

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9984 of 2021

Ranjit Ruidas
Vs.
Eastern Coalfields Limited & Ors.

Mr. Santanu Chatterjee
.... For the petitioner.

Mr. Bijoy Kumar
... For the ECL.

The report by the IPGME&R-SSKM Hospital, Kolkata, with regard to the Ossification Test held to ascertain the age of the petitioner, filed in a sealed cover, in terms of the order dated 11th February, 2022, is opened. Copies of the said report are made over to the advocates for the petitioner and the respondents.

Perusing the report, I find that the Board after examining the petitioner on 8th March, 2022 has opined that his age as on that date is between 40 years and 45 years. The Ossification Test has been conducted by an independent medical board and I have no hesitation in accepting the correctness thereof.

The petitioner is seeking compassionate employment under the provisions of Chapter-IX of the National Coal Wage Agreement (in short, NCWA). Under

Clause 9.3.4 of NCWA applicable at the time of death of the employee, permits grant of compassionate employment to a male dependent up to 35 years. In the instant case, the petitioner, being a male dependent is over 35 years and as such, cannot be granted compassionate employment.

The writ petition is, therefore, dismissed, however, without any order as to costs.

The dismissal of the writ petition, however, will not prevent the female dependent of the deceased employee from claiming or receiving Monthly Monetary Cash Compensation (in short, MMCC) under the provisions of Clause 9.3.4 and 9.5.0. of NCWA.

(Arindam Mukherjee, J.)