

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4322 of 2021

1. Smt. Indrawati D/o Late Dwarika Prasad Sahu Aged About 39 Years R/o Village Govindpur, Police Station Bishrampur, Tahsil And District Surajpur Chhattisgarh.

---Petitioner(s)

Versus

1. South Eastern Coal Fields Limited Through The Chairman Cum Managing Director, Seepat Road, Bilaspur Chhattisgarh.
2. The General Manager Kumda Sub Area, SECL, Bishrampur, District Surajpur Chhattisgarh.
3. The Personnel Manager SECL, Sub Area Kumda Colliery, Bishrampur Area, District Surajpur Chhattisgarh.
4. The Sub Area Manager SECL, Kumda Sub Area, Bishrampur Area, District Surajpur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ashok Kumar Shukla, Advocate.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.08.2021

1. The present writ petition has been filed seeking for grant of dependent employment on the death of the father of the petitioner late Dwarika Prasad Sahu.
2. The claim of the petitioner was earlier rejected by the respondents on the ground of she being a married daughter. The petitioner on the previous occasion had filed WPS No.3229 of 2013 which was disposed of on 11.12.2013 directing the respondents to consider and decide the claim in accordance with provisions of the National Coal Wage Agreement (in short, NCWA) so far as petitioner No.2 in the said writ petition i.e. the Husband of the present petitioner. In the said order itself the High Court had categorically held that there was no illegality so far as rejection of the application moved by the petitioner herein. Subsequently, the Husband of the petitioner's claim also stood rejected which was again subjected to challenge before High Court in WPS No.6405 of 2017 and this court again

on 07.12.2017 dismissed the writ petition upholding the decision of the respondents.

3. Subsequently, in case of Smt. Asha Pandey Vs. Coal India Ltd. & Ors., WPS No.4994 of 2015, this court vide its judgment dated 15.03.2016 had held that married daughter would also be entitled for the claim for dependent employment under NCWA and that the married daughter would also be part of the dependents of the deceased. The said order stood affirmed by the Division Bench in Writ Appeal No.246 of 2016 decided on 03.09.2019 and was subsequently also affirmed by the Supreme Court. The petitioner herein thereafter has now again approached the respondents for reconsidering her claim for dependent employment in the capacity of a married daughter in the light of the judgment of this court in case of Smt. Asha Pandey (Surpa). The counsel for the petitioner submits that her claim is still consideration before the respondent authorities.
4. Be that as it may, since this court in respect of the petitioner has already decided her claim vide two writ petitions i.e. WPS Nos. 3429 of 2013 and 6405 of 2017, it would not be proper at this juncture to entertain third writ petition again. If at all if the petitioner has approached the respondents in the changed circumstances and the legal position as it stands today, the petitioner would have a right to pursue the same on its own merits on the administrative side i.e. before the respondent authorities.
5. With the aforesaid observations, the writ petition stands disposed of without expressing any opinion on the merits of the claim of the petitioner.

Sd/-
(P. Sam Koshy)
Judge