



2026:CGHC:35825



CGHC010022692021



2026:CGHC:35825

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1686 of 2021

- Smt. Sunita W/o Sandeep Aged About 21 Years R/o Village Tendubhatha, District Janjgir Champa Chhattisgarh

... Petitioner

versus

1. Chhattisgarh State Power Holding Company Limited Through Its Chairman-Cum-Managing Director, CSPGCL, Dagonia, Raipur District Raipur Chhattisgarh
2. The Chief Engineer (Generation) Atal Bihari Bajpai Tap Vidyut Grih Madwa, Tendubhatha, Post Vidyut Nagar (Lachhanpur), District Janjgir Champa Chhattisgarh
3. The Superintending Engineer (Civil) Circle-III ABVTPS, CSPGCL, Madwa-Tendubhatha, District Janjgir Champa Chhattisgarh
4. The Executive Director (HR) CSPGCL Dagonia, Raipur Chhattisgarh
5. The Administrative Officer, Office Of Chief Engineer (Production) ABVTPS, CSPGCL, Madwa-Tendubhatha, District Janjgir Champa Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. K.P. Sahu, Advocate
For Respondents	:	Mr. Varun Sharma, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13.08.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby setting-aside/quashing the impugned order dated



19.09.2019 (Annexure P/1) and further be pleased to direct the respondent authorities to provide joining to the petitioner on the post of Security Guard, in accordance with law.

10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Facts in brief are that the land of the petitioner bearing survey No. 428 admeasuring 0.76 acre situated at Village Tendubhata, District Janjgir Champa was acquired by the respondent authorities for installation of Madwa Plant in the year 2005-06. Award was passed by the Land Acquisition Officer on 29.03.2008. It was agreed between the respondents and land oustees that employment and other benefits according to the Chhattisgarh State Rehabilitation policy would be offered to one member of family of land oustees. Pursuant to award dated 29.03.2008, the petitioner applied before the respondent authorities, and subsequently, she was offered appointment to the post of Security Guard on probation. The petitioner was supposed to join services on 29.01.2019. She appeared before the respondent authorities along with relevant documents, and subsequently, vide order dated 19.09.2019 her joining application was rejected and she was not permitted to join the services on the ground that one of the co-owner of the property, namely, Har Prasad is a Government servant.
3. The petitioner has challenged the order dated 19.09.2019 issued by respondent No. 3 by filing this petition.
4. Learned counsel for the petitioner would submit that the respondent authorities applied conditions mentioned in Rehabilitation Policy issued by the respondent No. 1 dated 05.10.2015, whereas, award was passed in the



year 2008, and at that point of time, the Rehabilitation Policy of 2015 was not in existence. He would contend that the respondent authorities further committed an error of law while giving said policy retrospective effect. It is also contended that in the award, it was categorically mentioned that the claim of the employment of one member of family would be considered and such observation is binding upon the respondent authorities as award was never challenged before the superior authority or Court. He would pray to allow this petition.

5. On the other hand, learned counsel appearing for respondents would oppose. Mr. Varun Sharma, Advocate would contend that in the year 2008, when award was passed Rehabilitation Policy was not in existence. He would submit that subsequently policy was framed in the year 2015 and clause 5.4.3 specifically states that if any of the coparcener is in Government Service, such land oustees would not be entitled for employment. He would submit that after framing of the policy, name of the petitioner was considered for employment and during scrutiny of documents it was found that one of the family members of the petitioner is in Government service, therefore, her claim was rejected and she was not permitted to join services. He would submit that this petition is misconceived and deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the documents placed on record.
7. Admittedly, the land of the petitioner was acquired in the year 2005-06, and subsequently, award was passed on 29.03.2008. In the award, it is categorically stated that claim of one of the members of land oustees would be considered for employment and other benefits according to the



Rehabilitation Policy of the State Government. The award passed by the Land Acquisition Officer was not assailed before the higher forum, and thus, it attained finality. Pursuant to terms and conditions of award, the petitioner approached the respondent authorities claiming therein employment and same was offered, but petitioner was not permitted to join services by respondent No. 3 on the ground that one of the family members of the petitioner is in Government service. Perusal of the Rehabilitation Policy annexed as Annexure R/3 along with return, would reveal that it was issued on 05.10.2015, meaning thereby on the date of acquisition or date of award this policy was not in existence, and therefore, it cannot be applied in the case of the petitioner. The petitioner was offered appointment according to the observation made in award, therefore also, the respondent authorities committed error of law while applying the conditions mentioned in the policy dated 05.10.2015. It is also clear from the order impugned that the respondent authorities have applied circular dated 05.10.2015 retrospectively, which is not permissible in the law.

8. Having considered above-discussed fact, the order Annexure P/1 dated 19.09.2019 is hereby quashed. The respondent authorities are directed to permit the petitioner to join services forthwith.
9. Accordingly, instant writ petition is hereby **allowed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE