



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

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CWP-35608-2025

Date of decision : 12.01.2026

Nishan Singh

....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sandeep Siwach, Advocate for the petitioner.

Mr. Satnampreet Singh Chauhan, D.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for quashing the order dated 11.09.2024 (Annexure P-12), whereby the claim of the petitioner for appointment in the Government job against his land acquired by the State under the policy letter No.1088/2010-OS/6/3801 dated 08.11.2011 (Annexure P-2) has been rejected. Further, seeking a writ of mandamus, directing the respondents to appoint the petitioner on the Government job in lieu of his land acquired under the abovesaid policy.

2. Brief facts, as have been pleaded in the petition, are that the Punjab Government had issued notification under Section 4 of the Land Acquisition Act, 1984 on 04.10.2010 for acquisition of land for Peona Power Plant at Village Gobindpura, Tehsil Budhlada, District Mansa and other villages and thereafter, notification under Section 6 of

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the said Act was issued on 17.01.2011. The ancestral land of the petitioner measuring 6 Marlas was acquired for the abovesaid Thermal Plant (Annexure P-1). On protest raised by the petitioner and all other farmers and after struggle of one year, the Government agreed to appoint one member of the each affected family. Thereafter, the petitioner and other farmers agreed to give possession of the acquired land to the Government and the Government had taken a policy decision, vide Cabinet meeting dated 23.09.2011, that one member from each family whose land has been acquired should be given the Government job and had issued letter dated 08.11.2011 (Annexure P-2) to the Deputy Commissioner, Mansa in which conditions for appointment had been given. Accordingly, the petitioner had applied for appointment in the year 2011 itself against acquisition of his land by the Government but his case was initially delayed without any reason, whereas some similarly situated persons had been appointed by the respondents at their own and two persons namely Rajdeep Singh and Harmanjit Singh had been appointed in pursuant to the orders dated 19.03.2014 & 16.05.2013 passed by this Court in CWP No.4829 of 2014 and CWP No.24072 of 2012 (Annexures P-6 & P-5), respectively. Thereafter, the petitioner made representation dated 22.03.2013 (Annexure P-10) to respondent No.2 but to no avail. Then again on 02.03.2024 the petitioner made representation to respondent No.2 for considering his case for appointment in lieu of his land acquired by the Government but no decision was taken by respondent No.2 on the same. Thereafter, the petitioner approached this Court by filing CWP

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No.14136 of 2024 (Nishan Singh Vs. State of Punjab and others) which was disposed of by this Court, vide order dated 01.07.2024 (Annexure P-11), being not pressed on account of the submissions made by learned State counsel that the representation dated 02.03.2024, submitted by the petitioner, will be decided by the competent authority within a period of eight weeks by passing an appropriate speaking order. In pursuance to the said order, respondent No.2 passed the impugned order dated 11.09.2024 (Annexure P-12), whereby the claim of the petitioner has been rejected on the ground that the Punjab Government had issued guidelines dated 03.03.2014, vide which policy dated 08.11.2011, of the Punjab Government has already been made obsolete and now policy/guidelines dated 03.03.2014 is applicable and as per the said policy/guidelines, the acquired land should be at least 04 Kanals to be considered for the eligibility for getting government job and the case of the petitioner is not covered under the policy/guidelines dated 03.03.2014 as the land of the petitioner measures 6 Marlas, which is less than 4 Kanals. Hence, the instant petition

3. Learned counsel for the petitioner submits that earlier in pursuance to the policy dated 08.11.2011, the persons whose acquired land was less than 01 Marla have been appointed in the Government job and are still doing their job. However, the claim of the petitioner has been rejected on the basis of new guidelines dated 03.03.2014 as per which, the acquired land should be at least 04 Kanals to be considered for the eligibility for obtaining government job. Therefore, the impugned order dated 11.09.2024 is liable to be set aside being illegal, arbitrary and discriminatory.

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4. On receipt of advance copy of the petition, learned State counsel has put in appearance on behalf of the respondents-State and submits that vide guidelines dated 03.03.2014, issued by the Government of Punjab, policy dated 08.11.2011 has already been made obsolete and the case of the petitioner is not covered under the guidelines dated 03.03.2014. He further submits that the present petition is liable to be dismissed on the ground of delay and laches as the land of the petitioner was acquired by the State in the year 2011 and the petitioner has approached this Court after a lapse of period of more than 14 years.

5. I have heard learned counsel for the parties and perused the relevant documents.

6. Admittedly, for establishment of Peona Power Plant at Village Gobindpura, Tehsil Budhlada, District Mansa, the ancestral land measuring 6 Marlas of the petitioner was acquired by the State of Punjab in the year 2011. Thereafter, the petitioner made representation dated 22.03.2013 to respondent No.2 submitting therein that his date of birth is 07.06.1996 and presently, he is studying in 10th Class and as per the State Government policy, a Grade-III job may be reserved for him so that after completing his study he may get the job. After a lapse of about 11 years, the petitioner again approached respondent No.2 by making representation dated 02.03.2024 and when no decision was taken by respondent No.2 on the same, the petitioner approached this Court by filing CWP No.14136 of 2024 which was disposed of, vide order dated 01.07.224 (Annexure P-11), being not pressed on account of

submissions made by learned State counsel to the effect that the



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representation dated 02.03.2024, submitted by the petitioner will be decided by the competent authority within a period of 8 weeks by passing an appropriate order and thereafter, respondent No.2 passed the impugned order dated 11.09.2024 (Annexure P-12), whereby the claim of the petitioner was rejected on the ground that now policy dated 03.03.2014 is applicable to the case of the petitioner and he is not covered under the said policy.

7. The dispute involved in the present case has already been answered by a Coordinate Bench of this Court in ***CWP-15379-2012 titled as 'Waryam Singh Vs. State of Punjab and others'*** and other 106 connected cases ***decided on 11.04.2023***. In the said judgment, it has been held as under :-

*“19. At this stage, it is appropriate to note that though the writ petition is not liable to be dismissed on the ground of bar of limitation, however, the delay and laches is one of the ground to decline the relief in exercise of writ jurisdiction. Keeping in view the various decisions, the matter was listed before a three Judge Bench in **Digambar's case (supra)**. After discussing the case law on the subject, the larger bench held that the High Court was not justified to issue directions in exercise of its power vested under Article 226 of the Constitution of India without considering petitioner's disentitlement to such relief due to his blame worthy conduct on account of undue delay and laches in claiming the same.*

20. The relevant discussion is in para 23 and 24, which are extracted as under:-

“23. Therefore, where a High Court in exercise of its power vested under Article 226 of the Constitution issues a direction, order or writ for



granting relief to a person including a citizen without considering his disentitlement of such relief due to his blameworthy conduct of undue delay or laches in claiming the same, such a direction, order or writ becomes unsustainable as that not made judiciously and reasonably in exercise of its sound judicial discretion, but as that made arbitrarily.

24. *Since we have held earlier that the person seeking grant of relief under Article 226 of the Constitution, even if it be against the State, is required to satisfy the High Court that he was not guilty of laches or undue delay in approaching it for relief, need arises for us to consider whether respondent in the present appeal (writ petitioner in the High Court) who had sought for relief of compensation on the alleged infringement of his legal right, had satisfied the High Court that he was not guilty of undue delay or laches in approaching it for relief. The allegation of the petitioner in the writ petition, as becomes clear from the judgment under appeal, was that although certain extent of his land was taken away in the year 1971-72 by the agency of the State for the scarcity relief road works undertaken by the State Government in the year 1971-72, to find work for small agriculturists and agricultural labourers in the then prevailing severe drought conditions, without his consent, he was not compensated therefore, despite requests made to the State Government and various agencies in that regard ever since till the date of filing of the writ petition by him.”*

21. *Thereafter, in City Industrial Corporation Vs. Doshu Aardeshir Bhiwandiwalla (2009) 1 SCC 168, it was held that before entertaining the writ, the Court is required to apply certain tests including the question of delay and laches. Similarly, in Chennai Metropolitan Water Supply and Sewerage Board Vs. T.T. Murali Babu, (2014) 4 SCC 108, the Court again reiterated the aforesaid view. Similar view has been reiterated in Union of India Vs. C. Goraya and others (2019) 15 SCC 633.*



22. As regards the question of continuing breach, though, the Limitation Act, 1963 is not strictly applicable to the present case, however, the nature of continuous breach has been explained in Section 22 of the Act thereof. On a careful reading, it is evident that Section 22 of the Act is applicable only when there is a continuing breach or a continuous tort giving rise to a fresh period of limitation every moment it is being committed. However, continuance of the effect of wrong once committed, is not a continuing wrong. The provision would not apply unless there is a wrong which is continuing like denial of monthly maintenance to wife, child or aged parents, infringement of trade marks or wrongful denial of the increment in absence of specific order, etc. If the wrongful act causes an injury which is complete, there is no continuing tort even though the damage resulting from the act may continue. The continuing effect of a wrong in itself is not a continuing breach. Non-payment of the amount due is not a continuing breach, though its effect is continuing. Similarly, the duty to hand over possession is a breach of obligation but does not constitute a continuing breach attracting the applicability of Section 22 of the Limitation Act, 1963. However, denial of annual increment which is due during the continuance of service in absence of any specific order may give rise to a continuing breach resulting in beginning of a fresh period of limitation as and when lesser salary than to which he is entitled, is paid to the employee during the employment. The soul of the principle lies in the commencement of a fresh period of limitation every moment the breach continues. However, in the present case, the denial of appointment is not giving rise to a continuing tort or continuing breach. In the present case, the denial of appointment arose when the land was acquired or when the policy was adopted and implemented. Admittedly, the



project was completed in the year 1998. In the fourth round, this Court way back, on 26.11.2009, delivered the judgment in Dharam Singh's case (supra). The petitioners for the first time started making representation in the year 2011 and filed the writ petitions subsequent thereto. Thus, there is an unexplained delay and laches for a period of nearly 14 years even it is assumed that the land of all the petitioners was last acquired in 1998. In these circumstances, the petitioners are required to explain the unexplained delay and laches of long period of one and a half decade. The purpose of the policy to give employment was to rehabilitate one member of the family immediately. There may be cases where the delay is solely on account of the State or its agencies. However, in the present case, as already noticed, the employment has been given and interviews were held in 1997-1998 and it is not the case of the petitioners that they were ever interviewed. There was no reason for the petitioners to wait for a long period of 14 years. There is also no dispute that none of the petitioners was party to the writ petition filed in Dharam Singh's case (supra).

23. *On the directions issued by the Court, the cases of the individual landowners have been considered by the Committee. Along with the additional affidavit filed by the respondents on 10.08.2022, status report with respect to each of the writ petition has been given. It has been noticed that with respect to category No.1 as culled out in order dated 27.05.2015, which has already been extracted above, one member of the family has already been given employment. It has also come on record that the petitioners have not approached the Court with clean hands. It has also been projected that the jamabandis for the period during which the acquisition took place were taken into consideration and on that basis the employment was given.*



It has also come on record that in some of the cases, joint family nominated one member of the family for employment while giving an undertaking to not make any further claim of employment. If we examine the facts of the lead case namely Waryam Singh, it is evident that as per the jamabandi for the period of 1975-1976, there were 10 members in the family including the mother and his children, who were all heirs of late Sh. Khoju. Sh. Kartar Singh son of Sh. Ram Singh son of late Sh. Khoju who was the cousin of the petitioner, was given employment. A speaking order in terms of rehabilitation and resettlement policy was passed. It was also found that the acquired land of the family of the petitioner when compared with their entire landholding comes to 60.51%, which is far less than the criteria laid down under the Rehabilitation and Resettlement Policy dated 18.11.1993. It was noticed that Sh. Kartar Singh was found guilty by the Court of Sessions and sentenced to rigorous imprisonment for a period of three years. Moreover, the petitioner's father was living in village Dalla and the father of the petitioner did not own any residential house in village Hardo Saran.

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104. At this stage, it is appropriate to notice that the object of the policy was to provide immediate help to the family of the oustees, which after a passage of more than two and a half decade ceased to exist. It is not the case of the petitioners that their names were included in the original list prepared by the authority during the period of 1997-1998 or that they ever applied under the policy before 2011. It is evident in most of the above-mentioned cases that disputed questions of fact are involved.

105. This matter can be examined from yet another perspective. The employment under the oustee quota is not



another regular source of recruitment. It is in the nature of an exception which has been carved out in order to provide relief in special/exceptional circumstances. Hence, the exception cannot be permitted to become a general rule. The Court while issuing the writ is expected to maintain a proper balance between the claims of the oustees who have woken up from a deep slumber on the one hand and expectations of the unemployed youth who are in dire need to get civil posts particularly in view of rampant unemployment on the other hand. In such circumstances, in the considered opinion of this Court, it will not be appropriate to have misplaced sympathies with the stale claims of the petitioners. It is obvious that not only the petitioners' claim are stale but they involve the disputed questions of fact which this Court does not find appropriate to decide.

106. Moreover, the Land Acquisition Act, 1894 does not require the acquiring authority or the beneficiary of the acquisition to ensure employment to the oustees or their family members. Hence, the offer of employment is not in lieu of compensation which is equivalent to the market value and the amount of solatium but in addition thereto. Consequently, such policy is in the nature of a concession offered by the executive to reduce the impact of their dislocation from their place of residence or occupation. The offer of appointment as an oustee is not a vested right but is in the nature of a concession and therefore, it is not absolute but conditional. The policy does not create indefeasible right in the members of the family of the oustee. There cannot be a vested or legal right claimed in concession. Consequently, such concession is based upon the conditions laid down in the policy. Hence, employment is subject to the law of limitation as well as the conditions laid down in the policy. For the said reasons, the



involuntary acquisition does not create a continuous cause of action to claim relief under the policy but it was merely a one time measure to provide immediate support to the affected families. The element of giving immediate relief eliminates the idea of labeling it as continuous breach altogether.

107. Consequently, all the writ petitions are disposed of.”

8. The petitioner attained the age of majority on 07.06.2014, upon completing 18 years of age. On the said date, policy dated 03.03.2014 was in force and made applicable. Accordingly, the petitioner was duly considered under the provisions of the said policy. Upon such consideration, it was found that the petitioner did not fulfill the eligibility criteria prescribed therein. Consequently, the petitioner's claim was rightly examined and rejected in accordance with the applicable policy and no illegality can be attributed to the decision so taken.

9. Further, the petitioner approached this Court in 2024 by filing CWP No.14136 of 2024 (Nisan Singh Vs. State of Punjab and others), seeking appointment against his land acquired by the State of Punjab in the year 2011 i.e. after a lapse of more than 12/13 years, which was disposed of on 01.07.2024 (Annexure P-11), being not pressed on account of submissions made by learned State counsel to the effect that the representation dated 02.03.2024 submitted by the petitioner will be decided by the competent authority within a period of 8 weeks by passing an appropriate order. Even as per date of birth of the petitioner i.e. 07.06.1996, he attained the age of majority on 07.06.2014, however, he submitted representation to respondent No.2 seeking



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appointment against his land acquired by the State on 02.03.2024 i.e. after a lapse of almost 10 years. Therefore, a person who sleeps over his rights and awakens from his slumber at his own convenience cannot claim relief, as such conduct is not justified and is thus, bound to suffer the consequences. Moreover, employment under oustee quota is a one time concession to provide immediate relief to the affected families and is not a vested or legal right. Since there is undue and unexplained delay in approaching this Court, therefore, the instant petition deserves to be dismissed on the ground of delay and laches.

10. In view of the above, I do not find any illegality or infirmity in the impugned order dated 11.09.2024 passed by respondent No.2 rejecting the claim of the petitioner. Consequently, the instant petition is dismissed, leaving parties to bear their own costs.

12.01.2026
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(NAMIT KUMAR)
JUDGE

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