



2026:CGHC:10372

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5942 of 2016****Judgment reserved on 16/01/2026****Judgment delivered on 27/02/2026**

- 1 - Kumar Ban Goswami S/o Late Shri Kailash Ban Goswami Aged About 62 Years Presently R/o. Village-Hukra, Post, P.S. And Tahsil-Katghora, Revenue And Civil District-Korba, Chhattisgarh., Chhattisgarh**
  
- 2 - Vijay Pal Goswami S/o Late Shri Kailash Ban Goswami Aged About 52 Years Presently R/o. Village-Hukra, Post, P.S. And Tahsil-Katghora, Revenue And Civil District-Korba, Chhattisgarh., District : Korba, Chhattisgarh**
  
- 3 - Rishi Ban Goswami S/o Late Shri Kailash Ban Goswami Aged About 50 Years Presently R/o. Village-Hukra, Post, P.S. And Tahsil-Katghora, Revenue And Civil District-Korba, Chhattisgarh., District : Korba, Chhattisgarh**
  
- 4 - Rajendra Ban Goswami S/o Late Shri Kailash Ban Goswami Aged About 48 Years Presently R/o. Village-Hukra, Post, P.S. And Tahsil-Katghora, Revenue And Civil District-Korba, Chhattisgarh., District : Korba, Chhattisgarh**
  
- 5 - Rupendra Ban Goswami, S/o Shri Rishi Bah Goswami Aged About 26 Years Presently R/o. Village-Hukra, Post, P.S. And Tahsil-Katghora,**

Revenue And Civil District-Korba, Chhattisgarh., District : Korba,  
Chhattisgarh

**... Petitioners**

**Versus**

**1** - State Of Chhattisgarh Through Secretary, Department Of Industries /  
Revenue, Mahanadi Bhawan, Naya Raipur, Revenue And Civil District-  
Raipur, Chhattisgarh., Chhattisgarh

**2** - Collector Korba, Revenue And Civil District-Korba, Chhattisgarh., District  
: Korba, Chhattisgarh

**3** - Land Acquisition Officer Cum-Sub Divisional Officer, Revenue,  
Katghora, Revenue And Civil District-Korba, Chhattisgarh., District : Korba,  
Chhattisgarh

**4** - Tehsildar Katghora, Revenue, And Civil District-Korba, Chhattisgarh.,  
District : Korba, Chhattisgarh

**5** - General Manager, N.T.P.C. Limited, Korba Revenue And Civil District-  
Korba, Chhattisgarh., District : Korba, Chhattisgarh

**... Respondents**

(Cause title taken from Case Information System)

For Petitioners	:	Mr. Surfaraj Khan, Advocate
For Respondents/State	:	Mr. Shaleen Singh Baghel, Govt. Advocate and Mr. Vikhyat Arora, Panel Lawyer
For Respondent No.5	:	Mr. Jitendra Pali, Advocate along with Mr. Anuroop Panda, Advocate

**Hon'ble Shri Justice Ravindra Kumar Agrawal**

**C.A.V. Judgment**

1. The present writ petition has been filed by the petitioners seeking a direction to the respondents, particularly Respondent No. 5 – NTPC,

to grant permanent employment to one member of each displaced family pursuant to acquisition of their land for construction of Ash Dyke at Village Ghorapat. The record reflects that the land of the petitioners was acquired under the provisions of the Land Acquisition Act, 1894, and compensation in accordance with the award has already been paid. It further transpires that the petitioners have been extended rehabilitation benefits under the Chhattisgarh Rehabilitation and Resettlement Policy, 2007, including monetary compensation and alternative rehabilitation measures in lieu of employment. The grievance now raised pertains solely to the claim for grant of employment, notwithstanding the fact that such claim stood considered in earlier proceedings and alternative rehabilitation package has already been accepted by the petitioners.

2. The facts of the case as emerges from the pleadings of the petition are that, the land belonging to the petitioners situated at Village Ghorapat was acquired for the purpose of construction of an Ash Dyke for NTPC. For the said purpose, a notification under Section 4 of the Land Acquisition Act, 1894 was issued on 25.09.2009, followed by declaration under Section 6 dated 04.12.2009 and notice under Section 9 dated 30.01.2010. Thereafter, the Land Acquisition Officer passed the final award on 18.04.2011 (16.05.2011), determining compensation payable to the land owners.

The petitioners initially challenged the acquisition proceedings by filing W.P.(C) No. 2525 of 2010 before this Court. The said writ petition was disposed of on 13.07.2010 with direction to the competent authority to decide their objections. Subsequent

proceedings including MCC No. 580 of 2010, Review Petition No. 129 of 2010, Writ Appeal No. 60 of 2011 and SLP (C) No. 15888 of 2011 were also dismissed, and thus the acquisition proceedings attained finality.

After passing of the award, the petitioners filed W.P.(C) No. 692 of 2012, wherein apart from questioning the acquisition, they sought benefits under the Chhattisgarh Rehabilitation and Resettlement Policy, 2007, particularly claiming employment to one member of each displaced family. By order dated 19.09.2012, this Court disposed of the writ petition holding that the petitioners may avail the statutory remedy under Section 18 of the Act, 1894 for enhancement of compensation and further directed Respondent No. 5 (NTPC) to consider the case of one member of each displaced family for employment in terms of Clause 7.1 of the CG R&R Policy and, if employment was not available, to provide alternative rehabilitation package in lieu thereof.

Pursuant to the aforesaid order, Respondent No. 5 considered the claim of the petitioners for employment and issued certificates dated 23.09.2012 stating that there was surplus manpower in the non-executive cadre and therefore employment could not be provided. Thereafter, NTPC extended alternative rehabilitation benefits to the petitioners, including monetary compensation in lieu of annuity, maintenance grants, allotment of vegetable and medical shops, award of contracts to the Project Affected Persons' Society, hiring of vehicles belonging to the petitioners' family members, and

allotment of residential plots at Gopalpur rehabilitation colony. The petitioners accepted the said benefits.

The record further reflects that substantial financial benefits and contractual engagements were extended to the petitioners and their family members over the years pursuant to the rehabilitation package. The petitioners also executed an undertaking agreeing not to raise further claims in respect of the land acquisition.

Notwithstanding the aforesaid, the petitioners have filed the present writ petition seeking a direction for grant of permanent employment to one member of each displaced family, which forms the subject matter of consideration in the present proceedings.

3. Learned counsel for the petitioners would submit that the petitioners are land oustees whose ancestral lands were acquired for establishment of Ash Dyke by Respondent No. 5 – NTPC, and therefore they are entitled to the full protection and benefits envisaged under the Chhattisgarh Rehabilitation and Resettlement Policy, 2007 (for short, “CG R&R Policy”). It is contended that Clause 7.1 of the CG R&R Policy contemplates consideration of one member of each displaced family for employment in the project. According to learned counsel, the object of the rehabilitation policy is not merely monetary compensation but restoration of livelihood. The loss of agricultural land, which was the primary source of sustenance of the petitioners, cannot be adequately compensated by payment of money alone.

Learned counsel would further submit that in W.P.(C) No. 692 of 2012, this Court had specifically directed Respondent No. 5 to consider granting employment to one member of each displaced family and, if employment was not available, to issue proper certification. It is argued that the direction of this Court was not a mere formality, but a substantive mandate requiring meaningful consideration of employment opportunities. It is submitted that the certificates issued by NTPC stating that there was surplus manpower in the non-executive cadre are arbitrary and mechanical, and do not disclose any transparent process of consideration. According to the petitioners, no objective assessment was undertaken to explore available posts or future vacancies, nor was any effort made to accommodate eligible members of the displaced families.

Learned counsel would argue that the alternative rehabilitation package offered by NTPC cannot be treated as a substitute for employment unless the employer demonstrates genuine non-availability of posts. It is contended that the right to be considered for employment under the policy is distinct from other monetary or contractual benefits. It is further submitted that acceptance of certain rehabilitation benefits by the petitioners cannot operate as a waiver of their right to employment under the CG R&R Policy, particularly when such acceptance was under circumstances of displacement and economic compulsion. According to learned counsel, there can be no estoppel against enforcement of a statutory or policy-based entitlement.

Learned counsel would also contend that the doctrine of res judicata is not attracted in the present case as the cause of action survives so long as employment is not meaningfully considered in accordance with Clause 7.1 of the CG R&R Policy. It is argued that the earlier judgment required compliance, and the present petition is confined to ensuring such compliance. On the aforesaid grounds, learned counsel for the petitioners prays that this Court may issue appropriate directions to Respondent No. 5 to grant employment to one eligible member of each displaced family in terms of the CG R&R Policy or, in the alternative, to reconsider their claim afresh in a fair and transparent manner.

4. Learned State counsel would submit that the land acquisition proceedings were undertaken strictly in accordance with the provisions of the Land Acquisition Act, 1894. Notifications under Sections 4, 6 and 9 were duly issued and the award was passed by the competent Land Acquisition Officer. The acquisition proceedings have attained finality, having been unsuccessfully challenged by the petitioners in earlier rounds of litigation up to the Hon'ble Supreme Court. It is contended that the compensation determined under the award has already been paid to the petitioners. If the petitioners were aggrieved by the quantum of compensation, the appropriate statutory remedy was to seek reference under Section 18 of the Act, 1894, as was observed by this Court in earlier proceedings.

Learned State counsel would further submit that so far as the rehabilitation benefits are concerned, the same fall primarily within the domain of the project proponent, namely Respondent No. 5 –

NTPC, in terms of the applicable Rehabilitation and Resettlement Policy. The State authorities have facilitated the process in accordance with the policy framework. It is submitted that in W.P.(C) No. 692 of 2012, this Court had already issued specific directions regarding consideration of employment and grant of alternative rehabilitation package. Pursuant thereto, Respondent No. 5 considered the case of the petitioners and, upon finding non-availability of employment, extended alternative rehabilitation benefits, which have admittedly been accepted by the petitioners.

Learned State counsel would argue that the present writ petition seeks to re-agitate an issue which has already been adjudicated and concluded in earlier proceedings. The petitioners, having accepted the compensation and rehabilitation benefits, cannot now seek further relief of employment as a matter of right. It is further submitted that no direction can be issued to the Land Acquisition Officer to provide employment, as the officer has no jurisdiction in matters relating to employment under the rehabilitation policy. The prayer made in this regard is misconceived and legally untenable. On the aforesaid grounds, learned State counsel prays for dismissal of the writ petition.

5. Learned counsel appearing for Respondent No. 5 – NTPC would submit that the present writ petition is wholly misconceived and is liable to be dismissed at the threshold. It is contended that the issue relating to grant of employment to one member of each displaced family already stands conclusively adjudicated by this Court in W.P. (C) No. 692 of 2012 decided on 19.09.2012.

It is submitted that in the earlier round of litigation, this Court had specifically directed NTPC to consider the case of one member of each displaced family for employment in terms of Clause 7.1 of the CG R&R Policy and, in case employment was not available, to extend alternative rehabilitation package. In compliance of the said direction, NTPC duly considered the claim of the petitioners and issued certificates dated 23.09.2012 certifying that there was surplus manpower in the non-executive cadre and therefore employment could not be provided.

Learned counsel would submit that upon such certification, NTPC extended comprehensive alternative rehabilitation benefits to the petitioners in lieu of employment. The benefits included monetary compensation in place of annuity, maintenance grants, self-settlement amounts, allotment of vegetable and medical shops, award of contracts to the Project Affected Persons' Society, hiring of vehicles belonging to the petitioners' family members, and allotment of residential plots in the rehabilitation colony. It is submitted that the value of contracts and benefits extended to the petitioners and their family members runs into several crores of rupees.

It is further contended that the petitioners have not only accepted the entire rehabilitation package but have also executed an undertaking agreeing not to raise any further claims in respect of the land acquisition and rehabilitation benefits. Having availed and enjoyed the benefits for several years, the petitioners are now estopped from seeking employment as an additional benefit.

Learned counsel would argue that the present petition is barred by the principles of res judicata and constructive res judicata, as the very same issue of employment was raised, considered and adjudicated in the earlier writ petition. The petitioners cannot be permitted to re-agitate an issue which has attained finality.

It is further submitted that the CG R&R Policy does not confer an absolute or vested right to employment. The policy only provides for consideration of employment and, in the event of non-availability, alternative rehabilitation measures. The direction of this Court in the earlier judgment has been fully complied with in letter and spirit.

Learned counsel would also submit that no mandamus can be issued directing NTPC to create posts or provide employment where none exists. The determination regarding availability of posts falls within the administrative domain of the employer, and this Court, in exercise of writ jurisdiction, cannot compel creation of employment.

On the aforesaid grounds, learned counsel for Respondent No. 5 prays that the writ petition be dismissed with costs as being devoid of merit and amounting to abuse of the process of law.

6. I have heard learned counsel for the parties and perused the records annexed with the present writ petition.
7. The primary issue that arises for consideration is whether the petitioners, whose lands were acquired and who have admittedly received compensation and rehabilitation benefits, can still seek a

writ of mandamus directing Respondent No. 5 to grant permanent employment to one member of each displaced family.

8. From the record, it is evident that the claim for employment was raised by the petitioners in W.P.(C) No. 692 of 2012. This Court, by order dated 19.09.2012, directed Respondent No. 5 to consider the case of one member of each displaced family for employment in terms of Clause 7.1 of the CG R&R Policy and, if employment was not available, to extend alternative rehabilitation package. Pursuant thereto, Respondent No. 5 issued certificates stating that surplus manpower existed in the non-executive cadre and employment could not be granted. Thereafter, alternative rehabilitation benefits were extended and accepted by the petitioners.
9. Clause 11.2.1 to 11.2.3 of the Rehabilitation Scheme-2007 of the Chhattisgarh State issued by the notification on 15-05-2008, provided that:-

**“11.2 Industrial Mining projects:**

11.2.1 In case of Mega Industrial power generation and extraction projects affected area would be remarked. It would be essential on part order dated proposing institution/establishment to execute development plans for that area. To serve this purpose, prescribed percentage of net profit of the institution per year (1-3/ as required) will be allotted/made expenditure

between Administrative department of State Government and the concerned institution by considering special condition.

11.2.2 Project affected farmers irregular, casual employment of wages will not be considered as alternative means of subsistence or employment. There will be given following priority in respect of complying provisions of employment to eligible inhabitants in projects regular posts in industrial policy:-

(i) Project affected person.

(ii) Another person residing in Project affected area.

(iii) Another person residing in the state.

11.2.3 If employment is not provided (earlier in construction work of project & after starting of project in project itself) within two years from the date of acquiring land by industrial and mining project executing institution then one member of each family, who is eligible for employment shall be given that much amount which would be equal to what he gets from

employment or the amount to be paid under rozgaar guarantee plan, whatever is more, will be paid to him without work until regular employment is not arranged for him.”

10. In the W.P.C. No. 692 of 2012, which has been filed by the present petitioners, the learned coordinate bench of this Court has considered the rehabilitation package in its order dated 19.09.2012, and quoted the Clause-7 of the CG Rehabilitation Model Policy, and also the offer of the respondent/NTPC and direction. Para 37 to 42 of the order dated 19.09.2012 is necessary to reproduce here, which reads as under:-

**“Rehabilitation package :-**

37. Clause 7 of the CG R&R Model Policy framed by the State Government of Chhattisgarh provides for employment and other facilities, which reads 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 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 education 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.

Those member of displaced families who are eligible for getting employment in projects but do not possess any

necessary/required technical qualification, then in that condition they shall be made to train them as per their educational qualification by concerned institution in case of big projects and in other case by govt. department/institution training will be arranged independably or by using available training facilities of state govt., as case may be:

7.3. Project affected other people specially land less people will be given training by the govt. dept. to develop new skills in them and they shall be endeavored to provide them employment in small project. Those persons will be provided wok in such project generated /created by the State Government.

7.4. Displaced families shall be endeavored made to give privilege by marking them for self employment rooted plans (development of dairy, poultry, fisheries, short college industry etc.) to be executed by the state govt. and by making loan arrangements for them from financial agencies.

7.5. Government projects like Irrigation projects, Road projects, School projects or Hospital project is Public welfare projects. After there is no opportunity of employment there so there is no need to given employment to govt. projects displaced people but they shall be made legitimate provision for giving priority in employment in Government/Semi government Organization establishment.

7.6. The self help groups working in project area will be taken to join them to the activities/work in industries. To serve this purpose steps will be taken for organizing workshop /training by the concern Department /establishment."

38. The respondent No.4 has offered the rehabilitation package to the petitioners as under:

"An amount of Rs.3.86 crore is being paid to the petitioners and family members, out of which Rs.2.66 crores already deposited with the State and balance amount will be paid directly to the petitioners and family. Besides the above following additional benefits were offered to the petitioners:

(i) 5 vehicles of Kumar Ban and his family would be hired on priority in NTPC.

(ii) 2 vegetable shops will be allotted in the township.

(iii) 1 medical shop will be allotted in township.

(iv) Contract to their society (Project Affected Person Society) on single tender basis.

(v) 7 plots measuring 14000 sq. in rehabilitation colony, Gopalpur.

(vi) Kumar Ban and family will be temporarily accommodated in the Gopalpur community centre available with NTPC, till they construct their houses in the plots offered.

XXX XXX XXX

XXX XXX XXX

XXX XXX XXX

That, besides other compensation, the respondent is also granting compensation of R&R grant in lieu of

annuity and subsistence allowance to the petitioners in the following manner:

S.N.	Name	Area (in Acres)	R&R (Annuity) (In Rs.)	Subsistence (In Rs.)
1.	Kumar Ban Goswami	6.63	19,89,000	85,400
2.	Vijay Pal Ban	6.85	20,55,000	85,400
3.	Rishi Ban Goswami	8.18	24,54,000	85,400
4.	Rajendra Ban Goswami	6.63	19,89,000	85,400
5.	Rupendra Ban Goswami	0.37	2,50,000	85,400

39. The CG R&R Policy provides for grant of employment three years prior to the date of publication of notification under Section 4 of the Act, 1894. It is further provided that priority should be given to one member of each displaced family in providing employment. Training should be given and also make necessary arrangements for providing the facility for higher education. There should be two years age relaxation in the appointment on Grade III post.

40. Clause (G) of the CG R&R Policy provides, inter alia, if regular employment in Commercial/Industrial/Mining project and Allied

work is less than number of displaced families, then the alternatives shall be provided for them, wherein, member of displaced family will be given a shop on his choice. Shop has to be constructed by the company.

41. The offer of the respondent No.4/NTPC for rehabilitation nowhere indicates that the respondent No.4 has considered the members of the displaced families for employment and since availability was less than the employment available, alternatives were offered to them.

42. Accordingly, the respondent No.4 is directed, in addition to what has been offered, to consider granting employment to one member of the each displaced family and if the same is not available, a proper certificate be issued. Before granting alternative rehabilitation package to one member of each displaced family, in lieu of employment, they should be given discretion for choosing a shop. It cannot be on the basis of company's decision.”

11. In the order dated 19.09.2012, the learned coordinate bench of this Court ordered that:-

“45. For the reasons mentioned hereinabove, it is ordered as under:

I. For grant of higher compensation to the petitioners for acquiring the land in dispute, the petitioners may take recourse to the provisions of Section 18 of the Act, 1894 for reference to the District Court.

II. It is directed that except granting a shop, in lieu of employment, all other rehabilitation package of the respondent No.4/NTPC be complied with forthwith.

III. The respondent No.4/NTPC is directed to consider one member of the each displaced family for employment as per clause 7.1 of the CG R&R Policy and if the employment is not available, alternative rehabilitation package to one member of each displaced family shall be provided, in view of clause 7.1 of the CG R&R Policy.

IV. The petitioners are continuing in the land in dispute, as this Court by order dated 8.5.2012 had directed that "if the petitioners are in possession of the property in question, there shall be no dispossession of the petitioners. Therefore, it is directed that till the compensation is paid, rehabilitation package is settled and the

displaced families of the petitioners constructed their houses on the plots allotted to them, the petitioners, as offered by the respondent No.4, shall be provided temporary accommodation in the Gopalpur Community Centre.

V. The respondent No.4 is further directed to make necessary arrangements for transportation of the belongings of the petitioners and their family members from the present place to the newly established place for their temporary accommodation with other day-to-day requirements.”

12. In compliance with para 42 of the order dated 19.09.2012, passed in W.P.C. No. 692/2012, the respondent NTPC has issued a certificate on 23.09.2012 that the employment to the petitioner could not be provided as there is surplus manpower and suitable vacancies are not available. The relevant part of the certificate dated 23.09.2012 (annexure P-7) is reproduced hereinbelow:-

“Pursuant to Clause No.41/42 of the judgment passed by the Honorable High Court of Chattisgarh, Bilaspur on 19 September, 2012, in the Writ Petition (C) No.692 of 2012. Sh.Kumar Ban Goswami & Others Vis State of Chattisgarh & Others, NTPC Korba examined the availability

of vacancies in non-executives category and found that the existing manpower in the aforesaid category is surplus. It is therefore regret to inform/certify that we are not able to provide employment in NTPC Korba due to non-availability of suitable vacancies at the moment.”

13. Subsequently, the petitioners have filed a Contempt Case No. 428/2013, which has been disposed of on 19.09.2014 with the observation that:-

“11. In the light of the submissions made by counsel for the petitioners as well as respondents, the only issues which now remain to be complied with are as under:-

a. that as per the undertaking No.1 now that the petitioners have given requisite papers/documents in respect of the 4 vehicles of the family members of Kumar Ban Goswami, the respondents would be hiring them on priority basis within a reasonable period.

b. As far as awarding contract to the society is concerned, again counsel for respondents have given a categorical undertaking before the court that the moment the society of the petitioners would

provide their ESIC as well as EPF code, they would be provided the contract on priority basis on Single Tender Basis.

c. Further as far as undertaking No.5 is concerned, since the respondents have already offered the petitioners 7 plots of 2000 sq.ft each at Khasra No.13/2 at village Gopalpur, Tahsil Khatgora, the petitioners are directed to approach respondent No.3/the Collector, Distt. Korba in respect of the same and counsel for respondent No.3 & 4 also makes a submission that he shall ensure that necessary information with regard to the orders passed by the contempt court would be communicated to the Collector, Korba towards compliance of the order. The said 7 plots of 2000 Sq.ft at Khasra No.13/2 at village Gopalpur, Tahsil Khatgora are also acceptable to the counsel appearing for the petitioners and respondents No.3 & 4 shall take necessary decision on the same immediately by informing the Collector for allotting the said land to the petitioners.

Both the counsels agree that if the petitioners approach the office of Collector,

Korba on a specific date, the same shall be processed at the earliest. In the light of the same, the petitioners shall appear before the Collector Korba on 15.10.14 on which date the Collector should make all endeavor to honour the order passed by this Court by allotting seven plots to the petitioners in Khasra No.13/2 at village Gopalpur, Tahsil Khatgora.

d. Since there is specific undertaking by respondents No.3 & 4 that if the petitioners want they can immediately take sanction as per the undertaking given by respondent No.3. The petitioners are directed to approach respondent No.2 on 22.9.14. It is expected that respondent No.2 shall issue necessary instructions of providing them accommodation at the Community Center, Gopalpur as per the undertaking given before the Writ Court,

e. As regards the difference of amount which has arrived at 4.99 lacs, the petitioners shall approach respondent No.2 towards clarification about the wrong calculation arrived at by respondent No.2, respondent No.2 would be duty bound to

inform the petitioners as to how they are not entitled to Rs. 4.99 lacs so far as unpaid amount is concerned.”

14. On 22.09.2025, the respondent NTPC has filed the additional facts on record of the present case and in para 7 to 14, the benefit under the rehabilitation policy extended to the petitioners has been disclosed. It is also necessary to notice here the said facts, which reads as under:-

“7. That, in compliance with the order dated 19.09.2012 passed in WPC No. 692/2012, the answering Respondent was required to hire 5 vehicles of Shri Kumar Ban and his family members. However, in order to extend greater benefit, the answering Respondent/NTPC has in fact hired 10 vehicles instead of 5. Out of these, 8 vehicles are being operated on a regular basis and 2 vehicles are engaged on need basis. It is pertinent to mention that the contract value of the said work is more than Rs.56,84,53,928 (for the period 2012-2025). Copy of the details of 10 vehicles along with the total work award and the current award is filed herewith and marked as ANNEXURE R-5/4.

8. That, the petitioners were also allotted 2 vegetable shops in the NTPC Township. The

answering Respondent allotted one shop each to Shri Rishi Ban and Shri Rajendra Ban on 28.03.2014. Copy of letter dated 28.03.2014 issued to them informing about the allotment of vegetable shops is filed and marked as ANNEXURE R-5/5.

9. That, as per the undertaking/submission made before this Hon'ble Court, one medical shop was to be allotted in the township. However, in order to provide additional benefit, two medical shops were actually allotted one medical shop on 28.03.2014 and another Jan Aushadhi Kendra on 31.01.2017. Copies of allotment letters of Medicals shops dated 28.03.2014 and 31.01.2017 are filed and marked as ANNEXURE R-5/6.

10. That, in relation to award of contract work to the society of project-affected persons, the answering Respondent, instead of granting a single tender contract, has awarded three regular contracts to the said society, in addition to many other contracts awarded on a need basis. It is pertinent to mention that contracts worth more than Rs.50,07,38,419 have been awarded to the petitioner and his family members between 2012-

2025. Copy of the details of such work awards is filed and marked as ANNEXURE R-5/7.

11. That, in compliance of the rehabilitation scheme, 7 residential plots measuring 14,000 square feet situated at Gopalpur have been allotted to the petitioners through the Revenue Department. Copies of the allotment of plots letters issued to the petitioners are filed and marked as ANNEXURE R-5/8.

12. That, the petitioners and their family members have also been provided temporary accommodation in the Gopalpur Community Centre of NTPC till such time as they construct their houses on the allotted plots.

13. That, in addition, the family of the petitioners have been extended the following benefits;

a) Educational benefits in the form of reimbursement of school fees for two children (son or daughter) studying in NTPC Township Schools.

b) Engagement of one adult family member, Shri Rupendra Ban, as a contract labourer through a contractor, working as a loco pilot.

c) Compensation of Rs.6.88 lakhs (Rs.1.72 lakhs 4) towards procurement of ash bricks for construction of house.

d) Rs.3.65 lakhs paid towards reimbursement of registry charges of new land.

e) Rs.10 lakhs (Rs.2.5 lakhs 4) paid towards resettlement package.

f) Three regular contracts awarded to cooperative societies of the family instead of one. The total value of contracts awarded to the family between 2012-2025 exceeds Rs.500 lakhs. Out of this, contracts valued at more than Rs.53.35 lakhs were for single-time works, and contracts valued at about Rs.446 lakhs were for regular works

14. That, the answering Respondent respectfully submits that the petitioners have already been paid substantial additional rehabilitation benefits in monetary terms under various heads, including Lump Sum Amount in place of Annuity, Maintenance Grant, Self-Settlement Amount, Compensation in lieu of 60,000 Fly Ash Bricks, and Reimbursement of Land Registry Charges.

Copy of the relevant chart reflecting the aforesaid payments is filed herewith and marked as ANNEXURE R-5/9.”

15. The petitioners have also executed an agreement on 25.03.2014 with the respondent/NTPC, in which it was agreed that the petitioner will not raise any further dispute with respect to rehabilitation benefits. Para 6 of the agreement is as under:-

“6. यह कि प्रथम पक्ष द्वारा उपरोक्त मुआवजा एवं पुनर्स्थापन राशि प्राप्त करने के पश्चांत पुनर्वास कार्य योजना के प्रावधानों के अंतर्गत पुनर्स्थापन आदि संबंधित सभी दावों का पूर्ण एवं अंतिम रूप से निपटारा माना जायेगा तथा प्रथम पक्ष इस संबंध में भविष्य में अन्य कोई दावा इत्यादि करने का हकदार नहीं रहेगा और न ही कोई दावा मान्य होगा । यदि कोई न्यायालय का आदेश इस संबंध में प्राप्त होता है तो उसे नियमानुसार अनुपालन किया जावेगा।”

16. From the additional facts submitted by the respondent/NTPC, the following benefits have been extended to the petitioners under the rehabilitation policy, which reflected from the document Annexure R-5/4, i.e. -

**10 vehicles of Kumar Ban and his family are hired by NTPC.**

Sl. No.	Name	Vehicle	Current Award Value	Total work value between 2012-2025	Remark. Current Purchase order no.
1	Vijaypal Ban	Bolero	3011648.00	8252917.75	4000367307
2	Rajendra Ban	Bolero	3696176.00	3880229.95	4000287631
3	Rupendra Ban	Bolero	3670737.00	16851017.45	4000285725

Sl. No.	Name	Vehicle	Current Award Value	Total work value between 2012-2025	Remark. Current Purchase order no.
4	Gopalban, Son of Kumarban	Bolero	1240878.25	3256374.54	4000285721
5	Gopiban, Son of Rishiban	Bolero	2219383.00	2096911.16	4000285858
6	RISHI BAN GOSWAMI	Bolero	0.00	1286995.00	Not applied during renewal
7	Kumarban Goswami	Bolero	0.00	1975861.00	Not applied during renewal
8	RISHI BAN GOSWAMI	Tractor Trolley	1666210	9276540.94	4600082556
9	Kumarban Goswami	Water Tanker	907200	5103653.30	4000357893
10	Kumarban Goswami	Tractor Trolley	899625	4864992.19	4000352676
<b>Total</b>				<b>56,845,493.28</b>	

17. Further the shops are allotted to the petitioners under the same rehabilitation policy, and the details of the allotted shops are as under:-

“With reference to your application for allotment of shop, we are pleased to inform you that you have been allotted a shop on Licence, In our Shopping Centre/Hospital premises. The details of allotment are as under:

A) Shop No. 8, Indira Shopping Centre

B) Business for which shop is allotted:

Vegetable Shop

C) Period of Licence: From the date of allotment to expiry of 11 (Eleven) months period which may be extended for further period of 11 months based on performance.

In connection with the above allotment, you are requested to contact the undersigned for the following:

- 1) Giving written advice for 11 months Licence fee as Security Deposit, which shall be deposited with the Finance Department of NTPC Ltd., Korba.
- 2) Written advice for one year licence fee for the shop to be taken by you.
- 3) Bring a stamp paper of value Rs.50/- to execute the terms and conditions of licence.
- 4) The allotment of shop is made subject to the condition that the shop should be started within a period of 15 days from the date of issue of this letter, failing which, this offer made to you will stand automatically withdrawn and cancelled.
- 5) For allotted shop at a token rent & Elect. Charges @ Rs.100/- (Rupees One hundred

only) per month will be charged from you considering allotment of shop to landoustees as a meanse of IGS for his livelihood under R&R programme. Further rent etc. may be revised by NTPC Management as and when required.”

18. The details of the contract awarded to the petitioners family is also necessary to be mention here, which are as under:-

**Contracts awarded (regular and one-time between 2012-2025)**

Sl. No	Name Of Society	President	Name of work	Current Award Value	Completed work value up between 2012-2025	Total	Remark Purchase order no. of regular work
1	Bhu Visthapit Kamgar Sahkari Samiti Maryadit Ghorapath- Regd. No. 173	Rishiban	Maintenanc e of the Garden	2987609.38	22062090.04	23019659.42	4600082609
			Deployment of Tractor Trolley	1666210	9276540.95	10942750.94	4600082556
			Other one time single Contracts	0.00	2702567.84	2702567.84	
2	Individual	Kumar Ban Goswami	3000L TRACTOR-DRIVEN WTR TANKR, PART-3	907200	5103653.30	4764617.19	4000357893
			CLEANING & DISPOSAL OF ASH BPH TO DYK	899625	4864992.19	6010853.3	4000352676
			Other one-time single Contracts	0.00	295026.00	295026.00	
3	Individual	Vijaypalban	Other one-time single Contracts	0.00	2338359.50	2338359.50	
<b>Total</b>						<b>50,073,834.19</b>	

19. Further, the details of residential plots allotted to the petitioners are as under:-

S.No.	Case No.	Plot No.	Area	Date
1.	R.C. No. 01/A-19/2013-2014	410	2000	22.07.2014

2.	R.C. No. 01/A-19/2013-2014	411	2000	22.07.2014
3.	R.C. No. 01/A-19/2013-2014	412	2000	22.07.2014
4.	R.C. No. 01/A-19/2013-2014	413	2000	22.07.2014
5.	R.C. No. 01/A-19/2013-2014	414	2000	22.07.2014
6.	R.C. No. 01/A-19/2013-2014	415	2000	22.07.2014
7.	R.C. No. 01/A-19/2013-2014	416	2000	22.07.2014

20. The rehabilitation benefits provided by the NTPC to the petitioners are also required to be reproduced here, which are as under:-

**Rehabilitation benefits provided by NTPC to Shri Kumarban Goswami and family are as follows:**

Sl. No.	Name	Lump Sum Amount in place of Annuity (₹)	Maintenance Grant (₹)	Amount for Self-Settlement (₹)	Amount in place of 60,000 Fly Ash Bricks (₹)	Amount for Land Registry (₹)	Total Amount (₹)
1	Kumarban	19,89,000.00	85,400.00	2,50,000.00	1,72,200.00	1,14,998.00	26,11,598.00
2	Vijaypalban	20,55,000.00	85,400.00	2,50,000.00	1,72,200.00	93,546.00	26,56,146.00
3	Rishiban	24,54,000.00	85,400.00	2,50,000.00	1,72,200.00	55,553.00	30,17,153.00
4	Rajendraban	19,89,000.00	85,400.00	2,50,000.00	1,72,200.00	62,945.00	25,59,545.00
5	Rupendraban	2,50,000.00	85,400.00	0.00	0.00	38,073.00	3,73,473.00

21. The details of land holding, compensation and rehabilitation benefits extended to the petitioners are as under:-

**NTPC LIMITED KORBA**

**DETAILS OF LAND HOLDING + COMPENSATION + R&R BENEFITS IN RESPECT OF SHRI KUMAR BAN & FAMILY**

S.N	Name	Area in acre	R&R Grant in lieu of Annuity (Rs.p.)	Subsistence Allowance 700 days Rs.122.00 per day (Rs.p.)	Resettlement Amount Rs.2.50 lakh each per Homeostee Family (Rs.p.)	Cost of Ash Brick 60,000 bricks @ Rs.2.27 per brick (Rs.p.)	Total R&R Grant other than Stamp duty benefits (Rs.p.)	Date	Stamp Duty for Land Purchase (Rs.p.)	Date	Grand Total (Rs.p.)
1	Kumar Ban	6.63	1,989,000.00	85,400.00	250,000.00	172,200.00	2,496,600.00	25.03.2014	114,998.00	27.05.2014	2,611,598.00
2	Vijay Pal Ban	6.85	2,055,000.00	85,400.00	250,000.00	172,200.00	2,562,600.00	25.03.2014	93,546.00	27.05.2014	2,656,146.00
3	Rajendra Ban	6.63	1,989,000.00	85,400.00	250,000.00	172,200.00	2,496,600.00	25.03.2014	62,945.00	27.05.2014	2,559,545.00
4	Rishi Ban	8.18	2,454,000.00	85,400.00	250,000.00	172,200.00	2,961,600.00	25.03.2014	55,553.00	27.05.2014	3,017,153.00
5	Rupendra Ban	0.37	250,000.00	85,400.00	0.00	0.00	335,400.00	25.03.2014	38,073.00	23.09.2014	373,473.00
6	Savitri Devi	1	300,000.00	85,400.00	250,000.00	172,200.00	807,600.00	08.04.2014	56,618.00	23.09.2014	864,218.00
7	Gopal Ban	Homeostee	0	85,400.00	250,000.00	172,200.00	507,600.00	25.03.2014	0.00		507,600.00
<b>Grand Total</b>		<b>29.66</b>	<b>9,037,000.00</b>	<b>597,800.00</b>	<b>1,500,000.00</b>	<b>1,033,200.00</b>	<b>12,168,000.00</b>				<b>12,589,733.00</b>

22. The petitioners have admittedly accepted substantial rehabilitation benefits, including monetary compensation, allotment of shops, residential plots, award of contracts and other facilities. Having accepted the alternative package in lieu of employment, they are estopped from claiming employment as an additional benefit. The doctrine that a party cannot approbate and reprobate is well settled. In ***R.N. Gosain v. Yashpal Dhir*, (1992) 4 SCC 683**, the Supreme Court held that a party cannot accept and reject the same instrument or transaction. The petitioners, having enjoyed the benefits flowing from the rehabilitation package for more than a decade, cannot now resile and seek further relief.
23. The principle of **res judicata** applies not only to civil suits but also to writ proceedings. The Hon'ble Supreme Court in ***Daryao and Others v. State of U.P.***, AIR 1961 SC 1457, held that the general principle of res judicata applies to writ petitions under Article 226 of the Constitution. Similarly, in ***Forward Construction Co. v. Prabhat Mandal (Regd.), Andheri***, (1986) 1 SCC 100, the Supreme Court held that the principle of constructive res judicata is applicable even in writ jurisdiction to prevent re-agitation of issues which were or could have been raised earlier.
24. In the present case, the issue of employment under the CG R&R Policy was directly and substantially in issue in the earlier writ petition and stood adjudicated. The direction issued by coordinate bench of this Court was conditional employment, which was to be considered and, if unavailable, alternative rehabilitation package was to be

provided. The said direction has been complied with. The petitioners cannot now reopen the matter and seek a fresh adjudication on the same cause of action.

25. Furthermore, the CG R&R Policy does not confer an absolute right to employment. It contemplates consideration for employment, subject to availability of posts, failing which alternative benefits may be granted. The Hon'ble Supreme Court in ***State of Haryana v. Naresh Kumar Bali***, (1994) 4 SCC 448, has held that no mandamus can be issued directing the State or its instrumentalities to create posts or provide employment dehors the statutory framework.
26. In view of the foregoing analysis, this Court is of the considered opinion that, (i) The issue of employment already stands adjudicated in earlier proceedings; (ii) The directions issued by this Court in W.P. (C) No. 692 of 2012 have been complied with; (iii) The petitioners have accepted the alternative rehabilitation package; and (iv) No enforceable legal right survives warranting interference under Article 226 of the Constitution of India.
27. Accordingly, the writ petition, being devoid of merit and deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

ved