



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31975 of 2024

1. Tejraj Pati

2. Ajay Pati

..... Petitioners

*Mr. Akshaya Kumar Pandey,
Advocate*

-versus-

**1. General Manager,
Mahalaxmi Area,
Mahanadi Coalfields
Ltd., Basundhara,
Sundargarh**

**2. Claim Commission,
Bhubaneswar**

..... Opp. Parties

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

06.02.2025

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioners seeking a direction to quash the order dated 23.09.2024 passed by the opp. party no.1, General Manager, Mahalaxmi Area, Mahanadi Coalfields Ltd., Sundargarh in holding that the monetary compensation in view of employment awarded to petitioner no.1 (Tejraj Pati) cannot be converted into employment and as such





nominee employment to petitioner no.2 (Ajay Pati) in place of monetary compensation in lieu of employment awarded to petitioner no.1 cannot be provided.

Learned counsel for the petitioners drew the attention of this Court to the Orissa Resettlement and Rehabilitation Policy, 2006, more particularly to paragraph no.8 which deals with 'Rehabilitation Assistance' and 'Type A' deals with industrial projects wherein it is stated that families shall be eligible for employment, by the project causing displacement or loss of all agricultural land. For the purpose of employment, each original family will nominate one member of such family. Any one from the categories mentioned under 'Type A' may, subject to eligibility, be nominated by the family as defined in paragraph 2(f) for the purpose of employment.

Learned counsel for the petitioners refers to paragraph 2(f) wherein the definition of 'family', it is stated that the minor son is included in the definition of the 'family'.

Learned counsel for the petitioners further submits that even though the impugned order reflects that the petitioner no.2 was found during documents verification to be below 18 years of age as on the cut-off date, i.e. 05.09.2010 but since the petitioner no.2 has attained majority and he has got the eligibility criteria and admittedly petitioner no.1, whose land has been acquired



has not received the monetary compensation, petitioner no.2 should be provided employment.

Issue notice to the opp. party no.1 on the question of admission indicating therein that the matter shall be disposed of at the stage of admission.

Requisites for issuance of notice to the opposite party no.1 by speed post with proof of delivery shall be filed within a week. The notice be made returnable within four weeks.

No notice is required to be issued to the opposite party no.2.

List this matter in the week commencing from 10.03.2025.

Issue certified copy as per Rules.

(S.K. Sahoo)
Judge

(Savitri Ratho)
Judge

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