

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 09 OF 2022**

**PARTIES:** Mina Devi  
(widow of Late Sitaram Singh)  
**Vs.**  
Management of Ratibati (R) Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.  
For the Management of ECL: Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 15.03.2024.

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**A W A R D**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/30/2022-IR(CM-II)** dated 11.04.2022 has been pleased to refer the following dispute between the employer, that is the Management of Ratibati (R) Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**THE SCHEDULE**

*“ Whether the demand of Union i.e. Koyala Mazdoor Congress for payment of monetary compensation from October, 1995 to February, 1997 to Smt. Mina Devi, Wife of Late Sitaram Singh, Ex-Pump Khalasi on the basis of management letter No. SAT/GM/PER/Empl/4090/97/666 dated 17/18.1.1997 issued by G.N.Singh, Dy. Chief Personnel Manager, Satgram Area of M/s. ECL is legal and justified? If yes, to what relief Smt. Mina Devi, Wife of Late Sitaram Singh is entitled and what direction are necessary in this regard? ”*

1. On receiving Order **No. L-22012/30/2022-IR(CM-II)** dated 11.04.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 09 of 2022** was registered on 13.04.2022 / 01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Union representative for the dependent of the deceased employee filed written statement on 07.11.2022. The management of Eastern Coalfields Limited

(hereinafter referred to as ECL) contested the case by filing written statement on 25.01.2023. Brief fact of the case according to the written statement of the union is that Sitaram Singh, was posted at Chapui Khas Colliery of ECL as Pump Khalasi. He died on 12.09.1995 leaving behind Mina Devi, as widow and Yogendra Singh, his son who was less than 18 years of age at the relevant time. The proposal for employment of dependent wife was considered by the Screening Committee at the Colliery level and it was informed that the wife could not be provided any employment as per National Coal Wage Agreement (hereinafter referred to as NCWA). An order was passed for payment of monetary compensation to Mina Devi and providing employment to the dependent son after he attained 18 years. When Yogendra Singh attained the age of 18 years management did not provide employment to the son nor did they pay monetary compensation to Mina Devi from the date of death of the employee. The employer company paid monetary compensation to Mina Devi from March, 1997 to 04.1.1999 and stopped the payment thereafter. On the basis of order of the Hon'ble High Court management provided employment to the dependent son on 20.03.2015 but no further monetary compensation was paid to the wife in terms of NCWA – V. Mina Devi requested the management to pay monetary compensation to her till employment was provided to her son.

3. Management of ECL in their written statement stated that Mina Devi claimed for employment on 11.03.1996, after the death of her husband. However, the Area Office did not agree to provide employment to her as she had an eligible son, Yogendra Singh, who would be entitled to employment after attaining the age of 18 years. Further case of ECL was that Mina Devi received monetary compensation of Rs. 2000/- per month as maintenance allowance as per Clause 9.5.0 (iii) of NCWA – V till her son attained the age of 18 years. The same was communicated to her with advice to submit bank details and she had been paid Rs. 2000/- per month till her son was 18 years of age i.e. on 04.1.1999. It was averred in their written statement that monetary compensation was paid to Mina

Devi for the period from March, 1997 to 04.01.1999, according to the norms of the company and order of competent authority. It is asserted that the action of the management is justified in denying the employment of Mina Devi and she was not entitled to any relief or reliefs from the Tribunal and the case was fit to be dismissed.

4. After exchange of copies of written statement between parties the case was fixed up for evidence. Mina Devi, widow of Late Sitaram Singh filed an affidavit-in-chief and she faced the cross-examination on 12.04.2023. The union has produced four documents in support of their case as follows :

- (i) Photocopy of the death Certificate of Late Sitaram Singh has been marked as Exhibit W-1;
- (ii) Photocopy of the letter dated 17/18.01.1997 issued by Deputy Chief Personnel Manager of Satgram Area addressed to the Agent of Ratibati (R) Colliery, as Exhibit W-2;
- (iii) Photocopy of the letter dated 27.06.2013 issued by the Assistant Manager (Personnel) of Chapuikhas Colliery to the Chief Manager (Personnel) of Satgram Area, informing that monetary compensation has been paid to the dependent from March 1997 to 04.01.1999, as Exhibit W-3; and
- (iv) Photocopy of the letter of appointment of Yogendra Singh dated 09/12.03.2015, as Exhibit W-4.

5. In cross-examination the witness denied the suggestion that she was not entitled to monetary compensation due to her husband's premature death. She admitted that monetary compensation was paid to her by the management for a certain period but claimed that it was not according to the provision of NCWA.

6. The management of ECL examined Mr. Kalyan Roy, Deputy Manager (Personnel) as Management witness -1. In his affidavit-in-chief the witness stated that Sitaram Singh, ex-Pump Operator of Chapuikhas Colliery expired on

12.09.1995 while he was in service. His widow claimed for employment in place of her husband but she was advised to accept monetary compensation and wait for employment of her son. After attaining the age of 18 years, Yogendra Singh, son of the deceased employee was provided employment. The son attained 18 years of age on 04.01.1999 and Mina Devi was paid monetary compensation of Rs. 2000/- per month from March 1997 to 04.01.1999 according to the rules applicable and order of the competent authority. It is further contended in the affidavit-in-chief that Mina Devi was not entitled to any monetary compensation after 04.01.1999 till the date of employment of Yogendra Singh. Management produced four documents in support of their case as follows :

- (i) Photocopy of the letter of appointment of Yogendra Singh dated 09/12.03.2015 has been marked as Exhibit M-1;
- (ii) Photocopy of the Office Order dated 20.03.2015 issued to Yogendra Singh for his joining in service, as Exhibit M-2;
- (iii) Photocopy of the application submitted by Mina Devi for monetary compensation from August 1998 to January 1999, as Exhibit M-3; and
- (iv) Photocopy of the letter dated 27.09.2013 issued by the Assistant Manager (Personnel), Chapuikhas Colliery addressed to the Chief Manager (Personnel), Satgram Area, disclosing that monetary compensation to the dependent of Late Sitaram Singh has been paid from March 1997 to 04.01.1999, as Exhibit M-4.

7. In cross-examination management witness – 1 deposed that monetary compensation was paid to the widow of deceased from 03/1997 to 04.01.1999 i.e. till her son attained 18 years of age. It was admitted by the witness that no monetary compensation was paid to the dependent from the date of death to February 1997. The witness could not state the reason for delay of sixteen years in providing employment to the dependent son after he attaining majority. The witness denied the suggestion put to him that the female dependent of deceased employee was entitled to monetary compensation so long the dependent son was not provided employment even after attaining majority.

8. The short question which has arisen for consideration is whether the female dependent of deceased workman is entitled to monetary compensation from the date of death of the employee till providing employment to the dependent.

9. Admittedly, Sitaram Singh died on 12.09.1995 and it finds support from Exhibit W-1, the Death Certificate. At the relevant time Yogendra Singh, the son of Late Sitaram Singh was a minor and his name was kept on the live roster for providing employment when he attained the age of 18 years. It is undisputed that monetary compensation was paid to Mina Devi from 03/1997 till 04.01.1999 on the ground that the son attained majority on 04.01.1999. Letter dated 27.06.2013 (Ext. W-3 and M-4) bears testimony to the facts of payment of monetary compensation for a short period. Mina Devi, in her evidence claimed monetary compensation from the date of death of her husband till February 1997 and from 05.01.1999 to 20.03.2015, the date of appointment of her son.

10. Reverting back to the provision of Paragraph (iii) of Clause 9.5.0 of NCWA – V regarding payment of monetary compensation, it lays down as follows :

*“ In case of death either in mine accident or for other reasons or medial unfitness under clause 9.4.0, if no employment has been offered and the male dependant of the concerned worker is 15 years and above in age he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of 18 years. During the period the male dependant is on live roster the female dependant will be paid monetary compensation as per rates at paras (i) & (ii) above.”*

Paragraph (iv) of Clause 9.5.0 of NCWA – V provides that :

*“ Monetary compensation, wherever applicable, would be paid till the female dependant attains the age of 60 years.”*

11. Sitaram Singh died at the Central Hospital, Kalla, Asansol. There is no material on record nor has any claim been raised that the workman died

due to any accident in the mine. Therefore, ordinarily in case of death in harness the female dependent is entitled to monetary compensation at the rate of Rs. 2000/- per month from the date of death of the employee till the male dependent kept in the live roster for providing employment or till the female dependent attains the age of 60 years, whichever is earlier. In the present case the management of the company instead of providing employment to the dependent widow, issued a letter dated 17/18.01.1997 (Ext. W-2) whereby the Agent of Ratibati (R) Colliery was informed that the ex-workman had a son named Yogendra Singh, age 15 to 17 years as on 04.01.1997 and after Yogendra Singh attained 18 years he would be entitled to get employment in place of his deceased father and Mina Devi would get Rs. 2000/- per month as maintenance allowance till her son attains the age of 18 years, as per NCWA – V. There is no qualm regarding non providing employment to Mina Devi. The management in the written statement unnecessarily dealt with the claim for employment of Mina Devi though, it has not been referred in the Schedule for adjudication. Yogendra Singh the son of Late Sitaram Singh has been provided with employment under the company on the basis of letter dated 20.03.2015 as a Time Rated Trainee (Underground). No reason has been assigned for the inordinate delay on the part of employer company in complying the provisions of NCWA – V after the dependent son attained majority on 04.01.1999. I am of the view that once the name of the dependent son was kept in the live roster, he is said to be in the live roster till employment is provided or finally refused. It cannot be said that the female dependent is entitled to monetary compensation until the male dependent attains the age of 18 years, without any employment been provided to him. Clause 9.5.0 of NCWA – V incorporates a specific precondition to be fulfilled before stopping monetary compensation, that is, providing of employment to the male dependent. Paragraph (iv) of Clause 9.5.0 of NCWA – V casts aside the ambiguity by clearly laying down that: *“Monetary compensation, wherever applicable, would be paid till the female dependant attains the age of 60 years.”*

12. In the present case Mina Devi disclosed her age was sixty years as on 12.04.2023. Under such circumstance I find and hold that the female dependent of the deceased employee is entitled to monetary compensation not only from March 1997 till 04.01.1999 but the management is duty bound under NCWA – V to pay monetary compensation to the female dependent, the widow, from the date of death of the employee i.e. 12.09.1995 till the date of employment of Yogendra Singh under ECL on 20.03.2015. The Industrial Dispute is accordingly decided in favour of Mina Devi and against the Management of ECL. The management of ECL is directed to assess and disburse the remaining amount of monetary compensation within three (3) months from the date of Notification of the Award.

Hence,

**ORDERED**

that the Industrial Dispute is allowed on contest in favour of Mina Devi. An award be drawn up in her favour for payment of monetary compensation for the unpaid period from 12.09.1995 till February 1997 and from 05.01.1999 till the date of appointment of Yogendra Singh under ECL on 20.03.2015. The balance amount of monetary compensation be assessed and disbursed within three (3) months from the date of Notification of the Award.

**(ANANDA KUMAR MUKHERJEE)**

Presiding Officer,  
C.G.I.T.-cum-L.C., Asansol.