

03 **04.09.
2023**

Ct. No. 04

Ab

**MAT 2054 of 2022
IA No. CAN 1 of 2023**

**M/s. Eastern Coalfield Limited
Vs.
Sukum Bauri and others.**

Mr. Bijoy Kumar.

... for the appellant.

**Mr. Partha Ghosh,
Mr. Amal Kumar Datta,
Ms. Simran Sureka,
Mr. Debashis Das.**

... for the respondent no. 1.

The instant appeal arises from two orders, namely, order dated 12th September 2022 and order dated 9th November 2022 passed by the Single Bench directing the appellant to make the payment in terms of the order dated 30th August 2022 passed by the Co-ordinate Bench on the score that the Court did not take into account the specific provisions and the norms of monthly monetary compensation under the National Coal Wage Agreement.

It appears that during pendency of the writ petition, by an order dated 8th August 2022, the Single Bench was considering a point relating to the arrears as per the said agreement and it was the stand of the appellant that the arrears between the 9th October 2014 till 31st July 2022 along with accrued interest will be deposited in a fixed deposit in the name of the respondent no. 1 herein and the receipt shall be handed over to her. However, the Single Bench did not pass the final order but adjourn the matter on the ground that the appellant should take a necessary consent with regard to the mode of payment in respect of the arrears.

However, by a subsequent order dated 30th August 2022 a computation regarding the amount due and payable to the respondent no. 1 herein between the said period was handed over and it was agreed that a sum of

Rs. 23,80,013.90/- is the entitlement and no final direction was passed in this regard. Even prior thereto, there was an order for deposit of the said amount and ultimately by an order dated 12th September 2022, the Single Bench directed the appellant to pay to the respondent no. 1 the arrears on account of Monthly Monetary Cash Compensation along with six percent interest within six weeks from date. Subsequently, by an order dated 9th November 2022, when the Court was apprised of the fact that despite the direction no payment has been made, even though it was submitted by the appellant that it intends to prefer an appeal against the order dated 9th November 2022, but the appeal could not be filed because of the unavailability of the certified copy of the said order, the Court passed a peremptory direction upon the appellant to make the payment in terms of the order dated 30th August 2022 and the order dated 12th September 2022 within 30th November 2022.

The appeal appears to have been filed on 21st December 2022 much after the period provided in the order in relation to the deposit of the arrears of Monthly Monetary Cash Compensation. It is sought to be contended by the learned Advocate for the appellant that there has been a grave error in passing such direction by the Single Bench as the authorities have found difficulty in implementing the said agreement or in ascertaining the intention by interpreting the various clauses mentioned therein.

The aforesaid contention is not acceptable for the simple reason that the Single Bench found that the petitioner/respondent no. 1 is entitled to such compensation and, in fact, directed the computation to be given in course of hearing of the writ petition. The computation was handed over to the Court and ultimately the Court found that the aforesaid amount should be paid to the respondent no. 1 being the amount under the aforesaid agreement. Furthermore, the stand

of the respondent/appellant in course of the writ petition shows that initially it intended to deposit the said amount in a fixed deposit, but the Court later on found that the moment the entitlement is apparent and evident, there is no necessity of keeping the said amount by the appellant and not paying the same to the respondent no. 1.

We, thus, do not find any merit in the instant appeal in view of the fact that the order recognizing the right to entitlement of the aforesaid compensation has not been assailed. We are not unmindful of the fact that the period for depositing such amount has expired in the month of November 2022, obviously for the reason that the instant appeal has been preferred before the Division Bench.

In view of the above, we extend the time for a period of one month from date as fixed by the order dated 9th November 2022. The aforesaid order is modified to such extent. However, remaining portion of the order is un-interfered with.

The appeal and the connected application are disposed of accordingly.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

