

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**FMA 1189 of 2024
With
IA NO: CAN 1 of 2024**

**SYED JARZIS HOSSAIN
VS
COAL INDIA LTD. & ORS.**

For the Appellant : Mr. Mr. Sujit Kumar Rath,
Mr. Swapan Chatterjee,
Mr. Sukumar Sarkar, Advocates

For the Respondents: Mr. Syed Nurul Arefin,
Mr. Syed Moyeerul Arefin,
Ms Rashmi Binayak, Advocates

Heard & Judgement on: September 19, 2024

DEBANGSU BASAK, J.

- 1.** Appeal is directed against the order dated August 14, 2024 passed in WPA 15721 of 2024.
- 2.** By the impugned order, learned Single Judge noted that, the appellant before us as the writ petitioner filed a previous writ petition for appointment on the ground it falls in the land loser category and that such

writ petition was dismissed. Learned Single Judge also noted the inordinate delay of the writ petitioner approaching the Court.

3. Learned advocate appearing for the appellant submits that, appellant is a land loser. An area of 1.75 acres was acquired by the Coal Company from the appellant. Coal Company gave employment to persons from whom, Coal Company acquired less than 2 acres of land. Moreover, the application for grant of employment under the land loser category was considered at a given level by the employer and sent to the higher authorities for consideration.

4. Learned advocate for the Coal Company submits that, the policy decision of giving employment to a land loser is embodied in memo dated August 11/16, 1994. He submits that, a person who loses 2 acres or more land is entitled to employment. Such position came into being with effect from January 1, 1985. He submits that, earlier the appellant approached by way of a writ petition on similar ground which was dismissed. Therefore, appellant cannot reopen the same issue.

5. Land of the appellant was acquired by the Coal Company. Acquisition of land is less than 2 acres. Policy of grant of employment to a land loser is embodied in the Memorandum dated August 11/16, 1994 which came into effect from January 1, 1985. Such Memorandum lays down that the minimum land acquired should not be less than 2 acres.

6. In the facts of the present case, acquisition of land occurred sometime in the year 1990. Appellant filed a writ petition being WP 19199 (W) of 2015 seeking a direction upon the Coal Company for appointment under the land loser scheme. Such writ petition was dismissed by an order dated September 9, 2015 where the learned Single Judge noted that purely on the ground of inordinate delay and laches, the writ petition is dismissed. No appeal was carried against such order.

- 7.** Thereafter, writ petitioner filed WPA 15721 of 2024, which resulted in the impugned order.
- 8.** Appellant is not entitled to reopen the issue settled with regard to his right to obtain employment under the land loser category in view of the order dated September 9, 2015 passed in WP 19199 (W) of 2015. Such order attained finality between the appellant and the Coal Company.
- 9.** That apart, appellant does not qualify to receive employment under the land loser category as the quantum of land acquired from the appellant is less than the quantum of 2 acres for being entitled to receive employment under the land loser category.
- 10.** Thirdly, appellant is not entitled to negative equality assuming that persons losing less than 2 acres were granted employment by the Coal Company. Such appointment is in the teeth of a declared policy of the Coal Company.
- 11.** In such circumstances, we find no merit in the present appeal.
- 12.** FMA 1189 of 2024 along with CAN 1 of 2024 are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

- 13.** I agree.

(Md. Shabbar Rashidi, J.)

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