

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5105 of 2021**

1. Shri Tusli Akela S/o Late Acchelal Urf Accheram, Aged About 41 Years, R/o Village Khedapali Tehsil, Dharamjaigarh, District- Raigarh (C.G.)
2. Deepak Kumar Akela S/o Shri Tulsi Akela, Aged About 23 Years, R/o Village Khedapali, Tehsil Dharamjaigarh, District- Raigarh (C.G.)

---- Petitioners**Versus**

1. Union Of India Through- Ministry Of Coal, Rajpath Area, Central Secretariat, New Delhi 110001
2. SECL Through- Its Chairman-Cum-Managing Director, Seepat Road, Bilaspur (C.G.)
3. South Eastern Coalfields Limited, Raigarh Area Through- Its General Manager Kelo Vihar Raigarh, Tehsil And District Raigarh (C.G.)
4. South Eastern Coalfields Limited Raigarh Area Through- Its Sub Area Manager Barod, District- Raigarh (C.G.)
5. Collector Raigarh, District- Raigarh (C.G.)
6. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Dharamjaigarh, District- Raigarh (C.G.)

---- Respondents

For Petitioners	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Neeraj Pradhan, P.L.
For Respondents 2 to 4	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.09.2021**

1. The grievance of petitioners in the present writ petition is the inaction on the part of the respondents in not considering their claim for grant

of employment for land oustees whose land stands acquired by the respondents 2 to 4 under the Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred as “the Coal Bearing Act”).

2. Learned counsel for petitioners submits that the respondents 2 to 4 had got the land of petitioners acquired under the Coal Bearing Act vide notification dated 18.12.2010 and the final notification was done in the year 2014. The grievance of petitioners is that after the acquisition proceedings were completed, the compensation part was also finalized in the year 2018, however, the claim of petitioners for grant of employment under the then prevailing R & R Policy has till date not been considered by the respondents. The contention of the petitioners is that the R & R policy framed for the respondents 2 to 4 and the R & R policy framed by the State Govt. there is a provision for providing employment to those persons whose land has been acquired and under either of the two, the claim of petitioners has not been considered which has led to the filing of the present writ petition.
3. Learned counsel appearing for respondents 2 to 4 submits that the claim of petitioners shall be scrutinized in terms of the R & R policy prevalent at that point of time and applicable in the case of petitioners and an appropriate decision shall be taken at the earliest.
4. Given the said submission by the counsel for respondents 2 to 4, the writ petition at this juncture stands disposed of directing the respondents 2 to 4 to consider the claim of petitioners for grant of employment in accordance with the R & R policy prevalent at that point of time and applicable in the case of petitioners, at the earliest preferably within a period of 4 months from the date of receipt of copy

of this order.

5. It is made clear that this Court has not expressed any opinion on the entitlement of petitioners and the claim of petitioners has to be decided by the respondents 2 to 4 strictly in accordance with the policy governing the field.
6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**