

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

CWP No. 14532 of 2014
Date of decision: 12.01.2016

Rajinder Singh and othersPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

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

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

Ms. Monica Chhiber Sharma, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The petitioners challenge the order dated 22.04.2013 (Annexure P-2), whereby, the benefit of employment in pursuance of the Rehabilitation and Resettlement Policy dated 18.11.1993 has been denied on the ground that one Onkar Singh s/o Vakilo, who was the uncle of the petitioners has already been given a government job. The details of relationship is given as under in the written statement:-

“Accordingly, as per Jamabandi existing on 1.5.1986, employment has already been given to Onkar Singh son of Vakilo son of Naranga who is related to all the four petitioners in the following manner:-

a) Uncle of Petitioner No. 01 namely Rajinder Singh son of Chain Singh son of Vakilo son of Naranga.

b) Uncle of Petitioner No. 02 namely Karam Singh @ Karam Singh son of Jeet Singh son of Vakilo son of Naranga.

c) Brother of the petitioner no. 03 namely Wariyam Singh son of Vakilo son of Naranga.

*d) Cousin brother of the petitioner namely
Bharat Bhushan son of Amar Singh son of Naranga.”*

The four petitioners herein have a common ancestor namely Naranga and Onkar Nath, who was given employment on 09.10.1996, photocopy of which has now been placed on record, is son of Vakilo. Petitioners no. 1 and 2 are grand sons of Vakilo, being sons of Chain Singh and Jeet Singh respectively. Similarly, Waryam Singh is son of Vakilo, s/o Narang and Bharat Bhushan petitioner no. 4 is also the son of Amar Singh s/o Naranga. The reconsideration was ordered on the basis of the fact that the petitioners had filed CWP No. 17905 of 2011 and the State had been directed to find out the correctness of the averments made in Annexure P-8 which had been filed alongwith the civil miscellaneous application.

It is, thus, apparent that the uncle of petitioner nos. 1 and 2 and brother of petitioner no. 3 and cousin brother of petitioner no. 4 had already been granted the employment more than two decades earlier and around 15 years before, this Court was approached in the above said case in CWP No. 17905 of 2011. The said appointment granted to Onkar Nath was never a subject matter of challenge that it had been wrongly granted and the family had been satisfied with the appointment given to one member. It is only on account of a subsequent litigation which ensued in this Court in the year 2011 in Dharam Singh vs. State of Punjab that the issue was again sought to be raked up for the first time in spite of the fact that the petitioners' family had already benefitted by way of public employment.

In such circumstances, the undue benefit which is sought for public employment for each individual of a family, which had already been granted, cannot be acceded to. It this Court had been apprised of that

situation at that point of time, the result would have been different. The factum of Onkar Nath having been given appointment has been concealed from the Court on two occasions and on this account alone, the writ petition is liable to be dismissed.

In such circumstances, no directions can be issued for the claim which the petitioners seek redressal of and accordingly the present petition is dismissed.

12.01.2016
shivani

(G.S. SANDHAWALIA)
JUDGE