



2026:CGHC:13473



2026:CGHC:13473

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1240 of 2026**

Biju Gupta S/o Rakesh Babu Gupta Aged About 36 Years R/o EWS- 64, Dr. Rajendra Prasad Nagar, Phase I, Thana- Rampur, Tehsil- Korba, District- Korba (C.G.)

... Petitioner**versus**

1 - South Eastern Coalfields Limited Through Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)

2 - Chief General Manager South Eastern Coalfields Limited, Korba Area, Tehsil- Katghora, District- Korba (C.G.)

3 - Sub Area Manager Dhelwadih-Singhali-Bagdeva Sub-Area, Korba Area, Tehsil- Katghora, District- Korba (C.G.)

4 - Area Personnel Manager South Eastern Coalfields Limited, Korba Area, Tehsil- Katghora, District Korba (C.G.)

... Respondents

For Petitioner : Ms. Mahi Pandey, Advocate

For Respondents : Mr. Sudhir Bajpai, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****20/03/2026**

1. Heard.

2. This petition under Article 226 of the Constitution of India has been preferred by petitioner seeking following reliefs:-

“10.1. The Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case of the petitioner.

10.2. The Hon'ble Court may kindly be pleased to direct the respondent authorities to provide employment to the petitioner



in lieu of the acquired land as per the rehabilitation and resettlement policy issued by the State.

10.3. That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to allow the petitioner to fill the required Nomination form in order to get employment.

10.4. That, the Hon'ble Court may kindly be pleased to direct the respondents to consider and decide the petitioner's claim for employment in terms of the State's Rehabilitation Policy.

10.5. Any other relief, which this Hon'ble Court may deems fit and proper may also be awarded to the petitioner including the cost of the petition.”

3. Facts of the case, in brief, are that, the land admeasuring 0.036 hectare bearing Khasra No.160/7/5, originally belonged to the father of the petitioner, was acquired by the competent Government for the benefit of South Eastern Coal Fields Limited (SECL) for their Singhali Project under Section 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 vide Notification dated 26.5.1990. It was agreed by the SECL to provide employment to one of the family members of each land oustee as per the Rehabilitation Policy of 1991 issued by the erstwhile State of Madhya Pradesh, but employment was not granted to the petitioner. The petitioner has filed this petition seeking a direction to the respondent authorities to provide employment according to the Rehabilitation Policy. She would further submits that the issue involved in the present case is no more *res integra*. She would further submit that a similar issue was raised in the matter of **Pyarelal vs. South Eastern Coalfields Ltd. and Others and connected matters** passed in **WPC No 3076 of 2016, dated 11-09-2017**, and the coordinate Bench of this Court directed the respondent authorities to consider the case of the petitioners for rehabilitation/employment strictly in accordance



with the Policy applicable on the date of acquisition of their lands, within a period of 45 days.

4. On the other hand, learned counsel appearing for the respondents/SECL would oppose. He submits that the petitioner has no right to claim employment according to the Rehabilitation Policy of 1991. He next submits that the petitioner is not original land oustee. He would further contend that it would not possible for the SECL to provide employment to each and every affected family. He lastly submitted that the full and final compensation has already been paid to the land oustee. Hence, the present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the material available on records.

6. In the matter of ***Pyarelal (supra)***, a similar issue was raised and the coordinate Bench in Para-65 of its judgment directed the SECL to provide employment strictly in accordance with the Rehabilitation Policy applicable on the date of acquisition of land within 45 days.

7. In the present case, the proceedings with regard to land acquisition were initiated in the year 1990 and award was passed and thereafter, the Rehabilitation Policy 1991 was came into force. The Rehabilitation and Resettlement Policy of Coal India Limited, 2012 was floated in the year 2012 and certainly, it would not attract the case of the petitioner.

8. In the matter of ***Pyarelal (supra)***, the coordinate Bench of this Court in Para-65 held as under:-

“65. 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



policy 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. Therefore, the respondents are directed to consider the case of the petitioners for rehabilitation/employment strictly in accordance with the policy applicable on the date of acquisition of their land i.e. the date of acquisition and such consideration should be made by SECL within 45 days from the date of production of a copy of this order.”

9. A specific query was made to the counsel appearing for SECL as to whether the order passed in the matter of ***Pyarelal (supra)*** has been assailed before the Superior Court or not, the learned counsel fairly submitted that the order dated 11.09.2017 has not been challenged and thus, it attained finality.

10. In the case of ***Pyarelal (supra)***, it is categorically observed that 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 and the Policy applicable on the date of acquisition of the land would be applicable, therefore, in the opinion of this Court, the respondent authorities should consider the claim of the petitioner strictly in light of the observations made in the matter of ***Pyarelal (supra)***. The SECL/respondents are directed to consider the claim of the petitioner within a period of 45 days from the date of receipt of a copy of this order by verifying whether the petitioner has received the compensation amount in lieu of employment or not.



11. Consequently, the writ petition stands **disposed of**.
12. Pending interlocutory application(s), if any, stands disposed of. No order as to cost(s).

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Bini