

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-3423& 3425-LPA-2016 in/and

LPA No.1674 of 2016 (O&M)

Date of Decision: 05.09.2016

Beant Singh & Ors.

... Appellants

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

1. *Whether speaking/reasoned?*

Yes / No

2. *Whether reportable?*

Yes / No

3. *Whether Reporters of local papers may be allowed to see the judgment?*

Yes / No

4. *To be referred to the Reporters or not?*

Yes / No

5. *Whether the judgment should be reported in the Digest?*

Yes / No

Present: Mr. JPS Sidhu, Advocate for the appellants

SURYA KANT, J. (Oral)

CM-3423-LPA-2016

For the reasons mentioned in the application, the same is allowed and the delay of 8 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1674-2016 (O&M)

(1) This order shall dispose of LPA Nos.1674 to 1677 of 2016 as the point in issue is common. For brevity, the facts are being taken from LPA No.1674 of 2016.

(2) The appellants have laid challenge to the judgment dated 11.07.2016 whereby learned Single Judge after elaborately dealing with their claim for appointment in Government service in lieu of acquisition of their land measuring less than 4 kanal in each case, has turned down such claim on the basis of the revised Government policy whereunder it was resolved that no public employment is to be offered to one family member of the landowner where the acquired land is less than 4 kanal.

(3) We have heard learned counsel for the appellants who has reiterated the contentions which were raised before the learned Single Judge.

(4) As regard to the plea of discrimination on the basis of cut-off date, the law is well settled. The competent authority is entitled to prescribe a cut-off date provided that it has some rationale.

(5) In the instant case, the new policy decision has been given effect prospectively and the appointments made prior thereto, have not been re-opened. This would not amount to any discrimination even if the appellants had applied before the new policy decision was taken. A right enforceable through the Court of law can be said to have accrued in favour of the affected landowners only when he fulfills the eligibility conditions of the existing policy.

(6) In the present case, no mandamus can be issued to direct the respondents to relax the policy and offer appointment to the appellants.

(7) As regard to the plea of discrimination on yet another ground, namely, that one Rajdeep Singh s/o Gurjant Singh r/o Village Dirba, District Sangrur has been appointed as a Constable in Punjab Police after the new policy decision, namely, on 26.06.2014, the respondents have clarified in their written statement that it was done by the Police Department at its own, namely, there is no relaxation in the policy and no conscious decision was taken by the competent authority to offer appointment to those whose acquired land was less than 4 kanal.

(8) Since the policy decision making falls within the domain of the executive and the writ court can interfere with such policy only if it does not stand to the Constitutional philosophy or is hit by a Statute and no such case having been made out in the instant case, we do not find any legal infirmity in the order under appeal.

(9) Dismissed.

(Surya Kant)
Judge

05.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge