

10
14.06.2024
S.D.
Ct. No. 26

M.A.T. 82 of 2024
With
CAN 1 of 2024
CAN 2 of 2024

Sarada Prasad Mandal
Vs.
Coal India Limited & Ors.

Mr. Pratip Kumar Chatterjee
Mr. D. N. Chatterjee
Ms. Oisani Mukherjee
....For the Appellant/Petitioner

Mr. Syed Nurul Arefin
Mr. Syed Moyeenul Arefin
Ms. Rashmi Binayak
Mr. Sanju Agarwal
..for the ECL
Mr. Sujit Kumar Rath
Mr. Swapan Kumar Chatterjee
..for the respondent nos. 7 to 11

In re: **CAN 1 of 2024**

This is an application for condonation of delay of 63 days in making and filing the appeal. The department reports delay of 63 days.

For the ends of justice, causes shown in the application for condonation of delay are accepted as sufficient. Delay of 63 days is condoned.

CAN 1 of 2024 is disposed of.

CAN 2 of 2024 is an application seeking stay of the impugned order dated October 10, 2023 passed in W.P.A. 871 of 2023.

Court is informed that all papers used before the learned Single Judge are available with CAN 2 of 2024.

In such circumstances, with the consent of the parties, the appeal is taken up for final hearing.

By the impugned order dated October 10, 2023, learned Single Judge was pleased to hold that till such time the probate case is decided, writ petition cannot be proceeded with any further. Accordingly, learned Single Judge directed the writ petition to go out of the list with liberty to mention upon final decision being reached in the probate case.

The appeal is at the behest of the writ petitioner.

Learned advocate appearing for the appellant submits that, appellant was issued a letter by the authorities requiring the appellant to report to the authorities for grant of employment under the Rehabilitation and Resettlement Policy of the Coal India Limited. Thereafter, the authorities arbitrarily rescinded the first letter by a writing dated January 29, 2022 on the

allegation that there was a probate case pending. He refers to the writing dated January 29, 2022 and contends that no such case as recorded in such letter was pending between the private parties. Therefore, the decision of the authorities not to give appointment to the appellant under the R & R Policy of CIL is arbitrary. According to him, learned Single Judge failed to take into consideration such fact and erred in directing the writ petition to go out of the list. According to him, the appellant as the writ petitioner is entitled to relief of appointment under the R & R Policy.

The respondents are represented.

Learned advocate appearing for the Eastern Coalfields submits that, there is a civil case is pending relating to a Will. Till such time such proceedings are decided finally, it cannot be said that the appellant is entitled to be considered under the R & R Policy of CIL.

Learned advocate appearing for the private respondents submits that, there is a probate case pending challenging the so-called claim of ownership of the appellant in respect of plot of land concerned.

Apparently, R & R Policy of CIL permits clubbing of land. In the event, the claim of the appellant of clubbing is found to be correct, then the appellant may be considered

for grant of appointment under the R & R Policy of CIL. However, there is clog in the title presently in view of the probate proceeding pending. Consequently at this stage it cannot be said definitely that the appellant is entitled to an appointment under the R & R Policy of CIL by clubbing of land.

In such circumstances, we find no merit in the present appeal.

M.A.T. 82 of 2024 along with **CAN 2 of 2024** is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)