

(2013) 10 CHH CK 0041
In the Chhattisgarh High Court
Case No : W.P. (C) No. 7120 of 2008

Anwar Alam Siddhiqui and Others

APPELLANT

Vs

South Eastern Coalfields Ltd. and Others

RESPONDENT

Date of Decision : 30-10-2013

Acts Referred:

Citation : (2014) LabIC 838

Hon'ble Judges : Pritinker Diwaker, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Pritinker Diwaker, J.—Challenge in this petition is to the order dated 22/24.04.2008 passed by respondent No. 2 rejecting the claim of petitioner No. 1 for his appointment in lieu of the acquisition of land of his mother-in-law i.e. petitioner No. 2, by the SECL. Facts of the case in brief are that petitioner No. 1 is the son-in-law of petitioner No. 2 and brother-in-law (Jija) of petitioner No. 3. Sometime in the year 1989 the land of petitioner No. 2 was acquired by respondent No. 4 for the SECL and due compensation was also given to her. According to the case of the petitioners, once the land of petitioner No. 2 was acquired as per the scheme of SECL (Annexure - P-1), appointment ought to have been given to petitioner No. 1 in lieu of such acquisition. While referring to Annexure - P-2, further claim has been put forth by the petitioners that petitioner No. 1 being dependent on petitioner No. 2 is entitled for appointment. While praying for appointment, counsel for the petitioners submits as under:--

- (i) That, as per Annexures P-1 & P-2, petitioner No. 1 is entitled for appointment.
- (ii) That, in the SECL, number of son-in-laws have been given appointment as is being claimed by the petitioner No. 1 which is apparent from Annexures P-7 to P-12.
- (iii) That in the earlier round of litigation, directions were issued by this Court in W.P. No. 1009/2006 to the SECL to consider the case of the petitioner but the

same has not been considered in true spirit of the order passed by this Court and the impugned order Annexure - P-14 has been issued in a mechanical manner and with adamant approach.

(iv) That, petitioner Nos. 2 & 3 i.e. mother-in-law and brother-in-law of petitioner No. 1 have already given their consent in favour of petitioner No. 1 and therefore, there is no legal impediment for the SECL to consider the claim of petitioner No. 1 for appointment.

(v) That, while rejecting the claim of petitioner No. 1 the point of limitation has been considered by the SECL, though there is no limitation prescribed under the law for seeking appointment.

(vi) That, in the impugned order it has been mentioned by the Authorities that it is petitioner No. 2 - mother-in-law who is dependent on her son-in-law i.e. petitioner No. 1 whereas as per the policy, only the dependent is entitled for appointment and that being so it is the petitioner No. 2 who is dependent on petitioner No. 1. Such ambiguity in this respect needs enquiry being conducted in the matter.

2. Counsel for the respondents submit that son-in-law of the person whose land has been subjected to acquisition is not entitled for appointment. They further submit that document Annexure P-1 is the policy of 1991 whereas land of petitioner No. 2 has been acquired in the year 1989. Moreover, even in this document son-in-law has not been covered for being given appointment. They submit that Annexure P-2 is in relation to social security which is applicable in the case of compassionate appointment for the death of employee. They submit that even as per Clause 9.3.1 of Annexure P-2 petitioner No. 1 is not entitled for any appointment in lieu of acquisition of land of petitioner No. 2. They submit that the order passed by this Court on 19.02.2008 was duly considered by SECL while passing the impugned order dated 22/24.04.2008 and as petitioner No. 1 is not entitled for any appointment, his claim has rightly been rejected. They submit that petitioner No. 1 is not dependent on petitioner No. 2 and as per own saying of petitioner No. 1, petitioner No. 2 is dependent on him and thus on this count also petitioner No. 1 is not entitled for any appointment. They submit that petitioner No. 1 has claimed appointment after expiry of 13 years and on this count also petitioner No. 1 is not entitled for any appointment. They submit that land of petitioner No. 2 was acquired in the year 1989 whereas marriage of petitioner No. 1 was solemnized with the daughter of petitioner No. 2 in the year 2000 and therefore also he is not entitled for any appointment in lieu of acquisition of land of petitioner No. 2.

3. Having thus minutely seen the documents filed by both the parties, it becomes crystal clear that it is nowhere provided therein that the son-in-law of the person whose land has been acquired, is entitled for getting appointment in lieu thereof. Secondly, the claim for appointment was made 13 years after the acquisition of land of petitioner No. 2 and therefore on the ground of delay also petitioner No. 1

cannot claim appointment after such a considerable period. This apart, the land of petitioner No. 2 was acquired in the year 1991 whereas petitioner No. 1 married her daughter in the year 2000, by no stretch of imagination he can claim for any appointment for acquisition of the land of petitioner No. 2 having been acquired by respondent No. 4 for SECL even assuming the son-in-law being entitled for the said purpose. In view of the aforesaid discussion of facts in the light of the documents attached by both the parties, this Court is of the considered opinion that there is no illegality in the impugned order rejecting the claim of petitioner No. 1 for getting appointment in lieu of acquisition of petitioner No. 2's land and therefore no interference is required therein. The petition thus is absolutely devoid of any substance and liable to be dismissed. It is accordingly dismissed.