

05 08.02.2024

Ct-08

ar

MAT 1294 of 2022

with

IA No. CAN 1 of 2022

CAN 2 of 2022

Eastern Coalfields Ltd. & Ors.

Vs.

Shanti Devi

Mr. Biswaroop Bhattacharyya

Ms. Priti Banerjee

... For the Appellants

Mr. Partha Ghosh

Mr. Amal Kumar Datta

Ms. Simran Sureka

Mr. Debashis Das

... For the Respondent

Re: CAN 1 of 2022(Section 5)

1. There is a delay of 97 days in presenting the memorandum of appeal.

2. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the statutory period, we are inclined to condone the delay in presenting the memorandum of appeal.

3. The application for condonation of delay is, thus, allowed without any order as to costs.

4. CAN 1 of 2022 is thus disposed of.

Re: MAT 1294 of 2022

1. The issue raised in this appeal is no more *res integra* in view of the several decisions of the Hon'ble Supreme Court as also the order passed by the Hon'ble Division Bench in MAT 1489 of

2022 in which the Division Bench on consideration of all the decisions of the Hon'ble Supreme Court dismissed the appeal filed by the ECL and granted 6% interest. The said decision of the Hon'ble Division Bench is unsuccessfully assailed in the Hon'ble Supreme Court. Subsequent decisions of the Hon'ble Supreme Court also show that the views taken by this Court are consistent and Special Leave Petitions filed by the ECL were rejected.

2. In is not in dispute that the issue raised in this appeal is covered by the decision mentioned above. We have been informed that the entire amount payable in terms of the order dated 6th April, 2022 has already been paid to the writ petitioner with prejudice to the rights and contentions of the appellants.

3. In view of the fact we are not inclined to interfere with the order passed by the learned Single Judge with regard to the payment of Monthly Monetary Cash Compensation (in short, MMCC) under the provisions of Clause 9.5.0 of the National Coal Wage Agreement. The payment made by the appellants is satisfied the claim of the petitioner.

4. We dispose of the appeal by confirming the

order passed by the learned Single Judge.

5. In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 2 of 2022 and the same is accordingly disposed of.

6. However, there shall be no order as to costs.

7. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

