



266-2

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

LPA-76-2023 (O&M)

Date of Decision: 18th November, 2025

*STATE OF HARYANA THROUGH CHIEF SECRETARY, GOVERNMENT
OF HARYANA AND ANOTHER* ***.....Appellant(s)***

V/s

RAMESH KUMAR AND OTHERS

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Mr. Puneet Gupta, Addl. A.G., Haryana and
Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Keshav Pratap Singh, Advocate
for the respondents No.1 to 17 and 19 to 27.

Mr. Gaurav Dudeja, Advocate, and
Mr. Umesh Aggarwal, Advocate for respondent No.28.

Mr. Vikas P. Singh, Advocate for respondent No.30.

Mr. Ajay Kumar, Advocate,
for the applicant in CM-2274-LPA-2023.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2274-LPA-2023

This application is filed for impleading the applicants in the
present Appeal as respondents No.31 to 61.

Learned counsel for the applicants do not want to press this
application, accordingly, the same is dismissed as not pressed.

CM-239-LPA-2023

Delay of 135 days in filing of the appeal has been satisfactorily
explained. Accordingly, application is allowed and delay of 135 days in
filing the appeal is condoned.

CM-238-LPA-2023

Application is allowed and the appellants are exempted from filing certified/true typed copies of the documents mentioned in the application.

LPA-76-2023 (O&M)

1. This Appeal is by the State of Haryana challenging the judgment dated 10.05.2022 of the learned Single Judge passed in CWP-1150-2015, whereby, the claim of the writ petitioners (respondents herein) for providing compassionate appointment under the Rehabilitation and Resettlement (R&R) Policy dated 09.11.2010 of the State has been allowed.

2. It is undisputed that the land of the respondents came to be acquired in the year 2006-2008 for establishment of a Power Plant which ultimately led to making of three awards under Section 11 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”) dated 24.09.2008, 20.11.2008 and 05.12.2008. The appellants were not given any compassionate appointment as no Policy in that regard existed and subsequently it came into existence only on 09.11.2010. The Policy pursuant to which the compassionate appointment was claimed by the respondents, contains Clause 11, 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 organizations, extension of these additional benefits in case of the landowners whose land is acquired for public purposes other than these organizations, 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; Recognizing that certain persons may indulge in large scale division of their holdings to acquire title to government jobs in this process, the entitlement of dependents 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;"*

3. Clause 3 of the Policy also specifies its effective date, which is reproduced hereinafter:-

“3. **Effective Date:-**

The revised floor rates, the policy of payment of 'No Litigation' incentive, and the revision in various parameters of the R & R Policy will be applicable to all such acquisition cases where awards have been announced on or after 07 September 2010 irrespective of the date of

notification under Section 4 of the Land Acquisition Act, 1894.”

4. The Policy aforesaid is not under challenge. Moreover, it is undisputed that awards in respect of respondents' land were prior to the effective date i.e. 07.09.2010. Such claim of the respondents, however, has been accepted by the learned Single Judge by observing as under:-

“6. Learned counsel for the petitioners submits that several oustees whose land was acquired vide award announced on 12.07.2007 (Annexure P-6), that is much before the cut-off date, i.e., 07.09.2010 in Policy (Annexure P8), have already been offered appointments, whereas identically placed claims of the petitioners have been illegally denied by respondent No.4, by passing the impugned order dated 20.11.2014 (Annexure P-15).

7. It is a case where State has got itself into a piquant situation of having publicly offered/promised a quid pro quo vide a policy dated 09.11.2010 (Annexure P-8) and thereafter backing out from its part of the performance. What has been argued by the learned State counsel is totally contra to what is envisaged in the policy ibid, as noted here in after.”

5. Learned State counsel argues that once the professed norms of the State regarding offering of compassionate appointment stands crystallized in the form of a notification, the State cannot be asked to issue appointment *de hors* the Policy, particularly when the Land Acquisition Act, 1894 otherwise does not contemplate offering of compassionate appointment to the land oustee. It is also submitted that merely because some other persons were granted such appointment, *de hors* the Policy, also cannot be a ground to grant similar treatment in view of the settled principles of law, in **Pathapati Subba Reddy (Died) By LRs. And Others**

Vs. **The Special Deputy Collector (LA)** ; 2024 INSC 286 that *equality is a positive concept and any breach of the Policy cannot be pressed as it would amount to grant of negative equality.*

6. Learned counsel for the respondents strenuously argues that the State cannot act in a discriminatory manner and once similarly placed persons, as the respondents, have been offered compassionate appointment in the land ousting Policy, a different view taken by the State would be impermissible.

7. At the outset, we may note that the acquisition of the land herein is pursuant to the provisions of the Land Acquisition Act, 1894. The Act of 1894 is a self-contained code. The Act contemplates provision for payment of compensation of the acquired land at the market rate. The compensation, pursuant to such acquired land, has already been released to the respondents. The policy for providing compassionate appointment is not shown to be referable to any provision of the Land Acquisition Act. So far as the policy of the State, is concerned, it has actually crystallized with issuance of the notification dated 09.11.2010. This notification specifies the date of applicability of the policy as 07.09.2010, however, undisputedly the land of the appellant was acquired much prior to it. We are of the view that merely on account of any public statement made by the Chief Minister, the respondents cannot be permitted to raise a claim for compassionate appointment when the crystallized policy provides otherwise and the prescription of cut-off date in the policy is not under challenge. We otherwise find that the claim of the respondents was instituted belatedly.

8. So far as the law on the aspect relating to permissibility of compassionate appointment to the land oustees, is concerned, this court had rejected a similar claim vide order dated 26.08.2025 passed in LPA No.1474 of 2025. The land oustees had approached Hon'ble the Supreme Court by filing SLP(C) No.30798 of 2025 which has been dismissed by the Supreme Court by observing as under:

“1. Heard learned counsel for the petitioner.

2. The land of the family of the petitioner is said to have been acquired in the year 1998 under the provisions of Land Acquisition Act, 1894 ('the Act'). The family of the petitioner was awarded compensation and the same was also paid. The petitioner who was not even born at the time when the land was acquired, in the year 2025, applied for a job in lieu of the acquired land. The request was rejected and the petition filed by the petitioner seeking job in lieu of the land was also dismissed.

3. Under the provisions of the Act, on the land being acquired, the petitioner or his family is entitled only to the compensation which has already been paid. There is no provision for grant of job in lieu of the acquired land. The policy decision, if any, of giving job in lieu of the acquired land cannot prevail over the statutory provisions and as such, we find no error or illegality on the part of the authorities and the High Court in dismissing the claim of the petition for job, which was filed after more than 18 years of the framing of the policy.

4. The special leave petition is, accordingly, dismissed. Pending application(s), if any, shall stand disposed of.”

9. In view of the aforesaid, the case of the respondents since is not covered under the Policy, therefore, the Appeal of the State is liable to

succeed and is allowed and judgment passed by the learned Single Judge is set aside. The Writ Petition of respondents is dismissed.

10. All pending applications in this case, if any, are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

November 18, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>