

CWP-6989-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-6989-2023

DATE OF DECISION:- 10.04.2023

RAJENDER SINGH SON OF GYANI RAM (SINCE DECEASED)
THROUGH LRS.

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ved Parkash, Advocate for the petitioners.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to provide a government job as per the Rehabilitation and Resettlement (R&R) Policy (for brevity hereinafter referred to as “Policy”) dated 09.11.2010, Annexure P-3, framed by the Government of Haryana.

Counsel for the petitioner submits that vide notification dated 23.08.2007, Annexure P-1, three acre land belonging to the deceased-petitioner was acquired under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) for development of residential

and commercial area in Sector 9, Saffidon, Tehsil and District Jind by HUDA. It was followed by declaration under Section 6 of the Act and award dated 19.08.2010, Annexure P-2, by the Collector. Counsel submits that the Government of Haryana framed policy, Annexure P-3, whereby it was *inter-alia* laid down that the landowners whose land is acquired for development by HUDA, HSIIDC and HSAMB, would be given employment by the government. Counsel submits that despite serving representation dated 18.07.2022, Annexure P-4, the respondents authorities have not granted the benefit of the policy to the petitioners, who are the legal heirs of the deceased-landowner.

I have heard counsel for the petitioner and considered his submissions.

Before advertng to the claim raised in the writ petition, it is necessary to examine Clause 11 of the policy, which is reproduced as under:-

“11. Benefits for the affected persons whose land is acquired for infrastructure projects other than those of HUDA, HSIIDC, and the HSAMB:

i) While provision has been made for allotment of ‘oustee category plots’ in case of land acquired for development by HUDA, HSIIDC, and the HSAMB and for allotment of commercial sites/ industrial plots in case of those landowners whose 75% land gets acquired (subject to a minimum of one acre) for these organisations, extension of these additional benefits in case of the landowners whose land is acquired for public purposes other than these organisations, has not been found feasible. To that extent, it is also fortuitous.

ii) In order to balance this situation and partially compensate the landowners in this category, it has been decided that wherever 75% or more land of a landowner in a revenue estate, subject to a minimum of two acres, is acquired for other infrastructure projects, and thereby impacting his sustenance to a considerable extent, one dependent of the land-owning family would be provided a job in the Government or its Boards/ Corporations/ State PSUs in Group 'D' and Group 'C' categories, subject to the incumbent fulfilling the qualifications prescribed for such posts;

iii) Recognising that certain persons may indulge in large scale division of their holdings to acquire title to government jobs in this process, the entitlement of dependants would be based on the revenue records of four years prior to the date of issue of Notification under Section 4 of the Land Acquisition Act or a corresponding provision in other statutes;

*iii) The affected landowner would be required to file his claim-application in the prescribed **Application Forms- 7 and 8.***

iv) While processing applications for this purpose, the applicant would first be considered for grant of a job in the Project for which the acquired land is used. In case of non-availability of adequate number of suitable jobs in the Project, the claim would be considered against vacancies available in the said department or its PSUs, failing which, the claim would be considered for employment in other departments/ organisations of the Government;

v) In cases necessitating consideration of the applications for employment in the other Government Departments, the application receiving Department would forward such applications to the Financial Commissioner, Revenue &

Disaster Management Department, along with a certificate that there are no vacancies in the Project/ Department/ its PSUs so as to accommodate the applicants elsewhere. The office of FCR would compile all such applications and pass these on to the office of Chief Secretary for appropriate action. Thereafter, the office of Chief Secretary would complete the process of employment;

vi) While the landowners are expected to submit their claim-applications for jobs within a period of six months of the announcement of the Award, there may be some isolated cases where the dependent may be a minor or decide to take-up employment only after completion of his/ her studies. The erstwhile landowners would be allowed to defer their actual employment in such cases up to a period of 5 years from the date of Award. In such cases, the claim of the erstwhile landowner applicant would be processed and a letter of entitlement would be issued by the concerned Department.”

A perusal of the above-reproduced clause shows that in case 75% land of a landowner is acquired for infrastructure projects, provided it is not less than two acres, a family-member, who is dependant upon him, will be provided a job. The employment will be on Group-C or Group-D posts in the Government or semi-Government organisations, subject to the condition that the dependant fulfills the prescribed qualification. The affected landowner is required to submit the application within six months of the announcement of the award in the prescribed form. Relaxation has been given in the case of a minor-dependant and the landowner has the option to defer the employment upto maximum period of five years from the date of the award.

Coming to the facts in hand, it deserves to be noticed that there is no averment in the petition that the acquired land was 3/4th of the total landholding of the owner, nor has it been pleaded that Manjeet Singh, for whom Government job has been claimed was dependant upon the deceased-landowner or his family. Mere fact that the legal representatives have decided amongst themselves that the job may be sought for Manjit Singh and they have executed an affidavit in his favour, that too after more than two decades of the acquisition, is inconsequential

Still further, no explanation whatsoever has been assigned in the writ petition for the delay in staking the claim. A right, if any, which vested in the landowner by virtue of policy, Annexure P-3, stands lost due to delay and laches. Simplicitor prayer of the counsel for the petitioner for directing the respondent authorities to consider the representation, Annexure P-4, in the opinion of this Court, would be an exercise in futility as the petitioner has not only failed to establish the right, but also explain the colossal delay.

In view of the above discussion, petition being meritless is hereby dismissed.

10.04.2023
Kamal

(SUVIR SEHGAL)
JUDGE

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