

58.
4.7.2023
S.D.

W.P.A. 17225 of 2022

Mangala Kundu
Vs.
M/s. Eastern Coal Fields Limited & Ors.

Mr. Partha Ghosh
Mr. Amal Kumar Datta
Ms. Simran Sureka
Mr. Debashis Das
Mr. Rahul Agarwala

...For the petitioner.

Mr. Bijoy Kumar

... For the ECL

The issue in the writ petition is whether the Monthly Monetary Cash Compensation (MMCC) is payable to the petitioner from the date of such application or from the date of death of her husband.

Admittedly, the petitioner's husband died-in-harness on May 2, 2014 being an employee of Eastern Coalfields Limited (ECL). 'MMCC' has been granted to the petitioner with effect from 2016. The petitioner has prayed for grant of arrears of MMCC from May 2, 2014 till the date in June 2016 from which 'MMCC' was actually disbursed to the petitioner in the present writ petition.

Mr. Ghosh, learned counsel appears in favour of the petitioner.

Mr. Kumar, learned counsel appears in favour of the ECL.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that MMCC has been granted to the petitioner from 2016 in terms of the letter dated June 18, 2016.

This Court relies on the decisions of the Hon'ble Division Bench judgments reported in 2016 (3) WBLR (Cal) 464 (**M/s. Eastern Coalfields Ltd. vs. Dewanti Kumari & Ors.**) and MAT 1006 of 2022 (**M/s. Eastern Coalfields Ltd. vs. Smt. Ambabati Mahali**) to come to the finding that MMCC should be paid from the date subsequent to the date of death of the petitioner's husband. Therefore, the petitioner will be entitled to arrears of MMCC from May 3, 2014 till such date the MMCC was actually paid to the petitioner month by month in 2016. Such arrears of MMCC shall be paid within three months from the date of the order.

This Court has not considered the issue of interest since the respondents have started disbursing the MMCC to the petitioner, within a short span of time from the date of the application for 'MMCC' being made before the authorities. Furthermore, since the petitioner has accepted MMCC without any demur or protest in 2016 and has filed the writ

petition after 6 years in 2022, such prayer has not been considered by this Court.

With the directions aforesaid, **W.P.A. 17225 of 2022** is **disposed of**.

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