

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

**WP(C) 576/2025
CM (1412/2025)**

Amrinder Singh

...Petitioner(s)

Through: Mr. A. M. Dar, Senior Advocate with
Ms. Mahjabeen, Advocate.

Vs.

Union Territory of J&K and Others.

...Respondent(s)

Through:

CORAM:

Hon'ble Mr. Justice Mohd. Yousuf Wani, Judge.

ORDE R

14.03.2025

1) Through the medium of the instant petition filed under the provisions of Article 226 of the Constitution of India, the petitioner *inter alia* seeks issuance of writ/direction in the nature of mandamus upon the respondents for appointing him in place of the original selectee who has duly nominated him and render a time bound decision on his pending representation dated 25.11.2024.

“The facts of the petitioner’s case in nutshell are that, the NHPC Uri-II for its establishment necessitated the acquisition of land from numerous local families and NHPC undertook to offer at least one employment opportunity to each displaced family as a measure of rehabilitation; that however, following interviews and the publication of the initial selection list, various legal challenges ensued, culminating in multiple writ petitions (SWP nos. 1928/2015, 1798/2018 and 1819/2015);

That filing of those petitions resulted in an interim stay that persisted for almost nine years, causing severe delay that rendered many original selectees ineligible, over-aged, or otherwise incapacitated;

That eventually, on 04.07.2024, this Court dismissed the aforementioned petitions, thereby lifting the long-standing stay and allowing the recruitment to progress; that some unsuccessful candidates then pursued Letters Patent Appeals (LPA No. 210/2024), but the learned Division Bench of this Court declined to grant any further interim relief;

That NHPC, by issuing a notice on 09.09.2024, sought to finalize appointments for the originally selected candidates, including the one who had by then nominated the petitioner in his place due to reasons of his advanced age and ill health;

That despite the petitioner's compliance with all required verification procedures, further legal challenges arose, resulting in renewed delays and selective issuance of appointment orders only to a few original selectees; that aggrieved by this arbitrariness and lack of decisiveness, some similarly situated persons filed WP(C) no. 2919/2024, prompting this Court on 13.12.2024 to direct the respondents to consider the petitioners (of the said writ petition) representation dated 25.11.2024 and conclude the recruitment process within three months;

That although NHPC ostensibly resumed the appointment exercise in early 2025, but the petitioner's specific claim was again overlooked despite the fact that the original selectee had unequivocally nominated him through sworn affidavit;

That consequently, the petitioner submitted a fresh representation dated 25.11.2024, urging an expedient resolution, but his plea has met with no conclusive response, compelling him to file the present writ petition;

That petitioner now asserts that the respondent's refusal or failure to appoint him, even after acknowledging his nomination, amounts to an arbitrary denial of rights protected under Articles 14, 16 and 21 of the Constitution; that the respondents' conduct further breaches principles of legitimate expectation, promissory estoppel and fair play in administrative action, thus defeating the entire objective of rehabilitating land oustees by ensuring "one job per displaced family";

That in the face of continuing inaction, the petitioner has no adequate or efficacious remedy other than invoking the extraordinary writ jurisdiction of this Court. Through this petition, the petitioner seeks a writ of mandamus to compel the respondents to appoint him forthwith in place of the original selectee who has duly nominated him, and to render a time bound decision on his pending representation dated 25.11.2024, so as to uphold the letter and spirit of the land oustees policy.”

2) I have heard the preliminary submissions of Mr. A. M. Dar, learned senior counsel for the petitioner, who submitted that the instant writ petition can be disposed of at this threshold stage by directing the respondents to appoint the petitioner in place of the original selectee who has duly nominated him and to render a time bound decision of his pending representation dated 25.11.2024, so as to uphold the letter and spirit of the land oustee policy.

3) This Court in the facts and circumstances of the case is of the opinion that admittedly it may meet the ends of justice in case the matter is disposed of at this stage with the aforesaid direction.

4) In the backdrop, instant writ petition is disposed of with a direction to the respondents that they shall subject to any contrary orders of this Court, consider the representation of the petitioner for appointment in place of the original selectee who is alleged to have duly nominated him owing to the fact of his having been rendered incapacitated for active services due to overage and ill health.

5) ***Disposed of*** as along with the connected CM.

(Mohd. Yousuf Wani)
Judge

SRINAGAR:

14.03.2025

“HAMID”