

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHReserved on : 15.02.2025
Date of pronouncement: 05.03.2025

1. **LPA No. 182 of 2018 (O&M)**
Balwant Singh and others ... Appellants
Versus
State of Haryana and others ... Respondents.
2. **CWP No. 8048 of 2017 (O&M)**
Ajit Singh and others ... Petitioners
Versus
State of Haryana and others ... Respondents.
3. **CWP No. 7941 of 2017 (O&M)**
Satya Pal and others ... Petitioners
Versus
State of Haryana and others ... Respondents.
4. **CWP No. 16735 of 2017 (O&M)**
Mandeep and others ... Petitioners
Versus
State of Haryana and others ... Respondents.
5. **CWP No. 17928 of 2018 (O&M)**
Ombir and others ... Petitioners
Versus
State of Haryana and others ... Respondents.
6. **CWP No. 9667 of 2019 (O&M)**
Ninu Sharma and others ... Petitioners
Versus
State of Haryana and others ... Respondents.
7. **CWP No. 15732 of 2019 (O&M)**
Rahul ... Petitioner
Versus
State of Haryana and others ... Respondents.
8. **CWP No. 16013 of 2019 (O&M)**
Sandeep and others ... Petitioners
Versus
State of Haryana and others ... Respondents.

9. CWP No. 2340 of 2021 (O&M)

Smt. Gyano and others		... Petitioners
	Versus	
State of Haryana and others		... Respondents.

10. CWP No. 2380 of 2021 (O&M)

Mandeep and others		... Petitioners
	Versus	
State of Haryana and others		... Respondents.

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Mohit Garg, Advocate, for the appellants.

Mr. B. K. Bagri, Advocate, for the petitioners
in CWP Nos. 15732 and 16013 of 2019.

Mr. Vijayveer Singh, Advocate for
Mr. Akshay Jindal, Advocate, for the petitioners
in CWP No. 16735 of 2017 and CWP No. 9667 of 2019.

Mr. Rajiv Sharma, Advocate, for the petitioners
in CWP Nos. 7941, 8048 of 2017 and CWP no. 17928 of 2018.

Mr. Vineet Kumar Jakhar, Advocate,
Mr. Gurminder Singh Phull, Advocate and
Mr. Kuldeep Attri, Advocate, for the petitioners
in CWP Nos. 2340 and 2380 of 2021.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

Mr. B. R. Mahajan, Senior Advocate, assisted by
Mr. Anil Chawla, Advocate,
Mr. R. S. Longia, Advocate,
Mr. Satyam Tandon, Advocate and
Ms. Nikita Goel, Advocate, for respondent – HPGCL.

SANJEEV PRAKASH SHARMA, J.

CM No.3419-LPA/2023 in LPA No.182/2018

The present application has been moved for seeking permission
to withdraw the main LPA No. 182-2018, qua appellant no.10- Suresh
Kumar son of Late Shri Bhag Chand.

Appellant no.10 submitted that total acquired land of his family is more than 2 acres. He, therefore, wants to withdraw his appeal and take up his separate case for seeking appointment in terms of the policy.

This Court has issued notice of the application on 27.09.2023, however, no reply has been filed. In view thereto, the application is allowed. Name of appellant no.10 in LPA No. 182 of 2018 is deleted and the LPA is treated to be withdrawn so far as appellant no.10 is concerned, as prayed for.

Main cases

This judgment will dispose of LPA No. 182 of 2018, and CWP Nos. 8048, 7941, 16735 of 2017, 17928 of 2018, 9667, 15732, 16013 of 2019, 2340 and 2380 of 2021, as common questions of law are involved therein. However, the facts have been taken from LPA No. 182 of 2018.

2. Challenge in the present LPA No. 182 of 2018 is to the judgment dated 22.11.2017 whereby the learned Single Judge has dismissed the writ petition wherein the writ petitioners-appellants had challenged the decision of the Haryana Power Generation Corporation Limited whereby they had decided to give appointment to one member of only those families whose 2 acres or more land was acquired for the purpose of setting up the Rajiv Gandhi Thermal Power Plant at Khedar, District Hisar.

3. Brief facts, shorn of details, are that a notification was issued on 17.01.1996 under Section 4 of the Land Acquisition Act, 1894 for acquiring the land for setting up of 2x600 MW Rajiv Gandhi Thermal Power Plant at Khedar, District Hisar. On 16.12.1996, notification under Section 6 of the Land Acquisition Act, 1894 was issued. On 07.12.1998, an award was passed, acquiring the land as notified. The Haryana State Electricity Board was, thereafter, bifurcated into four different companies by virtue of the Haryana Electricity Reforms Act, 1997 known as HVPNL, UHBVNL,

DHBVNL and HPGCL. On 19.05.2007, the Prime Minister laid the foundation stone of the Rajiv Gandhi Thermal Power Plant at Khedar. The Chief Minister of Haryana announced that the employment would be provided to one member of each family of Village Khedar, whose land had been acquired. The appointment was to be made on the basis of qualifications and eligibility criteria fixed by the Government. The State Government conveyed guidelines on 5th/6th July, 2007 to the respective Managing Directors of the aforesaid four power companies, laying down the manner and method in which the appointments would be provided to one member of each of the family. As per the guidelines, the following steps were provided to implement the decision:-

- “(i) *The first stage will be to make a list of families whose land had been acquired. Family would mean as it stood on the date the land was acquired and not further sub divisions and subsequent families created on the basis of partition. This will mean that a member of family as existing on the date of acquisition will be given a job on the basis of qualification and eligibility.*
- (ii) *The second step towards making the possible would be notify these families about the jobs available in class III and IV categories in the power plant and the qualification required for recruitment in these posts in above 1-2 years from now so that interested families may put their children for such technical desired training or educational streams to make them eligible.*
- (iii) *The next step would be to take out such number of posts from the purview of the general selection by getting a special dispensation of the Govt. and to select candidates from this village through a separate merit list or selection process.*

- (iv) *The Nigam will also make effort for employing eligible persons from the affected families during construction, through the EPC Contractor.”*

4. On the basis of the aforesaid guidelines, 527 applications were received. A decision was taken to provide job to one member of each family, as existing on the date of acquisition of the land, which had contributed 2 acres or more land. The land of RGTPP was, thereafter, transferred to HPGCL in July 2009 and the District Collector, Hisar recommended the grant of employment to 133 persons whose family owned 2 acres or more land. Out of the said recommendations, 119 persons were given appointment, while 10 applicants were found to be underage and the applications of 4 persons, who were the maternal-grand-sons and maternal-grand-daughters, were rejected. On 30.01.2012, the decision for granting job to one member of the family, whose 2 acres or more land had been acquired, was approved by the Chief Minister.

5. The petitioners preferred writ petition before this Court stating that in the initial announcement made on 19.05.2007, no distinction had been made between the villagers whose acquired land was less than 2 acres or was more than that and thus, a conscious decision had been taken by the Government which was to be applied equally to all the villagers whose land had been acquired and it was urged that the subsequent decision was unjustified..

6. Learned counsel for the appellants has contended that there was unreasonable discrimination and the Government cannot be allowed to differentiate on the basis of the area of land acquired by the respondent-Corporation, for the purpose of granting the benefit of employment to the family members, who had become landless. It was further contended that the

decision to acquire land was common to all and, therefore, the offer to appoint one family member in Government service could not be by way of pick and choose method. The policy could not have been altered to the detriment of the inhabitants having less land, as the very purpose of granting appointment was to provide solace to the families whose land had been acquired.

7. Learned counsel for the petitioners/appellants has also contended that the learned Single Judge erred in relying upon the case of **Makhan Ram and others vs State of Punjab and others** 2016 (4) RCR (Civil) 737 because in the said case, some people, with an ulterior motive, had got the title of small chunks of land or even in fractions of acquired land through exchange with land, just before the notification to avail the benefit of employment. The District Revenue Officer, Mansa, conducted inquiry, wherein it was found that the land had been transferred in small chunks with the sole purpose to get the benefit of employment and the notice, which was issued by the Chief Minister of Punjab, was with the purpose to ensure that the benefit of employment is to be given to the real landowners whose source of livelihood had been affected, whereas in the present case, the employment was being sought by the real landowners of Village Khedar.

8. Per contra, learned counsel appearing for the State has supported the judgment passed by the learned Single Judge and has submitted that the benefit, as notified by the Government, was well justified and was based on the reasonable and cogent criteria. The decision of the Government to restrict the employment to the owners of larger land was well justified. They formed a class apart from those who owned the land less than 2 acres. He has further argued that the policy of providing employment was by way of concession and the same could be changed in public interest. The

concession given by the State Government can be to a particular class of persons and while initially, the State Government might have declared for granting the concession to the landowners whose land had been acquired, however, it can be changed by the Government by restricting it only to the persons whose family's land, measuring not less than 2 acres, had been acquired.

9. It has also been argued by learned State counsel that the said policy decision was not under challenge in the said writ petition before this Court. Keeping in view thereto, learned Senior Counsel for the respondent-Corporation Mr. B. R. Mahajan has submitted that the contentions of the learned counsel for the appellants cannot be accepted.

10. We have carefully gone through the contentions.

11. We have noticed that the decision taken by the State Government was for Village Khedar and the same was also applied in relation to the land acquired for the power project in other villages too. The learned Single Judge framed following questions for consideration:-

“(i) That whether the State could change and modify the policy dated 08.11.2011 to the detriment of the petitioners and whether they were bound by the earlier policy to provide a job to one family member of persons whose land was acquired.

(ii) Secondly, in case the State does have the power to change its policy, whether it would have the power to change it retrospectively in as much as that the petitioners' cases had been processed but not taken to the logical end and in the meantime, due to change of policy, they have not been granted the benefit of employment whereas other similarly situated persons, as noticed above, have been granted appointment, even though they had land less than 4 kanals?”

13. We find that the decision taken by the Haryana Government was notified in the Gazette on 09.11.2010. The said notification laid down the revision of minimum floor rates and the policy of rehabilitation and resettlement of landowners / oustees. Clause 11 of the said notification provided for the benefits for the affected persons whose land was acquired for infrastructure projects other than those of HUDA, HSIIDC and the HSAMB, which are extracted as under:-

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) xxx xxx xxx

iii)

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 order department/ organizations of the Government.”*

14. From perusal of the aforesaid provisions, it is apparent that as per Clause 11 of the notification, as above, acquisition of minimum 75% or more land of a landowner in a revenue estate, subject to a minimum of two acres is the criteria. Since the said criteria, as notified in the Gazette notification dated 09.11.2010, is not under challenge in any of these writ petitions, this Court would be unable to examine its validity.

15. Admittedly, in all the writ petitions, the claim is solely based on the announcement made by the Chief Minister on 19.05.2007 and the original policy dated 05.07.2007. The said announcement culminated the issuance of the Gazette notification dated 09.11.2010. Since the provisions of the Gazette notification are not under challenge, the question of discrimination cannot be gone into.

16. Learned counsel for the petitioners/ appellants submits that once the Chief Minister stated to provide employment to all the families whose land was acquired, the same could not be limited to persons whose

acquired land was 2 acres or more and the Sate is stopped from changing the stand.

17. The principle of estoppel or promissory estoppel does not apply to law as has been held by the Supreme Court in Civil Appeal No.45784580 of 2022 (Arising out of S.L.P.(C) Nos.3118688 of 2016 - **Krishna Rai (Dead) Through LRs and others vs Banaras Hindhu University Through Registrar and others.**

18. No other argument is raised before us to examine, we accordingly dismiss the appeal as well as the writ petitions.

20. All pending applications stand disposed of.

21. No costs.

(SANJEEV PRAKASH SHARMA)
JUDGE

05th March, 2025
vs

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No