12/11
2026

AD/05/18
266312
NANDY

(DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/28811/2026

SUMITRA MEJHAN
VS
M/S. EASTERN COALFIELDS LIMITED & ORS.

Mr. Subhrangsu Panda, Advocate
Ms. Haritri Roy, Advocate
Mr. Anupam Singh, Advocate
.....for the Petitioner

Ms. Priti Banerjee, Advocate
.....for the State

1. The petitioner is the widow of a former employee of the respondent no. 1.
2. The former employee expired sometime in 2016, whereupon the petitioner, as the widow of the employee, applied for compassionate appointment of her son in the respondent no. 1.
3. The respondent no. 1, having considered the application of the petitioner, called for certain documents including the death certificate of the first wife of the former employee as well as the death certificates of the two other children of the petitioner.
4. The petitioner furnished the death certificates of the two children to the respondent no. 1. However, since the first wife had expired prior to the marriage of the petitioner to the deceased employee, the petitioner was unable to produce the death certificate of the first wife.
5. However, the authorities did not respond to the application of the petitioner seeking compassionate appointment of her son, and kept the same pending.

6. It was in these circumstances, in December 2024, that the petitioner applied for Monthly Monetary Cash Compensation (MMCC) from the respondent no. 1. This application has not been considered at all. Hence, this writ petition.
7. Ms. Banerjee, learned Advocate appearing for the respondent authorities, submits that there is a possibility, if not a probability, that the first wife or the heirs of the deceased employee from the first wife approach the authorities with a similar prayer. Thus, the petitioner not being able to produce the death certificate of the first wife, the petitioner's application could not be considered.
8. Mr. Panda, learned Advocate appearing for the petitioner, submits that the new service book, which contains supplementary information in so far as the deceased employee is concerned, clearly records the name of the petitioner as the second wife and also unequivocally records that the first wife has expired. This fact was known to the respondent authorities since furnishing such detailed information in 1997. Hence, from 1997, since there has been no communication from the deceased first wife, the question of considering the first wife or any claim that may be made on her behalf is completely in the realm of conjecture and surmise and cannot be entertained or taken into account by the authorities to deny and deprive the petitioner of her legitimate dues.
9. Having heard learned Advocates of both parties, this much is clear that the authorities were made aware of the fact that the first wife of the deceased

employee had expired well before 1997, and the fact was put on record by way of supplementary information in the 'New Service Book'.

10. This supplementary information in the new service book has not been challenged, nor has it been disturbed or disrupted by any application or any other mode of challenge to the same by any person, let alone the dead first wife.
11. The authorities cannot be permitted to rely upon a conjecture and surmise to deny and deprive the petitioner of her rights to obtain MMCC in the event the compassionate appointment is not allowed. In the present case, the compassionate appointment, though not rejected at any point of time, has been kept pending since 2016. It was due to the pendency of such application that the petitioner applied for MMCC in 2024.
12. There is no ostensible ground on record to come to a conclusion or even a finding in aid of such conclusion that there is indeed a better claimant than the petitioner to the benefits that accrue on the death of the employee.
13. However, to safeguard and protect the rights of the respondent company, it would be appropriate to direct the petitioner to submit an affidavit declaring that the first wife of the deceased employee had expired and that the petitioner, with her surviving children, are the only persons entitled to the benefits that may accrue to the heirs of the deceased employee.
14. Such affidavit will be filed within a period of two weeks from date with the respondent no. 5.

15. Upon receipt of such affidavit, the respondent no. 5 will consider the application of the petitioner for receipt of MMCC along with the issue of interest on it, in light of the judgment passed in *APOT/205/2025 (Maya Bouri Vs. Eastern Coalfields Limited & Ors.)* within a period of four weeks thereafter, without insisting upon furnishing the death certificate of the first wife.
16. The consideration of the MMCC, if the petitioner is found to be eligible, shall be construed from the date of death of the employee, which occurred on November 7, 2016.
17. With the afore-stated directions, the writ petition stands **disposed of.**
18. There shall be no order as to costs.
19. 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.)