



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

WRIT PETITION NO.1748/2025

Shrawan Namdeo Paspute and Ors. .Vs. Western Coalfields Ltd., Ballarpur Area,
Rajura, Dist. Chandrapur and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K. P Mahalle with Mr. D. Chatap, Advocate for petitioners.
Mr. C. S. Samudra, Advocate for respondent Nos. 1 and 2.
Mr. P. P. Kothari, Advocate for respondent No.3.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATE : DECEMBER 11, 2025.

Heard.

2. The petitioners approached this Court as their request to give employment to petitioner Nos. 2 and 4 in terms of rehabilitation and resettlement policy of 2012 published by Coal India Ltd. has been rejected. There is no dispute that respondent Nos. 1 and 2 are bound by this policy.

3. The petitioners' land has been acquired by respondent Nos.1 and 2 for mining purpose. The policy provides for employment to the land owner or his nominee in addition to compensation for the land. Respondent Nos.1 and 2 have paid compensation to the petitioners. So far as employment is concerned, names of petitioner Nos.1 and 4 were shown as owners in the revenue record at the relevant time i.e. in the year 29.01.2015. Petitioner No.1 has nominated his son (petitioner No.2) for employment whereas petitioner No.4 himself was owner.

4. Counsel for respondent Nos.1 and 2 submits that the reason why the employment is not provided is the dispute pending

between respondent No.3 and petitioners. The respondent No.3 is sister of petitioner Nos. 1 and 3. She filed a suit being Regular Civil Suit No.61/2023, for declaration, partition and separate possession. Respondent Nos.1 and 2 are also party to the suit in which prayer No.6 is to restrain defendant No. 17 therein (respondent No.1 herein) to not pay defendant Nos. 2, 6 and 7 therein (petitioner Nos. 1, 2 and 4 herein), the compensation amount and to not provide employment to them pending suit. Respondent No.3 filed application for temporary injunction in this regard. The said application came to be rejected on 25.04.2025. The same has been not challenged and, therefore, has attained finality. Further, compensation of land is already paid to the petitioners. Nonetheless, the question whether respondent No.3 is entitled for declaration, partition and separate possession, is still pending before the Trial Court.

5. In context with above, our attention is invited by petitioners' counsel to judgment dated 27.04.2023, passed by Division Bench of this Court in **Mirabai Namdeo Gaurkar and anr. Vs. Western Coalfields Ltd. and anr. [Writ Petition No.1795/2022]**, where, in the identical facts, the Court observed thus:

“5. We do not appreciate the attitude and approach of the WCL, and which we have noticed in matters more than one. It is an admitted position that as on the date of the issuance of the Notification under Section 9 of the Act, and which is the relevant date, the name of Mrs. Mirabai Gaurkar is recorded as the owner of the subject land and as a fact, WCL has paid the monetary compensation to Mrs. Mirabai Gaurkar. The Rehabilitation Policy entitles the land owner to, apart from the monetary compensation, employment. WCL, in our considered view, could not have refused to consider the claim of Mrs. Mirabai Gaurkar on the specious ground that her title to the subject land is under cloud in view of the pendency of the Regular Civil Suit 172/2016.

6. We have considered a similar situation in Writ Petition 1123/2022 and we may extract the relevant observations therein.

“5. It is not in dispute that in the revenue record, names of petitioners 1 to 4 are shown as the owners of the agriculture land acquired, as on the date of the publication of Section 9 notification which is ordinarily treated as the relevant and cut off date by the acquiring body for the purpose of benefits under the Policy.

6. We see no reason why the nominees of the petitioners whose names are reflected in the revenue record as the owners of the land acquired, as on the date of the publication of Section 9 notification, should be denied employment only on the ground that there is a challenge to their title. The title dispute may take years and indeed decades. It would neither be in the interest of the petitioners nor WCL nor respondent 2 to keep the vacancy in limbo only on the ground of pendency of the title dispute.

7. We are conscious of the fact that if respondent 3 succeeds in the title dispute, he may as well lodge claim for employment. We therefore, sought an undertaking from the petitioners which is duly filed. We may extract the relevant portion of the said undertaking.

“2. It is submitted that the petitioners have already made prayer in the petition that the respondents 1 & 2 to accept the nomination form, affidavit and complete other formalities as per Rules for the purpose of employment to petitioners 4 to 7 subject to decision of this petition or subject to the final decision of aforementioned RCS no. 117/2015. The petitioners reserve their rights to avail/prefer statutory remedies as per law. The petitioners who are desirous of employment hereby reiterating and giving undertaking that their appointments can be made subject to final outcome of the aforesaid Regular Civil Suit. Other petitioners have no objection for the same. In the event if it is held that the petitioners are not eligible or they have no share in the suit property or any other person are entitled for the employment in place of the present petitioners, in view of acquisition

of land in question, in that event the petitioners shall waive their right of employment and will discontinue the employment upon final decision of aforesaid RCSNo. 117/2015 that may be reached to its finality as per law. The petitioners shall not claim any equity or, any permanency or a like service benefits if the petitioners are appointed provisionally subject to final decision of aforesaid RCS No. 117/2015 that may be reached to its finality as per law.”

They further undertake to follow the directions and conditions which may be imposed by this Hon’ble Court. The petitioners are ready to abide by any condition as this Hon’ble Court may deem fit and proper, in the interest of justice.

8. In addition to the undertaking, we direct that if the civil court rejects the claim of the petitioners as the exclusive owners of the property or put it differently, acknowledges the title of the respondent 3 either as an absolute owner or as co-owner, the petitioners 5 to 7, who may be provided employment under the interim order, shall not claim any equity and shall leave the post on the day on which the verdict is pronounced.”

Thus, the Division Bench, taking pragmatic approach, considered the fact that the civil litigation may consume substantial time and accordingly directed the Western Coalfields Ltd. to process the proposal and give employment upon furnishing appropriate undertaking.

7. We do not find any reason to not follow the similar course. Accordingly and for the reasons set out in the aforesaid judgment, we allow the petition in the following terms.

(i) We direct respondent Nos.1 and 2 to process the proposal of petitioner Nos.2 and 4 and to issue appointment order, unless there is any other impediment. This exercise shall be carried out within eight weeks from today.

(ii) We clarify that the proposal shall not be rejected on the ground of pendency of civil suit.

(iii) We further direct petitioner Nos.2 and 4 to file undertaking before respondent Nos.1 and 2 that the appointment shall be subject to final result in Civil Suit and in the event it is held that petitioners were not owners of the said land and/or some other persons is entitled to employment, the petitioners shall not claim any benefit on the principle of equity.

(iv) The undertaking shall specify that the employment, which may be granted to petitioner Nos.2 and 4, shall be treated as provisional and contingent upon the outcome of pending civil suit.

(v) The parties shall render necessary assistance to the Civil Court for expeditious disposal of the suit.

The writ petition is disposed of in the above terms.
No order as to costs.

(JUDGE)

(JUDGE)