

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13852 of 2021

Smt. Tetari Bhuiya
Vs.
Eastern Coalfields Ltd. & Ors.

Mr. Rananeesh Guha Thakurta
... For the petitioner

Ms. Priti Banerjee
... For the ECL

The petitioner is the wife of Ch. Sukra Bhuiya, a former employee of the Eastern Coalfields Limited (in short “ECL”) who died-in-harness on 27th December, 2007. The petitioner had after the death of her husband applied on 21st March, 2008 for compassionate appointment of her son. The petitioner says that under the prevailing policy of Eastern Coalfields Limited, the respondent no.1, either compassionate appointment or monetary compensation in lieu thereof on the date of death is required to be paid.

Long 14 years have elapsed but ECL, according to the petitioner, has not been able to give compassionate appointment to the petitioner’s son. The advocate for the ECL even today submits that the case of the petitioner’s son is under consideration.

The whole basis of compassionate appointment as per the existing policy of ECL will become otiose if a person

is kept waiting for 14 years. The policy provides for payment of Monthly Monetary Cash Compensation (in short “MMCC”) in lieu of compassionate appointment. The petitioner is now praying for release of MMCC within six weeks from date since the compassionate appointment has not been given.

The petitioner’s cause is a continuing cause of action inasmuch as the respondents being obliged to give either appointment on compassionate ground or monetary compensation has given neither of this to the petitioner. That apart, under clause 9.5.0(ii) of the National Coal Wages Agreement VI, the petitioner being the female dependent of a deceased employee and above 45 years of age is only entitled to MMCC.

The respondents are directed to process the MMCC application for the petitioner and disburse the monthly amount to the petitioner for the month of November, 2021 by 10th December, 2021 and continue to pay the monthly amounts by 10th of each succeeding month by month. So far as the amount falling due from the date of death of the petitioner’s husband till 30th September, 2021 shall be paid directly to the petitioner on or before 15th November, 2021.

The petitioner was initially pursuing for compassionate appointment since 2008 and the writ petition has been filed only on 4th September, 2021. The application for MMCC was made only a year back.

In view of that, the petitioner shall be entitled to a notional interest on the amounts that fell due till 30th September, 2021. The respondents while disbursing the amount for the period between the date of death of the petitioner's husband and 30th September, 2021 which, in terms of this order is payable on 15th November, 2021 shall pay a sum of Rs.25,000/- only towards interest.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)