

M.A.T. 896 of 2024
With
CAN 2 of 2024

The Eastern Coalfields Limited
Vs.
Union of India & Ors.

Mr. Syed Nurul Arefin

...for the Appellant/ECL

Ms. Anita Khatri

...for the Respondent No.3

1. The Central Government Industrial Tribunal-cum-Labour Court, Asansol ("CGIT" for short) held the order of dismissal in relation to the writ petitioner's husband to be harsh, disproportionate, arbitrary, illegal and unjust. The dismissal was set aside. The CGIT further found the petitioner, wife of the dismissed employee entitled to consequential benefit of monetary compensation from the date of death till the date of his notional superannuation, had the workman been alive. This order of the CGIT dated 30.09.2022 was challenged by the present appellant in a writ proceeding (WPA No. 12549 of 2023). The writ Court dismissed the writ petition by its order dated 09.10.2023 which is the subject matter of the present Intra Court Appeal.
2. When the matter was taken up on 14.01.2026, based on submissions advanced by the appellant

that the National Coal Wage Agreement (NCWA) provides for payment of Monthly Monetary Cash Compensation (MMCC) to the widow of the employee, the learned Advocate for respondent No. 3 was *prima facie* of the view that benefits under the MMCC may be more beneficial to the writ petitioner than payment of monetary compensation to the writ petitioner from the date of death of her husband till the date of his notional superannuation. She however sought adjournment of the matter to avail instructions in this regard from the respondent No. 3 (wife of the deceased workman).

3. There being a chance of better benefits being made available to the respondent No. 3 we adjourned the matter to enable the learned Advocate for respondent No. 3 to take instructions in this regard.
4. Today when the matter is taken up the learned Advocate for respondent No. 3 is present along with the respondent No. 3, who is also present in Court. She submits that the respondent No. 3 is desirous of availing the benefits of MMCC as per the provisions contained in NCWA, instead of the monetary compensation as directed under the order dated 30.09.2022 passed by the CGIT.

5. The learned Advocate for the appellant is not in a position to dispute admissibility of such benefit of MMCC to the respondent No. 3. However, he submits that the payment of MMCC under the NCWA can only be done observing the procedure in the NCWA, including medical examination etc of the writ petitioner.
6. Since the writ petitioner is desirous of availing the benefit of MMCC and not the monetary compensation as directed by the CGIT the present appeal can be disposed of accordingly. We record a categorical statement for the learned Advocate for respondent No. 3 that the respondent No. 3 shall not take any steps whatsoever for implementation of the direction passed by the CGIT for payment of monetary compensation.
7. We accordingly dispose of the appeal observing that the petitioner's claim to MMCC under NCWA shall be processed by the appellant and payment of the admissible dues be made within six weeks from date subject to co-operation of the respondent No. 3 to facilitate completion of the procedural formalities.
8. The appeal is disposed of to enable the respondent No. 3 to avail the benefit of MMCC instead of monetary compensation as directed by the CGIT

in the order dated 30.09.2022 passed in Reference No. 68 of 1999.

9. The present order however will not come in the way of respondent No. 3 for asserting any other admissible claim under the NCWA.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)