

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3972 of 2021

Anita Mahadelo W/o Suraj Mahadelo Aged About 35 Years R/o Village
Amarkherwa, Ward No. 02, Manendragarh, District Koriya Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Bilaspur Chhattisgarh
2. General Manager (Personnel/mp) South Eastern Coalfields Limited, Head Quarter, Seepat Road, Bilaspur Chhattisgarh
3. General Manager / Sub Area Manager Charcha Mine R.O, South Eastern Coalfields Limited, P.O. Manendragarh, District Koriya Chhattisgarh
4. Deputy Manager (Personnel) Charcha Mine R O, South Eastern Coalfields Limited, P.O. - Manendragarh, District Koriya Chhattisgarh

---- Respondents

For Petitioner	:	Mr. N. K. Shukla, Sr. Advocate with Mr. Arjit Tiwari, Advocate
For Respondents	:	Mr. Vinod Deshmukh, Advocate

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

02/08/2021

1. Aggrieved by the impugned order Annexure P-1 dated 08.04.2021 the present writ petition has been filed.
2. Vide the impugned order the respondents have rejected the claim of the petitioner for grant of dependent employment only on the ground that the petitioner happens to be the married daughter.
3. Brief facts relevant for the disposal of the present writ petition is that the mother of the petitioner Charki Bai working under the respondents died in

harness on 31.10.2017. The husband of the petitioner is unemployed. On the date of death of deceased Charki Bai she was survived by one son and two daughters, the other daughter of the petitioner had already expired on 26.04.2018. Thereafter, it is the petitioner and one son who survived the deceased Charki Bai. The son of the deceased i.e. the brother of the present petitioner is a person who suffers from 80% disability and thereby he is not in a position to seek employment under the respondents.

4. Considering the said facts, the present petitioner the married daughter of the deceased had filed the claim for dependent employment. According to the petitioner she was totally dependent upon the income of the deceased as the present petitioner's husband also was not in any employment and petitioner in addition has the responsibility of a disabled brother also to take care of.
5. As regards, the ground of rejection as would be evident from Annexure P-1 the same has been on the ground that a married daughter do not fall within the ambit of dependents under the provisions of NCWA.
6. As regards the issue whether a married daughter would fall within the ambit of dependent under the provisions of NCWA or not, the issue has already been decided and settled by this Court in a couple of writ petitions, the leading of which being the case of **Asha Pandey Vs. Coal India Limited & Others**, in **WPS 4994/2015** decided on **15.03.2016** and which has been affirmed by the Division Bench as also by the Supreme Court. The said judgment of the **Asha Pandey** (Supra) has further been followed in a series of judgment thereafter, by this High Court whereby it has been categorically held that even the married daughter would be eligible for being considered for dependent employment under the provisions of

NCWA. The said decision has further been followed in other writ petitions like WPS 9216/2019 decided on 11.12.2019 and many other cases of similar nature.

7. Given the aforesaid legal position as it stands where the married daughter has also been brought within the ambit of dependent under the provisions of NCWA for dependent employment, the impugned order in the instant case Annexure P-1 dated 08.04.2021 to that extent is therefore not sustainable and the same therefore deserves to be and is accordingly set aside/quashed. The respondents are directed to consider the case of the petitioner for dependent employment in terms of the provisions of the NCWA subject to the petitioner fulfilling all other requisite eligibility criteria except for the ground of being a married daughter.
8. 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.
9. With the aforesaid observations, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit