

Basmatiya Devi Vs. Central Coal Fields Ltd. and ors.

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SooperKanoon Citation : sooperkanoon.com/520019

Court : Jharkhand

Decided On : Apr-22-2003

Reported in : [2003(3)JCR715(Jhr)]

Judge : M.Y. Eqbal, J.

Acts : Service Law

Appeal No. : WP (S) No. 5255 of 2002

Appellant : Basmatiya Devi

Respondent : Central Coal Fields Ltd. and ors.

Advocate for Def. : M.M. Banerjee and; A. Sen, Advs.

Advocate for Pet/Ap. : Kalyan Roy and; N.K.P. Sinha, Advs.

Judgement :

ORDER

1. Heard learned counsel for the parties.

2. Petitioner seeks employment of her son on account of death of her husband, which took place during his service period. Petitioner's husband was working as time rated worker in Kedla Under Ground Project of the respondents. He died on 23.7.95. After his death, petitioner applied for appointment on compassionate ground as per clause 9.3.2 of N.C.W.A-IV. The application of the petitioner was

rejected by the respondents on 17.1.97 holding that since petitioner is 57 years of age she would be entitled to monetary benefit only, as per clause 9.5.0 N.C.W.A-V. Petitioner then made an application for appointment of her son who was aged about 15 years at the time of death of his father and now attained the age of 18 years. Respondents neither paid compensation to the petitioner nor provided employment to her son as per Clause 9.5.0 of N.C.W.A-V.

3. Clause 9.5.0. inter alia provides that in case of death of an employee due to mine accident or for other reasons or medical unfitness under Clause 9.4.0, if no employment has been offered and the male dependent of the concerned worker is 15 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 dependent is on live roster, the female dependent will be paid monetary compensation as per rates provided in the said agreement.

4. Admittedly, the petitioner's son was aged about 15 years at the time of death of his father. The claim of the petitioner that when her claim for appointment was rejected by the respondents on the ground that she was aged 57 years it was incumbent upon the respondents to consider the case of her son for giving him employment as at the time of death of his father he was aged about 15 years.

5. For the aforesaid reasons, I dispose of this writ application with a direction to the respondent particularly respondent No. 3 to consider the case of the petitioner's son for his employment under Clause 9.5.0 of the N.W.A-V and take final decision within a period of six weeks from the date of receipt/production of copy of this order.