

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

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**CWP No.4851 of 2013 (O&M)
Date of Decision : 24.01.2017**

Sunita Kumari

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vivek Khatri, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, A.A.G., Haryana.

Mr.P.S.Poonia, Advocate
for respondents No.3 to 5.

Mr. Parveen Gupta, Advocate
for respondent No.6.

AJAY TEWARI, J. (Oral)

On 02.03.2015 the following order was passed :-

“By this writ petition, the petitioner has challenged the appointment of respondent No.6. Brief facts are that the State of Haryana had acquired land in village Khedar in District Hisar for setting up a thermal power plant. At one stage it was announced that appointment would be given to one member of every family whose land beyond 2 acres was acquired for the said plant. It seems that 2 acres land of the father of the petitioner, 2 acres land of her father's brother and 2 acres land of her grand father was acquired for the said project. Undisputedly, one son of the father of the petitioner and one son of the uncle of the petitioner were given jobs. Another job was given to respondent No.6, the second son of the uncle of the petitioner and it is for this job that this dispute has arisen.

As per the respondents, after the acquisition, the grand father of the petitioner had handed over the proceeds of his share to the uncle of the petitioner and that is why it was felt that respondent No.6 would be a befitting candidate for the job.

To my mind, this process appears to be flawed. It is not disputed that the grand father of the petitioner had two sons and once those two families were represented in jobs, no body else from the family of the grand father stood unrepresented. It may have been different if, for instance, there was a third sibling of the father of the petitioner because then it could have been stated that the third sibling would constitute the residual family of the grand father but that is not so. In the circumstances, the grant of third job to respondent No.6 seems to be illegal also because if the version of the respondents is accepted and it is treated that the grand father of the petitioner had joined the family of the uncle of the petitioner even in that situation second job could not have been granted to that family.

Counsel for the respondents seek time to clarify this aspect.

Adjourned to 3.8.2015.

On 28.04.2016 the following order was passed :-

“Learned counsel for the petitioner submits that Annexure P-20 is the policy framed by the respondents for grant of employment requirement to the families of the land owners whose land is acquired for construction of the Thermal Power Plant Kheder, Hissar.

Learned counsel for the respondent-Corporation submits that Annexure P-20 is not a policy and is merely a noting portion which was put up for approval of the whole time Directors. He prays for and is granted time to seek instructions whether the whole time Directors had granted approval to Annexure P-20.

Adjourned to 19.07.2016.”

In my opinion the entire process where either the petitioner or her first cousin (the second son of the uncle) are seeking a job is illegal. As per the policy one member of the family more than two acres of whose land has been acquired has to be given a job. It can not be disputed that the petitioner and the respondent No.6 ultimately belong to the family of their grand father. It can not be lost sight of that all reservations hit at the rights of candidates from the open market and therefore, an un-necessarily broad definition can not be given to such policies.

In the circumstances, it is tempting for this Court to set aside even the appointment of respondent No.6 but since I have held that even the petitioner can not apply, the appointment of respondent No.6 can not be set aside at her instance.

The present writ petition is dismissed with the observation that the respondents should modify such appointment policies in the future.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

January 24, 2017
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No