

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5055 of 2021

1. Pyare Lal S/o Late Shri Moti Lal Aged About 33 Years R/o Kapur Singh Dafai Ali Furniture Area, Ward- 23 Village Chirmiri, P. S. Chirmiri Tahsil Khadgava, District- Koriya Chhattisgarh.

---Petitioner(s)

Versus

1. South Eastern Coal Field Ltd. Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur Chhattisgarh State Of Chhattisgarh.
2. Area Personal Manager SECL, SECL, Chirmiri Area, Malaviya Nagar, G. M. Complex Pondichirmiri, District Koriya, Chhattisgarh.
3. Assistant Personal Manager Chirmiri (U/G) Colliery, District Koriya, Chhattisgarh.
4. Sub Area Manager, SECL West Chirmiri (U/G) Colliery, Chirmiri, District Koriya, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Waquar Naiyar, Advocate.
For Respondents	:	Shri KK Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.09.2021

1. Aggrieved by the impugned order Annexure P/1 dated 9/12.08.2021 the present writ petition has been filed. Vide the said impugned order the respondent No.4 has rejected the claim of dependent employment of the petitioner. The rejection has been on the ground that the petitioner was found to be overage on the date when he had moved an application.
2. The finding of the authorities is that at the time of scrutiny of the document he was found to be more than 35 years of age and therefore he could not be granted employment under the respondents.
3. The contention of the petitioner is that he has obtained a birth certificate which shows his date of birth to be 20.08.1987 and accordingly as on date he is just around 35 years of age and therefore the action on the part of the respondents was bad in law.
4. Learned counsel for the respondents opposing the petition drew the attention of the court and submits that the service records of the father

reflects that even as on 1990 i.e. almost 30 years before the deceased had died there was an entry of the petitioner being his son in the service records and the age of the petitioner at that point of time itself was reflected as 6 years. Simultaneously in Annexure P/5 which again is a document of 1998, the date of birth of the petitioner reflected in service records which is a statutory document as maintained under the respondents reflects his date of birth to be 20.08.1985.

5. Considering these two dates, the respondents had reached to the conclusion that from the available material it appears that the petitioner was more than 35 years and therefore his application has been turned down. Moreover, all those documents which he is relying upon are documents which have been created much after.
6. Today when the matter is taken up for hearing, the counsel for the respondents further submits that pending the writ petition before this court the wife of the deceased employee had moved an application for providing employment to the younger brother of the petitioner who is still having the age wherein employment could be provided to him.
7. Given the said development that has arisen particularly the fresh application which has been moved by the wife of the deceased employee for providing employment to younger brother of the petitioner namely Gopi Lal, the present writ petition at this juncture stands disposed of reserving the right of the other claimants to claim dependent employment in accordance with policy for dependent employment under the respondents.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge