

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

Date of decision:08/12/2016

Baljinder Singh

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

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

Mz.Sudeepti Sharma,DAG Punjab assisted by
Mr.Jagsir Singh,Superintendent DC Office, Mansa.

Jaswant Singh,J(Oral)

Claim of the petitioner for compassionate appointment as Constable based on his oustee's rights (landowner) for construction of Peona Thermal Power Plant at Village Gobindpura, Tehsil Budhlada,Distt.Mansa in terms of policy dated 8.11.2011(P-1) has been declined vide impugned order dated 26.9.2016(P-13).

It is case of the petitioner that impugned orders are based on incorrect fact that petitioner is not bonafide resident of Village Gobindpura as also the classification made between residents and non-residents of Village. It is asserted that the land measuring 4 kanals 12 marlas belonging to the petitioner was ancestral in nature and as such he was entitled to compassionate appointment in terms of the policy P-1.

Heard learned counsel for the petitioner.

A perusal of impugned order 26.9.2016 (P-13) shows that a Committee consisting of Under Secretary, Department of Power, District Revenue Officer and Sub Divisional Magistrate(Land Acquisition Collector) Budhlada was formed which was required to consider cases of persons like petitioners for compassionate appointment in the light of guidelines laid down by the Government. The case of the petitioner was considered and rejected vide order dated 28.7.2014. Thereafter petitioner filed CWP 21473/2014 which was disposed of by a common order dated

Punjab,whereby Deputy Commissioner was directed to consider the cases of persons like petitioner afresh and objectively.

In compliance of the said order petitioner was issued a show cause notice for personal hearing. The petitioner appeared before the Deputy Commissioner on 27.7.2016.

The Deputy Commissioner after hearing the petitioner and perusing the official record found that the extent of acquired land belonging to the father of the petitioner was 4 kanals 12 marlas for the project. The applicant/petitioner was resident of Adarsh Nagar, Street No.19, Goniana Road,Bathinda and not a bonafide resident of Village Gobindpura. It was also noticed that the petitioner was not a bonafide resident of Village Gobindpura for the last five years and as such did not fulfill the criteria laid down for giving compassionate appointment. It was further noticed that petitioner had not produced any evidence to prove that his case fell under the category of “exceptional hardship” so as to entitle him for a job.

At the time of hearing,learned counsel for the petitioner is unable to refute the findings recorded in the impugned order dated 26.9.2016(P-13) passed by the Deputy Commissioner,Mansa.

For the reasons stated above, finding no merit in this writ petition the same is hereby dismissed.

08.12.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No