



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

WRIT PETITION NO.4127/2023

Namdeo Balaji Gilbile,
aged about 76 Yrs., Occ. Nil,
R/o At Post Paili Bhatadi,
Taluka and Dist. Chandrapur.

... Petitioner

- Versus -

1. Western Coal Fields Ltd.
(W.C.L.), through its General
Manager, Coal Estate, Civil
Lines, Nagpur.
2. Area General Manager (W.C.L.),
Chandrapur Region, Post Babupeth
and Dist. Chandrapur.

... Respondents

Mr. S.O. Ahmed, Counsel for the Petitioner.
Ms. M.S. Naik, Counsel for Respondent Nos.1 and 2.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 8.9.2023

ORAL JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner is aggrieved by the refusal of the respondents to provide employment to his widowed daughter-in-law on the premise that the extent policy excludes the daughter-in-law from the definition of “family”.

3. The facts of present case in brief are as follows:-

The petitioner is the owner of the land admeasuring 0.95 H.R. Survey No.219/1 at Mouja Paili Pardi, District Chandrapur which has been acquired by the respondent Western Coalfields Limited (for short “W.C.L.”) for its project. The Coal India Limited has formulated a Policy for the project affected persons and their family members whose lands have been acquired for any project. The said policy is named as Rehabilitation and Resettlement Policy of Coal India Limited 2012 (for short “R and R Policy”). In view of said policy the W.C.L. has to grant compensation for the acquired land and in addition to that give employment to the person or his/her family members whose land has been acquired.

4. In pursuance of R and R Policy the respondent W.C.L. has granted compensation for the land to the petitioner but insofar as the employment to one family member of the petitioner is concerned, for that purpose, as per the said policy son of the petitioner namely Madhao Namdeo Gilbile has applied for employment with the consent of the petitioner as his nominee before the respondent-W.C.L. The same was considered by the W.C.L. and by letter dated 13.6.2019 the employment to the son of petitioner Madhao Namdeo Gilbile was approved by the respondent. The nominee of petitioner i.e. his son Madhao was suffering from cancer and, therefore, he was regularly required to be hospitalized for treatment and looking to his condition he was not in a position to be employed. Therefore, on 1.8.2019 the petitioner has made an application before the respondent No.2 for grant of employment to his daughter-in-law Varsha as his son Madhao Gilbile was suffering from cancer and not in a position to be employed. The petitioner was having two sons namely Ravindra and Madhao. The petitioner has given share in the

property to Ravindra i.e. agricultural land admeasuring 3 Acres. The said land owned by Ravindra Gilbile was acquired by respondent No.1 W.C.L. He got the compensation and in addition to that, he nominated his wife for employment and W.C.L. has granted employment accordingly. Ravindra Gilbile resides separately from the petitioner along with his family. Ravindra Gilbile has no objection if the employment is granted to the widowed daughter-in-law of the petitioner.

5. Madhao Namdeo Gilbile was not granted any share in the property, the petitioner nominated him for grant of employment and on the death of Madhao Gilbile, the petitioner had nominated widow of his son Varsha for grant of employment with respondent-W.C.L.

6. On 17.10.2019 the respondent No.2 has passed an order on the application dated 1.8.2019 submitted by the petitioner for grant of employment to his widowed daughter-in-

law and thereby held that the daughter-in-law does not come in the definition of “family” as per Clause 4(b) of R and R Policy, therefore, daughter-in-law of the petitioner cannot be granted employment and further directed the petitioner to nominate/submit the name of the person who comes under the definition of “family” as per R & R Policy or make an application for compensation against the employment.

7. On 30.10.2019 the son of petitioner namely Madhao Namdeo Gilbile died. The petitioner has made representation on 19.4.2022 to reconsider the case of widowed daughter-in-law to grant her employment by considering her as petitioner’s nominee in pursuance to the fact that similarly situated person i.e. Anusuya Murlidhar Tonge’s daughter-in-law namely Sadhna Tonge was granted employment. As respondent has not considered the representation of the petitioner he has filed this petition for grant of employment to his daughter-in-law.

8. It is not in dispute that the son of the petitioner applied for employment as nominee of petitioner and even before his death petitioner has applied for grant of employment to his daughter-in-law. During the pendency of his application son of petitioner died on 30.10.2019. This request is rejected by the decision impugned which is based on the definition of “family” in the R and R Policy.

9. The definition of family in clause 4(b) in R and R Policy reads thus:-

“4(b) “family” includes a person, his/her spouse, son including minor sons, dependant daughters, minor brothers, unmarried sisters, father, mother residing with him or her and dependent on him/her for their livelihood; and includes “nuclear family” consisting of a person, his/her spouse and minor children. Provided that where there are no male dependents, the benefit due to a land loser may devolve on dependent daughter nominated by the land loser”.

10. In Indian culture we treat daughter-in-law as daughter and she is a member of family. Several High Courts have taken a view that irrespective of the fact that the definition of “family” in

the Service Rules which provide for a welfare mechanism, the widowed daughter-in-law shall have to be included in the definition of “family”. We may only refer to the decision of the Full Bench of the Uttarakhand High Court in Udham Singh Nagar District Cooperative Bank Ltd. and another V/s. Anjula Singh and others reported in **2019 UTR 69**, with which we respectfully and unreservedly agree.

11. In view of the above, we have no hesitation in declaring that the claim of widowed daughter-in-law could not have been rejected on the ground that she does not fall in the zone of beneficiaries. Her claim shall have to be examined, on the same footing as the claim of a daughter. We clarify that W.C.L. shall be entitled to examine the claim of the widowed daughter-in-law. The limited direction which we are issuing is that the claim shall not be rejected on the premise that the widowed daughter-in-law is not covered by the definition of “family”.

12. For aforesaid reasons, it is directed that respondents shall examine the claim of the widowed daughter-in-law of the petitioner in the light of Clause 6(B) of the R and R Policy, 2012. The claim shall not be rejected on the ground that the widowed daughter-in-law is not included in the definition of “family” under the said Policy. The claim of the widowed daughter-in-law of the petitioner shall be considered in accordance with law within a period of four weeks of receiving copy of this judgment.

13. Rule is disposed of in aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)