

18.03.2025

Item no.DL13
Court No. 23

Asraf, A.R.(Ct.)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Case No. **WPA 29532 of 2024**

DEBASISH CHATTERJEE

....Writ Petitioner

VS.

UNION OF INDIA & ORS.

....Respondents

For the Writ Petitioner :

Mr. Saptangshu Basu, Senior Advocate
Mr. Suddhasatya Banerjee
Ms. Akanksha Mukherjee
Mr. Kaushik Choudhury

....Advocates

For the Respondents / ECL :

Mr. Tushar Sinha Mahapatra
Mr. Pranab Kumar Das

....Advocates

For the Respondents / UoI :

Mr. Rudrajyoti Bhattacharya
Mr. Pradyut Saha

....Advocates

Affidavit of service filed in Court today is taken on record.

The petitioner's land measuring about 2.0891 acres has been purchased by the Eastern Coalfields Limited (in short, 'ECL') against which employment was to be provided under a scheme. There has been a recommendation for providing employment to the petitioner on 2nd September, 2024. The petitioner says that nothing has happened after the

recommendation has been made. The petitioner also says that he is aged about 39 years and if there is delay for providing him employment then he will be deprived of the benefits of services for the period of delay thereby leaving him with less number of years of service. This Court, therefore, should direct ECL to provide employment to the petitioner.

At the initial stage when the matter was taken up on behalf of ECL, it was submitted that there are about 250 persons, whose land has been acquired under the Scheme for providing employment in lieu thereof. There is a procedure which is being followed for providing employment. The petitioner's name is under consideration and it will take some time to provide employment.

In this background, a report in the form of an affidavit was filed by ECL. On a perusal of the said report, it does not appear that there is any dispute regarding the petitioner's land which has been purchased by ECL against the promise to provide job. The petitioner has also taken an exception to this.

After hearing the parties and considering the materials on record, I find that ECL has not been able to show any cogent reason as to why the petitioner has not been given the job till yet. The only ground which is cited that there are several persons whose lands have also been acquired with the promise to

give jobs are also waiting. In course of taking steps to provide the job, certain disputes have surfaced. At this stage, since there is no dispute in respect of the petitioner's land and this fact having been brought to the notice of this Court, one should not take into account the disputes in respect of land belonging to others. The transaction between the petitioner and ECL is that of a willing buyer and willing seller. The respondents, prior to the purchase, should have checked about the discrepancies, if any. The purchaser (ECL) cannot after having purchased the immovable property exercising due diligence and a marketable title having been made out by the petitioner, the respondents are estopped from claiming the land to be disputed. However, no dispute as to the petitioner's land has been demonstrated before this Court.

In the aforesaid facts and circumstances, I direct ECL (respondent no.5) and its offices being the Respondent nos.3, 4, 6, 7, 8, 9 and 10 to take immediate steps so that the petitioner is offered appointment by 30th April, 2025 and the petitioner can join the services at the beginning of May, 2025.

Nothing further remains to be adjudicated in this writ petition.

The writ petition is accordingly **disposed of**.

The parties are directed to act upon the server copy of this order duly downloaded from the official website of this High Court without insisting upon production of a certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)