

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

**APOT 129 of 2022 with
WPO 290 of 2016
IA GA 2 of 2022
HARIBOL GHOSH
Versus
COAL INDIA LIMITED AND ORS.**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

For the Appellant : Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.

For the Respondents : Mr. Susanta Pal, Adv.
Mr. Pradipta Basu, Adv.

Hearing concluded on : September 03, 2024

Judgment on : September 03, 2024

DEBANGSU BASAK, J. :-

1. The appeal is directed against the order dated March 31, 2016 passed in WP 290 of 2016.
2. By the impugned order, learned Single Judge dismissed the writ petition on the ground that, reasoned order passed pursuant to an earlier order of this High Court, contains adequate reasons.

- 3.** Learned advocate appearing for the appellant submits that, the entitlement of the writ petitioner as a land loser was decided by the High Court in the earlier round of litigation in WP 180 of 2014. He submits that, by order dated February 18, 2015 passed in WP 180 of 2014 High Court recorded conclusive finding that the appellant qualified as a land loser being the son and nominee of the original owner and seller of the land. He submits that in aggregate two acres of land was purchased by the Eastern Coalfields Limited in terms of the scheme. The appellant is entitled to be considered as land loser. He submits that, the reasoned order went beyond the findings returned by the High Court and therefore is perverse.
- 4.** Learned advocate appearing for the Eastern Coalfields Limited refers to the reasoned order. He submits that, aggregating two acres of land comprised of 1.75 and 0.25 acres which was purchased in two separate transactions. So far as 1.75 acres of land is concerned, the same was purchased on the condition that no employment will be provided against such purchase. The other 0.25 acre of land was purchased at a time, when ownership of five years was not vested with the appellant prior to selling the land.
- 5.** We considered the rival contentions of the parties. We find from the materials made available on record that the appellant by

approached the Writ Court by way of a writ petition being WP 180 of 2014 where the writ petitioner sought for employment on the ground of the land loser policy. In such writ petition being WP 180 of 2014 was disposed of by order dated February 18, 2015. Relevant portion of such order is as follows :

“Upon perusal of this policy I am convinced that the writ petitioner qualified as a land loser being the son and nominee of the original owner and seller of the land. The policy permits the owners of the land aggregating to about two acres of tag their land and claim one employment. Such a situation does not arise here because undisputedly the owner of the land was one.

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Considering the fact that the respondent company was not given an opportunity to go into all the factual issues, I am not passing an order directing employment to the writ petitioner. I direct the General Manager, the third respondent, to consider the case of the writ petitioner for employment as a land loser, considering the observations and findings made above and the defence, which may be taken by the first respondent and pass a reasoned order, upon hearing the petitioner within three months of communication of this order.”

- 6.** No appeal was preferred against the order dated February 18, 2015 passed in WP 180 of 2014. Consequently, the right of the appellant to be considered as a land loser stood established.
- 7.** That apart, the materials placed on record establishes that 1.75 acres of land was purchased by Eastern Coalfields Limited. Appellant before us is the son of the original owner in respect thereof. Appellant is the son of the original owner in respect of 0.25 acres of land also. Land loser policy of Eastern Coalfields Limited allows clubbing of land. The so-called condition of purchase of 1.75 acres of land from the original owner was never communicated to the appellant.
- 8.** In such circumstances, the reasoned order passed pursuant to the order dated February 18, 2015 by the High Court in WP 180 of 2014 cannot be sustained.
- 9.** Consequently, we set aside the impugned order dated March 31, 2016 and allow WP 290 of 2016. Eastern Coalfields Limited will provide the appellant employment under the land loser policy, preferably within a period of six weeks from date.
- 10.** APOT 129 of 2022 along with IA GA 2 of 2022 are disposed of without any order as to costs.

- 11.** Leave is granted to the learned advocate-on-record to correct the cause title of the Memorandum of Appeal and the stay petition.

[DEBANGSU BASAK, J.]

- 12.** I agree.

- 13.**

[MD. SHABBAR RASHIDI, J.]

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