

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 1644 of 2017**

1. Smt. Girja W/o Late Shri Gopal, Aged About 32 Years R/o Gram Banja, Khejurpara, Post Banja, District Surajpur Chhattisgarh.

**---Petitioner(s)**

**Versus**

1. Coal India Limited Through Its Chairman 10 Netaji Subhash Road Calcutta West Bengal, West Bengal.
2. South Eastern Coalfields Limited, Chairman-Cum- Managing Director, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.
3. Sub Area Manager, South Eastern Coalfields Limited R G K Sub Area, Bishrampur Area, P. O. Ketka, District Sarguja Chhattisgarh.

**---Respondents**

|                 |   |                                  |
|-----------------|---|----------------------------------|
| For Petitioner  | : | Shri Ajay Shrivastava, Advocate. |
| For Respondents | : | Shri Vinod Deshmukh, Advocate.   |

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

**Order on Board**

**21.09.2021.**

1. Aggrieved by the order Annexure P/1 dated 29.03.2017 the present writ petition has been filed. Vide the impugned order, the respondents have rejected the claim of the petitioner for dependent employment. The rejection has been on the ground that the petitioner is a married daughter. As per the respondents, married daughter would not fall within the definition of dependents of the deceased on the date of death of the employee in terms of the provisions of National Coal Wage Agreement (in short, NCWA) governing the field.
2. The issue as to whether married daughters can be ousted from the claim for dependent employment only on the ground of her status of being a married daughter is no longer res integra. This court in WPS No.4994 of 2015 (Smt. Asha Pandey Vs. Coal India Ltd. & Ors.) have allowed the writ petition and have also held that exclusion of the married daughter from the ambit of the dependency under NCWA to be bad in law and illegal. The

writ petition to that extent was allowed holding that married daughter would also henceforth be eligible for consideration for dependent employment subject to her meeting all other eligibility criteria under NCWA governing the field. The order of this court passed in Smt. Asha Pandey (Supra) has been further affirmed by the Division Bench of this court and also by the Supreme Court.

3. Following the decision passed in Smt. Asha Pandey (Supra) this court in a series of judgments thereafter have interfered with such orders passed by the respondents where the claim of dependent employment has been rejected only on the ground of claimant being a married daughter.
4. Given the fact that law by now has been well settled so far as married daughter also being entitled for being considered for dependent employment subject to her meeting other eligibility criteria. The findings given in Annexure P/1 to that extent is not sustainable and the impugned order therefore deserves to be and is accordingly set aside. The matter stands remitted back to the respondent authorities for taking an appropriate decision on the claim of the petitioner for dependent employment. The respondents are directed to consider the claim of the petitioner for dependent employment in terms of the provisions of NCWA subject to the petitioner meeting all other eligibility criteria, except for the fact that she is a married daughter. The claim of the petitioner be decided afresh at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
5. Writ Petition accordingly stands allowed and disposed of.

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