

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPO/657/2024
IN THE MATTER OF :
NITMA MUNDA
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 23rd January, 2007 till 30th September, 2024 to the petitioner as per the National Coal Wages (in short NCWA) for the death of the petitioner's husband in harness on 22nd January, 2007. The aggregate amount computed upto 30th September, 2024 is Rs.44,94,921.49/-. The petitioner says that so far as principal amount computed by ECL up to 30th September, 2024 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 54 years at the present as per ECL which is, however, disputed by the petitioner who says that the petitioner is presently aged about 51 years.

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.44,94,921.49/- by 30th November, 2024.

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 23rd January, 2007 till actual payment of such principal sum. 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 till the petitioner reaches the age of 60 years if the petitioner is found to be less than 54 years of age.

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.)