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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3504 of 2014
Decided on : 22.12.2015

Iqbal

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.R.S.Manhas, Advocate, for the petitioner.

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

G.S. Sandhawalia , J. (Oral)

Petitioner seeks quashing of order dated 29.10.2013 (Annexure P5) whereby the claim of the petitioner had been rejected on the ground that another family member of the petitioner has been given appointment.

A perusal of the impugned order dated 29.10.2013 (Annexure P5), whereby the petitioner has been denied employment under the Rehabilitation & Resettlement Policy dated 18.11.1993, is on the ground that though the petitioner was eligible but one member of the family, namely, Mohammad Hussain son of Nasir Deen, son of Mandi, has already been given employment.

The appointment order dated 16.06.1999 (Annexure R4) has been attached wherein employment was given to said Mohammad Hussain. It is not disputed that a period of more than

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a decade had passed by since the said appointment was given. The petitioner, thereafter, was one of the forty-nine petitioners in CWP-17798-2011 titled *Ramesh Kumar & others Vs. State of Punjab & others,* in which, a direction was issued on 21.09.2011 (Annexure P2), for consideration and the issue was again opened up, for the first time, after a period of more than a decade. Nothing could be brought to the notice of this Court, at that point of time, that a family member had already been granted employment since the case was disposed of on the first date of hearing without calling for the reply and in pursuance of that, reconsideration was done. The said appointment letter has never been challenged by the petitioner that appointment has been wrongly given. The policy of rehabilitation is to provide succor to one of the family member whose land has been acquired. The appointment having not been objected to and only was sought to be reopened on account of a subsequent judgment 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.

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

(G.S. SANDHAWALIA)
JUDGE

DECEMBER 22, 2015
sailesh