

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

Present :

The Hon'ble Chief Justice T. S. Sivagnanam

And

The Hon'ble Justice Chaitali Chatterjee (Das)

MAT/2179/2024
EASTERN COAL FIELDS LIMITED
VS
DINESH ROY
IA NO: CAN/1/2024

For the appellant :- Mr. Krishnendu Bhattacharya
 Mr. Rounak Majumdar
 Mr. Anirban Kumar Banerjee

For the Respondent No.1 :- Mr. Shamik Chatterjee
 Mr. Aditya Bikram Mahata
 Mr. Sahil Kabir

Heard on : 01.07.2025.

Judgment on : 01.07.2025.

T. S. SIVAGNANAM, CHIEF JUSTICE.:

1. This intra court appeal has been filed by the Eastern Coal Fields Limited is directed against the order dated 1st October, 2024 in WPA 23601 of 2024 by which the writ petition filed by the respondent/Dinesh Roy was disposed of issuing certain directions.

2. The appellant/ECL appears to have not been fully aggrieved with the directions but they are apprehensive of the repercussions that may occur after the directions issued by the learned Single Bench are implemented.

3. After elaborately hearing the learned advocate for the appellant, we also opined that the apprehension of ECL is not wholly unfounded on account of certain discrepancies in the records submitted by the writ petitioner seeking compassionate appointment as well as terminal benefits on account of the demise of his father/Suresh Roy who was employed as a loadsman in ECL Mines.

4. It appears that Girjwa Devi who stated to be the wife of Suresh Roy and mother of the writ petitioner is said to have submitted a representation stating that she is not dead, but alive.

5. In this regard, ECL has commenced an enquiry and requested the District Magistrate to cause necessary enquiry.

6. However, till date no report has been submitted.

7. According to the writ petitioner, his mother died in the year 2002 and to establish the same, death certificate has been produced. Till date the death certificate has not been cancelled or annulled in the manner known to law.

8. Therefore, it is presumed to be valid and to be expected by ECL as a document reflecting the correct and true particulars.

9. The other apprehension is on account of the number of legal heirs for the deceased employee.

10. Considering the claim made by the writ petitioner, the best document which can be referred to is the service book of the deceased employee/Suresh Roy which shows the names of only three persons, namely, the wife/Girjwa Devi, the writ petitioner/Dinesh Roy and his brother/Dilip Roy. The brother of the writ petitioner/Dilip Roy passed away in the year 1999 and death certificate has been produced.

11. Considering these factors and also bear-ing mind that the interest of ECL also has to be protected.

12. The learned Single Bench had directed payment of 1/3rd of the share in the terminal benefits together with simple interest 6% per annum from 23rd April, 2015, namely, the date of the death of the employee till actual payment.

13. With regard to the request for compassionate appointment, direction has been issued to consider the same.

14. With regard to the status of the request made by the writ petitioner for grant of employment on compassionate ground, the request is lingering from 2016.

15. By letter dated 12.12.2019 the writ petitioner was informed by the Deputy Manager of ECL pointing out certain discrepancies for which the writ petitioner has submitted a reply stating about the demise of his mother on 18.5.2002 and the demise of his brother/Dilip Roy on 20.8.2002 and two sisters have also given no objection.

16. Further, the writ petitioner referred to the service record wherein his father has given the name of the dependants and with regard to the claim of one Lalita Devi claiming to be the second wife has absolutely no basis and that Lalita Devi is not Girjwa Devi and it's a

false claim and requested his explanation to be accepted and employment be provided. Till date no valid claim has been made by the said Lalita Devi and the allegation that the mother of the writ petitioner is alive as on date has also not been established and proved in the manner known to law.

17. Therefore, we are of the view that the appellant should comply with the direction issued by the learned Single Bench to pay 1/3rd of the terminal benefit together with simple interest fixed by the learned Single Bench within a time frame.

18. With regard to the request for compassionate appointment is concerned, if the interest of the appellant/ECL is safeguarded, then the appellant should not have any apprehension in granting compassionate appointment which will be subject to an indemnity bond being executed by the respondent/writ petitioner indemnifying ECL from any claims whatsoever which may arise in future either towards the part of the terminal benefits paid to the writ petitioner or to the compassionate appointment that is to be provided to the writ petitioner.

19. Accordingly, while affirming the directions issued by the learned Single Bench to pay 1/3rd share of the terminal benefits together with simple interest at 6% per annum from 23rd April, 2015 till actual payment, the writ petitioner shall also be given compassionate appointment in an entry level post and the above two directions shall be complied with within a period of two months from the date on which the writ petitioner files an indemnity bond. The form of the indemnity bond shall be settled and drawn by the appellant/ECL and the writ petitioner shall execute the indemnity bond in the said format duly stamped and upon submission the 1/3rd of the terminal benefits shall be disbursed together with simple interest as well as the writ petitioner be provided and appointment on compassionate ground.

20. It is made clear that both the above directions will be subject to any claims that may be made by any third party as against the benefit granted to the writ petitioner and in the event of such claim ECL shall not be held responsible and the writ petitioner alone shall be fully responsible and ECL shall be indemnified and kept to be indemnified perpetually.

21. Furthermore, we also find that the medical test and screening test have also been completed as earliest in the year 2017 and this could be seen from the documents annexed in pages 69 and 70 of the stay petition.

22. Accordingly, the appeal stands disposed of.

23. Notice sent to the respondent has returned unclaimed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)

Item No.7
gd/ssd