



2025:CGHC:52051



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 784 of 2021

1 - Sumitra Bhagat D/o Late Larangu Ram Bhagat Aged About 33 Years R/o House No. M - 1021, Adarsh Nagar Kusmunda, Tahsil Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh

... Petitioner(s)

versus

1 - South Eastern Coal Field Limited Through Its Chairman Cum Managing Director, South Eastern Coal Field Limited, Headquarters, Seepat Road Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - General Manager South Eastern Coal Field Limited, Headquarters, Seepat Road Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

3 - General Manager South Eastern Coal Field Limited, Kusmunda Area, District Korba Chhattisgarh., District : Korba, Chhattisgarh

4 - Regional Manager South Eastern Coal Field Limited, Kusmunda Project, Kusmunda Area, District Korba Chhattisgarh., District : Korba, Chhattisgarh

... Respondent(s)

(Cause Title is taken from Case Information System)

For Petitioner/s : Mr. S.R.J. Jaiswal, Advocate.

For Respondents : Mr. Atul Kumar Kesharwani, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

20.03.2026



1. The petitioner has filed this petition seeking the following reliefs:

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relates to the case of the petitioner from the possession of respondents for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 30.11.2020 issued by the respondent no.3 i.e. General Manager, South Eastern Coal Field Limited, Kusmunda Area, District Korba (C.G.) and pleased to direct the respondents to consider and grant the appointment to the petitioner on compassionate basis.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief/relief's in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. The facts, in brief, are that the elder brother of the petitioner, namely Suresh Kumar Bhagat was working as EPGH Category-I at Kusmunda Project, Kusmunda area, District Korba under the respondents. He died in harness on 7.2.2018 leaving behind his wife, children, mother and sisters. The wife of the deceased moved an application on 6.4.2018 seeking compassionate appointment for the sister of the deceased. Thereafter, Writ Petition (S) No.3159 of 2020 was filed by the petitioner seeking a direction to the respondents to decide the pending application. The said writ petition was disposed of on 14.8.2020, wherein a direction was issued to the SECL authorities to decide the pending application within a period of four months. The respondent authorities, however, rejected the application on 30.11.2020, inter alia on the ground that according to National Coal Wage Agreement (NCWA), the sister of the deceased does not fall within the category of the dependents.



3. Shri S.R.J. Jaiswal, learned counsel appearing for the petitioner would submit that the respondent authorities have misconstrued the clause 9.3.3 of NCWA-X. He would contend that wife of the deceased herself moved an application for dependent employment on behalf of the petitioner as she was not in position to seek such employment for herself. He has placed reliance on the judgment passed by the High Court of Madhya Pradesh at Jabalpur in WP No. 15841 of 2021, parties being **Shakila Begum (Siddiqui) and Another vs. Northern Coalfields Limited and Others**, wherein it is held that according to clause 9.3.3 of NCWA, the sister of an unmarried employee who was fully dependent upon him would be entitled to be considered for appointment on compassionate ground. He would pray to allow this petition.
4. On the other hand, Shri Atul Kumar Kesharwani, learned counsel for the respondents would oppose the submissions made by counsel for the petitioner. He would refer clause 9.3.3 of NCWA-X, which states that a dependent for this purpose means the wife/ husband as the case may be, unmarried daughter, son and legally adopted son and if no such direct dependent is available for employment, brother, widowed daughter/ widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependent on the earnings of the deceased may be considered. He would submit that a sister is not included within the category of dependents under Chapter IX of NCWA-X. He would contend that the wife of the deceased never approached the respondent authorities claiming therein dependent employment and the application moved by the sister was not



maintainable, therefore, the respondent authorities have rightly rejected the application.

5. I have heard learned counsel for the parties and perused the documents present on record.

6. Clause 9.3.3 of NCWA, reads as under:

“**9.3.3.** The dependent for this purpose means the wife/ husband as the case may be, unmarried daughter, son and legally adopted son. Is no such direct dependent is available for employment, brother, widowed daughter/ widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependent on the earnings of the deceased may be considered to be the dependent of the deceased.”

7. In the present case, brother of the petitioner, who was SECL employee, died in harness on 7.2.2018. An application was moved by the wife of the deceased on behalf of the petitioner. It is also not in dispute that the wife of the deceased never approached the respondent authorities claiming therein dependent employment.

8. A perusal of clause 9.3.3 of NCWA would make it clear that sister would not come within the definition of a dependent when the wife and children are alive. In the matter of **Shakila Begum** (supra), the High Court of Madhya Pradesh directed the respondent authorities to consider the claim of sister of the deceased employee as unmarried employee died leaving behind his sister alone and therefore, it was observed that as she was fully dependent upon the income of the deceased, he would be entitled to be considered for appointment on compassionate grounds. In the present case, the deceased was not a bachelor rather he is survived by his wife and children. As per clause



9.3.3, a sister does not fall within the category of the dependents, and also the direct dependents of the deceased are still alive and the petitioner failed to establish that she was dependent on the earnings of the deceased. Therefore, in my opinion, the respondent authorities have rightly rejected the application moved by the petitioner. Thus, I do not find any good ground to interfere in the matter. Accordingly, this petition fails and is hereby dismissed.

Sd/-
(Rakesh Mohan Pandey)
Judge

Nimmi