



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

WRIT PETITION NO.7703 OF 2023

[Usha Raju Turankar and Ors. **..V/s..** General Manager, Western Coalfields Ltd. and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
order
and Registrar's orders.*

Court's or Judge's

Shri S. V. Sohoni, Advocate for Petitioners.
Shri A. M. Ghare, Advocate for Respondent Nos.1 to 3.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : 10th NOVEMBER, 2023.

. **Rule.** Rule made returnable forthwith. On the motion made by the learned counsel for petitioners, name of respondent No.4 is permitted to be deleted.

2. Shri A. M. Ghare, learned counsel waives notice for the respondent Nos.1 to 3.

3. The challenge raised in the present writ petition is to the communication dated 10.03.2023 by which the claim of the petitioner No.1 for grant of employment under Clause 9.3.0 of the National Coal Wage Agreement has not been accepted.

4. The learned counsel for the petitioners by relying upon the decision in **Ku. Shimla d/o Late Satiram Rajbhar and Anr. vs. Western Coalfields Limited and Ors. Writ Petition No.4074 of 2018** decided on 20.01.2023 submits that it would not be permissible for the respondents to disregard the claim made by married daughter of the land owner. Without considering the effect of the aforesaid judgment, the application has been rejected. He therefore seeks reconsideration of the said application in accordance with what has been held in the said judgment.

5. The learned counsel for the respondents has opposed the prayers made in the writ petition. According to him, the relevant

Clauses of National Coal Wage Agreement do not entitle the married daughter to seek employment and the issuance of the communication dated 10.03.2023 is valid. He further submits that the decision relied upon by the learned counsel for the petitioners is the subject matter of challenge before the Hon'ble Supreme Court.

6. After hearing the learned counsel for the parties, we find that the claim of the petitioner No.1 requires reconsideration in the light of what has been held in **Ku. Shimla Satiram Rajbhar** (supra). The very same Clause on which the petitioner No.1's claim has been refused has been considered in the said decision and it has been held that unmarried daughter/married sister would be entitled to seek employment. It is true that challenge to the aforesaid decision is pending before the Hon'ble Supreme Court. However, till further orders are passed in the said proceedings, petitioner No.1's claim can be reconsidered in the light of what has been held in the said judgment. This is for the reason that presently there is no order staying the operation of the said judgment.

7. For aforesaid reasons, the communication dated 10.03.2023 is set aside. It is directed that the respondents shall reconsider the petitioner No.1's application dated 27.02.2023 in the light of the judgment of this Court in **Ku. Shimla Satiram Rajbhar** (supra). Such decision would be subject to final outcome of the proceedings before the Hon'ble Supreme Court of India.

8. A fresh decision on the said representation be taken within a period of eight weeks from receiving copy of the order.

9. Rule is made absolute in the aforesaid terms with no order as to costs.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)