

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No.2070 of 2021

Sharda Kumari

..... Petitioner.

-Versus-

Bharat Coking Coal Limited & Ors.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Abhishek Chandra, Advocate

For the BCCL : Mr. Amit Kumar Sinha, Advocate

Order No.06

Date: 07.05.2024

1. A supplementary counter has been filed on behalf of the respondents on 4th May, 2024, relevant paragraphs of which read as under:-

"6. That NCWA VI for the first time introduced the - concept of keeping a minor son in live roster till he attains the age of majority, i.e. 18 years. NCWA VI remained in force during the period 01.07.1996 to 30.06.2001. Para 9.5.0 (iii) provides for keeping male dependant of the deceased workman in Live Roster if he is aged 12 years and above until the age of 18 years when he would be provided employment.

Under these provisions Dependant' would only be a male dependant.

7. That the concept of Live Roster has continued thereafter in NCWA- VII, VIII, IX and also in NCWA - X where only a male dependant was to be kept on live roster.

8. That thereafter NCWA - XI has been signed between the Management and the representatives of Central Trade Unions and NCWA- XI has come into force w.e.f. 01.07.2021. Para 9.5.2 of NCWA- XI reads as under:-

'9.5.2. The dependant of the deceased employee irrespective of gender, if of 12 years and above in age shall be kept on a live roster and would be provided employment when she/he attains the age of 18 years.'

9. That it is true that under NCWA- XI parties to the settlement, i.e. NCWA - XI have agreed to the fact that keeping a minor dependant in Live Roster would not be confined to male dependant rather the minor dependant would irrespective of gender."

2. Learned counsel for the petitioner prays for an adjournment to address this Court as to whether Clause 9.5.2 of Chapter IX (Social Security) under NCWA- XI can be applied in the case of the petitioner, which is admittedly prior to coming into force of the said NCWA.
3. Considering the said prayer, put up this case under the same heading on 24th June, 2024.

Sanjay/vs

(Rajesh Shankar, J.)