

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 419 of 2017

- M/s Jindal Steel And Power Limited Through Its Authorized , Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. Vaibhav Raj Patel, S/o Rajkamal Patel, Aged About 25 Years R/o Village Muraripali, P O - Kirodimal Nagar, Police Station District Raigarh Chhattisgarh
3. Collector, Raigarh District Raigarh Chhattisgarh
4. The Sub Divisional Officer Revenue / Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh
5. General Manager, District Trade And Industries Centre Raigarh District Raigarh Chhattisgarh

---- Respondents

For Appellant	: Shri Ashish Shrivastava, Advocate
For Respondents	: Shri Prasoon Bhaduri, Government Advocate and Shri Harish Kuntiya, Advocate

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

Judgment on Board

Per Ajay Kumar Tripathi, Chief Justice

08.10.2018

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The appeal has been preferred against the order dated 11.09.2017 passed by the learned Single Judge giving a direction upon the appellant/company to appoint private respondent on a permanent post as part of the rehabilitation policy since land of the private respondent was acquired for the company.

3. There has been series of efforts made earlier on behalf of the private respondent and the company has been resisting offering a permanent employment on if's and but's. The appellant/company has been coming up with one plea or the other to defeat the claim of the private respondent. The matter finally travelled to the High Court under Article 226 of the Constitution of India.

4. The acquisition of land by the appellant/company is not a matter of dispute nor is the policy for providing permanent employment by the company in whose favour the land has been acquired. There is obligation to provide permanent employment to the land oustees. The learned Single Judge has dealt with such policies which were subject matter of challenge even before the Hon'ble Apex Court and the Apex Court has also come down heavily in favour of such policies of rehabilitation for land oustees.

5. Keeping the above into consideration, the direction issued by the learned Single Judge is based on the findings which are culled out from para-12 of the judgment which reads as under:

"12. The petitioner's father was not agreeable for land acquisition and ultimately, he was convinced that a member of his family will be given permanent employment in the industrial establishment and on that condition, he agreed and his land was acquired. The Sub-Divisional Officer (Revenue)/Land Acquisition Officer has clearly held that the family member of land oustees would be entitled for permanent employment and that too it should be granted within six months as per the rehabilitation policy as on 2007, but the two appointment orders issued to the petitioner would clearly show that

respondent No.5 Jindal Steel and Power Limited is not ready and willing to grant permanent employment to the petitioner and only he has been twice offered appointment as Trainee and that too for 12 months on a stipend of Rs.11,000/- per month and Rs.20,000/- per month, respectively, which is against the spirit of the order passed by the Sub-Divisional Officer (Revenue)/Land Acquisition Officer. The petitioner ought to have been offered permanent job with a salary attached to that post, as his educational qualification is B.E. (Mech.). It is unfortunate that the order of the Sub-Divisional Officer / Land Acquisition Officer, though passed in favour of the beneficiary and land of the petitioner's father has been acquired as back as on 17-7-2008, yet, has not been followed in its letter and spirit. The fact remains that the family member of the land oustee has not been granted employment despite the award dated 17-7-2008. It is also unfortunate that for last nine years, the respondent Jindal Steel and Power Limited has not implemented the order of the Sub-Divisional Officer / Land Acquisition Officer granting rehabilitation to the member of the family of the land oustee and the petitioner is made to run from pillar to post. Once the land acquisition proceeding has become final, employment ought to have been granted as per the rehabilitation policy and as per the order of the Sub-Divisional Officer / Land Acquisition Officer. It is bad on the part of Jindal Steel and Power Limited of not providing permanent employment to the family member of the land oustee giving complete go-by to the object of rehabilitation as held herein-above that refusing to rehabilitate land oustee family as per the award is violation of Article 21 of the Constitution of India. Such an action on the part of a private company is highly deprecated. It is, therefore, directed that within 30 days from the date of receipt of a copy of this order, the award dated 17-7-2008 will be complied with in its letter and spirit and the petitioner will be offered a permanent job in

the said company as per the order of the Sub-Divisional Officer (Revenue) / Land Acquisition Officer. It is further directed that the petitioner will be entitled to salary and other all service benefits of a permanent employee from the date of filing of writ petition i.e. 13-8-2014 along with 7.5% interest till the date of appointment on regular service."

6. Thus, we do not find any infirmity in the view or direction given by the learned Single Judge keeping in mind the factual position coupled with the legal position as it stands.

7. The appeal has no merit and it is accordingly dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge