



2026:CGHC:4326

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 325 of 2026**

Tikam Singh Nishad S/o Kirtikeshwar Nishad Aged About 19 Years R/o  
Village - Laat Tahsil Dharamjaigarh, District Raigarh (C.G.)

**... Petitioner.****Versus**

1. South Eastern Coalfields Ltd. Through Its Chairman Cum Managing Director, Office At Seepat Road, Bilaspur, District Bilaspur (C.G.)
2. General Manager South Eastern Coalfields Ltd. Raigarh Area, District Raigarh (C.G.)
3. Sub-Area Manager Chhal Open Cast Mining Project, S E C L, Raigarh, District Raigarh (C.G.)
4. The Collector Raigarh, District Raigarh (C.G.)
5. Sub-Divisional Officer (R) Dharamjaigarh, District Raigarh (C.G.)

**... Respondents.**

For Petitioner	:	Mr. Sajal Kumar Gupta, Advocate.
For Res No.1 to 3/SECL	:	Mr. Vaibhav Shukla, Advocate.
For Res No.4 & 5	:	Dr. Arham Siddiqui, PL.

**(Hon'ble Shri Justice Naresh Kumar Chandravanshi)****Order on Board****27/01/2026**

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



**“1. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to consider and grant employment to the petitioner's Tikam Singh Nishad, strictly in accordance with the Rehabilitation Policy, 1991, applicable on the date of acquisition of the land.**

**2. Direct the respondents to pass a reasoned and speaking order on the petitioner's representation dated 15.09.2025 strictly in accordance with the Rehabilitation Policy, 1991, applicable on the date of acquisition of the land, within a time frame to be fixed by this Hon'ble Court.**

**3. Declare that the petitioner is entitled to all consequential benefits flowing from the Rehabilitation Policy, 1991, including employment and any other ancillary benefits arising thereto.**

**4. Pass any other order(s) or direction(s) that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.**

**5. Award costs of this petition in favour of the petitioner.”**

3. Facts of the case, in brief, are that, the State Government had initiated land acquisition proceedings in the year 2003-04 for the 'Chhal (OCP) Open Cast Coal Mining Project of the respondent/Sub Area Manager, Chhal Open Cast Mining Project, SECL, Raigarh. The award of said acquisition proceedings was passed on 02.06.2005 in Revenue Case No.6/A-82/2003-04. There were a total of 250 land oustees. 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. After passing of the award, compensation was paid to the land oustees by SECL, but employment was offered according to the Rehabilitation and



Resettlement Policy of Coal India Limited, 2012 and not according to the Policy of 1991, which was prevalent at the time of land acquisition. According to the Policy of 2012, the land oustees having land less than 2 acres would not be entitled to get employment. The application/representation of the petitioner has been pending before the SECL authorities. The petitioner has filed this petition seeking a direction to the respondent authorities to provide employment according to the Rehabilitation Policy of 1991, which was in existence at the time of land acquisition.

4. Learned counsel appearing for the petitioner would submit 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.
5. On the other hand, learned counsel appearing for the respondents No.1 to 3/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.
6. I have heard learned counsel for the parties and perused the material



available on records.

7. 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.
8. In the present case, the proceedings with regard to land acquisition were initiated in the year 2003-04 and the award was passed on 02.06.2005 and at that time, the Rehabilitation Policy of 1991 was in 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.
9. 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.”



10. 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.
11. 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 No.1 to 3 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.
12. Consequently, the writ petition stands **disposed of**.
13. Pending interlocutory application(s), if any, stands disposed of. No order as to cost(s).

**Sd/-**

**(Naresh Kumar Chandravanshi)**

**JUDGE**

Ajay