

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

**CWP No.5221 of 2013
Decided on :15.12.2015**

Raman Sharma

... Petitioner

Versus

State of Punjab and others

... Respondents

(2)

CWP No.7960 of 2014

Sahil Pathania

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present : None for the petitioner (s).

Mr. Pankaj Mulwani, DAG, Punjab.

G.S. Sandhawalia , J. (Oral)

The present order shall dispose of two writ petitions i.e. CWP Nos.5221 of 2013 and 7960 of 2014. The facts are being taken from **CWP No.5221 of 2013 titled as 'Raman Sharma Vs. State of Punjab and others'**.

The petitioner (s) seek a direction to the respondents to provide the monetary benefits/rehabilitation package in lieu of the employment to be given as a Class-IV employee vide letter dated

22.02.2013 (Annexure P-5). In the alternative the appointment sought as per qualification on account of the fact that the petitioner is nearing 50 years and is M.A. in Hindi (in CWP No.5221 of 2013 and on account of the qualification of the petitioner as he is having diploma in Mechanical Engineering (in CWP No.7960 of 2014) should be offered employment in any other department if not available in Ranjit Sagar Dam.

The claim of the petitioner is based on the fact that the husband of the petitioner was having 7 Biswas of land situated in village Mohal Bhotan and around 1 Bigha of land in village Kheri, Tehsil Dalhousie, District Chamba, Himachal Pradesh. On account of the acquisition of the land for the Ranjit Sagar Dam and on account of policy dated 13.07.1998 (Annexure P-1) the claim has been made, on account of falling under the definition an oustee family.

It is not disputed that in pursuance of the policy of rehabilitation, the petitioner has been offered a temporary post of Class-IV on 22.02.2013 (Annexure P-3). The purpose of the said policy is to provide immediate succor to the families who are deprived of their land. The said policy creates an exception and right of employment by excluding others who cannot even apply and are not liable for consideration. There is no vested right as such to claim appointment to a particular post and the petitioner

being better qualified cannot as a matter of right claim the employment of her choice. Nothing has been mentioned as to how any monetary benefits are liable to be paid and as per the writ petition itself it is clear that there was no cash amount to be paid in lieu of the employment.

The State has relied upon the decision in its meeting dated 24.08.2000, wherein employment is to be given as a Class-IV employee.

The said policy of rehabilitation can be compared to the policy of compassionate appointment, wherein the benefit is given to the family to get over the difficulties which is facing on account of the land being acquired. In the present case as noticed the acquisition was made in the year 1997 and the award was announced on 22.01.1999. The petitioner having been offered Class-IV appointment is not, thus, entitled to seek his appointment on a higher post, only on account of the better qualification. No legal vested right is available to the petitioner as per the policy of 1998 and no writ in the nature of mandamus can be issued, in the above facts and circumstances.

Accordingly, the present writ petitions are dismissed.

DECEMBER 15, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE