



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

LPA-586-2020 (O&M)

Date of decision: 10.02.2026

State of Haryana and others

...Appellant

Vs.

Kavish

...Respondent

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

Present: Mr. Nitin Kaushal, Addl. A.G., Haryana.

**Mr. Aman Pal, Sr. Advocate with
Mr. Japsehaj Singh, Advocate and
Mr. Balraj Sharma, Advocate
for the respondent.**

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is by the State assailing the judgment of the learned Single Judge rendered in CWP-6244-2017, decided on 27.01.2020. Learned Single Judge while allowing the writ petition has quashed the order dated 16.02.2017 (Annexure P-9) and a direction has been issued to grant compassionate appointment to the respondent-petitioner in the land losers category.

2. Undisputed facts of the case are that the Government of Haryana vide notification dated 03.12.2009 acquired 22 Kanals 12 Marlas of land situated in khasra No. 359 belonging to the respondent-petitioner as well as his mother and two sisters. The acquisition was for setting up of 2nd Water Works at Hansi Town. The Award was passed by the Collector under Section 11 of the Land Acquisition Act, 1894 on 16.09.2010. An application claiming



compassionate appointment under land losers category was moved by the respondent-petitioner in the year 2012. This was pursuant to a policy introduced by the State of Haryana on 09.11.2010. It appears that six persons were recommended for such appointment, including the name of the respondent-petitioner by the Executive Engineer, Public Health, Division No.3, Hisar on 05.10.2012. All other five persons have been offered appointment except the respondent-petitioner. The only reason assigned for rejection of the respondent's claim was that the landholding of the respondent-petitioner, in his individual capacity, was less than 02 acres.

3. The policy dated 09.11.2010 of the Haryana Government provides as under:-

"A. Preamble:

As a welfare state, the Government of Haryana recognises that acquisition of land under the statute and the alienation of landowners from their source of livelihood could be a painful process, notwithstanding the payment of compensation for the same as per law. Therefore, it intends to minimise this pain of the affected persons through a set of policy initiatives that include (a) payment of market value as compensation of land to the landowners with the revision and fine-tuning of minimum floor rates in respect of land situated in different parts of the state; (b) introduction of a special incentive for reducing litigation qua the compensation amount; (c) revision of the rates of Annuity payable for a period of 33 years as a social security benefit for the landowners; and (d) review and introduction of certain additional benefits over and above the one-time compensation paid in accordance with the law so as to provide for alternate means of sustenance for the



landowners and other landless persons/artisans who are dependent on the agricultural land being acquired for non-agricultural purposes."

4. Clause 3 of the policy specified the effective date, which reads as under:-

"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."

5. Clause 11 of the policy provides for grant of compassionate appointment to be offered to the oustees' category, which is reproduced hereinafter:-

"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."*

6. The only ground on which the claim of the respondent-petitioner came to be rejected was that the total land owned by the respondent-petitioner was less than 02 acres.

7. Learned Single Judge has allowed the writ petition after taking note of Clause 11 of the Policy, which conferred a right of consideration for compassionate appointment to one dependant of the land owning family. Learned Single Judge further noticed that the other three members of the family had already given their consent for the respondent-petitioner to be offered compassionate appointment and therefore, only one applicant was claiming compassionate appointment and the land owning family had 22 Kanals 12 Marlas land, which was more than 02 acres.

8. Learned State counsel has placed reliance upon a judgment of this Court in LPA-871-2020 to submit that the appeal filed by the State is liable to



succeed for the reasons recorded in the judgment.

9. Learned Senior counsel for the respondent-petitioner, however, submits that the facts of the present case are distinguishable, inasmuch as the claim of respondent-petitioner is covered under the Policy for compassionate appointment formulated by the State of Haryana on 09.11.2010.

10. We have perused the judgment rendered by us in LPA-871-2020. The appeal filed by the State in that case was allowed after noticing the facts of the case as per which the land was acquired way back in 1996-97, whereas the claim for compassionate appointment under the Policy was instituted nearly 20 years later. The policy itself was not shown to be applicable in that case. In such circumstances, we find the facts of this case to be distinguishable.

11. The learned Single Judge having examined the controversy, observed that 22 Kanals 12 Marlas land was owned by the petitioner's father all of which came to be acquired for the benefit of State of Haryana. The petitioner's father died in the year 2005. The right, title and interest held by the petitioner's father devolved upon the land owning family consisting of the petitioner as well as his mother and two sisters.

12. Learned Single Judge, therefore, has observed that the land owning family is required to possess the land measuring more than 02 acres, which exigency is clearly shown to arise in the facts of this case. The following observations of the Court are reproduced hereinafter:-

"The present case squarely covers by the ratio of aforesaid judgment. In the present case, after the death of father of the petitioner in 2005, the total land of 22 kanals



12 marlas of the father of the petitioner was transferred into four shares namely namely Neelam Rani (wife), Meenu Rani (daughter), Rajni Rani (daughter), Kavish (son) as per mutation sanctioned. Even if mutations were sanctioned in favour of four LRs, the land was not being used for commercial purpose and one family member is entitled for job as per notification dated 09.11.2010 (Annexure P-2).

In the present case, the mother and sisters of the petitioner have already given affidavits that they may not be considered for Government job as per notification dated 09.11.2010 (Annexure P-2) and the petitioner alongwith representation has given affidavits of his mother and two sisters to this effect."

13. In the facts of the case, we find that apart from the respondent-petitioner all other five persons, who were recommended have been granted compassionate appointment. The Award in the present case was declared after the scheme itself had come into existence. The scheme providing for compassionate appointment was, therefore, shown to be applicable and was subsisting when such application was moved by the respondent-petitioner.

14. In such circumstances, the denial of compassionate appointment to the respondent-petitioner was on a ground which was not permissible in law. Ever otherwise, we find that the State of Haryana has used the expression 'land owning family', and the policy contemplates grant of compassionate appointment to one of the members of the family. In such circumstances, the land owning family will have to be construed as the family whose land has been acquired, and against such acquisition only one member of the family can be considered for compassionate appointment. If there are more than one



persons applying for such compassionate appointment, then the rights will have to be viewed in the context of each individual, treating them to be a separate land owning family. Direction has been issued by the learned Single Judge to consider as to what would be the appropriate appointment to be offered to the respondent-petitioner.

15. In such circumstances, we do not find it to be a fit case for interference in exercise of jurisdiction under Clause X of the Letters Patent. The claim of the respondent-petitioner for appointment shall be accorded consideration in terms of the judgment of the learned Single Judge within a period of two months from today.

16. The Letters Patent Appeal is ***dismissed*** accordingly.

17. Pending application(s), if any, stand(s) disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.02.2026

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