

17.11.2021
Sl. No.6
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 15733 of 2021

Smt. Kumuda Pradhan @ Kumud Pradhan
Vs.
M/s. Eastern Coal Fields Limited & Ors.

Mr. Partha Ghosh,
Mr. Amal Kumar Datta

....for the petitioner.

Ms. Tanushree Das Gupta

...for ECL.

The petitioner is the wife of Bhaskar Pradhan, a former employee of Eastern Coalfields Limited (in short 'ECL'), who died-in-harness on 3rd May, 1997. The petitioner says that as per the provisions of National Coal Wage Agreement applicable to at the time of death of her husband, a legal heir of the deceased employee was entitled to get compassionate appointment. The scheme also provides for granting of Monthly Monetary Cash Compensation (in short "MMCC") from the date of death of the employee in lieu of compassionate appointment. MMCC is required to be paid over and above the terminal benefits of the deceased employee.

In the instant case, as submitted by the respondents, the petitioner applied for MMCC immediately after the death of her husband, but she withdrew the application for MMCC and applied for compassionate appointment to be given to her. Later on, she applied and consented to compassionate appointment being given to her son, Suraj Pradhan @ Surja Pradhan. The petitioner, according to the respondents, again withdrew the application for

compassionate appointment and sought for MMCC. In this backdrop, ECL sanctioned MMCC to the petitioner in the year 2019 as will appear from a memo dated 27th February, 2019 appearing at page 57 of the writ petition.

The petitioner in the instant writ petition is seeking payment of MMCC from the date of death of the petitioner's husband till the date from which she has been paid MMCC. The respondents object to payment of MMCC from the date of death of the petitioner's husband on the ground that the delay occurred due to indecisive and whimsical attitude of the petitioner. The petitioner changed her decision from time to time, as a result whereof MMCC could be provided only from 2019.

The fact remains that MMCC is required to be paid as per the scheme from the date of death of the employee if compassionate appointment has not been given or availed. There may be reasons attributable to the petitioner for the delay in providing MMCC, but the admitted fact is that neither the petitioner nor any legal heir of the deceased employee has availed compassionate appointment. ECL is, therefor, required to pay MMCC from the date of death of the employee that is petitioner's husband, which occurred on 3rd May, 1997 as per the scheme of National Coal Wage Agreement.

In the facts and circumstances as aforesaid, ECL is directed to pay MMCC at the rate prevailing from time to time between 3rd May, 1997 and the date from which MMCC has been actually paid within a period of ten weeks from date, failing which the aggregate amount of MMCC will carry an interest @ 10% per

annum for each day's delay beyond ten weeks. The petitioner shall not, however, be entitled to any interest on the amount of MMCC, if the same is paid within ten weeks from date.

The parties including the authorities of ECL shall act on the basis of a server copy of the instant order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of along with the connected application 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 by the respondents.

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

(Arindam Mukherjee, J.)