

20.05.2026
Court No.13
Item No.5
AP

**FMA 569 of 2026
With
CAN 1 of 2026**

**Aparna Ganguly
Vs.
Eastern Coalfields Ltd. & Ors.**

Mr. Nirmalendu Ganguly
Mr. A. Chakraborty

... For the Appellant.

Mr. Syed Nurul Arefin
Mr. Syed Moyeenul Arefin

... For the Respondents.

1. The appeal is directed against an order dated 3rd February, 2026 passed by a Single Bench of this Court. The writ petition was filed by a retired employee of Eastern Coalfields Limited (hereinafter referred to as “the ECL”), inter alia, claiming that the penal rent and electricity charges have been calculated by the ECL at an inflated rate.

2. Counsel for the appellant relies upon an old circular dated 29th March, 1993 which stipulated at Clause 10 that penal rent would be Rs.10/- per square meter of covered area.

3. Learned counsel for the respondents/ECL, however, submits that the said provision has been amended and replaced by a further circular dated 11th November, 2021 where penal rent was to be calculated on the basis of the location of the quarter and the prevailing market rate.

4. Admittedly, the employee overstayed for a period more than two years in her official quarter after superannuation. The appellant would, therefore, liable to pay penal rent and electricity charges for the said period as calculated by the employer.

5. It further appears that towards gratuity the employee approached the controlling authority under the provisions of the Payment of Gratuity Act, which upheld her claim towards receipt of gratuity and interest thereon.

6. On an appeal being preferred by the employer before the appellate authority, the amount adjudicated by the controlling authority was deposited. The appellant has withdrawn and received the same. The employer has, however, set out a table of the outstanding dues of the appellant at page 58 to 60 of the Stay Application.

7. It is clear and explicit from the said table that a difference in gratuity amount receivable by the appellant as annual bonus, leave encashment, attendance bonus, settling allowance, arrears of CMPF and arrears of wages/salary were still due and payable to the appellant.

8. Let sums be paid to the appellant together with simple interest at the rate of 8 percent per annum. All sums deductible towards penal rent and electricity charges shall be deducted from the aforesaid sums.

9. For the aforesaid purpose, the appellant shall visit the office of the Respondent No.2 / General Manager,

Kunustaria Area, ECL on 27th May, 2026 between 11 am and 1 pm. The appellant shall fill in all necessary forms and carry with him copies of evidence of her current address, contact number, email ID, PAN card and particulars of her bank accounts including an extract of her bank passbook.

10. Upon receipt of the aforesaid particulars and signatures in the forms in question, the respondent No.2 shall credit all amounts as indicated hereinabove and admitted in the affidavit-in-opposition affirmed by Tuhin Subra Seal on 12th September, 2025 before the Single Bench, within a period of one month thereafter. In default of payment within a period of one month as aforesaid, the rate of interest on the total terminal dues shall stand increased to 11 percent.

11. With the aforesaid direction, FMA 569 of 2026 is disposed of. Consequently, CAN 1 of 2026 is also disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)