

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4837 of 2015**

Indra Prakash S/o Kunj Bihari, 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
2. Collector, 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. Govt. Advocate
For SECL	:	Mr. Sudhir Kumar Bajpai, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

06.01.2021

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 06.11.2014 whereby the claim of the petitioner for employment as a land oustee has been rejected by the respondents.

The rejection of the claim of the petitioner was on the ground that the property does not belong to the petitioner's family and therefore his claim for employment has been rejected.

2. The contention of the counsel for the petitioner is that the petitioner was the adopted son of his uncle who was the original owner of the entire 0.05 acres land situated at village Jarahajel Revenue Circle Dipka, Tahsil Katghora, District Korba and which was acquired by the respondent company.
3. Perusal of the pleadings would show that there is no document to establish the adoption of the petitioner by his uncle particularly no adoption deed has been filed by the petitioner to establish his contention. Moreover, in the records, the name of the father of the petitioner still reflects as Kunj Bihari who is the biological father of the petitioner and not the name of his uncle who has adopted the petitioner. The petitioner has also not been able to show any document by which it could be said that the claim for employment of a person whose land has been acquired could be shifted or transferred to another member within or outside the family except for the direct linear dependant. In the instant case also the petitioner admittedly does not fall within the purview of a direct linear dependant to the original land owner whose land was acquired. The petitioner happens to be the son of the brother of the original land owner and there being no document to establish adoption, the rejection of the petitioner's claim for employment seems to be purely in accordance with the guidelines and circulars governing the field. In the absence of any strong case made

out by the petitioner to establish adoption, this Court finds it difficult to interfere with the impugned order Annexure P-1.

4. The writ petition being devoid of merits deserves to be and is accordingly rejected.

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