

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

WPO/34/2025

BAHAMONI MEJHAN  
VERSUS  
M/S. EASTERN COAL FIELDS LIMITED & ORS.

BEFORE:

THE HON'BLE JUSTICE ANIRUDDHA ROY

Date : 12<sup>th</sup> June 2025.

APPEARANCE:

Mr. Subhrangsu Panda, Advocate  
Ms. Bratati Pramanik, Advocate  
..... for petitioner

Mr. Anup Kanti Poddar, Advocate  
Ms. Khusboo Ruia, Advocate  
..... for respondents.

The Court:- On the prayer of Mr. Anup Kanti Poddar, learned advocate appearing for the Coal Company, time to file report by way of affidavit stands extended till today. The report in the form of affidavit filed today is taken on record. Copy has been served.

Mr. Subhrangsu Panda, learned counsel appearing for the petitioner, on instruction, submits that the petitioner shall not file any exception to the said report as it is not required. The petitioner shall proceed on the basis of the existing record.

The petitioner is the daughter of one **Kandan Majhi**, since deceased, who was an employee of the Coal Company. The deceased employee has suffered an untimely death during his employment tenure

on **September 1, 1996**. The Death Certificate is **Annexure P-1 at page 31** to the writ petition.

After the death of the employee, the mother of the petitioner, being the widow of the employee had applied for compassionate employment and compensation under the relevant Coal Agreement (NCWA) Scheme. No step was taken on the application submitted by the widow. Subsequently, the widow died on **March 25, 2002**. The Death Certificate is **Annexure P-2 at page 32** to the writ petition.

Then the petitioner applied for compassionate appointment and monetary compensation under said NCWA Scheme. The claim of the petitioner was rejected by the Coal Company on December 27, 2010 **Annexure P-5 at page 36** to the writ petition, on the solitary plea that the petitioner was a minor at the relevant point of time. On September 9, 2011 the petitioner sought for a review of the said decision of rejection **Annexure P-6 at page 37** to the writ petition. The same is still pending before the Coal Company. At this juncture, the instant writ petition has been filed on or about January 17, 2025. The principal relief claimed by the petitioner would appear from prayer **(b)** to the writ petition claiming monetary compensation only in terms of the said NCWA Scheme.

Mr. Panda, learned counsel appearing for the petitioner, on instruction from his client, submits that the petitioner's prayer today before this Court is only restricted to such monetary compensation with interest and nothing more than that.

Mr. Panda relying upon a decision of this Court dated **May 20, 2025 In the matter of : Maya Bouri vs. M/s. Eastern Coalfields Ltd.**

**Ors.** rendered in **WPO/33/2025** submits that, law is now well-settled that it is the obligation of the coal company to pay monetary compensation payable to the petitioner in accordance with law.

This Court has been informed that till date no appeal has been preferred from the said judgment of this Court dated May 20, 2025.

The document at **page 37** to the writ petition shows that the review application was filed by the petitioner on September 9, 2011 and thereafter, the same was pursued by the petitioner by submitting another application dated May 11, 2017 **Annexure P-8 at page 43** to the writ petition. In between six years had passed and the petitioner chose not to take any step whatsoever. Thereafter, in 2025 the instant writ petition has been filed which is also after eight years from the said document dated May 11, 2017. In between there was a reminder of 2014 at **page 38** to the writ petition.

While considering the prayer for grant of interest, this Constitutional Court in exercise of its equitable jurisdiction must also take these facts into account.

To grant or not to grant interest, unless specifically agreed by and between the parties or provided under the statute or in law, the same is the discretion of the Court. This Constitutional Court, while exercising its plenary power under Article 226 of the Constitution of India, also exercises equitable jurisdiction.

In view of the facts already narrated above, this Court rejects the prayer for interest.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record and in view of the discussions and reasons recorded **In the matter of : Maya Bouri (supra)**, the appropriate authority of the respondents is directed to quantify the monetary compensation payable to the petitioner strictly in accordance with law and upon compliance of all formalities and legal requirements and also upon furnishing required documents and records by the petitioner, shall release and pay the monetary compensation to the petitioner positively within a period of **Three months** from the date of communication of this order. The relevant date for the purpose of quantifying the compensation should be **Date of Death** of the employee concerned.

With the above observation and direction, this writ petition **WPO/34/2025** stands allowed without any order as to costs.

(ANIRUDDHA ROY, J.)

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