



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 2271 OF 2021

Baby Wd/o Deorao Mandavakar

Versus

Western Coal Fields, Coal Estate, through Chairman/Managing Director
and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Dr. R.S.Sirpurkar, Advocate for the petitioner.

Mrs. Mrunal Naik, Advocate for the respondent nos. 2 and 3.

**CORAM : ANIL S.KILOR &
AJIT. B. KADETHANKAR, JJ.**

DATED : 20th AUGUST, 2025.

Heard.

2. By way of present petition, the challenge is raised to the non-payment of monetary cash compensation to the petitioner as per clause 9.5.0 of NCWA V along with the arrears from January, 2021.

3. Admittedly, the petitioner is a widow of deceased employee of the respondent and entitled for compassionate allowance till the age of 60 years. The dispute however is about the year of birth of the

petitioner. According to the WCL-respondent, it is 1961; whereas, according to the petitioner, it is 1966.

4. This dispute raised by the respondents has been concluded by a judicial pronouncement declaring that, the date of birth of the petitioner is 15th May, 1966, vide order dated 29th August, 2019 passed by the learned Judicial Magistrate First Class, Bhandrawati in Cri. MA No. 253 of 2019.

5. The said order was challenged by the Western Coal Field in Revision on the ground that behind the back of the revisional applicant without making it party to the proceedings, such order came to be passed.

6. Learned Revisional Court while rejecting such objection also dealt with the matter on merit and upheld the order of the learned Judicial Magistrate First Class vide order passed below Exhibit 1 dated 21st November, 2023 passed in Criminal Revision Application No. 31 of 2022.

7. Admittedly, there is no further challenge raised to this order dated 21st November, 2023 by the Western Coal Field.

8. In that view of the matter, there cannot be any dispute about the date of birth of the petitioner as 15th May, 1966.

9. In the circumstances as there is no dispute about the entitlement of the petitioner to receive the compassionate allowance and as she had received the same from 1996 to 2020 continuously, we have no hesitation to hold that the petitioner is entitled to receive the compassionate allowance as prayed for in the present petition till the completion of 60 years age by considering her date of birth as 15th May, 1966, as per clause 9.5.0 of NCWA V, along with the arrears from January, 2021.

10. Accordingly, the writ petition is allowed in above terms.

[AJIT B. KADETHANKAR, J.]

[ANIL S. KILOR, J.]