IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Pradeep Ghalawat ( aged about 29 years) s/o Sh. Jai Bhagwan 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 ----------------------Respondents

Chandigarh SURESH AHLAWAT

Dated: 1.2018 Advocate

Counsel for the Petitioner

CIVIL WRIT PETITION under Article 226 of the Constitution of India for the issuance of a writ in nature of Certiorari for quashing the impugned order dated 12.12.2107 **(Annexure P-5)** passed by the Respondent no.2 being contrary 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) also adopted in that policy.

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 . A copy of notice dated 25.6.2007 under section 9 of the Land Acquisition Act-1894, regarding land is to be acquired (36K-11M) issued to the family of the petitioner is being attached herewith as **Annexure P-2**

1. 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.
2. 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).
3. It is pertinent to mention here that at the time , when the land was acquired, the land was joint (khata) in name of the members of family of the petitioner
4. 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 coparcener 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.
5. 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 .
6. That the four villages, whose land has been acquired in respect of other land ousted families, 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.
7. 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 . The true translated copy of application 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 and P-6** respectively and at present, age of the petitioner is of about 29 years and he had passed 10+2 class and Computer Course and having more 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 .
8. That after waiting for some time and not receiving the response of the respondents, petitioner has been repeatedly requesting the respondents to consider the candidature of his 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 which received by the counsel of the petitioner on 18.12.2017 stated that” Therefore, with 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.***

**8.** 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 than 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. Tehsildare/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 3 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.

iv 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 .

9. 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?

10. 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 of the Constitution of India.

11. 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 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: PETITIONER

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

**ADVOCATE**

**Counsel for the petitioners.**

*VERIFICATION*

Verified that the contents of Para No. 1 to 8 and 10 to 11 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 9 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 PETITIONER

DATED:- .1.2018

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

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*NOTES:-*

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.

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

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

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 1.1.2018 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 Others

* ----------------------------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 filed either before this Hon,ble Court or Hon,ble Supreme Court.

CHANDIGARH

DATED . 1.2017

*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 :- .2017

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 in village Khanpur Khurd whose khawat no. is 90 had been acquired in NTPC Jharli .
2. 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 .
3. That I have two sons.
4. That I nominated to give employment to my son Pradeep Ghalawat .I do not any claim for employment for the other members 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 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 are nominated our nephew Pradeep s/o Jai Bhagwan
5. That we will not any claim for employment at the behest of our family members in future.

Deponent

Verification: verified that above stated facts true and correct.

Deponent

To

Deputy Commissioner

Jhajjar

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

Sir

It is requested that 36 kanal 11 marlas of land 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 whose land acquired more than two acre could not get the job till date.

That applicant fulfill all conditions for job and applicant also applied earlier but till now, not received any reply. That some applicants of our village employment has been provided. Now I am applying again after come in D.C. office and there is no objection to any of my family member regarding my job.

It is, therefore, to accept my application form and kindly to provide employment according to my qualification as soon as .

Thanking you

Applicant

Pradeep Ghalawat s/o Sh. Jai Bhagwan

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

**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

To

The Managing Director,

H.P.G.C.L., Urja Bhawan,

Sector-6, Panchkula.

Sub:- Application for providing Govt. Job in lieu of land required in Indira Gandhi Super Tharmal Power Plant, Jharli (Jhajjar).

Sir,

It is respectfully submitted that the Govt. of Haryana had acquired the land about 2000 acres of four villages for Tharmal Power plant in the year 2007. At that time the State Govt. Haryana had issued a notification that the family whose maximum 2 acres of land will be acquired for Tharmal Plant then the Govt. will provide job of III or IV Class to any member of their family as per their eligibility. As such 26 Kanals 5 Marlas of land of my family was acquired which is more than 3 acres.

That I gave an application for Govt. Job with the consent of my family members, and alongwith all the requisite documents in the office of Tehsildar, Matanhail in Jan. 2009. But again on the demand of Govt. I gave an application in July 2014 the number in the office of S.D.M. Jhajjar of which is file No.ASR no.568DA Branch No.4028 dated 26.8.2014.

That till today I have not received any information regarding job from the office of Govt. I have continuously gave may representations to the office of D.C Jhajjar , office of S.D.M. Jhajjar and office of Tehsildar Matanhail. But no reply was received. That the D.C. Jhajjar, S.D.M. and Tehsildar, Matanhail are the Chairman and the members of the Land Oustees Committee of Power plant and received the applications regarding the Govt. Job and decided the cases regarding the same. Then I had filed the application under RTI Act in the office of D.C. Jhajjar and office of Tehildar that what is the status of my case. But no satisfactory reply given to me and RTI application is pending from the date i.e. 16.5.2016 and 08.07.2016 and transferred my RTI application under section 6(3) here and there. But no status report has given to me till today.

That I have fulfill the qualification of Govt. Job of Peon from the beginning as per the policy of Haryana Govt. Because I had passed the 10th class and more that 2 acres of land has been acquired and there is no any objection to my family members regarding my job and I had applied for the Govt. job in my family and in my village the jobs has been provided to those persons before 3-4 years, whose more than 2 acres of land has been acquired. But the job not provided to me since 4-5 years.

Kindly provided the job to me as per the policy of the Haryana Govt.

I shall be very thankful to you for this kindness.

Thanking you,

Applicant

Brij Mohal s/o Sh. Rohtash

Vill. Khanpur Khurd, Tehsil

Matjhail Distt. Jhajjar.

At present residing at

Vill. Karala Tehsil Faruk

Nagar Distt. Gurugram

**SURESH AHLAWAT, Advocate**

**PUNJAB & HARYANA HIGH COURT**

**CHAMBER NO. 62, CHANDIGARH. ( 94171-11917)**

**==========================================**

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

**TO**

Financial Commissioner cum Principal Secretary to Government Haryana, School Education Department, New Secretariat Haryana, Sector 17 Chandigarh.

2. The Director-General, Secondary Education Haryana, Shiksha Sadan, Sector 5, Panchkula.

3. The District Education Officer, Rohtak.

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

Under the instructions from and on behalf of Indra Dhall w/o Sh. Hans Raj, Ex Lecturer (10+2) Govt. Sr. Sec. School Kheri-Sadh Rohtak, presently resident of House no. 1052 Sector-2, Rohtak. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That my client was appointed as Science Mistress in the Department of Education, Haryana on 23.12.1986 and joined in Govt. Girls Middle School Nigana Distt. Rohtak on ad-hoc basis and further her services were regularized on 1.1.1991 according to the regularisation policy of the State Govt. . On dated 17.7.1996, she was promoted as Lecturer from the post of Science Mistress. After serving the department successfully, she retired from service on dated 30.6.2016 after superannuation from the Govt. Sr. Sec. School Kheri-Sadh (Rohtak) as lecturer 10+2 in the subject of Chemistry.
2. That after the retirement from service on 30.6.2016, her all the retirement benefits admissible to her i.e. G.P.F, Medical Leave, Gratuity, G.I.S etc were released except benefit of Leave Encashment of adhoc period i.e. 23.12.1986 to 31.12.1990 where as, benefit of Leave Encashment of her regular service period i.e. 1.1.1991 to 30.6.2016 had been released . The benefit of leave encashment/ Earned Leave of ad-hoc service period i.e. 23.12.1986 to 31.12.1990 was not granted by the office of the respondent no.3 (Section Officer) whereas, she was fully entitled to this benefit .
3. That despite the repeated requests by her to their respective Drawing& Disbursing officers to grant her the benefit of Earned Leave from the date of her joining the service i.e. ,23.12.1986 on ad-hoc basis. No response has been given by the concerned authorities to my client and you have denied the right of benefit of Earned Leave of ad-hoc service period in utter violation of the rules. This action of the concerned authorities in denying the benefit of earned leave from the date of joining ad-hoc service (23.7.1986 to 1.12.1990) which should have accrued to her. It is unjust, illegal, arbitrary and violation of various orders passed by the Hon,ble High Court and Hon,ble Supreme Court, and your letter E.D. Hr. No.11/73/99-Edu. 1V, (3) **dated 7.8.2001** **Annexore -1** was issued by your department in compliance of the order passed by the Hon,ble Courts.
4. That as per observation of the Hon,ble Supreme Court of India in the case reported as “Rattan Lal and Others vs State of Haryana i.e. 1995 Vol.111, SLR Page 548, it is clear enough that ad-hoc employees are not only entitled to the benefit of medical leave /maternity leave allowances but also of other privileges available to other Gove. Servants as long as they hold the office . This benefit i.e. leave encashment /earned leave has been unreasonably denied to my client on account of her adhoc appointment which amount to breach of the spirit of Article 14 and 16 of the Constitution of India . In the light of the above observation by the Apex Court the Hon,ble Punjab & Haryana High Court has also decided in CWP No.4050 of 1994 titled as Rajkiya Adhayapak Sangh vs State of Haryana that benefit of earned leave shall be paid to the adhoc employees also. Hence , the instructions of the office of the D.E.O. Rohtak is denying the benefit of earned leave of adhoc period is illegal , arbitrary and in violation of Article 14 and 16 of the Constitution of India.
5. *That when the benefit of ad-hoc service as allowed by the Hon,ble Supreme Court and Hon,ble High Court should have been extended to all the teachers who worked on adhoc basis like other State Govt. employees .This was the bounded duty of your , to have done so. It had been settled by this Hon,ble Court in a long line of cases and you issued the yourself general order dated 7.8.2001 Annexure- 1 to extend this benefit of ad-hoc service to all the teachers. This way my client is being compelled to approach this Hon,ble High Court. It is further to mention here that you are doing step-motherly treatment in the case of my client which is continuing as no order has been passed as yet.*
6. *That there is sufficient judicial weight of precedents in favour of my client because you want to unsettled the settled position for the benefit of ad-hoc period .*
7. You are , therefore , requested through this Notice to allow the benefit of Earned Leave/Leave Encashment to my client from the date of her joining the service on ad-hoc basis as Science Mistress till her services were regularised i.e (23.7.1986 to 1.12.1990) **with in a pried of 15 days** from the date of receipt of notice 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** -! letter E.D. Hr. no.11/73/99-Edu. 1V (3) **dated 7.8.2001** Yours faithfully

SURESH AHLAWAT

Advocate

**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 . In this regard , notice dated 25.6.2007 of LAC issued to the family 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 10+2 in March-2010, now he is also possessing the Diploma in Computer Operator and Programming Assistant from Govt. ITI. His date of birth is 9.1.1988. So, in the month of July-2015, an application for providing employment to my client was submitted along with all the requisite documents in the office of Deputy Commissioner 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

**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 Brij Mohan s/o Sh. Rohtash s/o Sh. Mam Chand resident of Vill. Khanpur Khurd Tehsil Matanhail Distt. Jhajjar at present residing at Vill. Karola Tehsil Faruk Nagar Distt. Gurugram (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 26 kanal 5 marlas of land of my father Sh. Rohtash was acquired which is more than 3 acres. In this regard, notice dated 25.6.2007 issued u/s 9 of the LAC to the family of my client, is attached herewith.
2. So, in the year Jan. 2009, an application for providing employment to my client was submitted along with all the requisite documents in the office of Tehsildar ,Matanhail (Jhajjar) with the consent of his all family members . There was no objection to any of his family members regarding his job. But again on the demand of govt. he gave an application in the July-2014. In this way , my client being a matric was having the qualification for the post of peon. My client submitted an application in July 2014 in the office of S.D.M. Jhajjar vide file No.ASR , 568 DA Branch No.4028 dated 26.8.2014.
3. That till today my client has not received any information regarding govt. job from the office of Govt. My client has continuously gave many representations to the office of D.C Jhajjar , office of S.D.M. Jhajjar and office of Tehsildar Matanhail. But no reply was received. That the D.C. Jhajjar, S.D.M. and Tehsildar, Matanhail are the Chairman and the members of the land oustees Committee of tharmal power plant and received the applications regarding the Govt. Job and decided the cases regarding the same. Then he had filed the application under RTI Act in the office of D.C. Jhajjar and office of Tehildar for ascertaining the status of his case. But no satisfactory reply given to him and RTI application is pending from the date i.e. 16.5.2016 and 08.07.2016 and now his RTI application has been transferred under section 6(3) of the RTI Act in deferent offices . But no status report has given to my client till today.
4. That my client is possessing the qualification of Govt. Job of Peon from the beginning as per the policy of Haryana Govt. Because he had passed the 10th class and having more 2 acres of his family’s land has been acquired and there is no objection from his family members regarding his job and he is the only person who had applied for the Govt. job in his family . Many persons similarly situated to my client from his village, has been provided the govt. job before 3-4 years ago , whose more than 2 acres of land was acquired. But the job has not been provided to my client till date.
5. 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.
6. It is further submitted in the case 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)

You are , therefore , requested through this Notice that employment letter to my client be also given , **with in a pried of one months** from the date of receipt of this notice. so that, he may join the govt. service , failing which my client will be left with no other alternative remedy 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 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** Notice u/s 9 of the Land Acquisition Act-1894

regarding land acquired more than 2 acres of my client

SURESH AHLAWAT

ADVOCATE

**SURESH KUMAR , ADVOCATE**

**(94171-11917)**

**House no. 413 Sector-11, Panchkula**

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

**TO**

**M/S Currents Technology Retail ( India) Limited**

**S.C.O. 36, Ground Floor Sector-11**

**Panchkuka.**

**Sub. Legal Notice**

Under the instructions from and on behalf of Janak Boora s/o Sh Harpal Boora resident of house no 232 Sector-14 Panchkula (hereinafter referred to as my aforesaid client ) I hereby serve upon you with the following legal notice:-

1. That my aforesaid client purchased a Mobile Charger (APPLE) description item code 102168 Part no MD 818 ZM/A APPLE Lightning to USB Cable MD 81 on dated 23.11.2016 from you, for an amount of Rs. 1500/- vide receipt no /costumer no SE003/CU 1617/0001756 and payment of Rs. 1500/- of this mobile charger was paid through Debit Card to you.
2. That at the time of purchasing of the mobile charger warranty of one year was given / written but, just after 3-4 months defect was occurred in charger and started giving problems .
3. That my afore said client immediately contacted you, regarding this problem . You have advised my aforesaid client, to go to the Service Centre at SCO no . 274 Sector-32-D Chandigarh. Thereafter my aforesaid client, visited the Service Centre at Chandigarh in the month of March-2017 . They checked my mobile charger and said that it is a case of replacement by the shopkeeper.
4. That after that my aforesaid client visited you so many times, but you are avoiding the replacement of mobile charger on one pretext or the other
5. That now through this notice you are hereby called upon to replace the mobile charger or refund the money/cost , with in 20 days of the receipt of this notice, otherwise, he has no option to approach the Consumer Court .
6. That although this notice is not necessary to serve upon you, yet, to avoid the unnecessary litigation, this notice is served upon you.
7. That if my aforesaid client is forced to approach the Consumer Form, the whole responsibility shall be of yours.

A copy of this notice has been retained in my office.

SURESH AHLAWAT

ADVOCATE

**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 . In this regard , notice dated 25.6.2007 of LAC issued to the family 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 10+2 in March-2010, now he is also possessing the Diploma in Computer Operator and Programming Assistant from Govt. ITI. His date of birth is 9.1.1988. So, in the month of July-2015, an application for providing employment to my client was submitted along with all the requisite documents in the office of Deputy Commissioner 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 OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2018

Birjesh S/O Baljeet Singh resident of Village Jharli, District- Jhajjar ( aged 23 years) presently working as Peon (Field) 132 K.V. S/Station Matanhale under the Office of the XEN/TS,Division, HVPNL, Rohtak (Haryana)

…. …Petitioner

Versus

1. Haryana Vidyut Parsaran Nigam Ltd. through its Managing- Director , Shakti Bhawan Sector-6 Panchkula.

2. Chief Engineer, (Admn.) Haryana Vidyut Parsaran Nigam Ltd. Shakti Bhawan Sector-6 Panchkula

3. Deputy Commissioner, Jhajjar

…………….. Respondents

Place:- SURESH AHLAWAT

Dated :- ADVOCATE

Counsel for the Petitioner

CIVIL WRIT PETITION under Article 226 of the Constitution of India for the issuance of a writ in nature of Mandamus, directing to the respondents to re- considered the claim of the petitioner on the post of class- III i.e. Lower Division Clerk ( L.D.C. ) instead of class- IV i.e. Peon , according to his education qualification (i.e B.A), in terms of the policy decision (Annexure P-1) of the land oustees from the date , similar situated persons were appointed as Lower Division Clerk ( L.D.C) with all consequential benefits arising out there from.

*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 in 2007, the State Government acquired the land near about 2000 Acres of four villages in district Jhajjar for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( IGSTP P) Jharli ( Jhajjar). At that time, Hon,ble Chief Minister, Haryana had made an announcement on 7.10.2007 while addressing at village Jharli (Jhajjar) that one member each of the family whose land has been acquired shall be given employment. Further ,it was decided that the job will be offered against Class-III and IV posts as per the qualification possessed by the member of the land oustees family .It was further decide during this meeting that the land oustees for whom the Power Company of this project has no suitable jobs , may be provided employment by Haryana Power Utilities i.e. UHBVN, DHBVN,HVPN and HPGCL. It is pertinent to mention here that more than 2 Acres agriculture land of the family of the petitioner was acquired in his village Jharli (Jhajjar). A copy of CM Announcement dated 7.10.2007 is being attached herewith as **ANNEXURE P-1.**
3. That in pursuance to the CM Announcement, from March -2013 process of collecting the application form for the employment of the candidates of the family of the land oustees was started by the office of Deputy Commissioner Jhajjar who is/was the Chairman of the land oustees committee. . It is submitted that in the month of June -2013 Petitioner also submitted his application for government job in the office of the Deputy Commissioner Jhajjar i.e. respondent no.4 along with other similar situated applicants of the land oustees family. At the time of submitted the application for job , he has passed Matric examination.
4. That after waiting some time, petitioner was wanted to know the status of his application form than, official of respondent no. 4 i.e Deputy Commissioner told him that yours application form is misplaced and told him to submit again. Than in the month of Sep.-2014 petitioner again submitted his application for govt. employment in the office of the respondent no.4, till than he has passed 10+2 class (Non-Medical) examination (April-2014) and respondents no. 4 i.e. Deputy Commissioner, Jhajjar forwarded all the applications form for govt. job of the land oustees family to the office of the power utilities at Panchkula.
5. That the Principal Secretary (Power) constitute a committee under the Chairmanship Managing Director to deal/decide the cases for appointment / job of the member of the family of the land oustees. The committee in its meeting considered the cases of all 212 land oustees of four villages who applied for job . The committee allocated 73 names for the post of Lower Divisional Clerk (LDC) and others allocated for different technical post i.e. ALM, Operator-I ,Tech-II and 35 post of peon according to their educational qualification, which is mentioned at para no. 27 of CM Announcement ( Annexure P-1) It is further decided that age and qualification can be relaxed after approval from the State Govt. for providing employment.

**6 That** after submitting the application form again in the month of Sep.2014, petitioner further was continuously his studying and also waiting for job and in between many similar situated applicants of the land oustees family who applied for job along with petitioner have got the appointment letter of govt. job in Bijali Nigam/Corporation according to their education qualification but petitioner had not received appointment letter for govt. job and further in between he had passed B.A class in the month of June -2017 with 1st Division but he had not received any response from the respondents regarding govt. job than after passing the B.A. class, petitioner submitted his application dated 3.7.2017 in the office of respondent no 4 and requested to them that he has passed the BA examination and till date no appointment letter received to me, now I am fulfilling the requisite education qualification for the post of LDC instead of peon which provided in the Recruitment and Promotion policy of Power Utilities Haryana i.e. Graduate with a minimum 60% marks and Computer Eligibility Test would be conducted, than he is entitled for the said post. But just after two months after passing the BA class , on 29.8.2017 without considering his genuine request, respondent no.1 offered the post of Peon (Field) instead of LDC post whereas, petitioner has passed his BA examination in the month of June -2017. Ultimately petitioner had no option but to join the post of peon. So, he joined the said post in the month of Sep.2017 in the office of XEN/TS ,Divn.HVPNL, Gurugram under protest, as he was raising his objection from day one. A copy of the application dated 3.7.2017 for the request and appointment order dated 29.8.2017 of the petitioner is annexed herewith as **Annexure P-2 & 3** respectively.

It is pertinent to mention hare that in the policy ( Annexure P-1) dated 7.10.2007 of the Jharli power plant Jhajjar , one of the policy /CM announcement dated 19.5.2007 of the Thermal Power Project ,Khedar-Hissar is also adopted in that policy. In the policy of Khedar power plant para no.14 ,it is clear mentioned that an opportunity may be given to the applicants who have improved their qualification and it was decided in consultation with FCP to provided an opportunity to the applicants to submit their revised claim according to their latest qualification. Accordingly, petitioner submitted their claim to the respondent no. 4 who has forwarded their application to the head office at Panchkula. In this way, case/claim of the petitioner for the post of LDC instead of peon fully covered from that policy according to his education qualification i.e BA class .

**5. That** petitioner passed Matriculation exam.(10th class) in the Month of Oct. 2011 and 10+2 (Non-Medical) in the month of April -2014.Than petitioner did his B.A. from Kalinga University Raipur( Chhattisgarh) in June-2017 with Ist Division by securing 1171 marks out of total 1800 mark and the same time he is having the full knowledge of computer operating and conducting and his date of birth is 4.11.1995. The copy of the documents of education qualification i.e copy of certificate of Metric, 10+2, BA and diploma in computer of the petitioner are annexed herewith as **Annexed P-4. (colly)**

**7. That** petitioner after joining and even before joining the said post i.e. peon represented to the respondents that he was discriminated in providing the job of peon instead of L.D.C. but no action has been taken till date. Petitioner made repeated request and running to pillar to post but the respondents not considered the genuine claim of the petitioner one pretext to other since August-2017.

**8. That** the petitioner also served a legal notice upon the respondents through his counsel on dated 10.6.2018. Despite that neither the respondents replied the legal notice nor taken any favorable action in favour of the petitioner. A true copy of the legal notice is attached herewith as **ANNEXURE P-5**

**9. That** more then 70 persons of land oustees of the petitioner’s village were provide the employment in the Haryana Power Utility i.e. UHBVN,DHBVN,HVPN according to their qualifications . It is pertinent to mention here that among those 70 persons , more than 35 persons were appointed as Lower Division Clerk (LDC) i.e. III class, after relaxation in percentage of academic marks , who have passed B.A./M.A. and have less than 60% marks in B.A. as the qualification of the LDC is prescribed as Graduate with a minimum 60% marks . Some of the persons were appointed as Peon who were having qualification of under Matric / Matric or 10+2. Where as , the petitioner passed the B.A. with 61% marks in June-2017 .But still the respondents provided him job of peon i.e. IV class, which is the clear cut discrimination to the petitioner. The list of persons of the land oustees family from petitioner’s village, who were provided the job of L.D.C. by the respondents after relaxation their qualification because these persons possesses the qualification of B.A. less then 60% marks , where as, petitioner passed his Graduation with 61% and essential qualification for the post of LDC is 60 % marks in Graduate level. All these persons belong to same village which petitioner is belongs. Some name of the selected candidates for the post of LDC is reproduced below:-

1. Sunil Kumar s/o Sh. Satbir Singh 2. Manjit Singh s/o Jaibir Singh

3. Amarjit s/o Raj Singh 4. Manjit s/o Ved Parkash 5. Ajit s/o Dharmpal 6. Sombir s/o Raj Singh 7.Parminder s/o Satvir Singh 8. Karshan Kumar s/o Attar Singh 9. Anil Kumar s/o Pawan Kumar 10. Amit s/o Virender Singh 11. Rajpal s/o Umrao Singh 12. Rakesh s/o Ram Kumar 13. Sandeep s/o Raj Karan 14. Pardeep s/o Inder Singh 15. Davender s/o Sukhbir 16. Amit s/o Om Parkash 17. Pardeep s/o Sat Parkash 18. Sombir s/o Mukhtayar Singh 19. Babita Devi w/o Mahesh Kumar 20. Kavita Devi w/o Nerender Singh 21 Sewa Devi w/o Mangtu Ram 22. Sonu Devi w/o Parminder.

**10 That** In this way, petitioner has been discriminated by offering appointment to the post of peon without any fault on his part , whereas, petitioner is graduate with 1st class Division and having the diploma in computer conducting and may be appointed LDC according to his qualification as has been done in the case of other similar situated persons of the same village . It is relevant to mention here that still many posts of Clerks are lying vacant till date in the Power Utilities which is evident from the para no. 18 of CM announcement as Annexure P-1.

**11.**  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?

d) Whether the petitioner is entitled to the post of L.D.C . instead of Peon in the light of Annexure P-1.

**12.**  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 of the Constitution of India.

**13.**  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 Mandamus directing to the respondents to re- considered the claim of the petitioner on the post of class- III i.e. Lower Division Clerk ( L.D.C. ) instead of class- IV i.e. Peon , according to his education qualification i.e BA, in terms of the policy decision (Annexure P-1) of the land oustees from the date , similar situated persons were appointed as Lower Division Clerk ( L.D.C) with all consequential benefits arising out there from.

ii) 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.

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

iv) Filing of true typed of annexure P- 1 to P- 3, P-7, P-8 and P-10 and certified copy of Annexures be also dispensed with;

CHANDIGARH Through: PETITIONER

DATED: 5.3.2015 (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 PETITIONER

DATED:- 5.3.2015

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2015

Birjesh …………..…Petitioner

Versus

Haryana Vidyut Prasaran Nigam and others. ……………Respondents

Versus

The State of Haryana and others. ……………Respondents

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 5.3.2015 ADVOCATE

COUNSEL FOR THE PETITIONER

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2015

Birjesh …………..…Petitioner

Versus

Haryana Vidyut Prasaran Nigam and others. ……………Respondents

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*NOTES:-*

1. The main law points canvassed in this writ petition are contained in para No. 12 at page 13 and thereof.

2. *Relevant Acts and Statutes*

-Constitution of India.

-Government Polices

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

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

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 5.3.2015 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2018

Birjesh …………..…Petitioner

Versus

Haryana Vidyut Prasaran Nigam and others. ……………Respondents

Affidavit of Birjesh S/O Baljeet Singh resident of Village Jharli, District- 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 contempt 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.

DEPONENT

CHANDIGARH

DATED . 7.2018

*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 7.2018 DEPONENT

*LIST OF EVENTS*

2007 That in 2007, the State Government acquired the land near about 2000 Acres of four villages in district Jhajjar for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( IGSTP P) Jharli ( Jhajjar). At that time, Hon,ble Chief Minister, Haryana had made an announcement on 7.10.2007 while addressing at village Jharli (Jhajjar) that one member each of the family whose land has been acquired shall be given employment. ( P-1 )

18.3.2013 That in this regard , on dated 18.3.2013 a meeting was held under the Chairmanship of Hon,ble Chief Minister ,Haryana at Chandigarh to implement the announcement of employment to the land oustees and directed to the Deputy Commissioner Jhajjar who was the Chairman of the Committee and SDM who was the member of the Committee , to supply the list of village wise information of land oustees and their educational qualification . They were also directed to forwarded the application forms of such oustees, complete in all respect, along with all documents, after duly verifying the same to grant the employment. Such applications duly verified were to be forwarded to the duly constituted High Power committee at Panchkula.

March 2013 That in pursuance to the CM Announcement (P-1) from March -2013 , process of collecting the application form for the employment of the eligible candidates of the family of the land oustees was started by the SDO(C) and Deputy Commissioner Jhajjar . Petitioner also submitted his all documents of his educational qualification i.e Matric class along with application form for appointment in the office of the DC Jhajjar i.e. respondent no.4 .

Petitioner again submitted his application form in the month of Sep.2014 for employment when his previous application misplaced by the office of the respondent no.4 .than he has passed 10+2 examination (April-2014).

**That** after submitting the application form again in the month of Sep.2014, petitioner further was continuously his studying and also waiting for job and in between many similar situated applicants of the land oustees family who applied for job along with petitioner have got the appointment letter of govt. job in Bijali Nigam/Corporation according to their education qualification but petitioner had not received appointment letter for govt. job and further in between he had passed B.A class in the month of June -2017 with 1st Division but he had not received any response from the respondents regarding govt. job than after passing the B.A. class, petitioner submitted his application dated 3.7.2017 in the office of respondent no 4 and requested to them that he has passed the BA examination and till date no appointment letter received to me, now I am fulfilling the requisite education qualification for the post of LDC instead of peon which provided in the Recruitment and Promotion policy of Power Utilities Haryana i.e. Graduate with a minimum 60% mark. But just after two months after passing the BA class , on 29.8.2017 without considering his genuine request, respondent no.1 offered the post of Peon (Field) instead of LDC . Ultimately petitioner had no option but to join the post of peon. So, he joined the said post in the month of Sep.2017 in the office of XEN/TS ,Divn.HVPNL, Gurugram under protest, as he was raising his objection from day one.

The petitioner did his B.A. from Kalinga Univercity Raipur (Chhattisgarh) June-2017 with 1st class by securing 1171 out of 1800 marks .

29.8.2017 That on dated 29.8.2017 the petitioner was offered the post of Peon (P-4 ).Then petitioner raised the objection and aggrieved by the above said letter ,petitioner submitted the representation to provide him , the post of Lower Division Clerk (LDC) instead of peon according to his educational qualification i.e BA,

10.6.2018 That the petitioner also served a legal notice upon the respondents through his counsel on 10.6.2018.

Ultimately petitioner had no option but to join the post of peon. So, he joined the post of peon in the month of Sep.2018 under protest as he was raising his objection from day one.

That petitioner after joining and even before joining the said post of peon , represented to the respondents that he was discriminated in providing the job of peon instead of L.D.C.

In this way, petitioner has been discriminated by offering the appointment to the post of peon, without any fault on his part whereas, petitioner did his B.A.with first division in June -2017 with 1st class . So, petitioner be appointed LDC according to his qualification.

Petitioner made repeated request and running to pillar to post but the respondents not considered the genuine claim of the petitioner one pretext to other since August-2017.

Hence this writ petition.

CHANDIGARH (SURESH AHLAWAT)

DATED : 7.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Rajesh Kumar aged 21 years s/o Manphool Singh s/o Late Sh. Nihal Singh resident of Vill. Khanpur- Khurd,Tehsil-,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