

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1757 OF 2015

Savita Tejram Ghotekar VERSUS Western Coalfields Ltd. Ballarpur Distt. Chandrapur & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. S. Badhe counsel for the petitioner.

Ms. Jayashree Junghare Adv h/f Shri M. Anilkumar counsel for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : JANUARY 14, 2016.

By this petition the petitioner seeks a direction to the respondents to grant employment to the petitioner against the acquired land in view of the Circular dated 12/13th March 1984 within a specified period of time.

The land belonging to the Ghotekar family, to which the petitioner belongs was acquired by the Western Coalfields Limited in the year 1989. According to the Western Coalfields Ltd., Shri Rama, Shri Bhaurao, Shri Ashok and Shri Dayalal Ghotekar were granted compensation towards the acquisition of the said land. It is the case of the petitioner that after the partition suit between the members of Ghotekar family attained finality in view of the judgment in the Second Appeal in the year 2012 the petitioner applied for employment in lieu of the land acquired in the year 1989. The application made by the petitioner in December 2013 was rejected by the respondent-Western Coalfields Ltd.. The

petitioner has filed the instant petition for a direction to the respondent to employ the petitioner on a suitable post in lieu of the land that was acquired.

On hearing the learned counsel for the parties and on a perusal of the affidavit in reply filed on behalf of the respondents it appears that the relief sought by the petitioner cannot be granted. The land of Ghotekar family was acquired in the year 1989. A partition suit was filed by one of the members of the Ghotekar family. In the year 2003 the suit was decreed and it was held that Tejrao the father of the petitioner was also entitled to a share in the property. The petitioner did not apply for employment on the basis of the said decision in the year 2003-04. For the first time, the petitioner made an application to the respondent-Western Coalfields for employment in lieu of land, in December 2013. We find that the claim of the petitioner is a stale claim. The petitioner was a child of only four years when the land was acquired. The petitioner did not apply for employment even after she attained the age of majority. The petitioner cannot seek employment in terms of the policy after a lapse of more than 20 years, when the object of the policy is to provide some financial help to the land holder, whose land is acquired by the respondent-Western Coalfields Limited.

Since we do not find that the rejection of the claim of the petitioner was improper, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

