

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1588 of 2022

Ashvini Kumar Pandey alias Ashvani
Vs.
Eastern Coalfields Ltd. & Ors.

Mrs. Aiswarjya Gupta,
Ms. Priyanka Saha
... For the petitioner.

Mr. Bijoy Kumar
... For ECL.

Affidavit of service filed in Court today is taken on record.

The petitioner's father-in-law, namely, Ramjee Mishra died- in-harness on 29th February, 2008 leaving behind his widow Sabitri Mishra and only married daughter Bindu Pandey as legal heiresses. Bindu Pandey is the wife of the petitioner. The petitioner says that he is a dependant in terms of the definition given in the class 9.3.3 of the National Coal Wages Agreement (in short, NCWA). The petitioner had applied for compassionate employment in terms of the provisions of Chapter 9 of the NCWA now in vogue in Eastern Coalfields Limited (in short, ECL). The petitioner's application and/or representation, according to the petitioner, is still pending. It appears from a letter dated 31st July, 2021 issued by the Area Personnel Manager, Kenda Area of ECL that the petitioner's application has been processed at the area

level and is under process at the headquarter level. The website of ECL relating to status of employment under NCWA up to December, 2021, shows that the petitioner's application is pending.

In the aforesaid facts and circumstances, I direct the General Manager, Personnel, ECL, to take a decision as to the petitioner's application within a period of eight weeks from date after affording the petitioner a reasonable opportunity to represent his case. The decision should be by way of a reasoned order which should be communicated to the petitioner within ten days from the date of passing of the same.

The parties and/or the General Manager, Personnel, ECL shall act on the server copy of this order without insisting upon production of a certified copy thereof.

The petitioner as and by way of abundant caution shall serve a copy of the writ petition along with the copy of the instant order upon the General Manager, Personnel, ECL within seven days from date.

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 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.)