

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/129/2023
WITH WPO/3354/2022
IA NO: GA/1/2023
EASTERN COALFIELDS LIMITED
VS
BODI MEJHAIN AND ORS.

BEFORE :
THE HON'BLE JUSTICE SOUMEN SEN
-A N D-
THE HON'BLE JUSTICE UDAY KUMAR
DATE : 19th March, 2024.

Appearance :
Mr. Manik Das, Adv.
....for appellants.
Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. Simran Sureka, Adv.
Me. Debashis Das, Adv.
...for respondents.

The Court :- The appeal is arising out of an order dated 16th June 2023, in a writ petition in which the writ petitioner has prayed for monetary compensation in lieu of compassionate appointment. Admittedly, she was paid her entitlement under Live Cover Scheme in 2001 but she did not claim either employment on compassionate ground or MMCC. We have not been shown any document wherefrom it appeared that after the death of her husband or immediately after 2.1.2001 or after receiving the benefits under LCS she had either applied for compassionate appointment or such monetary compensation. The writ petition has firmly relied on a letter issued by her on 3.2.2020 in

which a reference was made of an application undated and non receipt of any benefit under NCWA. The writ petitioner herein is unable to explain the reason for not pursuing such undated application made on a date not specified, or in the meantime and there is a complete hiatus between 2.1.2001 till she made an application on 3.2.2020. Although, we are in agreement with the view expressed by the learned Single Judge that the reason for not extending the said benefit was clearly on an erroneous interpretation of the NCWA which clearly stipulates payment of the MMCC to the widow in lieu of compassionate appointment from the date of death in absence of any prayer for compassionate appointment or MMCC contemporaneously, we modify the order under appeal to the effect that she would be entitled to MMCC from February 2020 till date or till she attains the age of sixty years whichever is later together with interest @12% per annum from February 2020 till date. The entire arrears shall be paid along with interest within two months from date. In the event, the petitioner has not reached the age of sixty years, the MMCC, will be paid month by month starting from April 10, 2023 upon compliance of all formalities, if any.

(SOUMEN SEN,J.)

(UDAY KUMAR, J.)