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14.11.2025
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12619 of 2023

Nasima Khatoon
Vs.
Union of India & Ors.

Mr. Amar Nath Sen
Mr. Amit Bikram Mahato
Ms. Mandakranta Mukherjee
...for the petitioner

Mr. Kallol Guha Thakurta
...for the respondent no. 5

Mr. Syed Nurul Arefin
...for the ECL

The petitioner seeks family pension as well as other pensionary benefits with effect from 1st July, 2003 in terms of the Coal Mines Pension Scheme, 1998 (Scheme of 1998).

Briefly, the petitioner's husband late Salim Mia was an employee of the Eastern Coal Fields Limited (ECL), (a subsidiary of Coal India Limited) and was posted as 'a timber mistry' in the Bahula Colliery, Paschim Bardhaman who retired from service on 30th June, 2003 and ultimately expired on 20th December, 2007. It is an admitted position that the petitioner has been paid the entire provident fund amount along with upto date interest to the extent of Rs.6,52,105/- on 12 April 2004 and this writ petition is limited to the alleged pensionary benefits.

Pursuant to directions of Court, the respondent no. 5 has filed a report which, inter alia, states that all pension contributions of the petitioner's deceased husband have been refunded to him with provident fund accumulation.

In such circumstances, any demand of the petitioner for any pensionary benefit under the Scheme of 1998 can only be processed after deposit of all pension contributions with upto date interest at the prescribed rate is refunded. In addition as per the nomination submitted by late Salim Mia, the name of his wife as mentioned is 'Fatun Bibi' in the required Form no.A whereas the name of the as mentioned in Form No. PS-3 & PS-4 is a different name i.e. Nasima Kahtun. Accordingly, the eligibility criteria in respect of any pensionary dues can only be considered after adjudication on which of the two wives are eligible under the Coal Mines Provident Fund Act 1948 and the Scheme of 1998.

This fact is disputed on behalf of the petitioner who submits that the first wife of the deceased has since expired and the only entitlement is that of the petitioner.

Be that as it may, it is clear from a reading of the relevant provisions of the Scheme of 1998 that any claim on account of pensionary dues can only be settled or disbursed subject to the deposit of all pension contributions which have been made over

i.e. received alongwith upto date interest thereon and also subject to the confirmation of eligibility of the present petitioner in terms of the Coal Mines Provident Fund Act, 1948 and the Scheme framed thereunder.

In view of the above, there is no merit in the writ petition. WPA 12619 of 2023 stands disposed of without any order as to costs.

Liberty is granted to the petitioner to make an appropriate application if so advised before the respondent no. 5 in accordance with law and after complying with all prescribed formalities under *inter-alia* the Scheme of 1998.

(Ravi Krishan Kapur, J.)