



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

WRIT PETITION NO. 318/2025

(SWAPNIL HARICHANDRA CHENDE **VERSUS** WESTERN COALFIELDS LTD. NAGPUR &
OTHERS)

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

Court's or Judge's order

Shri Kaustubh Bhise, Advocate with Shri A.A. Dhawas, counsel for the petitioner.

CORAM : ALOK ARADHE, CJ. AND NITIN W. SAMBRE, J.

DATE : FEBRUARY 24, 2025

P. C.

Heard the learned counsel for the petitioner.

2. The challenge in the present writ petition is to the communication dated November 18, 2024 whereby the respondents have refused to grant appointment to the petitioner under the Rehabilitation and Resettlement Policy (for short, 'R & R Policy').

3. It is the case of the petitioner that his great-grandfather was owner of land Survey Nos.18/1 and 18/2A which were subjected to acquisition. The said great-grandfather Maroti was blessed with son Nilkanth. Nilkanth was blessed with sons Harichandra, Ravindra and daughter Mala. Mala was married to Moreshwar. It is the case of the petitioner that since he is born to Harichandra and ancestor of original land owner Maroti, he is entitled for getting appointment under R & R Policies of 2008 and 2012. So as to substantiate the aforesaid contention, the counsel for the petitioner has invited our attention to the consent executed on October 16, 1991 by Maroti in favour of Harichandra, father of the petitioner, thereby sponsoring his candidature for grant of appointment.

4. The counsel for the petitioner would further urge that all other legal representatives of Maroti and his son Nilkanth have extended the consent for grant of appointment in favour of the petitioner. In this background, it is urged that since the employment can be granted to wife, son, daughter, grandson i.e. son's son, the petitioner can be said to be entitled for getting an appointment under the R & R Policy. The counsel for the petitioner has invited our attention to the order dated December 13, 2016 delivered by this Court in **Writ Petition No. 4532 of 2016** [*Mala Moreshwar Suple Versus Union of India & Others*] so as to claim that on earlier occasion, an attempt to secure the employment was refused on the ground that the petitioner therein being not fit for getting the employment.

It is claimed that a similar issue was considered by this Court in number of cases viz. **Writ Petition No.8207 of 2023** [*Anandrao Sitaram Besurwar & Others Versus Western Coalfields Ltd.& Others*] decided on June 27, 2024; **Writ Petition No. 4127 of 2023** [*Namdeo Balaji Gilbile Versus Western Coalfields Ltd. & Another*] decided on September 08, 2023 and **Writ Petition No. 756 of 2024** [*Ghanshyam Vishwanath Khade & Others Versus Western Coalfields Ltd. & Another*] decided on July 25, 2024.

5. In the aforesaid factual background and submissions canvassed, on February 17, 2025, we had called upon the counsel for the petitioner to demonstrate that the great-grandson of the original land owner, from whom the land was acquired, can be said to be the 'beneficiary' under the R & R Policies of 2008 and 2012.

6. Today, in response to the aforesaid query, the counsel for the petitioner has conceded the position that the R & R Policy does not support the candidature of great-grandson as the benefit under the R & R Policies of 2008 and 2012 is available only upto the level of grandson of the original land owner, from whom the land was acquired.

7. This prompts us to consider the other submission, viz. issue being covered by the judgments in *Anandrao Sitaram Besurwar & Others*, *Namdeo Balaji Gilbile* and *Ghanshyam Vishwanath Khade & Others* (supra). Before dealing with the said issue, we are required to be sensitive to the order in *Mala Moreshwar Suple* (supra), wherein the claim for grant of appointment made by the blood-relation of the petitioner out of very same acquisition proceedings came to be rejected. Therein, the petitioner being the grand-daughter of Maroti had initially claimed employment for her husband and later on for herself. In the said round of litigation, this Court having adjudicated the claim of the grand-daughter and her husband, rejected their claim.

Apart from above, what is required to be noted is that in all the aforesaid three cases referred above, the claim was not canvassed by the great-grandson of the original land owner. However, the same was by the direct blood-relation whose claims were rightly appreciated by this Court under the R & R Policy and granted the relief prayed.

8. From the factual matrix narrated hereinabove, the counsel for the petitioner is unable to demonstrate that the petitioner being the great-grandson of the original land owner is entitled for grant of employment under the R & R Policies of 2008 and 2012.

9. That being so, no case for causing interference in extraordinary writ jurisdiction is made out. The writ petition as such fails and stands dismissed. In the facts of the case, there shall be no order as to costs.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)

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