

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4419 of 2021

1. Saroj Kumar Nayak S/o Shri Balmukund Nayak, Aged About 28 Years R/o Village Aadmuda, Post Mahloi, Tahsil Pussore, District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Revenue, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (Chhattisgarh).
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Managing Director, National Thermal Corporation Limited (NTPC) Project Lara, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
4. Praveen Sidar, S/o Faguram Sidar, R/o Village Chhapora, Post Chhapora, Tahsil Pussore, District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.08.2021

1. The present writ petition has been filed by the petitioner assailing Annexure P/1 dated 09.05.2021 and Annexure P/2 whereby the respondents have declared the results of the written test conducted for the post of Diploma Engineer Trainee (Electrical) for the persons whose land was acquired for the NTPC project.
2. The recruitment process was initiated vide advertisement dated 29.11.2020. Vide Annexure P/1 and P/2 the respondent No.4 has been found eligible and suitable for the said post. The petitioner also was a candidate for the said post. The challenge to the selection of respondent No.4 in the present writ petition has been made on the ground that the management of NTPC on an earlier occasion vide Annexure P/9 found the respondent No.4 to be not entitled for the benefit of the employment in lieu of land acquired.

- 3.** The reason for the stand to be taken by the NTPC at the first instance was that the respondent No.4 was found to have acquired the property in the year 2011 and the acquisition of the land was made in the year 2012 and as per the Rehabilitation and Resettlement policy only those cases for employment in lieu of land acquired would be considered where the property stood in the name of the person prior to three years from the date of acquisition. In the instant case the name of respondent No.4 got entered in the revenue records only in the year, 2011 i.e. only one year before the acquisition and therefore the respondent No.4 was earlier found dis-entitled. However, subsequently it appears that the respondent No.4 has been found to be eligible.
- 4.** From the admitted factual matrix of the case, admittedly the property which came in to ownership of the respondent No.4 belonged to his father prior to 2011 i.e. in the name of Faguram Sidar. The property was partitioned in the year 2011 and thereafter it fell in the share of the respondent No.4 that is how the respondent No.4 became the title holder of the suit property from 2011 onwards. Under the policy, employment could be given either to the owner or a joint owner of the acquired land. Since there is no dispute that the property originally stood in the name of father of the respondent No.4 and it is this land which stood acquired which in due course by way of partition fell in the name of respondent No.4 who is the son of original owner of the property, the respondents seem to have found the respondent No.4 eligible for claiming employment as a nominee of Fagu Ram Sidar, the original owner.
- 5.** Undoubtedly, prior to 2011 the Respondent No.4 in the capacity of the son of Fagu Ram Sidar was a joint owner of the said property and on that ground also the respondent No.4 was eligible for claiming employment against the land which stood acquired of his.

6. Given the aforesaid factual matrix of the case, the decision of respondents in holding the respondent No.4 suitable and eligible for appointment cannot be found fault with. The writ petition therefore to that extent would not be sustainable.
7. The writ petition therefore sans merit and deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

inder