

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6646 of 2016**

Ashutosh Kumar, son of Shri Vijendra Kumar Sao, aged about 28 years, R/o Village Jhabar, Tahsil Katghora, District Korba (CG).

---- Petitioner**Versus**

1. South Eastern Coalfields Ltd. Through its Chairman and Managing Director, Head Office, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur (Chhattisgarh).
2. Chief General Manager, South Eastern Coalfields Ltd., Gavara Area, Korba, District Korba (Chhattisgarh).
3. Senior Manager (Mining), SECL, Gevra Project, District Korba (CG).
4. Sub Divisional Officer, Katghora, District Korba (CG).
5. Additional Tahsildar Katghora, District Korba (CG).
4. Collector, Korba District Korba (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Govind Ram Miri and Shri Basant Kaiwartya, Advocates
For Respondents	:	Shri V.R. Tiwari, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/12/2016**

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 2013. 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 petitioners' claim for employment in lieu of acquisition of his 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, his 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 petitioner 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 observations/directions, this petition is finally disposed off.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-