

24.06.2024

Sl. No. 67

Ct. No. 23

Srimanta

WPA/28281/2023

Behula Kora

-Vs.-

Eastern Coalfields Limited & Ors.

Mr. Nirmalendu Ganguly,
Mr. A. Chakraborty

...for the petitioner.

Syed Nurul Arefin,
Ms. R. Binayak

...for the ECL.

The petitioner as per the affidavit made in support of the writ petition which was filed on 14th December, 2023 claims to be aged about 36 years. The petitioner says that her mother, Rajpati Kora while serving Eastern Coalfields Limited (in short, ECL) died in harness on 20th March, 2011. The petitioner further says that she had applied for granting compassionate appointment to her husband, Hirulal Kora. Compassionate appointment was not granted to Hirulal Kora even after a lapse of considerable period of time and as such the petitioner along with her husband, Hirulal Kora approached this Court by filing a writ petition being WPA 4931/2023. The said writ petition was disposed of by an order dated 19th September, 2023 by which a Coordinate Bench refused to consider the prayer for compassionate appointment in view of the Judgment reported in **2023 SCC Online SC 219 (State of West Bengal -Vs.- Debabrata Tewari & Ors.)**. The petitioner is now seeking Monthly Monetary Cash Compensation (in short, MMCC) which is provided under the National Coal Wage Agreement (in short, NCWA) to be given to a female dependant in lieu of

compassionate appointment or in case where the female dependant is over 45 years. In the instant case, the petitioner is less than 45 years and as such she is seeking MMCC in lieu of employment. The application for MMCC which requires consideration on certain factual aspect is required to be brought to a logical conclusion by the concerned authority of ECL.

In the aforesaid facts and circumstances, the appropriate authority of ECL is directed to consider the prayer of the petitioner for MMCC by taking into account the date of death of the employee, whether the petitioner was dependant on her mother at the time of the mother's death as necessary under NCWA by a reasoned order after granting the petitioner a personal hearing. The reasoned order should be communicated to the petitioner immediately upon the same be passed. The appropriate authority shall give his decision independently and on all issues without being influenced in any manner by the observations made in this order. Moreover, I also clarify that I have not gone into the merits of the matter.

The writ petition is, accordingly, disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)