

(2004) 09 JH CK 0089
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5180 of 2004

Amit Ghosal

APPELLANT

Vs

Steel Authority of India Ltd. and Others

RESPONDENT

Date of Decision : 28-09-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 4 JCR 677

Hon'ble Judges : Tapan Sen, J

Bench : Single Bench

Advocate : Sanjay Kumar Dwivedi, for the Appellant; Rajiv Ranjan and Manjul Prasad, SC (LC), for the Respondent

Final Decision : Dismissed

Judgement

Tapan Sen, J.—Heard the parties.

2. We are once again faced with a demand from yet another job seeker" who places his claim as a displaced person and desires that he should " be placed in Category I in pursuance of judgments arising out of CWJC No. 2459 of 1995(R) and MJC. No. 139 of 1999(R).

3. A Division Bench of this Court of which the undersigned was a party had the occasion to deal with similar matters in LPA No. 264 of 2004 arising out of W.P. (S) No. 1628 of 2003 read with Contempt Case (Civil) No. 362 of 2004. The relevant portions of the said judgment are paragraph 25 as well as the observations of Hon"ble the Chief Justice. These are relevant for purposes of this case also. They are accordingly, quoted below :

"This Court takes judicial notice of the fact that the Bokaro Steel Plant was established for the growth of one of the Steel Industries of the nation. It was dedicated to the nation and it is a prestigious Steel Plant, was established in Public Sector. Land had to be acquired by the State under the provisions of the Land Acquisition Act for which the Government paid huge amounts of

compensation to the displaced persons and even went to the extent of providing employment in the manner described in this writ application. Therefore, the Government cannot be obliged to go on keeping alive the claim of every "Tom, Dick and Harry" for appointment nor can the Government or the Authority be called upon to answer a charge that they are playing "ducks, and drakes"

with the Orders of the High Court because the obligation of the State to ensure that, no citizen is deprived of his livelihood cannot be stretched to such an extent that they are obliged to provide employment to every member of each family displaced in consequence of acquisition of land. This Court draws inspiration, for the aforementioned proposition from the judgment of the Supreme Court of India passed in the case of Butu Prasad Kumbhar and Others Vs. Steel Authority of India Ltd. and Others, at 229 (para-6). Their Lordships of the Supreme Court, while dealing with the Rourkella Steel Plant and while taking the aforementioned view have gone to the extent of saying that even if the Government or the Steel Plant would not have offered any employment to any person, it would not have resulted in violation of any fundamental right. On the contrary, their Lordships have said that acceptance of demand for employment would run counter to Article 14 of the Constitution of India. This Court is constrained to observe that Bokaro Steel Plant was dedicated to the nation and not to the District of Bokaro only. It is a prestigious Plant of the country and repeated claims for appointment based on compassion must now be deprecated thoroughly and completely. Such considerations have deprived the Management of the opportunity to appoint people through open advertisement from across the country and because of Judicial Orders, they have been prevented from making such appointments and even today, claim after claim is being put forth demanding the benefits of displacement notwithstanding they having received substantial amounts of compensation. This must stop now. The Government cannot be said to be at fault and any such claim made before the Management should be frowned upon as bringing illegal pressure on the Government amounting to upsetting constitutional safeguards of Public Sector Undertakings to get and appoint the best of hands through open advertisements from all over the country-. Consequently, this Court has no option but to hold that the writ petition is totally devoid of merit and accordingly proceeds to dismiss writ petition Service No. 1628 of 2003 filed by the 20 persons claiming appointment.

P.K. Balasubramanyan, C.J.-I fully agree with the reasoning and conclusion of my learned brother and fully agree with his decision. I wish to add " that if such offers of appointment are made while acquiring land for a project due to local conditions, extreme care should be taken to keep it within bounds. This form of recruitment is against the Constitutional scheme of appointment and the rule of equal opportunity. During the hearing we were informed that only 6,000 posts on land losers head was available, but already about 15,000 have been employed under that head. This is certainly impermissible. It is submitted that it was due to external pressures and orders of Court that this happened. This only indicates that Courts should be cautious in making observations and directions and should

not lose sight of the scope and limited ambit of the scheme. Nor can the Government or the authorities be complied to succumb to outside and improper pressures. The figure given also gives a warning that such schemes should not be introduced without appropriate thought and without imposing strict limitations on it. The observations of the Supreme Court in the Judgment quoted by my learned brother should always be kept in mind."

4. The observations quoted above are fully covered by the ratio of the judgment delivered by the Division Bench as aforesaid. There is no merit in this writ petition.

5. Consequently, this writ petition is dismissed. In the facts and circumstances, there shall however be no order as to costs.