



2026:CGHC:21558-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 402 of 2026

1 - South Eastern Coalfields Limited Through Chairman -Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.

2 - General Manager, (Personnel/man Power), South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.

3- Area General Manager, South Eastern Coalfields Limited, Hasdeo Area, P.O. South Jhagrakhand, District Korea Chhattisgarh.

4 - Sub Area Manager, South Eastern Coalfields Limited, Rajnagar O C M, P.O Rajnagar, District Anuppur (M.P.)

5 - Senior Manager (Personnel), South Eastern Coalfields Limited, Rajnagar O C M P.O Rajnagar, District Anuppur (M.P.)

... Petitioner(s)

versus

1 - Surendra Kumar S/o Keshri Singh, Aged About 31 Years R/o Village Dola, P.O. Ramnagar, Tehsil Kotma, District Anuppur (M.P.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Shri Vaibhav Shukla, Advocate.
For Respondent	:	Shri Chandresh Shrivastava, Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Judgment on Board

08.05.2026

Per, Ramesh Sinha, CJ.

- The present writ appeal has been filed by the writ appellants against the order dated 28.02.2016 passed by the Single Judge in WPS No.8779 of 2023 whereby the writ petition filed by the writ petitioner/respondent herein, has been allowed and the present

appellants have been directed to consider and decide the application for grant of dependent employment in accordance with provisions of National Coal Wage Agreement (in short, NCWA) as applicable on the date of death of deceased mother by passing a speaking order within 45 days from the date of receipt of copy of the order.

- 2** Facts of the case are that, the mother of writ petitioner namely Smt. Bhagwaniya was an employee of South Eastern Coalfields Limited (in short, SECL) and was appointed as General Mazdoor at Rajnagar OCM. She died in harness on 07.05.2011. The writ petitioner was the recorded dependent family members of the deceased. On 12.09.2011 the writ petitioner made his application for dependent employment under the scheme envisaged under NCWA enclosing all the requisite documents. The SECL, vide its communication dated 20.04.2012 informed the writ petitioner that his case cannot be considered for dependent employment. Since the SECL have not rejected the application and have not informed about the same, the writ petitioner made various representations to the SECL for dependent employment. However, considering the fact that the SECL was not intended to provide dependent employment, he filed the writ petition on 30.10.2023 for a direction to the SECL for dependent employment to the writ petitioner.
- 3** In reply, the writ appellant SECL raised a specific objection in paragraph 6 of the writ petition that writ petition of petitioner is filed after more than 12 years from the date death of the employee and there is unexplained delay in filing the writ petition which is against the object of dependent employment. Vide communication dated

20.04.2012 the writ petitioner was informed that his application for dependent employment cannot be considered and therefore the writ petitioner ought to have approached before this court to redress his grievances at that time itself. However, he approached this court by filing the writ petition after more than 12 years and therefore the writ petition suffers from delay and laches. The SECL also replied on other aspects of the claim of the petitioner.

- 4 The writ petitioner, in its rejoinder, though have explained the reasons for delay in filing the writ petition, but the said aspect of delay and laches in filing the writ petition have not been considered by the Single Judge and by considering the merits of the case, allowed the writ petition directing the SECL to consider the writ petitioner's application for grant of dependent employment, which is under challenge in the present writ appeal by the SECL.
- 5 Learned counsel appearing for the appellants SECL would submit that the mother of the writ petitioner died on 07.05.2011 and the application filed by the petitioner for grant of dependent employment was rejected vide communication dated 20.04.2012 and the present writ petition has been filed on 30.10.2023 which is after about 12 years of date of death of the employee. The writ appellants have specifically raised objection regarding maintainability of the writ petition on the ground of delay and laches in para 6 of their return, however, the said aspect of delay and laches have not been considered by the Single Judge. He would also submit that in the rejoinder filed by the writ petitioner he explained that writ appellant SECL have not rejected the claim of petitioner and no information was given to him and therefore the writ petitioner was not

in a position to challenge the order passed by the SECL. The communication dated 20.04.2012 clearly shows that the application of the writ petitioner for grant of dependent employment has been rejected which has been duly communicate to him, yet he has not chosen to file writ petition within reasonable time. Even though the writ petitioner made his representation, but his representation does not extend the period to file the writ petition within reasonable time. If the SECL have not taken any decision on the representation of the writ petition, he would have immediately approached to this court for redressal of his grievances. Though the ground of delay and laches have been argued by the counsel appearing for SECL, but the same has not been considered while passing the order by the Single Judge and decided the writ petition on merits. Therefore, the impugned order passed the Single Judge suffers from perversity and the same is liable to be set aside.

- 6 On the other hand, learned counsel for the respondent/writ petitioner opposes the submissions made by the counsel for the writ appellant SECL and have submitted that after considering the entire facts and circumstances of the case and the aspect of delay in filing the writ petition, the Single Judge has passed its order which does not suffer from any perversity or illegality. The scope of dependent employment is different than the scope of compassionate appointment and the benefit of dependent employment cannot be denied on the ground of delay and laches. The writ petitioner had immediately applied for grant of dependent employment, however, his application was not decided by the SECL and only a communication has been made on 20.04.2012

that his application cannot be considered. There is no reason assigned by the SECL for not considering his application. Therefore, the writ petitioner had no occasion to challenge the said communication dated 20.04.2012. When the application for grant of dependent employment have not been considered for long time by the SECL, he approached this court for redressal of his grievance which cannot be said to be suffered from delay and laches. While relying upon the judgment of Smt. Subhadra Vs. Ministry of Coal, AIR 2018 SC 783, the Supreme Court has considered the distinction between the compassionate appointment and the dependent employment as the dependent employment is flowing from a bipartite agreement like NCWA and it has the binding effect to the parties. Therefore, the writ appeal does not have any merits and the same is liable to be dismissed.

- 7 We have heard the counsel for the parties and perused the records of the writ petition as well as writ appeal.
- 8 From perusal of order passed by Single Judge it transpires that the counsel appearing for SECL raised objection and argued that mother of the writ petitioner Smt. Bhagmaniya died on 07.05.2011, the writ petitioner applied for dependent employment on 12.09.2011 and the SECL has communicated the writ petitioner on 20.04.2012 that his application cannot be considered. It has also been argued by the SECL that writ petition suffers from delay and laches as the same has been filed after about 12 years of death of deceased employee. While relying upon the judgment of Surjeet Singh Sahni Vs. State of Uttar Pradesh, AIR Online 2022 SC 226, the counsel appearing for the SECL also argued that mere representation do not extend limitation nor do they

furnish a fresh cause of action. The submissions made by the counsel for the SECL regarding delay and laches is not found to be considered in the said order by the Single Judge and it is only the merits of the writ petition with respect to clauses -9.3.0, 9.3.1, 9.3.2, 9.3.3 and 9.3.4 of the National Coal Wage Agreement have been considered.

- 9** It is necessary here to notice paragraph 6 of the return filed by the SECL by which they raised objection regarding delay and laches, which reads as under:

“That, the averments made in this paragraph are denied. It is submitted that, the instant petition is highly belated and thus liable to be dismissed on the ground of delay only. Admittedly mother of the petitioner Smt. Bhagwaniya died on 07.05.2011, the petitioner has filed the present petition before this Hon'ble Court in the month of October, 2023 i.e. almost after more than 12 years from the death of the employee. There is no explanation for delay in filing the instant petition, as such petition is liable to be dismissed on the ground of delay and laches only.

Apart from that, as per facts of the case, the deceased employee died on 07.05.2011 and thereafter the petitioner's claim for providing him dependent employment, rejected vide order dt. 20.04.2012 (Annexure P/4) by the respondent authorities. The same was not challenged by the petitioner before any competent court of law nor made any grievance before any authorities and was accepted the same by his conduct. Thus, due to long passage of time, same attains finality on the issue raised by the petitioner.

By way of this petition, the petitioner is trying to reopen the issue which already attained finality in the matter and is indirectly challenged above order dt.20.04.2012(Annexure P/4) after passing of long 11 years. There is no justification or explanation given by the petitioner for such long delay in filing the instant

petition. The petitioner falsely declares in para 7 of the petition, that, "There is no delay in filing the instant petition."

In this view of the matter the petition is liable to be dismissed on the ground of delay and laches."

- 10** In the rejoinder filed by the writ petitioner on 02.01.2026, he replied the objection raised by the SECL in paragraph 6 of his rejoinder, which also reads as under:

"6. Rejoinder to para-6. That, the submissions made by the respondents in the aforesaid paragraph are false, misconceived and hence deenied. The petitioner submits that the application for dependent employment was made within the permissible framework of rules and as per the bona fide circumstances prevailing at the relevant time. The delay, as alleged was not there as at no point of time any order has been passed rejecting the claim and only a communication was made with respect to the information given from Head Quarters. The petition has thus been filed within a reasonable period from the date of knowledge of the rejection and not from the date of death of the deceased employee, as wrongly contended by the respondents. It is well settled in law that principles of delay and laches cannot be applied in a rigid and mechanical manner, particularly in cases involving compassionate appointment which is a beneficial scheme intended to provide relief to the family of the deceased employee. The Hon'ble Supreme Court has consistently held that matters involving livelihood and social justice require a liberal and equitable approach rather than a hyper-technical one."

- 11** Despite raising specific objection regarding delay and laches and replied by the writ petitioner in rejoinder and despite submissions raised at the time of hearing of the writ petition by the respective parties, the consideration on that issue does not find place in the impugned order passed by the Single Judge.

- 12** Delay and laches is a vital issue involved in the writ petition as the parties have vehemently made their rival submissions on that issue and also in view of the case of Surjeet Singh Sahni (Supra), the delay in filing the writ petition, if any, have the substantial bearing in the writ petition. Thus, we are of the considered opinion that the matter should be reheard by the learned Single Judge and to pass the order afresh considering the issue of delay and laches, as has been raised by the writ appellants SECL and replied by the writ petitioner.
- 13** Accordingly, we set aside the impugned order dated 28.02.2026 passed by the learned Single Judge and remit the matter back to learned Single Judge by restoring WPS No.8779 of 2023 to its original status for hearing and deciding the same afresh, including the issue of delay and laches as has been raised by the SECL, in accordance with law and after providing them proper opportunity of hearing, within six weeks from the first date of its listing before the learned Single Judge.
- 14** Registry is directed to list the restored case WPS No.8779 of 2023 for hearing before the learned Single Judge without any further delay.
- 15** With the aforesaid observations, the writ appeal is allowed in part to the extent indicated hereinabove.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice