

4. A title suit being Title Suit No.214 of 2008 was filed by Tulsi Bauri and others impleading the Eastern Coalfields Limited, its officers and the petitioners as defendants praying for declaration that Tulsi Bauri is the legally married wife and the plaintiff nos.2 to 6 are the daughters of the late employee who are entitled to receive all the service benefits of the deceased. Prayer has been made for decree of permanent injunction restraining the Eastern Coalfields Limited to provide employment in the died-in-harness category. The said Title Suit is pending consideration.
5. Learned advocate for the petitioners has annexed the service record of the employee wherein the nomination made by the employee is annexed. The name of the wife of the employee is recorded as Behula Bauri.
6. The report of the Deputy Commissioner of Police, Special Branch, Asansol Durgapur dated October 17, 2019 relied upon by the petitioners discloses that the credential verification as well as the genuinity of relationship of the petitioner no.2, Bipin Bauri and late Sudan Bauri was enquired.
7. It has been found that Bipin Bauri and Sudan Bauri are son and father. Behula Bauri has been found to be the wife of the employee. No adverse report could be found against the petitioners in the police station and the Special Branch records.
8. Submission of the petitioners is that the claim for employment is unnecessarily kept pending by the authority. The petitioner no.2

was medically examined and found fit for employment way back in the year 2014.

9. Prayer has been made to direct the authority to process the claim for employment of the petitioner no.2, the son of the deceased.
10. Learned advocate for the Eastern Coalfields Limited submits that as there is rival claim for employment and for disbursement of terminal dues of the deceased employee, the authority could not process the claim of the petitioners.
11. It has been submitted that the terminal dues of the employee have been disbursed in terms of the order passed by the controlling authority.
12. The marriage registration certificate produced before the authority by the said Tulsi Bauri has been placed before this Court by the learned advocate representing the authority.
13. It has been submitted that till a declaration is obtained by the petitioners as regards the marriage and heirship and particularly due to the pendency of the Title Suit, the authority is not in a position to proceed with the claim of the petitioners.
14. The respondents pray for dismissal of the writ petition.
15. I have heard the submissions made on behalf of both the parties and have perused the materials placed before this Court.
16. The service register of the employee annexed to the writ petition clearly records that Behula Bauri is his wife, Bipin is his son. The report of the Deputy Commissioner of Police, Special Branch,

Asansol, Durgapur of the year 2019 also suggests the same relationship of father and son between the employee and the petitioner no.2.

17. The marriage registration certificate relied upon by the rival claimant, Tulsi Bauri appears to have been registered in the year 2001. The date of marriage has, however, been mentioned as March 12, 1980.
18. The service record of the deceased employee records the date of birth of the petitioner no.2 as 1980 and the date of birth of the daughter of the employee, Susmita Bauri, Josna Bauri in the year 1978.
19. The personal law of the deceased employee does not permit maintaining two wives at the same time; nor does it permit a second marriage when the first wife is alive. The year of marriage, as claimed by Tulsi Bauri, is 1980 that is the year of birth of the petitioner no.2 and after the birth of two daughters of the deceased employee.
20. The same suggests that Behula Bauri, the petitioner no.1 is the first wife of the deceased employee whose name is rightly recorded in his service records.
21. The marriage of Tulsi Bauri, on the materials available before this Court, does not appear to be legally valid as the same has been contacted, if at all, during the presence of the first wife.

22. In view of the facts mentioned hereinabove, the Court is constrained to observe that the authority would be bound to proceed to consider the application for employment in favour of the petitioner no.2, the recorded son of the deceased employee relying on his medical certificate dated July 2, 2014 annexed at page 24 of the writ petition.
23. Steps shall be taken in the matter at the earliest, but positively within a period of four weeks from the date of communication of this order.
24. The writ petition stands disposed of.
25. Copy of the marriage registration certificate dated September 25, 2001 handed over by the learned advocate representing the Eastern Coalfields Limited in Court today be retained with the records.
26. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
27. Urgent certified photocopy of this judgment, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)