the subsistence of marriage of petitioner with his first wife, petitioner contracted the second marriage and daughter was born to second wife. However, learned counsel sought to contend that petitioner divorced the first wife and to that extent an agreement was also entered into in the presence of elders of family and therefore, it cannot be said that second marriage is not valid and relied on the document enclosed as Ex.P.3 (page 15). Even assuming the said document as valid, it is seen from the said document that it was signed on 1.11.2018 i.e., after retirement of petitioner and much before signing of the said document, petitioner contracted second marriage and daughter was born to second wife. It is not permissible to contract second marriage during subsistence of first marriage and conduct rules /regulations governing employment also prohibit second marriage. Learned counsel for petitioner also does not deny the factum that daughter of petitioner is alive. Thus, even according to Clause 9.4.0 (iii), son-in-law is not entitled when daughter is alive.

6. For the above said reasons, I do not see any error in rejecting request to provide employment vide impugned proceedings. Accordingly, the writ petition is dismissed. However, it is always open to petitioner to make application seeking to provide employment to any other eligible member of the family, if it is otherwise permissible. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 3-3-2020
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No. 4622 of 2020

Date : 3.3.2020