

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

CWP No. 21053 of 2014
Date of decision: 12.01.2016

Rahul BhartiPetitioner(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 petitioner.

Ms. Monica Chhiber Sharma, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 03.07.2014 (Annexure P-2) wherein, the benefit of employment on account of the Rehabilitation and Resettlement Scheme dated 18.11.1993 has been denied by the respondents. The reasoning given in the impugned order is that one Sudesh Kumar s/o Raghubir Chand, who is the uncle of the petitioner in the same khata, has already been given employment in the Class IV category. It has been mentioned that Raghubir Chand was having three sons namely Sudesh Kumar, Rakesh Kumar and Om Parkash. The petitioner is son of Rakesh Kumar. The consideration dated 03.07.2014 was done on account of directions from this Court in CWP No. 19601 of 2013 Yash Pal and others vs. State of Punjab decided on 05.09.2013 on account of a legal notice served upon the respondents.

In the reply filed, not only the appointment in favour of Sudesh Kumar on 12.09.1998 (Annexure R-3) has been placed on record but even appointment in favour of the daughter of Raghubir Chand namely Smt. Ravi Lata Bharti on 13.12.1995 (Annexure R-2) and affidavits of Raghubir

Chand, grand father that no other member of the family would claim such benefit. Today, photocopy of the affidavit of petitioners father namely Rakesh Kumar @ Ganesh alongwith his brother Om Parkash, sons of Raghubir Chand dated 13.05.1997 have been placed on record to show that they had foregone their claim for appointment on account of the employment given to Sudesh Kumar. The said appointments, as noticed, were given almost two decades back and now have been sought to be revisited by the petitioner after the family had accepted the same and without laying any challenge to the appointments by impleading the family members.

Thus, the writ petition is dismissed on the ground of concealment of facts as it is apparent that no such facts were brought to the notice of this Court when directions were issued for consideration and without this factor being placed before this Court that the family members had already got two appointments. Undue benefit is now being sought for, which cannot be granted.

12.01.2016
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(G.S. SANDHAWALIA)
JUDGE