

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE**

WPO/1214/2024

**KALI DHANGAR
VS
M/S. EASTERN COAL FIELDS LIMITED AND ORS.**

**PRESENT :
THE HON'BLE JUSTICE ANIRUDDHA ROY**

For the petitioner : Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.
Mr. Bratin Suin, Adv.

For the respondents : Mr. Manik Das, Adv.

Heard on : July 15, 2025.

Judgment on : July 15, 2025.

ANIRUDDHA ROY, J. :

1. Mr. Partha Ghosh, Learned Counsel, is appearing for the petitioner. Mr. Manik Das, learned Counsel, is appearing for the respondents.
2. The last order dated **January 21, 2025** speaks for itself. The said order depicts that the co-ordinate Bench has not gone into the merits of the case and directed the respondent No. 3, ECL to decide the claim made by the petitioner by his representation dated **August 23, 2024**.

3. Pursuant to the said direction, ECL passed a reasoned order dated **February 17, 2025**.
4. Mr. Partha Ghosh, Learned Counsel appearing for the petitioner prays for leave to file supplementary affidavit to disclose the said subsequent reasoned order dated **February 17, 2025**. Such leave is granted. The supplementary affidavit filed in Court today disclosing the said reasoned order dated **February 17, 2025** is taken on record. Copy has been served upon Mr. Manik Das.
5. This Court is of the view that the said reasoned order dated **February 17, 2025** is a fresh cause of action and beyond the scope of the writ petitioner as no prayer challenging the said reasoned order dated **February 17, 2025** is available in the writ petition and rightly so, as the reasoned order is a subsequent event to the writ petition.
6. This Court while taking up the writ petition has expressed its view that in absence of any prayer relating to the said subsequent reasoned order dated **February 17, 2025** though even if it is taken into consideration, it cannot be dealt with unless either the petitioner files a fresh writ petition with the prayer challenging the said impugned reasoned order dated **February 17, 2025** or by way of amendment of the writ petition.
7. At this juncture, Mr. Partha Ghosh, learned Counsel appearing for the petitioner submits that the prayer can be moulded and this writ petition can be proceeded. To the said submission, this Court is of the view that prayer cannot be moulded where principal reliefs are there but no sufficient amplification in support thereof is available in the writ petition.
8. This Court proceeds on the basis of the existing records and on the basis of the reliefs claimed in the writ petition.

9. The petitioner is the widow of one **Sadhan @ Sadhin Dhangar**, since deceased, who was an employee of the relevant Coal Company. The deceased employee has suffered an untimely death during his employment tenure on **February 6, 2017**. The death certificate is **Annexure P-2** at **page 33** of the writ petition.
10. After demise of the employee, the **elder son** of the employee and the widow, namely, **Ram Dhangar**, on **February 2, 2019** applied for compassionate employment. While the said application of the elder son was under consideration and being proceeded with, on **September 27, 2021**, the elder son died. As a result, the application of the elder son claiming compassionate employment has not reached up to stage of its logical conclusion.
11. Thereafter, the petitioner/widow on **December 9, 2021** requested ECL to grant compassionate employment to the **younger son**, namely, **Shyam Dhangar**.
12. On **May 11, 2022** the said **younger son** applied seeking compassionate employment at **Page 44** to the writ petition. By a communication dated **August 30, 2023**, ECL informed the said younger son to attend the initial medical examination but the younger son did not attend the same. No further claim on account of compassionate employment was subsequently made or pursued on behalf of the said younger son. Thus, the claim for compassionate employment by the younger son had also lost its force and did not achieve a logical conclusion.
13. On **August 23, 2024** the petitioner being the widow of the employee applied for **Monthly Monetary Cash Compensation** (for short “**MMCC**”) in lieu of compassionate employment at **Pages 53 and 55** to the writ petition.

By a letter dated **October 7, 2024**, ECL asked the petitioner to produce the relevant document at **Page 57** to the writ petition. On **November 15, 2024**, the petitioner submitted the relevant document at **Page 58** to the writ petition.

14. Mr. Partha Ghosh, Learned Counsel appearing for the petitioner submits that since the claims for compassionate employment have not arrived at its logical conclusion, in the alternative, in the facts of the case, the petitioner is claiming the monetary compensation from the date of death of the employee.
15. 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.
16. This Court has been informed that till date no appeal has been preferred from the said judgment of this Court dated **May 20, 2025**.
17. The reasoned order dated **February 17, 2025** shows that ECL is agreeable to grant MMCC from the date of the application being **September 1, 2024** submitted by the petitioner and not from the date of death of the employee.
18. After considering the rival submissions of the parties and on perusal of the materials on record, this Court is of the considered view that there is no laches or delay or any inaction on the part of ECL. At all material time, ECL was ready and willing to consider the application for compassionate employment for the elder son and then for the younger son but those

claims could not achieve their logical conclusions not for any reason whatsoever on the part of ECL. ECL proceeded *bona fide* with those claims.

19. In the above set of facts, this Court is of the view that, in exercise of its power in equity, no interest should be awarded to the petitioner on MMCC claim.

20. Accordingly, 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.

21. Resultantly and as a consequence, the reasons shown by ECL for not granting MMCC benefits from the date of death of the employee are **set aside** and **quashed**.

22. With the above observation and direction, this writ petition **WPO/1214/2024** stands allowed, without any order as to costs.

(ANIRUDDHA ROY, J.)