

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Division
ORIGINAL SIDE

APOT/163/2025
IA NO: GA/1/2025

EASTERN COALFIELDS LIMITED AND ORS.
VS
SHALINI DOME AND ORS.

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
-A N D-
HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)
DATE : 26th June, 2025.

*Appearance:-
Mr. Debnath Ghosh, Sr. Adv.
Ms. Akanksha Mukherjee, Adv.
Mr. Pradipta Basu, Adv.
Ms. Subesha Banerjee, Adv.
... for the appellant.*

*Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.
... for the respondent.*

The Court : This intra Court appeal by the Eastern Coalfields Limited is against one portion of the order passed by the learned Single Judge in IA No. GA/1/2025 in WPO/609/2024. The writ has been finally disposed of by order dated 21st March, 2025. In the said disposed of writ petition, ECL has filed an application being IA No. GA/1/2025 for varying the order. The said application is pending before the learned Single Bench and affidavits have been directed to be exchanged.

ECL appears to be aggrieved by only one portion of the order namely in the last paragraph at page no.2 wherein the learned Single Bench has made the following observations:

“Even if ECL succeeds in its application being GA/1/2025, then also the interest on the arrears of pension amount from the date of the application has to be paid. ECL is therefore directed to pay the interest on the arrears of pension amount from the date of application being 9th October, 2020 by 10th June, 2025.”

The learned Advocate appearing for the appellant submitted that there is a procedure by which this interest has to be determined and paid and that has to be done by the provident fund authority namely CMPFO.

Our attention has been drawn to the final order passed in the writ petition and we find from the last page of the said order wherein direction has been issued to the appellant ECL to pay interest on the arrears of pension from 8th January, 2007 till the same has been actually paid at the rate of 8% per annum at the first instance and thereafter settle the dispute, if any, with CMPFO in connection with the liability to pay interest for delayed payment of pension. Further, it has been observed that the liability will be fixed between ECL and CMPFO and the entity liable to pay interest will be ascertained among them. In the light of the said observation, if the appellant requires any clarification or modification with regard to the procedure for payment of interest with regard to the directions contained in the impugned order then an appropriate application has to be moved before the learned Single Bench and appeal is not the proper remedy.

Therefore, we are not inclined to entertain the appeal and therefore, the same is dismissed.

However, liberty is granted to the appellant to move appropriate application before the learned Single Bench in the pending interlocutory application in IA No.GA/1/2025 and seek for appropriate clarification.

The application being IA No. GA/1/2025 stands disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)