

**GOVERNMENT OF INDIA
COAL
LOK SABHA**

UNSTARRED QUESTION NO:5350
ANSWERED ON:09.05.2012
EMPLOYMENT TO DEPENDENTS
Chowdhury Shri Bansagopal

Will the Minister of COAL be pleased to state:

- (a) whether dependents of missing employees working in the Central Mine Planning and Design Institute Limited under Coal India Limited have been provided with employment in compliance of the Court orders;
- (b) if so, the details thereof;
- (c) whether employment to dependents is provided in accordance with the provisions under National Coal Wage Agreement;
- (d) if so, the details thereof;
- (e) whether the Government has settled similar cases in Eastern Coalfields Limited on the same lines; and
- (f) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF COAL (SHRI PRATIK PRAKASHBAPU PATIL)

(a) & (b): As reported by Coal India Ltd. (CIL), there is no enabling provision in National Coal Wage Agreement (NCWA) for providing employment to the dependants of missing employees. However, Smt. Ratna Dutta, wife of Shri Raman Kr. Dutta, Accountant, Central Mine Planning and Design Institute Limited (CMPDIL), who was missing since 15.01.93, was given employment by CMPDI subsequent to the order dated 17.07.2000 of the Hon'ble Court of the Civil Judge (Jr.Divn.), 1st Court, Asansol in Title Suit No.108 of 2000 that "the suit be and the same is decreed on contest without cost. The plaintiff is entitled to get a decree of declaration that her husband Raman Kumar Dutta is dead in the eye of law and as such from point of law and equity the plaintiff is entitled to get all such reliefs from the Defendant."

(c) & (d): Yes, Sir. The Chapter-IX, Para-9.3.1 of National Coal Wage Agreement (NCWA) VI, provides compassionate employment to one dependent of employee who dies while in service or is permanently disabled.

(e) & (f): In the case of missing persons, provision for employment to the dependants is not included in NCWA. However, the matter of employment of eligible dependants of missing employees who have been declared 'deemed dead' by the Court of Law, has been examined with reference to the policy of the company, provisions of the NCWA and opinion obtained from the Additional Solicitor General of India. In the opinion of Addl. Solicitor General of India, the death while in service referred to in the provision of the NCWA is the death of which cognizance can be taken and not a declaratory decree, pronouncing that a certain person is deemed to have died and concluded that the deemed death does not enable dependants of missing employees to claim employment under the provisions of NCWA. However, Eastern Coalfields Ltd. (ECL) has provided Compassionate employment to the eligible dependents of the employees as per NCWA provisions as in force from time to time in the following cases:

- i) To the eligible dependents of employee who died while in service and
- ii) To the eligible dependents of employees declared medically unfit by the company while in service.