

WPA 28330 of 2016

**Saroj Bhattacharya & Ors.
Vs.
M/s. Eastern Coalfields Limited & Ors.**

**Mr. Sharanya Chatterjee
Mr. Nepesh Majhi**

...for the Petitioner

**Mr. Shiv Shankar Banerjee
Ms. Sanchita Barman Roy
Sk. Salim Malik**

..for the ECL

The writ petition pertains to grant of employment in favour of the three writ petitioners who are the owners of land which has been purchased by the concerned authority of the Eastern Coalfields Limited for mining activities.

Mr. Sharanya Chatterjee, learned advocate appearing for the petitioners has submitted that the impugned order passed by the General Manager, Kenda area, being the respondent no. 4, while taking decision has not gone into the aspect that some of the similarly circumstanced candidates who got ownership of the land by purchase, after commencement of mining activities were considered for employment and ultimately employment under the land loser category in terms of the relevant policy/guideline, has been offered to them. In this regard, reliance has been placed on a document issued by the Director (Personnel) of Eastern Coalfields

Limited dated 28th July, 2005, pages 146 & 147 of the writ petition. It has further been argued on behalf of the petitioners that if the candidates as mentioned in the said document dated 28th July, 2005 can be favoured with employment under the prevailing policy, the petitioners should not be left out.

Mr. Shiv Shankar Banerjee, learned advocate appears on behalf of the Eastern Coalfields Limited and has defended the decision of the respondent no. 4 dated 25/30th September, 2015 which has been taken pursuant to the order passed by a coordinate Bench dated 12th August, 2015 on writ petition preferred by the petitioners being WP 15342 (W) of 2015. The attention of this Court has been drawn to the relevant part of the order of the coordinate Bench whereby this Court directed the concerned authority of the Eastern Coalfields Limited to take decision on entitlement of the petitioners to get employment under the prevailing policy under land loser category and on placing reliance on that part of the direction as contained in order dated 12th August, 2015 it has been stated that in terms of the prevailing policy, decision has been taken by the respondent no. 4 which ultimately went against the petitioners since clauses 2 and 10 of the said policy were applicable in case of the petitioners.

This Court has heard the learned advocates representing the parties and perused the relevant

documents available on record including the pleadings exchanged amongst the parties.

This Court has also perused the decision of the respondent no. 4 which is assailed in the writ petition dated 25/30th September, 2015. On considering such decision, it appears that the point of discrimination which has been taken by the petitioners upon placing reliance on pages 146 and 147 of the writ petition, i.e. writing of the Director (Personnel), Eastern Coalfields Limited dated 28th July, 2005 wherefrom it appears that some candidates though having ownership less than three years and the candidates who purchased land after use were considered by the concerned authority of Eastern Coalfields Limited for offering employment under land loser category under the prevailing policy. However, it is not clear to this Court whether ultimately these candidates were offered employment or not. Considering this aspect of this matter, this Court finds it fit to direct the respondent no. 4 to revisit the issue afresh after granting opportunity of hearing to the petitioners or the representative of the petitioners and pass a reasoned order within a period of 8 (eight) weeks from the date of communication of this order.

While considering the issue afresh in terms of the direction passed by this Court, the petitioners shall be at liberty to rely upon the relevant documents as well as the decision rendered by this Court from time to time before

the respondent no. 4. Respondent no. 4 is required to assign reasons in support of the findings, which will be arrived at on the claim of the petitioners relating to offering employment under the land loser category under the prevailing policy.

Till the decision to be taken by the respondent no. 4 the impugned order dated 25/30th September, 2015 shall be kept in abeyance and shall abide by the decision of the respondent no. 4.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)