

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 3404 of 2021**

Smt. Savitri Dubey W/o Shri Mahendra Dubey Aged About 30 Years R/o Village And Post Office Tala, District Umariya Madhya Pradesh

**---- Petitioner**

**Versus**

1. Coal India Limited Through Its Chairman, Coal Bhawan, 10, Netaji Subhsh Road, Calcutta, West Bengal.
2. South Eastern Coal Fields Limited (S.E.C.L.) Through Its Chairman Cum Managing Director (C.M.D.) Seepat Road, Bilaspur Chhattisgarh.
3. Director (Personnel) South Eastern Coal Fields Limited (S.E.C.L.) Seepat , Road, Bilaspur Chhattisgarh.
4. General Manager (Personnel) South Eastern Coal Fields Limited (S.E.C.L.) Sohagpur Area, P.O. Dhanpuri, District Shahdol Madya Pradesh., District : Shahdol, Madhya Pradesh
5. Sub Area Manager (Personnel) South Eastern Coal Fields Limited (S.E.C.L.) , Burhar Sharda Sub Area, P.O. Dhanpuri, District Shahdol Madhya Pradesh., District : Shahdol, Madhya Pradesh

**---- Respondents**

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|-----------------|---|-----------------------------------------------------------------------|
| For Petitioner  | : | Ms. Meena Shastri, Advocate                                           |
| For Respondents | : | Mr. Chandradeep Prasad, on behalf of<br>Mr. Vaibhav Shukla, Advocates |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**08/07/2021**

1. Aggrieved by the inaction on the part of the respondents in not finalising the claim of the petitioner for dependent employment the present writ petition has been filed.
2. According to the petitioner the mother of the petitioner was under employment under the respondents as a Guard at Burhar, Sharda Sub Area under Dhanpuri, District Shahdol. She died in harness on 08.04.2018. The deceased employee Smt. Ram Bai Choubey was survived by her two daughters at the time of her death, the petitioner is the eldest daughter who was taking care of the deceased and was totally

dependent upon the income of the mother. In spite of the fact that she was a married daughter, the petitioner the eldest daughter made an application for compassionate appointment. However, till date the same has not been finalized by the respondents.

3. Now the question as to whether the married daughter can be granted or can be considered for dependent employment in terms of the National Coal Wage Agreement(NCWA). The said issue has been by now well settled by a series of judgments that followed the first judgment of **Smt. Asha Pandey Vs. Coal India Ltd. & Others**, in **WPS 4994/2015** which has also been affirmed by the Division Bench of this Court as also by the Supreme Court.
4. Given the aforesaid backdrop of the case, subject to the verification of facts the writ petition at this juncture stands disposed of directing the respondents no. 2 to 5 to take appropriate decision on the claim of the petitioner for grant of dependent employment and while taking a decision the authorities are also expected to bear in mind the judgment of this Court in the case of **Asha Pandey**(Supra) and also other related judgment of this Court on the same issue.
5. Let an appropriate decision be taken at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
6. Writ Petition accordingly stands disposed off.

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

Rohit