

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5125 of 2021**

1. Nand Kumar Patel S/o Shri Ganesh Ram, Aged About 26 Years R/o Village Oraikala, P.S. Naila, Tehsil Janjgir, District Janjgir Champa Chhattisgarh,
2. Harish Kumar Patel, S/o Shri Radheshyam Patel, Aged About 24 Years R/o Village Oraikala, P.S. Naila, Tehsil Janjgir, District Janjgir Champa Chhattisgarh,
3. Harish Kumar Patel, S/o Shri Dev Narayan Patel, Aged About 26 Years R/o Village Oraikala, P.S. Naila, Tehsil Janjgir, District Janjgir Champa Chhattisgarh
4. Deepak Kumar Yadav, S/o Shri Govardhan Prasad Yadav, Aged About 28 Years R/o Village Oraikala, P.S. Naila, Tehsil Janjgir, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh,
2. State Of Chhattisgarh Through Secretary, Department Of Energy, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. District Collector Janjgir Champa District Janjgir Champa Chhattisgarh
4. Sub Divisonal Officer (Revenue) Cum-Land Acquisition Officer Janjgir, District Janjgir Champa Chhattisgarh
5. Chhattisgarh State Power Generation/ Distribution Co. Ltd., Represented By Its Managing Director, Vidhyut Sewa Bhawan, Dangania, District Raipur Chhattisgarh,
6. Executive Director (Civil Project), Chhattisgarh State Power Generation Co. Ltd., Shed No. 2, Dangania, District Raipur Chhattisgarh
7. Chief Engineer (Human Resource) Chhattisgarh State Power Generation Co. Ltd. Raipur, District Raipur Chhattisgarh,
8. Superintendent Engineer (Civil), Circle-1, 2x500 MW MTTPP, Chhattisgarh State Power Generation Co. Ltd., Janjgir Champa, District Janjgir Champa

Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

9. Executive Engineer (Civil) Land Acquisition Division 2x500 MW MTTPP, Chhattisgarh State Power Generation Co. Ltd., Janjgir Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
 10. Additional Superintendent Engineer (Civil), Chhattisgarh Electricity Board, Korba (East), District Korba Chhattisgarh
 11. Executive Engineer (Civil), Land Acquisition Officer, Chhattisgarh Electricity Board, Korba (East), District Korba Chhattisgarh
- Respondents**

For Petitioner	:	Mr. Surfaraj Khan, Advocate.
For State	:	Mr. Amit Buxy, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22.09.2021

1. The grievance of the petitioners in the present writ petition seems to be the inaction on the part of the respondents in not complying with R&R Policy of 2007, which was in force at the time when the property belonging to the petitioners and their family were acquired by the respondents.
2. Counsel for the petitioners submits that the respondents, contrary to the R & R Policy though have considered grant of employment to the petitioners and the petitioners have as of now been provided with a temporary employment but this nature of employment is totally uncertain. Therefore, it defeats the very purpose of the R & R Policy which provides for appropriate security to those persons who have lost their land in the process of acquisition. According to the petitioners,

they are all entitled for being given a regular employment under the respondents No. 5 to 11.

3. The State Counsel on the other hand submits that it is true that there is R & R Policy prevailing, however from the pleadings itself it shows that petitioners have been provided employment thereby it meets the requirement of R & R Policy. Though the services may be a temporary employment but nonetheless, it is providing employment to the petitioners.
4. Having heard the contentions put forth on either side and on perusal of records, it would be relevant at this juncture to take note of a judgment passed by this Court in the case of Babulal v. State of Chhattisgarh in WP(C) 1717 of 2015 decided on 23.09.2015, this Court in the said judgment relying upon its earlier decision in the case of Kumar Ban Goswami and Ors. vs. State of Chhattisgarh and Ors., passed in WP(C) No. 692 of 2012 has in paragraph 5, 7 & 8 held as under:-

“5. In the case of Kumar Ban Goswami and others Vs. State of Chhattisgarh and others, WPC No. 692 of 2012 (Annexure P/3), this Court had an occasion to deal with the salient features of the modal policy of rehabilitation framed by the State of Chhattisgarh. This Court referred to the observation made by the Supreme Court in the case of Satluj Jal Vidyut Nigam Ltd. and another Vs. Sangh Dass and another, 2005 (9) SCC 217 wherein it was held :

“Purpose of the Scheme was to provide some benefits apart from compensation payable under land acquisition act to families rendered landless by acquisition of their lands.”

7. In that view of the matter, I am inclined to issue a direction to respondent authorities to expedite the process of rehabilitation of the petitioner in accordance with the existing Rehabilitation Policy of the State Government and ensure that whatever benefits which may include grant of employment also as per the terms and conditions of the policy, is extended within a period of four months from the date of receipt of copy of the order.

8. It is common knowledge that there is delay in providing and extending benefit of rehabilitation as per the State Rehabilitation Policy. Henceforth, the State shall ensure that the benefits available under the Rehabilitation Policy, as permissible under the law, is extending to those whose land has been acquired, within a reasonable time frame. Ordinarily, within a period of 6 months from the date of acquisition, in addition to payment of compensation, the benefits of rehabilitation under the Rehabilitation Policy should be extended to the person whose land has been acquired. If such benefit is not extended within a period of 6 months, the Collector of the concerned District shall prepare a report of cases of rehabilitation which are pending for more than 6 months within his jurisdiction and send the same to the State Government. The State Government thereafter, shall proceed to issue necessary direction to the erring official to expedite the proceedings of rehabilitation and ensure its completion within a maximum period of 4 months thereafter. Even if after expiry of 10 months, the claim of rehabilitation is not decided one way or the other, the State Government shall take necessary action against the erring official/officials responsible for delay in implementing of the proceedings of rehabilitation for providing necessary benefits. A copy of this order be sent to the Chief Secretary of the State for issuance of necessary direction to all concerned.

5. The plain reading of the aforesaid observations of this High Court would clearly reflect that upon an acquisition being made by the State Government for public purpose, the authorities or the beneficiaries of the said land are required to consider the rehabilitation aspect in its letter and spirit in terms of the R & R Policy prevalent at the time of acquisition.
6. The allegations and the contentions of the petitioners in the instant case are that the respondents in the garb of enforcing the R & R Policy have provided the petitioners with a temporary employment with total uncertainty as to the duration of the service and the benefits which the petitioners are getting etc.

7. Counsel for the petitioners further submits that after passing of the order by this Court in the case of Babulal (supra) so also the order passed by this Court in the case of Kumar Ban Goswami (supra), the respondent-authorities and the beneficiaries have immediately complied with the direction given by this Court and have provided those persons regular employment. However so far as the petitioners in the present writ petition are concerned, nothing of that sort has been done except for providing temporary employment.
8. Be that as it may, considering the aforesaid observations made by this Court in the case of Babulal (supra), the present writ petition also at this juncture is disposed of directing the respondents No. 3 to 11 to immediately process the claim of the petitioners for considering their claim for regular employment in-terms of the R & R Policy after due verification of their claim so far as their entitlement in-terms of the conditions stipulated in the R & R Policy. Let an appropriate decision be taken in this regard at the earliest preferably within a period of four months from the date of receipt of copy of this order.
9. It is made clear that, in case if on verification, the respondents find that the petitioners are not entitled for grant of regular employment, they should be suitably intimated by a reasoned order showing reasons as to why they are not entitled for the benefit under the R & R Policy.
10. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge

J/-