

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 2621 of 2001**

- Smt. Nirmala Devi W/o Dwarika Prasad Tiwari, aged 36 years, occupation House Wife, R/o A-20, Padmanabhpur, Durg, Distt. Durg (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh through SDO Katghora, Distt. Korba (CG).
2. Smt. Nirmala Devi W/o Salikram Jaiswal, aged 61 years R/o Akaltara, District Janjgir Champa (CG).
3. Nand Kishore Jaiswal S/o Salikram Jaiswal, aged 37 years, Category-II Mazdoor, MQ-1290, Pragati Nagar, Post Gevera Project SECL. Gevara Area, Distt. Korba (CG).
4. South Eastern Coalfields Limited through Chief General Manager, Gevara Area, Gevara Project, Distt. Korba (CG).

---- Respondents

For Petitioner	Shri Alok Bakhshi, Advocate.
For Respondent/State	Shri Gary Mukhopadhyay, Deputy Govt. Advocate.
For Respondent No.2&3	Ms. Veena Nair, Advocate.
For Respondent No.4	Shri HB Agrawal, Sr. Advocate with Smt. Meera Jaiswal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/03/2016**

1. The grievance of the petitioner in the present petition is that in lieu of land belonging to the petitioner which was acquired by the respondent-SECL for the purpose of mining, the respondent No.3 has fraudulently obtained employment impersonating himself to be the son of the petitioner.

2. The petitioner in this petition has sought for a relief of a direction to the respondent-SECL to keep one post vacant for her actual son as also to conduct an inquiry into the matter of respondent No.3 obtaining the employment by playing fraud.
3. It has been informed that pending the petition before this court, the respondent No.3 has now been placed under suspension by the respondent-SECL and have also ordered for holding a Department Enquiry and which is in progress.
4. At this stage, counsel for the respondent No.4-SECL submits that at this stage this petition may be disposed of directing the respondent-SECL for issuance of a proper instructions to the enquiry officer to also call upon the petitioner to adduce evidence and also to produce the document in her possession to establish that the respondent No.3-Nand Kishore has fraudulently obtained the employment which otherwise had to be given either to the petitioner or her son.
5. Since the proposition put-forth by the counsel for the respondent-SECL is, infact the actual relief which the petitioner is seeking for, in this petition, as such nothing further remains to be adjudicated upon in this petition by this court when the Departmental Enquiry has already commenced by the respondent-SECL against the respondent No.3.
6. Accordingly it is directed that the respondent-SECL shall ensure to issue appropriate direction to the inquiry officer who is conducting inquiry against the respondent No.3 in respect of the employment which he has allegedly got fraudulently by calling upon the petitioner in the course of Departmental Enquiry so that the petitioner can produce necessary documents and evidence which she has in her possession against the respondent No.3.

7. The Petitioner shall also be at liberty to approach the Respondent No.4 with a copy of the order of this court for redressal of her grievance.
8. Needless to mention that since the dispute involved is of the year 1993, it is expected that the inquiry officer and the respondent-SECL shall take decision expeditiously both in respect of respondent No.3 as well as on the claim of the petitioner.
9. The writ petition is disposed of with the aforesaid direction. No order as to costs.

Sd-
(P.Sam Koshy)
JUDGE

inder