

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

CWP No.19835 of 2017 (O&M)

Date of Decision.20.08.2019

Ranbir ...Petitioner
Vs

State of Haryana and others ...Respondents

2. CWP No.18921 of 2018 (O&M)

Sandeep Kumar ...Petitioner
Vs

Haryana Power Generation Corporation Ltd. and others ...Respondents

3. CWP No.21830 of 2018 (O&M)

Dharampal ...Petitioner
Vs

Haryana Power Generation Corporation Ltd. and others ...Respondents

4. CWP No.22442 of 2018 (O&M)

Dharmender ...Petitioner
Vs

Haryana Power Generation Corporation Ltd. and others ...Respondents

Present: Mr. Zorawar Singh Chauhan, Advocate
for petitioner in CWP No.19835 of 2017.

Mr. Uttam Singla, Advocate
for petitioner in CWP No.18921, 21830 and 22442 of 2018.

Mr. Sandeep Maudgil, Advocate
for respondents No.1 and 2 in CWP No.22442 of 2018.

Ms. Chhavi Sharma, Advocate
for HPGCL in CWP Nos.19835 of 2017 and 18921 of 2018.

Mr. Deepak Manchanda, Advocate
for HPGCL in CWP No.21830 of 2018.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Replies filed on behalf of respondents No.1 and 2 in CWP

Nos.22442 and 18921 of 2018 in court today are taken on record.

This order of mine shall dispose of four writ petitions wherein grievance of all petitioners is identical. In all writ petitions, particularly in CWP No.18921 of 2018, it is third round of litigation whereby doors of this Court are knocked as according to averments in writ petition and submissions of counsel on 02.08.2013, Deputy Commissioner submitted a list of land outstees to be offered job in various departments of Haryana Government whose land of more than two acres was acquired.

Stand of respondents in one particular case is that petitioner is not resident of Haryana and staying at Ludhiana and his children were minor at that time, therefore, his claim is wholly belated and hit by doctrine akin to delay and latches. In other writ petitions, respondents have not assigned any reasons. However, on going through written statements, pith and substance of same reveals that the Chief Minister in a rally held on 07.10.2007 at village Jharli came out with announcement that in lieu of land of villagers acquired in four villages i.e. Jharli, Mohanbari, Gorla and Khanpur Khurd to set up a Thermal Power Project at Jharli, District Jhajjar, employment shall be provided to one member of each of family whose land more than 2 acres is acquired.

In terms of aforementioned decision, land was acquired for setting up of Rajiv Gandhi Thermal Power Plant, Khedar, Hisar and Indira Gandhi Super Thermal Power Plant, Jharli, District Jhajjar. Deputy Commissioner held gram panchayat meeting, caused munadi and publication in newspapers. 212 persons whose land of 2 acres or more was acquired, submitted application for getting employment. There were 81 more whose land was acquired but did not get employment. In all there were

293 oustees. Village wise list was submitted to respondent Department and they were provided employment by freezing the list.

Contention of petitioners is that there are many other applicants, who are also falling in the category of land oustees. Deputy Commissioner ought not to have called for munadis or publication as few of land owners were not available in the village and father of petitioner in CWP No.18921 of 2018 died and he was working as taxi driver in Gurgaon and therefore, could not avail the concession. The remedy for Department was to verify record from the Department of Revenue Collector to disburse the compensation in terms of award passed under erstwhile Land Acquisition Act, 1894. In other words, that was best way for ascertaining the eligibility conditions. There may be some persons, who may not be falling in policy, made, for the purpose of employment.

In all cases, impugned order reflects that list dated 02.08.2013 submitted by the Deputy Commissioner was frozen and thereafter, Department did not deem it appropriate to consider name of applicants and rather requested office of Deputy Commission to not to send further list.

It would be apt to extract relevant part of letter dated 02.08.2013 whereby Deputy Commissioner enclosed list of 211 applicants, the same reads as under:-

“1. With vide publicity through 'Munnadis' and Gram Panchayat meetings and by newspapers, News, 211 persons (whose land 2 acres or more than 2 acres have been acquired) have submitted their applications for getting employment as per CM Announcement.

2. Presently the number of land oustees who have to be

provided jobs as per CM announcement are 211 and the same has been confirmed by the Revenue Authorities. Village wise list of persons not willing for employment have been enclosed for reference and further necessary action. The Coordination with the ITI department has to be done at the head quarter level of department of I.T. & V.E.

3. The hard copy of containing the details of persons from project affected villages is being handed over to your representative.

4. The total No. of persons to be provided employment stands as 211 and the same has been freezed now.”

The impugned decisions, in my view, do not reflect any application of mind for simple reason that from perusal of letter dated 16.11.2017 (Annexure R-3/2) attached, by respondents, with written statement in CWP No.19835 of 2017, the Department of Haryana Power Generation Corporation extended time line for receipt of applications by making request to Deputy Commissioner to send the list by following due process. It is not comprehensible that on one hand Department is extending benefit by writing letter to the Deputy Commissioner to send applications but on the other hand, taking decision of freezing the list as referred to above i.e. by taking cut-off date as 02.08.2013. It would be in the fitness of things to extract relevant portion of letter dated 16.11.2017 written by Chief Engineer/Admn, Haryana Power Generation Corporation Limited, Panchkula to Deputy Commissioner, District Jhajjar:-

“The meeting was attended by the Principal Secretary (Power), Haryana and he remarked as under:-

“Meeting attended. During the discussion it was observed that no offer can be ended. There should be a time limit upto which people can apply. Accordingly, a final notice of 21 days may be served for all eligible to apply so that the process can be completed in a closed ended manner.”

In view of the above, it is requested to supply the final recommendation after collecting the application forms of remaining 51 land oustees out of 81 land oustees who were earlier shown as not interested, after giving them a final opportunity of 21 days for submission of application forms or employment by making a wide spread publicity either through advertisement or through leading/local newspapers or muniyadi or through any available local sources. It may also be made clear in the publicity that no application received after the last date of submission of application will be entertained.”

In all impugned decisions, aforementioned letter has not been taken into consideration and therefore, there is no application of mind, for the sake of repetition rejecting cases of petitioners. Accordingly, impugned orders are set aside and the matter is remitted back to the Haryana Power Generation Corporation Limited and as well as Deputy Commissioner to sit together and analyze list of eligible candidates by obtaining records from concerned Collector, while disbursing compensation. The aforementioned direction is being issued to verify genuinity of applicants, who would be falling in the category of zone of consideration or category of employment

but their cases cannot be rejected in the manner and mode as reflected in the impugned orders, particularly, in view of letter dated 16.11.2017.

Let the decision be taken by the respondent-Department within a period of four months from the date of receipt of certified copy of this order in a most pragmatic manner. This Court is sanguine of the fact that on analyzing list of candidates, if their cases are found genuine, appropriate orders of appointment shall be issued.

Disposed of.

(AMIT RAWAL)
JUDGE

August 20, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No