

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 56 of 2016**

Deepak Kumar S/o Sant Ram, Aged About 35 Years R/o Village Durpa,
Tahsil Katghora, District Korba Chhattisgarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Raipur Chhattisgarh
2. Collector, Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Sub Divisional Officer Revenue, Katghora, District Korba Chhattisgarh
4. South Eastern Coalfields Limited Through The Chairman Cum Managing Director, South Eastern Coalfield Limited, Seepat Road, Bilaspur Chhattisgarh
5. Director Personnel, South Eastern Coalfield Limited, Seepat Road, Bilaspur Chhattisgarh
6. Chief General Manager, South Eastern Coalfield Limited, Kusmunda Area, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Uttam Pandey, Advocate
For State	:	Mr. Sudeep Verma, Advocate
For Respondents No.4 to 6	:	Mr. R.K. Gupta, Advocate along with Mr. Bhuvneshwar Singh Rajput, Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/01/2021**

1. The challenge in the present writ petition is to the impugned order (Annexure P/1) dated 24.06.2015 passed by the SECL, whereby the case for employment in lieu of the land belonging to the petitioner's family being acquired was rejected.
2. While rejecting the claim of the petitioner, the ground reflected was only that there seems to be certain tempering done in the revenue

records so far as the actual owner of the property is concerned and the petitioner or his father were doubted to be the actual owner of the said property and therefore the claim of the petitioner was rejected.

3. The facts of the case is that the family of the petitioner had a land measuring 2.54 acres at village Durpa, district Korba. The entire land stood acquired by the respondents for mining purpose and was being used by the contesting respondents i.e. the Management of SECL. The acquisition took place in the year 1988. It is said that the petitioner applied for the employment in lieu of the acquisition on 30.12.2000. The application of the petitioner was duly processed however vide the impugned order (Annexure P/1) the same was rejected.
4. The contention of the petitioner is that there is no dispute to the extent of the property at the time of acquisition being reflected as the joint family property of the family of the petitioner. The property stood in the name of grandmother of the petitioner namely Janmati widow of Bhukhau and also the father and the other uncles of the petitioner namely Sant Ram, Shankar Lal, Jay Ram son of Bhukhau. The property as such stood in the name of the aforementioned persons. The present petitioner Deepak Kumar happens to be the son of Sant Ram, the co-owner of the said property. All the other claimants to the said property had executed an NOC in favour of the petitioner so far as granting of employment is concerned and it was on this context the claim of the petitioner was processed.

5. The contention of the petitioner is that whatever correction that seems to have been reflected in the revenue records were not that it was done by the present petitioner, nor is there any misrepresentation or any fraudulent document produced by the petitioner for the purpose of obtaining employment. The further contention of the petitioner is that from the inquiry, which was got conducted by the office of the District Collector, it was evidently found that the property stood in the name of the grandmother of the petitioner namely Janmati, widow of Bhukhau and also in the name of Shanker Lal, Sant Ram, Jay Ram. Santram was the father of the petitioner Deepak Kumar. The counsel for the petitioner submits that even the Management of the SECL does not dispute this fact that the property was not belonging to the family of the petitioner.
6. On a query being put to the learned counsel for the respondents, it was submitted that there was no other claimant, who had applied for employment in respect of the aforementioned 2.54 acres of land belonging to the petitioner's family. It stands admitted that the present petitioner was the sole applicant who had sought employment against the said acquisition of the property. Perusal of the impugned order would also reveal that except for the aforesaid alleged tempering of the names of the owners of the said property, there was no other ground, on which the claim application of the petitioner was rejected.
7. In view of the fact, this Court is inclined to decide only as to whether there is any discrepancy in the ownership of the property and whether there is any justification on the part of the respondents

in rejecting the claim of the petitioner. From the available pleadings put forth on either side and also the submission put forth on either side, there does not seem to be any dispute so far as the property standing in the name of Bhukhau and Sukhau in between 1984 to 1988 and from the records it is also evident that Bhukhau is the grandfather of the present petitioner and subsequent to the death of Bhukhau, the property now stands in the name of the other legal heirs i.e. the widow of Bhukhau Smt Janmati and the three sons born through Bhukhau and Janmati namely Shankar Lal, Sant Ram and Jay Ram. It is also not in dispute that there is no other claimant, who has come forth for employment against the said piece of land, nor is there any objection received by the respondents State or the Management of the SECL in this regard at any point of time. Moreover, from the inquiry report in respect of the inquiry conducted by the office of the District Collector and the inquiry which was conducted by the Additional Tehsildar, the aforesaid factual matrix of the case has been found to be proper and the office of the District Collector also has after due verification of fact nominated the name of the petitioner being the son of Sant Ram one of the owners, for employment, which would further strengthen the case of the petitioner. In the light of the aforesaid inquiry report of the State Authorities and also the admitted factual matrix of there being no other claimant or the owner to the said property at the time of acquisition, the reason assigned while rejecting the claim of the petitioner vide Annexure P/1 does not seem to be proper, legal and justified, the same therefore deserves to be and is accordingly set-aside/quashed.

8. The respondents are directed to consider the claim of the petitioner for employment in terms of the policy under which his claim was processed while passing of the impugned order (Annexure P/1). Considering the fact that it is an old matter, respondents are expected to take a decision on the claim of the petitioner for employment at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
9. With the aforesaid observations, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved