

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.11168 of 2013

Prasanta Kumar Naik

....

Petitioner

Mr. S. Mohanty, Advocate

-versus-

***Revenue Divisional Commissioner
(RDC) (ND) and Chairman,
Rehabilitation and Periphery
Development Advisory Committee,
Sambalpur and others***

.... ***Opposite Parties***

Mr. Ishwar Mohanty, ASC

Mr. Anupam Rath, Caveator

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

**ORDER
18.07.2022**

Order No.

12.

1. The Petitioner is aggrieved by action of Vedanta Aluminum Limited (Opposite Party No.3) is not granting the Petitioner employment in the Company pursuant to the Orissa Resettlement and Rehabilitation Policy, 2006 ('R&R Policy').

2. Admittedly, the acquisition in question to place in 2009. The R&R Policy sought to divide the categories of affected persons as Project Displaced Families (PDF) and Projected Affected Persons (PAPs). There is no dispute that the Petitioner falls in the category of PAP.

3. In terms of the R&R Policy while one person in a PDF would be entitled for employment, there was no such guarantee as far as the PAP was concerned. This position emerges from the counter affidavit filed by Opposite Party No.3. It states that as far as a PAP

is concerned, he would be compensated for the loss of land with no guarantee as to employment. It is stated that as far as Petitioner is concerned, his grandfather was not a displaced person and in terms of the social economic survey read with the R & R policy the 'said family was only an affected family not a displaced family'.

4. Nevertheless, it appears that a survey was conducted for shortlisting PAP graduates for employment in the partner/associate company of Vedanta Limited after approval of the District Administration. A total of 37 PAP graduates were identified through the survey. At the relevant time, the Petitioner was stated to be 'still studying' and therefore not eligible for being considered for employment.

5. Counsel for the Petitioner relied on list of 28 PAPs, whose names figured in the fifth proceeding of the RPDAC dated 19th November, 2011. Counsel for the Petitioner pointed submitted that two from that list were considered for employment and the others including the present Petitioner were discriminated against.

6. In a further affidavit dated 24th April, 2017 Vedanta Limited has stated that the two persons appointed were qualified on merits at the relevant time – one was an MBA and the other a graduate.

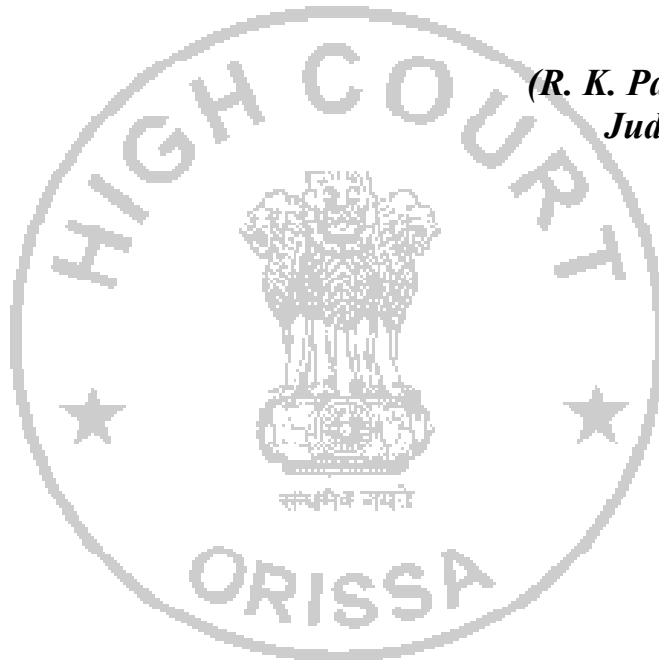
7. There has been no rejoinder filed by the Petitioner to contradict the above facts. If indeed the two persons were employed on merit then it cannot be any said that there was any discrimination vis-à-vis the present Petitioner.

8. Having considered the submissions of learned counsel for the parties, the Court is satisfied that the Petitioner has failed to make out a case for grant of relief as prayed for.

9. The writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge



TUDU