

OD-4

ORDER SHEET
WPO/2/2025
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KUMARI SUKURMONI MEJHEN @SUKUMONI MAJHEN @SUKUMONI
MEJHEN @SUKUMANI MEJHEN @MEJHAIN
-VS
M/S. EASTERN COAL FIELDS LIMITED AND ORS.

BEFORE:
The Hon'ble JUSTICE SAUGATA BHATTACHARYYA

Hearing concluded on: 25.02.2026

Judgment on: 25.02.2026

Appearance of Advocates for petitioner:
Mr. P. Ghosh, Mr. A.K. Datta, Mr. D. Das, Mr. B. Guin.

Appearance of Advocates for ECL:
Mr. K. Bhattacharya, Ms. S. Chatterjee.

1. THE COURT: Matter is heard in presence of the learned Advocates representing the petitioner and Eastern Coalfields Ltd. (for short ECL).
2. The issue which needs to be considered in this writ petition is whether the petitioner is entitled to get monetary compensation and from which date the petitioner is entitled to get monetary compensation from ECL due to untimely death of her father in harness on May 22, 1998.

3. Father of the petitioner was an employee of ECL who died on May 22, 1998.
4. After death of her father, on an application made for appointment on compassionate ground brother of the petitioner, namely Sriram Majhi, was favoured with appointment vide letter dated November 7, 2001 on compassionate ground. However, brother of the petitioner could not serve under ECL and finally vide letter dated October 29, 2010, brother of the petitioner relinquished his claim of employment which was provided to him under compassionate ground.
5. After relinquishment of the claim by her brother, petitioner made an application for appointment on compassionate ground.
6. It appears that the petitioner's application seeking appointment was processed by the concerned authority of ECL and medical examination was conducted as it appears from a document which is at pages 54 and 55 of the writ petition.
7. On medical examination it was certified on May 20, 2011 that petitioner was fit to be appointed on compassionate ground.
8. Notice of this Court has been drawn to a document dated April 20, 2015 which is at page 61 of the writ petition, wherefrom it appears that General Manager, Pandabeswar Areas as well as Chief Manager (Personnel), Pandabeswar Area, recommended for appointment of petitioner on compassionate ground. Ultimately, petitioner was not provided appointment on compassionate ground.

9. Mr. Krishnendu Bhattacharyya, learned Advocate representing ECL, has placed reliance on a letter dated January 11, 2016, issued by Assistant Manager (Personnel), Khottadih Colliery, addressed to the petitioner, whereby petitioner was requested to submit certain documents.
10. It is contended on behalf of ECL that documents which were required to be furnished by the petitioner as per said letter dated January 11, 2016, could not be furnished, as a result whereof final decision was not taken regarding appointment of petitioner on compassionate ground.
11. It is submitted that the process was initiated for providing appointment to the petitioner on compassionate ground and medical examination was conducted and subsequently the process could not be taken to logical conclusion, resulting in denial of appointment to the petitioner on compassionate ground.
12. Be that as it may, in this writ petition, Court is considering entitlement of the petitioner to receive monetary compensation by ECL in terms of relevant provisions of National Coal Wage Agreement (NCWA). It is provided under NCWA that due to death of employee in harness, female dependent member of the family of the deceased is entitled to receive monetary compensation. Question is from which date such compensation needs to be extended.
13. On submissions made on behalf of the parties and materials on record, it appears that the brother of the petitioner was provided with appointment on compassionate ground vide letter dated November 7, 2001, but the brother could not continue his service and he was never paid salary by

ECL. Ultimately, on October 29, 2010, brother of the petitioner relinquished his claim over employment, resulting in application made by the petitioner seeking appointment on compassionate ground. Process was initiated by the concerned authority of ECL for providing appointment to the petitioner on compassionate ground, but said process could not be taken to logical conclusion, as a result whereof the petitioner was not provided with employment.

14. In the aforesaid circumstances, in terms of relevant provisions of NCWA, petitioner is found to be eligible to receive monetary cash compensation.
15. Regarding payment of arrear monetary compensation, reliance is placed on a judgment of the Supreme Court, dated October 13, 2023, passed in **Special Leave to Appeal (Civil) No.18815 of 2022 (M/s. Eastern Coalfields Ltd. & Ors. -vs- Dukhni Bhuiya)** by the learned Advocate representing the ECL. According to ECL, in terms of the ratio of **Dukhni Bhuiya** (supra), at best the petitioner can be paid monetary compensation for a period of three years just prior to date of filing of this writ petition, not beyond that.
16. The present case needs to be considered based on the relevant facts as narrated hereinabove. The petitioner applied for appointment on compassionate ground after relinquishment of claim of her brother vide letter dated October 29, 2010. Application of the petitioner seeking appointment on compassionate ground was processed by the concerned authority of ECL but ultimately the petitioner could not be provided with appointment due to certain reasons.

17. Therefore, it is not a case that the petitioner did not make application either seeking appointment on compassionate ground or payment of monetary compensation after the relinquishment of claim by the brother of the petitioner on October 29, 2010.
18. In **Dukhni Bhuiya** (supra), it was recorded in paragraph 5 that the respondent waited for almost 21 years before approaching the Court for payment of compensation.
19. In the present case though the petitioner has not approached the Court, but the petitioner made an application seeking appointment on compassionate ground which was processed. Question would have been different had the petitioner's application seeking appointment on compassionate ground was rejected at the first instance on the ground that previously appointment was offered to his brother.
20. Even on January 11, 2016, the concerned authority of ECL requested the petitioner to submit relevant documents for her appointment on compassionate ground. Therefore, the ratio of **Dukhni Bhuiya** (supra) does not come in aid of ECL. It needs to be recorded herein that the order passed in **Dukhni Bhuiya** (supra) was in particular facts and circumstances.
21. In the aforesaid conspectus, the concerned authority of ECL is directed to grant monetary compensation to the petitioner from November 1, 2010 till date as brother of the petitioner relinquished his claim over employment vide letter dated October 29, 2010. Concerned authority of ECL is directed to release the arrear monetary compensation by four

weeks from the date of communication of this order. However, claim of the petitioner seeking interest on arrear monetary compensation is rejected.

22. The petitioner shall also be entitled to receive current monetary compensation and the same shall commence from the month of April 2026 onwards.
23. With the above directions, writ petition stands disposed of.
24. Urgent Photostat certified copies of this order be supplied to the parties subject to their compliance with all the requisite formalities.

(SAUGATA BHATTACHARYYA, J.)

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