

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-12816-2014 (O&M)
Date of Decision:-28.02.2020.

Bhim Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ashwani Bakshi, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional A.G., Haryana.

Mr. Raman Sharma and Ms. Charu Sharma,
Advocates for respondent Nos.2 and 3.

SANJAY KUMAR, J. (Oral):

CM-2482-CWP-2018

This application is ordered and the amendment of the writ petition is permitted as prayed for.

CWP-12816-2014 (O&M)

By way of his amended prayer in this writ petition, the petitioner assailed the validity of the order dated 21.11.2017 (Annexure P-17) passed by the Bharat Petroleum Corporation Limited rejecting his candidature for appointment to the post of General Worker in its service.

The case of the petitioner was considered by the respondent-Corporation pursuant to the order dated 04.04.2011 passed by this Court in

CWP-10176-1991, titled **Satbir and others Vs. State of Haryana and others**. Pursuant to such consideration, the impugned order was passed.

The petitioner is one of those whose lands were acquired for establishing the LPG Bottling Plant of the respondent-Corporation at Village Piyala, Tehsil Ballabgarh, District Faridabad. Apart from the compensation payable for such acquisition, the Government of Haryana came up with the welfare measure of providing employment in the service of the respondent-Corporation to the Project Affected Persons (PAPs). The respondent-Corporation deals with highly inflammable and hazardous chemicals and it had prescribed the minimum eligibility qualification, at the entry level, of passing 7th class. However, as the State insisted upon implementation of its welfare measure, the respondent-Corporation relaxed this minimum eligibility qualification and allowed those who had passed 4th class also to be employed from amongst the PAPs, as a one-time measure. Admittedly, the petitioner does not meet even the relaxed qualification as he studied only upto 3rd class.

Given the aforestated facts, it is clear that the petitioner could not have been considered for appointment as he did not possess the required minimum qualification. Though Mr. Ashwani Bakshi, learned counsel for the petitioner, would contend that any other member of the petitioner's family ought to be considered at least at this stage for employment, Mr. Raman Sharma, learned counsel for the respondent-Corporation, would assert that such consideration is barred, in terms of the law laid down by a Division Bench of this Court in **Partap Vs. Bharat Petroleum Corporation Limited 1998(1) RCR (Civil) 331**. Perusal of the said judgment reflects that the Division Bench was of the opinion that employment to be provided as per the policy of the Haryana Government in the service of the respondent-Corporation was to be a one-time measure and only persons eligible at the

relevant time would be entitled to secure jobs. The Division Bench further observed that in the event the PAPs concerned did not possess the requisite qualifications at that time, they would miss their chance of securing employment. In the light of the aforesaid facts and circumstances, the petitioner can have no valid grievance with regard to the rejection of his candidature under the impugned order dated 21.11.2017 (Annexure P-17).

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous application shall also stand dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

February 28, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.