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**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1621 of 2023****Judgment Reserved On : 22.01.2026****Judgment Delivered On : 28.02.2026**

**1** - Smt. Laxmaniya Binjhawar W/o Shri Patiram Binjhawar Aged About 72 Years R/o Village Naraibodh, Post-Gevra Basti, Tahsil Dipka District Korba (C.G.), Present Address- Gevra Basti, Ward No. 60, Police Station Kusmunda, Tahsil Dipka, District : Korba, Chhattisgarh

**2** - Smt. Beena Binjhwar Wd/o Late Shri Pawan Singh, Aged About 36 Years R/o Village Naraibodh, Post- Gevra Basti, Tahsil Dipka District- Korba (C.G.), Present Address Gevra Basti, Ward No.60, Police Station- Kusmunda, Tahsil Dipka, District : Korba, Chhattisgarh

**... Petitioner(s)****versus**

**1** - South Eastern Coalfields Limited Through The Chairman-Cum- Managing Director, South Eastern Coalfields Limited, Seepat Road, District : Bilaspur, Chhattisgarh

**2** - The General Manager, South Eastern Coalfields Limited, Gevra Project, District : Korba, Chhattisgarh

**3** - The Deputy Manager (Personnel), South Eastern Coalfields Limited, Gevra Project, District : Korba, Chhattisgarh

**... Respondent(s)****(Cause Title downloaded from CIS Periphery)**



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For Petitioner(s) : Mr. RR Soni, Advocate  
For Respondent(s)/ : Mr. Saksham Soni, Advocate on behalf of Mr. R.S.  
SECL Baghel, Advocate

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**SB: Hon'ble Mr. Justice Amitendra Kishore Prasad**

**C A V Order**

1. The petitioners are aggrieved by the letter dated 24.12.2022 (Annexure P/1) issued by the Deputy Manager, SECL Gevra. By way of the impugned letter, the application filed by petitioner No.2- Smt. Beena Binjhwar for grant of compassionate appointment on account of the death of her brother Rajaram in harness, was rejected. The rejection was made on the ground that as per the prevailing Rules of the Company, a sister does not fall within the definition of a 'dependent' eligible for compassionate appointment.
2. The petitioners have filed this petition seeking the following reliefs :

10.1 The Hon'ble Court may kindly be pleased to call for the entire records pertaining to this case from possession of the respondents for it's kind perusal;

10.2 The Hon'ble Court may kindly be pleased to issue a suitable writ, order or direction and quash/set-aside the letter/order dated 24.12.2022 (Annexure P/1) issued by the respondent no.3;

10.3 The Hon'ble Court may kindly be pleased to issue a suitable writ, order or direction commanding the respondents to grant dependant employment to the petitioner no.2 in



place of Late Shri Rajaram (the son of the petitioner no.1 and the brother of the petitioner no.2); and

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioners.

3. The case, as projected by the petitioners, are that petitioner No.1 is the mother of late Rajaram, who died in harness while working as a trainee in the SECL. During his lifetime, the deceased had applied for employment under the rehabilitation policy in lieu of land acquired for the SECL Gevra Project; however, on 11.4.2022, Rajaram died in a motor accident. Being unmarried at the time of his death, he left behind no legal heirs other than petitioner No.1 (mother) and petitioner No.2 (sister). During his lifetime, deceased- Rajaram was the sole breadwinner for his family and the petitioners were wholly dependent upon him. Petitioner No.1, mother of the deceased, who is aged about 72 years, was maintained entirely by her late son. Similarly, petitioner No.2, his sister, relied upon him for her sustenance. On account of sudden demise of Rajaram in the motor accident, an application for dependent employment was submitted along with all relevant documents. Nevertheless, the said application was rejected on the ground that the sister of a deceased employee is ineligible for such an appointment.
4. Learned counsel for the petitioner submits that both the mother and sister (petitioners herein) were entirely dependent upon the deceased employee- Rajaram. He submits that petitioner No.1 is a widowed mother and petitioner No.2 is a widowed sister, the



latter's husband having passed away on 8.4.2002. Since the demise of the husband of petitioner No.2, she has been residing at her maternal home with petitioner No.1 and Rajaram (deceased). He further submits that as there are no other eligible dependents capable of seeking employment, petitioner No.2 is entitled to be considered for dependent employment to ensure survival of the family. He also submits that denial by the respondent authorities on the ground that sisters are not eligible under the Company's Rules, is in total disregard of Article 14 of the Constitution of India. Both this Court and the Hon'ble Supreme Court have consistently held that daughters and sisters are also entitled to be considered for dependent (compassionate) employment. He submits that the issue with regard to grant of dependent employment to a sister has already been decided by the High Court of Bombay in the judgment rendered in the matter of **Shimla D/o Late Satiram Rajbhar and another Vs. Western Coalfields Ltd. Saoner and others** reported in **2023 SCC OnLine Bom 178**. In support of his submissions, he would further place reliance on a judgment rendered by the High Court of Jharkhand in the matter of **Madhubala Sinha Vs. Central Coalfields' Limited through its Chairman-cum-Managing Director & others (in both)** reported in **2019 SCC OnLine Jhar 3356**, to submit that the SECL is a subsidiary of Coal India Limited similar to Western Coalfields and Central Coalfields, it cannot deny employment to a sister. As the legal right to such employment is now settled law, the respondents' denial is per se



illegal and unsustainable. Accordingly, the present petitioner deserves to be allowed.

5. Per contra, learned counsel for the SECL submits that petitioner No.2 was not dependent upon the deceased employee. The facts of the present case are different from the judgments cited by the petitioner. According to NCWA (National Coal Wage Agreement), which is binding upon all Coal Companies, sisters are not entitled to get dependent employment. It has been argued that in **Madhubala Sinha (supra)**, the Court has directed to pay monthly monetary compensation rather than dependent employment. Learned counsel for the SECL submits that the said order was passed in view of the peculiar facts and circumstances of the case, leaving the legal issue open and thus, it may not have any binding effect. In support of his submissions, learned counsel would also place reliance on the order dated 31.7.2024 passed by this Court in WPS No.498/2016 (**Smt. Sona Bai Vs. South Eastern Coal Fields Limited and others**), to submit that the petitioner's claim is not legally sustainable.
6. I have heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.
7. From a bare perusal of the record, it is apparent that Rajaram was the son of petitioner No.1 and the brother of petitioner No.2. Having died unmarried in a motor accident on 11.4.2022, he was the sole breadwinner for a family consisting of his mother and sister. Petitioner No.1 is his widowed mother and Petitioner No.2 is his widowed sister, who after her husband's demise, returned to



her maternal home. These facts establish that the family was comprised of three members and the sudden demise of the sole breadwinner left the survivors in a state of dependency. The issue regarding the eligibility of a sister for dependent employment is no longer res integra. Time and again, the Hon'ble Supreme Court as also this Court has affirmed that no discrimination can be permitted against women at large in the matter of compassionate or dependent employment.

8. Furthermore, in **Madhubala Sinha (supra)**, the following was held in paragraphs 23 to 29 :

**23.** Having heard learned counsels for both the sides and upon going through the record, we find that in both these appeals, Clause 9.3.3 of the NCWA, which makes provision for employment of dependent of the workman who dies while in service, needs to be interpreted, which reads as follows:—

“9.3.3. The dependant for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependent is available for employment, brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependent on the earnings of the deceased may be considered to be the dependant of the deceased.”

**24.** A bare reading of the aforesaid clause clearly shows that the brother of the deceased workman comes within the zone of consideration for appointment on compassionate ground in absence of wife, husband and unmarried daughter, son and



legally adopted son. The father, mother and sister of the deceased workman have been totally excluded from the list of dependants, though, it cannot be denied that an employee dying at a very young age, may be leaving behind father and mother, who were dependants upon him/her, still within the age of consideration of compassionate appointment. Thus a plain reading of this provision clearly shows that if the workman dies unmarried, except for his/her brother, no other blood relative is within the consideration zone for employment on compassionate ground, though they may be fully dependent upon the earnings of the deceased workman at the time of his/her death in harness. We are of the considered view that so far as the parents of the deceased workman are concerned, the deceased was in a moral and legal obligation to maintain them and if he/she failed to maintain them, the action would lie under Section 125 of the Cr. P.C. as well. In that view of the matter, there appears to be no reason as to why, such parents of the workman dying unmarried at a young age, be not included in the list of the dependants for being considered for compassionate appointment, if they are capable and otherwise eligible for the same. Excluding such parents of the deceased workman, cannot be said to be based on any plausible justification.

**25.** So far as the sister is concerned, we find from a plain reading of Clause 9.3.3 of NCWA quoted above that the brother of the deceased workman dying unmarried, if fully dependent upon him, is also entitled to be considered for appointment on compassionate ground. In that view of the matter,



there is no reason as to why, sister, whether married or unmarried, should be deprived of such benefit. If a sister is denied the benefit of compassionate appointment only on the ground that she is not included as dependent under Clause 9.3.3 of NCWA, this is a clear case of gender bias and the same cannot be sustained in the eyes of law, also on the touchstone of Articles 14 and 15 of the Constitution of India. At this juncture, we are tempted to quote Section 13 of the General Clauses Act, even though the General Clauses Act relates to Central Acts and Regulations. We are referring to this Section as admittedly the respondent Coal India Ltd. is also 'State' within the meaning of Article. 12 of the Constitution of India, and Section 13 of the General Clauses Act aims at non-discrimination only on the basis of gender. In other words, it prohibits gender discrimination. Section 13 of the General Clauses Act reads as follows:—

“13. *Gender and number.*—In all Central Acts and Regulations, unless there is anything repugnant in the subject or context,—

(1) words importing the masculine gender shall be taken to include females; and

(2) words in the singular shall include the plural, and vice versa.”

**26.** A plain reading of this Section clearly shows that all the words importing the masculine gender shall be taken to include females and in that view of the matter also, if brother is included in the list of dependents under Clause 9.3.3 of NCWA, there is no reason as to why the word 'brother' shall not include sister also.





**27.** We are of the considered view that the case of the appellants is fully covered by the decisions relied upon by learned counsels for the appellants herein before. The non-inclusion of the parents and sister of the deceased workman dying in harness, in the list of dependants to be appointed on compassionate ground, cannot be said to be based on any rational basis, rather this is wholly unfair and absolutely unjust. It is also not based on any intelligible differentia, and frustrates the very object the scheme for compassionate appointment. These immediate blood relations cannot be denied the benefit of compassionate appointment, if they are otherwise entitled for the same, simply because of the fact that they may be entitled to the compensation under the workman compensation benefits admissible under the Workmen's Compensation Act, as they fall within the definition of 'dependent', given in Section 2(1)(d) of the said Act.

**28.** Even otherwise, in view of the law laid down by the Full Bench of Calcutta High Court, in *Purnima Das's case* (supra), while giving interpretation to the term dependent in terms of the NCWA itself, that for the purpose of a scheme for compassionate appointment every such member of the family of the employee who is dependent on the earnings of such employee for his/her survival must be considered to belong to 'a class', and their exclusion cannot be only on the ground of gender or marital status, we are of the considered view that this decision has a binding effect on the respondents, as this decision was rendered in case of compassionate appointment in coal company itself, which was again



governed by the NCWA itself. This decision was again followed by a co-ordinate Bench of this High Court also, in case of the present respondents themselves, *i.e.*, Central Coalfields Ltd., in *Hemanti Devi's case* (supra).

**29.** For the foregoing reasons, the respondent Central Coalfields Ltd., is directed not only to consider the claims of the appellants for being appointed on compassionate ground in accordance with law, but also to take steps for inclusion of the parents and sister of the workman dying in harness, in the definition of dependents under Clause 9.3.3 of the NCWA. We would like to make it clear that consideration of the appellants for appointment on the compassionate ground, shall be subject to fulfillment of the other conditions necessary for such appointment, by the appellants. In view of the foregoing discussions, we hereby set-aside the impugned Judgments passed by the Writ Courts, being the Judgment dated 14.7.2017, passed in WP(S) No. 3406 of 2016\*, as also the Judgment dated 17.7.2017, passed in WP(S) No. 6099 of 2012, out of which, both these appeals arise.

9. In **Shimla (supra)**, while dealing with the issue of entitlement to compassionate appointment for the sister of a deceased employee, the following was held at paragraphs 7, 8, 9 :

7. We have heard the learned Counsel for the parties at length and with their assistance, we have also perused the documents placed on record. In the light of the fact that the petitioners have sought a declaration that NCWA-EX and especially Clause 9.3.3 thereof insofar as it dis-entitles female dependents from seeking employment on



compassionate basis is violative of Article 14 of the Constitution of India, it is the stand of the WCL that such declaration cannot be granted in the present proceedings in view of the provisions of section 18(3) of the Act of 1947 as all terms of the agreement are binding on both parties. Unless NCWA-EX is suitably amended, the claim of the petitioners cannot be considered. Before going into that aspect, it would be necessary to refer to the judgment initially of the learned Single Judge of the Madhya Pradesh High Court in *Shakila Begum (Siddiqui)* (supra). The facts therein indicate that the claim of the daughter of an employee of the Northern Coalfields Limited (NCL) for compassionate appointment came to be denied on the ground that the same was not permissible under Clause 9.3.3 of the NCWA-EX. While considering challenge to that order, the learned Single Judge referred to the judgment of the Full Bench of the said Court in *Meenakshi Dubey v. M.P. Poorva Kshetra Vidyut Vitran Co. Ltd.*, (2020) 1 MP LJ (FB) 657 = *Writ Appeal No. 756/2019 decided on 2-3-2020* wherein the Full Bench has held that Clause 9.3.3, of the NCWA-LX while referring to dependents would include married daughter/sister. Following the judgment of the Full Bench, the learned Single Judge held that sister of an employee as dependent could not be deprived of consideration of the claim for compassionate appointment. The Writ Petition preferred by her was allowed. This judgment of the learned Single Judge came to be challenged in *Writ Appeal No. 616/2022, Northern Coalfields Limited through Its Chairman-cum-Managing Director Singrauli v. Shakila Begum*



(Siddiqui) wd/o Late Abdul Latif Siddiquidecided on 14-6-2022 wherein the Division Bench considered the ground raised by the NCL that Clause 9.3.3 could not be declared to be illegal without impleading the Joint Bipartite Committee For The Coal Industry (JBCCI) in the proceedings. It was held that the NCL being a party to the agreement was only an implementing authority and thus was not aggrieved by the order passed by the learned Single Judge declaring Clause 9.3.3 to be illegal. On that count and as the learned Single Judge had relied upon the judgment of the Full Bench of the said Court in *Meenakshi Dubey* (supra), the Writ Appeal came to be dismissed.

8. From the aforesaid, it becomes clear that insofar as the NCL which is a signatory to the NCWA-LX is concerned, it is covered by the aforesaid decisions and it cannot implement Clause 9.3.3 by excluding claim of a married sister as dependent of the deceased employee for seeking compassionate appointment. The WCL is also a signatory to the NCWA-EX being a subsidiary of the Coal India Limited. If the aforesaid declaration as granted by the Madhya Pradesh High Court and affirmed by the Hon'ble Supreme Court binds the concerned signatory to the said agreement which is a subsidiary of the Coal India Limited, there is no reason to hold that the aforesaid adjudication would not be applicable to the WCL which is another subsidiary of the Coal India Limited. Holding so would result in implementing Clause 9.3.3 of the NCWA-LX in a different manner insofar as the WCL is concerned which would not be consistent with the manner in which the NCL is now bound to interpret it



in the light of the aforesaid decisions. We therefore find that for the aforesaid reasons, it would not be permissible for the WCL to re-iterate the very same contentions that were raised on behalf of the NCL only for the reason that such contentions were raised before a different High Court. The fact that the view of the Madhya Pradesh High Court has been upheld by the Hon'ble Supreme Court is in our view a sufficient reason not to entertain the very same arguments at the behest of another subsidiary of the Coal India Limited afresh. In *Sahu Madho Das v. Mukand Ram*, AIR 1955 SC 481 the Hon'ble Supreme Court has held that where a document has been interpreted in an earlier decision it may not bind a person who was not a party to the said proceedings but the construction of the document would operate as a judicial precedent.

9. We may note that the Full Bench of the Madhya Pradesh High Court in *Meenakshi Dubey* (supra) has considered the aforesaid issue at length and has referred to various enactments that were relied upon by the learned Counsel for the petitioners herein. Since we agree that the view taken by the Full Bench of the Madhya Pradesh High Court in *Meenakshi Dubey* (supra) depriving a married daughter from the right of consideration for compassionate appointment cannot sustain judicial scrutiny, it is not necessary to refer to the said provisions again. Moreover, reference has been made to various decisions of other High Courts on the said point in the said decision including the judgment of this Court in *Sou. Swara Sachin Kulkarni (Kumari Deepa Ashok Kulkarni) v. Superintending Engineer, Pune Irrigation Project*



*Circle, 2013 SCC OnLine Bom 1549 : 2013 Mh. L.J. Online 171.* Therein, the Division Bench held that refusal to consider the claim of a married daughter for compassionate appointment would amount to discrimination on the basis of gender thus violating Articles 14, 15 and 16 of the Constitution of India. We also note that the Jharkhand High Court in *Madhubala Sinha* (supra) has considered this very question and by its judgment dated 16-9-2019 directed consideration of the claim of a sister under Clause 9.3.3 of the NCWA-LX. It is noted that this judgment of the Jharkhand High Court was challenged before the Hon'ble Supreme Court in *Special Leave Petition (C) No. 29678/2018, Central Coalfields Ltd. v. Gendia Debi*. The Special Leave Petition came to be dismissed on 12-11-2021. However, the question of law was left open for being examined in an appropriate case. It is therefore held that Clause 9.3.3 of the NCWA-IX insofar as it excludes a married daughter/sister from being considered for appointment on compassionate basis is unreasonable and suffers from gender discrimination thus being violative of Articles 14 and 15 of the Constitution of India.

10. Considering the aforesaid aspects and the peculiar facts and circumstances of this case and also in light of the aforesaid judgments, particularly considering that there is no other survivor to support the widowed mother and that petitioner No.2 is herself a widow residing in her maternal home, this Court is of the opinion the petitioner No.2 is entitled to be considered for dependent employment. Furthermore, it is significant that the deceased was



employed in lieu of land acquisition, which grants the family a vested interest in the employment benefits.

11. Consequently, the impugned letter (Annexure P/1) is quashed. The respondent authorities are directed to consider the case of petitioner No.2 afresh for grant of compassionate appointment. Upon due verification, petitioner No.2 shall be granted appointment in place of her deceased brother - Rajaram. This exercise shall be completed within a period of 60 days from the date of receipt of a copy of this order.

12. With the aforesaid directions/observations, the Petition is allowed.

Sd/-

**(Amitendra Kishore Prasad)**

Judge



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