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

**CWP-22598-2025 (O&M)
Date of decision: 06.08.2025**

Manoj Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vijay Pal, Advocate,
Mr. Ashish Kaushik, Advocate,
Mr. Akash Lather, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the order dated 28.11.2018 (Annexure P-12) (supplied to the petitioner on 27.02.2025 under Right to Information Act, 2005), whereby claim of the petitioner for appointment on Group-D post was rejected.

2. Learned counsel for the petitioner, *inter alia*, contends that admittedly, 33 kanals of land jointly owned by family of the petitioner was acquired for setting up Thermal Power Plant at Khedar. As per the policy

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(Annexure P-5), the petitioner applied for a job and his other family members gave no objection by way of affidavits (Annexure P-3) with regard to extending benefit of job to him. Further, the petitioner is fully eligible to seek appointment in terms of the aforesaid policy and the certificates regarding his qualification are available on record as Annexures P-1 & P-2. It is further contended that since the acquired land is more than 02 acres, the petitioner cannot be denied the benefit of employment, as similarly situated persons have already been granted the same benefit. As such, act and conduct of the official respondents in rejecting the claim of the petitioner is highly arbitrary and discriminatory. Further, the offered jobs are in Class III and Class IV categories and the petitioner fulfills the minimum benchmark in terms of the policy. Thus, the petitioner is entitled to employment on a Group-D post in the respondent-Corporation. In support of his arguments, learned counsel for the petitioner relies upon a judgment passed by the Division Bench of this Court in ***Haryana Power Generation Corporation Ltd. and others Vs. Dharmender Singh and another, LPA No.1297 of 2016***, decided on 18.10.2016 (Annexure P-8) and the judgment dated 07.08.2023 passed by the Coordinate Bench of this Court in ***Satender Vs. State of Haryana and others, CWP-5001-2017***.

3. At this stage, Mr. Vikrant Pamboo, Advocate appears on behalf of respondents No.2 to 4 and he opposes the prayer made by the petitioner on the ground that the land was acquired in the year 1998 and the policy

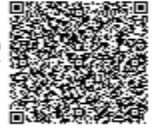
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(Annexure P-3) was framed in the year 2007, which was approved on 19.05.2007, according to which, only one family member whether son, daughter, daughter-in-law or grandson (pota)/granddaughter (poti) would be provided the job. It is further contended that Jogi Ram and Laxmi Devi (*whose name is mentioned as Lichmi Devi in the revenue record*) are grandparents of the petitioner and Krishan is his father and Nafe Singh, Satyawar, Balraj, Wazir and Ishwar are his real uncles. Grandfather of the petitioner, namely Jogi Ram, already sold his share of land prior to its acquisition in the year 1998, although the land was not transferred in the name of buyer as per revenue record. The petitioner as well as his cousins, namely Amit son of Balraj Singh, sought employment on account of acquisition of land. Aforesaid Amit filed CWP-13654-2018 claiming employment on the basis of acquired land of his grandmother Laxmi Devi, in addition to that of his father Balraj and uncles Wazir and Satyawar, whereas the petitioner is claiming employment on the basis of acquired land of his grandfather Jogi Ram, in addition to that of his father Krishan and two uncles Nafe Singh and Ishwar. Further, petitioner's uncles, namely Balraj and Wazir, had also sought employment in the year 2008 on the basis of their share in the land considering them as separate units. Thus, entire claim of the petitioner is based upon a family settlement.

4. Learned counsel for respondents No.2 to 4 further contends that perusal of the record indicates that the policy was introduced in the year 2007

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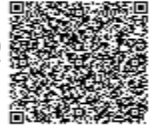
and the jobs were provided to all the eligible persons after considering their claims on 26.07.2011. As such, claim of the petitioner, which suffers from delay and laches, was rightly rejected by the competent authority by passing a well reasoned speaking order dated 28.11.2018 (Annexure P-12).

5. In rebuttal, learned counsel for the petitioner contends that even if share of grandfather of the petitioner, namely Jogi Ram, is excluded on account of land being sold prior to acquisition, he was holding 1/6th share in the total land, which is 04 kanals and 2.5 marlas. Further, claim of the petitioner is not time barred, as the respondents have provided jobs to similarly situated landowners in the years 2024 & 2025 itself. Furthermore, the respondent-Corporation has issued a litigation policy, in which it was decided to grant the benefit of judgments to every person, upon whom, it is applicable.

6. Having heard learned counsel for the petitioner as well as learned counsel for respondents No.2 to 4 at length and after careful perusal of record of the case with their able assistance, it transpires that the controversy with regard to multiple claims by two different members of a family, has been considered and decided by the Division Bench of this Court in ***Dharmender Singh***'s case (*supra*) and following was observed: -

“The controversy pertains to eligibility of the Ist respondent for appointment in the Thermal Power Plant in lieu of acquisition of the land of his family as per State Government Policy. Learned

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Single Judge has allowed the claim of respondent No.1 but the uncertainty arising due to multiple claims has prompted the Power Generation Corporation to file this appeal.

Following order was passed by the Court on 28.9.2016.

“It is contended, inter alia, that one member of the family is entitled to employment in the Thermal Plant if more than two acres of land of such family has been acquired. In the case of the respondent (s), it is stated that if land of the entire family is taken into account, then the acquired land is more than two acres. It is further stated that the Corporation has no objection against appointment of one of the family member but the respondent as well as his brother both are claiming such employment. It is contended that respondent's brother has filed a separate writ petition seeking employment under the Scheme. It is explained that the acquired land belongs to the entire family of the respondent and was not exclusively owned by him.

Notice of motion for 18.10.2016.

Notice re: condonation of delay as well.

The claim of the respondent for appointment shall be considered provided that all his family members including his brother (s) give consent affidavits to the satisfaction of the Competent Authority.

Let a copy of this order be placed on the file of connected matter.”

In deference thereto, it is stated by counsel for the Ist respondent that all his family members have already given affidavits and they are still ready and willing to give affidavits in

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support of the fact that (i) the acquired land of their family is more than two acres (ii) no other family member except respondent No.1 (Dharmender Singh) has applied or will apply in future to claim employment.

In this view of the matter, the appeal is disposed of with a direction that on fulfillment of the above-stated requirements, the claim of respondent No.1 for appointment be considered within one month.”

7. Further, on 07.08.2023, a Coordinate Bench of this Court decided a bunch of 48 civil writ petitions filed by stakeholders, in **Satender**'s case (*supra*), wherein it has been observed as below: -

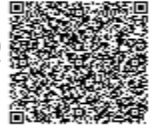
“In so far as the objection with respect to the disputed questions of fact is concerned, the said objection is untenable since the LPA Bench had only directed that the respondent Haryana Power Generation Corporation shall consider the claims of the petitioner(s) in terms of the policy and after obtaining affidavits from the other family members including the brothers for appointment to be offered to only one member of the family. The affidavits were required to state the following:-

(i) Acquired land of the family is more than 2 acres and

(ii) No other family member has applied or will apply in future to claim employment.

Once the petitioner(s) are submitting that they are eligible as per the Scheme and are willing to submit the

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affidavits/undertaking as per the judgment, there is no reason why the claim be not considered for their appointment.

In so far as the contention of the respondents that more than one member in same family has been granted appointment is concerned, such violation committed by the respondents calls for action against officials responsible for violation. The same cannot be read as a basis to decline consideration of the claim of those who claims to be eligible. Instead of taking appropriate action against those who violated the Scheme, the respondents suggest to strike a balance by not considering claim of others. Such an approach is impermissible in law.

The above said judgments having attained finality, there is no reason as to why the cases of the petitioner(s), who claim to be similarly placed, ought not to be considered by the respondent-Corporation under the Policy.”

8. Admittedly, the petitioner has attached affidavits of his family members, which are available on record as Annexure P-3 and the acquired land of his family is more than 02 acres. Further, none of the family members of the petitioner has been granted the benefit of employment by the respondent-Corporation.

9. As a result of above discussion, without commenting upon merits of the claim of the petitioner, present petition is disposed of with a direction



to the respondent-Corporation to consider the case of the petitioner in terms of the judgments passed by Division Bench of this Court in ***Dharmender Singh***'s case (*supra*) and the Coordinate Bench in ***Satender***'s case (*supra*) as well as in view of the policy (Annexure P-5) framed by the Government.

10. The petitioner is directed to furnish the requisite documents/affidavits within a period of two months from the date of receipt of certified copy of this order. On his doing so, the respondents shall decide the claim of the petitioner in view of the judgments referred to above and the policy (Annexure P-5), after affording an opportunity of hearing to the concerned and shall pass a speaking order within next three months.

11. Needless to say that if the petitioner is found entitled for appointment, appropriate necessary action be taken within a period of four months thereafter.

06.08.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No