



2024:CGHC:45822

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2133 of 2023

1 - Sunila Singh @ Indrakunwar Singh D/o Late Sukhlal Aged About 32 Years
Caste- Gond, R/o Village Chharchha, Tahsil Baikunthpur, District : Koriya
(Baikunthpur), Chhattisgarh

... **Petitioner****versus**

1 - South Eastern Coalfields Limited Through The Chairman-Cum-Managing
Director, SECL Headquarter, Seepat Road, Sarkanda, Bilaspur, District :
Bilaspur, Chhattisgarh

2 - The General Manager South Eastern Coalfields Limited, Churcha Colliery

3 - The Manager (Personnel) South Eastern Coalfields Limited, Churcha
Colliery, District Korea (CG)

4 - The Deputy Regional Manager Churcha Mine (R.O.), SECL Churcha
Colliery, District Korea (CG)

---- **Respondents**

For Petitioner	:	Mr. Anil S. Pandey, Advocate
For respondents	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

22.11.2024

1. The petitioner has filed this petition seeking the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased

to direct the respondent authorities to reconsider the case of the petitioner for grant of dependent employment within stipulated time framed, in accordance with Clause 9.3.0 of the National Coal Wages Act by treating the petitioner as eligible.

10.2 That any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Mr. Pandey, the learned counsel appearing for the petitioner would submit that the father of the petitioner was an employee of the respondents, who died in harness on 24.01.2016. He would further submit that an application for dependent employment was moved by the petitioner on 03.03.2020. He would also submit that the claim of the petitioner was rejected on the ground that at that time, age of the petitioner was 37 years whereas permissible age according to the National Coal Wage Agreement was 35 years at the relevant time. He would further contend that the respondent authorities wrongly calculated the age of the petitioner. He would also contend that her father had mentioned the age of the petitioner four years on 11.08.1987 whereas the respondent authorities ignored Aadhar Card, mark-sheet of Class 8th and birth certificate. He would lastly submit that a direction may be issued to the respondent authorities to consider the claim of the petitioner for the dependent employment.
3. On the other hand, Mr.Agrawal, the learned counsel appearing for the respondent/SECL would oppose the submissions made by Mr.

Pandey. He would submit that the service book was filled-up by the father of the petitioner himself and according to the entry, on 11.08.1987 age of Sunila Singh was four years. He would further submit that there is a variation in the name of the petitioner also. The mark-sheet and other documents have been issued in the name of Indrakunwar Singh whereas the name of the petitioner is Sunila Singh. He would further contend that the petitioner could not produce clinching document to establish that Indrakunwar Singh and Sunila Singh are one and same. He would further submit that earlier WPS No.9203 of 2022 was filed by the petitioner showing her name Sunila Singh and the present petition has been filed showing her name Sunila Singh @ Indrakunwar Singh. He would lastly submit that the present petition deserves to be dismissed.

4. I have heard the learned counsel appearing for the parties and perused the documents placed on the record.
5. It appears that the petitioner moved an application for dependent employment on 03.03.2020 and same was rejected by the respondent authorities holding that on the date of death of her father, age of the petitioner was more than 35 years. There are disputes with regard to date of birth and the name of the petitioner. Earlier the petitioner disclosed her name Sunila Singh and filed WPS No.9203 of 2022 whereas this petition has been filed

showing her name Sunila Singh @ Indrakunwar Singh. The mark-sheet and other documents have been issued in the name of Indrakunwar Singh. There is no document to establish that Sunila Singh and Indrakunwar Singh are one and same. The date of birth of Indrakunwar Singh is 01.07.1990. Meaning thereby, on the date of death of her father, the petitioner was below than 35 years of age.

6. Taking into consideration the dispute with regard to the name of the petitioner, the petitioner is permitted to file a civil suit claiming therein declaration that Sunila Singh and Indrakunwar Singh are one and same person. If such a decree is passed in favour of the petitioner, the respondent authorities are directed to consider the claim of the petitioner for dependent employment thereafter in an objective manner.
7. With the aforesaid observation(s)/direction(s), the present petition is **disposed of**.

Sd/-

(Rakesh Mohan Pandey)

Judge