

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/238/2025
SMT. TRISHA MUKHERJEE
VS
M/S. EASTERN COAL FIELDS LIMITED & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 17th March, 2026.

Appearance:
Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Dutta, Adv.
Mr. Debashis Das, Adv.
Mr. Bratin Suin, Adv.
...for Petitioner.

Mr. Anup Kanti Poddar, Adv.
Ms. Anjali Shaw, Adv.
...for Respondents.

1. Heard submissions made on behalf of the petitioner and the Eastern Coalfields Limited.
2. The petitioner's mother was serving in the Eastern Coalfields Limited. She died in harness in the year 1995 when the petitioner was a minor. The petitioner seeks monetary compensation.
3. The authority rejected her prayer for grant of monetary compensation on the ground that monetary compensation is given to the female spouse of deceased employee in lieu of her employment on request of the female spouse concerned.
4. Learned advocate for the petitioner has placed the relevant provision of NCWA relating to payment of monetary compensation to female dependants. The expression 'dependant' includes unmarried daughter residing with the deceased and almost wholly dependent on the earnings of the deceased.

5. NCWA also makes it clear that in case of death caused other than mine accident and medical unfitness under Clause 9.4.0, if the female dependent is below the age of 45 years she will have the option either to accept monetary compensation of Rs.3,000/- [Rupees three thousand only] per month or employment. If the female dependent is above 45 years of age she will be entitled to only monetary compensation and not employment.
6. In the instant case, the petitioner is well below the age of 45 years. She is agreeable to either accept employment or receive monetary compensation.
7. Learned advocate representing the Eastern Coalfields Limited has relied upon the report filed by the authority and submits that the petitioner has been declared as dependent of her father, who is also employed with the Eastern Coalfields Limited. It has been submitted that if the petitioner seeks monetary compensation, then her name has to be deleted from the list of dependent of her father.
8. On a query from the Court as regards the dependency certificate of the deceased mother of the petitioner, learned Counsel for the Eastern Coalfields Limited is unable to provide any answer. It has been submitted that the said document is not readily available.
9. From the documents annexed to the writ petition there is nothing to suggest that the petitioner was not dependent upon her mother and is only dependent upon her father. It is not necessary that a child has to be dependent only upon one of the parents and not both.

10. The Hon'ble Division Bench of this Court in the matter of **Sukumoni Hembram Vs. Union of India & Others** reported in **2024 SCC OnLine Cal 7361** considered the aforesaid issue and passed direction upon the employer to provide compassionate appointment.
11. Learned advocate representing the Eastern Coalfields Limited is directed to revert with further necessary instruction.
12. Relist the matter for further consideration on 31st March, 2026.
13. Let the dependency certificate of the deceased mother of the petitioner be produced before this Court on the adjourned date.
14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(AMRITA SINHA, J.)