

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION 980 OF 2020

1. Kaushlya Chindhuji Bhusari,
aged about 75 yrs, Occ. Agriculturist,

2. Vrushabh s/o. Rajeram Bhusari,
aged about 19 yrs, Occ. Unemployed,

Both r/o. Shirpur, Post Shirpur,
Tahsil Umred, District Nagpur

.....PETITIONERS

...VERSUS...

1. Western Coalfields Limited,
Through its Regional Manager,
Head Office, Civil Lines, Nagpur

2. Western Coalfields Limited,
Umrer Area, through its Area
General Manager, PO Umrer,
Project, Waigaon Ghoturli, Umrer,
Tahsil Umrer, District Nagpur
(Maharashtra State) Pin 441 204

..RESPONDENTS

Mr. A.S. Dhore, counsel for petitioners,
Mr. A.M. Ghare, counsel for respondent 2.

CORAM:- ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 06.03.2023

JUDGMENT (Per: Rohit B. Deo, J.)

Heard.

2. Rule. Rule made returnable forthwith.

3. The grievance of the petitioner is that vide communication dated 26.7.2019, respondent 2 has refused to grant employment to petitioner 2 on the ground that land Khasara 185/2, situated at village Shirpur, Tahsil Umred, District Nagpur which is acquired by Western Coalfields Limited ("WCL") is embroiled in litigation.

4. We do not find any justification for denying employment to petitioner 2 on the ground that there is a criminal complaint pending.

5. We have noted from the affidavit in response filed on behalf of WCL, that there is no other impediment which is spoken about.

6. However, the learned counsel for WCL Mr. A.M. Ghare submits that it be clarified that the employment shall not be refused on the ground of pendency of the criminal complaint, and further the authority may be permitted to consider whether other requirements of the policy stand satisfied.

7. We have noted that there is no reference in the written

submissions to any other impediment in granting employment. If there is any other impediment, WCL ought to have said so in the affidavit in response.

8. We do not appreciate the way instrumentalities of the State are conducting matters. A cavalier and half hearted approach is being adopted. While we are granting liberty to WCL to examine the case of the petitioner as per the policy, without being influenced by any pending dispute, we direct that cost of Rs. 10,000/- (Rupees Ten Thousand) be deposited in the account of High Court Legal Services Sub-Committee, Nagpur within the next two weeks.

9. The entitlement of the petitioner to grant employment on the basis of the relevant policy be considered within the next two weeks uninfluenced by the pendency of any dispute.

10. Petition is partly allowed in the aforestated term.

(Mrs. Vrushali V. Joshi, J.) (Rohit B. Deo, J.)

belkhede

Digitally Signed By:BELKHEDE
RAVINDRA SURESHRAO
P.A. to the Hon'ble Judge
Signing Date:10.03.2023 15:31