

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

**CWP No.22606 of 2014
Decided on :29.01.2016**

Gurtej Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present : Mr. JPS Sidhu, Advocate for the petitioner.

Mr. L.S. Virk, Addl. AG, Punjab.

G.S. Sandhawalialia , J. (Oral)

The petitioner challenges the order dated 23.07.2014 (Annexure P-8), whereby the claim for appointment on account of the acquisition of the land at village Gobindpura has been rejected. The reason for rejection by respondent No.2-Deputy Commissioner, Mansa is on account of the fact that record reveals that only 30 marlas land of the petitioner has been acquired for which due compensation has been paid. The quantum of the land being less than 4 kanals and the criteria being not fulfilled to get the job as per guidelines of the Government, therefore, led to the rejection of the case of the petitioner.

The perusal of the policy (Annexure R-1) would go on to show that land owners/families whose land was acquired was more than two acres or more were entitled the job. The relevant part reads as under:-

“After detailed discussion on the cases falling under these two categories it was decided that the benefit of providing jobs should reach to the actual affected persons whose livelihood has been affected due to this acquisition. Therefore, it was decided that only those land owners/families would be eligible for jobs whose acquired land is two acres or more.”

The petitioner has specifically averred in paragraph 13 (i) of the writ petition that the family owned 6 acres and 30 marlas which had been acquired. The said fact has not been denied. The miscellaneous application bearing No.CM-13949-CWP-2015 has also been filed, in which same plea has been taken.

The explanation now sought to be given is that land was jointly owned by other family members also. However, this reasoning does not find mention in the order impugned. Even otherwise as per the policy the land of the family is to be seen and not individual shares.

In such circumstances, this Court is of the opinion that a fresh decision is necessary by the respondent No.2. Accordingly, the impugned order dated 23.07.2014 (Annexure P-8) is set aside.

The petitioner shall file a detailed representation pointing out that how much land of the family land was acquired and the name of whom, the family jointly recommends for appointment.

The necessary no objection certificates will be attached of the persons who own the land and, accordingly, the application then will be processed by the respondent No.2.

The petitioner shall do the needful within a period of one month from the receipt of the copy of this order and respondent No.2/Committee shall take a decision on the said application within a period of 3 months from the receipt of the same. In case, the relief is to be denied, then a speaking order be passed and be conveyed to the petitioner.

With the abovesaid observations, the present writ petition stands disposed of.

JANUARY 29, 2016

Naveen

**(G.S. SANDHAWALIA)
JUDGE**