

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

**Civil Writ Petition No.15061 of 2012
Decided on : 16.08.2017**

Jasbir Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present : Mr. Sandeep Kumar, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana
for respondent No.1.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Deepak Balyan, Advocate and
Mr. Saurabh Monga, Advocate for respondent No.2.

G.S. Sandhawalia, J. (Oral)

In the present writ petition direction is sought to grant a job to the petitioner under the “Oustee Quota” as per the Haryana Government Revenue and Disaster Management Notification dated 09.11.2010 (Annexure P-1).

The case of the petitioner is that 2 acres land of his father had been acquired by the Government for the public purpose i.e for the ash disposal of unit 7 & 8 of Tau Devi Lal Thermal Power Generation Plant and award was announced on 17.06.2003 under The Land Acquisition Act, 1894. The petitioner had applied for a job against the oustee quota as per the notification dated 09.11.2010, but on account of no action being taken the writ petition was filed.

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The defence taken by the respondents is that the policy is effective from 07.09.2010 and, therefore, the case of the petitioner is not covered under the policy since the award was passed seven years earlier on 17.06.2003.

It is settled principle that the appointments under such scheme which are concessions given by the State are over and above the compensation paid and there is no such statutory right as such. The notification itself provides that it was effective from 07.09.2010 and it is the admitted case of the petitioner that the acquisition was made prior to a date of notification. Therefore, the petitioner cannot claim any benefit for the appointment under the said scheme.

It is pertinent to mention that the petitioner's father had also filed writ petition i.e CWP No.22174 of 2014 claiming annuity compensation on the basis of an earlier policy dated 07.12.2007 which has also been dismissed vide order of even date on the same parity.

Resultantly, there is no merit in the present writ petition and same is hereby dismissed.

AUGUST 16, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No