

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

CWP-4758-2015

Date of Decision : 27.04.2015

Jogesh Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present : Mr. Rahul Dev Singh, Advocate
for the petitioner.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

ARUN PALLI, J. (ORAL)

A writ in the nature of certiorari is prayed for so as to quash the order/letter dated 25.11.2014 (Annexure P-8), being unjustified and unconscionable, further a direction is sought to the respondents to consider the claim of the petitioner for providing employment under Rehabilitation and Re-Settlement Scheme dated 18.11.1993 (Annexure P-1).

It is averred that the petitioner is Ranjit Sagar Dam oustee of Jammu and Kashmir State. Even earlier he had approached this Court by filing CWP No. 11143 of 2013 titled "Daresh Kumar vs. State of Punjab and others" and the same was disposed of with a direction to the respondents to consider and decide the claim of the petitioner for providing him an employment under the Scheme. As a result, vide order, being assailed, dated 25.11.2014 (Annexure P-8), respondent No.4 has declined the claim of the petitioner. The reasons cited in this regard is : that the petitioner was asked by the Executive Engineer, Personnel Division, RSD-Shahpurkandi

Township vide letters dated 13.3.2014, 6.6.2014, 16.7.2014, 16.9.2014, 14.10.2014 and 27.10.2014 to furnish the requisite documents and NOC from other legal heirs for consideration of his claim for employment under the Scheme. But since, the petitioner failed to supply the necessary documents, his claim was rejected. Though an analysis of the order reveals that verification report submitted by Collector, Land Acquisition, Basohli, it was conceded that the land of the father of the petitioner i.e. Sukhdev Raj son of Sant Ram, resident of village Plassi, was indeed acquired by the authorities for Ranjit Sagar Dam.

Learned counsel for the petitioner maintains that much before the order dated 25.11.2014 (Annexure P-8) was passed, vide letter (Annexure P-10), the required documents were duly submitted to the Director Plan Design, Division and CPU RSD, Shahpur Kandi, Township and again vide letter dated 29.10.2014 (Annexure P-11) to the Executive Engineer, Personnel Division RSD Shahpur Kandi, Township. Attention of the Court was drawn to the vernaculars of (Annexures P-10 & P-11) to submit that the necessary documents were duly received by the authorities on 26.8.2013 and 29.10.2014 respectively i.e. before the order dated 25.11.2014, declining the claim of the petitioner was passed. Therefore, he submits that rejection of the claim of the petitioner was for a reason that was non-existent.

Concededly petitioner did not represent to the authorities post passing of the order dated 25.11.2014 (Annexure P-8), so as to clarify that the reason assigned for rejection of his claim was erroneous as the required documents had already been submitted. He never sought reconsideration of his claim, though the positive case set out by the petitioner is that order dated 25.11.2014 (Annexure P-8) being assailed suffer from an error apparent on the face of the record.

That being so, learned counsel for the petitioner prays that he be permitted to withdraw this petition, as petitioner shall move the authorities again by filing an appropriate application/representation for reconsideration of his claim within two months from today. However, he submits that authorities i.e. respondent No.4 be directed that in case any such representation is made, the same be decided within a specified time.

That being so, this petition is dismissed as withdrawn. However, if the petitioner indeed represents respondent No.4 as regards the reconsideration of his claim under the Scheme, the same shall be considered and decided strictly in accordance with law, within a period of two months from the receipt of the said representation. Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

(ARUN PALLI)
JUDGE

27.04.2015
'SP'