

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4155 of 2021

1. Bheema Yadav S/o Late Chandra Bahadur Aged About 31 Years R/o Quarter No. M.Q.197, Police Line, Azad Chowk, Dipka, Tahsil and Police Station Dipka, District- Korba, Chhattisgarh.

---Petitioner(s)

Versus

1. South Eastern Coalfields Limited Through- Its Chairman-Cum-Managing Director, Head Office, Basant Vihar, Seepat Road, Bilaspur, District- Bilaspur, Chhattisgarh.
2. Director Personnel, South Eastern Coalfields Limited, Head Office, Basant Vihar, Seepat Road, Bilaspur, District- Bilaspur, Chhattisgarh.
3. Chief Vigilance Officer, South Eastern Coalfields Limited, Head Office, Basant Vihar, Seepat Road, Bilaspur, District- Bilaspur, Chhattisgarh.
4. Chief General Manager, South Eastern Coalfields Limited, Sohagpur, Madhya Pradesh.
5. Deputy Area Manager, Chief General Manager, Damini Area, District- Shahdol, Madhya Pradesh
6. General Manager, S.E.C.L., Deepika, Area Korba, District-Korba, Chhattisgarh
7. Jyoti Gorang, W/o Arjun R/o Rungta Colliery, Behind Shiv Mandir, Near Pani Tanki, Shanti Nagar, Post Rungta, Tehsil Burhar, District-Shahdol, Madhya Pradesh.
8. Aryan S/o Arjun, Aged About 18 Years R/o Rungta Colliery, Behind Shiv Mandir, Near Pani Tanki, Shanti Nagar, Post Rungta, Tehsil Burhar, District-Shahdol, Madhya Pradesh.

---Respondents

For Petitioner	:	Shri Punit Ruparel, Advocate.
For Respondent-SECL	:	Shri Vaibhav Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.08.2021

1. The present writ petition has been filed claiming for dependent employment on the death of his brother namely Arjun who died in harness on 30.04.2021.
2. Perusal of the pleadings and the documents enclosed along with the writ petition would show that the brother of the petitioner i.e. deceased employee was already a married person and he had his own wife and children and the present petitioner himself has made the wife and elder son as respondents No.7&8.

3. Given the aforesaid factual matrix of the case that the deceased has left behind his wife and children, it is only wife and children who could be considered for dependent employment subject to their making a claim for the same and they falling within the criteria governing the field of dependent employment. The petitioner who is brother of the deceased, therefore, would become ineligible for claiming the benefit of dependent employment even if the respondents No.7&8 i.e. wife and son of the deceased did not claim for dependent employment at this juncture.
4. In view of the same, this court does not find any strong case made out by the petitioner for issuance of a direction to the respondents No.1 to 6. The writ petition thus being devoid of merit deserves to be and is hereby rejected.

Sd/-
(P. Sam Koshy)
Judge

inder