

CWP-8116-2017 (O&M)

Date of decision : December 04, 2020

Baljeet Singh

.....Petitioner

Versus

State of Punjab and others

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jatinderpal Singh Sidhu, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This writ petition has been filed seeking quashing of order dated 05.04.2017 (Annexure P5) whereby the petitioner's claim for appointment under category 'C' or 'D' as per his qualification, on account of acquisition of his ancestral land in view of the policy decision dated 03.03.2014 has been rejected. The petitioner's application has been rejected solely on the ground that he did not apply within the stipulated time i.e. by 31.03.2013, as per the Government policy though the petitioner was otherwise found to be fulfilling the eligibility criteria.

It is to be noticed that as per policy decision dated 08.11.2011 (Annexure P1), Government job was to be provided to one of the family members of the land owners whose land was acquired for the construction of Peona Thermal Power Plant at village Gobindpura, District Mansa. Further, guidelines dated 03.03.2014 (Annexure P6) (hereinafter referred to as '2014 guidelines') were laid down. Criterion for consideration of the claim of the land owners was laid down.

As per the 2014 guidelines, it is mentioned that the land owners/families, whose

land acquired is two acres or more would be eligible for the job. The petitioner submitted an application for appointment on 02.11.2015. When the same was not considered, CWP-1660-2017 was filed and the same was disposed of 31.01.2017 with a direction to the respondents to consider the petitioner's application and pass a speaking order within a period of two month. Consequently, impugned order dated 05.04.2017 was passed by the Deputy Commissioner, Mansa, wherein the petitioner's claim was rejected on the ground that he did not apply for the job within time as per public notice dated 05.02.2013. It is categorically observed by the Deputy Commissioner, Mansa, as under:-

“ In view of the above circumstances, I am of the considered view that although the petitioner fulfils the criteria to get the job, but he did not apply within time i.e. 31.03.2013 as per Government policy. Therefore, his claim is not acceptable and is rejected.”

Learned counsel for the State is unable to deny that the present matter is squarely covered by the decisions dated 09.01.2020 in CWP-1861-2016 and CWP-1597-2016, CWP-12690-2016 and CWP-20018-2016, which are attached as Annexures P7 to P9.

A Co-ordinate Bench vide order dated 09.01.2020 in CWP-12690-2016 has specifically observed as under:-

“In the light of the said factual position, the rejection of the application of the petitioner on the basis of the cut off date i.e. 31.03.2013 cannot sustain and therefore, the present writ petition is allowed and the impugned order dated 17.02.2016 (Annexure P-3) passed by the Deputy Commissioner, Mansa, District Mansa – respondent No.2 is hereby quashed. The Deputy Commissioner, Mansa, District Mansa – respondent No.2 is directed to consider and decide the claim of the petitioner afresh as per the policy of the

Government of Punjab, dated 08.11.2011 (Annexure P-1) and the guidelines dated 03.03.2014 (Annexure P-2) within a period of three months by passing a speaking order.”

Though an attempt has been made by learned counsel for the State to distinguish the said decisions on the ground that a part of the acquired land in the present case was de-notified but the same is clearly a futile attempt. This is so for the reason that as per reply by way of affidavit dated 02.09.2020 of Sh. Mohinder Pal, Deputy Commissioner, Mansa, it is specifically stated that the land was de-notified vide notification dated 02.07.2014. There is no averment that the acquired land after denotification of part of the land was less than the requisite two acres as mentioned in the guidelines dated 28.02.2014 and that the petitioner did not fulfil the eligibility criteria regarding land. Moreover, the Deputy Commissioner, Mansa while passing the impugned order at a much subsequent stage on 05.04.2017, has categorically observed that the petitioner was fulfilling the eligibility criteria and his case was being rejected only on the ground that he did not apply by 31.03.2013.

Though there is no basis for such an averment, learned counsel for the State submits that some other family member may have been appointed till date, thus, disentitling the petitioner. Learned counsel for the petitioner in response, categorically asserts that till date, no family member of the petitioner has been afforded Government job, in terms of the said policy of the Government.

In this view of the matter, present writ petition is disposed of in terms of order dated 09.01.2020 passed in CWP-12690-2016. Consequently impugned order dated 05.04.2017 passed by the Deputy Commissioner, Mansa, is set aside and Deputy Commissioner, Mansa/competent authority is directed to decide the

petitioner’s claim afresh as per policy dated 08.11.2011 of the Government of Punjab, (Annexure P1) and the guidelines dated 03.03.2014, Annexure P6, within a period of three months by passing a speaking order.

December 04, 2020
rts

(Lisa Gill)
Judge

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