

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1400 of 2015**

Santosh Kumar S/o Sant Ram Kewat, Aged About 34 Years R/o Village
Jarahajel, Tahsil Katghora, District Korba Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through, The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Raipur Chhattisgarh, Chhattisgarh
2. Collector, Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Sub Divisional Officer Revenue Katghora, District Korba Chhattisgarh
4. South Eastern Coalfield 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, Dy. GA
For Res.-SECL	:	Mr. Sudhir Kumar Bajpai, Advocate

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 whereby the claim for employment of the petitioner against the land belonging to his family which was acquired by the respondents was denied.

2. The facts of the case is that the father of the petitioner namely Santram had a land measuring 0.33 acres at Village Jarahajel, District Korba which was acquired for the purpose of mining activities by the respondents. The acquisition took place in the year 1982-83. The petitioner herein the son of the land owner moved an application for employment in lieu of the land belonging to his family which was acquired for the first time on 26.02.2011. The application was duly entertained and scrutinized as is evident from the correspondences enclosed along with the writ petition wherein there are correspondences made with the petitioner both by the Management of SECL as also from the office of the District Collector, Korba. Both these authorities have called upon the petitioner to furnish the requisite documents by which his claim for employment could be scrutinized and processed. It is said that the petitioner has failed to produce those documents and therefore the impugned order of rejecting his claim for employment was passed vide impugned order Annexure P-1 dated 18-19-01-2015.
3. Contention of the petitioner is specifically is that the petitioner had both before the management of SECL as also before District Collector Korba , furnished all the requisite documents as was sought for and he is still ready to produce these documents to the authorities concerned to establish his claim for employment.
4. Learned counsel for the respondent SECL on the other hand opposes the petition submits that petitioner at the first instance claimed for employment itself after a period of more than three decades as would be evident from the fact that acquisition took place in the year 1982-83 and claim application for the first time for employment was made in the year 2011 and therefore the petition suffers from delay and latches. Further contention of the counsel for the respondent SECL is that the petitioner had been repeatedly granted opportunity to produce all relevant records to

substantiate his claim but when the petitioner failed on all the occasions in furnishing these documents hence his claim was rejected vide impugned order.

5. As regards the contention of the respondent so far as delay and laches is concerned this Court is of the opinion that plain reading of the impugned order would show that claim of the petitioner was not rejected on having been raised at a belated stage rather it establishes the fact that respondent had in fact processed the claim of the petitioner in accordance with prevailing policy and has rejected the same only on the ground of non furnishing of the requisite documents. In view of the same the objections so far as delay and laches is concerned stands rejected.
6. As regards the non furnishing of the documents, laying to rest what has already transpired till now, since the petitioner submits that he still has all those documents required by the respondents from the two documents one issued by the Management of SECL on 21.10.2012 requiring 13 documents and so also from (Annexure P-5) dated 07.12.2012 whereby the Collector had sought for 19 documents. According to the petitioner all these documents were already submitted by the petitioner to the authorities and that these are still available with him which could be produced before the respondents for reconsidering the claim of the petitioner for employment.
7. Be that as it may, considering the fact that it is a case where the entire land belonging to the petitioner and his family was acquired for the purpose of mining, this Court is of the opinion that it would be in the larger interest of justice if the claim of the petitioner is reconsidered by the respondents subject to the petitioner furnishing requisite documents as is reflected in Annexure P-5 as also in the Annexure P-4 issued on 07.12.2012 as also on 21.10.2012 respectively by the respondents.

8. Let the petitioner now furnish these documents to the respondent No.6 within a period of 30 days, who in turn shall immediately process the claim of the petitioner and shall decide his entitlement under the policy under which his case was processed and appropriate decision be taken within a further period of three months from the date of submission of the documents by the petitioner.
9. With the aforesaid observation, the petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit