

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4205 OF 2022

Saibai Zinguji Ledange,
Aged about 76 years,
Occ. Nil, R/o.Sakhri,
Rajura, Dist. Chandrapur. **PETITIONER**

...V E R S U S...

- 1) Western Coal Fields Ltd. (WCL),
Through its General Manager,
Coal Estate, Civil Lines, Nagpur.
- 2) Regional General Manager,
Vekoli, Ballarpur region Sasti
Township, Sasti, Tehsil Rajura
and Dist. Chandrapur. **RESPONDENTS**

Mr. S. O. Ahmed, Advocate for Petitioner.
Ms. Preeti Rane, Advocate for Respondents.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**
DATE: **12th APRIL, 2023.**

ORAL JUDGMENT: (PER ROHIT B. DEO, J.)

Rule. Rule made returnable forthwith. By consent
of the parties petition is heard finally.

2. The petitioner is aggrieved by the refusal of the
respondents to provide employment to her widowed

daughter-in-law, on the premise that the extant policy excludes the daughter-in-law from the definition of “family”

3. Only few facts may be noted.

4. It is not in dispute that land admeasuring 0.41 HR assigned Gat 401/2A situated at Sakhari, Taluka Rajura and District Chandrapur was acquired by the Western Coalfields Limited (WCL).

5. It is further not in dispute that the extant policy of rehabilitation is the “Rehabilitation and Resettlement Policy of Coal India Limited 2012” (Rehabilitation Policy).

6. It is further not in dispute that the son of the petitioner Mr. Gajanan applied for employment as the nominee of the petitioner. He was asked to undergo the medical examination. Gajanan was found unfit and unfortunately succumbed on 28.10.2021.

7. On 01.02.2022 petitioner preferred application seeking employment for widowed daughter-in-law Mrs. Rupali. This request is rejected by the decision impugned which is premised on the definition of “family” in the Rehabilitation Policy.

8. The definition of family in Clause 4(b) in the Rehabilitation Policy reads thus:

4(b) “family” includes a person, his/her spouse, son including minor sons, dependent daughters, minor brothers, unmarried sisters, father, mother residing with him or her and dependent on him/her for their livelihood; and includes “nuclear family” consisting of a person, his/her spouse and minor children. Provided that where there are no male dependents, the benefit due to a land loser may devolve on dependent daughter nominated by the land loser.

9. It is of extreme significance that the definition is inclusive and not exhaustive. We are inclined to assume, that if a person is ordinarily a member of the family, he shall be included in the definition of “family” which is an inclusive definition. We are further alive to the predominant judicial

thought that a widowed daughter-in-law who is residing with the family cannot be treated differently from daughter, particularly in the context of the Indian culture and ethos. Several High Courts have taken a view that irrespective of the fact that the definition of “family” in the service rules which provide for a welfare mechanism, the widowed daughter-in-law shall have to be included in the definition of “family”. We may only refer to the decision of the Full Bench of the Uttarakhand High Court in *Udham Singh Nagar District Co-operative Bank Ltd. and another v. Anjula Singh and others AIR 2019 UTR 69*, with which we respectfully and unreservedly agree. The learned counsel for the WCL Ms. Rane has fairly placed before us the decision of the Co-ordinate Bench in Writ Petition 3547/2020 which gives an expansive meaning to the expression family and holds that the widowed daughter-in-law who is dependent on her father-in-law shall be equated with the daughter and shall be entitled to the benefit of the Rehabilitation Policy.

10. In this view of the matter, we have no hesitation in declaring that the claim of the widowed daughter-in-law

could not have been rejected on the ground that she does not fall in the zone of beneficiaries. Her claim shall have to be examined, on the same footing as the claim of a daughter.

11. Ms. Rane however, points out that while the WCL shall indeed consider the claim of the widowed daughter-in-law, and shall not reject the same on the premise that she is not included in the definition of “family”, she would nonetheless have to satisfy the test of Clause 6(B) which provide that only a displaced family/person shall be eligible for resettlement benefits.

12. We clarify that the WCL shall be entitled to examine the claim of the widowed daughter-in-law on the touchstone of Clause 6(B) of the Rehabilitation Policy. The limited direction which we are issuing is that the claim shall not be rejected on the premise that the widowed daughter-in-law is not covered by the definition of “family”. We direct the respondents to consider the claim of the widowed daughter-in-law, on its merit, and consistent with the observation *supra*, within the next four weeks.

13. The petition is disposed of in the aforestated terms.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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