

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1619 of 2021

1. Daulat Ram Patel S/o Late Kashiram Aged About 80 Years R/o Village Bandhapali, Post Navapara, Tehsil Dharamjaigarh, District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. South Eastern Coal Fields Limited Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur District Bilaspur Chhattisgarh
2. General Manager Raigarh Area, SECL Raigarh Chhattisgarh
3. Sub Area Manager Chhal Sub Area SECL, Raigarh Chhattisgarh

---Respondents

For Petitioner	:	Shri Shishir Dixit, Advocate.
For Respondents	:	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.09.2021

1. Aggrieved by the impugned order Annexure P/1 dated 20/21.02.2021 the present writ petition has been filed. Vide the said impugned order the respondent No.3 has taken a decision to stall the entire claim for employment which the petitioners were claiming pursuant to their land which was acquired for mining purpose by the respondents.
2. The facts as narrated by the petitioner in his pleadings is not disputed by the counsel for the respondents either in their reply or in the additional reply. The fact is that the respondents had acquired a total 32 Acres of land belonging to the petitioner for mining purpose. It is also not in dispute that against the total land of the petitioner which was acquired, under the rehabilitation package the petitioner was entitled for 16 employment. Of this 16 employment which the petitioners were entitled for, the claim has been put forth by four grandsons of the petitioner and two daughter in laws and for the remaining 10, the petitioners were ready to accept the compensation in lieu of employment. So far as four grandsons are

concerned as also so far as the claim for grant of monetary compensation against 10 employment, there is absolutely no dispute in existence. The respondents are also accepting the fact that they are entitled for the same.

3. As regards the claim of two daughter in laws, the respondents have raised an objection that since the daughter in law do not fall within the category of “direct linear dependent”, they would not be entitled for employment. This objection of the respondents is already subjudice in another writ petition i.e. WPS No.3417 of 2020 and which is pending consideration before this court. Pending the said writ petition, the respondent No.3 have now passed the present impugned strange order whereby the respondents have stopped the consideration of the settlement of employment to the four grandsons and monetary compensation against 10 employment in respect of which there is absolutely no dispute or no objection whatsoever on the part of the respondents.
4. Prima facie this court is of the opinion that the decision of the respondent No.3 in the course of passing the impugned order is nothing but arm-twisting method forcing the petitioners to withdraw the said writ petition i.e. WPS No.3417 of 2020 in the course of settlement of the claim for employment of four grandsons as also in respect of the claim for monetary compensation against 10 employment, which otherwise has been accepted by the respondent authorities. The impugned order Annexure P/1 is nothing but a clear picture of high handedness on the part of the respondent No.3 in the course of denying the rightful claim which the petitioners are otherwise entitled for.
5. The counsel for the respondents insisted that the stand of the respondent was only on account of the intention of the respondent authorities to settle

the rehabilitation package in one go and that it cannot be decided in piecemeal.

6. This objection and stand taken by the respondents also is highly arbitrary and illegal. The respondent No.1 should definitely take note of such action and an appropriate remedial step should be initiated and necessary corrective measure should be advised to the respondents No.2&3 in this regard to avoid unnecessary litigation, or else this court in future would be compelled to also grant cost of litigations to such petitioner.
7. The impugned order thus is not sustainable and the same is therefore set aside and the respondents are directed hereby to forthwith consider the claim of the petitioners for employment as also for grant of monetary compensation to the extent they are entitled for under the policy governing the field and which has been accepted by the respondents, at the earliest.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge