

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/75/2025

SUNDARI MAHALI
VS
M/S.EASTERN COAL FIELDS LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 17th June, 2025

Appearance:

Mr. Subhrangsu Panda, Adv.

Ms. Bratati Pramanick, Adv.

..... for the petitioner.

Mr. Anup Kanti Poddar, Adv.

Ms. Khusboo Ruia, Adv.

Ms. Anjali Shaw, Adv.

..... for respondents.

The Court: On the prayer of Mr. Anup Kanti Poddar, learned Counsel 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 widow of one Malinda Mahali, since deceased, who was an employee of the Coal Company. The deceased employee has suffered

an untimely death during his employment tenure on **April 04, 2012**. The death Certificate is **Annexure P-1 at page 31** to the writ petition.

After the death of the employee, the son of the petitioner, had applied for compassionate employment and compensation under the relevant Coal Agreement (NCWA) Scheme. No step was taken on the application submitted by the son. Subsequently, the son died on March 03, 2015. The Death Certificate is **Annexure P-6 at page 44** to the writ petition.

Then the petitioner applied for monetary compensation under said NCWA Scheme on June 14, 2016, **Annexure P-6 at page 43** to the writ petition. The same is still pending for consideration before the Coal Company. At this juncture, the instant writ petition has been filed on or about January 28, 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 43** to the writ petition shows that the monetary compensation application was filed by the petitioner on June 14, 2016 and, thereafter, the same was pursued by the petitioner by submitting another application dated December 25, 2024 **Annexure P-7 at page 45** to the writ petition. In between eight 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 application dated June 14, 2016.

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/75/2025** stands allowed, without any order as to costs.

(ANIRUDDHA ROY, J.)