

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

CWP No.7368 of 2014
Date of Decision: 03.03.2015

Taljinder Singh

. . . .Petitioner

Versus

The State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Gurbachan Singh, Advocate,
for the petitioner.

Mr.Anant Kataria, AAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of mandamus seeking a direction to the respondents to grant him employment as Class-IV employee as per his qualifications in view of the Punjab Government Instructions dated 10.11.1988 issued on behalf of BSF, controlled by the Government of India and for the issuance of a writ in the nature of certiorari for quashing the impugned order dated 12.3.2014 by which the claim of the petitioner has been declined on the ground that BSF (Agency of the Government of India) has not given any undertaking.

Learned counsel for the petitioner has submitted that the Department of Revenue, Government of Punjab had issued instructions that the land measuring 94 acres, 2 kanals and 16

marlas situated in Village Daudpura, Valtoha and Mehmoodpura, Tehsil Patti, District Amritsar, acquired for establishment of BSF Campus would be subject to the condition that one eligible adult member from the family of each landowner, whose land is acquired, would be provided employment by the BSF. It is submitted that on 29.8.1989, 94 acres, 2 kanals and 16 marlas of land of Village Daudpura, Valtoha and Mehmoodpura, Tehsil Patti, District Amritsar was acquired for establishing new Border Security Force Battalion Headquarter. The petitioner, alleged to have qualified 10+2 examination from the Punjab School Education Board, approached the Government for giving him employment as Class-IV employee but his representation was rejected on 6.1.2010 which was challenged by way of CWP No.10299 of 2013. The said writ petition was dismissed on 14.5.2013 on the ground that there is no challenge to the letter dated 6.1.2010, construed as rejection of the claim of the petitioner. It is alleged that the petitioner had obtained the list of vacancies under the Right to Information Act, 2005 [for short 'the RTI Act'] and found that there were 9 vacancies of ClassIV employees in Tarn Taran and 3 in Amritsar District. The petitioner has further averred that CWP No.5459 of 2014 titled as Sukhpreet Kaur and others Vs. State of Punjab and others wherein land was acquired for Thermal Power Plant at Village Govindpura, Tehsil Budhlada, District Mansa was disposed of by this Court on the assurance of the Government that the persons, whose land has been acquired, shall be considered for employment in terms of the policy of the Government and has sought to argue that similar treatment should have been given to the petitioner as well but his request has

been turned down by an order passed by the Deputy Inspector General, SHQ, BSF, Ferozepur vide order dated 12.3.2014 in which it has been observed that compensation of ₹4,17,88,992/- has already been paid to the landowners for their acquired land but there was no agreement either between the authorities of BSF and the landlord that BSF would provide job to one member of the family of each landowner nor any provision regarding recruitment of any member of the landowners whose land is acquired in other State of the country is also in existence. At one stage of the proceedings, on 8.1.2014, the following order was passed by this Court:-

“It is not clear from the material on record as to whether the Punjab Government formulated a policy to give employment to rehabilitate the oustees whose land was acquired for setting up Border Security Force Campus. Annexure P-1 indicates offer of employment to oustees by the Border Security Force. The Border Security Force, however, does not bind itself to such a commitment made by the State of Punjab.

Learned counsel for the respondents prays for some time to verify the existence of a policy or any material leading to issuance of Annexure P-1.

Adjourned to 3.3.2015.”

Thereafter, the petitioner filed an application bearing CM No.2705 of 2015 for permission to place on record policy dated 8.11.2011. The application was allowed. The said policy dated 8.11.2011 is also taken on record.

Learned counsel for the petitioner has solely relied upon the letter Annexure P-1 circulated by the Department of Revenue,

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I attest to the accuracy and
authenticity of this document

containing the condition that in case of acquisition of land for the BSF Campus, the BSF would provide employment to one adult family member of each landowner and has now referred to the Policy dated 8.11.2011 issued by the Electricity Department, Government of Punjab providing that in case land is acquired for Piona Power Thermal Plant, one member of the family, whose land is acquired, would be given a Government job.

In this case, notice of motion was issued by this Court on 22.4.2014 only to respondents No.1 to 3 i.e. State of Punjab. Notice was not issued to other respondents, which includes Ministry of Home Affairs, Government of India and the Director General, Border Security Forces.

Be that as it may, once the stand taken by the BSF is that there was not privity of contract between the landowners and the BSF for providing employment to one adult member of the family, whose land has been acquired, the BSF cannot be bound to provide employment on the asking of the State Government.

Learned counsel for the petitioner has failed to show any law in this regard whereby two persons entered into contract can bind the 3rd party, who is not a party to the contract, to the detriment of its interest.

In view thereof, there is hardly any reason for this Court to interfere in the impugned order dated 12.3.2014 (Annexure P-11) while issuing a writ in the nature of certiorari or to consider the claim of the petitioner for issuance of a writ in the nature of mandamus as no legal right has vested with the petitioner nor there is a corresponding duty on the part of the respondent/BSF.

In view thereof, I do not find any merit in the present writ petition.

Dismissed.

03.03.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**