



Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE**

**WPO/1177/2024
SMT RAMPARAI @ RAMPARIA BHUIA AND ANR
VS
EASTERN COALFIELDS LIMITED AND ORS.**

**PRESENT :
THE HON'BLE JUSTICE ANIRUDDHA ROY**

For the petitioners : :Mr. Partha Ghosh, Advocate
:Mr. Amal Kumar Datta, Advocate
:Ms. Simran Sureka, Advocate
:Mr. Debashis Das, Advocate
:Mr. Bratin Suin, Advocate

For the State respondent: :Mr. Krishnendu Bhattacharya, Advocate
:Mr. Subhasri Chatterjee, Advocate

Heard on : July 10, 2025.

Judgment on : July 10, 2025.

ANIRUDDHA ROY,J. :

1. The petitioner No. 1 is the widow of one Krishna Bhuia, since deceased, who was an employee of the relevant coal company. The deceased employee has suffered an untimely death during his employment tenure on **April 18, 2013**. The death certificate is annexure P1 at page 34 to the writ petition.



2. After the death of the employee, the first petitioner applied for compassionate employment and compensation under the relevant Coal Agreement (NCWA) Scheme. No step has been taken by the Coal Company.
3. The first petitioner then applied for compassionate employment for the second petitioner and/or monetary compensation under the said NCWA scheme on August 13, 2024, annexure P6 at page 46 to the writ petition. The same is still pending for consideration before the **Coal Company**. At this juncture, the instant writ petition has been filed on or about **December 10, 2024**.
4. **Prayer(a)** to the writ petition shows that the petitioners' claim alternative reliefs either compassionate appointment or monetary compensation. The rest are consequential prayers.
5. Mr. Ghosh relying upon a decision of this Court dated **May 20, 2025 In the matter of Maya Bouri Vs. M/s. Eastern Coalfields Ltd. & Ors.** rendered in **WPO/33/2025** submits that, law is now well settled that it is the obligation of the Coal Company to pay monetary compensation payable to the petitioner in accordance with law.
6. This Court has been informed that till date no appeal has been preferred from the said Judgement of this Court dated **May 20, 2025**.
7. The document at page 46 to the writ petitioner shows that application for monetary compensation was filed by the petitioner on **August 13, 2024**. Thereafter the instant writ petition has been filed in December 2024



about after four months from the said application dated August 13, 2024.

8. Learned Counsel Mr. Krishnendu Bhattacharya appearing for ECL submits that the employee died on April 18, 2013 and the claim on account of compassionate appointment and/or monetary compensation was submitted on **August 13, 2024** after about eleven years. There is no question of granting any compassionate appointment in the facts of this case. Referring to pages 35 & 35A from the writ petition, learned Counsel for Coal Company, on instruction, submits that those documents were not received by ECL. Even if, those documents were, for argument sake, are accepted to have been received then also the petitioner did not pursue their right or claim before 2024.
9. After considering the rival contentions of the parties and upon perusal of materials on record, it appears to this Court that, family of the deceased employee could survive since April 2013 when the employee died till 2024 when the petitioners submitted their applications for employment and/or monetary compensation and then in December 2024 filed the instant writ petition. Since the family could survive for eleven years after the demise of the employee, there was no immediate requirement of earning immediately after the death of the employee for survival of the family and the family has survived so long. Compassionate appointment is not a matter of right but a benevolent policy of the employer/State. The law is well settled that for immediate survival of the family



immediately after the death of the employee such appointment is provided for.

10. In view of the settled provisions of law, as above, the petitioners are not eligible to receive any compassionate employment. Therefore, the prayer for compassionate employment stands **rejected**.
11. In view of the reasons and the ratio ***In the matter of: Maya Bouri, (supra)***, the appropriate authority of the respondent Coal India Ltd. is directed to quantify the monetary compensation payable to the petitioner strictly in accordance with law and upon compliance of all formalities and legal requirements and also upon furnishing required documents and records by the petitioners, shall release and pay the monetary compensation to the petitioners positively within a period of **Three Months** from the date of communication of this order. The relevant date for the purpose of quantification of compensation should be the **Date of Death** of the employee concerned.
12. It is further made clear that grant of interest on compensation is the discretion of the Court. Records show that since the death of the employee till 2024, the petitioners did not pursue their right. Assuming though not admitting, as submitted by the Coal Company, that the representation at pages 35 and 35A were submitted, even then the petitioners after eleven years woke up and lodged their claim in 2024. Such facts does not entitle the petitioners' claim for interest. Therefore prayer for interest also stands **rejected**.



13. With the above observations and directions, this Writ Petition being **WPO 1177 of 2024** stands disposed of, without any order as to costs.

(ANIRUDDHA ROY, J.)

GH/NM.