

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 690 OF 2016

Mrs. Vishnu Kedu More and anr. ...Petitioner.

vs.

The State of Maharashtra and ors. ...Respondents.

Mr. V.S.Kapse for the Petitioner.

Mrs. Madhubala Kajale, B Panel Counsel for Respondent Nos. 1 and 2 State.

Mr.Anilkumar K.P. with Priyanka Kumar for Respondent No.3.

CORAM : R.M.BORDE AND V.L. ACHLIYA, JJ.

DATE : 11th February, 2019

PC :

1. This petition is moved for issuance of the directions to respondent No.3 to provide employment to petitioner No.2A in view of the order passed by the Collector, Nashik. The petitioners state that the land belonging to the family of the petitioners was acquired as rehabilitation measure. The Collector has undertaken on behalf of the Indian Oil Corporation to provide employment to one member of the family. The petitioners have placed

reliance on the letter dated 6.9.2007 issued by the Indian Oil Corporation Limited.

2. An affidavit in reply has been presented by respondent No.3 wherein it has been stated that property bearing Survey No.29/1/1 has been acquired for the purpose of terminal of respondent No.3 and there was a provision as a one time measure of providing employment to the project affected persons whose lands are acquired for the project i.e. subject to conditions as regards the age, qualification, medical fitness etc. It is stated that the properties of 25 persons have been acquired and five persons have been accommodated in the permanent employment of the Corporation and those who are not found fulfilling the norms of qualification, age etc. were accommodated with the contractors. This includes two family members of the petitioners. The petitioners disputes that Mr. Nitin More is their family member. The petitioner No.2 was employed with the contractor has passed away. The petitioners claim employment for petitioner No.2A. The policy formulated by the Indian Oil Corporation records that, only those family members who would qualify are the direct descendants, i.e. son/s, in the absence of son, son's and a child already legally adopted will be eligible for employment. It

appears that deceased was employed with the contractor has passed away and the employment is being claimed for his son. The policy framed by the employer does not permit providing for such employment. It is further recorded that, as a one time measure, the employment was provided and at present there is no vacancy. Firstly the Collector's assurance in respect of providing employment with the Indian Oil Corporation cannot be equated with a legally enforceable agreement and as such petitioners cannot claim any vested right. There is no agreement between the Corporation and the land holders in that regard. In exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India no interference is called for. The petition is devoid of substance stands rejected.

(V.L. ACHLIYA, J.)

(R.M. BORDE, J.)