

(2019) 12 CHH CK 0026
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 3559 Of 2011

Ishwarilal Sahu And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 20-12-2019

Acts Referred:

Citation : (2019) 12 CHH CK 0026

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Vaibhav A. Goverdhan, Ravi Kumar Bhagat, Vaibhav Shukla

Final Decision : Disposed Of

Judgement

1. The land belonging to the petitioners' grand-father bearing Khasra Nos.603/2 and 603/6, ad-measuring total area of 0.144 hectare, situated at Village Lat, Tahsil Dharamjaigarh, District Raigarh, was subjected to acquisition by the State Government for the purpose of South Eastern Coalfields Limited (SECL). The petitioners claiming themselves to be the land oustees, claimed employment in addition to compensation which was not adverted to leading to filing of W.P. (S)No.2531/2011 in which this Court directed respondents No.3 and 4 therein to consider the application of the petitioners for grant of employment in accordance with the rehabilitation policy and the award and which was in turn, considered by the In-charge Officer (Land Revenue), SECL, Raigarh Area and it was rejected by the impugned order dated 1-6-2011 which has been questioned in this writ petition.

2. Mr. Vaibhav A. Goverdhan, learned counsel appearing for the petitioners, would submit that neither the rehabilitation policy applicable has been considered nor any other facts have been considered and in a most casual and perfunctory manner, the application has been rejected which deserves to be set aside, as the petitioners are fully entitled for employment in terms of the rehabilitation policy of 2007.

3. Mr. Vaibhav Shukla, learned counsel appearing for SECL, would dispute and submit that brother of the petitioners namely, Vinod has already been given employment, as such, the petitioners are not entitled for employment.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the material available on record with utmost circumspection.

5. This Court directed to consider the application of the petitioners for employment in accordance with the rehabilitation policy and the award and to take decision expeditiously. The said direction was issued to respondents No.3 and 4 therein i.e. the Chairman-cum- Managing Director, SECL and General Manager, SECL, respectively, whereas a careful perusal of the impugned order dated 1-6-2011 would show that the said impugned order was passed by the In-charge Officer (Land Revenue), SECL, Raigarh Area, it was not passed either by the General Manager or by the Chairman- cum-Managing Director as directed by this Court in the order dated 12-5-2011 in W.P.(S)No.2531/2011. The impugned order only states that a tripartite agreement has been entered into between the villagers, the SECL Management and the District Administration regarding acquisition of land of the villagers and employment, as such, the petitioners were directed to submit consent and that will be considered. In fact, by the impugned order, case of the petitioners was not considered in its letter and spirit, it is a total case of non-consideration and non-application of mind, neither the petitioners' entitlement nor the points raised therein were considered by the In-charge Officer. Therefore, the impugned order is hereby quashed and the Chairman-cum-Managing Director, SECL / an officer not below the rank of Director shall consider the case of the petitioners as directed by this Court on 12-5-2011 in W.P.(S)No.2531/2011 in accordance with the rules and regulations as per the applicable rehabilitation policy and pass order afresh within 45 days from the date of receipt of a copy of this order. The petitioners will be allowed to make representation before that authority.

6. It is made clear that this Court has not expressed any opinion on the merits of the matter.

7. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).