

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 350 of 2017

Nirmala Yadav D/o Shri Gopal Prasad Yadav, Aged About 40 Years R/o Main Road Masturi, Tahsil Masturi, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Shri Alok Kumar Pandey, Advocate
For SECL	:	Shri V.R. Tiwari, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/01/2017

Heard.

1. This petition has been filed by the petitioner who is claiming employment in lieu of acquisition of her land by respondent / Coal Company.
2. Learned counsel for the petitioner submits that the petitioner's land is involved in acquisition proceedings. The petitioner 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.

3. According to the petitioner, she 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.
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 petitioner's claim for employment in lieu of acquisition of her 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, her 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 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, her 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 the petitioner within a period of 12 weeks from the date of receipt of copy of this order.
7. With the aforesaid observations / directions, the petitions is finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge