

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: March 04, 2020
CWP No.15345 of 2015

Naresh Kumar and others ...Petitioners
Versus
State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Dinarpur, Advocate
for the petitioners.

Mr. Randhir Singh, AAG, Haryana.

Mr. Deepak Balyan, Advocate
for respondent No.3.

RITU BAHRI, J. (Oral)

This petition has been filed for issuance of a direction to the respondents to provide employment under the policy of the State Government to provide jobs to the oustees/dependants of oustees (dependants of the petitioners) whose land has been acquired for the hydro electric project Stage-II at Bhur Kalan District Yamuna Nagar in the State of Haryana as well as for granting financial assistance in view of the acquisition policy made by Govt. on account of acquiring the land of the petitioners and further directing the respondent to provide royalty at the rate of Rs.35,000/- per acre for a period of 33 years or more with increase of Rs.2500/- every year in view of the policy of the

Government as the land of the petitioners has been acquired for setting up of hydro electrical project stage -II at Bhur Kalan.

Learned counsel for the petitioner refers to the judgment passed by this Court in the case of ***Dharmender Singh Vs. State of Haryana and others (CWP No.6505 of 2013 decided on 26.11.2015)***

(Annexure P-18). In the said case, the petitioner was the resident of village Khedar, District Hisar. Land in this village was acquired in the year 1998, for setting up of Rajiv Gandhi Thermal Power Plant. With respect to the said land, a statement was made by the then Chief Minister, Haryana at Hisar on 19.05.2007 that one member from each of the families of the village Khedar, whose land has been acquired, would be provided employment in the Thermal Plant. The petitioner in that case was having post Graduate Diploma in Computer Science from Kurukshetra University and also passed M.Sc. (Computer Science) from Maharishi Dayanand University in May, 2004. He applied for employment in thermal plant on 07.08.2011 (Annexure P-8). The said application was endorsed by the Naib Tehsildar, Barwala who certified that total 26 Kanals 8 Marlas land had been acquired for the Thermal Plant. Despite repeated request, he was not given job and after filing written statement, the writ petition was allowed. Keeping in view Annexure P-6, a letter was sent to respondent-Corporation detailing the steps

required to be taken, the first step to be taken was to make a list of the families whose land had been acquired. It is specified therein that family would mean as it stood on the date the land was acquired. The ground for denying the benefit that the land in the name of the petitioner was only 6 Kanal 11 Marla, which was less than 2 acres. Accordingly, the writ petition was allowed vide order dated 26.11.2015 keeping in view the fact that affidavit has been given by other members of the family of the petitioners that they have no objection to the employment being given to the petitioner under the scheme. This judgment has attained finality and the appointment letter have been issued to the petitioner with respect to the acquisition, which was made in 1998.

The petitioner has placed reliance on letter of appointment giving offer of appointment for the post of Lower Divisional Clerk (Field Cadre) (Annexure P-11). The land of the petitioner measuring 167 Kanal 4 Marla situated at Village Tajewala, Tehsil Chhachhrauli, District Yamuna Nagar was acquired for the construction of Western Yamuna Canal Hydro Electric Project Bhud Kalan District Yamuna Nagar. The details of the total land given in para 3 of the writ petition are as under:-

3. That consequently, after following the provisions of the Act, the Land Acquisition Collector announced the award on 14.10.1997 acquiring 688K-13M of land. It is thus submitted

for the aforesaid public purpose i.e. Construction of Western Yamuna Canal Hydro Electric Project Stage-II at Bhud Kalan, District Yamuna Nagar.

The respondents in their written statement are not disputing the aforesaid stand as per the award dated 14.10.1997. The Govt of Haryana has framed a policy providing that whose land has been acquired by the Govt of Haryana through the Haryana State Electricity Board for installation of Power Projects in Haryana State, even if the policy dated 06.05.1985 has been withdrawn with regard to the Land acquired for the installation of Thermal Power Station, District Hissar.

The same stand was taken by the petitioner by filing replication that the policy dated 11.01.1988 had been withdrawn. The same stand taken by the respondent in written statement filed in CWP No.10372 of 2013 where acquisition has been made by HSEB. In that case, even stand taken was that policy has been withdrawn and the land had been acquired in 1985.

In the judgment passed in ***Barkha Ram and others Vs. State of Haryana and others CWP No.10372 of 2013***, (Annexure P-20) it has been held that during the pendency of the present petition, a decision was taken in the meeting of Council of Ministers held on 29.01.2014 that the provisions of employment to land oustees of Deen Bandhu Chottu Ram Thermal Power Plant, has been examined and the decision has been taken thereon. In pursuance of

decision as mentioned in letter dated 06.02.2014, applications of the petitioners as well as other similarly situated candidates have been received and matter is under consideration and after disposing of the writ petition, the appointments were given as per Annexure P-21. These facts have not been disputed by the learned counsel for the State.

Keeping in view the aforesaid facts and circumstances, the writ petition deserves to be allowed and the direction is given to the respondents to initiate fresh process for inviting applications in accordance with the policy, which has been implemented while passing the judgments Annexure P-18 and P-20. The aforesaid exercise will be completed within a period of four months from the date of receipt of a certified copy of this order.

Accordingly, the writ petition is allowed.

(RITU BAHRI)
JUDGE

March 04, 2020
Atul

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