

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPO/656/2024
IN THE MATTER OF :
MAINO KAMIN
VS
M/S. EASTERN COALFIELDS LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 4th October, 2024.

APPEARANCE:

Mr. Partha Ghosh, Adv.
Mr. Amal Kr. Datta, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.
For petitioner
Syed Nurul Arefin, Adv.
Syed M. Arefin, Adv.
Mr. Sanjiv Agarwal, Adv.
For ECL

The Court : It is submitted on behalf of the Eastern Coalfields Limited (in short ECL) that ECL is agreeable to pay Monthly Monetary Cash Compensation (in short MMCC) from November, 2012 to the petitioner as per National Coal Wages Agreement (in short NCWA) for the death of the petitioner's husband in

harness on 9th August, 2012. The aggregate amount computed upto 31st March, 2023 is Rs.30,25,804/-. The petitioner says that so far as principal amount computed by ECL up to 31st March, 2023 is concerned, the petitioner is agreeable to accept the same. The petitioner, however, says that interest for delayed payment of MMCC should be allowed. The petitioner also says that the MMCC as per the NCWA is to be paid to the female dependent up to the age of 60 years. The petitioner's age is 56 years at the present which is, however, disputed by ECL.

It is left open to ECL to decide on the issue of interest that may be payable to the petitioner for delay in paying the MMCC. The petitioner shall not compel ECL to pay interest but if ECL decides to voluntarily pay the interest the same shall be not below 6% simple interest per annum from November, 2012 till actual payment of such principal sum.

The computation chart in respect of the aggregate sum of MMCC placed by ECL before the Court is taken on record.

In the aforesaid facts and circumstances, I direct ECL to pay the principal sum of Rs. 30,25,804/- by 30th November, 2024.

According to ECL, the petitioner's age as per the declaration given in the service book is 60 years as on 31st March, 2023.

Since there is a dispute as to the petitioner's age, ECL should conduct an ossification test by constituting a medical board and shall be liable to pay MMCC from 1st April 2023 till the petitioner reaches the age of 60 years if the petitioner is found to be below 60 years as of 31st March, 2023.

Nothing further remains to be adjudicated in this writ petition, the same is, accordingly, disposed of with the expectation that the directions given in this order shall be carried out as expeditiously as possible by ECL.

(ARINDAM MUKHERJEE, J.)

Sb/