

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/238/2025

SMT. TRISHA MUKHERJEE

-VS-

M/S EASTERN COAL FIELDS LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE REETOBROTO KUMAR MITRA

Date : 24th July, 2026.

Appearance:

Mr. Partha Ghosh, Adv.

Mr. Amal Kumar Datta, Adv.

Mr. Debashis Das, Adv.

Mr. Bratin Suin, Adv.

...for the Petitioner

Mr. Mainak Das, Adv.

Ms. Gargi Mukhopadhyay, Adv.

Mr. Ayann Poddar, Adv.

...for Respondent/ECL

1. The petitioner is the daughter of a former employee of the respondent no.1 who passed away sometime in 1995. The petitioner, a minor at the relevant point of time, was not entitled to be appointed on compassionate ground in place and stead of her mother.
2. Sometime in December 2004, when the petitioner was approximately 13 years old, the petitioner had exercised her option as mandated under NCWA-V being the applicable agreement for the petitioner's mother, to accept Monthly Monetary Cash Compensation (hereinafter MMCC) which was communicated to the respondent no.1.

3. However, by subsequent letters, petitioner had changed her stand and again renewed her option for compassionate appointment in the place and stead of her mother. This was, however, rejected by the authorities sometime in 2020. The petitioner thereafter renewed her prayer for monetary compensation sometime in 2021 and since the same had not been considered, the petitioner approached this Hon'ble Court by way of the instant writ petition.
4. Mr. Ghosh appearing for the petitioner submits that presently the petitioner is not inclined nor is she pressing for appointment on compassionate ground, but is claiming the MMCC to which the petitioner is entitled.
5. Mr. Das appearing for the respondent no.1 submits that the petitioner may not be entitled to monetary compensation from the date of death of the employee, being the mother of the petitioner, sometime in 1995 as she had exercised her option only in 2004.
6. From the submission of both the parties, it is clear that the petitioner is entitled to the MMCC payable on account of death of her mother.
7. She had indeed exercised her option in 2004 which had not been acted upon by the respondent prompting the petitioner to renew her prayer for compassionate appointment in 2020. Had the prayer of the petitioner been granted in 2004 and MMCC been disbursed in terms of NCWA-V, the question of the petitioner renewing her prayer for compassionate appointment would have not arisen.

8. In view of the afore-stated fact, the petitioner as a dependent of the first class of the deceased employee is entitled to monetary compensation, ostensibly from the date of death of the employee, provided he/she exercised the option. Such option was exercised only in 2004.
9. I do not find any reason not to afford MMCC to the petitioner from December, 2004 onwards along with some interest.
10. In view thereof, I direct the respondent no.1 to disburse the entire sum from December, 2004 till July, 2026 along with interest which will be computed by the disbursing authority at a reasonable rate from December, 2004 till date by 30th September, 2006, subject to the requisite compliance and formalities.
11. The monthly payment on account of MMCC will, however, be made for the month commencing from August, 2026 and for all successive months thereafter.
12. With the afore-stated directions, the writ petition being WPO/238/2025 stands disposed of, without any order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(REETOBROTO KUMAR MITRA, J.)