

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6149 of 2016

Dharmendra Kumar, S/o late Shri Kishori Lal, aged about 46 years, resident of Village Bahanpath, Post Office Bhilaibazar, Police Station Katghora, Civil & Revenue District Korba (CG).

---- Petitioner

Versus

1. South Eastern Coalfields Ltd. Through The Chairman-Cum-Managing Director, Seepat Road, Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh).
2. Chief General Manager, South Eastern Coalfields Ltd., Gavera Area, Korba, District Korba (Chhattisgarh).
3. Staff Officer (Land Revenue), South Eastern Coalfields Ltd., Gavera Area, Korba, District Korba (Chhattisgarh).
4. Collector, Korba District Korba (Chhattisgarh).

---- Respondents

Shri Alok Kumar Pandey, counsel for the petitioner/s.

Shri Vivek Chopda, counsel for the SECL on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/11/2016

This petition has been filed by the petitioner who is claiming employment in lieu of acquisition of his land by respondent / Coal Company.

Learned counsel for the petitioner submits that the petitioner is those, whose land is involved in acquisition proceedings. He has become landless with no source of livelihood. The award was passed in the year 2015. The petitioner has raised claim of employment with the respondent / company.

2. According to the petitioner, he is entitled to employment under the rehabilitation policy dated 25/09/1991. Further submission of learned counsel for the petitioner is that the case of similarly situated land oustees came up for consideration before this Court in the case of *Ku. Rattho Bai and anr. Vs. South Eastern Coalfields Limited and ors.* in WPS No.432/2011 wherein this Court, after examining the grievance in the light of rehabilitation policy, passed an order on 23/07/2015 allowing the petition and directing the respondent / Coal company to provide suitable employment in terms of conditions incorporated in para 12 of the said order.

3. Learned counsel appearing for the respondent / SECL on advance copy submits that till date, the respondent / coal company has not taken any decision on petitioner's claim for employment in lieu of acquisition of their land. It is submitted that the claim of the petitioner shall be examined in the light of order passed by this Court in the case of *Ku. Rattho Bai (supra)*. If the petitioner, on verification of facts, is found to be identically and similarly situated, their claim shall also be considered.

4. In view of aforesaid submission and order passed by this Court

on 23/07/2015 in Ku. Rattho Bai (supra), at this stage, it would be proper to dispose off this matter with a direction to respondent no.2 to examine the claim of the petitioners in the light of order dated 23/07/2015 passed in the case of Ku. Rattho Bai (supra). If upon verification of facts, the petitioner herein is found to be identically situated, his case shall also be considered for grant of employment as per the policy of rehabilitation.

5. Considering that the matter relates to rehabilitation policy of land oustees, respondent No.2 is expected to take decision on the claim of petitioner within a period of 12 weeks from the date of receipt of copy of this order.

6. With the aforesaid observation/direction, this petition is finally disposed off.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-