IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

Pradeep Ghalawat --------------------- Petitioner

Versus

Haryana Power Generation Corporation Ltd and another ------------------Respondents

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*NOTES:- Rs.70/-*

1. The main law points canvassed in this writ petition are contained in para No. at page and thereof.

2. *Relevant Acts and Statutes -* Constitution of India. And Land Acquisition Act -1894

3. Whether any Caveat/Petition has been filed in this case of not. -Nil-

4. *Similar Case, if any*. -Nil-

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 10.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

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Affidavit of Pradeep Ghalawat s/o Sh. Jai Bhagwan resident of Vill. Khanpur-Khurd, Tehsil Matanhale Distt. Jhajjar.

I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the deponent has gone through the contents of the accompanying petition which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

2. That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court.

CHANDIGARH

DATED . 1.2018

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH Dated :- .2018

Affidavit

I, Jai Bhagwan s/o Sh. Mange Ram resident of Khanpur-Khud Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

1. That my land which is situated in village Khanpur Khurd khawat no. of which is 90 had been acquired in NTPC Jharli .
2. That as per policy of Haryana Government that one member of the family whose land minimum two acre has been acquired shall be given employment .
3. That I have two sons.
4. That I nominate my son Pradeep Ghalawat to give employment . I will not claim employment for any family member in future .
5. That above mentioned declaration is given and this declaration is my full conscience and without any pressure.

Deponent

Verification: verified that above stated facts true and correct.

Deponent

Affidavit

We, Jagbir alias Jaibir, Bhagwan Dass, Attar Singh ss/o Mange Ram residents of Khanpur-Khurd Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under:

1. That we are residents of above stated address.
2. That our land which is sichuated in village Khanpur-Khurd, has been acquired in the NTPC Jharli whose khawat no is 90.
3. That according to policy of Haryana Government that one member of the family whose land minimum two acre has been acquired shall be given employment .
4. That we all the four deponents are nominate our nephew Pradeep s/o Jai Bhagwan
5. That we will not make any claim for employment at the behest of our family members in future.
6. That We shall not have any objection if employment is given to Pradeep

Deponents

Verification: verified that above stated facts true and correct.

Deponents

To

Deputy Commissioner

Jhajjar

Subject:- Application of employment in lieu of land acquired in Indira Gandhi Super Power Plant ,Jharli.

Sir

It is submitted that land measuring 36 kanal 11 marlas of our family was acquired for setting –up power plant Jharli, which is more than two acre. According to the policy of Haryana Government that one member each of the family whose land i.e. minium two acre has been acquired shall be given employment in class III and IV in accordance with his qualification. But the family of applicant dispite having acquired more than two acre could not get the job till date.

That applicant fulfills all conditions for job and applicant earlier also applied but no response has been received up till now. That some applicants of our village have got employment. Now I am applying again after comeing in D.C. office and there is no objection to any of my family member regarding my job.

It is, therefore, requested to accept my application form and I may kindly be provided employment as per my qualification at the earliest. Thanking you

Applicant

Pradeep Ghalawat s/o Sh. Jai Bhagwan

resident of Village Khanpur-Khurd Tehsil -Matanhale District jhajjar.

DA 11601-RKE

13.12.2017

**Notice regarding interesting persons whose land is to be acquired under the land Acquisition Act-1894.**

Below mentioned land is to be acquired for the public purpose of Electricity Department vide Haryana Govt. Gajjatt Notification no. 20/11/2006-5 Electricity dt. 12.4.2007. Therefore, the interested persons are being informed through this notice that in respect to their claim, they may appear in Mini Sect. Jhajar on 12.7.2007 at 10 a.m.in person or through their agent with regard to compensation or any other claim or objection . On the same day the award will be announced and compensation will be given.

**Sr. no. 1004/LAC dated 25.6.2007 Vill. Khanpur-Khurd Tehsil Matanhale Distt. Jhajar.**

**This notice has been issued under section 9 of the Land Acquisition Act-18994.**

**Khawat no. Name of Owner Khasra no. Area**

**90 Attar Singh-JaiBhagwan**

**Bhagwan Dass- jaibir ss/o Mange Ram**

**s/o Sukh Ram**

all for in 1/4 equal share residents of the village.

|  |
| --- |
|  |

**Distt. Revenue Officer**

**cum- Land Acquisition Collector, Jhajar**

**Application Form Bio-Data**

To

Indira Gandhi Super Thermal Power Project

Corporation, Jharli.

Sub. Application for the post of ………….

Respected Sir,

Respectfully it is submitted that from……….

I have come to know that some posts of are laying vacant under your kind control .I offer my services for one of them, As regards

My academic qualification and other particulars the same as under –

Name ------------Pradeep Ghalawat

Father/husband name ------ Sh.Jai Bhagwan

Date of birth-------- 9.11.1988

Permanent Address Vill . Khanpur-Khurd

Tehsil—Matanhail Distt. Jhajjar

Present Address:- ----------- same as above---------

Education Qualification

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Exam.Passed | Year of Passing | Board/Uni. | Marks obtained | %age of marks | Division/class |
| 10th | 2004 | BSEH | 419 | 69.07 | 1st |
| 12th | 2010 | BSEH | 268 | 53.06 | IIIrd |
| ITI (COPA) | 2016 | SCVT | 158.5 | 79.3 | . |

If belongs to SC/ST/BC/OBC----------

Ex servicemen---------------

Postal order if any--------

Experience if any---------

Other activities

If , I be so fortunate to be appointed by the grace of your I will try my

utmost to prove worthy of your selection.

Thanking you in anticipation

Dated -------- Signature---- Pradeep Ghalawat

Sir

It is certified that the land in the name of Attar Singh,Jai Bhagwan, Bhagwan Dass and Jagbir ss/o Mange Ram s/o Sukh Ram resident of Khanpur Khurd Intkal no. 3036 khawat no. 90 area measuring 36 kanal 11 marla have been acquired in NTPC power plant Jharli.

Sd- Sd- (Patwari)

Tehsildar, Matanhail 5.12.2017

Sr. No. 427 Dated 11.12.2017

**List of Events**

That State Govt. of Haryana vide Notification dated 20.11.2006 under Section 4 of the Land Acquisition Act.1894 , acquired more than 2000 acres of the agriculture land of four villages in District Jhajjar for the public purpose for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( I.G.S.T.P.P) in village Jharli District Jhajjar

**13.1.2014** According to policy of that project, one member each of the family whose land has been acquired subject to a minimum of 2 acres shall be given employment against class -III and VI as per the qualification possessed by the member of land oustees family.

As such 36 kanal 11 marla (more than 4 acres) agriculture land ( ancestral) of the family of the petitioner has been acquired in the thermal plant .

. That in pursuance to the announcement made by the Chief Minister than revenue authority of the District Jhajjar i.e. concerned Tehsildar/ Patwari started the process of collecting the applications, from the month of May-2013 for the employment of the eligible candidates of the family of the land oustees whose land was acquired more than 2 acre. Than father of the petitioner also submitted an application for the employment in the name of his son i.e. petitioner. But revenue authority did not accept his application and raised the objection that your share in acquired land is less than two acre i.e 9 kanal 3 marla (1/4) out of 36 kanal 11 marla. So, yours family,s claim is not considered for providing the job.

**July-2015** That than father of the petitioner again submitted the application to the Deputy Commissiner Jhajjar for providing the job which was registered.

That petitioner being fully eligible applied for the employment in the thermal power plant and possessing the education qualification from the beginning as per the policy because he had passed 10+2, now he is also possessing the Diploma in Computer Operator and Programming Assistant .

That some similar situated persons who have applied along with petitioner in the month of July 2015 given the employment by the respondent in the month July- 2017 but in the case of the petitioner nothing has been done. Than in month of November /Decmber-2017 when the other similar situated persons were submitting the application for employment than petitioner on 13.12.2017 again submitted the application along with requisite documents in the office of the Deputy Commissioner, Jhajjar. This application was indorsed by the Naib Tehsildar , Matanhail who certified that 36 kanal 11 marla of the four brothers had been acquired for the NTPC power plant .

**24.11.2017** That after waiting for some time and not receiving the response of the respondents, Than *petitioner sent a legal notice through counsel vide notice to the respondents.*

**12.12.2017** *Ultimately respondents rejected the claim of the petitioner vide order dated 12.12.2017 stated that” Therefore, you are hereby requested to withdraw legal notice as the name of your client , Sh. Pradeep Ghalawat s/o Sh. Jai Bhagwan was not mentioned in the list forwarded by D.C., Jhajjar on 2.8.2013 and this list* stands freezed now.

**Hence, this writ petition.**

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2018 Advocate

Counsel for the Petitioner

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

Pradeep Ghalawat --------------------- Petitioner

Versus

Haryana Power Generation Corporation Ltd and another ------------------Respondents

Total Court Fee

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2018 Advocate

Counsel for the Petitioner

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

Pradeep Ghalawat --------------------- Petitioner

Versus

Haryana Power Generation Corporation Ltd and another ------------------Respondents

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|  | ANNEXURES |  |  |  |
| 4. | P-1 Land Oustees Policy | 13.1.2014 | 16-24 | 5.85 |
| 5. | P-2 Notice u/s 9 of LAC | 25.6.2007 | 25 | 0.65 |
| 6. | P-3 Certificats (colly) |  | 26-28 | 1.95 |
| 7. | P-4 Application with bio-data (colly) |  | 29-31 | 1.95 |
| 8. | P-5 Affidavits (colly) | 7.12.2017 | 32-33 | 1.30 |
| 9. | P-6 Ligal Notice | 24.11.2017 | 34-38 | 3.90 |
| 10. | P-7 Impugned order | 12.12.2017 | 39-40 | 1.30 |
| 11. | Power of Attorny | 18.11.2017 | 41 | 3.00 |
|  | VERNACULAR |  |  |  |
| 12. | P-2 Notice u/s 9 of LAC | 25.6.2007 | 42 |  |
| 13 | P-4 Application | 13.12.2017 | 43 |  |
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*Rs.70/-*

Note:-

1. The main law points canvassed in this writ petition are contained in para No. at page and thereof.

2. *Relevant Acts and Statutes -* Constitution of India and Land Oustees Policy -2014 (P-1)

3. Whether any Caveat/Petition has been filed in this case of not. -Nil-

4. *Similar Case, if any*. -Nil-

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 10.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

**SURESH AHLAWAT, ADVOCATE**

**PUNJAB & HARYANA HIGH COUR CHANDIGARH CHAMBER NO. 62, (94171-11917)**

**# 413 Sector-11, Panchkula**

**======================================== Registered A.D. Dated :-**

**TO**

**1.**  Managing Director, Haryana Power Generation Corporation Ltd. Urja Bhawan Sector-6 Panchkula

2. Chief Engineer ( Admn.) , Haryana Power Generation Corporation Ltd. Urja Bhawan Sector-6 Panchkula

**Sub. Legal Notice cum Final Demand Notice**

Under the instructions from and on behalf of Pradeep Ghalawat s/o Sh. Jai Bhagwan Village Khanpur-Khurd District Jhajjar. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria, Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. As such 36 kanal 11 marlas of land of my family was acquired,which was the ancestral property . In this regard , notice dated 25.6.2007 of LAC issued by the govt. to the four family members of my client is attached herewith.
2. That my client possessing the education qualification of Govt. job from the beginning as per the policy of Haryana Govt. because he had passed the 10th class in Augest-2004 thereafer he did 10+2 in March-2010, now he is also possessing the Diploma in Computer Operator and Programming Assistant from Govt. ITI. He being eligible applied for employment in the thermal power plant in the month of July-2015,this application was indorsed by the Naib Tehsildar, Matanhail who certified that 36 kanal 11 marlas land of the joint family had been acquired for the thermal plant, than he submitted the same in the office of Deputy Commissione ,Jhajjar with the consent of his all family members. There was no objection to any of his family members regarding his job.
3. That my client’s grandfather Sh. Mange Ram had died in the month Jan-2012 leaving behind his four sons i) Attar Singh ii) Jai Bhagwan,( father of applicant) iii)Bhagwan Das and iv) Jaibir, he was also the Karta of his family and he was owner in possession of ancestral property including acquired land etc. before Jan.2012 and after his death, ancestral property including acquired land inherited by his four legal representative i.e. above mentioned four sons as coparcener and total land acquired of my family for the thermal power plant 36 kanal 11 marlas i.e. more than 4 acres instead of 9 kanal 3 marla which is acquired individually of the member of the my client’s family. In this way, when the land was acquired ,the land was joint (khata) in the name of ancestor members of family of my client being co-sharer and family of my client stood on the date the land was acquired
4. That my client’s family is one and land measuring about 4 acres of my client’s family has been acquired, which of the family is more than 2 acres. In this way also, in accordance to policy, claim of providing employment in the power plant exists. Therefore, from each angle, they have a right of employment as per the scheme .
5. That taking application of my client, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula.

and at present, age of my client is of about 28 years and he had passed 10+2 class, and having more 4 acres of his family’s land has been acquired for thermal power plant, but up till now, they have got no appointment letter from yours office .

1. That the four villages, whose land has been acquired, in respect of other land ousted families, the appointment letters have been issued and govt. job has been provided, but no appointment letter of my client has been received so far. Even on visiting in the office repeatedly my client , it is verbally told by the official of the Nigam that land acquired in the name of yours father ,is less than 2 acres ,therefore, employment cannot be granted.
2. It is submitted that your good offices shall keep in view the latest decision of the Hon,ble Punjab and Haryana High Court given in the CWP No 526 of 2004 titled as Rajiv Alias Ruli Vs State of Haryana, the exact of which has been supplied by the Chief Secretary to Govt.of Haryana vide Memo no. 62/74/2004/6GSI dated 22.3.2004 to aIl the Heads of Department in Haryana for strict compliance . It has been stressed in the said judgment that legal Notices / notices of demand for justice must be promptly attended to and appropriate reply to the notice should be given within maximum period of **ONE MONTH** and accordingly request is being made for a prompt decision and appropriate response in the matter.
3. It is further submitted in the case of land oustees matter of this project in CWP No 562 0f 2015 Phool Sing v/s State of Haryana and CWP No. 3209 of 2015 Ashok Kumar v/s State of Haryana , Hon,ble High Court passed the order and directed to the government that pending claims of the claimants may be decided expeditiously than, in this regard, State Government has been issued the instruction on dated 16.3.2015 ( Copy of M& CC Hr. No. 8/1/2015-MC dt. 16.3.2015)

9. You are , therefore , requested through this Notice that appointment letter to my client be also given , **with in a pried of 20 DAYS** from the date of receipt of notice so that , he may join the govt. service , failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

A copy of this notice has been retained in my office for further reference and record.

**Encl.Annexure-1** Application Form of the Candidate Yours faithfully

SURESH AHLAWAT

ADVOCATE

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Deepak ( aged about 17 years) s/o Sh.Karishan Kumar s/o Late Sh. Hoshiyar Singh through his father and natural guardian Sh. Karishan Kumar resident of Vill. Khanpur- Khurd,Tehsil-Matanhale,Dsitt.Jhajjar. --------------------- Petitioner

Versus

**1.** Haryana Power Generation Corporation Ltd. through its Managing Director , Urja Bhawan Sector-6 Panchkula

2. Chief Engineer ( Admn.) , Haryana Power Generation Corporation Ltd. Urja Bhawan Sector-6 Panchkula.

3 Deputy Commissioner, Jhajjar -------------Respondents

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2018 Advocate

Counsel for the Petitioner

CIVIL WRIT PETITION under Article 226/227 of the Constitution of India for the issuance of a writ in nature of Certiorari for quashing the impugned order dated 12.12.2017 **(Annexure P-7)** passed by the Respondent no.2 being contrary and discrimanatry to the policy and facts.

AND further writ in the nature of Mandamus be issued, directing the respondents to issue appointment letter to the petitioner for the post, according his education qualification , in terms of the policy decision (land oustees) Annexure –P-1

*RESPECTFULLY SHOWETH*

**1.** That the petitioner is a resident of District Jhajjar (Haryana) and as such being a citizen of India, he is fully competent to invoke the extraordinary writ jurisdiction of this Hon’ble Court under Article 226 of the Constitution of India by way of the present writ petition.

**2.** That State Govt. of Haryana vide Notification dated 20.11.2006 under Section 4 of the Land Acquisition Act.1894 , acquired more than 2000 acres of the agriculture land of four villages in District Jhajjar for the public purpose for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( I.G.S.T.P.P) in village Jharli District Jhajjar and on 7.5.2007 award had been passed by the Land Acquisition Collector. At that time, Hon,ble Chief Minister Haryana had made an announcement on 7.10.2007 while addressing a meeting that one member each of the family whose land has been acquired subject to a minimum of 2 acres shall be given employment against class -III and VI as per the qualification possessed by the member of land oustees family and for this purpose , a special policy dated 13.1.2014 was framed for this project. A copy of special policy dated 13.1.2014 is being attached herewith as **ANNEXURE P-1.**

It is pertinent to mention here that one earlier policy dated 19.7.2011 issued by Govt. of Haryana, Power Department regarding to provide the employment in lieu of land acquired in Tharmal Power Plant Kheder (Hissar) was adopted in that policy.

As such 17 kanal 4 marla (i.e.more than 2 acres) agriculture land ( ancestral) of the family of the petitioner has been acquired in the thermal plant . A copy of notice dated 25.6.2007 under section 9 of the Land Acquisition Act-1894, regarding land acquired (17K-4M) issued to the family of the petitioner is being attached herewith as **Annexure P-2**

**3.** That in pursuance to the announcement made by the Chief Minister than revenue authority of the District Jhajjar i.e. concerned Tehsildar/ Patwari started the process of collecting the applications, from the month of May-2013 for the employment of the eligible candidates of the family of the land oustees whose land was acquired more than 2 acre. Than father of the petitioner also submitted an application for the employment in the name of his son i.e. petitioner. But revenue authority did not accept his application and raised the objection that your share in acquired land is less than two acre i.e 9 kanal 3 marla (1/4) out of 36 kanal 11 marla. So, yours family,s claim is not considered for providing the job .That after some time i.e. in the month of July-2015 father of the petitioner along with other members of land oustees again submitted an application for his son in the office of the Deputy Commissioner Jhajjar who was/is the chairman of land oustees committee after taking consent of other members of his family members . It is pertinent to mention here that this application registered in the record by the official after endorsed by the revenue authority and registered in the revenue record.

**4.** That petitioner being eligible applied for the employment in the thermal power plant and possessing the education qualification from the beginning as per the policy (Annexure P-1) because he had passed 10+2, now he is also possessing the Diploma in Computer Operator and Programming Assistant passed from Government ITI in July -2016. Copy of certificates of education qualification are attached herewith as **Annexure P-3** (Colly).

**5.** It is pertinent to mention here that at that time , when the land was acquired, the land was joint (khata) in name of the members of family of the petitioner.

**6.** That petitioner’s grandfather Sh. Mange Ram had died in the month Jan-2012 leaving behind his four sons i) Attar Singh ii) Jai Bhagwan,( father of petitioner) iii)Bhagwan Das and iv) Jaibir, he was Karta of his family before Jan.2012 and after his death, ancestral property including acquired land inherited by his four legal representative i.e. above mentioned four sons as coparceners and total land acquired of petitioner’s family for the thermal power plant 36 kanal 11 marlas i.e. more than 4 acres instead of 9 kanal 3 marla which is acquired individually share in name of the member of the petitioner’s family. In this way, when the land was acquired ,the land was joint (khata) in the name of members of family of petitioner being co-sharer and family of petitioner stood on the date, the land was acquired and every member of petitioner’s joint family had given their consent for considering the case of petitioner who had applied for job and it was resolved that no other family member from joint family shall apply for job and relinquish their claim in favour of petitioner.

**7.** That petitioner’s family is one and land measuring about 4 acres of petitioner’s family has been acquired, which of the family is more than 2 acres. In this way also, in accordance to policy, claim of providing employment in the power plant exists. Therefore, from each angle, they have a right of employment as per the scheme .

**8.** That the four villages, whose land has been acquired, in most of cases the appointment letters have been issued and govt. jobs have been provided, but no appointment letter to the petitioner has been received so far. Even on visiting in the office repeatedly, it is verbally told by the official of the Nigam that land acquired in the name of yours father ,is less than 2 acres ,therefore, employment cannot be granted.

**9.** That some similar situated persons who have applied along with petitioner in the month of July 2015 have been given the employment by the respondents in the month July- 2017 but in the case of the petitioner nothing has been done. In month of November /Decmber-2017 when the other similar situated persons were submitting the application for employment the petitioner also on 13.12.2017 again submitted the application along with requisite documents in the office of the Deputy Commissioner, Jhajjar. This application was indorsed by the Naib Tehsildar , Matanhail who certified that 36 kanal 11 marla of the four brothers had been acquired for the NTPC power plant . The true translated copy of application dated 13.12.2017 and bio-data of the petitioner are attached herewith as **Annexure P- 4** (Colly) A copy of affidavit dated 7.11.2017 submitted by the father of the petitioner and joint affidavit dated 17.11.2017 of other family members of the petitioner regarding this, that no other family member from joint family shall apply for job, are annexed herewith as **Annexure P-5 (colly)** respectively and at present, age of the petitioner is of about 29 years and he had passed 10+2 class and Computer Course and more than 4 acres of his family’s land has been acquired for thermal power plant, but up till now, he has got no appointment letter from respondents .

**10.** That after waiting for some time and not receiving the response of the respondents, petitioner has been repeatedly requesting the respondents to consider his candidature for employment, as more than 200 similarly placed persons have been offered employment. *Petitioner sent a legal notice through counsel vide notice dated 24.11.2017 to the respondents which is attached here with as* ***Annexure P-6,*** *ultimately respondents rejected the claim of the petitioner vide order dated 12.12.2017 stated that” Therefore, you are hereby requested to withdraw legal notice as the name of your client , Sh. Pradeep Ghalawat s/o Sh. Jai Bhagwan was not mentioned in the list forwarded by DC, Jhajjar on 2.8.2013 and this list stands freezed now”. A copy of impugned order dated 18.12.2017 is attached herewith as* ***Annexure P-7.***

**11.** That the impugned order dated 18.12.2017 **Annexure P-7** is illegal, unjust, unwarranted, contrary to the policy, facts and law and deserve to be set-aside inter alia on the grounds mentioned herein below:-

**i)** That the policy dated 13.1.2014 (P-1) issued by the respondent is still existence which is not freezed till date because many similar situated persons have been appointed till July 2017 and many similar cases are pending.

1. That in the month of December -2017 some similar situated members of land oustees family whose claim is not considered for employment earlier, respondents had given a last opportunity to remaining eligible land oustess and directed to them to contact Deputy Commissioner Jhajjar and submit the application form for employment the petitioner in the month of December 2017 submitted the application to the D.C. Jhajjar.
2. That petitioner not at fault from the beginning because petitioner’s father submitted his application in 2013 but revenue authority i.e. Tehsildar/patwari did not accept his application by saying that yours share in acquired land is less than two acre where as land of the petitioner has been acquired more than 4 acre.
3. That in the month of July -2015 when some similar situated persons were applying for the job than father of the petitioner also submitted the application for his son i.e. petitioner in the office of Deputy Commissioner Jhajjar which was registered in the office record and when this application was endorsed by the revenue authority who certified that 36 kanal 11 marla land has been acquired also registered in the official record at that time. Now respondent’s stand that policy has been freezed which is not correct.

v That respondents is continuously discriminated to the petitioner because in the month of December-2017 some similar situated land oustees who approach the respondents to provide the employment than respondent had given last opportunity to that land oustees and directed to them submit the application form for employment and contact Deputy Commissioner Jhajjar. But in the case of the petitioner, he was discriminated not to provide the employment .

**12.** That the following main law points arise in this writ petition for the kind consideration of this Hon’ble Court:-

a) Whether the case of the petitioner is squarely covered with the policy decision Annexure P-1 .

b) Whether the action of the respondents is arbitrary and discriminatory which violative of Articles 14 and 16 of the Constitution of India?

c) Whether a grave manifest injustice has been caused to the petitioner?

**13.**  That there is no other alternative remedy of appeal or revision available to the petitioner except to approach this Hon’ble Court by way of the present writ petition under Article 226/227 of the Constitution of India.

**14.** That the petitioner has not so far filed any such or similar writ petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India for seeking the same relief against the impugned action of the respondents.

PRAYER

It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to call for the records of the present case and after perusal thereof may be pleased to issue: -

1. a writ in nature of Certiorari for quashing the impugned order dated 12.12.2017 **(Annexure P-7)** passed by the Respondent no.2 being contrary and discriminatory to the policy and facts.
2. AND further writ in the nature of Mandamus be issued, directing the respondents to issue appointment letter to the petitioner for the post, according his education qualification , in terms of the policy decision (land oustees) Annexure –P-1

iii) Any other appropriate writ, order or direction be also issued which this Hon’ble Court may deem fit, just and proper in the peculiar facts and circumstances of this case and to which the petitioner is found entitled in law justice and equity.

iv) Service of advance notices upon the respondent be dispensed with.

v) Filing of true typed of annexures and certified copy of Annexures be also dispensed with;

CHANDIGARH Through:

DATED: 10 .1.**2018 (SURESH AHLAWAT)**

**ADVOCATE**

**Counsel for the petitioner.**

*VERIFICATION*

Verified that the contents of Para No. 1 to 11 and 13 to 14 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 12 are believed to be true on the advice received from the learned Counsel. No part of it is false and nothing has been kept concealed therefrom.

CHANDIGARH

DATED:- 10 .1.2018

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

Pradeep Ghalawat --------------------- Petitioner

Versus

Haryana Power Generation Corporation Ltd and another ------------------Respondents

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*NOTES:- Rs.70/-*

1. The main law points canvassed in this writ petition are contained in para No. at page and thereof.

2. *Relevant Acts and Statutes -* Constitution of India. And Land Acquisition Act -1894

3. Whether any Caveat/Petition has been filed in this case of not. -Nil-

4. *Similar Case, if any*. -Nil-

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 10.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Pradeep Ghalawat --------------------- Petitioner

Versus

Haryana Power Generation Corporation Ltd and another --------------------Respondents

Affidavit of Pradeep Ghalawat s/o Sh. Jai Bhagwan resident of Vill. Khanpur-Khurd, Tehsil Matanhale Distt. Jhajjar.

I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the deponent has gone through the contents of the accompanying petition which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

2. That no such or similar petition has earlier been