

89.
23-03-2023
debajyoti
(Ct. no.25)

WPA 28542 of 2022

Smt Bulu Bauri
Vs.
Eastern Coalfield Limited & Ors.

Mr. Dilip Kumar Chatterjee,
Mr. Durga Bhusan Mukherjee
... For the Petitioner.

Mr. Manik Das
... For the E.C.L.

The petitioner's husband died-in-harness while working as an employee of Eastern Coalfield Limited (in short, **ECL**), on July 16, 2004. The prayer for compassionate appointment of the petitioner's son-in-law was initially rejected on March 08, 2008. Thereafter, the said application was again taken up for consideration. The petitioner was communicated by a communication dated July 07, 2017 in response to an application made under Right to Information Act, 2005, that since the application for compassionate appointment to the petitioner's son-in-law is still under consideration, the petitioner has not yet been granted Monthly Monetary Cash Compensation (MMCC).

The petitioner has made several representations since 2017. But till date, neither the employment of the petitioner's son-in-law was processed nor was she paid MMCC.

Report on affidavit and the exception thereto as handed over in Court today are retained with the records.

From the said report, the status of application for compassionate appointment to the petitioner's son-in-law is not clear. It does not appear from the report whether or not the petitioner's son-in-law will be granted compassionate appointment.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that there was no legally justifiable reason for not granting the petitioner MMCC as she was entitled under the National Coal Wage Agreement (NCWA) from the date of death of her husband. The view of this Court finds support from the decision of a coordinate bench in the case of **Dewanti Kumari Vs. M/s. Eastern Coalfields Limited [W.P.5567(W) of 2015]**, which is upheld by the Division Bench in **M/s. Eastern Coalfields Limited Vs. Dewanti Kumari & Ors.**, reported in **(2016) 2 CHN 481** and **Eastern Coalfields Limited Vs. Dulali Majhain @ Majhan**, reported in **AIR Online 2022 Calcutta 243**.

In the circumstances, this Court directs MMCC to be paid to the petitioner from July 16, 2004, the date of death of her husband. The entire arrears will be paid to the petitioner within eight weeks from date along with 6% interest thereon. This Court cannot be oblivious to the extreme hardship suffered by the petitioner on the untimely death of the breadwinner of the family.

Since it is submitted by Mr. Das, learned counsel for the ECL, that the petitioner has already crossed the age of 60, the petitioner will not be entitled to payment of month by month MMCC in the event it is found that she is more than 60 years of age upon verification of records.

With the direction aforesaid, **WPA 28542 of 2022** is disposed of.

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

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Lapita Banerji, J.)