

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1672/2014.

Dinkar Ragho Pidurkar and others

VERSUS

Western Coalfields Ltd. And others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATED : JANUARY 30, 2015.

Heard Shri P.D. Meghe, learned Counsel
for petitioners and Shri A.S. Mehadia, learned Counsel
for respondents.

Only question before this Court is, Whether
petitioners whose two lands ad-measuring 0.90 H. and
0.56 H. have been acquired, can be offered only one
employment by the respondents ?

Apart from the grievance that said one
employment has still not materialized, Shri Meghe,
learned counsel for petitioners submits that the persons

whose name appear at Sr.Nos. 132 and 134 have been given two employments, though lands much less in area as compared with the lands of present petitioners have been acquired.

Shri Mehadia, learned counsel for respondents submits that effort of respondents is to provide minimum one employment to each affected family as per its policy. To implement this decision total lands acquired for the project is divided by two and then number of employment is worked out. One employment is first offered to each affected family and, thereafter, if the employments are still available, the same are distributed, considering the extent of land acquired. He also relies on reply affidavit.

Shri Meghe, learned counsel has reiterated the stand. He submits that though names of all 4 brothers appears in both these lands, total four families are uprooted and hence, at least two employments must be provided.

We find that there is no challenge to the policy as formulated by the respondents. The 4

persons whose name figures at Sr.Nos. 132 are Motiram, Wasudeo, Anabai and Indrabai. Name of very same person - Motiram and Wasudeo figure at Sr.No.134. Thus, property at sr.no.134 is not owned by Anabai or Indrabai. Employment against property at sr.no.132 could have been claimed also by Anabai and Indrabai. Employment against property at sr.no.134 could not have been claimed by these ladies. Thus, as these ladies do not claim employment, families of Motiram and Wasudeo got two employment. However, the employment is offered one each i.e. one against each property only. Properties have been treated differently because of different ownership thereof.

In case of present petitioners, unfortunately this is not the situation. Though altogether 4 brothers own two properties ad-measuring about 1.46 Hectors i.e. more than 3 Acres, considering the policy formulated by the respondents and its implementation, the ownership of both the properties being one, only one employment has been offered.

We therefore, do not see any error in the approach of the respondents in following the policy decision. There are no malafides or arbitrariness.

However, we direct the respondents to provide one employment already assured to the petitioners in accordance with law, at the earliest.

At this stage Shri Mehadia, learned counsel submits that way back in the year 2010 name of person to whom employment order should be issued was called for and two names have been given. He submits that since beginning, as two names are given, the respondents could not decide the private dispute inter-se. If only one name is given they will take suitable decision.

Petitioners are free to resolve their dispute and submit the name of one person to whom employment is to be provided.

With these directions, Writ Petition is disposed of. No costs.

JUDGE

JUDGE

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