

NAFRHIGH COURT OF CHHATTISGARH, BILASPURWPS No. 6230 of 2016

- Brijesh Kumar, Son of Shiv Prasad, aged about 33 years, resident of village Naraibodh, Tahsil Katghora, Civil and Revenue District Korba (CG)

---- Petitioner

Versus

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

---- Respondents

AndWPS No. 6234 Of 2016

- Om Shankar Sahu, Son of Firatu Ram, aged about 31 years, resident of village Naraibodh, Tahsil Katghora, Civil and Revenue District Korba (CG)

---- Petitioner

Vs

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

---- Respondents

AndWPS No. 6237 Of 2016

- Shankar Mukhi, Son of Mukhi Mukhi, aged about 32 years, resident of village Naraibodh, Tahsil Kotghora, Civil and Revenue District Korba (CG)

---- Petitioner

Vs

1. South Eastern Coalfields Limited Through The Chairman Cum Managing Director, Head Office Seepat Road, Bilaspur, District Bilaspur Chhattisgarh
2. Chief General Manager, South Eastern Coalfields Limited, Gevra Area Korba, District Korba Chhattisgarh
3. Staff Officer (Land Revenue) South Eastern Coalfields Limited, Gevra Area, Korba District Korba Chhattisgarh
4. Collector, Korba, District Korba Chhattisgarh

---- Respondents

And

WPS No. 6238 Of 2016

- Vaibhav Kumar, Son of Shiv Kumar, aged about 31 years, resident of village Naraibodh, Tahsil Katghora, Civil and Revenue District Korba Chhattisgarh

---- Petitioner

Vs

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

---- Respondents

And

WPS No. 6241 Of 2016

- Sarwan, Son of Mohan, aged about 32 years, resident of village Naraibodh, Tahsil Katghora, Civil and Revenue District Korba Chhattisgarh

---- Petitioner

Vs

2. South Eastern Coalfields Limited Through The Chairman - Cum - Managing Director, Head Office Seepat Road, Bilaspur, District Bilaspur Chhattisgarh
3. Chief General Manager, South Eastern Coalfields Limited, Gevra Area Korba, District Korba Chhattisgarh
4. Staff Officer (Land Revenue) South Eastern Coalfields Limited Gevra Area, Korba, District Korba Chhattisgarh
5. Collector, Korba District Korba Chhattisgarh.

---- Respondents

For Petitioners	:	Ms. Seema Singh, Advocate
For Respondents-SECL	:	Mr. Vivek Ranjan Tiwari, Advocate
For State	:	Ms Ashtha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/11/2016

1. These petitions have been filed by the petitioners who are claiming employment in lieu of acquisition of their land by respondent / Coal Company.
2. Learned counsel for the petitioner submits that the petitioners are those, whose lands are involved in acquisition proceedings. They have become landless with no source of livelihood. The award was passed in the year 2013. The petitioners have raised claim of employment with the respondent / company.
3. According to the petitioners, they are entitled to employment under the rehabilitation policy dated 25/09/1991. Further submission of learned counsel for the petitioners 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.

4. 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 their land. It is submitted that the claim of the petitioners shall be examined in the light of order passed by this Court in the case of **Ku. Rattho Bai (supra)**. If the petitioners, on verification of facts, are found to be identically and similarly situated, their claim shall also be considered.
5. 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 these matters 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 petitioners herein are found to be identically situated, their case shall also be considered for grant of employment as per the policy of rehabilitation.
6. Considering that the matter relates to rehabilitation policy of land oustees, respondent No.2 is expected to take decision on the claim of respective petitioners within a period of 12 weeks from the date of receipt of copy of this order.
7. With the aforesaid observations/directions, these petitions are finally disposed off.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-