

CWP-20018-2016

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

CWP-20018-2016

Date of Decision: 09th January, 2020

Harjinder Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. J.P.S. Sidhu, Advocate
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

This writ petition has been preferred by the petitioner claiming appointment on the basis of the policy of the Government of Punjab dated 08.11.2011 (Annexure P-1) and the guidelines dated 03.03.2014 (Annexure P-2).

It is asserted that initially the land measuring 155.75 marlas (approximately 01 acre) of the father of the petitioner was acquired for construction of Peona Power Plant, Gobindpura, District Mansa. When compensation was not paid and Land Acquisition Certificate was not issued to the father of the petitioner, father of the petitioner had approached this Court by filing CWP No. 6925 of 2016, titled as 'Manjit Singh Vs. State of Punjab & others', which was disposed of vide order dated 12.04.2016

(Annexure P-8) by directing the respondents to consider and decide the representation dated 15.03.2013 (Annexure P-6) followed by a legal notice dated 13.12.2015 (Annexure P-7) submitted/served by his father within a period of two months. It is, in pursuance thereto, the compensation was released to the father of the petitioner and thereafter, the Land Acquisition Certificate was issued on 14.07.2016 (Annexure P-13). It is contended by the learned counsel for the petitioner that the petitioner could not have applied prior to the cut off date i.e. 31.03.2013 as he was non-matriculate and the minimum qualification for taking the benefit of policy dated 08.11.2011 (Annexure P-1) was 10+2 pass. Thereafter a policy decision was taken by the Government of Punjab relaxing the education qualifications on 03.03.2014 (Annexure P-2) and then only, for the first time, petitioner became eligible for getting the benefit of policy dated 08.11.2011 (Annexure P-1). However, in the absence of the Land Acquisition Certificate, petitioner could not have applied for the job. The Land Acquisition Certificate pertaining to the acquisition of the land of his father was issued on 14.07.2016 (Annexure P-13). Till then, petitioner had also obtained 10+2 certificate and submitted his representation on 24.06.2016 (Annexure P-9), which application till date has not been considered by the Competent Authority i.e. Deputy Commissioner, Mansa, District Mansa.

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Keeping in view the above factual position, direction is issued to the Deputy Commissioner, Mansa, District Mansa – respondent No.2 to consider and decide the claim of the petitioner as submitted by him in his representation dated 24.06.2016 (Annexure P-9) within a period of three months by passing a speaking order.

In case the claim of the petitioner is found to be covered by the policy/guidelines dated 03.03.2014 (Annexure P-2) issued by the Government of Punjab, ignoring the aspect that last date of receipt of application was 31.03.2013, the petitioner be issued appointment letter forthwith.

09th January, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No