IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

ORIGINAL SIDE

Present:

The Hon'ble **Justice Madhuresh Prasad**

And

The Hon'ble **Justice Prasenjit Biswas**

A.P.O.T No. 199 of 2025
I.A./G.A. No. 2 of 2025
In
W.P.O. No. 34 of 2025

M/s Eastern Coal Fields Limited & Ors.

-Versus-

Smt. Bahamoni Mejhan

For the Petitioners : Mr. Soham Dutta, Adv.
Ms. Gargi Mukhopadhyay, Adv.

For the Respondent : Mr. Subhrangsu Panda, Adv.
Ms. Bratati Prmanick, Adv.
Ms. Haritri Roy, Adv
Mr. Ratul Ghosal, Adv.
Mr. Rohit Adhikary, Adv.
Mr. Anupam Singha, Adv.

Judgment on : 12.10.2026

Prasenjit Biswas, J:-

1. By a judgment and order dated 12th June, 2025, the learned Single Judge partly allowed the writ petition by granting relief to the writ petitioner insofar as the claim for Monthly Monetary Cash Compensation (hereinafter referred to as "MMCC") was concerned. The learned Single Judge directed the competent authority of the respondent organization to quantify the amount of MMCC payable to the petitioner strictly in accordance with law, upon due compliance with all prescribed formalities, legal requirements, and upon the petitioner furnishing the necessary documents and records as may be required by the authorities. A further direction was issued requiring the respondent authority to release and disburse the quantified amount within a period of three months from the date of communication of the order.

2. The aforesaid judgment and order dated 12th June, 2025 has been assailed by the Eastern Coalfields Limited (for short, "ECL") by filing the present intra-court appeal. It is significant to note that no cross-appeal or independent challenge has been preferred by the writ petitioner against that part of the judgment whereby the learned Single Judge declined the petitioner's claim for interest on the amount of MMCC found payable.

3. At the time of hearing of the appeal, learned Advocate appearing on behalf of ECL submitted that, in view of the authoritative pronouncement of this Court in ***Putul Rabidas vs. Eastern***

Coalfields Ltd. & Ors., [1] instructions were obtained from the competent authorities of ECL. Learned counsel, on the basis of such instructions, fairly submitted that the legal position regarding the entitlement to MMCC with effect from the date of death of the employee now stands settled, and accordingly ECL is willing to make payment of the admissible MMCC to the writ petitioner. However, it was specifically contended that such payment would be made without any liability to pay interest.

4. Learned Advocate for ECL further contended that the learned Single Judge was fully justified in declining the relief relating to interest on the outstanding MMCC. It was argued that, since no cross-appeal has been filed by the writ petitioner claiming interest, the petitioner cannot seek enlargement of the relief granted by the learned Single Judge in the present appeal preferred by ECL. It was also submitted that the delay in pursuing the claim is entirely attributable to the writ petitioner, and therefore, on principles governing equitable relief, the petitioner is not entitled to claim interest for the alleged delayed payment of MMCC.

5. In the above factual backdrop, the only issue that survives for consideration in the present appeal is confined to the question whether the writ petitioner is entitled to interest on the MMCC payable to her.

6. The relevant facts giving rise to the claim may briefly be noticed. The writ petitioner is the daughter of late Kandan Majhi, who was

[1] **2017 SCC OnLine Cal 13128**

employed under the coal company and who unfortunately died in harness on 1st September, 1996. Following his death, the widow of the deceased employee applied for compassionate appointment and monetary compensation under the National Coal Wage Agreement (NCWA) Scheme. However, no effective step was taken by the authorities on the said application, and the widow subsequently died on 25th March, 2002.

7. Thereafter, the present writ petitioner submitted an application seeking compassionate appointment as well as monetary compensation under the NCWA Scheme. The said claim was rejected by the competent authority on 27th December, 2010, principally on the ground that the petitioner was a minor at the relevant point of time. The petitioner thereafter submitted a review application on 9th September, 2011. As the review application remained undisposed of, the petitioner pursued the matter by filing another representation on 11th May, 2017. However, during the intervening period of nearly six years, no substantial or effective step appears to have been taken by the petitioner for enforcement of her alleged entitlement. Ultimately, the writ petition came to be filed only in the year 2025, that is, approximately eight years after the representation dated 11th May, 2017, though a reminder had been submitted by the petitioner in the year 2014.

8. In support of the aforesaid contention, learned Advocate for ECL placed strong reliance upon the decision of the Hon'ble Supreme Court in ***Tomorrowland Limited vs. Housing and Urban Development***

Corporation Limited and Another, [2] (paragraph 47 onwards). Referring to the principles laid down therein, it was submitted that the conduct of the petitioner is a relevant and material consideration while determining entitlement to interest and that interest cannot be claimed as a matter of course irrespective of the claimant's own inaction. According to ECL, the present writ petitioner was not diligent or vigilant in pursuing her claim before the competent authorities, and such prolonged inaction disentitles her from claiming any interest on the MMCC amount.

9. Per contra, learned Advocate appearing for the writ petitioner/respondent contended, inter alia, that although no cross-appeal has been preferred against the refusal of interest by the learned Single Judge, the question of grant of interest can nevertheless be examined by this Court in the light of the subsequent decision of a Coordinate Bench in ***Maya Bouri vs. Eastern Coalfields Limited & Ors.***. It was argued that the said judgment recognizes the entitlement of similarly situated claimants to claim interest on delayed payment of MMCC, and therefore the petitioner's claim for interest deserves consideration notwithstanding the absence of a formal cross-appeal challenging the adverse part of the impugned judgment.

10. We have already held that immediately after the death of the employee, his widow submitted an application seeking compassionate appointment. However, despite such application having been made

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[2] **(2025) 4 SCC 19**

within a reasonable time, no effective step was taken by the authorities concerned for consideration of her claim. Unfortunately, the widow expired on March 25, 2002, without receiving any relief from the coal company.

11. Subsequently, the present writ petitioner submitted an application claiming compassionate appointment and monetary compensation under the National Coal Wage Agreement (NCWA) Scheme. The said claim was rejected by the coal company by an order dated December 27, 2010. The petitioner thereafter sought review of the rejection by filing a representation dated September 9, 2011. The matter was again pursued through a further application dated May 11, 2017.

12. However, the record reveals that between the review application of September 2011 and the subsequent application of May 2017, the petitioner did not take any substantive or effective step for nearly six years, except for submitting a reminder in the year 2014. Even thereafter, the petitioner remained inactive for a considerable period, i.e. another 7 years. Ultimately, the petitioners approached the writ Court only in the year 2025 by filing the present writ petition before the learned Single Judge. Such prolonged inaction and unexplained delay cannot be ignored while examining the equitable relief claimed by the petitioner.

13. In this context, it is profitable to refer to paragraph 49 of the decision of the Hon'ble Supreme Court in **Tomorrowland Ltd.** (supra), wherein it was observed:

> *"49. There is no gainsaying that the power to award interest ought to be exercised judiciously, aligning with equitable considerations and also ensuring neither undue enrichment nor unfair deprivation. Courts are duty-bound to assess the facts and circumstances of each case, applying the principles of fairness and justice. This discretion must reflect a balanced approach, grounded in reason, and guided by the overarching objective of equity."*

14. In view of the law laid down by the Hon'ble Supreme Court in **Tomorrowland Ltd.** (supra), the conduct of the appellant assumes considerable significance while determining the entitlement to interest. The grant of interest is not automatic; it is an equitable relief which depends upon the overall facts and circumstances of the case, including the diligence and bona fides of the claimant.

15. From the materials on record, it is evident that the present writ petitioner/respondent did not approach the Court with the promptitude and diligence expected of a litigant seeking equitable relief. The unexplained periods of inactivity, extending over several years, disentitle the petitioner from claiming interest as a matter of right. This Constitutional Court, while exercising its equitable jurisdiction under Article 226 of the Constitution, is required to take into account the conduct of the claimant and whether such claimant has acted with due diligence and clean hands.

16. We have also already noticed that no cross-appeal or cross-objection has been preferred challenging that part of the judgment of the

learned Single Judge by which the claim for interest on the amount found due to the petitioner was rejected. In the absence of any such challenge, and having regard to the conduct of the petitioner as discussed above, we find no reason to interfere with the refusal of interest by the learned Single Judge.

17. In view of the aforesaid facts and circumstances, and for the reasons discussed hereinabove, we find no ground warranting interference with the judgment and order passed by the learned Single Judge in WPO No. 34 of 2025**.**

18. Accordingly, the intra-court appeal preferred by Eastern Coalfields Limited (ECL) stands dismissed.

19. Consequently, all connected applications filed in connection with the present appeal also stand disposed of.

20. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

I agree.

(Madhuresh Prasad, J)

(Prasenjit Biswas, J.)