

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 406 of 2021

Deepak Kumar S/o Sant Ram Aged About 40 Years R/o Village Durpa,
Tahsil Katghora, District Korba Chhattisgarh

---- Applicant

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/Res.1 to 3	:	Ms. Sunita Jain, GA
For Res. No.4 to 6	:	Mr. R. K. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/08/2021

1. The present MCC has been filed seeking for modification to the order
dated 07.01.2021 in WPS 56/2016.
2. The modification sought for is to the extent of an averment made in the
order of this Court in Paragraph '7' line No.'7' in internal page 4 wherein it
is mentioned that property stands in the name of Bhukhau and Sukhau in
between 1984 & 1988.

3. Counsel for the petitioner submits that in fact the property was exclusively owned by Bhukhau and subsequent to the death of Bhukhau the property stands inherited by the legal heirs of the Bhukhau alone and original petitioner is the grand son of Bhukhau who is claiming employment. Thus, according to the petitioner the name of Sukhau as reflected in Paragraph 7 be deleted. The reason for seeking deletion is the queries that has been sought for by the respondent SECL.
4. Be that as it may, since this Court had disposed of the writ petition directing the respondents to consider and decide the claim of the petitioner subject to due verification of original owner in terms of the revenue records and also the enquiry report submitted by the State Authorities, the sheer mention of Sukhau in the order in Paragraph 7 should not come in the way of respondent authorities in deciding the entitlement of the petitioner for grant of employment. The claim of the petitioner for employment has to be considered subject to verification of his entitlement and his legal right to claim the same strictly in accordance with the policy for employment for a land oustee under the Rehabilitation Policy governing the field and which was made applicable to other similarly placed persons of those area.
5. With the aforesaid observation and clarification, the MCC stands disposed off.
6. Let a copy of this order be made part of records of original Writ Petition i.e. WPS/ 56/2016.

Sd/-
(P. Sam Koshy)
Judge

Rohit