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Court : Jharkhand

Decided On : Jul-10-2015

Appellant : Most Beti Devi

Respondent : Central Coal Field Limited Through Its Chairman Cum Managing Director and Ors

Advocate for Def. : Mr. G.C. Jha

Advocate for Pet/Ap. : Mr. Amit Kr. Das

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (S) No. 4172 of 2013 Most Beti Devi, W/o Late Sahdeo Manjhi, R/o Village + P.O. Sarubera, P.S. Mandu, District Ramgarh (Jharkhand). .... Petitioner Versus 1. Central Coal Field Limited through its chairman-cum-Managing Director at Darbhanga House, P.O., G.P.O, P.S. Kotwali, District Ranchi.

2. The Director Personal Central Coal Field Limited, Darbhanga House, P.O., G.P.O, P.S. Kotwali, District-Ranchi.

3. The General Manager (P & I.R) Central Coal Field Limited at Darbhanga House, P.O., G.P.O., P.S., Kotwali, District-Ranchi.

4. The General Manager, Kuju Area, Central Coal Field Limited at & P.O. Kuju, P.S. Mandu, District Ramgarh, Jharkhand.

5. The Project Officer, Sarubera Colleiry, Central Coal Field Limited at & P.O. Sarubera, P.S. Mandu, District-Ramgarh, (Jharkhand).

6. Divisional Manager, Oriental Insurance Company Ltd. 3rd Floor, Prabodh Tower, 27 S.N. Ganguly Road, Main Road, P.O., G.P.O, P.S. Kotwali, District-Ranchi. .... Respondents --- CORAM : HON'BLE MR. JUSTICE PRAMATH PATNAIK --- For the Petitioner : Mr. Amit Kr. Das, Advocate For the Respondent Nos.1 to 5 : Ms. Sunita Kumari, CCL For the Respondent No.6 : Mr. G.C. Jha, Advocate ----- 07/10.07.2015 In the instant writ application, the petitioner has inter alia prayed for issuance of writ of mandamus for direction upon the respondents for payment of Group insurance amount with admissible interest immediately of her late husband namely Sahdeo Manjhi, who died in harness in road accident on 4.5.2010, as the employer M/s Central Coalfields Limited had deducted the premium amount from the salary of deceased employee from time- to- time till March, 2010.

2. Sans details the facts described in the writ application in a nutshell is that the husband of the petitioner died in road accident on 4.5.2010 as evident from Annexure-2 to the writ application and on the basis of fardbayan of Mahalal Hembrum, relative of the deceased employee, the F.I.R being Mahuwatand (Lalpaniya) P.S. Case No.12/2010 dated 4.5.2010 was lodged, as per Annexure-3 to the writ application. After death of her husband, the petitioner had intimated the same to the respondent authorities and applied to the respondents for payment of insurance amount within time vide Annexure-6 to the writ application. As per the scheme, a sum of Rs. 5 lakhs was the scale of compensation payable in case of accidental death. In pursuance to this, the petitioner has also made last representation dated 12.2.2013, which failed to evoke any response from the respondents.

3. Being aggrieved by the inaction on the part of the respondents, the petitioner has approached this Court by invoking extra-ordinary writ 2. jurisdiction under Article 226 of the constitution of India for redressal of her grievances.

4. Per-contra, the respondents have filed the counter-affidavit repelling the contentions made in the writ application. In the counter- affidavit, it has been stated that although the road accident took place on 4.5.2010 since the petitioner did not submit the relevant documents such as attested copy of F.I.R, postmortem, bank passbook and certified copy of police final report, the insurance amount was not paid in time. Death information has been forwarded by the Staff Officer (Pers.), Kujur Area vide letter dated 28.5.2010 to the Manager (Personnel), CCL and thereafter, the said Manager, CCL, Ranchi informed to arrange to send required documents and the petitioner has submitted required documents on 27.3.2014 which had been forwarded on 25.6.2014 from Sarubera Colliery for onward transmission. It is further submitted by the respondent no.5 that the petitioner after repeated requests ultimately submitted the attested documents on 27.3.2014 and the same were immediately forwarded to the Insurance Company, but by that time, the Insurance Company had already closed the claim of the petitioner due to non-submission of the documents.

5. The counter-affidavit has been filed by respondent no.6 i.e. Oriental Insurance Company Ltd. stating therein that since the claim form and other required documents were not sent by the C.C.L., the Branch Manager, Oriental Insurance Company vide its letter dated 23.3.2012 addressed to G.M., P & IR, Central Coalfields Ltd., Darbhanga House, Ranchi closed the claim due to non submission of required claim documents, as evident from Annexure-C to the counter-affidavit. It has further been submitted by the respondents that the claim has been rightly rejected due to non-submission of the required claim documents on 23.3.2012 and thereafter the Oriental Insurance Company has no correspondence with the respondent C.C.L. In the counter-affidavit, a case of the similar situated employee being W.P.(S) No.2221/2009 has been referred, which was disposed of on 30.8.2012, as evident from Annexure-D.

6. Heard Mr. Amit Kr. Das, learned counsel for the petitioner, Ms. Sunita Kumari, C.C.L and Mr. G.C. Jha, learned counsel for the respondent no.6, O.I.C.L. Perused the documents on record.

7. The learned counsel for the petitioner has strenuously urged that the case of the petitioner is squarely covered by the decisions rendered by this Court in judgment dated 22.11.2007 passed in W.P.(S) No.1596 3. of 2007 and dated 10.11.2008 passed in L.P.A. No.36 of 2008 which has been later on vindicated by the Hon'ble Supreme Court in SLP (Civil) CC No.10270/09 in terms of order dated 03.08.2009. Learned counsel for the petitioner has also referred to the judgment dated 2.4.2013 passed in L.P.A. No.85 of 2013.

8. After having given my anxious consideration to the documents on records and rivalised submissions, it appears that indisputably, deceased husband of the petitioner was covered under Group Insurance coverage and premium was paid by the deceased husband and the death of the victim, occurred in 2010, had already been intimated by the petitioner to the Central Coalfields Limited authorities. In the meantime, 5 years has lapsed but due to laches on the part of the petitioner, the matter had been lingered. However, in the meantime, since the petitioner has submitted the relevant documents to the Central Coalfields Limited authorities as depicted in the counter- affidavit. The Central Coalfields Limited authorities are directed to take steps for forwarding the relevant documents submitted by the petitioner to the Insurance Company within a month from the date of receipt/production of copy of this order. Thereafter the insurance company will ensure the payment of admissible insured amount to the petitioner within a period of two months.

9. With the aforesaid observations and directions, this writ petition stands disposed of.

10. In view of disposal of the writ application, I.A. No.5099 of 2013 also stands disposed of. (Pramath Patnaik, J.) RKM

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