

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 259 of 2017**

(Arising out of judgment/order dated 4.11.2016 in Writ Petition (S) No.977 of 2013 of the learned Single Judge)

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited Seepat Road Bilaspur C.G.
2. General Manger (Manpower), South Eastern Coalfields Limited Seepat Road, Bilaspur C.G.
3. Chief General Manager, South Eastern Coalfields Limited Chirmiri Area, P.O. West Chirmiri District Korea C.G.

---- Appellants**Versus**

1. Pushpraj Saluja S/o Late Shri Om Prakash Saluja, Aged About 33 Years Bada Bazaar Chirmiri, P.O. Chirmiri Colliery, P.S. Chirmiri District Korea Chhattisgarh.
2. Collector, Korea, District Korea, Chhattisgarh.

---- Respondents

For Appellants	: Dr. N.K. Shukla, Senior Advocate with Shri Vaibhav Shukla, Advocate.
For Respondent No.1	: Shri Chandresh Shrivastava, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****12/12/2017**

1. Read order dated 21.11.2017. Now the affidavit supporting an application seeking condonation of delay is filed as I.A. No.03 of 2017.
2. We have heard the learned senior counsel for the Appellants and the learned counsel for Respondent No.1/Writ Petitioner as well as the learned Government Advocate on I.A. No.03 of 2017, the Appellants' application seeking condonation of delay of 190 days in the institution of this appeal, as well as on the merits of the appeal.

3. The short issue that arises for decision in this appeal is as to whether the clarification issued by the State on 24.1.2006 in relation to a rehabilitation scheme will apply to a person whose land was acquired and award was passed before issuance of such clarification.
4. The undisputed facts are that the residential land of the Writ Petitioner's father was acquired by the Appellants/SECL and an award was passed by the competent authority on 29.5.2002. As per Clause 3(g) of the Rehabilitation Scheme which came into force with effect from 25.9.1993, one family member is entitled to appointment in case the land is acquired, be it an agricultural land or residential accommodation. The said provision got modified with the State Government's clarification on 24.1.2006 thereby making such rehabilitation by way of an appointment being available only in case where there is deprivation of agricultural land and the residential accommodation. Such modification to the Rehabilitation Scheme cannot be treated to operate retrospectively. Obviously, therefore, the learned Single Judge was abundantly justified in issuing the impugned order on the writ petition. We do not find any illegality or jurisdictional infirmity in grant of that relief. This writ appeal therefore fails. We are also of the view that having regard to what is stated aforesaid, an application seeking condonation of delay does not merit acceptance.
5. In the result, I.A. No.03 of 2017, an application seeking condonation of delay, as well as the writ appeal are dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE