

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

WPA 20072 of 2021

Smt. Kulsun Bibi @ Kulsum
Vs.
M/s. Eastern Coal Fields Limited & Ors.

Mr. Partha Ghosh
Mr. Amal Kumar Dutta
... For the petitioner

Ms. Priti Banerjee
... For the ECL

The petitioner's husband Rakib Sekh while working at Nakrakonda Colliery of the Eastern Coalfields Limited (in short "ECL") died-in-harness on 8th March, 2012. The petitioner on 2nd April, 2012 made an application for granting her employment in terms of the National Coal Wages Agreement (in short "NCWA"). This application was, however, not disposed of. The petitioner's son subsequently applied for compassionate appointment also under the NCWA as a dependent of his father, the deceased employee, on 13th June, 2017. The application made by the petitioner's son was, however, rejected on 18th July, 2017, stating delay in submitting the application.

Without going into the correctness as to whether an application made by the petitioner's son could have been rejected on the ground of delay, I find justice will be sub-served if the petitioner's claim for Monthly Monetary

Cash Compensation (in short “MMCC”) being available as an alternative to employment under the NCWA is processed as expeditiously as possible since the petitioner is agreeable to accept MMCC and ECL, as submitted, is also processing the same as an alternative to the claim for employment.

Let ECL authorities in writing communicate to the petitioner and her advocate the documents required by ECL to process the MMCC within a period of seven days from date.

The petitioner shall submit the documents so asked for which are in her possession within 10 days therefrom.

ECL authorities shall take a decision as to the MMCC payable to the petitioner as per the NCWA.

Needless to mention that ECL authority shall also decide upon the date from which MMCC is required to be paid, keeping in mind that the petitioner’s husband died-in-harness on 8th March, 2012 and the application for appointment was made immediately thereafter on 2nd April, 2012 which, however, has not been considered.

The entire exercise shall be concluded within a period of three weeks from the date of the petitioner furnishing the documents. The Competent Authority shall give his reasoning in either allowing MMCC or disallowing the same and the date from which MMCC is payable.

ECL shall disburse the arrears of MMCC and proceed to pay the current MMCC month by month, if the petitioner's prayer for MMCC is granted.

The monthly MMCC for the month of February 2022 shall in such case be paid by 10th March, 2022 and the entire arrears, if any, shall be paid by 31st March, 2022.

The arrears, if any, shall carry simple interest at the rate of six per cent per annum from the date of accrual till the date of payment. The interest is awarded as ECL has derived benefit out of the money if it is ultimately held that the petitioner is entitled to MMCC and the petitioner being prevented from reaping benefits therefrom.

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.)