

ML-114

09.07.2024
Court No.26
Bench ID-266231
(AD)

FMA 1001 of 2016
With
IA No.: CAN 1 of 2020 (Old No.: CAN 273 of 2020)

Khairul Mondal
Vs.
Coal India Limited & Ors.

Mr. Subrata Bhattacharyya
Mr. Indranuj Dutta
Ms. Shipra Santra

... for the appellant.

1. Appeal is directed against an order dated October 13, 2015 passed in W.P.19189(W) of 2015 dismissing the writ petition.
2. Claim of the writ petitioner as appellant before us is grant of employment under the Land Losers Scheme.
3. Learned Advocate appearing for the appellant submits that, in accordance with the Land Losers Scheme as then obtaining in respect of land acquired by Eastern Coalfield Limited (ECL), one person was required to be given an employment with ECL against two acres of land acquired from the family of such person. He submits that although, the quantum of land acquired from the family of the appellant was less than two acres, nonetheless, there are instances where ECL proceeded to grant employment to land losers whose land below two acres were acquired by the ECL. Therefore, he submits that, the case of the

appellant should also be considered.

4. Respondents are not represented.
5. The existence of a policy of obtaining employment in the Land Losers Category under the prevailing Scheme is being admitted on behalf of the appellant. Appellant claims that, a family member of the family whose land in excess of two acres was acquired by the coal companies, then one family member of such family was entitled to employment.
6. In the facts of the present case, admittedly, land less than two acres of the family of the appellant was acquired by ECL. Consequently, appellant does not come within the purview of receipt of employment in the Land Losers Category as obtaining at that point of time.
7. The contention of the appellant that, as persons were granted employment in the Land Loser Scheme from whom or from whose family land less than two acres was acquired, cannot be accepted as the appellant cannot be permitted to rely upon negative equality to receive any claim. In any event, the claim of the appellant as noted above, is in breach of the Land Losers Scheme then obtaining.
8. Learned Single Judge referred to Paragraphs 5,6,7,8,9 and 10 of the writ petition to arrive at the finding that the appellant is not entitled to

any relief.

9. In such paragraphs, appellant referred to the quantum of land acquired as also the applications made for the purpose of receipt of employment under the Land Losers Scheme. As noted above, we find that, the appellant does not satisfy the essential qualification to receive employment under the Land Losers Scheme.
10. In such circumstances, we find no merit in the present appeal.
11. **FMA 1001 of 2016** along with all connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)