



2026:CGHC:12893
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3668 of 2019

Smt. Amaresh Rajwade, D/o Late Ramprasad, aged about 33 years,
W/o Shri Vijay Kumar Sahu, R/o Karanjwar, Police Station and
Tahsil Pratappur, District Surajpur (Chhattisgarh)

... **Petitioner**

Versus

1 - South Eastern Coalfields Limited, through its Chairman-cum-
Managing Director, Headquarter, Seepat Road, Bilaspur
(Chhattisgarh)

2 - General Manager, Vishrampur Area, SECL, Vishrampur, District
Surajpur (Chhattisgarh)

3 - Assistant Manager (Personnel), Rehar Land Mines, Vishrampur
Area, District Surajpur (Chhattisgarh)

4 - Mining Manager, Rehar Land Mines, Vishrampur, Area, District
Surajpur (Chhattisgarh)

... **Respondents**

[Cause-title taken from Case Information System (CIS)]

For Petitioner : Mr. Shubhank Tiwari, Advocate
For Respondent-State : Mr. VR Tiwari, Senior Advocate assisted
by Mr. AK Kesharwani, Advocate

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal
(Order on Board)

18.03.2026

1. Heard.

2. In this petition, petitioner' father, namely, Ramprasad died in
harness while working with the respondents on 24.09.2012. After
death of Ramprasad, his wife (i.e. mother of the petitioner), namely,
Smt. Sona Bai was not granted either dependent employment or

monetary compensation, however, unfortunately, she also died on 07.01.2014. Thereafter, the petitioner claimed dependent employment before the respondent, which stood rejected vide order dated 11/13.12.2017. Against which, the petitioner preferred WPS-4294-2018 (Smt. Amaresh Rajwade v. South Eastern Coalfields Limited and others) before this Court, which was decided on 03.07.2018 and it has been held that the petitioner is not entitled for dependent employment, however, liberty was reserved in favour of the petitioner to claim monetary compensation. Thereafter, when the petitioner approached the respondents for grant of monetary compensation, the same was also rejected vide impugned order dated 23.10.2018. Aggrieved, the present writ petition has been preferred.

3. Learned counsel for the petitioner submits that the respondents are absolutely unjustified in rejecting the claim of the petitioner by recording findings which are perverse and contrary to the record. Therefore, the same is liable to be set aside.

4. On the other hand, learned Senior Counsel for the respondents supported the impugned order and prays for dismissal of this petition.

5. I have heard learned counsel for the parties, considered their rival submissions made herein above and went through the record with utmost circumspection.

6. In order to consider the plea raised at the bar, it would be

appropriate to notice the relevant provision governing grant of monetary compensation i.e. National Coal Wage Agreement-IX, which reads as under:

“9.3.0, 9.4.0 & 9.5.0 Provision of employment/payment of monthly monetary compensation to Dependant-

(i) The Clauses 9.3.0, 9.4.0 & 9.5.0 of NCWA-VI will be operative in NCWA-IX till a revised scheme is jointly prepared keeping in view the various verdict of Hon'ble Supreme Court at the earliest.

(ii) A Sub-committee of JBCCI will formulate a scheme keeping in view various directives of Supreme Court on the subject within three months of signing of the Agreement.

(iii) Meanwhile provision of employment as mentioned at (i) above, shall be on basic wage of Cat-I as trainee for a period of 6 months. During the training period they will have the status of permanent employee. On completion of training they shall be regularized as Cat-I employee. However, those dependants in possession of Technical/professional qualification in BE/Diploma will be considered for appointment in higher category, keeping in view their qualification, suitability and vacancy.

(iv) The monthly monetary compensation payable to the female dependant in case of death either in mine accident or for other reasons or medical unfitness of the employee shall be @ Rs.6000/- with effect from 1.5.2008.

(v) In case of death either in mine accident or due to other reasons or medical unfitness, if no employment has been offered and the male dependant of the concerned worker is 12 years and above in age, he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of 18 years. During the period the male dependant is on live roster, the female dependant will be paid monetary compensation as given in (iv) above.

(emphasis supplied)”

7. A careful perusal of above-quoted provision would show that a monthly monetary compensation to the tune of Rs.6,000/- is payable to the female dependant in case of death either in mine accident or for other reasons or medical unfitness of the employee with effect from 1.5.2008 and, in the case at hand, after the death of petitioner's father- Ramprasad, his wife (i.e. mother of the petitioner), namely, Smt. Sona Bai was not granted either dependent employment or monetary compensation and, unfortunately, she also died on 07.01.2014 and, when the petitioner claimed dependent employment before the respondent, the same was rejected vide order dated 11/13.12.2017. Thereafter, in the first round of litigation being WPS-4294-2018 (Smt. Amaresh Rajwade v. South Eastern Coalfields Limited and others), decided on 03.07.2018, though this Court has held that the petitioner is not entitled for dependent employment, but liberty was reserved in her favour to claim monetary compensation before the respondents. However, the said claim of the petitioner also stood rejected vide impugned order dated 23.10.2018. As such, in the considered opinion of this Court, the case of the petitioner would fall within the purview of sub-clause (iv) of Clause 9.5.0 of the National Coal Wage Agreement-IX which clearly provides that monthly monetary compensation would be payable to female dependent to the tune of Rs.6,000/- and, therefore, the respondents are absolutely unjustified in rejecting the claim of the petitioner for grant of monetary compensation vide impugned order

dt. 23.10.2018. Accordingly, the impugned order dated 23.10.2018 is hereby set aside. The respondents are directed to pay monthly monetary compensation to the petitioner herein being female dependent in light of sub-clause (iv) of Clause 9.5.0 of the National Coal Wage Agreement-IX from the date she made an application for the said purpose before the respondents i.e. 07.08.2018.

8. Consequently, the writ petition is **allowed** to the extent indicated herein-above. No cost.

Sd/-
(Sanjay K. Agrawal)
Judge