

6th April., 2026

Item no.M/L 09
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 25456 of 2023**

In the matter of :

Sunita Nahak

.... Petitioner

VS.

The Eastern Coalfield Limited & Ors.

....Respondents

For the Petitioner:

Mr. Praloy Bhattacharjee

Ms. Tanusree Ghosh

Mr. Koushik Ray

....Advocates

For the ECL:

Ms. Priti Banerjee

Ms. Swapna Sikdar

....Advocates

For the Private respondents:

Mr. Santanu Mondal

....Advocate

1. Leave granted to the learned advocate on record of the petitioner to file vakalatnama in the department in course of the day.
2. Affidavits of service filed in Court today are taken on record.
3. The mother-in-law of the petitioner was an employee of the Eastern Coalfields Limited. The employee died-in-harness on 8th April, 2011.
4. On her death, her son, that is the husband of the petitioner, became eligible for being considered either for employment or for the Monthly Monitory Cash Compensation.
5. The son of the employee expired on 4th October, 2011.
6. The son was completely dependent upon his mother and the petitioner was entirely dependent upon her husband. On the death of

her husband, the petitioner seeks terminal benefits as indirect dependent of the deceased employee.

7. The private respondents, being the married daughters of the employee are represented in Court by the learned advocate. It has been submitted that the private respondents do not have any objection if the employer provides terminal benefit to the petitioner either in the form of employment or as Monthly Monetary Cash Compensation as per the National Coal Wage Agreement.
8. The application of the petitioner seeking employment was rejected by the authority in April, 2012 holding that she was not eligible for the claim. No reason was mentioned as to why the claim of the petitioner was rejected.
9. The petitioner thereafter approached for grant of other terminal dues of the deceased employee. The authority sought for certain documents from the petitioner by a communicating letter dated 16/18th May, 2017 for processing her claim for employment. The petitioner forwarded all documents in response to the said letter. There was no response from the authority.
10. The petitioner has thereafter been intimated the decision taken in the year 2023 that the daughter-in-law is not eligible for employment as there is no scope to offer employment to the daughter-in-law as per the National Coal Wage Agreement.
11. The petitioner is aggrieved by the same.
12. It has been submitted that as per the National Coal Wage Agreement, the petitioner is agreeable to accept either of the two benefits.

13. As per National Coal Wage Agreement there is provision to grant employment or Monthly Monitory Cash Compensation in lieu of employment under the died in harness category.
14. As it appears that the petitioner is agreeable to accept Monthly Monitory Cash Compensation in lieu of employment, accordingly, the employer is directed to process the claim of the petitioner for grant of Monthly Monitory Cash Compensation in accordance with the National Coal Wage Agreement at the earliest but positively within a period of twelve weeks from the date of communication of this order.
15. The dues of the petitioner shall be paid without any further delay.
The dues shall be payable on and from the death of the employee.
16. The petitioner and all other legal heirs of the employee shall be intimated the formalities required to be complied with for processing the claim of the petitioner.
17. The writ petition stands disposed of.
18. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
19. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)