

06.04.2026

Ct. No. 7
M/L. Sl. No. 13
RANJAN

WPA 14087 of 2023

**ANUSHREE DAN
VS.
EASTERN COALFIELDS LIMITED AND ORS.**

Mr. Nirmalendu Ganguly
Mr. A. Chakraborty
....for the Petitioner
Mr. Syed Nurul Arefin
....for the ECL

The grievance of the petitioner is directed against non-payment of monetary compensation on the death of her father, a deceased employee of the respondent no.1.

Briefly, the petitioner's father was an employee of the respondent no. 1 i.e. Eastern Coalfield Limited and has served as a fitter helper under the respondent no. 3. The petitioner's parents had expired on 17.01.2006 when the petitioner, a female minor was five years old.

It is submitted on behalf of the petitioner that she has received neither gratuity nor employment and is entitled to compensation under the National Coal Wage Agreement. In such circumstances, the petitioner had also made a representation dated 28.04.2023 requesting for employment and payment of gratuity alongwith interest.

By a communication dated 28.05.2023 the respondent no. 3 had informed the petitioner that the gratuity amount had already been deposited with the Controlling Authority, Assistant Labour Commissioner (Central) and that the petitioner was ineligible for employment under the extant Regulations. In view of the above, it is contended on behalf of the petitioner that there has been failure on the part of the respondent authorities in providing both employment and monetary compensation to the petitioner on the death of her deceased father.

On behalf of the respondent authorities, it is submitted that the petitioner is not entitled to any employment under the provisions of the National Coal Wage Agreement and is only entitled to Monthly Monetary Cash Compensation (MMCC) in case an appropriate application is made by the petitioner.

For convenience, the relevant provisions of the NCWA-VI being clause 9.3.2, 9.3.3, 9.3.4 and 9.5.0 are set out below:

9.3.0 Provision of Employment to Dependents

9.3.1 Employment would be provided to one dependent of workers who are disabled permanently and also those who die while in service. The provision will be implemented as follows.

9.3.2 Employment to one dependant of the worker who dies while in service.

9.3.3 I so far as female dependants are concerned, their employment/payment of monetary compensation would be governed by para 9.5.0 the dependant for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment, brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be the dependant of the deceased.

9.5.0 Employment/Monetary compensation to female dependant Provision of employment/monetary compensation to female dependants of workmen who die while in service and who are declared medically unfit as per Clause 9.4.0 above would be regulated as under :

(i) In case of death due to mine accident, the female dependant would have the option to either accept the monetary compensation of Rs. 4,000/- per month or employment irrespective of her age.

(ii) In case of death/total permanent disablement due to cause other than mine accident, and medical unfitness under Clause 9.4.0, if the female dependant is below the age of 45 years she will have the option either to accept the monetary compensation of Rs. 3,000/- per month or employment. In case the female dependant is above 45 years of age she will be entitled only to monetary compensation and not to employment.

(iii) In case of death either in mine accident or for other reasons or medical unfitness under Clause 9.4.0, if no employment has been offered and the male dependant of the concerned worker is 12 years and above in age, he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of 18 years. During the period the male dependant is on live roster, the female dependant will be paid monetary compensation as per rates at paras (i) & (ii) above. This will be effective from 1.1.2000.

(iv) Monetary compensation wherever applicable, would be paid till the female dependant attains the age of 60 years.

(v) the existing rate of monetary compensation will continue. The matter will be further discussed in the Standardisation Committee and finalized."

A perusal of the above clauses make it amply clear that only male dependents of a deceased employee who are above 12 years of age entitled to employment. Admittedly, the petitioner is married and the provisions of NCWA-VI are inapplicable in cases of married daughters.

In the above circumstances, there is no ground which the petitioner has been able to make out to warrant any reliefs. There is no enforceable legal right which the petitioner has been able to demonstrate justifying interference of the Writ Court. Accordingly, WPA 14087 of 2023 stands disposed of.

Liberty is granted to the petitioner to make an appropriate application for Monthly Monetary Cash Compensation in accordance with law. In case, any such application is made, the respondent authorities are obliged to dispose of the same and make necessary payment to the petitioner within a period of four weeks from receipt of such application.

With the above directions, WPA 14087 of 2023 stands disposed of.

(RAVI KRISHAN KAPUR, J.)