

**IN THE HIGH COURT AT CALCUTTA**  
**CIVIL APPELLATE JURISDICTION**  
**ORIGINAL SIDE**

**Present:-**

**THE HON'BLE JUSTICE MADHURESH PRASAD**  
**AND**  
**THE HON'BLE JUSTICE PRASENJIT BISWAS**

**APOT/205/2025**  
**IA NO: GA/2/2025**  
**WPO/33/2025**

**EASTERN COALFIELDS LIMITED AND ORS**  
**VS**  
**MAYA BOURI**

**APOT/267/2025**  
**IA NO: GA/2/2025**

**MAYA BOURI**  
**VS**  
**EASTERN COALFIELDS LIMITED AND ORS.**

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| For the Appellant<br>in APOT 205 of 2025/<br>Respondent in APOT<br>267 of 2025 | : Mr. Sudip Deb, Sr. Adv.<br>Mr. Subhrangsu Panda, Adv.<br>Ms. Bharati Pramanick, Adv.<br>Ms. H. Roy, Adv.<br>Mr. Anupam Singha, Adv. |
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| For the Appellant<br>in 267 of 2025/Respondent<br>in APOT 205 of 2025 | : Mr. Soham Dutta, Adv.<br>Ms. Anjali Shaw, Adv. |
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| Judgment on | : 19.06.2026 |
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**Madhuresh Prasad, J.:**

1. By a judgment dated 20.05.2025 the learned Single Judge allowed the claim of the writ petitioner in so far as the grant of Monthly Monetary Cash Compensation (hereinafter referred to as "MMCC").

Consequential direction was issued to the appropriate authority in the respondent organization to quantify the monetary compensation payable to the petitioner in accordance with law, observing the requisite formalities and legal requirements. The payment was directed to be made within three months from the date of communication of the judgment. The Hon'ble Single Judge further directed quantification of the compensation with effect from the date of death of the employee (07.07.2002).

2. The judgment of the learned Single Judge is assailed by way of intra-court appeal by the Eastern Coalfields Ltd. (in short "ECL"). The writ petitioner has filed a cross appeal since petitioner's claim for interest on the amount of compensation due, was rejected.
3. When the matter was taken up earlier the learned advocate for the ECL considering the judgment of the larger bench in the case of ***Putul Rabidas vs. Eastern Coalfields Ltd. & Ors.***, reported in ***2017 SCC OnLine Cal 13128***, sought instructions from the ECL authorities. Thereafter, the learned advocate communicated the stand of the ECL based on instructions that since the legal position is settled regarding payment of MMCC with effect from the date of death of the employee the organization is willing to make payment, but sans interest. The stand was communicated in a batch of appeals including the present appeal, wherein the common issue was being considered by this court.

4. The writ petitioner despite such stand of the ECL choose to contest the non grant of interest by the writ court in the present intra Court appeal.
5. The issue therefore, falling for consideration in the present appeal and cross appeal today admittedly is confined to the petitioner's surviving claim for interest on the due MMCC of the writ petitioner/cross appellant.
6. The learned advocate for the ECL submitted that the trial court rightly declined relief insofar as interest on the due MMCC is concerned. It is submitted that interest can be granted upon consideration of relevant parameters. The grant of interest normally is to compensate the loss occurring due to passage of time. A person who raised such a claim, is required to show to the court that she/he has conducted herself in a way that did not occasion passage of time/delay.
7. In the present case the writ petitioner's husband passed away on 07.07.2002, the writ petitioner raised a claim for grant of compassionate appointment to her son-in-law on December 30, 2002. The petitioner chose not to raise a claim for MMCC. When she submitted an application dated 30.12.2002, on 31.12.2002, she confined her claim only to grant of compassionate appointment. Later in the year 2016, the writ petitioner for the first time, raised a claim vide a letter dated 18.10.2016 for grant of MMCC. Such claim was reiterated 8 years thereafter by a letter dated 25.12.2024.
8. The learned Single Judge has taken this fact into consideration and therefore held that the petitioner was disentitled to claim any interest.

In support of his submissions the learned advocate for the ECL relied upon a decision of the Apex Court in the case of ***Purohit and Company Vs. Khaoonbee and Another*** reported in **(2017) 4 SCC 783**.

9. The learned advocate for the writ petitioner/cross appellant on the other hand submits that rejection of the writ petitioner's claim for interest by the learned Single Judge is unsustainable both in facts; and law.
10. The fact that the petitioner made an application dated 30.12.2002 for grant of compassionate appointment is not in dispute. There is also no denial of the fact that thereafter the petitioner submitted applications dated 18.10.2016 and 25.12.2024 for the benefit of MMCC. The first application dated 30.12.2002 clearly states about the writ petitioner's earlier/diligent intimation regarding the unfortunate demise of her husband to the manager of the colliery, prior to submission of the application dated 30.12.2002 for compassionate appointment. The authorities were conscious and aware of the unfortunate passing away of the writ petitioner's husband even before submission of the application dated 30.12.2002.
11. The learned advocate submits that by now it is settled by decisions of the larger bench in the case of ***Putul Rabidas (supra)*** that benefits due to the dependant/s of the employee under the National Coal Wage Agreement (NCWA) is to be granted subject to fulfilment of the conditions contained in the NCWA, automatically upon death of the employee concerned. The SLP filed against

judgment of the larger Bench in the case of **Putul Rabidas** (*supra*) was dismissed by the Apex Court vide order dated 09.03.2018, passed in SLP Diary No(s) 3590 of 2018.

12. The Learned advocate also relied upon decision of the coordinate bench in the case of **M/s Eastern Coalfield Limited Vs. Smt. Kajol Badyakar & Ors. M.A.T. 1257 of 2021** wherein the coordinate bench considered an earlier decision of another coordinate bench in the case of **M/s Eastern Coal Fields Ltd & Ors. Vs. Smt Dukhni Bhuiya M.A.T 86 of 2022** to hold that the grant of MMCC is an entitlement and not a matter of discretion. Therefore, no insistence can be made for the filing of application for grant of MMCC. A consistent view was taken in this regard by these two judgments.
13. The same view was taken by another coordinate bench in the case of **Eastern Coalfields Limited Vs. Sumi Kamin and others** reported in **2024 SCC OnLine Cal 7573**. The coordinate bench reiterated that an application was not required. It also held that ECL was at fault by not offering the entitlement of the writ petitioner and consequently by not guiding her through, to put in her claim.
14. Insofar as the grant of interest on the late payment is concerned the learned advocate relied on decisions of the coordinate benches in the case of **Eastern Coalfields Limited Vs. Mangali @ Mangala Bouri in APOT 106 of 2025, Eastern Coalfields Limited. Vs. Thakur Muni Majhain and others in APOT 83 of 2025** and **Eastern Coalfields Limited. & Ors. Vs. Smt Chapala Kora in M.A.T 1489 of 2022**. Reliance is also placed on decision of Apex

court in the case of **Smt. Subhdra Vs. Ministry of Coal and Anr in Civil Appeal No. 830 of 2018** wherein the Apex court directed for grant of interest from the date when the payment became due.

15. We have considered the rival submissions and decisions relied upon by the parties including decision of the larger Bench in the case of **Putul Rabidas** (*supra*), **Smt. Kajol Badyakar** (*supra*); **Sumi Kamin** (*supra*). We find that intimation regarding the employee's demise was given diligently which is apparent from the letter dated 30.12.2002, submitted on 31.12.2002. Therefore, the ECL was expected to immediately extend the benefit of MMCC to the writ petitioner in furtherance of the beneficial object underlying the grant of MMCC under the NCWA. The ECL, however, did not extend such benefit in the year 2002. The facts and circumstances of the present case, when viewed in light of the judgments noted above leave no room for doubt for this Court to conclude that since petitioner had diligently intimated the authorities regarding death of her husband, no application, formal/specific application was required to be made for grant of the benefits/MMCC under the NCWA.

16. The petitioner immediately after death of her husband/workman, intimated the officers of ECL regarding the death. Thereafter, she submitted her claim for grant of benefit under NCWA on 31.12.2002 vide application dated 30.12.2002. Thereafter even though specific claim for grant of MMCC was made on 18.10.2016 and reiterated on 25.12.2024 no such benefit was granted to her for more than 2(two) decades. In the circumstance, she was compelled to file

the writ petition, wherein also her claim was resisted by the ECL. It is only in the present intra-court appeal proceeding that the ECL has communicated instructions through its learned advocate that MMCC would be paid to the writ petitioner with effect from the date of demise of her husband, but without any interest on the delayed payment/arrears.

17. From the above noted facts it is more than obvious that prior to the present appeal no endeavour whatsoever was made by the ECL to extend the benefit of MMCC under NCWA to the present writ petitioner. Therefore, the plea of petitioner's delayed application, to resist the grant of interest, on the arrears due, clearly lacks *bona fide* and is an afterthought. In view of the inaction on the part of the ECL, as noticed above, the writ petitioner, (wife of the deceased workman) was forced to live in penury for the last more than two decades.
18. We, therefore, find no force in the submission of the learned advocate for the ECL that the writ petitioner is disentitled to grant of interest on the arrears of MMCC due to any delay on her part in making a specific application for grant of such benefit.
19. On the contrary, we find that despite earlier pronouncements by the Co-ordinate Bench noted above the ECL was earlier taking a plea that grant of benefit under MMCC was contingent upon making of an application for the same, which clearly is unsustainable. The ECL was all along conscious about the demise of the writ petitioner husband, since immediately after the unfortunate demise took place. The grant of benefit under MMCC is under the NCWA which is binding on the

ECL under Section 18 (3) of the Industrial Dispute Act, 1947. The benefit is granted to ameliorate the suffering of the spouse and family of a workman left in penury due to sudden demise of the workman.

20. Under the facts and circumstances considered above, the writ petitioner, in our opinion was able to make out a case for grant of interest on the amounts due to the petitioner under MMCC since 07.07.2002, i.e. the date of demise of her husband. Our view as regards the petitioner's entitlement to interest is fortified by a decision of the coordinate bench in the case of **Mangali @ Mangala Bouri** (*supra*) and decision of the Apex court in the case of **Smt. Subhdra** (*supra*).

21. To buttress his claim for the grant of interest the learned advocate for the writ petitioner also relied upon a decision of the Apex court in the case of **Alok Shanker Pandey vs. Union of India** reported in **(2007) 3 SCC 545** and another decision in the case of **S.K. Dua Vs. State of Haryana & Ors** reported in **(2008) 3 SCC 44**. We find force in such submissions with reference to the decisions in the case of **Alok Shanker Pandey** (*supra*), wherein the Apex court held that interest is not a penalty or punishment but is a normal accretion on capital. In **S. K. Dua** (*supra*) the Apex court held that even in the absence of statutory rules, administrative instructions or guidelines interest can be claimed under Part III of the Constitution of India.

22. Insofar as the decision in the case of **Purohit and Company** (*supra*) relied upon by the learned advocate for the ECL is concerned

we find from a perusal of the judgment that the Apex court in the said judgment was considering an issue wherein a motor accident occurred on 02.02.1977, and claim for compensation was raised before the Motor Accident Claims Tribunal (MACT) by filing a petition on 23.02.2005.

23. In the present case as noted above the grant of benefit of MMCC was required to be extended to the petitioner in the year 2002 itself, when immediately after demise of her husband she duly intimated the ECL authorities regarding the same. The facts, therefore, are essentially different and distinguishable from the case of **Purohit and Company** (*supra*). Further we find that the claim therein was under statutory provisions as regards compensation under the Motor Vehicles Act, 1988. In the present case there is an issue of denial of social welfare benefits under a beneficial scheme (NCWA). The same is in the nature of settlement, and binding on the ECL under Section 18 (3) of the Industrial Disputes Act, 1947, making it obligatory for them to extend benefits thereunder to the writ petitioner. We, therefore, do not find any substance in the reliance placed on the decision in **Purohit and Company** (*supra*) by the learned advocate for the ECL.

24. The learned advocate for the ECL lastly submitted that the court should consider the stand communicated by the ECL through the learned advocate expressing willingness to pay the due amount of MMCC with effect from the date of demise to be a mitigating

circumstance in favour of the ECL while considering whether or not to grant interest on the amount due.

25. We appreciate such submissions and fair stand of the ECL. The stand acknowledges that an issue regarding automatic entitlement to MMCC, subject to intimation regarding demise and fulfilment of conditions for grant of such benefits under Law with effect from date of demise of the concerned workman, is no more *res-integra*. We, however, cannot over look the fact that despite such settled legal position, the present petitioner was deprived of the benefit for more than two decades. Even after an order passed by the Hon'ble Single Judge in the writ proceeding ECL preferred the present appeal. Though we appreciate the fair stand communicated in the present intra-court appeal we cannot over look the deprivation; and life of penury the petitioner, spouse of the workman was forced to live in for the past more than two decades. We, therefore, find that the writ petitioner was entitled to grant of interest acknowledging the accretion on the amount earned by the ECL by holding on to the amount of MMCC due to the petitioner for two decades.

26. Taking the totality of the above noted circumstances including the fair stand of the ECL, we direct for payment of interest @ 6% per annum on the dues of MMCC with effect from 07.07.2002 till the date of payment. We further direct the payment of monthly MMCC with effect from the 1<sup>st</sup> day of August, 2026. The arrears should also be paid to the writ petitioner along with interest as directed above within

a period of two months from the date of receipt/production of a copy of this order before the respondent authority.

27. Though we were initially of the view that some cost also be imposed on the ECL, we are persuaded not to do so in view of the fair stand communicated in the present appeal.

28. The appeal filed by the ECL is dismissed. The cross appeal filed by the writ petitioner is allowed in these terms. Connected applications in both the appeals are also disposed of.

29. Urgent certified copy of this judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

I agree.

**(Madhuresh Prasad, J.)**

**(Prasenjit Biswas, J.)**

Later:

Learned Advocate for the ECL prays for stay of operation of this judgment. We have considered the prayer and the same is rejected.

**(Madhuresh Prasad, J.)**

I agree.

**(Prasenjit Biswas, J.)**