

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5836 of 2016

Kirti Kumar Jaiswal, S/o Shri Santosh Jaiswal, aged about 29 years,
R/o Village Sohagpur, P.S. & Post Sohagpur, Tahsil Kartala, District
Korba (CG).

---- Petitioner

Versus

1. South Eastern Coalfields Ltd. Through The Chairman-Cum-Managing Director, Seepat Road, 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

For Petitioner	:	Shri Vivek Kumar Agrawal, Advocate
For Respondents/State	:	Shri V.R. Tiwari, Advocate and Shri Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/10/2016

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 25/09/19583691. 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 respective 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**

