

17.  
20.6.2023  
S.D.

**W.P.A. 13064 of 2023**

**Sukumoni Hembram alias Sukumoni Mejhan  
Vs.  
The Union of India & Ors.**

Ms. Amrita De  
Mr. Ayanava Bhattacharyya  
..For the Petitioners  
Mr. Syed Nurul Arefin  
Mr. Rahul Singh  
Ms. Rashmi Binayak  
...For the ECL

The petitioner's case is that she is an unmarried daughter of a deceased employee of Eastern Coalfields Limited (ECL). The petitioner's father died-in-harness on May 12, 2015 when the petitioner was admittedly a minor. Thereafter, the petitioner's mother made an application for compassionate appointment of the petitioner being the female dependent of her husband. The petitioner's mother prayed for the name of the petitioner to be kept on 'live' roster.

Ms. De, learned counsel appearing on behalf of the petitioner submits that the petitioner's application was duly processed and she was ultimately directed to appear before

the Area "Screening Committee" by a communication dated March 26, 2022. The petitioner appeared before the "Screening Committee" on April 2, 2022. Thereafter, the petitioner's prayer for compassionate appointment was not considered.

Mr. Arefin, learned counsel appearing on behalf of the ECL submits that the petitioner's mother applied on May 31, 2019 three years after the death of her husband for compassionate appointment of her daughter in place and stead of her husband since her son predeceased her husband. Furthermore, she prayed for the petitioner's name to be kept on '*Live Roster*'.

Under Clause 9.5.0 (iii) of the National Coal Wage Agreement (NCWA), only the male dependent of a deceased worker/employee who is of the age of 12 years or above could be kept on '*Live Roster*'. Upon attaining majority at the age of 18 years, employment could be provided to such a male dependent commensurate with his skill and qualifications. Therefore, there was no question of keeping a female dependent of a deceased employee of the '*Live Roster*'.

He further submits that the same was communicated to the petitioner's mother by a communication dated July 16, 2019. Such communication was not brought on record in the

present writ petition and the same tantamounts to suppression of material facts.

Any step taken by the Screening Committee was not in consonance with the NCWA.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that under 9.5.0 (iii) of NCWA, only the male dependents of or above the age of 12 years on the date of death of the employee concerned could be kept on '*Live Roster*'. Therefore, the petitioner being the female dependent is not *eligible* to be kept on '*Live Roster*' for compassionate appointment.

However, the petitioner's mother being the female dependent of a deceased employee/worker is entitled to Monthly Monetary Cash Compensation (MMCC) under Clause 9.5.0 of NCWA.

In the event, the petitioner's mother complies with the necessary formalities, the respondents/ECL shall consider the issue of payment of "MMCC" within a month from the date of compliance of the formalities.

It is also made clear that in the event such prayer is made before the authorities concerned, the ECL shall take into consideration the order delivered by Hon'ble Supreme Court in SLP (C) No. 10167 of 2023 (**M/s. Eastern Coal Fields**

**Limited & Ors. vs. Smt. Ambabati Mahali**) arising out of the Division Bench judgment of this Hon'ble High Court in MAT 1006 of 2022 (**M/s. Eastern Coal Fields Limited vs. Smt. Ambabati Mahali**) while considering the payment of arrears of 'MMCC' from the date subsequent to the date of death of the deceased employee till the date on which the actual payment is made.

With the directions, aforesaid, **W.P.A. 13064 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

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

**(Lapita Banerji, J.)**