

APO/156/2023
IA No.GA/2/2024
WPO/2833/2022

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

EASTERN COALFIELDS LIMITED.

-Versus-

GITA BAURI & ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 30th July, 2024.

Appearance :
Mr. Manik Das, Adv.
...for the appellant.

Mr. Partha Ghosh, Adv.
Mr. Amak Kumar Dutta, Adv.
Ms. Simran Surekha, Adv.
Mr. Debashis Das, Adv.
...for the respondent.

The Court : By consent of the parties, the appeal is taken up for final hearing on the basis of the papers made available to Court.

The appeal is at the behest of Eastern Coalfields Limited and directed against the order dated July 14, 2023 passed in WPO/2833/2022. By the impugned order the learned Single Judge directed payment of Monthly Monetary Cash Compensation (MMCC) from October 29, 2000 till the private respondent attains the age of 60 years along with interest @6% per annum from October 29, 2000 till the entire amount of arrears is paid.

Learned Advocate appearing for the appellant submits that the death of the employee occurred on October 28, 2000. The private respondent is the widow of the deceased employee. Claim for MMCC was considered and allowed by the authorities on November 27/28, 2020 by a reasoned order passed pursuant to an order of the High Court. He submits that thereafter the private respondent was called upon by a number of letters to provide certain documents. Private respondent did not do so. Consequently, MMCC benefits could not be disbursed. Learned Judge, failed to take into account such facts. Delay in disbursement of the MMCC was occasioned due to the refusal of the private respondent in complying with the formalities. Award of interest, therefore, should be set aside. He points out that the private respondent did not appear for the scrutiny test also.

Learned advocate appearing for the private respondent submits that, the husband of the private respondent died in harness on October 28, 2000 and application for compassionate appointment was made on January 17, 2001. The same was kept pending. The private respondent approached the writ Court by way of WPO/331/2020 which was disposed of by an order dated October 20, 2020. By such order the authorities were directed to consider the representation of the private respondent. Such representation was decided by the reasoned order dated November 27/28, 2020. The reasoned found the private respondent to be entitled to monetary compensation at the applicable rates from the date of death of the deceased employee till the private respondent attained 60 years of age upon completing all necessary formalities. He points out that, the documents sought

for by the appellant were already submitted along with the application for compassionate appointment, decision wherein was taken by the authorities by a reasoned order dated November 27/28, 2020. Therefore, the delay was at the behest of the authorities and cannot be attributed to the private respondent.

The husband of the private respondent died in harness on October 28, 2000. The application for compassionate appointment was made on January 17, 2001. The same was kept pending. Due to the non-action on the part of the authorities, the private respondent approached the writ Court being WPO/331/2020 which was disposed of by an order dated October 20, 2020 requiring the authorities to decide on the claim of the private respondent for payment of monetary compensation.

Pursuant to such order dated October 20, 2020 passed in WPO/331/2020, the authorities passed a reasoned order dated November 27/28, 2020. By such order, the authorities found the private respondent entitled to monetary compensation at applicable rates from the date of death of the deceased employee till she attains 60 years of age upon completing all necessary formalities.

While deciding the representation, pursuant to the order of the High Court dated October 20, 2020, the authorities noticed in the reasoned order dated November 27/28, 2020 that, medical examination of age of the private respondent was assessed on May 30, 2003. Age was re-assessed on August 29, 2006. The reasoned order also took note of various other developments with regard to the claim for compassionate appointment and for monetary compensation. Ultimately, the reasoned order found the private respondent to be entitled to

monetary compensation from the date of the death of the deceased employee. There is, therefore, substance in the contention of the private respondent that, every aspect of the matter was considered by the authorities prior to passing of the reasoned order dated November 27/28, 2020. All documents were obviously available with the authorities to process the claim. Claim was also processed.

In such circumstances, subsequent to the reasoned order dated November 27/28, 2020, there was no valid reason for withholding the disbursement of MMCC to the private respondent.

Consequently, the learned Single Judge rightly directed disbursement of MMCC on and from October 29, 2000 being the day subsequent to the date of death of the deceased employee till the private respondent attains the age of 60 years of age along with interest @ 6% per annum payable from October 29, 2000 till the entire amount of arrear is disbursed to the private respondent.

In view of the discussions above, we do not find any merit in the appeal. Accordingly, APO/156/2023 is dismissed and IA No.GA/2/2024 is disposed of. However, there will be no order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)