

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

Date of Decision : 10.04.2026

2026:PHHC:056169-DB



1. LPA No. 1862 of 2019 (O&M)

Haryana Power Generation Corporation Limited and others

.... Appellants

versus

Sandeep Kumar and another

.... Respondents

2. LPA No. 1863 of 2019 (O&M)

Haryana Power Generation Corporation Limited and others

.... Appellants

versus

Sandeep Kumar and another

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Sanjeev Kaushik, Ms. Amisha Rana and
Ms. Manreet Kaur, Advocates, for the appellants in LPA-1862-
2019.

Mr. Anil Chawla, Advocate with
Ms. Nitika Goel, Advocate and
Mr. Mohit Kumar Sharma, Advocate
for the appellants in LPA-1863-2019.

Mr. Brahmjot, Advocate for
Mr. Zorawar Singh, Advocate
for respondent No.1 in LPA-1863-2019.

ASHWANI KUMAR MISHRA, J.

1. Since the controversy involved in these appeals are identical, they are being dealt with together by this common judgment. For the sake of convenience, the facts are extracted from LPA No. 1862 of 2019.

2. These two appeals arise out of a common judgment passed by the learned Single Judge dated 15.07.2019, whereby two writ petitions namely CWP Nos. 25720 of 2016 and 9817 of 2017 filed by the respondents-petitioners have been allowed. A direction has been issued to the appellants to consider the case of the respondent-petitioner for compassionate appointment in the land oustees category.

3. It transpires that for the establishment of Rajiv Gandhi Thermal Power Plant in village Khedar, District Hisar, land was acquired by resorting to compulsory acquisition under the Land Acquisition Act, 1894 by issuing notification under Section 4(1) in the year 1996 and declaration under Section 6 (1) in the year 1998. At the time of acquisition of land, there existed no policy of the State for providing compassionate appointment to the oustees (persons whose land has been acquired for the establishment of Thermal Power Plant).

4. On 19.05.2007, a statement was made by the Chief Minister of Haryana that one member from each family, whose land has been acquired for establishment of Thermal Power Plant, would be offered employment on the basis of qualification and eligibility criteria. 527 applications were received from the land oustees for grant of compassionate appointment. Considering the large number of applications as also the rehabilitation policy for the land acquisition of 1998 and rehabilitation policy of November 2010, the offer of compassionate appointment was restricted to each land oustee who had contributed more than 2 acres of land. The policy in this regard came to be notified by the Government of Haryana on 21.07.2011, which reads as under:-

"Hon'ble Chief Minister has to approved the special scheme of one eligible employment member of each of the families Thermal of oustees of Power Plant, Khedar (Hisar). Based on the proposal, the scheme be formulated and submitted for ex-facto of the approval post Cabinet. This scheme emanates out of CM announcement dated 19.05.2007 dispensation as a special for the families whose more than 2 acres of land has been acquired for Rajiv Gandhi Thermal Power Plant, Khedar (Hisar). He has also approved the proposal except that in the no relaxation educational qualification is to be given who are under middle or illiterate for the post of Peon. These people be employed as Beldar or unskilled workers for which no educational qualification is required.

He has also ordered that necessary relaxation from CS and FD be obtained in due course. Meanwhile the appointment letters be given as has been proposed in the note of FC, Power on pre-page 35/N."

5. As per the notification 133 persons were identified for grant of compassionate appointment in the land oustees category which did not include the petitioner. The representation made by the petitioner on 22.02.2017 was rejected vide communication dated 30.03.2017 (Annexure P-16) on the ground of laches. The appellant asserts that they had offered appointment based upon the list furnished by the Deputy Commissioner, Hisar, dated 24.05.2011 specifying the land oustees who have contributed more than 2 acres of land. The appellants informed the respondent-petitioner that since the land contributed by him or his family was less than 2 acres, as such he cannot be granted employment. The appellants also stated that the claim for compassionate appointment has been made in the year 2017 by the respondent-petitioner, which was barred by laches. The learned Single Judge has allowed the writ petitions by observing as under:-

"I have heard the learned counsel for the parties and appraised the paper book.

The definition of family extracted in the policy reads as under:-

"Family would mean as it stood on the date the land was acquired and not further subdivisions and subsequent families created on the basis of partition."

On cumulative reading of the facts pleaded in the writ petition, written statement and as well as the mutation (Annexure P-8), Surta was the common ancestor and on demise, his estate was inherited in line of succession and the mutation was effected in favour of widow, son and daughter and there is no reflection of any individual partition. There could have been force in the contention of the learned counsel for the HPGCL had the definition of HUF or self-acquired property as defined in the Hindu Succession Act or Mullah Law had been in tandem with the notification, but it is not so. Expression "family" would mean as it stood on the date the land was acquired and not further subdivisions and subsequent families created on the basis of partition. The land in the instant case acquired in 1998, whereas the mutation does not dispute that there was no individual partition qua the estate of Surta bearing Khasra No. 194/14, 15,195/1, 2 measuring 26 kanals. The condition of minimum acquisition of 2 acres is sine-qua-non entitling the candidate for appointment. It is a matter of record that one of the cousin brother has applied, but the family gave an affidavit that they confined the claim qua one member, i.e., petitioner.

In my view, the case of the petitioners is wholly covered by the aforementioned judgment and as well as the facts pleaded. Resultantly, the writ petitions are allowed. Direction is

issued to the respondents to consider the case of the petitioners subject to furnishing their affidavits.”

6. The judgment of learned Single Judge is challenged by the appellants contending that the statement by the Chief Minister of Haryana dated 19.05.2007 ultimately resulted in the formulation of a policy in the year 2010, and thereafter in the year 2012, which resulted the grant of benefit of compassionate appointment only to those land oustees who had contributed more than 2 acres of land. It is urged that on the date of acquisition of land, the land holding of the respondent-petitioner or family of the respondent-petitioner was less than 2 acres. Para 5 of the grounds of appeal, which is supported by an affidavit, reads as under:-

5. That the Respondent was found not to be eligible as the land acquired was in the name of Shri Satbir Singh (father of Respondent) son of Shri Badlu Ram with 1/7th share as per mutation, which comes to 2 kanals 16 marlas (less than 02 acres), out of a total of 19 kanals 10 Marlas land belonging to legal heirs, which are 7 in number of the deceased Shri Badlu Ram.

The notification for acquisition of land under Section 4 of the Land Acquisition Act, 1894 was issued on 17.01.1996 and under Section 6 on 16.12.1996. Finally the award was passed on 07.12.1998.

According to the revenue record, on the date of acquisition of land, all the Legal representatives of deceased Shri Badlu Ram were having their separate share of land which is evident from the entries in Virasat Intkaal No.4172 dated 25.11.1998. The land measuring 2 kanals 16 marlas was acquired from Respondent's father Shri Satbir Singh against which he received compensation to the tune of 240013.75 individually against his share of land. It is further pertinent to

submit here that all the L.Rs. of deceased Shri Badlu Ram have taken the compensation separately qua their own share.”

7. Having heard counsel for the parties, we find that the issue raised in the matter has been dealt with by a learned Single Judge of this Court in CWP No. 6757 of 2014 – **Balwant Singh and others vs State of Haryana and others** relying upon a previous judgment in the case of **Makhan Ram and others vs State of Punjab and others** 2016 (4) RCR (Civil) 737.

Observations made by learned Single Judge read as under:-

“The legal issue which, thus, arises is whether the petitioners have any legal vested right on the basis of the announcement made which never had any formal sanction, at that point of time and whether the State could change or modify the decision made on 19.05.2007, to the detriment of the petitioners. Similarly, whether such action could be taken later and implemented and due to the change of policy, the petitioners could have no legal right.

The legal position stands decided by this Court in the litigation pertaining to one Peona Thermal Power Plant, in Makhan Ram & others Vs. State of Punjab & others 2016 (4) RCR (Civil) 737 wherein also land owners who had small holdings were aggrieved on account of the fact that a cut-off of 2 acres had been fixed by the Punjab Government. In the said case, policy dated 08.11.2011 had been framed on similar conditions whereby the posts were taken out, from the purview of the Punjab Public Service Commission and the Subordinate Services Selection Board. On account of large number of applications coming forth, fresh guidelines were issued on 28.02.2014 and 03.03.2014. The said subsequent policy was, accordingly, challenged on the ground that persons owning smaller chunks of land had been given employment also and

therefore, there was violation of Article 14 of the Constitution of India. It was, accordingly, noticed that policy of providing employment was by way of concession and could be changed in public interest, keeping in view the public policy and larger interest. The decision of the Government to restrict the employment to the larger land owners had been held to be well justified and based on reasonable cogent criteria. It was further held that there was no legal vested right, as such, to seek employment on account of acquisition of land, since under the 1894 Act, there was no such provision whereby employment had to be granted. In the absence of any statutory provisions, appointment could not be claimed as a matter of right. If a policy had been changed, in the absence of any mala fide the earlier policy could not be enforced and there was only a right of consideration. Similarly, on the issue of Article 14, it was held that it could not be enforced by way of negative equality of compounding one thing and permitting and enforcing something illegal. The following questions were framed:

7. The two issues, thus, that arise for consideration before this Court are-

(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?

The same was answered against the petitioners in the said case by referring to the judgments of the Apex Court, to hold that the Court's jurisdiction was limited in the absence of any illegality and scope for interference was limited. Reliance had been placed upon the same judgment in in State of Punjab Vs. Ram Lubhava Bagga 1998 (4) SCC 117. BALCO Employees' Union (Regd.) Vs. Union of India 2002 (2) SCC 333, to hold that the policy could always be changed in the larger interest. In the absence of any legal vested right, as such, the petitioners have no absolute right of consideration on the acquisition of land. It is not disputed that the land was compulsorily acquired wayback in the year 1998 and the policy on which the concession was restricted, was much later and the announcement was made on 19.05.2007 and the formal letter was issued on 05.07.2007 and thereafter, approved on 30.01.2012 whereby it was modified to the extent that only persons having more than 2 acres of land had a right of employment.

In the case of S.V.A. Steel Re-rolling Mills (supra), a Government order had been issued wherein concession was to be given of continuous electricity supply at particular rate to certain new manufacturing units. The appellants had established manufacturing units in Kerala State. Thereafter, a further order had been passed that new units were exempted for 5 years from the payment of enhanced tiers on certain conditions which had not been adhered to. Resultantly, the plea of promissory estoppel was taken which was accepted by the Apex Court and it was directed that the industry would be given the benefit by extending the benefit of period of incentive on the principle that the units had been set up in the State of Kerala in view of the policy with regard to uninterrupted power supply

and on the same tariff for a period of 5 years from the date of commercial production. In the present case, the land was compulsorily acquired before the assurance was given out and therefore, there was no such positive step taken by the land owners on the assurance on the basis of which this issue of promissory estoppel, as such, can be applied. The said principle applies where the person alters his position on account of an assurance given and in the case of compulsory acquisition of land, same principle would not be applicable and therefore, the judgment would not apply, in the facts and circumstances of the present case.”

8. The judgment of learned Single Judge in **Balwant Singh**'s case (supra) has been affirmed with dismissal of LPA No.182 of 2018 (leading case), *vide* judgment dated 05.03.2025.

9. Having gone through the material on record, we are inclined to follow the reasons assigned by the learned Single Judge in the case of **Balwant Singh**'s case (supra), which has since been affirmed by the Division Bench primarily for the following reason:-

On the date of acquisition of land in the year 1996-98, there existed no policy for grant of compassionate appointment to the land oustees.

10. The claim for compassionate appointment by respondent-Sandeep Kumar has been raised for the first time in the year 2016/2017. In somewhat similar facts and circumstances, a petition filed in January, 2025 by land oustees came to be dismissed by us in LPA No.1474 of 2025. The Division Bench judgment of this Court has been affirmed by the Supreme Court in Special Leave to Appeal No.30798 of 2025, wherein the Court has observed in para 2 and 3 as under:-

“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 faming of the policy.”

11. The policy for compassionate appointment to land oustees has ultimately crystallized decision of the competent authority dated 21.07.2011 restricting the benefit of appointment only to persons who have contributed more than two acres of land for the project in question. On the date of acquisition of land, father of the respondent/petitioner-Satbir Singh was recorded as owner, and his landholding was below two acres. No exception therefore can be taken to denial of compassionate appointment to the respondent.

12. Learned Single Judge has omitted to consider that the statement of Chief Minister in the year 2007 led to formulation of a policy at the competent level, restricting benefit of employment only to those who had contributed more than two acres of land whereas the land acquired of the respondent/his family was less than 2 acres.

13. The policy of 2012 was not under challenge, which restricted the benefit of compassionate appointment only to those oustees who contributed more than two acres for the project.

14. In the writ petition, the respondent had challenged the order rejecting his representation, whereby the claim of compassionate appointment in the category of '*land oustees*' was rejected primarily on the ground of laches.

15. For the reasons recorded above, we are of the considered view that the judgment of the learned Single Judge granting the relief of compassionate appointment to the respondent cannot be sustained. The judgment passed by the learned Single Judge is hereby set aside. The instant appeals are accordingly ***allowed***. The writ petition of respondent is dismissed.

16. Pending miscellaneous application (s), if any, also stands disposed of.

17. A photocopy of this order be placed on the file of other connected case.

(ASHWANI KUMAR MISHRA)
JUDGE

10.04.2026

vs

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No