



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

WRIT PETITION NO.6049/2023

Smt. Kusum Namdeo Khade Vs. Coal India Ltd. 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. R. S. Akbani, Advocate for Petitioner.

Mr. C. S. Samudra, Advocate for Respondents.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 11/03/2025.

Heard.

2. Once, it is not disputed that in the Rehabilitation and Resettlement (R & R) Policy, 2012 of the respondents, the grand son is included in the definition of 'Family' to whom the benefit under the said policy can be extended, we fail to understand as to why the petitioner- grand daughter of original land owner from whom the land was acquired on October 17, 2014 can be held to be not a part of the family.

3. If we go by the stand taken by the respondents that in the definition of family even if it includes the grand-son as per the Circular dated February 13, 2023, the benefit cannot be extended to grand-daughter in view of absence of specific provisions to that effect viz. definition of 'Family'. Such bases can be termed as a gender bias approach on the part of the Government institution viz. the respondents.

4. We are fortified in our approach, in view of the observations in para 17 of the judgment delivered in Writ Petition No.5223/2021 [Namdeo s/o. Gangaram Dhawas and Anr. Vs. Western Coal Fields Ltd. and Ors.] decided on

July 11, 2024. Para 17 of the said judgment reads thus :

“17. Even assuming that policy of the year 2012 would apply, however, admittedly by way of circular dated 13.02.2023, grand-son has been included in the term “family” in the policy of the year 2012. There is no denial that by said circular, grand-son has been included in new policy. In said context, we see no justification to make discrimination only on the basis of gender to exclude grand-daughter. The respondent is unable to justify exclusion of grand-daughter when they themselves have included grand-son in the new policy. Therefore, we are of the considered view that merely on the basis of gender discrimination grand-daughter cannot be excluded. Moreover, as per inclusive definition of the term ‘family’ made in old policy, grand-daughter is also eligible.”

5. The aforesaid judgment in the matter of Namdeo s/o. Gangaram Dhawas and Anr. (*supra*) has already attained finality as the view expressed in the aforesaid judgment has been affirmed before the Hon’ble Apex Court whereby the S.L.P. preferred by the respondent employer is already dismissed.

6. In the aforesaid background, we are of the view that the decision taken by the respondents vide communication dated November 8, 2019 goes contrary to the R & R Policy and can be termed as a gender bias approach on the part of the respondents in implementing the R & R Policy of 2012. As such the said communication is hereby quashed and set aside.

7. We direct the respondents to grant employment to the petitioner under the R & R Policy of 2012.

8. The petition stands allowed in the above terms.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)