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HIGH COURT OF CHHATTISGARH AT BILASPUR**Judgment Reserved On: 26.11.2025****Judgment Pronounced On: 27.01.2026****WPC No. 6013 of 2024**

Ishwarilal Sahu S/o Shri Varun Singh Sahu, Aged About 41 Years R/o Village Lat, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

--- Petitioner(s)p**versus**

1 - State Of Chhattisgarh (Through Director Personnel) Registered Office- Post Box No. 60, Bilaspur Chhattisgarh, District : Raipur, Chhattisgarh

2 - South Eastern Coalfields Limited (Through Director Personnel) Registered Office- Post Box No. 60, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

3 - General Manager, South Eastern Coalfields Limited, Raigarh Area, Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

4 - Sub Divisional Officer (Revenue) Dharamjaigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

5 - Collector, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

--- Respondent(s)

For Petitioner(s) : Ms. Nupur Trivedi, through VC, Counsel for the petitioner.

For State : Ms. Sunita Manikpuri, Dy. G.A.

For Respondent No. : Mr. Vivek Ranjan Tiwari, Sr. Advocate along with 2 and 3 Mr. Vaibhav Shukla, Mr. Himanshu Yadu and Mr.

: Sudhir Bajpai, Advocate

WPC No. 6020 of 2024

Bhawanilal Sahu S/o Shri Varun Singh Sahu Aged About 43 Years R/o Village - Lat, Tahsil - Dharamjaigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh (Through Director-Personnel), Registered Office- Post Box No. 60, Bilaspur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - South Eastern Coalfields Limited (Through Director-Personnel), Registered Office- Post Box No. 60, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

3 - General Manager South Eastern Coalfields Limited, Raigarh Area, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

4 - Sub-Divisional Officer (Revenue) Dharamjaigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

5 - Collector District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

--- Respondent(s)

For Petitioner(s) : Ms. Nupur Trivedi, Advocate

For State : Ms. Sunita Manikpuri, Dy. G.A.

For Respondent No. : Mr. Vivek Ranjan Tiwari, Sr. Advocate along with 2 and 3
: Mr. Vaibhav Shukla, Mr. Himanshu Yadu and Mr. Sudhir Bajpai, Advocate

WPC No. 6012 of 2024

Ishwarlal Sahu S/o Shri Chhotelal Sahu Aged About 29 Years Occupation Unemployed , Qualification Bachelor In Arts And Iti In Electrical Trade, R/o Village Lat, Post Chandrashekhpur , Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

- 1** - The State Of Chhattisgarh Through The Secretary, Ministry Of Coal , New Delhi.
- 2** - Union Of India Through The Secretary, Ministry Of Coal , New Delhi.
- 3** - South Eastern Coalfields Limited Chairman Cum Managing Director, Seepat Road, Bilaspur Chhattisgarh.
- 4** - The Director (Personnel) South Eastern Coalfields Limited , Seepat Road , Bilaspur Chhattisgarh.
- 5** - General Manager South Eastern Coalfields Limited , Raigarh Area, Raigarh , District Raigarh Chhattisgarh.
- 6** - The Collector District Raigarh Chhattisgarh.
- 7** - The Sub Divisional Officer (Rev.) Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

--- Respondent(s)

For Petitioner(s)	:	Mr. A.N. Bhakta along with Mr. Vivek Bhakta, Counsel for the petitioner.
For State	:	Ms. Sunita Manikpuri, Dy. G.A.
For Union	:	Mr. Vivekanand Samaddar on behalf of Mr. Tushar Dhar Diwan, CGC
For Respondent No. 3 to 5	:	Mr. Vivek Ranjan Tiwari, Sr. Advocate along with Mr. Vaibhav Shukla, Mr. Himanshu Yadu and Mr. Sudhir Bajpai, Advocate

Hon'ble Shri Justice Arvind Kumar Verma

C A V Judgment

1. Since these petitions are being preferred against the common order dated 06.01.2020 issued by the SECL, they have been heard together and are being decided by this common judgment.
2. In WPC No. 6013 of 2024, the petitioner has prayed for the

following relief(s):

- 10.1 *This Hon'ble Court may kindly be pleased to issue an appropriate writ and quash the communication/order dated 06.01.2020 issued by SECL; and*
- 10.2 *This Hon'ble Court may kindly be pleased to issue an appropriate writ and direct the SECL to grant suitable employment to petitioner; and*
- 10.3 *This Hon'ble Court may kindly be pleased to issue an appropriate writ and direct the SECL to adequately compensate the petitioner for delay in grant of employment; and/or*
- 10.4 *This Hon'ble Court may be pleased to pass any other order in favor of petitioner as it may deem fit and proper under the facts and circumstances of the case with cost.*

3. In WPC No. 6020 of 2024, the petitioner has prayed for the following relief(s):

- 10.1 *This Hon'ble Court may kindly be pleased to issue an appropriate writ and quash the communication/order dated 06.01.2020 issued by SECL; and*
- 10.2 *This Hon'ble Court may kindly be pleased to issue an appropriate writ and direct the SECL to grant suitable employment to petitioner or provide an equally effective alternate source of livelihood; and*
- 10.3 *This Hon'ble Court may kindly be pleased to issue an appropriate writ and direct the SECL to adequately compensate the petitioner as provided in law/policy and also, for delay in grant of employment; and/or*
- 10.4 *This Hon'ble Court may be pleased to pass any other order in favor of petitioner as it may deem fit and proper under the facts and circumstances of the case with cost.*

4. In WPC No. 6012 of 2024, the petitioner has prayed for the

following relief(s):

10.1 That the Hon'ble Court may kindly be pleased to call for the entire records of the case from the authorities concerned for its kind perusal.

10.2 That the Hon'ble High Court may kindly be pleased to quash the criteria imposed in order dated 06.01.2020 (paragraph 5), even otherwise irrespective of fact that, if petitioner's acquired land is less than 02 acres of land, he is entitled for employment, as per Chhattisgarh ideal rehabilitation policy 2007 instead of guidelines of SECL, and Respondent authority (SECL) further be directed to reconsider the case of petitioner for providing employment, in the interest of justice.

10.3 This Hon'ble Court may kindly be pleased to issue an appropriate writ and direct the SECL to adequately compensate the petitioner for delay in grant of employment.

10.4 Any other relief, which this Hon'ble High Court deems fit and proper be also awarded.

5. The brief facts of the case are that the petitioners- Ishwarlal Sahu is the co-sharer in the property bearing Khasra No. 603/6 admeasuring 0.048 hectare, petitioner- Bhawanilal Sahu and Ishawarilal Sahu is the co-sharers in the property bearing Khasra No. 603/2 admeasuring 0.048 hectare, petitioner- hectare situated in village Lat, Tahsil Dharamjaigarh, District - Raigarh, Chhattisgarh, along with his father and brother. Need to highlight that grandfather of Petitioner, Bhagirathi, S/o. Balak Ram, also,

holds ancestral property bearing Khasra No. 603/1, admeasuring 0.050 hectare, which is situated at the location as has been detailed hereinabove. Copy of the relevant land record is collectively filed as ANNEXURE P-2. On 14.09.2009, the Sub Divisional Officer (Rev.), Dharamjaigarh, issued an advertisement and invited objections from stakeholders on the application preferred by SECL for grant of surface right over private land, admeasuring 138.088 hectares in village Lat. Need to state that the land belonging to petitioner was part of the said proposal. Thereafter, proceedings for grant of said land to SECL was initiated upon an agreement / understanding between the stakeholders that, amongst other rehabilitation measures, employment would be provided to all affected families / land owners. The said proceedings were concluded vide award dated 05.11.2009, upon which subject land, including that of petitioner's was acquired. Copy of the record concerning the proceedings for grant of subject land to SECL, along with the award dated 05.11.2009 is collectively filed herewith as ANNEXURE P-3. Upon the said acquisition, as was agreed between the stakeholders and in pursuance to the applicable law, petitioner duly made an application to SECL for grant of employment. Copy of the application preferred by Petitioner before SECL along with the connected record is collectively annexed as ANNEXURE P-4. Despite the said application, which was religiously followed up by the petitioner with the concerned authorities of SECL, no

response was forthcoming from the SECL. Disheartened petitioner was compelled to prefer a case before this Hon'ble Court, wherein, this Hon'ble Court noted that claim of Petitioner seems genuine, hence, directed SECL to consider the claim of Petitioner. Despite the said order, SECL on a frivolous pretext attempted to thwart the claim of Petitioner. Copy of the order dated 12.05.2011, passed in WPS No. 2531/2011 along with the letter dated 01.06.2011 issued by SECL, is collectively filed as ANNEXURE P-5. Again upon the malicious / illegal attempt of SECL to deny the rightful claim of employment to petitioner, the petitioner was compelled to agitate his grievance before this Hon'ble Court, wherein, the Hon'ble Court directed the SECL on a stern note to consider the case of petitioner as per the applicable law /policy. In response to the said order, the impugned order has been passed by SECL, wherein, the rightful claim of petitioner has been illegally denied. Copy of the order Dated 20.12.2019 passed in WPS No. 3559/2011, is annexed herewith as ANNEXURE P-6.

6. Learned counsels for the petitioners submits that imposition of condition & criteria in paragraph 5 of the impugned order Annexure P-1 Dtd. 06.01.2020 that the petitioner should have possessed at least: 02.00 acres of land as per SECL guidelines, is against the facts, evidences, materials available on record, same is liable to be set-aside, holding that it is contrary to the government rehabilitation policy, which cannot override the government's policy and petitioner is entitled for employment as

per the Government's Rehabilitation Policy, being an effected family member of the land acquisition. The respondent authority (SECL) has wrongly misinterpreted and defined the definition of "Displaced person & displaced family" under the Ideal Rehabilitation Policy of the State of Chhattisgarh, 2007 contained in Section 2(C)(D) & (E) and petitioner is constrained to file Revenue records of land for more than 02 acres as per guidelines of SECL, which is not applicable in the present case and petitioner is entitled for employment. Copy of the Chhattisgarh resettlement and rehabilitation policy 2007 and resettlement and rehabilitation policy framed by Coal India Limited. The Respondent authority (SECL) has committed gross illegality in understanding the observation made in the award passed by the Sub Divisional Officer (Rev.) in Land Acquisition Case No. 2A-67/2009-10, Dated 05.11.2009. The Respondent authority (SECL) also failed to consider the case of the petitioner, as directed by the Hon'ble High Court passed on 12.05.2011 in WPS No. 2531/2011, that Respondent authorities are oblige to consider the representation / application of the petitioner for grant of employment under the Rehabilitation Policy as also the award. The Respondent authority (SECL) also failed to appreciate the representation made by the Petitioner on 03.01.2020 in compliance of the order dated 20.12.2019, passed in WPS No. 3559/2011. The Hon'ble High Court was pleased to issue a direction that the application of petitioner be decided in accordance with the rules and regulations

applicable in Rehabilitation policy but instead of considering the case of petitioner as per Government rehabilitation policy, Respondent authorities imposed extra condition and criteria to produce the records of more than 02 acres of land, which is not applicable in the present case, same is arbitrary and contrary to the law & rules of the rehabilitation policy, which liable to be set-aside and case of the petitioner kindly be considered as per rehabilitation policy of the government, even, if petitioner is having less than 02 acres of land. So far as agreement and consent proposal dated 07.08.2009 is concerned, which is a fraudulent document prepared by the concerned SECL authority, as it is not pertaining to employment in the SECL as per Land Acquisition by SECL. It is apposite to mention here that aforesaid agreement / proposal has not been signed by the Petitioner or his father (Chhotelal Sahu) and on bare perusal of the aforesaid document, it is crystal clear that it was related to call of strike in the SECL and misinterpreted by the SECL authorities, which cannot be a ground to reject the claim of petitioner for employment. So far as the land possessed by Bhagirathi (Grandfather of petitioner is concerned) bearing Kh No. 603, rakba 0.29 Hectare is concerned, which was hold by Bhagirathi prior to 1985 till the issuance of notification for land acquisition dated 14.09.2009 is concerned, therefore petitioner is also entitled for employment, as the grandfather of the petitioner died in on 26.07.2018. The Respondent authority (SECL) are trying to mislead the Court as

according to their own guidelines, the persons claiming employment should possess more than 02 acres of land. It is apposite to mention here that in the present notification for acquisition of land, the SECL authorities requested the Revenue authority to provide 138.088 hectares land (345.22Acrs/2=172.61) and the letter dated 30.01.2020 reflect that about 192 persons have been provided employment on account of land acquisition. It is therefore crystal clear that maximum employment can be provided 173 persons, hence it may be assumed that less than 02 acres of land holders also provided the employment in SECL. The Honble High court of Chhattisgarh already held in the matter of Ku. Ratth bai and others v south eastern coal field Ltd. reported in 2015(5) C.G.L.J.70 that in case of land acquisition Rehabilitation Policy issue by state government would prevail upon the policy of the SECL in view of the above verdict of the Hon'ble High Court petitioners are entitled for the employment.

7. Learned counsel for the State submits that the instant petition is a second round of litigation preferred by the petitioner seeking employment from respondent/ SECL on account of acquisition of his land. In the first round of litigation the petitioner preferred a writ petition being WPS No. 2531/2011 before the Hon'ble Court which was disposed off vide order dated 12.05.2011, wherein this Hon'ble Court after a detailed consideration fo the grievance espoused by the petitioners directed the Chief Managing Director, SECL and the General Manager, SECL to consider the

representation preferred by the petitioners for grant of employment in accordance with the re-habilitation policy and to take a decision expeditiously. The State is a formal party to the instant proceedings as the impugned order has been issued by the respondent/SECL.

8. Learned counsel for the respondent/SECL submits that the petitioner- Ishwarlal Sahu was minor on the date of taking over the surface right in the year 2009 his name was not recorded in any land records. His grandfather alongwith his father and his uncle processes and which has jointly recorded in the name of Baghirathi S/O Balakram, Barun Singh, Kartk Ram, Puniram, Ratan ram Chotelal S/o Bhaghirathi admeasuring 1.280 Hec. (3.16 Acre). Meeting of the affected land owner was convened under aegis of the state authority in presents of officer of SECL in which a consensuses statement was arrived on 7.08.2009 and on the said basis ultimately an order under Section 247 of CGLRC was passed on 05.11.2009. The original land owner i.e. Grandfather, father and uncle of the petitioner submitted an affidavit alongwith other villager is declaring and acceptances of settlement dated 07.08.2009. Thereafter, along with affidavit dated 09/07/2010, list of villagers who are entitled for employment was submitted by the villagers. The Copies of affidavit and settlement are filed herewith as Annexure R-3/1.
9. Subsequently, settlement was arrived on 15.09.2010 between the representative of management of SECL and villagers of Lat

village, in presence of Superintendent of Police, Dist.-Raigarh, Additional Collector, Dist.-Raigarh, and Sub-Divisional Officer, Dharamjaigarh, wherein inter-alia it was stated that 1(one) employment for 2(two) acres of land, for the direct dependent will be considered. The Copy of settlement is filed herewith as Annexure R-3/2. The land of which surface right was taken of Khasra No. 162,208,651 and 603 village- Lath recorded in the joint name of Grand father, father and uncle was 1.280 Hec. i.e. 3.16 Acre. As per the policy 1 (One) employment is to be given in 2 Acre and employment has been given to Vinod Kumar S/o Kartik Ram who is cousin brother of the petitioner this material facts has been withheld from the Honble Court by the petitioner purposefully therefore petitioner is disentitled for relief from the Hon'ble Court under the equitable discretionary jurisdiction. There is no separate individual, independent right of the petitioners. The right any emanate out of the right of the land owner whose name was recorded in the land records on the date of passing of award under section 247 of CGLRC. The land owner grandfather, father and uncle have accepted the settlement dated 07.08.2009 and also have taken benefit in terms of it, petitioner now can not content contrary to the agreement and settlement dated 07.08.2009 as accepted by his ancestors. The principal of estoppels operates against it. The petitioners were well aware of the fact that the remaining land of Lat village will be acquired by SECL, and thus khasra number 603 was divided in six parts with a

mala fide intention so that he gets more employments than he was actually eligible, which is unethical practice, and it should also be noted that if such practice is being followed then it will lead to creation of needless employments which will incur losses to the company, and as SECL being a public undertaking, it will ultimately be a loss to the public. Thus, the intention of the petitioner is wrong and it was done for taking undue advantage.

10. Learned counsel for the respondent/SECL further submits that on 07.08.2009, a meeting was held between SECL management and villagers in the presence of Thana Incharge, Chhal, Tehsil-Dharamjaigarh an eleven point consent letter (Sehmati Prastav) (enclosed as Annexure E) was agreed upon, and the said Sahmati Prastav also contains signature of the petitioner. It was agreed upon that the balance land previously acquired in the year 2005 and land acquired in the year 2009 will be clubbed and employment will be provided as per CIL R&R Policy 2008, under which there is a provision of one employment for every two acres of land. Eligible PAPs who did not possess 2 acres of land have to club their land with land owners of same category (ST or Non ST) and may apply for employment after completing 2 acres of land. He further submits that even after considering all the above facts, SECL is ready to provide employment to the petitioner after completing the required criteria as per CIL R&R Policy 2008. Thus, petitioner's claim that SECL is maliciously/ illegally denying the rightful claim of the petitioner is unjustifiable and with wrong

intention. Rather than fulfilling the required criteria and claim for employment, the petitioner is wasting time of Hon'ble Court.

11. Learned counsel for the respondent/SECL also submits that the land was acquired in two phases. Under Phase I, the petitioners' grandfather, Shri Bhagirathi owned total land of 3.17 acres/1.28 hectares. Of this, 2.45 acres (0.99 hectares) bearing Khasra No. 162, 208, 651 was acquired in Phase I (Annexure R-2/15). Against this acquisition, one employment was already granted to Vinod Kumar S/o Kartik Ram (petitioners' cousin) on 10.09.2007 under MP R&R Policy 1991, as confirmed by the official list of 131 eligible persons (Annexures R-2/14 & R-2/16). The family's employment quota stands fully exhausted. The remaining land of 0.72 acres (Khasra No.. 603) was artificially divided into 6 parts between Phase I and Phase II acquisitions with clear malafide intent:

- 603/1 in the name of Bhagirathi
- 603/2 in the name of Varun Singh Sahu
- 603/3 in the name of Kartik Ram
- 603/4 in the name of Puni Ram
- 603/5 in the name of Ratan Ram
- 603/6 in the name of Chotelal

12. Heard learned counsels for the respective parties and perused the record with utmost circumspection.

13. It is evident from the records that on 05.11.2009 an award was passed by the SECL for acquisition of land. The petitioners are claiming employment on the basis of surface right as provided

under Section 2 K of the Chhattisgarh Land Reveue Code, 1959 and memo dated 10.09.2009, as mentioned in the award dated 05.11.2009. This land is different from the land acquired on 21.09.2004 and due to subsequent acquisition of land, petitioners are claiming for employment and they are entitled for empoyment as per the State Government's Policy. The land acquired by the SECL as per notification dated 10.09.2009 and land bearing Khasra no. 603 therefore the claim cannot be denied only on the basis of that Vinod Kumar (family member of the petitioners) has already provided employment, which is completely a different cause of action, therefore the petitioner is entitled for employment as per State Government's Policy despite acquisition of land less than 2 acres.

14. The Collector, Raigarh issued a notification under Section 4 of the Land Acquisition Act, 1894 on 21.09.2004 for acquisition of about 168.737 hectares of land. Subsequently, on 14.09.2009, separate proceedings were initiated under Section 247 of the Chhattisgarh Land Revenue Code, 1959 for acquisition of surface rights over a distinct land area measuring about 138.088 hectares, with an assurance of providing employment in lieu of the land so acquired. These two acquisitions are separate, relate to different parcels of land, arise from different causes of action, and confer distinct legal rights under different statutory provisions.
15. The respondents' contention that both acquisitions arise from the same cause of action is incorrect and misleading. The rights

accrued under Section 4 of the Land Acquisition Act, 1894 are entirely different from those accrued under Section 247 of the Chhattisgarh Land Revenue Code, 1959. Despite initiation of proceedings under Section 247 and execution of an MoU between the Collector, Raigarh and SECL, the petitioner has not been provided employment till date.

16. The co-ordinate Bench of this court in WPC No. 3076 of 2016 2017 SCC Online Chh 1131: (2018) 2 LACC 631 has held in paras 57 to 60 as under:

57. This brings me finally to the issue of rehabilitation. The petitioners' claim is that they are entitled for rehabilitation benefits under the M.P. Rehabilitation Policy, 1991 and the Chhattisgarh Model Rehabilitation Policy, 2007, and they are also entitled for salary until regular employment is provided as per Clause 11 of the Chhattisgarh Model Rehabilitation Policy, 2007, whereas it is the case of the SECL that the petitioners will be entitled for rehabilitation under the Rehabilitation Policy of 2012 issued by the Coal India Limited.

58. It is not in dispute that the land in question was acquired in the year 2007, possession was taken in the year 2010 and thereafter, compensation has been paid in 2013. It is well settled that the policy in force on the date of acquisition will be the relevant dated for grant of rehabilitation, subsequent change in policy would not affect their claim of rehabilitation.

59. In WP(S) No. 432/2011 (Ku. Ratho Bai v. South Eastern Coalfields Limited) decided by a coordinate Bench of this Court on 23.07.2015, it was clearly

held that the policy issued by the State has statutory backing in terms of Article 166 of the Constitution of India. Thus, the rehabilitation policy issued by the State Government would prevail over the policy of the SECL.

60. The Supreme Court in the matter of State of Haryana v. Mahender Singh has held in para 39 that it is now well settled that any guidelines which do not have any statutory flavour are merely advisory in nature. They cannot have the force of a statute. They are subservient to the legislative Act and the statutory rules.

17. The co-ordinate Bench of this Court in WPS No. 432 of 2011 vide its order dated 23.07.2015 has held in para 6 and 7 as under:

6. The Rehabilitation Policy of the erstwhile State of Madhya Pradesh issued on 25.09.1991 (annexure P/2) provides in para (3) (ga) that such families whose entire agricultural land and/or residential land has been acquired, one candidate of such family shall be entitled for employment as third preference category. Thus, the said provision in the Policy nowhere mentions that for seeking employment, a minimum 2 acres of land has to be acquired from the family.

7. The policy issued by the SECL in the year 2002 makes such provision, however, a reading of the Policy would indicate that the said policy does not have any statutory force, whereas, the Rehabilitation Policy issued by the State of Madhya Pradesh has been issued for and on behalf of the Governor of Madhya

Pradesh. Since there is no legislation covering the said field, the Policy has statutory backing in terms of Article 166 of the Constitution of India. Thus, the Rehabilitation Policy issued by the State Government would prevail upon the Policy of the SECL.

18. Pursuant to the argument advanced by the respondent/SECL that the petitioners have artificially divided the land into 6 parts with malafide intention of getting employment, the co-ordinate of this Court in WPS No. 2084 of 2019 vide its order dated 27.11.2024 has held in para 7 and 11 as under:

7. Perusal of the aforementioned revenue documents and further exclusive ownership as mentioned in the application and the description of the application would show that the land bearing khasra no. 273 was subsequently partitioned between four brothers whose names were mentioned in the revenue records of the year 1979-80 and therefore the land bearing khasra no. 273 has been shown as 273/4 recorded in the name of father of petitioner. When the land which was acquired by the respondents is bearing khasra no. 273/4, from the revenue documents appears to be ancestral property. Partition of the property between the brothers is a natural process which cannot be said that the partition of land bearing khasra no. 273 was with any ulterior motive, after getting the knowledge that the respondents were going to acquire the land. On the date of partition of land between four brothers in the year 1994 or recording name of

Purandas as exclusive owner of the land bearing Khasra No. 273/4 in the revenue records dated 16.05.1996, there was no intention of the respondents of acquiring the said piece of land by them neither it is in the pleadings of the reply submitted by the respondents.

11. When the policy is formulated by the State Government to provide employment to the land oustees, and that too when they became landless, it has to be given appropriate effect so as to achieve the object for which the policy is formulated.”

19. First of all, the question for consideration arise before this Court is on what basis the respondent/ SECL has passed the impugned order dated 06.01.2020?
20. On perusal of impugned order dated 06.01.2020 (Annexure P/1), this Court found that the respondent/SECL has denied the claim of petitioners for employment on the basis that as per the order dated 05.11.2009 passed by the Sub-Divisional Officer (Revenue), Dharamjaigarh, the land acquired from the petitioners are less than 2 acres. Under the award and consent proposal dated 07.08.2009, a minimum of 2 acres of land is required to be eligible for employment.
21. The Chhattisgarh resettlement and rehabilitation policy, 2007 (Annexure P/7) provides as under:

रोजगार तथा अन्य सुविधाएँ:-

7.1 रोजगार की पात्रता ऐसे प्रत्येक विस्थापित परिवार को होगी

जो भू-अर्जन अधिनियम की धारा 4 (1) की अधिसूचना के प्रकाशन की तारीख के तीन वर्ष पूर्व से स्वतंत्र रूप से या संयुक्त परिवार के रूप में अधिगृहित भूमि के भूमि स्वामी या पट्टेदार रहे हों। वाणिज्यिक परियोजनाओं के लिए भू-अर्जन से प्रभावित ऐसे विस्थापित परिवारों जिनकी 75 प्रतिशत से अधिक भूमि अर्जित हो, के एक सदस्य को तथा औद्योगिक / खनन परियोजनाओं के लिये भू-अर्जन से प्रभावित प्रत्येक विस्थापित परिवार के एक सदस्य को उनकी अर्हता तथा उपयुक्तता के अनुसार परियोजना का क्रियान्वयन करने दाली एजेन्सी / संस्थान द्वारा रोजगार की व्यवस्था की जाएगी।

(अ) परियोजना के कार्यों में रोजगार देते समय परियोजना विस्थापित परिवारों को प्राथमिकता दी जाएगी।

(ब) परियोजना में पात्र शिक्षित नवयुवकों को बेहतर रोजगार देने के लिए उनकी शैक्षणिक योग्यता के अनुसार प्रशिक्षण की व्यवस्था की जाएगी।

(स) शासकीय विभाग / सार्वजनिक उपक्रम की परियोजना के लिए भूअर्जन से विस्थापित ऐसे व्यक्तियों जिन्हें रोजगार की पात्रता हो, की श्रेणी-3 के पदों पर नियुक्ति हेतु आयु सीमा में 2 वर्ष की छूट दी जाएगी।

(द) परियोजना से विस्थापित परिवारों को लाभजनक कार उपलब्ध कराने के लिये शावश्यक प्रशिक्षण देने के लिए विशेष व्यवस्था की जाएगी।

(इ) जूद से प्रभावित क्षेत्रों के मछुआरों को प्रशिक्षण देने की व्यवस्था की जाएगी। यदि परियोजना में मछली पालन के अवसर हों तो डूब से भ्रभावित व्यक्तियों की समिति को मछली पालन के ठेके में प्राथमिकता दी जाएगी।

(फ) औद्योगिक / खनन परियोजना के विस्थापित परिवारों को रोजगार की व्यवस्था निम्नलिखित प्राथमिकता कम में दी जाएगी-

- (i) जिनकी शत प्रतिशत कृषि भूमि तथा धर अधिग्रहीत हुए हो,
- (ii) जिनकी शत प्रतिशत कृषि भूमि अधिग्रहीत हुई हो,
- (iii) जिनकी 75 प्रतिशत से अधिक कृषि भूमि अधिग्रहीत हुई हो,
- (iv) जिनकी 50 प्रतिशत से अधिक कृषि भूमि अधिग्रहीत हुई हो, (v) जिनकी 25 प्रतिशत से अधिक कृषि भूमि अधिग्रहीत हुई हो,
- (vi) अन्य विस्थापित परिवार ।

(ज) यदि वाणिज्यिक / औद्योगिक / खनन परियोजना तथा उससे संबद्ध कार्य कलापों में नियमित रोजगार के अवसर रोजगार के लिये पात्र विस्थापित परिवारों की संख्या से कम हों तो उन्हें निम्नलिखित विकल्प उपलब्ध होंगे:-

(1) विस्थापित परिवारों के एक सदस्य को मुआवजे के अतिरिक्त परियोजना क्षेत्रः अथवा परियोजना क्षेत्र से लगी हुई अथवा निकटस्थ विकासखण्ड मुख्यालय अथवा नगर पंचायत/नगर पालिका क्षेत्र में (उसकी इच्छानुसार) पक्की दुकान निर्मित करके दी जाएगी जिसका सम्पूर्ण व्यय कम्पनी द्वारा वहन किया जाएगा। जनपद पंचायत मुख्यालय / नगरपंचायत मुख्यालय / नगरपालिका क्षेत्र में कम्पनी को कलेक्टर द्वारा बिकी की दरों के आधार पर भूमि आवंटित की जाएगी जिस पर कम्पनी द्वारा पक्की दुकानों का निर्माण किया जाकर विस्थापितों को आवंटित किया जाएगा।

(2) जो विस्थापित परिवार वैकल्पिक रोजगार के लिए परियोजना में उपयोग होने वाले कच्चे माल या परियोजना के उत्पाद की दुलाई से संबंधित परिवहन व्यवसाय या यात्री परिवहन में स्वरोजगार हेतु विकल्प दें, उन्हें परियोजना से संबंधित परिवहन ठेकों में संस्थान द्वारा प्राथमिकता दी जाएगी तथा इस हेतु परिवहन यान उपलब्ध कराने में सहायता दी जाएंगी।

22. The Chhattisgarh resettlement and rehabilitation policy amended, 2008 provides in terms of employment as under:

7. Employment and other facilities: **7.1** Such displaced family will be eligible for employment who has been land owner or lease holder of acquired land undependably or jointly three year prior to the date of publication of Notification under Section 4 of the land acquisition act.

An one member of such displaced family providing employment shall be made agreement whose more than 75% of the land is acquired for commercial project and whose land is acquired for industrial/mining project, one member of affected families will be provided employment as per their eligibility and appropriateness.

(a) At the time of providing employment at project work displaced family will be given priority.

(b) The eligible educated young people shall be made arrangement of training to provide them better employment in project as per their educational qualification.

(c) In the project of Govt. Department / public under taking shall be relaxed for 2 years in the appointment on grade III post.

(d) Displaced family in the project shall be made special arrangement to provide necessary transiting to make availability of beneficiary work to them.

(d) Training of Fishermen will be provided to flood affected area. If there is given opportunity of fishermen in the project. then society of affected people/fishermen will be preferred for tender ship.

(e) The Priority of employment shall be given in

following order :

(I) whose 100% of agricultural land and house is acquired

(ii) Whose 100% of agricultural land is acquired.

(iii) Whose more than 75% of agricultural land is acquired.

(iv) Whose more than 50% of agricultural land is acquired

(v) Whose more than 25% of agricultural land is acquired

(vi) Other displaced family.

(G) If opportunity of regular employment in Commercial/ Industrial / Mining project and Allied work is less than number of displaced families, then in that condition following alternatives shall be provided for them:-

(1) One member of displaced family will be given a shop (as he wants) in projects area adjacent to that or near block head office or in the area of Nagar panchayat / Municipality: Company will bear all the expenditure. In head office of the Janpad panchayat/ Nagar panchayat / Municipality area company will be allotted land on the basis of sale rates by the collector, After constructing shop company will be allotted them to the displaced

(2) Such displaced family who have an alternative of self employment in transport business whether it is related to the carriage of product or raw material use in project? or passenger transport they will be given priority in transport constructs of project by the institution and to serve the purpose transport vehicle will be made available for them.

23. From perusal of the Chhattisgarh resettlement and rehabilitation policy, 2007 and amended policy, 2008, it is crystal clear that there is no provision that the person whose land is acquired for any commercial project will be eligible for employment only when he will possess 2 acres of land which is the main ground taken by the respondent/SECL while passing the impugned order. Therefore, the State government rehabilitation policy will have the override effect over the policy framed by the SECL.
24. Further, one of the claims of the respondent/SECL for refusing to grant employment to the petitioners is that the petitioners have deliberately divided the remaining land of 0.72 acres (Khasra No. 603) with malafide intention of claiming employment though the petitioners' family employment quota stands fully exhausted after employment of Vinod Kumar S/o Kartik Ram. The respondent/SECL made a specific allegation in the written submission filed through covering memo on 26.11.2025 that the division of the land occurred after the villagers were aware that remaining land would be acquired in Phase II. But, it is nowhere mentioned in the impugned order that the division of the land in the name of the petitioners was an after thought.
25. The petitioners' land formed part of the acquisition for SECL pursuant to proceedings initiated in 2009, culminating in an award dated 05.11.2009, under which surface rights were granted and rehabilitation benefits, including employment, were assured to all

affected landowners. The land in question was acquired on the specific assurance of providing employment to the land losers. However, subsequently, Coal India Limited (CIL) introduced a new scheme and, on that basis, denied employment to the affected persons. Such action is arbitrary, unreasonable, and violative of the principles of fairness and legitimate expectation, and therefore cannot be sustained in law.

26. The acquisition was governed by the C.G. Rehabilitation Policy, 2007, which was applicable at the relevant time and mandates employment to each major member of the displaced family. No valid agreement or consent overrides the statutory policy, and any reliance on CIL policy in preference to the State policy is legally untenable. Despite repeated applications and directions of this Hon'ble Court to consider the petitioners' claim in accordance with law, SECL has unlawfully rejected the claim.
27. Right of the land losers to get employment as per the rehabilitation policy is extremely important right and that has to be considered in accordance with law and in accordance with the policy in force on the date of acquisition of their land and subsequent change in guideline of CIL will not take away their accrued right, if any, that has accrued to them by acquisition of their lands. Thus, the benefit of rehabilitation and employment to land oustee is logical corollary of Article 21 of the Constitution of India and denial of employment is violative of Articles 14 and 15 of the Constitution of India as well as Article 21.

28. Accordingly, the impugned order dated 06.01.2020 is hereby set-aside.
29. Consequently, the petitioners are entitled for consideration of rehabilitation as per the State Rehabilitation Policy prevalent on the date of acquisition of their land within 45 days from the date of production of a copy of this order in consequence, the writ petitions are allowed in part only qua the rehabilitation.

Sd/-

(Arvind Kumar Verma)

Judge

Madhurima