

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1513 of 2017

Sunita Kumari Daughter of Kartik Singh resident of village Chakraju, P.S.
Kahalgaon, District Bhagalpur.

... .. Petitioner/s

Versus

1. The National Thermal Power Corporation Ltd., Kahalgaon
2. The Chief General Manager, N.T.P.C. Ltd. Kahalgaon, District Bhagalpur.
3. The General Manager, N.T.P.C. Ltd., Kahalgaon, Bhagalpur.
4. The Deputy General Manager Human Resources and Personal, N.T.P.C. Ltd., Kahalgaon, District Bhagal
5. The Assistant General Manager Human Resources and Personal, N.T.P.C. Ltd., Kahalgaon, District Bha

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.
For the Respondent/s : Mr.Tuhin Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-07-2025

Heard Learned Counsel for the petitioner and
Learned Counsel for the NTPC.

2. Counsel for the petitioner submits that the present writ application has been filed for quashing the letter dated 17.10.2016 passed by Senior Manager, Human Resources Reference No. KHS:092, (Annexure-11) whereby and whereunder the claim of the petitioner for appointment in the NTPC, Kahalgaon, Bhagalpur being a dependant of the land oustee has been rejected on erroneous consideration of law and facts.

3. Counsel further submits that in the year 1985-86, when several acres of land were being acquired for establishing Kahalgaon Super Thermal Power Project at Kahalgaon by NTPC. There was an agreement between NTPC and State of Bihar representing the land oustee with the



intervention of the then Chief Minister of Bihar on 15.02.1986.

4. Counsel further submits that a policy has been framed and as per the policy, only one job has to be provided to one member of the family. He further submits that a copy of the said policy is attached vide annexure-7 of the writ petition.

5. Counsel further submits that the petitioner comes within the said policy and it is due to this reason, the petitioner has moved earlier before this Hon'ble Court in C.W.J.C. No.18250 of 2013 in which vide order dated 27.07.2016, direction was made to file representation before the authority. He further submits that in the light of the observation made by this Hon'ble Court, representation was made on 16.08.2016, but when the said representation has been rejected vide order dated 17.10.2016, the petitioner has again moved before this Hon'ble Court. He further submits that the ground for rejection has been made that under the said policy, the married daughter does not come within the said category. He further submits that the definition of family has been indicated in paragraph 5 of the said policy in which married daughter comes well within the purview of the same. He further submits that since it is a policy matter, therefore, the policy agreement which has been prepared during the acquisition of the land, NTPC is bound to follow the same.



6. Learned Counsel for the NTPC submits that the petitioner's case is not maintainable due to the reason that the petitioner is a married lady living happy conjugal life with her husband whereas under definition of Clause 5 of the said Policy, the married daughter is entitled for the said benefit only when she is divorced by her husband till such time they do not re-marry. In addition to that the married daughter was also covered when she was dependent on the parents because of death of her husband and no other children in existence.

7. Counsel further submits that in the entire representation, no such situation has occurred against the petitioner. As such, the petitioner is not entitled for any relief.

8. In the light of the submissions made, it transpires to this Court that every party must have to respect the said agreement, which has been promulgated and maintained and implementation of the said policy with regard to employment has been prepared on 17.02.1986. It transpires that the definition of family has been well defined vide Clause 5 of the said policy which states as follows:-

5. The family of land oustees has also been defined to include self, wife, son, dependent unmarried daughters. In case where married daughters who are also dependent on the parents because of the husband having died and no



other children in existence on whom they can depend or because of the married daughter having divorced by her husband till such time they do not remarry will be covered.

9. Upon perusal of the said policy, it transpires to this Court that under the category of family, the status of married daughter is also there, but only in 2 situation. Firstly, when the married daughters who are also dependent on parents because of husband having died and no children in existence and secondly, because of married daughter having divorced by her husband till such time they do not remarry.

10. In this view of the matter, this Court finds that the petitioner is not covered under any of the category as mentioned in Clause 5 of the said Policy, and hence, this Court is not inclined to grant any relief to the petitioner.

11. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

