

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 634 of 2021**

Smt. Sukuriya Singh W/o Shri Ashok Singh Aged About 35 Years D/o Late Santosh Singh R/o Sendha, Post Office- Nagpur, Police Station- Podi(West Chirmiri) Tehsil- Manendragarh, District- Koriya, Chhattisgarh

**---- Petitioner****Versus**

1. South Eastern Coalfields Limited Through Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Sarkanda, District- Bilaspur, Chhattisgarh
2. Director (Personnel) South Eastern Coalfields Limited Head Qtrs, Seepat Road, P.S. Sarkanda, Bilaspur, Chhattisgarh
3. Chief General Manager Chirmiri Area, P.S. Podi (West Chirmiri), Chirmiri, District- (Koriya), Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. Sub-Area Manager New Chirmiri Pondri Hill Colliery, South Eastern Coal Fields Ltd., Chirmiri Area, Chirmiri, P.S. Chirmiri, District- Koriya., District : Koriya (Baikunthpur), Chhattisgarh

**---- Respondents**


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|----------------|---|-------------------------------------|
| For Petitioner | : | Mr. Chandresh Shrivastava, Advocate |
| For SECL       | : | Mr. Sudhir Kumar Bajpai, Advocate   |

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

**17/02/2021**

1. The present writ petition has been filed against the order dated 23.12.2020 passed by the respondent no.4 rejecting the application of the petitioner for grant of dependent employment.

2. The facts of the case in nutshell is that the deceased employee in the instant case is late Santosh Singh who died in harness working on the post of Loader on 12.04.2009.
3. On the death of the said employee the petitioner had applied for dependent employment under the provisions of (NCWA). The application of the petitioner stood rejected on the ground that policy does not provide for grant of dependent employment to a married daughter. The rejection order is Annexure P-3 dated 08.06.2011 which was communicated to mother of the petitioner that is the widow of the deceased. This order dated 08.06.2011 has not been challenged by the petitioner any further and same has by efflux of time attained finality.
4. Meanwhile, the husband of the petitioner tried his luck by moving another application seeking dependent employment which too got rejected on the ground that (NCWA) does not provide for granting dependent employment to son in law for the reason that there are direct linear dependent available of the deceased employee. This order also was not challenged by the said son in law i.e. the husband of the petitioner.
5. Thereafter widow of the deceased employee late Santosh Singh namely Smt. Bhagmati moved an application for dependent employment which too was rejected at the first instance on 03.02.2013 which again was not challenged by the widow. The Widow later on revived her application by a fresh application which was again rejected on 30.08.2013. Rejection of the said application was subjected to challenge in WPS 1360/2016 and this Court vide order dated 27.02.2017 rejected the writ petition on merits. The order of the writ petition was put to challenge before the Division Bench vide WA No.181/2017 and the writ appeal also got rejected vide judgment dated 04.05.2018.
6. After all this, the petitioner herein a married daughter of the deceased employee again preferred an application on 14.12.2020 which now stands

rejected by the impugned order Annexure P-1 on the ground that petitioner is a married daughter.

7. The fact which needs consideration at this juncture is that the claim of the petitioner already stood rejected at the first instance on 08.06.2011 and which has not been challenged by the petitioner at any subsequent point of time till the present writ petition was filed and as such it clearly reflects that petitioner had given up her claim for dependent employment at that point of time. Moreover, this aspect of the rejection of the petitioner candidature also finds place in the discussions made by the Division Bench while deciding the writ appeal at more than one place in the judgment dated 04.05.2018.
8. Both in the writ petition of 2016 and also in the writ appeal the present petitioner was a party as petitioner along with the widow even at that point of time petitioner did not even on the dismissal of the writ petition seek liberty of this Court for reviving her claim for dependent employment and after a couple of years from the disposal of the said writ appeal the petitioner now has moved an application seeking dependent employment which stands rejected.
9. The Hon'ble Supreme Court as also this Court time and again have reiterated the fact that dependent employment/ compassionate appointment is not to be construed as another mode of recruitment or source of employment. The very purpose of having a scheme for dependent employment/ compassionate appointment is to tide away the immediate crisis that the family faces on the death of the deceased employee. In the instant case the death of the deceased took place as early as in the year 2009. The claim of the petitioner at the first instance stood rejected in the year 2011 which has went unchallenged accepting the verdict of the respondents and petitioner now after a period of 10 years has tried reviving her claim for dependent employment.

10.This Court does not find any merits on the claim of the petitioner particularly in the light of the development that have been transpired during the intervening period and more particularly the judgment of this Court in WPS 1360/2016 and judgment in WA 181/2017.

11.The writ petition being devoid of merits deserves to be and is accordingly rejected.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Rohit