

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

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**Civil Writ Petition No.8163 of 2015
Date of Decision:29.04.2015**

Sadiq Mohammadpetitioner

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Vipin Mahajan, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Notice of motion.

Mr.Anshul Gupta, Assistant Advocate General, Punjab, present in the Court, accepts notice on behalf of the respondents. Requisite number of copies of the paper book have been supplied. As regards the nature of order, I propose to pass, no formal written statement on behalf of the State is imperative, at this stage.

A writ in the nature of certiorari is prayed for, so as to quash the order dated 15.07.2013 (Annexure P4), vide which claim of the petitioner for appointment, being a Ranjit Sagar Dam oustee, under the Rehabilitation and Re-settlement Scheme (for short 'the Scheme') dated 18.11.1993 (Annexure P1), has been declined. A direction is further sought to the respondents to reconsider the claim of the petitioner in the wake of the report dated 11.01.2014 (Annexure P9) submitted by Collector, Thein Dam Project, Basohli, District Kathua, Jammu and Kashmir.

It is averred that even earlier the petitioner along with others had approached this Court vide CWP No.14321 of 2012, titled as “Mukesh Kumar and others vs. State of Punjab and others”, and vide order dated 30.07.2012, this Court had directed the respondents to consider the claim of the petitioners, in terms of the Scheme (Annexure P1). In response, vide order dated 15.07.2013 (Annexure P4), Chief Engineer/RSDC, Irrigation Works, Punjab, Shahpurkandi Township, i.e.respondent No.2, has declined the claim of the petitioner on the ground that one member of the family of the petitioner i.e Marid Ali son of Yousuf has already been afforded employment. Though, it is conceded that the petitioner namely Sadiq Mohammad son of Yousuf was fully eligible for employment under the Scheme dated 18.11.1993, as 100% land of his father namely Yousuf son of Shuker Din was acquired for the project. So much so, vide letter dated 11.01.2014 (Annexure P9), respondent No.3 has clarified the position to respondent No.2 that the petitioner Sadiq son of Yousuf son of Shuker Din resident of Saman and Marid Ali son of Yousuf son of Shuker Din, belong to two different families, as reflected in Shajra Nisab, appended with the said letter. In fact, they are not even distantly related. But with no tangible result. So much so, respondent No.2 was even served upon a legal notice dated 24.06.2014 (Annexure P10) but that too has failed to evoke any response.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of, only with a direction to respondent No.2 to reconsider and decide the claim of the petitioner,

as set out in the legal notice dated 24.06.2014 (Annexure P10), in the wake of the letter dated 11.01.2014 (Annexure P9), within a specified time.

That being so, learned State counsel contends that if indeed the claim of the petitioner is pending reconsideration of the authorities, the same shall be reconsidered and decided by the competent authority, within a period of three months from the date of receipt of certified copy of this order.

Accordingly, the petition is disposed of in the above terms.

29.04.2015

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(ARUN PALLI)
JUDGE