

WPO/2833/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

GITA BAURI
VERSUS
M/S. EASTERN COALFIELDS LTD. AND ORS.

BEFORE:
The Hon'ble JUSTICE LAPITA BANERJI
Date: 14th July, 2023.

Appearance:
Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. S. Sureka, Adv.
Mr. Debashis Das, Adv.
Mr. Rahul Agarwala, Adv.
For the petitioner.

Mr. Manik Das, Adv.
For the respondents.

The Court :- The written instructions handed over in Court today by Mr. Das appearing on behalf of the Eastern Coalfields Ltd.(ECL), is retained with the records.

From the written instructions it appears that the petitioner has appeared before the screening committee and has also submitted the necessary documents along with an indemnity bond. Sureties also appeared before the screening committee. As such vide order dated June 21, 2023, the screening committee being satisfied with the documents produced by the petitioner directed the petitioner's claim for Monthly Monetary Cash Compensation (MMCC) to be processed in terms of the order dated June 6, 2023.

Mr. Ghosh, learned counsel appears on behalf of the petitioner. He submits that the petitioner's husband died in harness on October 28, 2000, being an employee of ECL. A previous writ petition was filed. The Hon'ble co-ordinate Bench directed the representation of the petitioner to be considered within eight weeks from date. By an order dated November 28, 2020 passed by the Director (Personnel), ECL, the petitioner's prayer for MMCC was considered. It was directed that she would be entitled to MMCC from the date of death of her husband till the attainment of 60 years. Despite the said order, MMCC was not paid to the petitioner. Therefore, the petitioner was compelled to file the present writ petition being WPO No. 2833 of 2022.

Considering the rival submissions of the parties and the materials placed on record this Court finds that the petitioner is entitled to payment of MMCC from the date subsequent to the date of death of her husband i.e. from October 29, 2021 till the attainment of 60 years. From the report of the Apex Medical Board dated August 29, 2006 the age of the petitioner was assessed between 50-55 years. As per the guidelines of the ECL the mean age has to be taken into consideration. Therefore, the petitioner was assessed to be 52 years 6 months on August 29, 2006.

The arrears of MMCC from October 29, 2000 is to be paid to the petitioner within three months from date. Such arrears will be calculated from the date subsequent to the death of the petitioner's husband till the attainment of 60 years of the petitioner. Interest at the rate of 6% per annum will also be given to the petitioner from October 29, 2000 till the entire amount of arrears is disbursed to the petitioner.

With the directions aforesaid **WPO No. 2833 of 2022** is disposed of.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(LAPITA BANERJI, J.)

snn.