

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/282/2025
SAHIDA BAGAM @BEGUM @KHATOON
-VS-
M/S. EASTERN COAL FIELDS LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE ANIRUDDHA ROY

Date: June 24, 2025.

Appearance:
Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.
For the petitioner.
Ms. Amrita Pandey, Adv.
Mr. Ghanshyam Pandey, Adv.
Mr. Supratim Ghosh, Adv.
For the respondent. .

The Court: The petitioner is the widow of one Abdul Halim @ Halimi, since deceased, who was an employee of the Coal Company. The deceased employee has suffered an untimely death during his employment tenure on **May 24, 2011**. The death Certificate is **Annexure P-1 at page 33** 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. Subsequently, his IME Board Examination was conducted by the Coal Company and the said Board found him "unfit for employment". However, the petitioner's son requested the Coal Company to review the decision of the IME Board through the Appex Medical Board. Subsequently, in alternative the

petitioner requested the Coal Company for employment of her another son. No step was taken by the Coal Company relating to the applications made by the petitioner and her son.

Then the petitioner applied for monetary compensation under said NCWA Scheme on **10.01.2025/6.2.25, Annexure P-13 at pages 47-48** 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 April 23, 2025. The principal relief claimed by the petitioner would appear from prayer (a) to the writ petition claiming monetary compensation only in terms of the said NCWA Scheme.

Mr. Ghosh, 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. Ghosh 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 pages 47 and 48** to the writ petition shows that the monetary compensation application was filed by the petitioner on

10.01.2025/6.2.25 Annexure P-13 at page 47 to the writ petition.

Thereafter, in 2025 the instant writ petition has been filed which is also after two months from the said application dated **10.01.2025/6.2.25**.

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/482/2025** stands allowed, without any order as to costs.

(ANIRUDDHA ROY, J.)

dg/