

13.01.2021
Sl. No.28
akd

W.P.A. 9408 of 2020

[Mina Singh -Vs- M/s. Eastern Coal Fields Ltd. & Ors.]

Mr. Partha Ghosh
... .. for the petitioner

Mr. Manik Das
... .. for the respondents

The short question raised is the petitioner's entitlement to Monthly Monetary Cash Compensation (MMCC) on account of the death of her husband, Late Kedar Nath Singh, Senior Store Keeper, Sanctoria Hospital, Eastern Coal Fields Ltd.

By an order dated 20.08.2019 the Senior Manager (Pers.) Estb., Eastern Coal Fields Limited, Sanctoria stated that the competent authority was pleased to accord approval for payment of MMCC to the writ petitioner until she attains 60 years of age or till remarriage or till death.

Learned counsel for the petitioner argued that the order is silent as regards from when the said MMCC is supposed to be paid. Learned counsel for the petitioner relied on two decisions of the Division Benches of this court. The first decision is reported in **(2016) 3 WBLR (Cal) 464 (M/s. Eastern Coalfields Ltd. vs. Dewanti Kumari & Ors.)**. The second decision is unreported and was passed on 08.07.2019 in **APOT No.49 of 2019 (M/s. Eastern Coalfields Ltd. & Ors. vs. Premlata Devi & Ors.)** which is not interfered by the Hon'ble Supreme Court by the order dated 06.01.2020 in SLP No.29907 of 2019.

In both the decisions, the Division Benches of this court have held that MMCC in lieu of compassionate employment is payable from the date of death of the employee concerned as the dependant's cause of action would arise therefrom.

In these circumstances, this court clarifies that the MMCC ordered to be paid to the writ petitioner by letter dated 20.08.2019 issued by the Senior Manager (Pers.) Estb., Eastern Coal Fields Limited, Sanctoria to the General Manager (Finance)-IC, HQ, Sanctoria shall become payable to the petitioner from the date of death of Late Kedar Nath Singh, Senior Store Keeper, Sanctoria Hospital, Eastern Coal Fields Ltd. i.e. 06.01.2015. It is ordered that the arrears of MMCC be paid to the petitioner within a period of 45 days from the date of communication of a copy of this order.

It is submitted that the current MMCC payment is being released to the petitioner regularly.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Urgent xerox certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)