

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5846 of 2021

Santosh Sahu S/o Masatram Aged About 44 Years R/o Village- Bijari,
Tehsil- Gharghoda, District- Raigarh, Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate.
For Respondent no. 2 to 4	:	Mr. Pankaj Agrawal, Advocate
For State/Res. No.5 & 6	:	Mr. Lalit Jangde, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/10/2021

1. The grievance of petitioner 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 petitioner is that after the acquisition

proceedings were completed, the compensation part was also finalized in the year 2018, however, the claim of petitioner for grant of employment under the then prevailing R & R Policy has till date not been considered by the respondents. The contention of the petitioner 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 petitioner 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 petitioner shall be scrutinized in terms of the R & R policy prevalent at that point of time and applicable in the case of petitioner 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 petitioner 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 petitioner and the claim of petitioner 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