

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14945 of 2017

Date of Decision: 13.7.2017

Ravinder Kaur

....Petitioner.

Versus

Union of India and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE ANIL KSHETARPAL.**

PRESENT: Mr. Shangara Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 12.2.2016 (Annexure P-1) passed by respondent No.3 vide which her claim for appointment against land user looser quota has been rejected. Further, a writ of mandamus has been sought directing respondents No.1 and 2 to offer appointment to the petitioner being eligible as no other family members have got the job against the land looser quota.

2. Briefly stated, the facts necessary for adjudicating the instant petition as narrated therein may be noticed. The father of the petitioner was

owner of the land comprised in khewat No. 66, khatauni No. 338, khasra

Nos. 331 (0-7), 332 (0-12), 333 (1-6). The said land was acquired vide notification dated 18.5.1981 (Annexure A-1) issued under Section 6 of the Land Acquisition Act, 1894 for a public purpose, namely, for setting up of Diesel Locomotive Components Workshop and residential colony at Jhill, Tafazalpur, Rasulpur Saidan and Alipur, Tehsil and District Patiala. The award was passed on 11.8.1981 (Annexure A-2) wherein it was noticed that the company had conceded the request of the landowners/oustees for giving priority in the matter of employment and setting up of ancillary units. Thereafter, a scheme was framed for giving employment to an eligible member of the family of the landowner whose land was acquired. In response thereto, the respondents vide letter dated 10.6.1997 (Annexure A-3) invited applications from the left out oustees for employment as a special case to be submitted by 31.3.1998. Earlier, the applications were invited from the landowners vide letter dated 30.1.1989 with cut off date as 15.2.1989 and again vide letter dated 6.2.1990 with cut off date as 28.2.1990. The father of the petitioner whose land was acquired had died on 30.10.2002. The petitioner could not apply for job being not aware of the procedure and on coming to know about the same, she made many representations including the representation dated 3.5.2014 (Annexure A-14). The said representation, Annexure A-14, was rejected by respondent No.2 vide order dated 22.5.2014 (Annexure A-15) as no application had been filed upto cut off date of 31.3.1998. Feeling aggrieved against the order, Annexure A-15, the petitioner filed Original Application (OA) No. 060/01115/2005. Since, the OA was barred by time, an application bearing No. 060/00166/2016 was filed for condonation of 193 days' delay in filing the OA. The Tribunal vide order dated 12.2.2016 (Annexure P-1)

dismissed the misc. application for condonation of delay and the OA. Hence, the present writ petition.

3. After hearing learned counsel for the petitioner, we do not find any merit in the writ petition.

4. The Tribunal has noticed that the land of the father of the petitioner was acquired in 1981 who had since died on 30.10.2002. It has also been observed that as per letter dated 10.6.1997 (Annexure A-3), the application had to be submitted upto 31.3.1998. Admittedly, the petitioner had not submitted her application upto the cut off date of 31.3.1998. Thereafter, she had made a representation dated 3.5.2014. The said representation was rejected by respondent No.2 vide order dated 22.5.2014 (Annexure A-15) as the application/representation had been made after the cut off date of 31.3.1998. The plea of the petitioner that she did not apply for job as she was not aware of the procedure, rules and regulations and on coming to know about the same, she made various representations is also legally untenable as the representation was also filed after more than 15 years from the cut off date. The Tribunal had rightly concluded that though according to the petitioner there was delay of 193 days but actually delay of 15 years was there and claim for employment could not be considered after 15 years of the cut off date. The Tribunal dismissed the OA of the petitioner being barred by time. The relevant findings recorded by the Tribunal in paras 9 to 12 read thus:-

“9. As regards applicants No.2 and 3, the delay is said to be of 193 days and 160 days respectively. However, in fact, the delay is much more because according to letter dated 10.06.1997 (Annexure A-3), applications had to be

submitted upto 31.03.1998. After submitting the applications, the applicants could have waited for 6 months and then could have filed the O.A. within one year thereafter i.e. upto 30.09.1999. Accordingly, qua them, the delay is of more than 15 years after the expiry of limitation period of one year. There is no justification for condoning the said long delay.

10. Resultantly, MA No. 060/00166/2016 for condonation of delay in filing the O.A. is dismissed. Consequently, the instant O.A. is liable to be dismissed as time barred.

11. XX XX XX

12. As regards applicants no. 2 and 3, admittedly they did not submit their applications upto the 'cut off date' of 31.03.1998. Applicant no.2 made representation dated 03.05.2014 only recently as per averment made in the O.A. Similarly, applicant no.3 made representation dated 09.05.2014 i.e. recently and consequently their claim for employment could not be considered 16 years after the 'cut off date'."

5. No illegality or perversity could be pointed out by the learned counsel for the petitioner in the aforesaid findings recorded by the Tribunal, which may warrant interference by this Court. No satisfactory explanation has been furnished by the learned counsel for the petitioner for not filing the application for employment before the cut off date or for the colossal delay of 15 years in filing the OA. Consequently, finding no merit in the writ

petition, the same is hereby dismissed.

(AJAY KUMAR MITTAL)
JUDGE

July 13, 2017
gbs

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **Yes**