

15. 04. 2024

BP
Sl. 14
Court No. 23

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5831 of 2024

Eastern Coalfields Limited
Vs.
Union of India & Ors.

Mr. Manik Das
..for the petitioner

Mr. Madhu Jana
Ms. Tanushree Ghosh
..for the respondent nos. 1,2 and 3

Learned advocate for the petitioner makes over a copy of the notice sent to the respondent nos. 4 and 5 along with the track report. It appears that the said notice on being sent by speed post have been received respectively by the respondent nos. 4 and 5.

Neither the respondent no.4 nor the respondent no.5 is present.

On behalf of the respondent nos. 1, 2 and 3 it is submitted by the learned advocate representing them that he has not been able to get necessary instructions from his clients.

On behalf of petitioner (Eastern Coalfields Limited) it is submitted that the respondent nos. 1, 2

and 3 being the implementing authorities are pressing hard to give the employment by implementing the award dated 4th August, 2023. It is the case of the petitioner that the employee died on 15th October, 1995. The widow had initially applied for compassionate appointment. The widow being a female dependent had accepted Monthly Monetary Cash Compensation (in short MMCC). The widow had accepted the MMCC in terms of the provisions of National Coal Wage Agreement (in short NCWA). The widow continued to receive the MMCC till she attained the age of sixty years. Just on the eve of attaining the age of sixty years, an industrial dispute was raised in connection with compassionate employment of her son.

It is further submitted that the son of the deceased employee was below fifteen years at the time of death of the employee. Unless the dependant is fifteen years and above the dependant cannot be kept in a live-roster to offer employment on the said dependant attaining the age of eighteen years. It is further submitted by the petitioner that the widow having accepted MMCC till up to the age of sixty years there is no option under NCWA for compassionate employment of another dependant of the employee who was admittedly below fifteen years at the time of death of the

employee.

On behalf of the petitioner stay of operation of the award/impugned order is sought for as the implementing agencies may during the pendency of the writ petition take such steps or further steps to have the award implemented thereby rendering the writ petition infructuous.

However, for the ends of justice, the matter is adjourned till 25th April, 2024 to enable the learned advocate representing the respondent nos. 1, 2 and 3 to take necessary instruction. A further notice by way of abandon caution be given to the respondent nos. 4 and 5 by the petitioner as also by the respondent nos. 1, 2 and 3 informing the said respondents the matter will next be taken up on 25th April, 2024.

(Arindam Mukherjee, J.)

