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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
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Date of decision: 13.01.2026

1. CWP-5873-2019

Parveen
State of Haryana and others
Versus
....Petitioner
....Respondents

2. CWP-13046-2019

Vijay
State of Haryana and others
Versus
....Petitioner
....Respondents

3. CWP-13097-2019

Ajesh
State of Haryana and others
Versus
....Petitioner
....Respondents

4. CWP-5887-2019

Aruna Kumari
State of Haryana and others
Versus
....Petitioner
....Respondents

5. CWP-6793-2019

Ankit
State of Haryana and others
Versus
....Petitioner
....Respondents

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6. CWP-6965-2019

Arun
.....Petitioner
Versus
State of Haryana and others
.....Respondents

7. CWP-9685-2019

Jaibeer
.....Petitioner
Versus
State of Haryana and others
.....Respondents

8. CWP-16022-2019

Nayan Sharma
.....Petitioner
Versus
State of Haryana and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep K. Sharma, Advocate
with Mr. Lakshya Saini, Advocate
and Mr. Ritesh Sharma, Advocate
for the petitioner(s) in all the cases.

Mr. Saurabh Girdhar, AAG, Haryana
in all the cases.

Mr. Anil Chawla, Advocate
for respondents No.2 and 3
in CWP Nos.5873, 16022, 13046, 13097 of 2019.

Ms. Nikita Goel, Advocate
for respondent – HPGCL
in CWP Nos.5887, 6793, 6965, 9685 of 2019.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of all the
aforementioned captioned writ petitions, as common questions of law

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and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-5873-2019.

2. Prayer in the writ petition (CWP-5873-2019) filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the Memo/Order dated 15.01.2019 (Annexure P-9) and Memo dated 25.02.2019 (Annexure P-10) passed by respondent No.3, whereby the claim of the petitioner for a job in lieu of land acquired for construction of MGSTPP/IGSTPP, Jhajjar has been returned/rejected. Further a writ of *mandamus* has been sought, directing the respondents to provide job to the petitioner as per his eligibility for the land acquired for construction of Jhajjar Power Plant i.e. MGSTPP/IGSTPP of CLP in terms of the policy dated 05.07.2007 (Annexure P-2) and policy dated 09.11.2010 (Annexure P-3) framed by the State Government, as amended vide notification dated 15.10.2013 (Annexure P-4)

3. Learned counsel for the petitioner(s), *inter alia*, contends that the petitioner(s) land was acquired for setting up of a Thermal Power Plant in District Jhajjar by the respondent/Corporation in the year 2007. The State Government has issued a Rehabilitation and Resettlement (R&R) Policy on 09.11.2010. The benefit of the same can be extended to the petitioner(s) since the award was passed in favour of the petitioner(s) in the year 2007 itself for the acquisition of the land. The claim of the petitioners for compassionate appointment in terms of the R&R Policy is further forfeited from the fact that their very source

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of survival i.e. agricultural land, has been acquired and several oustees whose land was acquired for setting up of a Thermal Power Plant in the State of Haryana have been granted the benefit of R&R Policy. The State instrumentalities has publicly promised to provide livelihood to the land oustees, whose land was acquired. The relevant Clause 11 of the R&R Policy clearly laid down the criteria for the benefits of the affected persons. The petitioner(s) have filed various representations in terms of the policy, however, their claims have been rejected.

4. *Per contra*, learned counsel for the respondent/Corporation submits that the issue involved in all the writ petitions is squarely covered by the judgment rendered by the Division Bench of this Court in LPA-76-2023, titled as ***State of Haryana through Chief Secretary, Government of Haryana and another vs Ramesh Kumar and others***, decided on 18.11.2025. He further contends that the Coordinate Bench of this Court in CWP-1150-2015, titled as ***Ramesh Kumar and others vs State of Haryana and others***, decided on 10.05.2022, has directed the respondent/Corporation to consider the case of identically circumstanced land owners, whose land was acquired for setting up of a Thermal Power Plant in District Jhajjar. However, the respondent/Corporation preferred an intra-court appeal, which was allowed by the Division Bench of this Court in LPA-76-2023.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

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6. Before advertng to the facts of the case, it would be appropriate to reproduce the operative part of the judgment passed in **LPA-76-2023**, which reads as follows:-

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.

7. A careful reading of the aforesaid extract leaves no manner of doubt that the Division Bench of this Court has authoritatively settled the controversy involved. The principles culled out from Para 7 of the judgment passed in **LPA-76-2023**, can be summarized as under:-

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- (i) acquisition under the Land Acquisition Act, 1894 is a complete code in itself and envisages only payment of monetary compensation;***
- (ii) the policy providing for employment/compassionate appointment is not traceable to the Land Acquisition Act, 1894;***
- (iii) the Rehabilitation and Resettlement (R&R) Policy crystallized only with the issuance of Notification dated 09.11.2010, with a clear cut-off date of applicability as 07.09.2010;***
- (iv) lands acquired prior to the cut-off date do not fall within the ambit of the said policy;***
- (v) any public assurance or statement, even if made by a constitutional functionary, cannot override or supersede a duly notified policy; and***
- (vi) belated claims, raised long after acquisition and acceptance of compensation, are not legally sustainable.***

8. Admittedly, in the present batch of writ petitions, the land of the petitioners was acquired in the year 2007, much prior to the notified cut-off date under the R&R Policy dated 09.11.2010. It is also not in dispute that the petitioner(s) accepted compensation awarded under the Land Acquisition Act, 1894. The validity of the cut-off date prescribed in the policy has not been assailed in these writ petitions. Once the cut-off date remains unchallenged, the Court cannot extend the benefit of the policy by judicial interpretation as that would amount to rewriting the policy, which is impermissible in exercise of jurisdiction under Articles 226/227 of the Constitution of India.

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9. The contention of the petitioners that similarly situated persons have been granted employment is also devoid of any merit. Article 14 of the Constitution does not envisage negative equality. Any alleged benefit granted contrary to the policy or *de hors* the statutory framework cannot form the basis for claiming a similar illegality. Moreover, no cogent material has been placed on record to establish that the persons referred to by the petitioners were identically situated in all respects, particularly with regard to the date of acquisition and applicability of the policy.

10. Mere loss of livelihood does not confer a right to appointment in the absence of a legal right. Compassionate appointment or employment in lieu of land is not an inherent or vested right, it flows from the policy and must be applied as per its terms. The Courts are bound to apply the policy as it stands and not as it is perceived to be fair or desirable.

11. In view of the binding precedent laid down by the Division Bench of this Court in **LPA-76-2023**, which squarely covers the issue involved herein, this Court finds no justification to take a different view. The impugned orders dated 15.01.2019 (Annexure P-9) and 25.02.2019 (Annexure P-10) do not suffer from any illegality, perversity or jurisdictional error warranting interference under Articles 226/227 of the Constitution of India.

12. Consequently, all the captioned writ petitions are dismissed.

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- 13. Pending miscellaneous application(s), if any, also stand disposed of.
- 14. A photocopy of this order be placed on the files of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

13.01.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No