



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

**CIVIL WRIT PETITION NO. 8207 OF 2023**

- |                                                                                                                                                                                                                                                            |   |                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|
| 1. Anandrao Sitaram Besurwar<br>Aged 63 years, Occ. Agriculturist<br><br>2. Sangita Anandrao Besurwar<br>Aged 52 years, Occ. Housewife<br><br>3. Shital Mangesh Besurwar<br>Aged 33 years, Occ. Nil,<br>All R/o Sakhari, Tah. Rajura,<br>Dist. Chandrapur. | } | ... Petitioners |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|

**Versus**

- |                                                                                                                                                                                                                                                                                                                                                                                                   |   |                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|
| 1. Western Coalfields Ltd.,<br>Through its Chairman-cum-Managing Director<br>Coal Estate, Headquarter Nagpur, Seminary<br>Hills, Civil Lines, Near Futala Talao, Nagpur.<br><br>2. Area General Manager,<br>Western Coalfields Ltd.,<br>Ballarpur Area, Tah. Rajura, Dist. Chandrapur.<br><br>3. Area Planning Officer Western Coalfields Ltd.,<br>Ballarpur Area, Tah. Rajura, Dist. Chandrapur. | } | ... Respondents |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|

Mr. Anil A. Dhawas, Advocate for petitioners.

Mr. C.S. Samudra, Advocate for respondent Nos.1 to 3.

**CORAM : VINAY JOSHI, AND  
SMT. M.S. JAWALKAR, JJ.**

**DATE : 27.06.2024**

**ORAL JUDGMENT: (PER: Vinay Joshi,J)**

**Rule.** Rule made returnable forthwith. Heard finally with the consent of learned counsel for the respective parties.

(2) The land revenue Survey No.332/1, ad-measuring 0.91 H.R. of village Sakhari, Tah. Rajura, District – Chandrapur owned by petitioner No.1 has been acquired by respondent No.1 – Western Coalfields Ltd., for a project. The relevant notification under Section 9 was issued on 20.08.2015. As per the Rehabilitation and Resettlement Policy of Coal India Limited 2012 (for short ‘R & R Policy’), the petitioner No.1 is entitled for one employment which is not in dispute.

(3) Petitioner No.1, owner of land was having three daughters and a son. After publication of notification issued under Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, unfortunately, the only son Mangesh of the land owner died on 02.06.2016 leaving behind petitioner No.3 – Shital as a widow. In the circumstances, petitioner No.1 - land owner has applied for employment to his widowed daughter-in-law namely Shital, however, it was rejected by the respondent No.1 vide impugned communication dated 24.09.2022. The initial objection raised by the respondent is that as per R & R Policy 2012 of Coal India Limited, daughter-in-law / widowed daughter-in-law does not find a place in the term “family” as defined in Clause 4(b) of the policy. The said issue is no more *res*

*integra* in terms of several decisions of this Court. For instance, we may quote cases of ***Rama s/o Vithoba Bipte and another Vs. Western Coal Fields Limited, Nagpur and others*** in Writ Petition No.1373/2017 decided on 03.05.2019, ***Saibai Zinguji Ledange Vs. Western Coal Fields Ltd., (WCL), Nagpur and another*** in Writ Petition No.4205/2022 decided on 12.04.2023, ***Namdeo Balaji Gilbile Vs. Western Coal Fields Ltd., (WCL), Nagpur and another*** in Writ Petition No.4127/2023 decided on 08.09.2023 and in case of ***Sheela Dumdeo Ledange Vs. Western Coal Fields Ltd., and another*** in Writ Petition No.7692/2023 decided on 09.01.2024. This Court has consistently held that the widowed daughter-in-law can be considered as a family member and she is entitled to get employment. It is not possible for us to take a different view in the absence of valid reasons.

(4) The only point canvassed by the respondent is that in the above-referred cases besides the widowed daughter-in-law, there are no other legal heirs to the owner of the land and thus, in said peculiar facts, this Court has held 'widowed daughter-in-law' is eligible for employment. It is pointed out that the land owner - petitioner No.1 is having two married daughters and thus, they could be

nominated, for which, the respondent has no reservation. We have revisited Clause 4(b) of the R & R Policy, which speaks about a dependent daughter but does not refer to a married daughter residing elsewhere.

(5) Learned counsel for the respondent has updated that vide communication dated 16.11.2021, married daughter is also made eligible for employment. Be that as it may, in our view though the land owner has two daughters, however, it was unanimous decision of the family to grant employment to the widowed daughter-in-law. Anyhow the respondent has to give only one employment and obviously for the upliftment of the family it should be as per the choice of the land owner otherwise the whole purpose of the policy would be frustrated. Moreover, one married sister and the husband of another deceased married sister had given no objection to the employment of a widowed daughter-in-law and thus, that cannot be a reason for denial.

(6) In view of above, the petition is allowed. We hold that petitioner No.3 – widowed daughter-in-law namely ‘Shital Mangesh Besurwar’ is entitled for employment subject to complying

rest of the conditions of the R & R Policy 2012 framed by Coal India Limited. The said exercise shall be completed within two months from today.

(7) The petition stands disposed of in above terms.

[M.S. JAWALKAR, J.]

[VINAY JOSHI, J.]

*Prity*