

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 559 of 2016**

1. South Eastern Coalfields Limited Through Its Chairman And Managing Director, Head Office Vasant Vihar, Seepat Road, Bilaspur Chhattisgarh.
2. General Manager, S.E.C.L. Gevra Project Gevra, Korba Chhattisgarh.
3. Senior Manager Mining, S.E.C.L. Gevra Project Gevra, Korba Chhattisgarh.

---- Appellants**Versus**

1. Gopal Krishna S/o Shri Ganesh Ram, Aged About 28 Years R/o Dipka, Tahsil Katghora, District Korba Chhattisgarh.
2. Collector, Korba Chhattisgarh.

---- Respondents

For Appellants	: Shri Shailendra Shukla and Shri Ajay Lakra, Advocates.
For Respondent/State	: Shri Prasun Bhaduri, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**26/10/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. A writ application was filed by private Respondent No.1 for a direction upon the South Eastern Coalfields Limited ('SECL') to give him appointment on a suitable post since his land was acquired way back in the year 1982 by the said Company. It may be clarified that the land belonged to his father and he being a coparcener surely had a right in the said land.
3. In the year 2002, it is said that the father was offered appointment, but he expressed his inability due to his old age and infirmity, but expressed his desire that his son may be provided the opening. Appropriate nomination was done by the father of the private Respondent.
4. In the year 2009, the private Respondent was informed through

communication contained in Annexure P/4 to the writ application. He completed the formalities for employment against the acquisition of land. The details were furnished. A newspaper proclamation was made with regard to such persons who added upto 80 in number. No objections against the said newspaper publication was received against the private Respondent. Again, the SECL decided to sleep over the matter, therefore, a legal notice was sent by the private Respondent. Appellant-Company did not respond and therefore the writ application was filed. The same was allowed, therefore the appeal.

5. Counsel for the Appellants- the Coal Company submits in similar terms as that before the learned Single Judge that it was a stale kind of claim relating to acquisition of land for the year 1982 and that the father of the private Respondent was offered employment, but he refused and that a Division Bench of this Court in the case of **Sanjeev Kumar Singh and Another v. Union of India and Others** reported in **AIR 2015 Chhattisgarh 139** has taken a view in following terms in paragraph-4 :-

“4. We have considered the submissions on behalf of the parties. The primary and statutory right of a person whose lands are acquired is to receive compensation. There is no right for rehabilitation *per se* enforceable in a Court of law. If there is a policy for rehabilitation, individual claimants shall have to be considered strictly in terms of the policy only.”

6. The view taken by the Division Bench did not take note of a very vital aspect of the matter that looking at the socio-economic condition of the domicile of State of Chhattisgarh, a policy has been notified in the gazette where grant of employment to the family against acquisition of their land, by a Company or Authority has been made mandatory.

7. We are not satisfied with the stand taken by the counsel for the Appellants

because the submission so raised before us has already been taken note of and answered by the learned Single Judge in his order dated 16.08.2016 and the same was rejected. We do not find legal flaw in the view so taken by the learned Single Judge.

8. The loss of land of the family by acquisition which was their primary source of livelihood is not disputed. The inability of the father due to his advanced age to accept any employment cannot be treated as a case of refusal outright since he expressed his inability to accept any responsibility at the advanced stage and did nominate his son for such benefit. If for some strange reason from 2002, the Company decides to sit over such consideration and request then suddenly wakes up in the year 2009 and then gives no reason to take a decision, then bonafide of the Company is missing.

9. In the above facts and circumstances, if the writ application of the private Respondent was allowed, no legal infirmity has been committed by the learned Single Judge which is required to be interfered in the appeal.

10. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE