

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (SERVICE) NO. 1083 OF 2021

• Ku. Kusumlata Ramteke, D/o Late Shri Sukhram Ramteke, aged about 65 years R/o Qr. No. MIG-1/76, MP Nagar, Old Ward No.22 Korba, Tahsil and District Korba (CG) **... Petitioner**

versus

1. Union of India, through General Manager, Ministry of Coal, Coal Bhawan, Premise No.04 Mar, Plot No. AF - III, Action Area, 1 A, Newton Rajarhat Kolkatta (W.B.), PIN – 700156.
2. The Assistant General Manager (Personnel), O/o the General Manager, Central Workshop Korba, Post Office Korba Colliery, District Korba (CG)
3. The General Superintendent, Central E and M Workshop, Korba, District Korba (CG)
4. The General Manager (Equipment), SECL, Bilaspur, District Bilaspur (CG)
5. The Deputy Personnel Manager, Central Workshop Korba, District Korba (CG) **... Respondents**

For Petitioner	:	Mr. Sanjay Yadav, Advocate, under instructions of Vikash Pandey, Advocate.
For Respondents/UOI	:	Mr. Aman Saxena, Advocate, under instructions of A.S.G.
For Respondents/SECL	:	Mr. Atul Kumar Kesharwani, Advocate, under instructions of V.R. Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/03/2021

1. The defaults pointed out by the Registry of this Court in the instant case stand ignored.
2. With the consent of learned Counsels for parties, heard the matter finally at admission stage itself.
3. Challenge in the present Writ Petition is to Annexure P-1, dated 14.6.2019, whereby the application of Petitioner for grant of employment to her nephew, Akash Choure, was rejected.
4. Perusal of impugned order, Annexure P-1, clearly reflects that under the provisions of the NCWA (National Coal Wage Agreement), Chapter 5 deals with Dependant Employment and Clause 9.3.3 thereof clearly defines various categories of dependants who could be entitled for dependant employment.
5. In the instant case, the deceased employee seems to have died as a bachelor. He had nominated his sister, the Petitioner herein, for all the death-cum-retiral benefits. Now, the Petitioner has moved an application for seeking dependant employment in favour of Akash Choure, the nephew of deceased employee.

6. Respondents having scrutinized the case of Petitioner found that the provisions of NCWA do not provide for grant of dependant employment to a nephew and therefore the case of Petitioner has been rejected.

7. There is no other strong material provided on record by Petitioner to substantiate her claim for grant of dependant employment in favour Akash Choure, the nephew of deceased employee, nor is there any order or circular showing the Clause 9.3.3. having further been diluted so as to bring "nephew" also within the ambit of dependant employment. In the absence of same, the rejection of the claim of Petitioner cannot be said to be in any manner bad or arbitrary.

8. Writ Petition therefore being devoid of merits deserves to be and accordingly dismissed.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE