

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

1. **CWP No. 23552 of 2011 (O & M)**
Date of Decision:-14.05.2018

Mohan Lal

...Petitioner

Versus

The Union of India and others

...Respondents

2. **CWP No. 1395 of 2012 (O & M)**

Satish Kumar

...Petitioner

Versus

The Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- None for the petitioner(s).

Mr. Vivek Singla, Advocate
for UOI.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

RAJIV NARAIN RAINA J.(Oral)

This order of mine shall dispose of CWP No.23552 of 2011 and CWP No.1395 of 2012. For the sake of brevity, the facts are being taken up from CWP No.23552 of 2011.

When the matter came up for hearing on 06.3.2018, this Court had passed the following order :-

“In the instant writ petition, petitioner's grievance is that he is entitled to employment in view of the National Rehabilitation and Resettlement Policy, 2007 Resolution dated 31.10.2007 on the score that his land was acquired for the public purpose by the State Government. Till date, the concerned respondent has not passed any speaking order to the extent whether petitioner is entitled to benefit under the policy dated 31.10.2007 or not. The concerned respondent is hereby directed to pass a speaking order relating to entitlement of benefit under the Policy dated 31.10.2007 within a period of 4 weeks from today. Learned counsel is hereby directed to produce speaking order before the next date of hearing.

List this matter on 19.04.2018.

Photocopy of this order be placed on the file of other connected case.”

Again when the matter came up for hearing on 19.4.2018, the following order was passed :-

“Pursuant to the order dated 06.03.2018 read with the grievance of the petitioner, concerned respondent was directed to produce speaking order. In terms of the aforesaid order speaking order dated 04.04.2018/ 17.04.2018 is placed on record vide CM No.5675 of 2018. In view of the speaking order dated 04.04.2018/ 17.04.2018 present petition do not survive for consideration. Accordingly, CWP stands disposed of. Reserving liberty to the petitioner to challenge the

speaking order dated 04.04.2018/ 17.04.2018.

At this stage, learned State counsel insisted for passing order on merit. Therefore, list this matter on 25.4.2018.

Photocopy of this order be placed on the file of other connected case.”

In terms of first paragraph of the order, this petition has been rendered infructuous and the petitioner will have the liberty to challenge the speaking order dated 04.04.2018 / 17.04.2018.

No one appears for the petitioner. Though, Mr. Amar Vivek, Advocate has argued the previous matter (CWP No.14015 of 2017) for a substantial length of time. The State is represented by Mr. Rajesh Bhardwaj, learned Senior Deputy Advocate General, Punjab.

On insistance of the State counsel, passing of order on merit cannot alter the fact that a speaking order has been passed, which renders the present writ petition infructuous. It is open to the petitioner(s) that if they wishe, they can challenge the order, if advised.

Both the petitions stand dismissed as infructuous.

May 14, 2018
Vijay Asija

(**RAJIV NARAIN RAINA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No