

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4841 of 2014

Date of decision: 21.12.2015

Nisar Ahmed @ Nasar Ahmed

...Petitioner

Versus

State of Punjab and others

...Respondents

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

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

Ms. Monica Chhiber Sharma,
Deputy Advocate General, Punjab for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of order dated 22.11.2012 (Annexure P/8) wherein employment has been denied under the Rehabilitation and Resettlement Scheme dated 18.11.1993 (Annexure P/1) (for brevity "R&R Scheme") on the ground that the petitioner's brother, namely, Mushtaq Ahmed had been given employment.

The impugned order was passed on account of the fact that the petitioner along with others had approached this Court by way of Civil Writ Petition No.14771 of 2011 titled as Ravinder Singh and others Vs. State of Punjab and others wherein direction had been issued to consider the claim of the petitioners. The petitioner was part of a bunch of 43 petitioners who had approached this Court and his brother had been given employment way back on 19.5.1995 (Annexure R-1) at that point of time. In spite of that a direction was sought from this Court that the case should be put up for consideration on the strength of the policy.

Thus, it is apparent that there was concealment of fact and no such direction would have been issued if this Court had been informed the true position that one of the family members had already been given

employment.

In such circumstances, a fresh reconsideration after a period 1-1/2 decades cannot be expected. The purpose of the R&R scheme is only to grant immediate succor to the family by granting employment at the time of acquisition of the land and the same was done in the present case where the brother of the petitioner was given employment and now only undue benefit is sought.

The argument raised that the petitioner had a separate right on account of father's dying is not justified because of reason the petitioner's brother was given employment at that point of time. The petitioner cannot keep on raking up the issue of employment time and again only on account of the fact that this Court while deciding the issue in **CWP No.787 of 2008 Dharam Singh and others Vs. State of Punjab and others** decided on 26.11.2009 issued a direction for reconsideration of the matter of person whose case was not being considered as per policy. In the said case, certain set of persons had not been granted the benefit of employment and direction had been issued. In the present case, the employment had already been given in 1995 to his brother and as such he is not entitled for any relief.

In such circumstances, there is no scope for interference with the impugned order dated 22.11.2012 in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

December 21, 2015
Pka

(G.S.SANDHAWALIA)
Judge