



2026:CGHC:23918-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 471 of 2026

Shiv Prasad @ Shivkumar S/o Late Ramcharan Aged About 31 Years (Wrongly Mention Shivshankar), R/o- Village Dhandhapur, Dumarpara, Police Station And Tehsil- Rajpur, District- Balrampur (C.G.) At Present R/o- Of Ward No.15, Gitti Dafaie, Haldibadi, Police Station And Tehsil- Chirmiri, District- Koriya (C.G.)

... Appellant

versus

1 - South Eastern Coalfields Limited Through- General Manager, North-Chirmiri, Domanhil, Post Office- Sonavani-Coalry, District- Koriya (C.G.)

2 - Area-Manager S.E.C.L. North-Chirmiri, Domanhil, Post Office- Sonavani-Coalry, District- Koriya (C.G.)

3 - Ku. Shakuntala @ Shakun D/o Late Smt. Manju, W/o Late Ramcharan Aged About 21 Years R/o- Ward No.-38, 14-Number Block, Domanhil, Post- Sonavani, Police Station And Tehsil- Chirmiri, District - Koriya (C.G.)

... Respondents

(Cause-title taken from Case Information System)

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| For Appellant | : | Mr. Jameel Akhtar Lohani, Advocate |
| For Respondent No.3 | : | Mr. Om Prakash Sahu, Advocate |

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16.06.2026

1. Heard Mr. Jameel Akhtar Lohani, learned counsel for the appellant as well as Mr. Om Prakash Sahu, learned counsel appearing for respondent No.3 on I.A. No.01, which is an application for



condonation of delay of 12 days in preferring the present writ appeal.

2. For the grounds assigned in the application (I.A. No.01), the same is allowed. Delay of 12 days in filing the writ appeal is hereby condoned.
3. The present intra Court appeal has been filed against the order dated 05.02.2026 passed by the learned Single Judge in WPS No.753/2023 (*Ku. Shakuntla @ Shakun v. South Eastern Coalfields Limited and others*) whereby the writ petition filed by the appellant/writ petitioner before the learned Single Judge has been disposed of.
4. Brief facts before the learned Single Judge, in a nutshell, were that the mother of the writ petitioner therein namely late Manju died in harness on 10.05.2021 while working in the office of respondent Nos.1 and 2-SECL. Late Manju was married to late Ram Charan, who had earlier married late Chameli, from whose wedlock respondent No.3 therein/appellant herein Shivshankar @ Shivkumar was born, whereas the writ petitioner was the daughter of late Manju. Disputes arose regarding grant of dependent employment under the provisions of Chapter IX of the National Coal Wage Agreement, particularly Clause 9.3.3, wherein both the writ petitioner and appellant claimed entitlement to dependent employment. Earlier writ petitions filed by both parties were disposed of by this Court directing the respondent-SECL



authorities to consider their respective claims in accordance with the applicable policy. However, since neither party could produce NOC from the other, the claim of both the writ petitioner and appellant/respondent No.3 therein was rejected by the competent authority vide order dated 14.11.2022, which was challenged by the writ petitioner in the writ petition bearing WPS No.753/2023, wherein the learned Single Judge ultimately allowed the petition and directed the respondents to reconsider the claim of the writ petitioner for grant of dependent employment in accordance with Clause 9.3.3 of the NCWA within a stipulated period.

5. Challenging the aforesaid order dated 05.02.2026, the appellant herein/respondent No.3 therein has filed the instant writ petition.
6. Learned counsel for the appellant submits that the impugned order passed by the learned Single Judge is contrary to the facts on record and the applicable policy governing compassionate appointment under the National Coal Wage Agreement (NCWA). It is contended that the appellant had earlier approached this Court by filing W.P.(S) No. 4455/2022, wherein this Court, vide order dated 30.06.2022, directed the respondent authorities to consider and decide the entitlement of both the appellant and the petitioner for dependent employment in accordance with the relevant policy. Pursuant thereto, the SECL authorities called upon both claimants to furnish No Objection Certificates from the other surviving legal heirs; however, since both the appellant and



the petitioner were asserting competing claims for compassionate appointment, neither could furnish the requisite NOC. Consequently, the competent authority rejected the claims of both parties vide order dated 14.11.2022. Learned counsel submits that in such circumstances, the learned Single Judge was not justified in directing consideration of the claim of the petitioner alone.

7. Learned counsel further submits that the petitioner had suppressed material facts from the Court, particularly the pendency of Succession Case No.18/2021 under Section 372 of the Indian Succession Act before the Civil Judge, Class-I, Chirmiri, wherein the petitioner as well as the appellant are parties and their inter se rights are yet to be adjudicated. It is argued that in view of the pending succession proceedings and the rival claims raised by the parties, the SECL authorities rightly insisted upon production of NOC and cannot be faulted for rejecting both claims in the absence thereof.
8. It is also contended that the learned Single Judge erred in proceeding on the assumption that the appellant, being the step-brother of the petitioner, could not claim to be a dependent of the deceased employee. According to learned counsel, the issue of entitlement could not have been conclusively determined without examining the factual aspects relating to dependency and the competing claims of the parties. It is submitted that the petitioner



had already availed earlier remedies before this Court and that the impugned order virtually grants her a preferential claim despite the existence of rival claims and pending proceedings. Therefore, the impugned order suffers from legal infirmity and deserves to be set aside.

- 9.** On the other hand, learned counsel appearing for respondent No.3/writ petitioner supports the impugned order passed by the learned Single Judge and submits that the petitioner, being the unmarried daughter of the deceased employee late Manju, squarely falls within the category of direct dependents contemplated under Clause 9.3.3 of Chapter IX of the National Coal Wage Agreement (NCWA). It is contended that the appellant is merely the step-son of the deceased employee and is a married and independently settled person, whereas the petitioner was wholly dependent upon the deceased employee. Learned counsel submits that the SECL authorities acted arbitrarily in insisting upon an NOC from the appellant despite the petitioner having a preferential claim under the applicable policy.
- 10.** Learned counsel further submits that the learned Single Judge, after considering the provisions of Clause 9.3.3 of the NCWA and the facts of the case, rightly held that the respondents had deviated from the policy governing compassionate appointment and had illegally rejected the petitioner's claim. It is argued that the pendency of succession proceedings has no bearing on the



claim for compassionate appointment, which is governed exclusively by the relevant service policy and not by the law relating to succession. Therefore, the impugned order being well reasoned and in consonance with the applicable policy warrants no interference in the present writ appeal and the same deserves to be dismissed.

11. We have heard learned counsel appearing for the parties at length and carefully considered their rival submissions. We have also perused the entire record of the case, including the impugned order dated 05.02.2026 passed by the learned Single Judge in WPS No.753/2023.
12. After appreciating the submissions of learned counsel for the parties therein as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“9. From bare perusal of the record as well as clause 9.3.3 of Chapter IX i.e. Social Security of National Coal Wage Agreement, it appears that so far as dependent for the purposes of dependent employment is concerned, firstly the wife/husband as the case may be and thereafter, unmarried daughter is required to be considered and thereafter son and legally adopted son etc. are required to be considered.

10. In the present case, the petitioner is a unmarried daughter who cannot be said to be non dependent upon her mother i.e. deceased



employee. Respondent No.3 is a male member aged about 30 years who is also married and according to the petitioner, Respondent No.3 is doing his work separately and independently.

11. Considering the entire facts situation of the case as also the fact that Respondent No.3 is the step son of deceased employee namely Manju whereas, the petitioner is the unmarried daughter of the deceased employee and considering Clause 9.3.3 of Chapter -IX of NCWA, this Court is of the opinion that impugned order passed by the SECL-respondents is not in accordance with law. In view of the provisions of clause 9.3.3 of Chapter IX of NCWA, the respondents-SECL itself has deviated from its NCWA policy in an arbitrary manner and that can not be confirmed. Hence, the concerned authority of respondents-SECL is directed to consider the claim of the petitioner for grant of dependent employment and pass appropriate order in respect of her appointment within a period of 90 days.

12. With the aforesaid observation/direction, this Writ Petition is disposed of.”

- 13.** From perusal of the record, it is apparent that the core issue involved in the present case relates to the entitlement of the writ petitioner for consideration of compassionate appointment under Clause 9.3.3 of Chapter IX of the National Coal Wage Agreement. The learned Single Judge, after taking into consideration the



relevant provisions of the NCWA and the factual background of the case, has recorded a categorical finding that the writ petitioner is the unmarried daughter of the deceased employee late Manju and, therefore, falls within the category of direct dependents specifically recognized under the scheme governing compassionate appointment. The learned Single Judge has further noticed that the appellant is the step-son of the deceased employee and is admittedly a married person. The conclusion arrived at by the learned Single Judge is founded upon the scheme itself and the material available on record and cannot be said to suffer from any perversity or manifest illegality warranting interference in an intra-court appeal.

- 14.** It is also evident from the record that the claim of the writ petitioner and that of the appellant came to be rejected solely on the ground that neither of them was able to furnish a No Objection Certificate from the other. However, when the governing policy itself provides a hierarchy of eligible dependents and specifically includes an unmarried daughter within the category of direct dependents, insistence upon production of an NOC from a rival claimant, who does not stand on the same footing under the policy, could not have been made the sole basis for rejection of the writ petitioner's claim. The learned Single Judge was, therefore, justified in holding that the respondent authorities had failed to consider the claim of the writ petitioner in its proper



perspective and had acted contrary to the spirit and object of the compassionate appointment scheme.

- 15.** So far as the contention of the appellant regarding pendency of Succession Case No.18/2021 is concerned, the same does not advance the case of the appellant. It is well settled that compassionate appointment is not a matter of succession to the estate of the deceased employee, but is a welfare measure intended to provide immediate financial assistance to the family of a deceased employee. The rights flowing from succession proceedings and the entitlement for compassionate appointment operate in distinct fields. Therefore, mere pendency of succession proceedings cannot be treated as an impediment for consideration of the claim of the writ petitioner, who is otherwise eligible under the applicable scheme.
- 16.** We also find no substance in the submission that the learned Single Judge has finally adjudicated the entitlement of the writ petitioner to compassionate appointment. A careful reading of the impugned order would show that the learned Single Judge has merely directed the competent authority to consider the claim of the writ petitioner for grant of dependent employment in accordance with Clause 9.3.3 of the NCWA and to pass an appropriate order. The impugned order, thus, only requires the authorities to undertake the exercise strictly in accordance with the governing policy and does not confer any automatic right of



appointment upon the writ petitioner.

17. Having bestowed our anxious consideration to the submissions advanced by learned counsel for the parties and upon a thorough examination of the material available on record, we are of the considered view that the learned Single Judge has exercised jurisdiction in a proper and judicious manner. The findings recorded are based upon the applicable policy provisions and the undisputed factual position emerging from the record. The appellant has failed to point out any jurisdictional error, perversity, patent illegality or misapplication of law which may justify interference by this Court in exercise of appellate jurisdiction under the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006.
18. Consequently, the writ appeal, being devoid of merit, deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice