

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2926 of 2021

Shyam Sundar Adile S/o Shri Tikam Lal Adile Aged About 26 Years R/o Village And Post Bhilaibazar, Tehsil Katghora District Korba Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh
2. General Manager (Personnel/mp) South Eastern Coalfields Limited, Head Quarter, Seepat Road, Bilaspur Chhattisgarh
3. General Manager (Mining) Kusmunda Project, South Eastern Coalfields Limited, P. O. Kusmunda Colliery, District Korba Chhattisgarh
4. Area Personnel Manager Kusmunda Project, South Eastern Coalfields Limited, Kusmunda Area, P. O. Kusmunda Colliery, District Korba Chhattisgarh

---- Respondents

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

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/06/2021

1. Aggrieved by the inaction on the part of the respondents in not finalizing the claim for dependent employment of the petitioner, the present writ petition has been preferred.
2. Counsel for the petitioner submits that after the petitioner was declared medically unfit by the respondents and in terms of the provisions of 9.4.0 of the National Coal Wage Agreement applicable in the respondent establishment, the petitioner is entitled for dependent employment. It is further contention of the petitioner that when the claim of the petitioner was put forth it was subjected to scrutiny, however there were certain queries and informations sought in respect of the discrepancies in the name of the petitioner that arose. That thereafter respondents directed the petitioner to

get the declaration from the competent Civil Court and petitioner subsequently has been able to obtain a decree in his favour vide judgment dated 04.09.2019 whereby the competent Civil Court has declared that two names i.e. Prashant Adile and Shyam Sundar Adile S/o Tikam lal Adile are one and same person and subsequent to the judgment and the decree from the Civil Court the petitioner approached the respondents, however thereafter there has been no further progress in spite of repeated representations.

3. Mr. Sudhir Kumar Bajpai, learned counsel for the respondent submits that the matter be disposed of directing the respondents to consider and decide the claim of the petitioner in accordance with the rules, regulations and agreements i.e. NCWA which governs the field of dependent employment.
4. In the light of the submissions made by the counsel for the parties, the writ petition stands disposed of directing the respondents to take appropriate decision in accordance with rules and regulations governing the field at the earliest preferably within a period of 60 days.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit