

CWP-20519-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20519-2016

Date of Decision: 09th January, 2020

Sukhpal Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Ms. Anu Pal, DAG, Punjab.

AUGUSTINE GEORGE MASIH, 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 23.5 kanals of the father of the petitioner, Neta Singh son of Gujjar Singh, was acquired. When no compensation was paid to the father of the petitioner, father of the petitioner had approached this Court by filing CWP No. 2621 of 2016, titled as 'Neta singh Vs. State of Punjab & others', which was disposed of vide order dated 10.02.2016 (Annexure P-3) by directing the respondents to consider and decide the legal notice dated 09.09.2015 submitted by his

father within a period of three months. It is, in pursuance thereto, the compensation was released to the father of the petitioner and thereafter, the cheques and Land Acquisition Certificate was issued on 14.07.2016 (Annexure P-13 colly). In pursuance to that and having obtained the Land Acquisition Certificate, petitioner submitted his application for taking the benefit of policy decision dated 08.11.2011 (Annexure P-1). The application which was submitted by the petitioner was of the same date when his father received the Land Acquisition Certificate i.e. 14.07.2016 (Annexure P-15). 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. On receipt of Land Acquisition Certificate dated 14.07.2016 pertaining to the acquisition of the land of his father, he submitted his application on the same date i.e. 14.07.2016 (Annexure P-15), which application till date has not been considered by the Competent Authority i.e. Deputy Commissioner, Mansa, District Mansa.

Keeping in view the above factual position, direction is issued to the Deputy Commissioner, Mansa, District Mansa – respondent No.2 to

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consider and decide the claim of the petitioner as submitted by him in his application dated 14.07.2016 (Annexure P-15) 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 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