

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

Letters Patent Appeal No. 1746 of 2017 (O&M)

Date of Decision: 24.07.2018

Ranjit Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Kanav Bansal, Advocate, for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

CM No. 3762-LPA of 2017

Heard. For the reasons mentioned in the application, delay of
30 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 1746 of 2017 (O&M)

This intra-court appeal under Clause X of the Letters Patent is filed by the appellant-petitioner challenging the judgment and order dated 08.12.2016 passed by the learned Single Judge dismissing the writ petition seeking appointment on a government job in lieu of compulsory acquisition of the land. The facts in brief can be capitulated as under:-

2. An area measuring 24 Kanals 6 Marlas of land belonging to the appellant-petitioner situate at village Dayalpura, Tehsil Budhlada, District Mansa was acquired by the State of Punjab for the purpose of establishing Peona Thermal Power Plant at village Gobindpura.

3. The appellant-petitioner claimed that in view of the policy decision dated 08.11.2011 framed by the State of Punjab, a government job was to be provided to one of the family members whose land was compulsory acquired and many such identically situate persons were also provided the government job but the claim of the appellant-petitioner was rejected on the basis of subsequent guidelines dated 03.03.2014 framed subsequently.

4. The record further reveals that the appellant-petitioner had approached this Court earlier by filing Civil Writ Petition No. 5974 of 2014, which was disposed of on 28.03.2014 in terms of order dated 24.03.2014 passed in Civil Writ Petition No. 5459 of 2014. In the said writ petition, an assurance was given by the respondents before this Court that all the cases submitted upto 31.07.2014 and pending for appointment in terms of the policy framed by the Government will be considered and suitable orders shall be passed.

5. In terms of the aforesaid order, the case of the appellant-petitioner was considered by the Deputy Commissioner and was rejected vide order dated 28.07.2014, which was put to challenge by him by filing another Civil Writ Petition No. 22319 of 2014. This writ petition came to be disposed of on 29.03.2016 in terms of the order passed in connected Civil Writ Petition No. 16541 of 2014 requiring the Deputy Commissioner to consider the case afresh and objectively after proper opportunity of hearing. It was also left open to the appellant-petitioner to demonstrate before the Deputy Commissioner that he is also entitled to consideration of the job and does not fall under the exception clauses enumerated in the subsequent policy dated 03.03.2014.

6. At this stage it may be relevant to point out that the State Government having found that the earlier policy decision dated 08.11.2011 providing for a government job to one of the family members whose land was acquired was being misused and defeated as transactions of very small area of land prior to notification were being undertaken with the sole motive to become a landowner and to gain employment on the basis of the said policy. Even some of the transactions were of an area measuring few square yards of land. This led the Government to relook its policy and a High Powered Committee was constituted which after considering the matter formulated new guidelines. Relevant part of the guidelines is being reproduced hereunder:-

“The applicants of following two categories cannot be said to be families whose livelihoods have been affected because of the land acquisition for this project:-

- a) The applicants whose quantum of acquired land is very less.
- b) The applicants whose partial land has been acquired.

After detailed discussion on the cases falling under these two categories it was decided that the benefit of providing jobs should reach to the actual affected persons whose livelihood has been affected due to this acquisition. Therefore, it was decided that only those land owners/families would be eligible for jobs whose acquired land is two acres or more.

It was, however, observed in the meeting that there may be some cases of exceptional hardship where the family has been completely/substantially affected by the acquisition of land where the land acquired is between 4 Kanals to 2 Acres. For these a committee consisting of following members is constituted:-

1. Under Secretary, Department of Power as representative of Secretary to Government of Punjab, Department of Power, Chandigarh.

2. District Revenue Officer, Mansa as representative of Deputy Commissioner, Mansa.
3. Sub Divisional Magistrate (Land Acquisition Collector), Budhlada.

This committee would scrutinize the cases of exceptional hardship where the owner held land to the tune of 4 Kanals to 2 acres to assess whether there exists genuine hardship and grounds to give jobs to member of the family and then make recommendations to the Government keeping in view the following guidelines:-

- a) Whether the family has no other source of reasonable livelihood.
- b) Whether the family has any other land holding in any part of the State.
- c) Whether the land owner is a bonafide resident of the village for the last five years.
- d) Whether the family is in receipt of any kind of pension given by the Central/State Government or any other agency other than the pension given by the Social Security Department.
- e) Whether his/her entire holding has been acquired.
- f) Whether the land owner has become owner of the land with ulterior motive of deriving benefits of land acquisition.

It was also decided that henceforth all such cases would be processed in the light of these guidelines/clarifications.

It was also decided that the following land owners/families shall not be eligible to claim for any job under these guidelines:-

- a) If the land acquired is less than 4 Kanals.
- b) In case the claim is based on acquisition of part of the village common land, jumla land etc.
- c) If the land owner has exchanged his acquired land either fully or partially with some other land belonging to the project.”

7. To implement the above guidelines, a three members committee was constituted as provided in the guidelines itself. The case of the appellant-petitioner was reconsidered in terms of the order dated 29.03.2016 passed in Civil Writ Petition No. 22319 of 2014. The matter was placed before the three members Committee after affording an opportunity to the appellant-petitioner to furnish relevant documents and material to substantiate his case and after opportunity of hearing, the committee recommended to reject his claim on the ground that the family of the appellant-petitioner is still in possession of sufficient area of land and he is not a bonafide resident of village Bareta.

8. After analyzing the case set up by the appellant-petitioner and as also the record, the committee found that only an area of 6 Kanals 11/2 Marlas of land belonging to the father of the petitioner was the subject matter of compulsory acquisition and after acquisition of the said area the family was still left with 6 acres of land. A further finding was recorded by the committee that the petitioner is not a bonafide resident of village Bareta and thus did not satisfy one of the criteria laid down in the policy to decide exceptional hardship that the land owner should be a bonafide resident of the village for the last five years.

9. The ground of challenge before the learned Single Judge was that many identically situated persons whose land was acquired had been provided government job but blanket parity as claimed by the petitioner-appellant cannot be drawn inasmuch as there was a policy in existence under which the claim was to be considered. There is absolutely no material on record to indicate that those such persons who were granted appointments under the policy were also not falling within the criteria laid down as is the

case of the appellant-petitioner. Even if that was so, no parity can be drawn with an illegality. In so far as the appellant-petitioner is concerned, after considering the entire facts and circumstances and the material on record a finding of fact has been returned by the committee that his case does not fall within the ambit and four corners of the policy and thus he is not entitled to be extended the benefit.

10. Before the learned Single Judge the appellant-petitioner failed to demonstrate any illegality or infirmity in the decision taken by the committee or that any material fact has been misread or overlooked so as to vitiate the finding and thus the learned Single Judge committed no illegality in dismissing the writ petition.

11. Even before us the petitioner-appellant has failed to demonstrate any such fact or ground which could persuade us to interfere in the matter. From a conspectus of the above facts and discussion, we do not find any illegality in the judgment of the learned Single Judge and thus are not persuaded to interfere in the same.

The appeal accordingly stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.07.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√