

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.547 of 2017**

Vagish Chandra Kumbhkar, S/o Shri Devnarayan Kumbhkar, aged about 28 years, resident of MQ-144, Deepaka Colony, Azad Chowk Deepaka, Tahsil Deepaka, District Korba (CG).

---- Petitioner**Versus**

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

---- Respondents**AND****WPS No.607 of 2017**

Sanjay Kumar Yadav, S/o late Shri Komal Prasad Yadav, aged about 36 years, resident of village Hardibazar, P.O. Hardibazar, Tahsil Haribazar, District Korba (CG).

---- Petitioner**Versus**

1. South Eastern Coalfields Ltd. Through The Chairman-Cum-Managing Director, Seepat Road, Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh).
2. Chief General Manager, South Eastern Coalfields Ltd., Deepaka Area, Korba, District Korba (Chhattisgarh).
3. Staff Officer (Land Revenue), South Eastern Coalfields Ltd., Deepaka Area, Korba, District Korba (Chhattisgarh).

4. Collector, Korba District Korba (Chhattisgarh).

---- Respondents

AND

WPS No.610 of 2017

Deendayal Kumbhkar, S/o Shri Devnarayan Kumbhkar, Aged about 30 years, resident of MQ-144, Deepaka Colony, Azad Chowk Deepaka, Tahsil Deepaka, District Korba (CG).

---- Petitioner

Versus

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

---- Respondents

AND

WPS No.614 of 2017

Vimal Kumari, D/o late Shri Komal Prasad, aged about 38 years, resident of Village Suwabhondi, Tahsil Pali, District Korba (CG).

---- Petitioner

Versus

1. South Eastern Coalfields Ltd. Through The Chairman-Cum-Managing Director, Seepat Road, Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh).
2. Chief General Manager, South Eastern Coalfields Ltd., Deepaka Area, Korba, District Korba (Chhattisgarh).

3. Staff Officer (Land Revenue), South Eastern Coalfields Ltd., Deepaka Area, Korba, District Korba (Chhattisgarh).

4. Collector, Korba District Korba (Chhattisgarh).

---- Respondents

Shri Akhilesh Mishra, counsel appearing on behalf of Shri Alok Kumar Pandey, counsel for the petitioner/s.

Shri V.R. Tiwari, counsel for the SECL on advance copy.

Shri Prasun Bhaduri, Govt. Advocate for the State on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/02/2017

These petitions have been filed by the petitioners who are claiming employment in lieu of acquisition of their land by respondent / Coal Company.

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 2015. The petitioners have raised claim of employment with the respondent / company.

2. 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.

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 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.

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 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.

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 petitioners within a period of 12 weeks from the date of receipt of copy of this order.

6. With the aforesaid observations / directions, these petitions are finally disposed off.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-