

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4473 of 2021

1. Bajrang Prasad Soni S/o Late Rewalal Soni Aged About 54 Years R/o House No. B 157, Shakti Nagar Gevra, Tahsil And District Korba, Chhattisgarh, District : Korba, Chhattisgarh
2. Smt. Priyamvada Soni@ Preeti W/o Shri Gourishankar Soni Aged About 59 Years R/o Through Shri Banjrang Prasad Soni, S/o Late Rewalal Soni, Aged About 54 Years, R/o House No. B 157, Shakti Nagar Gevra, Tahsil And District- Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioners

Versus

1. South Eastern Coalfields Limited Through- Its Managing Director, Vasant Vihar, Seepat Road, Bilaspur, District- Bilaspur, Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Public Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
3. Gouri Shankar Soni S/o Shri Krishna Gopal Soni Aged About 35 Years R/o Village Faraswani, Post Faraswani, District- Korba, Chhattisgarh.

Official Address Principal Structural System Design Engineer, Roles Roys India Private Limited L 3 Block, 9-10th Floor, Manyata Embassy Business Park Hebbal Outer Ring Road, Nagawara, In Front Of B.E.L. Corporate House, Bengaluru, Pin 560045, District : Korba, Chhattisgarh

---- Respondents

For Petitioners	: Shri Harsh Wardhan Parganiha, Advocate.
For respondent No.1	: Shri Vinod Deshmukh, Advocate.
For respondent No.2/State	: Shri Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01.11.2021

Heard on petition.

1. It is submitted by counsel for the petitioners that petitioner No.1 is the employee of respondent No.1. Petitioner No.2 is the daughter of petitioner No.1. Petitioner No.2 is wholly dependent on petitioner No.1. Petitioner No.2 was married in the year 2015 but later on, her husband has abandoned her because of which, she is continuously living under the shelter of petitioner No.1, therefore, she is dependent upon

petitioner No.1. Petitioner No.2 met with an accident and at present, she is in coma admitted in Ramkrishna Care Hospital requiring surgery and other treatment as may be advised. Petitioner No.1 has presented his case before respondent No.1 that petitioner No.2 may be treated as his dependent and the expenses towards her treatment may be reimbursed. As no action being taken by respondent No.1, this petition was filed.

2. It is submitted by counsel for the petitioners that in the recent development, respondent No.1 has given consideration to the case of the petitioners and they have issued a medical card which may be used for providing medical assistance to petitioner No.2 and legal opinion has also been sought. Referring to the office memorandum issued by South Eastern Coalfields Limited dated 8.5.2018, it is submitted that in clause-3 of this memorandum under the heading of Definition of Family, the married daughter in case she is divorced, abandoned or separated from the husband and financially dependent on and residing with the employee shall be included in the definition of family which would be a ground for claiming medical reimbursement. Hence, this Court may make observation on the basis of this memorandum and pass the appropriate orders.
3. Learned counsel for respondent No.1 opposes the submissions and submits that the petitioners have not made any proper representation, therefore, the petitioner may be granted liberty to file a representation before respondent No.1 and then respondent No.1 shall be obliged to consider on the same. Hence, this petition may be disposed of.

4. Learned State counsel representing for respondent No.2 has no objection if the petition is disposed of.
5. After considering on the submissions made by counsel for the petitioners and counsel for respondent No.1, this petition is disposed of at motion stage. As it has been submitted on behalf of respondent No.1, respondent No.1 is willing to consider on the case of the petitioner, hence, on this basis, the petitioners are granted liberty to file a fresh representation in case, if it is so required and then respondent No.1 is directed to consider on the case of the petitioners regarding reimbursement of medical expenses towards the treatment of petitioner No.2 subject to eligibility taking into consideration the Definition of Family as mentioned in the office memorandum dated 8.5.2018 issued by Coal India Limited whose subsidiary is respondent No.1.
6. With the aforesaid observations, this petition is disposed of.

Certified copy of the order today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi