

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

**CWP No.17050 of 2015 (O&M)
Decided on : 27.05.2016**

Gagandeep Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present : Mr.J.P.S.Sidhu, Advocate,
for the petitioner.

Mr.A.P.S.Mann, Addl., AG., Punjab.

G.S. Sandhawalia , J. (Oral)

The petitioner challenges order dated 18.9.2014 (Annexure P-8) whereby the petitioner's claim for Government job for his son owing to acquisition of land to the tune of 8K belonging to him has been rejected by the authorities on the ground that the petitioner is a pensioner of the Central Government being an ex army man. Accordingly, on account of not fulfilling the criteria of entitlement of job as per guiding factor of instructions dated 3.3.2014/28.2.2014 (Annexure R-1), the claim has been denied. The relevant instructions whereby the recommendations have to be made for appointment for land holding between 4K to 2 acres read as under : -

- “a) Whether the family has no other source of reasonable livelihood.
- b) Whether the family has any other land holding in any part of the State.
- c) Whether the land owner is a bonafide resident of the village for the last five years.

- d) Whether the family is in receipt of any kind of pension given by the Central/State Govt. or any other agency other than the pension given by the Social Security Department.
- e) Whether his/her entire holding has been acquired.
- f) Whether the land owner has become owner of the land with ulterior motive of deriving benefits of land acquisition.”

As per clause (d), which is ground for rejection merely on receipt of the family pension from the army, the case of the petitioner has been rejected. The fact that his son was a needy person as per the policy and required the job has not been considered. The order is not in consonance with the purpose of the guidelines which have been laid down which further provides that the recommendation is to be made by keeping in view various factors as to whether how much of the holdings was acquired; Whether there was other land available with the family; Whether the family has reasonable source of livelihood or not? Merely because the father is an army pensioner, does not dis-entitle his son who has been divested of his right to livelihood by acquisition of one acre of land belonging to the family.

Resultantly, the impugned order dated 18.9.2014 (Annexure P-8) is not sustainable. The respondent No.2 shall re-decide the matter keeping in view the observations made by this Court in CWP No.16541 of 2014; **Baldev Singh v. State of Punjab and others** decided on 28.3.2016.

The petition stands allowed accordingly.

(G.S. SANDHAWALIA)
JUDGE

May 27, 2016
Paritosh Kumar