

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- WP(C) No. 4032/2019

Date of Pronouncement:- 12.12.2025

Uploaded on:- 22.12.2025

Surinder Kumar

.... Petitioner(s)

Through:- Mr. Asheesh Singh Kotwal, Advocate.
V/s

State of J&K & Ors.

.....Respondent(s)

Through:- Ms Priyanka Bhat, Advocate, vice
Mrs. Monika Kohli, Sr.AAG.

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER(ORAL)

1. According to the learned counsel for petitioner, the father of petitioner and his brother Brij Lal in the year 2006 had donated 03 kanals and 13 marlas of land to the respondents comprising under Khasra No.496, situate at Village Kulhand, Doda for setting up a helipad with the clear understanding and assurance that the respondents would appoint the petitioner, his brother and son of his brother as Followers in the Police Department, whereupon the petitioner applied for appointment as Follower in the Police Department along with relevant documents, however, the respondents failed to appoint the petitioner as Follower, the petitioner along with two others filed SWP No.1582/2008 before this Court, which came to be disposed of vide order dated

27.02.2012 with a direction to the respondents to accord consideration to the appointment of one eligible member from each of the families of the petitioner therein as Follower who have donated the land, however, respondent No. 2 issued Order No.3409/2013 dated 24.12.2013 whereby the case of petitioner came to be rejected, which rejection came to be challenged in SWP No.2768/2015, wherein this Court vide judgment dated 06.12.2017 quashed the said order dated 24.12.2013 with a direction to respondent No.2 to consider the case of petitioner in the light of the policy which was in vogue at the relevant time, whereafter however, the respondent No.2 again vide order dated 26.10.2018 rejected the claim of petitioner, necessitating the filing of the instant petition.

2. ***Objections*** to the petition have been filed on behalf of respondents, wherein it is admitted that Hans Raj and Brij Lal had donated their land for construction of Helipad and that the petitioner would have been appointed in the department had he put forth his claim well in time for appointment in lieu of said donated land and as by the time the petitioner put forth his claim, the Government had prohibited making of such appointments.

Heard learned counsel for the parties, considered their rival contentions and perused the file.

3. Perusal of the file reveals that the respondents rejected the claim of petitioner for appointment in lieu of the donated land on two counts; firstly that no promise or assurance was made to the

petitioner for appointment in lieu of the donated land and secondly, the petitioner did not submit his case well in time. However, in the objections, the respondents have specifically averred that the petitioner would have been appointed in lieu of the donated land had he submitted his case well in time. Furthermore, Communication No. MT/Apptt/Land/donation/06/20735 dated 09.11.2006 from the Inspector General of Police to the Director General of Police, annexed with the writ petition reveals that an express recommendation for appointment of the sons of Hans Raj including the petitioner herein in lieu of the donated land has been made, establishing the existence of a clear promise and assurance by the respondents.

4. Admittedly, the land-in-question was taken by the respondents after May, 2006 and communication dated 09.11.2006 (supra) makes reference to an earlier communication dated 14.10.2006, a perusal whereof clearly demonstrates that the petitioner had raised his claim well within time. Therefore, the contention of respondents that the petitioner had failed to submit his claim in time is totally belied by the record and is factually incorrect.
5. Law is settled that once the Government authorities had taken the land based on a promise of employment, they cannot later on be allowed to take a U-turn thereby denying appointment on the ground that the petitioner did not fall within recruitment norms. Furthermore, it is not the case of respondents that they have paid

any compensation to the petitioner's father in lieu of the land taken for the establishment of the Helipad and, as such, in the absence of any payment of such compensation, it can reasonably be construed that the respondents have illegally appropriated the land belonging to the petitioner, especially so when the respondents themselves have admitted the same. Besides, the respondents have, in certain cases, appointed land donors in the Police Department during the years 2005–06 except the petitioner, rendering the action of the respondents arbitrary, discriminatory, and manifestly unjust.

6. Viewed thus, the writ petition is allowed and the respondents are directed to offer appointment to the petitioner as promised within a period of eight weeks from the date a copy of this order is served upon the respondents against proper receipt and in the event, appointment is not offered, the respondents shall grant compensation of the land in question.

(JAVED IQBAL WANI)
JUDGE

JAMMU
12.12.2025
Ram Krishan

<i>Whether the order is speaking?</i>	<i>Yes/No</i>
<i>Whether the order is reportable?</i>	<i>Yes/No</i>