

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.19870 of 2013

Lovekesh

... Petitioner

Versus

State of Punjab & others

... Respondents

CWP No.1699 of 2014(O&M)

Karan Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

Decided on : 22.12.2015

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.R.D.Bawa, Advocate, for the petitioner.

Ms.Monica Chhiber Sharma, DA.G., Punjab.

G.S. Sandhawalia , J. (Oral)

This order shall dispose of CWP-19870-2013 & 1699-2014, involving common questions of law and facts.

The petitioners, in both cases, are brothers, being sons of Anil Kumar son of Kedar Nath. Vide the order impugned dated 05.04.2013 (Annexure P9) and dated 17.05.2013 in the other case, the relief of employment has been declined under the Rehabilitation & Resettlement Policy dated 18.11.1993, on account of the fact that one Tarsem Lal son of Kedar Nath, who is the uncle of the petitioners, had already been given employment on 10.04.2012 (Annexure P8). The facts would further go on to show that even the father of the petitioners was also given appointment on 24.08.1998 (Annexure R3/1). The petitioners had approached

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this Court in CWP-10625-2012 titled *Rashpal Singh & others Vs. State of Punjab & others*, along with 19 others, in which a direction was issued on 30.05.2012 and in CWP-16704-2012 titled *Pankaj Sharma & others Vs. State of Punjab & others*, on 29.08.2012 for consideration. The appointment of the uncle having not been objected to and the fact that the father had been given the benefit more than a decade earlier, the issue was sought to be reopened on a subsequent order passed by this Court on 26.11.2009, in CWP-787-2008 titled *Dharam Singh & others Vs. State of Punjab & others*. This is obviously to gain undue benefit, which is beyond the scope of the rehabilitation policy. Nothing was shown to this Court that the father of the petitioners had already been granted employment more than a decade back.

In such circumstances, the purpose of rehabilitation policy had already been met, by granting employment to two members of the family. Further reconsideration, after a decade, on such account, is not permissible, in view of the fact that the petitioners had concealed material facts that the father of the petitioners had been given appointment and thereafter, their uncle had also been given the concession.

Accordingly, there is no scope for interference in the present writ petitions and the same are, hereby, dismissed.

DECEMBER 22, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE