IN THE HIGH COURT OF PANJAB AND HARYANA AT CHANDIGARH

R.F.A. No. OF 2017

Rajiv and another ----------- -------Appellants

Versus

State of Haryana and another ---------Respondent

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr no. | Particulars | Date | Page | Court Fee |
| 1. | Application for disposal of appeal in terms of order dated 26.2.2016, ann.A-1. | 27.7.2016 | 1-2 | 3.00 |
| 2. | Affidavit | 27.7.2016 | 3 |  |
| 3. | Application for permission | 27.7.2016 | 4-5 | 3.00 |
| 4. | Affidavit | 27.7.2016 | 6 |  |
| 5. | Application for delay of condonation of appeal | 27.7.2016 | 7-8 | 3.00 |
| 6. | Affidavit | 27.7.2016 | 9 |  |
| 7. | Ground of Appeal | 27.7.2016 | 10-15 |  |
| 8 | Affidavit | 27.7.2016 | 16 |  |
| 9 | Memo of Parties | 27.7.2016 | 17 | 100-0 |
| 10 | Copy of award passed by Ld. ADJ. JIND | 17.12.2013 | 18-38 | 3.00 |
| 11 | **Annexure A-1**  Copy of Judgment of Supreme Court Court | 27.10.2017 | 39-48 | 3.00 |
| 12 | Power of Attorney | .7.2016 | 49 | 3.00 |

Total Rs.118/-

Note : Any Caveat petition has been filled or not : No.

**Any other case :** Similar R.F.A.no. 3905 of 2017 titled Raj Singh v/s State of Haryana and another connected RFA from the same Notification U/S 4 of the L.A Act.1894 have been decided on 5.12.2017

CHANDIGARH  **(SURESH AHLAWAT)**

**ADVOCATE**

**DATED 18.12.2017** COUNSEL FOR THE APPELLANTs

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

C.M. No. …………of 2017

                                                         IN

  R.F.A.No. of 2017

Rajiv and another ……….Appellants

                                                Versus

State of Haryana and another… ……….…Respondents

T Application U/s 151 of C.P.C. for disposal of the above R.F.A. in terms of order/judgment dt. 27.10.2017 (Annexure A-1) passed by the Hon’ble Supreme Court of India in Civil appeal No. 2846 of 2017 and many other connected Civil Appeals titled Bijender and others v/s State of Haryana and another arising from the same land acquisition notification .

**Respectfully Showeth:-**

1.                  That the appellant have filed the above noted appeal in this Hon,ble High Court against impugned award dated 17.12.2013 passed by the Ld Reference Court Jind .

2.                  That the above noted appeal is squarely covered by the Judgment/order dated 27.10.2017 passed by the Hon’ble Supreme Court of India in Civil appeal No. 2846 of 2017 and many other connected civil appeals titled Bijender and others v/s State of Haryana and another arising from the same land acquisition notification as that of the appellants . In case, the application of the appellants is not allowed at the earliest then the appellants will suffer irreparable loss and injury and injustice would be caused to the appellants. Moreover, it will also saved the precious time of this Hon,ble Court which is already burdened with heavy pendency of the work/cases , therefore, the present appeal deserves to be disposed of in the terms of the above said judgment dated 27.10.2017 passed in the above noted appeal.

                 It is, therefore, respectfully prayed that the present application may kindly be allowed and the above mentioned RFA may kindly be decided in terms of judgment dated 27.10.2017, annexure A-1 passed by the Hon’ble Supreme Court of India in Civil appeal No. 2846 of 2017 titled Bijender and others v/s State of Haryana and Another and in other connected civil appeals in the interest of justice.

Chandigarh                                 (SURESH AHLAWAT)

Date:  18.12.2017                              Advocate

Counsel for appellants

IN THE HIGH COURT OF PUNJAB & HARYANA AT  CHANDIGARH

C.M. No. ………………./2017

                                                      IN

                                     R.F.A.No. of 2017

Rajiv and another.   ……….Appellants

Versus

State of Haryana and another    ….. …Respondents

Affidavit of Suresh Ahlawat Advocate Punjab and Haryana High Court Chandigarh..

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

That the above noted appeal is squarely covered by the Judgment/order dated 27.10.2017 passed by this Hon,ble Supreme Court in C.A no.2846 of 2017 titled Bijender and others v/s State of Haryana and another and in other connected appeals filed by other land owners whose land had also been acquired by the same notification as that of the appellants. In case the application of the appellant is not allowed at the earliest then the appellant will suffer irreparable loss and injury and injustice would be caused to the appellant. Moreover, it will also saved the precious time of this Hon,ble Court which is already burdened with heavy pendency of the work/cases , therefore, the present appeal deserves to be disposed of in the terms of the above said judgment dated 27.10.2017.

  Place:  Chandigarh

Date:  . 12.2017

**Verification:**

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

Chandigarh

Dated 12.2017

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

C.M. No. …………of 2018

                              IN C.W.P. No. 20423 of 2011

Chander Bhan and others …………….Petitioners

                                               Versus

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

Application U/s 151 of C.P.C. for disposal of the above writ petition in terms of order/judgment dated 3.10.2016 (Annexure A-1) passed by the this Hon’ble Court in C.W.P No. 3922 of 2011 titled Narender Pal Singh Arya and another v/s State of Haryana and others and many other connected writ petitions .

**Respectfully Showeth:-**

1. That the petitioners have filed the above noted writ petition in this Hon,ble High Court which is still pending and admitted after notice of motion.

2. That when the above mentioned case was came up for hearing on 22.1.2015 then Hon’ble Court was pleased to pass the following order:-

**“Ld counsel for the petitioners submitted that CWP no. 15746 of 2011 involving the identical issues has been admitted” .**

**Admitted**

**To be heard along with CWP no.15746 of 2011.**

**22.1.2015 ( Rajesh Bindal)**

**Judge**

3. That now above mentioned connected CWP no.15746 of 2011 has been decided along with other connected writ petitions on dated 3.10.2016 in which identical issues were involved in connected cases . A copy of order date 3.10.2016 passed by this Hon,ble Court is attached herewith as **Annexure A-1.**

4.                  That the above noted writ petition is squarely covered by the Judgment/order dated 3.10.2016 ( Annexure A-1) passed by this Hon’ble High Court in CWP No. 3922 of 2011 titled Narender Pal Singh Arya and another v/s State of Haryana and many other connected writ petitions arising from the same issues as that of the petitioners. Since the issues involved in the above mentioned writ petition no 20423 of 2011 deserves to be disposed of as the same terms . Moreover, it will also save the precious time of this Hon,ble Court which is already burdened with heavy pendency of the work/cases , therefore, the present writ petition deserves to be disposed of in the terms of the above said judgment dated 3.10.2016(Annexure A-1) passed in the above noted writ petitions .

                 It is, therefore, respectfully prayed that the present application may kindly be allowed and the above mentioned writ petition no.20423 of 2011 titles Chander Bhan and others v/s State of Haryana may kindly be disposed of in same terms of judgment dated 3.10.2016, (Annexure A-1) passed by this Hon’ble High Court in CWP No. 3922 of 2011 titled Narender Pal Singh Arya and another v/s State of Haryana and others and in other connected writ petitions in the interest of justice.

Chandigarh                                 (SURESH AHLAWAT)

Date:  9.7.2018                              Advocate

Counsel for Petitioners

IN THE HIGH COURT OF PUNJAB & HARYAN AT

CHANDIGARH

C.M. No. …………of 2018

                           IN C.W.P. No. 20423 of 2011

Chander Bhan and others …………….Petitioners

                             Versus

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

Affidavit of Suresh Ahlawat Advocate Punjab and Haryana High Court Chandigarh..

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 application are admitted to be true and correct nothing has been concealed therein. DEPONENT

Deponent Date:   7.2018

**Verification:**

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

Chandigarh

Dated 7.2018 DEPONENT

IN THE HIGH COURT OF PUNJAB & HARYANAAT

  CHANDIGARH

C.M. No. …………of 2018

                     IN C.W.P. No. 20423 of 2011

Chander Bhan and others …………….Petitioners

                                    Versus

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Particulars | Date | Page | Court Fee |
| 1. | Application u/s 151 CPC | 9.7.2018 | 1-3 |  |
| 2. | Affidavit | 9.7.2018 | 4 |  |
| 3. | Annexure P-1  Order of High Court | 3.10.2016 | 5- |  |

Court Fee Rs.

Note :- Power of Attorney already on record

Chandigarh                                 (SURESH AHLAWAT)

Date:  9.7.2018                              Advocate

Counsel for Petitioners

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

C.M. No. …………of 2018

                              IN C.W.P. No. 20423 of 2011

Chander Bhan and others …………….Petitioners

                                               Versus

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

Court Fee

Chandigarh                                 (SURESH AHLAWAT)

Date:  9.7.2018                              Advocate

Counsel for Petitioners

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT

CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……….Appellant

Versus

State of Haryana     ….. …Respondent

Application u|s 5 of the Limitation Act read with section 151 CPC for condonation of delay of days in filling the accompanying appeal.

**Respectfully** **Showeth**,

1 That the appellants are filling the present appeal before this Hon,ble High Court, which is most likely to be accepted on the grounds mentioned therein.

2 That the case of the appellant was a part of bunch matter decided on the basis of the decision in LAC No. 1 dated 6.8.2010 titled Ami Chand v/s State of Haryana . The villagers decided to engage one counsel for filing the appeal against the award and collected the amount from the all the land owners whose cases had been decided on the basis of LAC No. 1 dated 6.8.2010 . The appellant have also gave money as per their share and also signed the papers to file the appeal in the Hon,ble Court.

3. That the appellant was under the impression that all the documents and certified copy would be collected by the persons who were collected money from the villagers for filing the appeal . They had not even informed or asked the appellant to handover the documents to them . Therefore, the appellant was under the impression that the appeal on their behalf have also been filed in the Ho,ble Court.

4. That however, on inquiry from other persons in Janwary-2014 , it was found that no appeal was filed on behalf of the appellant in this Hon,ble Court against the award dated 30.11.2012 . Thereafter, the appellant collected the photocopy of order and other documents from the one person and approached the present counsel on 25.1.2014 for filing the appeal and present counsel informed that the appeal had already become barred by limitation . However, on the instructions of the appellant , the present appeal was prepare and is being filed in this Hon,ble Court . In this way a delay of ---- days has been caused in filing the appeal.

5 . That the above said delay in filing the appeal has been caused due to the mis –under standing of the appellant and conduct of the persons who collected money from the villagers for filing of the appeal on behalf of all the land owners from whom they collected money for filing of the appeal.

6. That the appeals arising out from references, award passed on the basis of LAC Case No. 1 dated 6.8.2010 are still pending for adjudication in this Hon,ble Court.

7 . That the delay of days in filling the appeal is not intentional or deliberate but due to the reason mentioned above.

It is ,therefore ,most respectfully prayed that delay of days in

filling the appeal may kindly be condoned in the interest of justice.

**NOTE:** Affidavit is attached.

PLACE: Chandigarh SURESH AHLAWAT,ADVOCATE

DT. 30.1.2014 COUNSEL FOR APPELLANT

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.M. No. ………………./2017

                                                      IN

                                     R.F.A.No. of 2017

Rajiv and another    ……………. ……….Appellants

Versus

State of Haryana and another    ……… …Respondents

Application under section 5 of the Limitation Act for condonation of delay of  **days** in filing the appeal.

**Respectfully Showeth:-**

1. That the applicants/appellants is filing the accompanying appeal in this Hon,ble High Court and the same is likely to be allowed on the grounds taken therein.
2. That the appellants is simplicitor and rustic villager is not having any intricate knowledge about the Hon,ble High Court and do not know much about the court procedure especially the law of limitation. Now, the appellants has come to know from the co-villagers in the second week of December ,2017 that the above said matter has decided by the Hon.ble Supreme Court vide its order dated 27.10.2017 and compensation has been enhanced and awarded a compensation of Rs. 45 lacs per acre from Rs. 33 lacs per acre along with other statuary benefits to the land owners.
3. That on inquiry from the land Acquisition Collector , it was also informed by the officials that the enhanced compensation shall be given only those land owners who have filed the appeal in this Hon,ble Supreme Court and their appeal have been allowed . After coming to know this, the appellants have approached their counsel at lower court and collected the documents of this case through their counsel .
4. That after collecting all relevant documents from their counsel and arranging the amount to meet with the expenses for filing the appeal and payment of counsel fees. They have contacted the present counsel on 16.12.2017 for filing the appeal in this Hon,ble Court against the award dated 17.12.2013. However, it was informed by the present counsel that the appeal had already become barred by limitation. But on the instructions of the appellants, the present appeal was prepared and is being filed in this Hon,ble High Court. In this way , delay of  **days** has been occurred in filing appeal.
5. That the above said delay in filing the appeal is neither intentional nor willful or deliberate but the same has been caused in view of the facts and circumstances stated herein above.
6. That if the above said delay is not condoned , then the appellants shall suffer irreparable loss and injury.

It is therefore, respectfully prayed that this Hon,ble Court may be pleased to condone a delay of  **days** in filing the appeal, in the interest of justice,

Chandigarh                                  (SURESH AHLAWAT)

Date:  18.12.2017                               Advocate

Counsel for appellants

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……………. ……….Appellant

Versus

State of Haryana     ……… ……… …Respondent

Application under section 5 of the Limitation Act for condonation of delay of 895 days in filing the appeal.

**Respectfully Showeth:-**

1. That the applicant/appellant is filing the accompanying appeal in this Hon,ble High Court and the same is likely to be allowed on the grounds taken therein.
2. That in fact, the appellant, who is simplicitor and rustic villager is not having any intricate knowledge about the Hon,ble High Court . Appellant after getting all relevant documents of this case from his counsel below immediately, the appeal was prepared and filed before this Hon,ble Court without causing any further delay.
3. That on account of the facts and circumstances narrated above, delay of 1145 days has occurred in filing the appeal.
4. That the above said delay in filing the appeal is neither intentional nor willful or deliberate but the same has been caused in view of the facts and circumstances stated herein above.
5. That if the above said delay is not condoned , then the appellant shall suffer irreparable loss and injury.

It is therefore, respectfully prayed that this Hon,ble Court may be pleased to condone a delay of **1100 days** in filing the appeal, in the interest of justice,

Chandigarh                                  (SURESH AHLAWAT)

Date:  7.7.2016                               Advocate

                      Counsel for appellant

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……………. ……….Appellant

Versus

State of Haryana     ……… ……… …Respondent

Affidavit of Ved Singh son of Rishal Singh Village Bir

Bara Ban Tehsil & Distt. Jind

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

That the deponent is well conversant with the facts of the accompanying application for delay of condonation as the same have been explained to him , in his language i.e. Hindi and he has understood the same and has admits the same to be true and correct to his knowledge. No part of it is false and nothing relevant has been kept concealed therein .The counsel has drafted the application on instructions of the deponent.

Place:

Dated:

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.

Place:

Dated:

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. ……………….of 2017

                                                      IN

                                     R.F.A.No. of 2017

Rajiv and another    …………. ……….Appellants

Versus

State of Haryana and another     …… ……… …Respondents

Affidavit of Jagmohan son Bhagat Ram resident of Safidon now resident of house no. 1010 Sector-7-C Faridabad

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

1. That the deponent is simplicitor and rustic villager and do not know much about the court procedure especially the law of limitation. Now, the deponent has come to know from the co-villagers in the second week of December-2017 that the above said matter has decided by the Hon.ble Supreme Court vide its order dated 27.10.2017 and compensation has been enhanced and awarded a compensation of Rs. 45 lacs per acre along with other statuary benefits to the land owners.
2. That on inquiry from the land Acquisition Collector. , it was also informed by the officials that the enhanced compensation shall be given only those land owners who have filed the appeal in the Hon,ble Supreme Court and their appeal have been allowed . After coming to know this, the deponent have

approached their counsel at lower court and collected the all documents’ of this case through their counsel .

1. That after collecting the all documents of this case from their counsel and arranging the amount to meet with the expenses for filing the appeal and payment of counsel fees. He has contacted the present counsel on 16.12.2017 for filing the appeal in this Hon,ble Court against the award dated 17.12.2013. However, it was informed by the present counsel that the appeal had already become barred by limitation. But on the instructions of the appellant, the present appeal was prepared and is being filed in this Hon,ble High Court. In this way , a delay of days has been occurred in filing appeal.
2. That the above said delay in filing the appeal is neither intentional nor willful or deliberate but the same has been caused in view of the facts and circumstances stated herein above.

 Chandigarh

Date:  . 12.2017

**Verification:**

          Verified that contents of Para no. 1 to 4 of my above affidavit are true and correct to my knowledge.  No part of it is false and nothing has been concealed therein.

Chandigarh                                                                   Date: 12.2017

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. ………………./2017

                                                      IN

                                     R.F.A.No. of 2017

Rajiv and another    ……………. ……….Appellants

Versus

State of Haryana  and another   ……… ……… …Respondent

Application u/s 151 C.P.C. seeking exemption from filing true typed and certified copies of award dated 17.12.2013 passed by Ld. Reference Court and order dated 27.10.2017 passed by Hon,ble Supreme Court , annexure A-1 and permit to placing on record the photo copy of award dated 17.12.2017 and order dated 27.10.2017 ,annexure A-1.

RESPECTFULLY SHOWETH:

1. That a lot of time and money shall be consumed if the appellant is directed to place on record the true typed copy of award dated 17.12.2013 and order dated 27.10.2017 ,annexure A-1 and certified copy of the order dated 27.10.2017.

2. That the appellant is placing on record the photo copy of the award dated 17.12.2013 and order dated 27.10.2017, annexure A-1. The copy of the award and order are clear ,legible and readable.

It is, therefore, respectfully prayed that the applicant/appellant may kindly be exempted from filing the true typed copy and certified copy of award dated 17.12.2013 and judgment / order dated 27.10.2017 ,annexure A-1 and allow him to place on record true photocopy copy of award dated 17.12.2013 and order dated 27.10.2017(A-1), in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 18.12.2017 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE Applicants/appellants

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

                                 C.M. No. ……….of 2017

                                                      IN

                                     R.F.A.No. of 2017

Rajiv and another    …………. ……….Appellants

Versus

State of Haryana and another    ……… …Respondents

Affidavit of Suresh Ahlawat Advocate ,Punjab & Haryana High Court Chandigarh.

I, the above named deponent do hereby solemnly affirm and

declare as under:-

1. That I am of the advocate for the appellants in above case and thus competent to swear this affidavit .That a lot of time and money shall be consumed if the appellant is directed to place on record the true typed copy of award dated 17.12.2013 and order dated 27.10.2017 ,annexure A-1 and certified copy of the order dated 27.10.2017.

2. That the appellant is placing on record the photo copy of the award dated 17.12.2013 and order dated 27.10.2017, annexure A-1. The copy of the award and order are clear ,legible and readable.

CHANDIGARH Deponent

DATED: . 12.2017

**VERIFICATION:**

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

CHANDIGARH Deponent

DATED: .12.2017

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

C.M.No. ………………./2017

                                                         IN

  R.F.A.No. of 2017

Rajiv and another ……….Appellants

                                                Versus

State of Haryana and another… ……….…Respondents

Application U/s 151 of C.P.C. for disposal of the above R.F.A. in terms of order/judgment dt. 27.10.2017 (Annexure A-1) passed by the Hon’ble Supreme Court of India in Civil appeal No. 2846 of 2017 and many other connected Civil Appeals titled Bijender and others v/s State of Haryana and another arising from the same land acquisition notification .

**Respectfully Showeth:-**

1.                  That the appellant have filed the above noted appeal in this Hon,ble High Court against impugned award dated 17.12.2013

2.                  That the above noted appeal is squarely covered by the Judgment/order dated 27.10.2017 passed by this Hon,ble Supreme Court in Civil Appeal no.2846 of 2017 titled Lakhmi v/s State of Haryana and in other connected appeals filed by other land owners whose land had also been acquired by the same notification as that of the appellant. In case the application of the appellant is not allowed at the earliest then the appellant will suffer irreparable loss and injury and injustice would be caused to the appellant. Moreover, it will also saved the precious time of this Hon,ble Court which is already burdened with heavy pendency of the work/cases , therefore, the present appeal deserves to be disposed of in the terms of the above said judgment dated 26.2.2016 passed in the above noted appeal.

It is, therefore, respectfully prayed that the present application may kindly be allowed and the above mentioned RFA may kindly be decided in terms of judgment dated 26.2.2016 , annexure A-1 passed in RFA no. 2473 of 2013 titled Lakhmi v/s State of Haryana and Another and in other connected appeals in the interest of justice.

Chandigarh                                 (SURESH AHLAWAT)

Date:  .7.2016                               Advocate

Counsel for appellant

IN THE HIGH COURT OF PUNJAB & HARYANA AT  CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……….Appellant

Versus

State of Haryana     ….. …Respondent

Affidavit of Suresh Ahlawat Advocate Punjab and Haryana High Court Chandigarh..

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

That the above noted appeal is squarely covered by the Judgment/order dated 26.2.2016 passed by this Hon,ble High Court in RFA no.2373 of 2013 titled Lakhmi v/s State of Haryana and in other connected appeals filed by other land owners whose land had also been acquired by the same notification as that of the appellant. In case the application of the appellant is not allowed at the earliest then the appellant will suffer irreparable loss and injury and injustice would be caused to the appellant. Moreover, it will also saved the precious time of this Hon,ble Court which is already burdened with heavy pendency of the work/cases , therefore, the present appeal deserves to be disposed of in the terms of the above said judgment dated 26.2.2016 passed in the above noted appeal.

  Place:  Chandigarh

Date:  . 07.2016

**Verification:**

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

Chandigarh

Dated 7.2016

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

C.M.No. ………………./2016

                                                         IN

  R.F.A.No.3988 of 2014

Rajinder Kumar and Others             ……….Appellants

                                                Versus

State of Haryana and another                                        …Respondents

Application U/s 151 of CPC for disposal of the above RFA in terms of order/judgment dt. 26.2.2016 (Annexure A-1) passed by this Hon’ble Court in RFA No. 2373 of 2013 and many other connected RFAs titled Lakhmi v/s State of Haryana and another arising from the same land acquisition notification .

**Respectfully Showeth:-**

1.                  That the above noted RFA is still pending/ admitted.

2.                  That the numbers of RFAs arising out of the same land acquisition notification were decided by this Hon’ble High Court vide order dt. 22.12.2015 (Annexure A-1), but the above said RFA could not be listed for hearing alongwith those RFAs.

3.                  That since the present RFA is also arising from the same notification, therefore the appellants seek the indulgence of this Hon’ble Court to decide the same in terms of order dt.  22.12.2015 passed in RFA No. 1515 of 2014 and other connected matters.

It is therefore respectfully prayed that the present application may kindly be allowed and the above mentioned RFA may kindly be disposed of in terms of order dt. 22.12.2015 passed in RFA No. 1515 of 2014 and other connected matters in the interest of justice.

It is further prayed that appellants be exempted from filing true typed and Certified copy of the order dt. 22.12.2015 (Annexure A-1).

Chandigarh                                      (SURESH AHLAWAT)

Date:  10.03.2016                               Advocate

Counsel for appellants

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No.3988 of 2014

Rajinder Kumar and others.                               ……….Appellants

Versus

State of Haryana and another                                        …Respondents

Affidavit of Suresh Ahlawat Advocate Punjab

and Haryana High Court Chandigarh..

I, the above named deponent do hereby

solemnly affirm and declare as under:-

1. That the above noted RFA is still pending/ admitted.
2. That the numbers of RFAs arising out of the same land acquisition notification were decided by this Hon’ble High Court vide order dt. 22.12.2015 (Annexure A-1), but the above said RFA could not be listed for hearing alongwith those RFAs.
3. That since the present RFA is also arising from the same notification, therefore the appellants seek the indulgence of this Hon’ble Court to decide the same in terms of order dt.  22.12.2015 passed in RFA No. 1515 of 2014 and other connected matters.

Chandigarh                                                            Deponent

Date:  . 03.2016

**Verification:**

Verified that contents of Para no. 1 to 3 of my above affidavit are true and correct to my knowledge.  No part of it is false and nothing has been concealed therein.

Chandigarh                                                                       Deponent

Date:. 03.2016

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

C.M.No. ………………./2017

                                                         IN

C.W.P. No. 1024 of 2017

Meena Devi  ------------ Petitioner

                                       Versus

State of Haryana and others    --------------Respondents

**INDEX**

**Sr. no.              Particulars                           Date                 Page no.**

**------------------------------------------------------------------------------------------------------------**

**1.         Application u/s 151 CPC             17.02.2017                1-2**

**2.         Amended Memo of Parties         17.2.2017                 3**

**3.        True Copy of Affidavit                   .2.2017                 4**

**4. Attested Affidavit 2..2017 5**

**5.         Power of Attorney already on record**

**-------------------------------------------------------------------------------------------**

Chandigarh                                        (SURESH AHLAWAT)

Date: 17.2.2017                                            Advocate

                                                         Counsel for Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

C.M.No. ………………./2017

                                                         IN

R.F.A.No. of 2017

Rajiv and another  ……….Appellants

                                      Versus

State of Haryana and another    ……. …Respondents

Total Amount of Court Fee Affixed.

SURESH AHLAWAT

Chandigarh Advocate

Dated: 18 .12.2017                   Counsel for the Appellants

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M.No. ………………./2016

                                                         IN

C.M. No. 2748-C1/2016

  IN

R.F.A.No.2547 of 2014

Rameshwar Dass   ……….Appellant

                                      Versus

State of Haryana and another    ……. …Respondents

Application u/s 151 C.P.C. seeking exemption from filing certified copy of order dated 22.12.2015 passed by Ld. Reference Court and for placing on record true photo copy thereof.

RESPECTFULLY SHOWETH:

1. That above mentioned case is pending and fixed for 3.5.2016.

2. That last date of hearing i.e. on 28.3.2016 Hon,ble Court directed to the appellant to place on record the judgment/order dated 22.12.2015 passed by the Ld. Reference Court Jind .Now the appellant is placing on record the true photo copy of the judgment/order dated 22.12.2015 but the certified copy of that order is not available with the appellant.

It is, therefore, respectfully prayed that the applicant/appellant may kindly be exempted from filing certified copy of judgment / order dated 22.12.2015 passed by the Ld. Reference Court Jind and allow him to place on record true photocopy copy thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 20.4.2016 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE Applicant/appellant

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M.No. ………………./**2016 IN**

C.M. No. 2748-C1/**2016 IN**

  R.F.A.No.2547 of 2014

Rameshwar Dass   ……….Appellant

                                      Versus

State of Haryana and another    ……. …Respondents

Affidavit of Suresh Ahlawat Advocate ,Punjab & Haryana High Court at Chandigarh.

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

1. That above mentioned case is pending and fixed for 3.5.2016.

2. That last date of hearing i.e. on 28.3.2016 Hon,ble Court directed to the appellant to place on record the judgment/order dated 22.12.2015 passed by the Ld. Reference Court Jind .Now the appellant is placing on record the true photo copy of the judgment/order dated 22.12.2015 but the certified copy of that order is not available with the appellant.

CHANDIGARH Deponent

DATED: .04.2016

**VERIFICATION:**

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

CHANDIGARH Deponent

DATED: .04.2016

Petition u/s 482 Cr. P.C. for quashing of complaint case no.180 dated 4.6.2013 titled as Om Parkash V/s Satish and others ( i.e. Annexure P-1) summoning order dated 22.7.2013( i.e. Annexure P-2 ) passed by the Ld. JMIC. Gurgaon ( qua to the petitioner) as well as order dated 5.1.2016 passed by Ld. Addl. Sessions Judge, Gurgaon ( i.e. Annexure P-3) where by the revision petition filed by the petitioner was erroneously dismissed.

*RESPECTFULLY SHOWETH*

1. That the petitioner is a resident of Haryana State and as such being a citizen of India, he is fully competent to invoke the extraordinary jurisdiction of this Hon’ble Court by way of this petition .
2. That the facts , in brief, are that the criminal complaint no180 dated 4.6.2013 is filed by the complainant under section 420/467/468/120-B of I.P.C. and under Section 31 of the Representation of People Act-1950 before the Ld. JMIC Gurgaon in case titled Om Parkash V/S Satish and others , summoning the petitioner along with other accused.

The complainant is the Secretary of Matadata Jagrookta Manch, Gurgaon. It has been stated that all accused persons in connivance with is other hatched a criminal conspiracy , manipulated forged documents. Accused no1 has impersonated himself as Surender s/o Sh. Shri Chand and is relative of accused no.14 Sh. Sukhbir Kataria, MLA. Similarly, accused no.2 to 13 impersonated being relative s of accused no.14 . It is further alleged that accused no.14 acted as mastermind all their forgery in connivance with accused no. 15 and 16 (Petitioner) . A true translated copy of the complaint dated 4.6.2013 is attached herewith as **Annexure P-1.**

1. That the respondent ( complainant ) alleged illegal acts relating to bogus voting etc. against 16 persons including the petitioner at sr. no.16 and alleging that petitioner/accused who is the Police Officer ( D.S.P.) tried to save the other accused and upon said allegations ld. Court of JMIC ,Gurgaon vide summoning order dated 22.7.2013 summoned the petitioner along with other accused person under section 420/467/468,471 read with 120-I.P.C . and the petitioner is made to suffer a criminal case against him though the complaint did not at all disclose any prima facie case against him nor is he in any manner involved in the alleged role regarding bogus votes rather he came to be posted as Assistant Commissioner of Police (City) way after and no instigation was ever carried out by him. Summoning order dated 22.7.2013 passed by the Ld JMIC, Gurgaon under section 420/467/468/471 r/w section 120-B I.P.C. against the all 16 accused along with petitioner to face the trial is attached herewith as **Annexure P-2.**
2. That aggrieved against the summoning order , the petitioner preferred a revision petition before the court of Sessions which was also dismissed vide order dated 5.1.2016 by the court of ld. Addl. Sessions Judge, Gurgaon. The Revisional Court did not go into the merits of the case and dismissed the revision without giving any cognate reason. A copy of the impugned order dated 5.1.2016 passed by the Ld. Addl. Sessions Judge, Gurgaon is attached herewith as **Annexure P-3.**
3. That the petitioner have now invoked the inherent jurisdiction of this Hon,ble Court under section 482 Cr.P.C. for quashing of the complaint ( Annexure P-1) as well as summoning order (Annexure P-2 ) and the order of Revisional Court ( Annexure P-3) being abuse of the process of law inter alia **amongst on the following grounds:-**
4. That there is not an iota of evidence to implicate the petitioner /accused no16 in any conspiracy with the other accused in the alleged offenses and nor does the petitioner has any personal connection or relation with other accused persons . It is also pertinent to mention that the petitioner has only been joined duty at Gurgaon as A.C.P. City (Assistant Commissioner of Police ) from Panchkula w.e.f 23.12.2011 i.e. much after the Haryana Vidhan Sabha election held in the in the year 2009, where in, the offenses alleged have been committed and he was posted as Inspector in the year 2009 in the Palwal Police Station.
5. That the complaint upon which the impugned orders has been passed against the petitioner does not disclose commission of any offense by the petitioner/accused no.16 The allegation as to the fact that the accused no16 has made alleged acts with intent to protect the other accused is false ,vexatious and bogus and contrary to the true facts of the case . The true facts of the case are that the petitioner /accused no.16 never made the any alleged RTI report nor is an authorized officer to provide an RTI report under the Right to Information Act-2005 and neither has the petitioner personally conducted any investigation in the complaint .Petitioner/accused only prepared a status report addressed to the Commissioner of Police, Gurgaon in various complaints made by the complainant including the complaint in issue , on the basis of the status report prepared by the concerned I.O. and forwarded by the S.H.O., City Gurgaon. Therefore, the petitioner is wrongly and illegally implicated in the case and the impugned orders are liable to be set-aside against petitioner/accused no.16. The true translated copy of the status report dated 18.2.2013 so prepared is attached as **Annexure P-4** and copy of the status report dated prepared by the I.O. (concerned Police post In charge ) and forwarded by the S.H.O.City Gorgaon attached herewith as **Annexure P-5.**
6. It is pertinent to mention here that the petitioner in his bona fide legal recourse wrote to the Joint Commissioner of Police, Gurgaon informing that he has not conducted any investigation regarding the complaints made by the complainant/respondent no.1 , then why was his name written there and as to the correction of the mistake and the then Joint Commissioner of Police perused an enquiry regarding the said fact and it was found that all complaints regarding bogus voting were forwarded to Deputy Commissioner of Police (West) who forwarded the same to Assistant Commissioner of Police City (Petitioner)who on 12.11.2012 forwarded the same to SHO City ,Gurgaon who forwarded them to In Charge choki Police Post, Khandsa Road Gurgaon , who prepared a report which was forwarded to the SHO City and SHO City forwarded the same to Assistant Commissioner of Police /A.C.P. City ( Petitioner)who accordingly forwarded the same to Deputy Commissioner of Police ( D.C.P.West) and that no investigation was carried out in the said complaints as the matter was told to be pending before the Hon,ble Punjab & Haryana High Court . The Copy of the said report was also stated to be send to Sh. Om Parkash Kataria ( Complainant) Copy of the letter bearing no 8/JCP dated 13.1.2014 as obtained by the petitioner through RTI is attached herewith as **Annexure P-6.**
7. That the petitioner is a public servant and is a gazetted officer .He was holding the post of Assistant Police Commissioner (A.C.P.) Gurgaon in Police Department at relevant time and was discharging the official duty, now is holding same post i.e. D.S.P. and is currently posted at Hansi District Hisar and he is entitled to the **benefit of Section 197 of Cr. P.C.** . Without sanction from the Government he could not be prosecuted . Implication of Section 197Cr.P.C. has neither been examined by the trial court while passing summoning order Annexure P-2 nor by the Ld. Addl. Sessions Judge where by revision petition has been dismissed vide order Annexure P-3 which shall be initially examined by the trial court where petitioner can be prosecuted without prior sanction from the Government. In this way, Summoning order Annexure P-2 passed by the Ld Trial court is null and void ab-initio.
8. That Hon,ble Supreme Court in the case of Dhaliwal Tobacco Products Limited and Others v/s State of Maharashtra and another reported as 2009(2) SCC 370 held that High Court Could Not have dismiss the application under Section 482 Cr.P.C. without entering into the merits , inter alia, on the ground of availability of alternatively remedy of filing revision under Section 397 . Thus jurisdiction under this Section can be excised to prevent the abuse of process of law and to secure the ends off justice . While exercise power under Section 482 Cr.P.C. , the court does not function as a court of appeal and revision . Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority , the Court has power to prevent such abuse. That the allegations arise out of an offence committed while performing official duty . **Thus the same would fall with in the ambit of Section 197 Cr.P.C.**

It is, therefore, respectfully prayed that complaint no.180 dated 4.6.2013 titled as Om Parkash v/s Satish and others (i.e Annexure P-1) Summoning order dated 22.7.2013 (Annexure P-2) as well as order dated 5.1.2016 ( Annexure P -3 ) passed by the court of Ld. Addl. Sessions Judge, Gurgaon may kindly be quashed qua to the petitioner .

It is further prayed that during the pendency of this case , further proceeding in the court of Ld. JMIC Gurgaon by stayed till the final decision of this case by this Hon,ble Court.

It is further prayed that petitioner may kindly be exempted from filing the certified copies of Annexures in the interest of justice.

**Note:- 1.** No such or similar petition has earlier been filed on behalf of the petitioner in this Hon,ble Court or in the Hon,ble Supreme Court of India as per instruction supplied to the counsel.

2. Affidavit is attached

SURESH AHLAWAT

Chandigarh Advocate

Dated: 10.04.2016                   Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

CRM-M- No. ……. …….2016

Narender Kadian ………. …… Petitioner

Versus

Om Parkash and Other ……………… Respondents

Total Amount of Court Fee Affixed.

SURESH AHLAWAT

Chandigarh Advocate

Dated: 10.03.2016                   Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

CRM-M- No. ……. …….2016

Narender Kadian s/o Sh. Parlad Singh, resident of no. 815/12 Dev Colony, Rohtak presently posted as D.S.P Hansi Distt.Hisar (Haryana Police) .

………. …… Petitioner /Accused no.16

Versus

1. Om Parkash son of Sh. Ram Parsad resident of House

no. 402, Sector 12-A, Gurgaon.

2. State of Haryana

……………………… Respondents

SURESH AHLAWAT

Chandigarh Advocate

Dated: 10.03.2016                   Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

CRM-M- No. ……. …….2016

Narender Kadian ………. …… Petitioner

Versus

Om Parkash and Other ……………… Respondents

Affidavit of Narender Kadian s/o Sh. Parlad Singh,

resident of House no. 815 /12 Dev Colony Rohtak.

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 . .2016

*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 .2016

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M- No. OF 2016**

**Narinder Kadian …….. …. …Petitioner**

**Versus**

**Om Parkash and other ………..…Respondents**

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr no. | Particulars | Date | Page | Court Fee |
| 1. | Petition U/S 482 Cr.P.C. | 10.4.2016 | 1-10 | 3.00 |
| 2. | Affidavit | 4.2016 | 11 |  |
| 3 | Annexure P-1 ( Complaint) | 4.6.2013 | 12-31 | 13.00 |
| 4 | Annexure P-2 ( Summoning order  passed by the Ld. JMIC | 22.7.2013 | 32-37 | 4.00 |
| 5 | Annexure P-3 ( Order of Ld. Revisional Court Gurgaon) | 5.1.2016 | 38-42 | 4.00 |
| 6 | Annexure P-4 Copy of status report | 18.2.2013 | 43-44 | 1.30 |
| 7. | Annexure P-5 ( Copy of status report prepared by the I.O. and forwarded by the SHO City GGR | -------- | 45-46 | 1.30 |
| 8. | Annexure P-6 (Copy of Application under RTI and its reply) | 24.1.2014/  13.1.2014 | 47-50 | 2.60 |
| 9. | Power of Attorney |  | 51 | 3.00 |
|  | **VERNACULR** |  |  |  |
| 10 | Annexure P-1 ( Complainant) | 4.6.2013 | 52-62 |  |
| 11 | Annexure P-4 Copy of status report | 18.2.2013 | 63 |  |
| 12 | Annexure P-5 ( Copy of status report prepared by the I.O. and forwarded by the SHO City GGR | ----------------- | 64 |  |
| 13 | Annexure P-6 (Copy of Application under RTI and its reply) | 24.1.2014/  13.1.2014 | 65-66 |  |

Total court Fee

CHANDIGARH ( SURESH AHLAWAT )

DATED : 10.4.2016 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.W.P. No. ……. …….2016

Satya Naraain ………. …… Petitioners

Versus

Union of India and Other ……………… Respondents

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.W.P. No. ……. …….2016

1. Satya Narain s/o Sh. Bhagwan Singh
2. Smt. Ramrati w/o Sh. Satya Narain
3. Smt. Nirmla wd /o Late Sh. Jitender s/o Sh. Satya Narain
4. Bharti minor aged about 15 years d/o Late Sh. Jitender
5. Mohit aged about 13 years
6. Rohit aged about 10 years minor ss/o Late Sh. Jitender s/o Sh. Stya Narain

minor daughters and son through their mother & natural guardian their mother Smt. Nirmla wd./o Late Sh. Jitender , all residents of ward no.1, Julana Tehsil & Disttt. Jind.

…………….. Petitioners

**VERSUS**

1. Union of India through its Secretary, Ministry of Road Transport & Highways. New Delhi.
2. Chief general Manager ,National Highway Authority of India, Ministry of Road Transport & Highways, plot no.G-5 & 6 Sector-10 Dwarka, New Delhi- 110075
3. Project Director, Project Implementation Unit , National Highway of India ,Subhash Market wali Gali, Near Rhtak Central Cooperative Bank Ltd. : D-Park, Model Town Rohtak.
4. District Revenue Officer cum Land Acquisition Collector, Rohtak ( Competent Authority) Under the National Highway Act.1956.
5. The National Highway Authority of India, through its Chairman/Secretary, New Delhi.

………………Respodents

**Copt of order dated 24.11.2015**

**BEFORE THE ARBITRATIOR CUM ADDITIONAL COMMISSIONER, JIND THROUGH COMPETANT AUTHORITY –CUM- LAND ACQUISION COLLECTOR-CUM- D.R.O. ROHTAK**

1. Satya Narain s/o Sh. Bhagwan Singh
2. Smt. Ramrati w/o Sh. Satya Narain
3. Smt. Nirmla wd /o Late Sh. Jitender s/o Sh. Satya Narain
4. Bharti minor aged about 15 years d/o Late Sh. Jitender
5. Mohit aged about 13 years
6. Rohit aged about 10 years minor ss/o Late Sh. Jitender s/o Sh. Stya Narain

minor daughters and son through their mother & natural guardian their mother Smt. Nirmla wd./o Late Sh. Jitender , all residents of ward no.1, Julana Tehsil & Disttt. Jind.

…………….. Petitioners

**VERSUS**

1. Union of India through its Secretary, Ministry of Road Transport & Highways. New Delhi.
2. Chief general Manager ,National Highway Authority of India, Ministry of Road Transport & Highways, plot no.G-5 & 6 Sector-10 Dwarka, New Delhi- 110075
3. Project Director, Project Implementation Unit , National Highway of India ,Subhash Market wali Gali, Near Rhtak Central Cooperative Bank Ltd. : D-Park, Model Town Rohtak.
4. District Revenue Officer cum Land Acquisition Collector, Rohtak ( Competent Authority) Under the National Highway Act.1956.
5. The National Highway Authority of India, through its Chairman/Secretary, New Delhi.

………………Respondents

I have persuade the written affidavit s submitted by the petitioners and heard the advocates for the petitioners . I have also heard the opposite parties to the case-

1. The petitioners belong to the Julana and have filed their petitions under the NH Act,1956 in the court of the Arbitrator against the award of the District Revenue officer –cum Land Acquisition Collector ( DRO-cun LAC ) Rohtak
2. The petitioners have been consistent in the points raised in their petition , which are similar in both the Cases.
3. The opposite parties in the cases are same – Union of India through its Secretary, Ministry of Road Transport, Shipping and Highways, CGM. NHAI, P.D. NHAI ( Rohtak) and DRO Rohtak.
4. The opposite parties have been consistent in their reply, which is the same , in both the cases.

Keeping these points in view, both these cases of Julana, will be dealt with together.

. Now , as per the Award announced by the DRO-cum- LAC Rohtak ( award no. 26 of 2013 -14, NH- 71, dated 14.10.2013) , Rs. 25,00,000/- only per acre ( Rs. Twenty five lakh per acre) has been awarded for a;; kinds of land . The land owner and interested persons , as per the award , would be entitled to 30 per cent solatium on the market value of the land additional charges at 12 per cent per annum from 18.6.2012 to 13.10.2013.

. It is a fact that the petitioners had accepted the award and had not presented a written objection at the time of accepting the award . It is also a fact that some of the petitioners have stated that they had presented a written objection at the time of accepting the award . However, none of these petitioners has been able to produce a copy of such an abjection petition.

. The grounds on which the petitioners demand an enhancement in the award amount centre around the following claims:-

1. That no compensation has been paid for khals and paths.
2. That the land is an attractive site for commercial , industrial and residential purposes.
3. That no compensation for trees ,crops and tube wells has been paid to the petitioners .
4. That the LAC has ignored the prevailing market price of the land while determining the award.
5. The LAC has not considered the potential for rise in the value of the land in the future and its presence in the NCR.

. The opposite party has submitted that the award was determined after considering the floor rates, collector rates, average sale rate and the latest market rates and inspecting the site under acquisition.

. The ward also states that the measurement and classification of the land under acquisition have been accepted by the land owners and no objection in this regard has been received from the Department also.

. The proceedings of the meeting held by the Commissioner, Hisar Division , for fixng of Collector rates of land to be acquired for building or widning of N.H. 71 in District Jind, are on record. These show a class wise area of land and show that the floor rates, Collector.s rates and the registration of sale deeds of that area have been taken in to account while fixing the compensation per acre or all kinds of land.

. I have perused and analysed the claims made by the petitioners and the opposite party and the facts on record. The petitioners claim that compensation needs to be enhanced, but they have not submitted proof for such a claim. The onus to prove his /her claim for enhancement of compensation lies with the petitioner,s and I find that none of the petitioners has submitted any document/record /map/fact that proves his her claim. Mere assertion does not carry the weight of proof.

Besides, as per the National Highways Act.1956, none of the points b.c. and d , mentioned under section 3-G, clause 7 of the Act for determination of the amount of compensation to be paid , do not stand proved.

In view of the discussion above . I am of the considered opinion that the award of the DRO-cum- L.A.C. amounts to correct compensation. The claim of the petitioners is dismissed without costs.

Order written under my hand and seal on November- 24, 2015 .

**Arbitrator N.H.A.I.-cum A.D.C. Jind**

Endst. No.3742 /reader dated 30.11.2015

A copy of the order of village Julana to the following for information & necessary action:-

1. Project Director, National Highway Authority of India, Rohtak.
2. District Revenue Officer-cum- Competent Authority, Rohtak

**Arbitrator-cum-**

**Addl. Deputy Commissioner**

**Jind.**

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

**C.W.P. No. 23982 of 2015**

**The Haryana Beej Vikash Nigam Officers Association and Another**

**……….Petitioners**

**Versus**

**Union of India and Others    …….…Respondents**

**INDEX**

**Sr. no.              Particulars                                Date                    Page no.**

**1.         Written Statement . .201 1-5**

**2.         Power of Attorney already on record**

**---------------------------------------------------------------------------------------------------**

Chandigarh                                                        (SURESH AHLAWAT)

Date: . .201                                        Advocate

   Counsel for Respondent no.5

(HSDC)

**HARYANA SCHOOL SHIKSHA PRIYOJNA PARISHAD**

**APPLICATION FORM**

**Post Applied for:- Computer Instructor**

**Applicant Name :- Sushil Kumari**

**Father,s Name:- Satvir Singh**

**Mother ,s Name :- Gian Devi**

**Date of Birth :- 8 / 4 / 1975**

**Age on 24.5.2016 :- 41 Year 1 month 20 days**

**Gender :- Female**

**Marital Status:- Married**

**Nationality :- Indian**

**Category :- General**

**Qualification**

**Class Name /Qualification Passing Year University/Board Subject Marks Obtained/ Total Mar**

**Matric 1990 HBSE HINDI,ENGLISH,MATHS 428/600**

**SCIENCE,SST,SANSKRIT**

**10+2 1992 HBSE ARTS 267/500**

**B.A. 1995 MDU Rohtak ENG, HINDI.ECO., POL.SC. 610/1200**

**M.Sc. ( Computer Science) 2012 E.I.I.L.M ( SIKKIM) ------------- 1560/2000**

**OTHER**

1. **Have at least ONE YEAR experience YES**
2. **Matric with Hindi.Sankrit ? Yes**
3. **Domicile of Haryana ? Yes**

**Experience ( In Months) 43 MONTHS**

**ADDRESS**

Permanent Address

**HOUSE NO.706, SECTOR-11, PANCHKULA, PIN -134112, Teliphone No. 94677-52225, E mail ID-** [**9467752225sushil@gmail.com**](mailto:9467752225sushil@gmail.com)**.**

**Correspondence Address**

**HOUSE NO.706, SECTOR-11, PANCHKULA, PIN -134112, Teliphone No. 94677-52225**

**DECLARATION: I hereby declare that:-**

1. **All Statement made in this application form are true, Complete and correct to the best of my knowledge and belief. In the event of any information being found false or incorrect, or ineligibility being detected or after the document verification/selection/appointment. My candidature may be cancelled and action can be taken against me by the Committee. Any verification in online application and printed copy at the time of document verification will be rejected.**
2. **I have read the details in advertisement of HARYANA SCHOOL SHIKSHA PRIIYOJNA PARISHAD carefully and I hereby undertake to abide by them. I fulfill all eligibility regarding age, qualification etc. prescribed in the advertisement and other .**
3. **I have never been convicted by criminal court.**

**Signature of the Candidate**

**Case No. ……………. Mobile No. 94171-11917**

**District…………….**

**SURESH AHLAWAT**

**M.A., LL.B. Advocate**

**CHAMBER No.62**

**PUNJAB & HARYANA HIGH COURT, CHANDIGARH**

**Resi. Flat No.701 , Block E-1 , Zirakpur**

**That husband of the petitioner is in COMA and even not in position understand the meaning of retirement being fully unconscious and further petitioner is devoted the entire time for caring her husband and not able to perform her duties even the domestic work and kipping in view of natural justice the pension amount is not sufficient to meet the family requirement including medical expenses and the basic purpose of the Section 47 of the Act is only to give the benefit of such type of persons.**

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT

CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……….Appellant

Versus

State of Haryana     ….. …Respondent

Application u|s 5 of the Limitation Act read with section 151 CPC for condonation of delay of days in filling the accompanying appeal.

**Respectfully** **Showeth**,

1 That the appellants are filling the present appeal before this Hon,ble High Court, which is most likely to be accepted on the grounds mentioned therein.

2 That the case of the appellant was a part of bunch matter decided on the basis of the decision in LAC No. 1 dated 6.8.2010 titled Ami Chand v/s State of Haryana . The villagers decided to engage one counsel for filing the appeal against the award and collected the amount from the all the land owners whose cases had been decided on the basis of LAC No. 1 dated 6.8.2010 . The appellant have also gave money as per their share and also signed the papers to file the appeal in the Hon,ble Court.

3. That the appellant was under the impression that all the documents and certified copy would be collected by the persons who were collected money from the villagers for filing the appeal . They had not even informed or asked the appellant to handover the documents to them . Therefore, the appellant was under the impression that the appeal on their behalf have also been filed in the Ho,ble Court.

4. That however, on inquiry from other persons in Janwary-2014 , it was found that no appeal was filed on behalf of the appellant in this Hon,ble Court against the award dated 30.11.2012 . Thereafter, the appellant collected the photocopy of order and other documents from the one person and approached the present counsel on 25.1.2014 for filing the appeal and present counsel informed that the appeal had already become barred by limitation . However, on the instructions of the appellant , the present appeal was prepare and is being filed in this Hon,ble Court . In this way a delay of ---- days has been caused in filing the appeal.

5 . That the above said delay in filing the appeal has been caused due to the mis –under standing of the appellant and conduct of the persons who collected money from the villagers for filing of the appeal on behalf of all the land owners from whom they collected money for filing of the appeal.

6. That the appeals arising out from references, award passed on the basis of LAC Case No. 1 dated 6.8.2010 are still pending for adjudication in this Hon,ble Court.

7 . That the delay of days in filling the appeal is not intentional or deliberate but due to the reason mentioned above.

It is ,therefore ,most respectfully prayed that delay of days in

filling the appeal may kindly be condoned in the interest of justice.

**NOTE:** Affidavit is attached.

PLACE: Chandigarh SURESH AHLAWAT,ADVOCATE

DT. 30.1.2014 COUNSEL FOR APPELLANT

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.M. No. ………………./2017

                                                      IN

                                      R.F.A.No. of 2017

Rajiv and another    ……………. ……….Appellants

Versus

State of Haryana and another    …… ……… …Respondents

Application under section 5 of the Limitation Act for condonation of delay of  **days** in filing the appeal.

**Respectfully Showeth:-**

1. That the applicant/appellant is filing the accompanying appeal in this Hon,ble High Court and the same is likely to be allowed on the grounds taken therein.

2That the appellants is simplicitor and rustic villager is not having any intricate knowledge about the Hon,ble High Court and do not know much about the court procedure especially the law of limitation. Now, the appellant has come to know from the co-villagers in the third week of July ,2016 that the above said matter has decided by the Hon.ble High Court vide its order dated 26.2.2016 and compensation has been enhanced and awarded a compensation of Rs. 33.88 lakh per acre from Rs. 10.80 lakh per acre along with other statuary benefits to the land owners.

1. That on inquiry from the land Acquisition Collcetor.Jind , it was also informed by the officials that the enhanced compensation shall be given only those land owners who have filed the appeal in this Hon,ble High Court and their appeal have been allowed . After coming to know this, the appellant have approached their counsel at lower court and collected the documents of this case through their counsel .
2. That after collecting all relevant documents from their counsel and arranging the amount to meet with the expenses for filing the appeal and payment of counsel fees. He has contacted the present counsel on 23.7.2016 for filing the appeal in this Hon,ble Court against the award dated 15.11.2013. However, it was informed by the present counsel that the appeal had already become barred by limitation. But on the instructions of the appellant, the present appeal was prepared and is being filed in this Hon,ble High Court. In this way , a delay of **895 days** has been occurred in filing appeal.
3. That the above said delay in filing the appeal is neither intentional nor willful or deliberate but the same has been caused in view of the facts and circumstances stated herein above.
4. That if the above said delay is not condoned , then the appellant shall suffer irreparable loss and injury.

It is therefore, respectfully prayed that this Hon,ble Court may be pleased to condone a delay of **895 days** in filing the appeal, in the interest of justice,

Chandigarh                                 (SURESH AHLAWAT)

Date:  27 .7.2016                               Advocate

Counsel for appellant

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……………. ……….Appellant

Versus

State of Haryana     ……… ……… …Respondent

Application under section 5 of the Limitation Act for condonation of delay of 895 days in filing the appeal.

**Respectfully Showeth:-**

1. That the applicant/appellant is filing the accompanying appeal in this Hon,ble High Court and the same is likely to be allowed on the grounds taken therein.
2. That in fact, the appellant, who is simplicitor and rustic villager is not having any intricate knowledge about the Hon,ble High Court . Appellant after getting all relevant documents of this case from his counsel below immediately, the appeal was prepared and filed before this Hon,ble Court without causing any further delay.
3. That on account of the facts and circumstances narrated above, delay of 1145 days has occurred in filing the appeal.
4. That the above said delay in filing the appeal is neither intentional nor willful or deliberate but the same has been caused in view of the facts and circumstances stated herein above.
5. That if the above said delay is not condoned , then the appellant shall suffer irreparable loss and injury.

It is therefore, respectfully prayed that this Hon,ble Court may be pleased to condone a delay of **1100 days** in filing the appeal, in the interest of justice,

Chandigarh                                  (SURESH AHLAWAT)

Date:  7.7.2016                               Advocate

                      Counsel for appellant

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……………. ……….Appellant

Versus

State of Haryana     ……… ……… …Respondent

Affidavit of Ved Singh son of Rishal Singh Village Bir

Bara Ban Tehsil & Distt. Jind

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

That the deponent is well conversant with the facts of the accompanying application for delay of condonation as the same have been explained to him , in his language i.e. Hindi and he has understood the same and has admits the same to be true and correct to his knowledge. No part of it is false and nothing relevant has been kept concealed therein .The counsel has drafted the application on instructions of the deponent.

Place:

Dated:

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.

Place:

Dated:

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……………. ……….Appellant

Versus

State of Haryana     ……… ……… …Respondent

Affidavit of Ved Singh son of Rishal Singh Village Bir

Bara Ban Tehsil & Distt. Jind

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

1. That the appellant is simplicitor and rustic villager and do not know much about the court procedure especially the law of limitation. Now, the appellant has come to know from the co-villagers in the last week of june,2016 that the above said matter has decided by the Hon.ble High Court vide its order dated 26.2.2016 and compensation has been enhanced and awarded a compensation of Rs. 33.88 lakh per acre along with other statuary benefits to the land owners.
2. That on inquiry from the land Acquisition Collector.Jind , it was also informed by the officials that the enhanced compensation shall be given only those land owners who have filed the appeal in this Hon,ble High Court and their appeal have been allowed . After coming to know this, the appellant have approached their counsel at lower court and collected the all documents’ of this case through their counsel .
3. That after collecting the all documents of this case from their counsel and arranging the amount to meet with the expenses for filing the appeal and payment of counsel fees. He has contacted the present counsel on 2.7.2016 for filing the appeal in this Hon,ble Court against the award dated 15.11.2013. However, it was informed by the present counsel that the appeal had already become barred by limitation. But on the instructions of the appellant, the present appeal was prepared and is being filed in this Hon,ble High Court. In this way , a delay of days has been occurred in filing appeal.
4. That the above said delay in filing the appeal is neither intentional nor willful or deliberate but the same has been caused in view of the facts and circumstances stated herein above.

 Chandigarh

Date:  . 07.2016

**Verification:**

          Verified that contents of Para no. 1 to 4 of my above affidavit are true and correct to my knowledge.  No part of it is false and nothing has been concealed therein.

Chandigarh                                                                   Dated 7.2016

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. ………………./2017

                                                      IN

                                     R.F.A.No. of 2017

Ved Singh .    ……………. ……….Appellant

Versus

State of Haryana     ……… ……… …Respondent

Application u/s 151 C.P.C. seeking exemption from filing true typed and certified copies of award dated 15.11.2013 passed by Ld. Reference Court and order dated 26.2.2016 passed by this Hon,ble Court , annexure A-1 and permit to placing on record the photo copy of award dated 15.11.2013 and order dated 26.2.2016 ,annexure A-1.

RESPECTFULLY SHOWETH:

1. That a lot of time and money shall be consumed if the appellant is directed to place on record the true typed copy of award dated 15.11.2013 and order dated 26.2.2016 ,annexure A-1 and certified copy of the order dated 26.2.2016.

2. That the appellant is placing on record the photo copy of the award dated 15.11.2013 and order dated 26.2.2016, annexure A-1. The copy of the award and order are clear ,legible and readable.

It is, therefore, respectfully prayed that the applicant/appellant may kindly be exempted from filing the true typed copy and certified copy of award dated 15.11.2013 and judgment / order dated 26.2.2016 ,annexure A-1 and allow him to place on record true photocopy copy of award dated 15.11.2016 and order dated 26.2.2016(A-1), in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 7.7.2016 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE Applicant/appellant

IN THE HIGH COURT OF PUNJAB & HARYANA

AT  CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……………. ……….Appellant

Versus

State of Haryana     ……… ……… …Respondent

Affidavit of Suresh Ahlawat Advocate ,Punjab & Haryana High Court

Chandigarh.

I, the above named deponent do hereby solemnly affirm and

declare as under:-

1. That I am of the advocate for the appellant in above case and thus competent to swear this affidavit .That a lot of time and money shall be consumed if the appellant is directed to place on record the true typed copy of award dated 15.11.2013 and order dated 26.2.2016 ,annexure A-1 and certified copy of the order dated 26.2.2016.

2. That the appellant is placing on record the photo copy of the award dated 15.11.2013 and order dated 26.2.2016, annexure A-1. The copy of the award and order are clear ,legible and readable.

CHANDIGARH Deponent

DATED: . 7.2016

**VERIFICATION:**

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

CHANDIGARH Deponent

DATED: .7.2016

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

C.M.No. ………………./2017

                                                         IN

  R.F.A.No. of 2017

Rajiv and another ……….Appellants

                                                Versus

State of Haryana and another… ……….…Respondents

Application U/s 151 of C.P.C. for disposal of the above R.F.A. in terms of order/judgment dt. 27.10.2017 (Annexure A-1) passed by the Hon’ble Supreme Court of India Court in Civil appeal No. 2846 of 2017 and many other connected Civil Appeals titled Bijender and others v/s State of Haryana and another arising from the same land acquisition notification .

**Respectfully Showeth:-**

1.                  That the appellant have filed the above noted appeal in this Hon,ble High Court against impugned award dated 17.12.2013

2.                  That the above noted appeal is squarely covered by the Judgment/order dated 26.2.2016 passed by this Hon,ble High Court in RFA no.2373 of 2013 titled Lakhmi v/s State of Haryana and in other connected appeals filed by other land owners whose land had also been acquired by the same notification as that of the appellant. In case the application of the appellant is not allowed at the earliest then the appellant will suffer irreparable loss and injury and injustice would be caused to the appellant. Moreover, it will also saved the precious time of this Hon,ble Court which is already burdened with heavy pendency of the work/cases , therefore, the present appeal deserves to be disposed of in the terms of the above said judgment dated 26.2.2016 passed in the above noted appeal.

It is, therefore, respectfully prayed that the present application may kindly be allowed and the above mentioned RFA may kindly be decided in terms of judgment dated 26.2.2016 , annexure A-1 passed in RFA no. 2473 of 2013 titled Lakhmi v/s State of Haryana and Another and in other connected appeals in the interest of justice.

Chandigarh                                 (SURESH AHLAWAT)

Date:  .7.2016                               Advocate

Counsel for appellant

IN THE HIGH COURT OF PUNJAB & HARYANA AT  CHANDIGARH

C.M. No. ………………./2016

                                                      IN

                                     R.F.A.No. of 2016

Ved Singh .    ……….Appellant

Versus

State of Haryana     ….. …Respondent

Affidavit of Suresh Ahlawat Advocate Punjab and Haryana High Court Chandigarh..

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

That the above noted appeal is squarely covered by the Judgment/order dated 26.2.2016 passed by this Hon,ble High Court in RFA no.2373 of 2013 titled Lakhmi v/s State of Haryana and in other connected appeals filed by other land owners whose land had also been acquired by the same notification as that of the appellant. In case the application of the appellant is not allowed at the earliest then the appellant will suffer irreparable loss and injury and injustice would be caused to the appellant. Moreover, it will also saved the precious time of this Hon,ble Court which is already burdened with heavy pendency of the work/cases , therefore, the present appeal deserves to be disposed of in the terms of the above said judgment dated 26.2.2016 passed in the above noted appeal.

  Place:  Chandigarh

Date:  . 07.2016

**Verification:**

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

Chandigarh

Dated 7.2016

IN THE HIGH COURT OF PUNJAB & HARYANA AT

  CHANDIGARH

C.M.No. ………………./2016

                                                         IN

  R.F.A.No.3988 of 2014

Rajinder Kumar and Others

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. of 2018

Manoj Kumar s/o Sh. Satbir Singh (aged about 34 years) resident of Vill. Jhange -Khurd Tehsil & Distt. Jind.

---------------- Petitioner

VERSUS

1. Haryana State Federation of Co-Operative Sugar Mills Ltd. through its Managing Director , Base no. 49-50 Sector-2 Panchkula.

2. The Jind Cooperative Sugar Mill Ltd. Narwana Road Jind through its Managing Director-cum- Chairman ,Selection Committee, The Jind Cooperative Sugar Mill Ltd. Narwana Road Jind.

3 . Ravinder Kumar s/o Sh. Rajender Singh H.No. 953/B, Shri Nagar Colony, Rohtak.

------------------------ Respondents

Place: Chandigarh SURESH AHLAWAT

Dated:8.1.2018 Advocate

Counsel for the Petitioner

Civil Writ Petition under Article 226/227 of the Constitution of India for the issuance of an appropriate writ in the nature of Certiorari for quashing/setting aside the selection /appointment of private respondent no. 3 done by the respondent no. 2 vide impugned selection/result dated 24.10.2017 for the one post of Asst. Security Officer vide Advertisement dated 11.5.2017 ( Annexure P-1) in general category of Ex-service man being illegal, arbitrary, malafide and against the law and contrary to advertisement as he is only Sepoy from Indian Army where as requirement of advertisement is Havaldar which is evident from Annexure P-5 .

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.

RESPECRFULLY SHOWETH:-

**1.** That the petitioner is resident of District Jind in the Haryana State and thus being the Citizen of India and aggrieved by the malafide and discriminatory action of the official respondents is not appointing the petitioner is entitled him to invoke the extra ordinary writ jurisdiction of this Hon’ble Court under Articles 226/227 of the Constitution of India.

**2.** That 'The Jind Cooperative Sugar Mill Ltd’. is totally financed and controlled by the Govt. of Haryana. The Managing Director is also appointed by the Government. So, the Government of Haryana has pervasive control and supervision over the said Sugar Mills. So, the respondent Mill is a State with in the meaning of Article 12 of the Constitution of India.

**3.** That respondent no. 2 vide advertisement dated 11.5.2017 advertised one post of the Asst. Security Officer for Sugar Mill in the news paper for ex-service man in the general category .A copy of the advertisement dated 11.5.2017 is attached herewith as **Annexure P-1.**

**4.** That the essential qualification prescribed for the post of Asst. Security officer was as under:-

**E.Q.:- Ex-serviceman not below the rank of Havaldar with Matric from the recognized education Board . Knowledge of computer is necessary. Computer course up to “O” level will be preferred.**

**5.** That as the petitioner was fully eligible for the post in question as per the criteria given in advertisement, he applied for the said post being ex-service man from Indian Navy as a rank of Petty Officer ( Clearance Diver) which is equal to Army Havaldar because petitioner highly qualified person and having good percentage in education and having good performance in Naval service and petitioner has retired from

Indian Navy after completion of 15 years w.e.f 30 Jan. 2002 to 31 Jan. 2017. The chart of the percentage in education and other extra qualifications and performance of the petitioner in service period is reproduced below :-

|  |  |  |
| --- | --- | --- |
| Percentage marks in 10th Class | Percentage marks in B.A. (K.U.K) | Diploma/Certificate in Computer |
| 70.66% | 47% | “A’ Grade |
|  | Graduate form Navy |  |

Copy of Matric certificate, Computer certificates ‘A’ Grade and copy of Graduation are attached herewith as **Annexure P-2 (Colly)**.

It is pertinent to mention here that petitioner having other extra qualifications acquired during the service of Indian Navy and attached with application form for the post in question is reproduced below :-

1. Naval Trade Certificate (Equivalent to Graduation)
2. Leader ship course
3. Diving supervisor certificate
4. NIETT
5. NABD-63
6. CD-3 certificate
7. INM Certificate
8. NBCD certificate
9. SALVAGE certificate
10. C.IN.C Commendation

That above mentioned certificates shall be produced if needed before this Hon,ble Court at the time of argument.

**6.**That the interview of the petitioner was held on 24 Oct. 2017 . That the petitioner was assured about his success and selection he was not done any errors at the time of his interview test and the petitioner is highly qualified and have high percentage in his academic qualification . Total 6 candidates had appeared in the interview.

**7.** That the petitioner was fully assured about his selection on the basis of good percentage and merit in the qualification and the interview was also held good .

**8.** That the result was declared by the respondent same day i.e. 24.10.2017 in which he shocked when he did not find his name in the final selection. Petitioner was assured about his selection because he is highly qualified and expert person in his job and he has 70.66 % marks in Matric class and having two graduation Degree and having many commendation/experience certificates in the field of advertised post whereas one Ravinder Kumar i.e. respondent no.3 was selected for the said post illegally who was only having 45% marks in matriculation . The said selection process was not conducted fairly. Than petitioner immediately took the step for wrong doing the selection process by the selection committee and very next day after declared the result for the advertised post i.e on 25 .10 2017 represented through his counsel to the respondent no. 2 that selection process was not conducted fairly which is totally illegal, arbitrary, malafide and against the principal of natural justice than respondents gave his reply of said notice to the petitioner that the selection was done purely on merit . A copy of the legal notice dated 25.10.2017 and its reply dated 2.11.2017 attached herewith as **Annexure 3 and 4** respectively.

**9.** That Petitioner enquired about the mishappening and injustice which has been done by the respondents than he applied on 25.10.2017 i.e next day after declaration of result for the said post under the RTI Act to the respondent 2 to give the full information about the selection process i.e which criteria adopted in the selection process, particulars of selected candidate and other relevant documents of this selection process . Than in response to the RTI application , respondent no. 2 provided the incomplete information i.e only supplied certified copies of selection record /criteria for the post in question to the petitioner but not supplied the photo copy of documents of selected candidate i.e respondent no. 3 which he attached with his application form. Than petitioner again sought information under the RTI Act from the respondent no.2 on 16.12.2107 regarding documents attached with application form of the selected candidate i.e

private respondent 3 but respondent no.2 not provided the information of the selected candidate and gave its reply to the petitioner on dated 16.12.2017 of his RTI application that copies of document of other candidate/selected candidate cannot be supplied . A copy of criteria/selection record supplied under the RTI Act by the respondent no. 2 to the petitioner is attached here with as **Annexure P-5 (Colly).**

It is pertinent to mention here that in the selection record (P-5) Grade –“A” is not mentioned in the certificate in computer whereas, petitioner attached with application “A’ Grade Certificates in Computer course .

It is further pertinent to mention here that respondents not disclosed the selection criteria for the said post neither in the advertisement nor before or after selection.

**10.** That after inspected the record of selection, supplied by the respondent under RTI , the petitioner was shocked to know how the respondentno.2 awarded very less marks in the interview i.e only 8 marks out of 30 marks to the petitioner , where as he has 70.66 % marks in matriculation and private respondent no.3 awarded maximum marks in the interview i.e 28 marks out of 30 marks where as he has 45 % marks in matriculation and further not counted his 15 years Navy service and awarded zero marks for this . That as per record which provided to the petitioner, petitioner came to know that the respondents has appointed only his kith and kin and

many irregularities have been done by the respondents while accepting the wrong selection procedure which is totally against the terms and condition of the advertisement and selected candidate i.e private respondent no. 3 also does not fulfill the qualification of the advertised post, he was not illegible for the said post . Petitioner surprised to see that record, that according to the policy/clarification of Indian Army private respondent no.3 is not having the rank of Havaldar which was the essential qualification of ex-service man in the advertisement , he was/ is ACP havaldar (retd) and having the status of the Sepoy rank.

**11.** That the impugned selection is totally illegal arbitrary malafide and against the principal of natural justice and same is liable to be quashed by the Hon,ble Court on the following grounds :-

**i)** That private respondent no. 3 was not illegible of the post in question, he is the ACP Havaldar and having the rank of Sepoy and he does not fulfill the requisite qualification for the advertised post. As per record of selection of the said post which provided by the respondentno.2 in RTI, petitioner surprised to see the record, that according to the policy/clarification of Indian Army, private respondent no.3 is not having the rank of Havaldar which was the essential qualification of ex-service man in the advertisement , he is ACP Havaldar (retd) and having the status of the Sepoy rank.It means according to policy ,when any person during

his 8 years service not got any timely promotion and his service completed of 8 years on the one rank than ACP is granted. Private respondent no.3 could not get any timely promotion i.e Havaldar and Nb Subedar during his service carrier in army, he got two financial up gradation, it means if he puts in 24 years service he will get pay of Nb Sub but will have status of Sepoy. In this regard a true internet copy of policy/clarification regarding ACP is attached herewith as **Annexure P-6.**

**ii)** That criteria adopted by the selection committee for preparing the merit list was totally highly improbable and against the principal of natural justice because the respondent no.2 have adopted the criteria to determine the merit of the candidate on the basis of his 10th examination and viva-voce and decided the merit of the candidate . However, it is most respectfully relevant to submit here that the petitioner has applied for the above said post on the basis 10th class and high qualification, respondent no.2 have to make the merits as per his percentage in academic qualification basis which shows that the grave manifest has been done with the petitioner by the respondents which cannot be fulfilled by any manner except setting aside this impugned selection. That the action of the respondents are totally arbitrarily because when the petitioner is highly meritorious. That there was a favoritism , as such, which was

resorted to by the selection committee and the power was misused by the selecting and there was malice in law and the petitioner is liable to be appointed.

**iii)** That the arbitrariness in awarding the marks of interview is apparent as would be clear from the Annexure P-5 how in spite of the academic marks obtained by the petitioner , he has been arbitrarily cut out by the Interview Committee.

It is pertinent to mention here that it is surprising that the petitioner is highly qualified among all the candidates but in all aspects,he has been granted lowest marks than other candidates.

**iv)** That the action of the respondents are totally arbitrarily because when the petitioner is highly meritorious person than the respondent no. 2 should fix the percentage that those candidates who have less percentage in 10th class would not considered but they adopted his own candidate it is highly unjustified to decide the merit of the petitioner on the basis of 10th class and viva-voce however, the minimum percentage in 10th examination should be fixed at the time of interview.

**v)** That due to this Wong criteria , the petitioner could not selected however, the other candidate i.e private respondent no. 3 who has very less percentage in 10th (45%) class has been wrongly selected giving maximum marks in the viva-voce (28/30) and petitioner who has 70.66% marks in the Matric class, very less marks awarded to him (8/30) . The selection record of the percentage of the selected candidate and the petitioner and others unselected candidates is

attached herewith as Annexure P-5 for kind perusal of this Hon,ble Court From the bare perusal of the selection record (P-5) it clearly shows that the most suitable and eligible candidate has not been selected and ineligible and less meritorious candidate has been selected because petitioner who had got higher marks in the academics had been granted paltry marks in the interview , to keep him out of the zone of selection.

**vi)** That the selection committee kept 40 marks for viva-voce which shows that respondent kept 40 marks in his hands so that the candidate of his interest can be selected by awarding high marks in the interview and the suitable candidate like petitioner could not be selected by awarding less marks as the selection committee has done which creates suspicious of the intention of the respondent no.2 because from the bare perusal of the selection record (P-5) clearly shows that the petitioner is more meritorious other than the selected candidate and he is only double graduate, hence the selection of respondent no.3 is liable to be quashed or the petitioner be given appointment to the said post.

It is further in this case allocation of marks for interview was in fact misused. It not only contravened the ratio laid down by Hon,ble Supreme Court case in Ashok Kumar Yadav and subsequent cases , but in the facts and circumstances of

the case , it is reasonable to drawn an interference of favoritism . The power in this case has been used by the appointing authority for unauthorized purpose, the same would amount to malice in law.

It is pertinent to mention here that petitioner retired from Indian Navy after completion of 15 years service w.e.f 30 Jan. 2002 to 31 Jan 2017 . His last rank is Petty Officer ( clearance diver first class) he remained active Diver and Diving Supervisor on board Naval worships . He has done Bomb Disposal Course. But respondents not counted his 15 years active service in deferent field and awarded 0 mark for this and his age was 34 years at the time of interview in this way, he is fully physically fit. Whereas, selected candidate i.e private respondent no.3 awarded 9 marks of his 24 years army service and not having any commendation certificate during his service and his age was 44 years at the time of interview and he is medically unfit from right leg.

**12.**That as per the ground explained in the above said paras which proves that many irregularities, arbitrariness, illegalities have been done by the respondents and totally a wrong method has been adopted by the respondent no.2 which is against principle of nature justice and not sustainable in the eye of law . Hence, liable to be quashed on the basis alone.

**13.**That in view of the submission made above , the action of the respondent no.2 is not selecting the suitable candidate and adopting a wholly wrong procedure and criteria is illegal, arbitrary, unjust, violation of Article 14 and 16 of Constitution of India, therefore, liable to be set-aside and the petitioner is fully eligible and entitled to be appointed on the post in question .

**14.** That the following material questions of law arise in this writ petition for determination by this Hon,ble Court:-

i) Whether the selected candidate fulfill the qualification for the post in question?

ii) Where the action of the respondent no.2 in not issuing the appointment letter to the petitioner is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India?

iii) Whether the criteria of selection is not against the principal of natural justice?

iv) Whether the petitioner is entitled for selection on the basis of higher merit?

v) Whether grave and manifests injustice has been caused to the petitioner?

**15.** That the petitioner has not filed any such or similar writ petition either in this Hon,ble Court or in the Hon,ble Supreme Court in the matter

**16.**That there is no other statutory remedy of appeal or revision is available with the petitioner except to approach this Hon,ble High Court under Articles 226/227 of the Constitution of India.

**17.** That it is, therefore, respectfully prayed that after perusal of the record of the case , this Hon,ble Court may be pleased to :-

i) for the issuance of a writ in the nature of Certiorari for quashing/setting aside the selection /appointment of private respondent no. 3 done by the respondents vide impugned selection/result dated 24.10.2017 for the one post of Asst. Security Officer vide Advertisement dated 11.5.2017 ( Annexure P-1) in general category of Ex-service man being illegal, arbitrary, malafide and contrary to advertisement as he is only Sepoy from Indian Army where as requirement of advertisement is Havaldar which is evident from Annexure P-5 .

ii) Further prayed that a writ in the nature of Mandamus be issued for directing the respondent no.2 select the petitioner as per his higher merit and higher percentage w.e.f. the joining of respondent no.3 with all consequential benefits , in the interest of equity ,justice and good conscience.

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: 8 .1.2018 **(SURESH AHLAWAT)**

**ADVOCATE**

**Counsel for the petitioner.**

*VERIFICATION*

Verified that the contents of Para No. 1 to 13 and 15 to 17 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 14 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:- 8.1.2018

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Manoj Kumar --------------------- Petitioner

Versus

Haryana State Federation of Co-Operative Sugar Mills Ltd.

and others ------------- -------Respondents

Affidavit of Manoj Kumar s/o Sh. Satbir Singh resident of Vill. Jhange-Khurd Tehsil and Distt. Jind.

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

*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

**LIST OF EVENTS**

**11.5.2017** That respondent no. 2 vide advertisement dated 11.5.2017 advertised one post of the Asst. Security Officer for Sugar Mill Jind in the news paper for ex-service man in the general category

That the essential qualification prescribed for the post of Asst. Security officer was as under:-

**E.Q.:- Ex-serviceman not below the rank of Havaldar with Matric from the recognized education Board . Knowledge of computer is necessary. Computer course up to “O” level will be preferred.**

That as the petitioner was fully eligible for the post in question as per the criteria given in advertisement; he applied for the said post being ex-service man from Indian Navy as a rank of Petty Officer ( Clearance Diver) which is equal to Army Havaldar

**24.10.2017** Interview was conducted for said post . Total 6 candidates participated in the selection process.

result was declared by the respondent no.2 same day i.e. 24.10.2017 in which petitioner shocked when he did not find his name in the final selection. Petitioner was assured about his selection because he is highly qualified and expert person in his job and he has 70.66 % marks in Matric class and having two graduation Degree and having many commendation/experience certificates in the field of advertised post whereas one Ravinder Kumar i.e. respondent no.3 was selected for the said post illegally who was only having 45% marks in matriculation. The said selection process was not conducted fairly.

* + 1. Petitioner sought information under the RTI Act to supply the complete information about the selection record of the said post.

24.11.2017 Respondent no.2 provided the information regarding the selection record of the said post.

That after inspected the record of selection supplied by the respondent under RTI , the petitioner is shocked to know how the respondents awarded very less marks in the interview i.e only 8 marks out of 30 marks to the petitioner , where as he has 70.66 % marks in matriculation and private respondent no.3 awarded maximum marks in the interview i.e 28 marks out of 30 marks where as he has 45 % marks in matriculation.

And selected candidate i.e private respondent no. 3 also does not fulfill the qualification of the advertised post, he was not illegible for the said post . Petitioner surprised to see the record, that according to the policy/clarification of Indian Army private respondent no.4 is not having the rank of Havaldar which was essential qualification of ex-service man in the advertisement, he was/ is ACP Havaldar (retd.) and having the status of the Sepoy rank.

**Hence this writ petition**

CHANDIGARH  **(SURESH AHLAWAT)**

**Dated : 8.1 .2018 ADVOCATE**

**Counsel for the petitioner.**

IN THE HIGH COURT OF PANJAB AND HARYANA AT CHANDIGARH

CWP No. OF 2018

Manoj Kumar -----------------Petitioner

Versus

Haryana State Federation of Co-Operative Sugar Mills Ltd.

and others -----------------Respondents

INDEX

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Sr. No. | Particulars | Date | Page | Court Fee | | 1 | List of Events | 8 .1.2018 | 1-3 |  | | 2 | Civil Writ Petition | 8.1.2018 | 4-18 | 50.00 | | 3 | Affidavit | 8.1.2018 | 19 |  | | 4 | Annexure P-1 Advertisement | 11.5.2017 | 20 |  | | 5 | Annexure P-2 Certificates (Colly) | ------- | 21-26 |  | | 6 | Annexure P-3 Legal Notice | 25-10.2017 | 27-28 |  | | 7 | Annexure P-4 Reply | 2.11.2017 | 29 |  | | 8 | Annexure P-5 Selection record with criteria (Colly) | 24.10.2017 | 30-32 |  | | 9 | Annexure P-6 ACP Policy | ---------- | 33-34 |  | | 10 | Power of Attorney |  | 35 | 3.00 | | 11 | Annexure P-5 Criteria | ----- | 36 |  | |

*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 : .8.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PANJAB AND HARYANA AT CHANDIGARH

CWP No. OF 2018

Manoj Kumar -----------------petitioner

Versus

Haryana State Federation of Co-Operative Sugar Mills Ltd.

and others -----------------Respondents

COURT FEE

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 1.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

**The Jind Co-op Sugar Mills ,Jind**

Office Comments:

It is submits that the date of interview for the post of Asst. Security Officer has been fixed for 24.10.2017.

If permitted for the interview of the above noted post for the selection of the candidate ,criteria will be prescribed

1. **Basic Qualification = 100 ( for example) Marks**

**( 90% -marks)**

**( 80% --marks)**

**( 70% --marks)**

1. **Length of Service = = 10 marks**

**( i.e. up to 15 years service = 0 marks**

**16 years service 1 marks etc.)**

1. **Personality = 10 marks**
2. **Interview = 30 marks**

**------------------------**

**Total 150**

**-------------------------**

**Sd-**

**ASO Dy. CAO MD**

**Sd-**

State Public Information Office

The Jind Co-op Sugar Mills Ltd.

Jinx

Particulars of Applicant

For adjustment/transfer

Name of the Applicant: - Sushil Kumari

( Computer Faculty/Teacher)

Present posted: - Govt. Sr. Sec. School – Bhuri ( School Code- 3715)

Block:- Morni Hills ( Panchkula)

To adjust: - Govt. Sr. School Sector-7 Panchkula (vacant post)

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor)through his father late Sh. Karishan Kumar --------------------- Petitioner

Versus

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr | Particulars | Date | Page | Court f |
| 1 | List of Events | 10 .1.2018 |  |  |
| 2 | Civil Writ petition | 10 .1.2018 |  | 50.00 |
| 3 | Affidavit | .1.2018 |  |  |
|  | ANNEXURES |  |  |  |
| 4 | P-1. Land Oustees Policy | 13.1.2014 |  | 5.85 |
| 5 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  | 0.65 |
| 6 | P-3 Certificatesof education ( colly) |  |  | 1.95 |
| 7 | P-4. Application with Bio –data(colly) |  |  | 1.95 |
| 8  9. | P-5 Affidavit (colly)  P-6 Legal Notice | 24.11.2017 |  | 1.30  3.90 |
| 10. | P-7 Impugned order | 12.12.2017 |  | 1.30 |
| 11 | Power of Attorny | 18.11.2017 |  | 3.00 |
| 12 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  |  |
| 13 | P-4. Application | 13.12.2017 |  |  |
| 14 | P-5 Affidavite (colly) | 7/17.11.2017 |  |  |

*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

Deepak(minor) through his father Sh. Karishan Kumar

Versus --------------------- Petitioner

Haryana Power Generation Corporation Ltd and another

--------------------Respondents

Affidavit of Karishan Kumar s/o late Sh. Hoshiyar Singh 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 situated 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. minimum two acre has been acquired shall be given employment in class III and IV in accordance with his qualification. But the family of applicant despite 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 coming 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. 1011/LAC dated 25.6.2007 Vill. Khanpur-Khurd Tehsil Matanhale Distt. Jhajjar.**

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

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

**115 Hoshiyar Singh-Umed Singh 65**

**ss/o Jia s/o Ram nath 13 1-4**

both equal share residents of the village. 2

14 8-

17 8-

Kitta-**3 17-4**

|  |
| --- |
|  |

**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 ------------Deeepak

Father/husband name ------ Sh.Krishan

Date of birth-------- 2.9.2000

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 | 2016 | CBSC | CGP | 8.8 CGP | 1st |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

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

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---- Deepak

Sir

It is certified that the land in the name of Hoshiyar Singh-Umed Singh ss/o Jia s/o RamNath resident of Khanpur Khurd Intkal no. 3036 khawat no. 115 area measuring 17 kanal 4 marla have been acquired in NTPC power plant Jharli. Report is submitted**. PATWARI**

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 Commissioner 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

Deepak(minor) through his father Sh. Karishan Kumar

--------------------- 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

Deepak(minor) through his father Sh. Karishan Kumar

--------------------- Petitioner

Versus

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.n | Particulars | Date | Page | Court |
| 1. | List of Events | 10.1.2018 | 1-3 |  |
| 2. | Civil Writ Petition | 10.1.2018 | 4-14 | 50.00 |
| 3. | Affidavit | 12.1.2018 | 15 |  |
|  | 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 Certificates’ (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 |  |
| 14 | P-5 Affidavits | 7.12.2017 | 44-45 |  |

*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

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor) 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. -------------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 discriminatory 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 Thermal 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 17 kanal 4 marla . So, yours family’s claim is not considered for providing the job .That after some time i.e. in the month of July-2014 father of the petitioner along with other members of land oustees again submitted an application for his son (Pradeep) 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 .

**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 (not total land aquired) 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 -2014 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

Deepak(minor) through his father Sh. Karishan Kumar ------------ Petitioner

Versus

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr | Particulars | Date | Page | Court fe |
| 1 | List of Events | 10 .1.2018 |  |  |
| 2 | Civil Writ petition | 10 .1.2018 |  | 50.00 |
| 3 | Affidavit | .1.2018 |  |  |
|  | ANNEXURES |  |  |  |
| 4 | P-1. Land Oustees Policy | 13.1.2014 |  | 5.85 |
| 5 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  | 0.65 |
| 6 | P-3 Certificates of education ( colly) |  |  | 1.95 |
| 7 | P-4. Application with Bio –data(colly) |  |  | 1.95 |
| 8  9. | P-5 Affidavit (colly)  P-6 Legal Notice | 24.11.2017 |  | 1.30  3.90 |
| 10. | P-7 Impugned order | 12.12.2017 |  | 1.30 |
| 11 | Power of Attorney | 18.11.2017 |  | 3.00 |
| 12 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  |  |
| 13 | P-4. Application | 13.12.2017 |  |  |
| 14 | P-5 Affidavit (colly) | 7/17.11.2017 |  |  |

*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

HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor) through his father Sh. Karishan Kumar

-------- Petitioner

Versus

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

Affidavit of Karishan Kumar s/o Late Sh.Hoshiyar Singh 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

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM no. OF 2018

IN

CRA No. 786-DB 0f 2017

In Re:

Ajit and Other ------------Appellants

VERSUS

State of Haryana ------------------- Respondent

First Application under Section 389 of Cr.P.C praying for suspension of sentence and grant of bail to the applicants /appellants during the pendency of Criminal appeal No. 786-DB of 2017 in this Hon,ble Court.

Respectfully Showeth:-

1. That applicants/appellants no.1 Ajit and no.2 Subodh @ Babloo sons of Sh. Raj Kumar have been filed present appeal against the judgment of conviction dated 18.7.2017 and order of sentence dated 21.7.2017 passed by the Ld. Additional Sessions Judge, Hisar.
2. That applicants/appellants have been convicted and sentenced by the Court of ld. Addl. Sessions Judge, Hisar on 18/21.7.2017 **as under:-**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | Offence  u/ss | imprisonment | Fine | In default of payment of fine |
| 1. | 148 IPC | Rigorous imprisonment for three years | Rs 1,000/- | Further undergo  Rigorous imprisonment for one month |
| 2 | 302/149 IPC | Imprisonment for life | Rs. 10,000/- | Further undergo  Rigorous imprisonment for two years |
| 3 | 328/149 IPC | Rigorous imprisonment for seven years | Rs. 5,000/- | Further undergo  Rigorous imprisonment for one years |
| 4 | 364/149IPC | Rigorous imprisonment for ten years | Rs. 10,000/- | Further undergo  Rigorous imprisonment for two years |
| 5 | 323/149IPC | Rigorous imprisonment for one years | Rs. 500/- | Further undergo  Rigorous imprisonment for one month |
| 6 | 325/149IPC | Rigorous imprisonment for four years | Rs. 5,000/- | Further undergo  Rigorous imprisonment for one month |

All the substantive sentences shall run concurrently.

1. That the grounds of appeal may kindly be read as a part of this application.
2. That the applicants/appellants have undergone 5 years 7 months . Applicants/ appellants are in continuously custody since from 24.6.2012 i.e from the date of their arrest after the registration of the FIR no.108 dated 22.5.2012 u/s 302/328/364/323/325/148/149 IPC P.S. Agroha District Hisar.
3. That the case of the applicants/appellants’ is fully covered by the judgment of this Humble Court in Dharam Pal versus State of Haryana , 1999 (4) RCR (Criminal) 600, therefore they craves kind indulgence of this Hon,ble Court for suspension of sentence and grant of bail during the pendency of the present appeal in this Humble Court.
4. That the appeal is not likely to be listed for hearing in the near future.
5. That the applicants/appellants have a good case of acquittal on merits.
6. That the applicants/appellants had not earlier applied for bail.
7. That now the applicants/appellants is applying for suspension of sentence and grant of bail as per the law laid down in case Dharam Pal versus state of Haryana , 1994(4) RCR ( Criminal) 600 , they are entitled for suspension of sentence and grant of bail during the pendency of present appeal.

It is ,therefore, respectfully prayed that the present application be allowed and the sentence imposed upon the applicants/appellants may kindly be suspended during the pendency of the appeal and they be ordered to be released on bail in the interest of justice.

Chandigarh SURESH AHLAWAT

Dated 5.2.2018 ADVOCATE

Counsel for the Applicants/appellants

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM no. OF 2018

IN

CRA No. 786-DB 0f 2017

(now confined in Distt. Jail Hisar)

Ajit and Other ------------Appellants

VERSUS

State of Haryana ------------------- Respondent

Memo of Parties

1. Ajit son of Raj Kumar (aged about 46 years)
2. Subodh@ Babloo son of Raj Kumar ( aged about 32 years)

both resident of Village Landhari, Police Station Agroha, Disttt. Hisar. ----------------- Appellants

VERSUS

State of Haryana -------------- Respondent

Chandigarh SURESH AHLAWAT

Dated 5.2.2018 ADVOCATE

Counsel for the Applicants/appellants

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM no. OF 2018

IN

CRA No. 786-DB 0f 2017

Ajit and Other ------------Appellants

VERSUS

State of Haryana ------------------- Respondent

INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| Sr. No. | Contents | Date | Pages |
| 1 | Application u/s 389 Cr.P.C. praying for suspension of sentence | 5. 2.2018 |  |
| 2. | Power of Attorney | All ready on record |  |

Chandigarh SURESH AHLAWAT

Dated 5.2.2018 ADVOCATE

Counsel for the Applicants/appellants

**BEFORE THE ADDITIONAL CHIEF SECRETARY COOPERATION DEPARTMENT, HARYANA AT CHANDIGARH.**

REVISION PETITION NO.\_\_\_\_\_\_\_OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind Housing Board Jind, through its Secretary. ------ ----------Petitioner

Versus

1. Ram Chander Kapur son of Shri Chaman Lal resident of 1470/13, Krishna Colony, Jind.
2. Deputy Registrar, Cooperative Societies, Rohtak.

Sonipat bus-stand, Rohtak.

1. Assistant Registrar, Cooperative Societies, Jind.

Mini Sectt., Jind.

1. Managing-Director, The Haryana State Co-op. Housing Federation Bays No. 49-52, Sector-2, Panchkula

------------------------Respondents

Revision petition under Section 115 of the Haryana Cooperative Societies Act 1984, for setting aside the impugned order dated 13.12.2017 (Annexure P-10) passed by the respondent no.2 wherein direction issued to the petitioner to return the original documents (Mortgage-Deed of the house) to the respondent no.1 (complainant).

RESPECTFULLY SHOWETH:

1. That Smt. Krishna Devi wife of Shri Devi Ditta Mal resident of 1470/13, Krishna Colony, Jind being a society member had taken the house loan of Rs.30,000/- in 1986 for the construction of her house measuring 75 Sq. Yds. from the Jind Goodwil Cooperative House Building Society and mortgage deed was executed between Krishna Devi and The Jind Goodwil House Building Society on 09.04.1987. Copy of the mortgage deed dated 09.04.1987 is annexed herewith as **Annexure P-1**.
2. That after some time the above mentioned The Jind Goodwill House Building Society has been amalgamated in The Jind Adarsh Co-op. House Building Society Ltd., on 31.3.2000 after due process of law.
3. That thereafter Krishna Devi continuously paid the installments of the house loan upto 08.07.1992, that is comes to Rs.16827/-. After that she has not paid any loan amount and without giving any information to the petitioner/Society in 1991-92 Smt. Krishana Devi has given the possession of the mortgage plot to the society to some stranger ladies namely Sumitra Devi and Maya Devi.
4. That after taking the possession from the Smt. Krishana Devi , Smt. Sumitra Devi and Maya Devi further have entered into an agreement to sale of the mortgaged house to the petitioner/society measuring 75 Sq. Yds. with the wife of complainant/ respondent no.1 Smt. Sita Kapur wife of Ram Chander Kapur on dated 09.1.1993 and sold the said mortgaged house to Smt. Sita Kapur the wife of the complainant/ respondent no.1 vide sale deed No.2542 dated 21.8.2007 without giving any information to the petitioner /society. The copy of the sale deed dated 21.8.2007 is attached as **Annexure P-2.**
5. That the society has issued notices to Smt. Krishna Devi at her above address i.e. 1470/13, Krishna Colony, Jind regarding non payment of loan amount continuously from dated 25.8.1993 to till 26.6.2015 but she has not given any response to the same. The above served notices will be produced at the time of arguments before this Hon’ble Court.
6. That thereafter Govt. of Haryana has issued OTS (One Time Settlement) Scheme vide policy dated 12.09.2007 and the petitioner/society tried to settle the matter with Smt. Krishna Devi and asked her to pay and settle the payment of loan amount vide notice dated 12.10.2007 and the said notice was pasted at the gate of her mortgaged house no. 1470 /13 Krishana Colony Jind. The copy of the OTS is attached herewith as **Annexure P-3**.
7. That thereafter when the Smt. Krishana Devi not paid any amount of house loan than petitioner/society has cleared itself the loan amount of her mortgaged house along with others all the 20 defaulter persons including the loan amount of Rs.38,920/- of Smt. Krishna Devi under the OTS (One Time Settlement) policy in March 2007 and paid the said amount of Rs.8,56,920/- vide draft No.300638 dated 29.3.2007 to The Haryana State Cooperative Housing Federation, Panchkula i.e respondent no.4 by the Society by deducting the 1% margin money from the recovered amount from the defaulters members. The letter dated 29.3.2007 along with the list of payment is attached herewith as **Annexure P-4.**
8. That after that the petitioner/society gave notice to clear the loan amount to Smt. Krishna Devi continuously up to 2015 because Rs.4,51,422/- was due as loan amount till dated 31.5.2015. But she has not given any response to that notices and not paid any amount of the house loan then petitioner/Society start the auction process as per the law of the mortgaged property/house . The petitioner /society issued the auction notice to Smt. Krishna Devi for the auction the mortgaged property on 10.12.2015 and one notice also affixed on the house(mortgaged) of Smt. Krishna Devi i.e. H.No.1470/13, Krishna Colony, Jind. The auction notice is attached herewith as **Annexure P-5.**
9. That thereafter the complainant-respondent no.1 Ram Chander Kapur filed an application/complaint before the Assistant Registrar Cooperative Societies, Jind for the cancellation of the auction proceedings dated 10.12.2015 of the mortgaged house in dispute and the Assistant Registrar called record of the house in dispute and summoned the petitioner /society. The petitioner/society has filed the reply to the application filed by the complainant-respondent no.1 for cancellation of the auction proceedings. The copy of the application/complainant dated 09.12.2015 submitted by the /respondent no. 1 and reply dated 05.02.2016 are attached herewith as **Annexure P-6 and P-7**.
10. That than Assistant Registrar-respondent no.3 has referred the case to Deputy Registrar, Cooperative Societies Rohtak i.e. respondent no.2 vide order dated 16.3.2016 which is attached herewith as **Annexure P-8** after perusal of the entire record and hearing both the parties. After that The Deputy Registrar, Cooperative Societies i.e respondent no. 2 summoned both the parties. The Society-petitioner also filed the reply before the Deputy Registrar Cooperative Societies Rohtak on 14.7.2016 **(Annexure P-9).** The Deputy Registrar Cooperative Societies-respondent no.2 has allowed the application (Annexure P-6) of the complainant-respondent no.1 by directing the petitioner/ Society to return the mortgage documents of the property in dispute to the complainant-respondent no.1. Copy of the impugned order dated 05.12.2017 is attached herewith as **Annexure P-10**.
11. That the impugned order Annexure P-10 is liable to be set aside on the following grounds:-
    1. That the respondent no.2 has decided the application of the complainant/respondent no.1 without perusing all the documents/records on the file.
    2. That it is submitted that the property mortgage by its member Smt. Krishna Devi was not released from the charge and until and unless the property is mortgaged, no member can alienate the whole or any part of the property as Section 53(d) and(e) of the Haryana Cooperative Societies Act 1984.
    3. That the respondent no.1/complainant has leveled false allegation without any merit and has no locus standy and has no concern in any manner with the property mortgaged with the petitioner/society. The petitioner/society has applied before the authority for recovery of loan amount by way of auction of mortgage property and the applicant/respondent no.1 wants to delay the proceedings with malafide intention.
    4. That the respondent no.1-complainant is not owner in possession of the mortgaged House No.1470/13 Krishana Colony, Jind. It is submitted that Krishana Devi wife of Devi Ditta Mal is the member of the society. The complainant-respondent no.1 is not the member of the society and he has no any locus standi to file any complaint or case against the society. The alleged disputed mortgaged property is not in name of the complainant-respondent no.1.
    5. That the petitioner/society itself has paid the entire balance loan amount of Rs.38,920/- of the mortgaged house in dispute to the Haryana State Co.op Housing Federation i.e respondent no.4 under the OTS Scheme in the year 2007. This fact and record of the mortgaged house was also not considered by the Deputy Registrar respondent no.2. Therefore the impugned order dated 05.12.2017 is liable to be set aside.
    6. That the complainant-respondent no.1 has not produced any document regarding the payment of balance loan amount under the OTS Scheme of 2007 before the Deputy Registrar Cooperative Society, Rohtak- respondent no.2. The respondent no.2 has not considered this very fact while passing the impugned order.
    7. That the petitioner/society has sent the notice dated 12.10.2007 regarding the settlement of the balance loan amount under the OTS Scheme to Smt. Krishna Devi. But the respondent no.2 i.e. Deputy Registrar Cooperative Society, Rohtak has not considered this fact while passing the impugned order. Thus the impugned order is liable to be set aside.
    8. That the act of the petitioner/society regarding the payment of balance loan amount of mortgaged property of Smt. Krishana Devi is as per law/procedure under the OTS Scheme followed by the society.
    9. That the complainant-respondent no.1 has harassing the petitioner/society by filing false and frivolous complaint and he has no locus standi to file any case against the society and he has not the member of the society. He has also in unauthorized possession of the mortgaged property in dispute.
12. That the petitioner has not filed any such or similar petition either in this Hon’ble Court nor in the Hon’ble High Court.

It is, therefore, respectfully prayed the present revision petition filed by the petitioner/Society may kindly be allowed and the impugned order dated 05.12.2017 (Annexure P-10) passed by Deputy Registrar Cooperative Societies, Rohtak (respondent no.2)may kindly be set aside in the interest of justice.

Note: Affidavit is attached herewith.

Chandigarh: (**SURESH AHLAWAT)**

Dated:05.02.2018 Advocate

**Counsel for the Petitioner**

**BEFORE THE ADDITIONAL CHIEF SECRETARY COOPERATION DEPARTMENT, HARYANA AT CHANDIGARH.**

**REVISION PETITION NO.\_\_\_\_\_\_\_OF 2018**

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. ------------- Petitioner

VERSUS

Ram Chander Kapur & others --------Respondents

Affidavit of Surender Sigh ,Secretary of The Jind

Adarsh Co-Op. House Building Society Ltd. Jind.

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

1. That the deponent well aware about the contents of the present petition and the contents of the petition are read over by the deponent.

2. That the contents of the petition are true and correct to the knowledge of the deponent.

3. That the deponent has not filed any such or similar revision petition either in the this Hon’ble Court or in the Hon’ble High Court.

Chandigarh:

Dated:05.02.2018

Verification:

Verified that the contents of my above affidavit are true and correct to the best of my knowledge and nothing has been concealed therein.

Chandigarh:

**BEFORE THE ADDITIONAL CHIEF SECRETARY, COOPERATION DEPARTMENT HARYANA AT CHANDIGARH.**

REVISION PETITION NO.\_\_\_\_\_\_\_OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------Petitioner

Versus

Ram Chander Kapur & others --------------Respondents

INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| **S.No**. | **Particulars** | **Date** | **Page** |
| A | Application for stay | 05.02.2018 | 01-02 |
| B | Affidavit | .2.02.2018 | 03-04 |
| 1. | Revision Petition | 05.02.2018 | 05-13 |
| 2. | Affidavit | 05.02.2018 | 14 |
| 3. | Annexure P-1  (mortgage deed) | 09.04.1987 | 15-21 |
| 4. | Annexure P-2  (Sale Deed) | 21.08.2007 | 22-25 |
| 5. | Annexure P-3  (OTS Scheme) | -- | 26-27 |
| 6. | Annexure P-4  (Letter of clear loan) | 29.3.2007 | 28-30 |
| 7. | Annexure P-5  (Auction notice) | -- | 31 |
| 8. | Annexure P-6  (Application) | 09.12.2015 | 32-34 |
| 9. | Annexure P-7  (Reply) | 05.02.2016 | 35-37 |
| 10. | Annexure P-8  ( Order of A.R. Jind) | 16.3.2016 | 38-39 |
| 11. | Annexure P-9  Reply to the DR | 14.7.2016 | 40-42 |
| 12 | Annexure P-10  Impugned Order | 13.12.2017 | 43-49 |
| 13 | Power of Attorney |  | 50 |

Chandigarh: (**SURESH AHLAWAT)**

Dated:05.02.2018 Advocate

Counsel for the petitioner

**BEFORE THE ADDITIONAL CHIEF SECRETARY COOPERATION DEPARTMENT, HARYANA AT CHANDIGARH.**

REVISION PETITION NO.\_\_\_\_\_\_\_OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. --------------Petitioner

Ram Chander Kapur and others

-----------Respondents

Affidavit of Surender, Secretary The Jind Adarsh Co-OP House Building Society, the above named deponent do hereby solemnly affirm and declare as under:-

1. That the present revision petition is being filed in this Hon’ble Court and on the basis of ground taken therein, the applicant is confident of the same being allowed. The grounds of revision petition may be read as a part of the present application.

2. That the applicant has prima facie a good case. Balance of convenience is also in favour of the applicant.

3. That in case the operation of the order of Deputy Registrar, Co-Op Societies is not stayed during the pendency of the revision petition , the complainant shall get the order executed and later on in the event of success of the revision petition, the applicant shall suffer irreparable harm in that eventuality.

Place:-

Dated:

Verification:-

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

Place:-

Date:-

**BEFORE THE ADDITIONAL CHIEF SECRETARY COOPERATION DEPARTMENT, HARYANA AT CHANDIGARH.**

REVISION PETITION NO.\_\_\_\_\_\_\_OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------------Petitioner

VERSUS

Ram Chander Kapur and others --------------Respodents

Application for stay

1. That the present revision petition is being filed in this Hon’ble Court and on the basis of ground taken therein, the applicant is confident of the same being allowed. The grounds of revision petition may be read as a part of the present application.

2. That the applicant has prima facie a good case. Balance of convenience is also in favour of the applicant.

3. That in case the operation of the order of Deputy Registrar, Co-Op Societies is not stayed during the pendency of the revision petition , the complainant shall get the order executed and later on in the event of success of the revision petition, the applicant shall suffer irreparable harm in that eventuality.

It, therefore, respectfully prayed that during the pendency of the present revision petition, operation of the impugned order dated 13.12.2017 of the Deputy Registrar Rohtak may kindly be stayed.

SURESH AHLAWAT

ADVOCATE

Counsel for the Petitioner

**BEFORE THE ADDITIONAL CHIEF SECRETARY, COOPERATION DEPARTMENT HARYANA AT CHANDIGARH.**

**C.M. of 2018 IN**

REVISION PETITION NO. 13 OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------Petitioner

Versus

Ram Chander Kapur & others --------------Respondents

Application under order 9 Rule 9 r/w Section 151 of CPC for restoration of the aforementioned revision petition, which was dismissed in default vide order dated 3.7.2018.

**RESPCETFULLY SHOWETH:-**

1. That the aforesaid revision petition was filed by the petitioner and came up for hearing on 3.7.2018 (Notice of Motion).
2. That the case was fixed for 3.7.2018 for first appearance of the respondents .But the counsel for the to the petitioner was not able to appear before this Hon’ble Court ,as he was on the way and when the counsel reached ,court time was over when the counsel for the petitioner enquired about the case then counsel came to know that the above mentioned case was already ordered to be dismissed in default due to non- appearance of the counsel.
3. That vide order dated 3.7.2018 the revision petition was dismissed in default and as such the applicant prays that the case may be kindly be restored to its original number in the interest of justice.
4. That the non-appearance was not deliberate and was unintentional.
5. That the petitioner will suffer an irreparable loss and injury if the revision petition in not heard on merits.

It is, therefore respectfully prayed that the order dated 3.7.2018 passed by the Hon’ble Court may kindly be set-aside and the petition may kindly be restored as its original number, heard and decide on merits in the interest of justice.

Place:- Chandigarh SURESH AHLAWAT

Dated :- 6.7.2018 Advocate

Counsel for the Petitioner

**BEFORE THE ADDITIONAL CHIEF SECRETARY, COOPERATION DEPARTMENT HARYANA AT CHANDIGARH.**

**C.M. of 2018 IN**

REVISION PETITION NO. 13 OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------Petitioner

Versus

Ram Chander Kapur & others --------------Respondents

Affidavit of Suresh Ahlawat Advocate Punjab and Haryana High Court Chandigarh.

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

That the contents of the petition are true and correct to the knowledge of the deponent and nothing has been concealed therein.

Chandigarh:

Dated: 6.7.2018

Verification:

Verified that the contents of my above affidavit are true and correct to the best of my knowledge and nothing has been concealed therein.

Chandigarh:

Dated :- 6.7.2018

**BEFORE THE ADDITIONAL CHIEF SECRETARY, COOPERATION DEPARTMENT HARYANA AT CHANDIGARH.**

**C.M. of 2020 IN**

**REVISION PETITION NO. 13 OF 2018**

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------Petitioner

Versus

Ram Chander Kapur & others --------------Respondents

INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| SR.NO. | Particulars | Date | Page |
| 1. | Application u/O 9 R. 9 r/w Section 151 CPC for restoration of revision petition | 6.2.2020 | 1-2 |
| 2 | Affidavit | 6.2.2020 | 3 |
| 3 | Power of Attorney already on record |  |  |

**Place:- Chandigarh SURESH AHLAWAT**

**Dated:- 6.2.2020 Advocate**

**Counsel for the applicant/ Petitioner**

To

The Director,

Secondary Education, Haryana

Shiksha Sadan, Panchkula.Subject:-

**Request for Adjustment /transfer as Computer faculty .**

R/Sir

It is submitted that I am working as Computer Faculty in Govt.Sr.Sec.School Bhuri, Block Morni Hills Distt. Panchkula. It is submitted that I am facing some medical problems as suffering from Cervical and pain in legs due to travelling in hilly area and it is further stated that my son (Aditya) is also suffering from PSYCHATIC ILLNESS AND EPILEPSY.

I, therefore, request your kind honour to adjust me in **Govt. Sr. Sec. School** **Sector-7 Panchkula** against vacant post . So that, I can perform my duties aptly and properly . Hoping for favorable action on my application.

Thanking you.

Yours faithfully

Encls. Supporting Medical documents/ Sushil Kumari

Vacancy position **Computer teacher/faculty**

**Govt.Sr.Sec.School - Bhuri ( 3715 ) block-Morni** Distt. Panchkula # 706/11 Panchkula

**BEFORE THE ADDITIONAL CHIEF SECRETARY COOPERATION DEPARTMENT, HARYANA AT CHANDIGARH.**

REVISION PETITION NO.\_\_\_\_\_\_\_OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------------Petitioner

VERSUS

Ram Chander Kapur and others --------------Respondents

Court Fee

Chandigarh: (**SURESH AHLAWAT)**

Dated:05.02.2018 Advocate

Counsel for the petitioner

To

Tehsildar Sahib

Matanhail.

Subject:- For providing the information regarding land acquired in NTPC Jharli.

Sir

It is submitted that Dhanpati widow, Azad Singh,Balwant and Guddi are permanent residents of village Mohanbari Tehsil Matanhail Distt. Jhajjar. That our land has been acquired in NTPC Jharli. That verification of our khewat no.72 and 73 and total killa no. be made. Because we want employment to our grandson/son/nephew Yogesh s/o Azad Singh in NTPC Jharli according to the policy of Haryana Govt. It is submitted verification of our land be made . obliged.

Sd-

Giddi Bharpai Azad Singh Balwant Singh

Sir

Land belong to Bharpai widow and Azad Singh –Balwant sons and Guddi d/o Sh. Ram Chander son of Juglal resident of Mohanbari intkal no.761 khewat no 72 rakba measuring 159 - 5 of 1/3 share and khewat no.73 rakba measuring 24-0 of 1/3 **total 61 kanal 1 marla** has been acquired by Arawali Power Plant Jharli. Report is submitted .

Sd-

Dated: 16.2.2018 **Patwari**

No 681 Dated 16.2.2018

The original is forwarded to SDO(C) Jhajjar and requested that the report of patwari is explained , land belong to Bharpai widow and Azad Singh –Balwant sons and Guddi d/o Sh. Ram Chander son of Juglal resident of Mohanbari intkal no.761 khewat no 72 area measuring 159 - 5 of 1/3 share and 53-1 and khewat no.73 area measuring 24-0 of 1/3 and 8-0 **total 61 kanal 1 marla** have been acquired by NTPC Jharli. Report is submitted for further n/a.

Sd-

**Tehsildar**

**Matanhele**

IN THE HIGH COURT OF PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2018

IN CWP No 11913 of 2017

Yogesh (minor) through his father Sh. Azad Singh

----------Petitioner

VERSUS

Haryana Power Generation Corporation and other

----------Respondents

Application under section 151 of C.P.C. for exemption from filing the certified copies and placing on record as Annexure P-11,P-12 and P-13 for proper adjudication of the above said case.

1. That the above said writ petition is fixed for 15.3.2018 for hearing before this Hon,ble High Court.
2. That the petitioner wants to place on record above said documents i.e Annexure P-11,P-12 and Annexure P-13 ,which is necessary for the proper adjudication of the above said case.

It is, therefore, respectfully prayed that the present application may kindly be allowed and the petitioner be permitted to exemption from filing the certified copies and placing on record the above said documents i.e Annexure P-11 P-12 and Annexure P-13 which is necessary for proper adjudication of the above said case.

Place SURSH AHLAWAT

Dated:- ADVOCATE

Counsel for the petitioner

IN THE HIGH COURT OF PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2018

IN CWP No 11913 of 2017

Yogesh (minor) through his father Sh. Azad Singh

----------Petitioner

VERSUS

Haryana Power Generation Corporation and other

----------Respondents

Affidavit

I, Suresh Ahlawat ,Advocate Punjab nad Haryana High Court Chandigarh.

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

1. That the above said writ petition is fixed for 15.3.2018 for hearing before this Hon,ble High Court.
2. That the petitioner wants to place on record above said documents i.e Annexure P-11,P-12 and Annexure P-13 ,which is necessary for the proper adjudication of the above said case.

Place :- Deponent

Dated :-

Verification:

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

Chandigarh           Deponent

Dated 3.2018

**Affidavit**

**I ,Balwant** son of Sh. Ram Chander resident of Mohanbari Tehsil- Matanhail Distt. Jhajjar do hereby solemnly states on oath as under:-

1. That I am the permanent resident of the above said address.
2. That our family agriculture land about 61 kanals in khewat no.72-73 of village Mohanbari has been acquired in the Indira Gandhi Super Thermal Power Plant . In the acquired land, I have ¼ share i.e. 15 kanals -5 marlas.
3. That as per the policy of the Haryana Govt. , the land more than two acre has come in the thermal power plant ,one person of that family be given the employment.
4. That I am applying for employment to my nephew- Yogesh son of Sh. Azad Singh in thermal power plant, resident of Mohanbari Tehsil- Matanhail Distt. Jhajjar.
5. That I and my family member have no objection in giving the employment to the above said boy and I have also no objection.
6. That if my nephew Yogesh son of Sh. Azad Singh be given employment, than we have no objection.
7. That the case which has been filled by Yogesh in the Hon,ble High Court , the same has been filled with my consent.
8. That I had also applied for the employment, with the understanding that on acquisition of seven acre of land of our family, employment can be given two persons . That now I have no objection if an employment is to be given to my nephew Yogesh and I will not claim/case for this, in future also.
9. That I have given the above statement with my own wish without any influence or pressure.

**Sd-** Balwant Singh

Verification:- Verified that the contents mentioned in the above paras are true and correct.

**Sd-** Balwant Singh

Sd-

Numberdar **Attested and Identified**

**Executive Magistrate**

**Matanhail ( Jhajjar)**

**Affidavit**

I, Bharpai wife of Ram Chander resident of Mohanbari Tehsil Matanhail Distt. Jhajjar do hereby solomany affirm on oath as under:-

1. That I am permanent resident of above said address after my marriage.
2. That my land which is situated in village Mohanbari Distt. Jhajjar , its khewat no. is 72 and 73 , the land of 15 kanals 5 marlas which has been acquired in the NTPC Jharli.
3. That as per policy of Haryana Govt. , the land of farmers has come in thermal , then one member of his family is to be given employment.
4. That I nominated to my grandson Yogesh son of Azad Singh for employment .
5. That I do not nominate /recommend for employment in may family members except Yogesh son of Azad Singh.

**Deponet**

**Verification:**- Verified that above said facts true and correct.

**Deponent**

Sd:-

**Attested as Identified**

**Executive Magistrate**

**Matanhail ( Jhajjar)**

**3.2.2018**

IN THE HIGH COURT OF PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2018

IN CWP No 11913 of 2017

Yogesh (minor) through his father Sh. Azad Singh

----------Petitioner

VERSUS

Haryana Power Generation Corporation and other

----------Respondents

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Particulars | Date | Page | Fee |
| 1. | Application founder section 151 C.P.C. for placing on record | 26.2.2018 | 1 |  |
| 2. | Affidavit in support | .2.2018 | 2 |  |
| 3. | **ANNEXURE**  P-11 Affidavit | 3.2.2018 | 3 |  |
| 4 | P-12 Affidavit | 7.2.2018 | 4-4A |  |
| 5. | P-13 Application | 16.2.2018 | 5-6 |  |
| 6 | **VERNACULAR**  P-11 Affidavit | 3.2.2018 | 7 |  |
| 7. | P-12 Affidavit | 7.2.2018 | 8 |  |
| 8. | P-13 Application | 16.2.2018 | 9-10 |  |

**Note:-** Power of Attorney already on record

**Place :- Chandigarh SURESH AHLAWAT**

**DATED:- 26.2.2018 ADVOCATE**

**Counsel for the Petitioner**

IN THE HIGH COURT OF PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor) through his father Sh. Krishan Kumar -------------------- Petitioner

Versus

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

Court fee

Place :- Chandigarh SURESH AHLAWAT

DATED:- 5.3.2018 ADVOCATE

Counsel for the Petitioner

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor)aged about 17 years s/o Sh.Karishan Kumar (aged about 45 years) s/o Late Sh. Hoshiyar Singh through his father and natural guardian Sh. Karishan Kumar residentofVill.Khanpur-Khurd,Tehsil-Matanhale,Distt.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: 5.3.2018 Advocate

Counsel for the Petitioner

CIVIL WRIT PETITION under Articles 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-8)**and order dated6.2.2018 **(Annexure P-9)** passed by the Respondent no.2 being contrary and discriminatory to the policy and facts.

AND further writ in the nature of Mandamus be issued, directing the respondents to issue assurance/appointment letter to the petitioner for the post, according to 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.

It is pertinent to mention here that one earlier policy dated 5.7.2007 issued by Govt. of Haryana, Power Department regarding to provide the employment in lieu of land acquired in Thermal Power Plant Kheder (Hissar) was adopted in that policy. A copy of special policy dated 13.1.2014 and earlier policy dated 5.7.2007 are being attached herewith as **ANNEXURE P-1.** (Colly)

As such 17 kanal 4 marla (i.e.more than 2 acres) agriculture land ( ancestral) of the family of the petitioner in the name of his father Late Sh. Hoshiyar Singh (since deceased) and his real uncle late Sh. Umed Singh (since deceased)sons of Jia Ram 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. Then father of the petitioner also submitted an application for the employment. But revenue authority did not accept his application and raised the objection that your father’s share in acquired land is less than two acres i.e 8 kanal 6 marla (1/2) out of 17 kanal 4 marla. So, yours family’s claim is not considered for providing the job. It is pertinent to mention here that when the father of the petitioner submitted his application for providing the job, then his father Late Sh. Hoshiyar Singh and his aunt Bimla devi wd./Late Sh. Umed Singh, whose name land had been acquired, submitted his/her affidavit dated 6.6.2014 and nominated his candidature for employment in lieu of land acquired that no other family member from joint family shall apply for job. True translated Copies of said affidavits are annexed here with as **Annexure P-3 (Colly)**

**4.** That after some time i.e. in the month of July-2014 father of the petitioner along with other members of land oustees again submitted an application for his son (Deepak) in the office of the Deputy Commissioner Jhajjar who was/is the chairman of land oustees committee after taking consent of other members.

**5.** 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/assurance letter by the petitioner had 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.

**6.** That some similar situated persons who have applied along with petitioner in the month of July 2014 have been given the employment by the respondents in the month July- 2017 which is admitted by the respondents in the para no. 11 of the impugned order (Annexure P-8) but in the case of the petitioner nothing has been done. In month of November /Decmber-2017 respondents had decided to give a final opportunity to remaining eligible land oustees who could not get the employment, which is evident from the reply dated 17.11.2017 of the legal notice of the one similar situated person from **Annexure P-4**. After granting the last opportunity to the remaining land oustees, when the other similar situated persons were submitting the application for employment then petitioner also in the month of November and December -2017 again submitted the applications along with requisite documents in the office of the Deputy Commissioner, Jhajjar. One of the application which was indorsed by the Naib Tehsildar , Matanhail who certified that 17 kanal 4 marla of the two brothers i.e Hoshiyar Singh and Umed Singh sons of Jiya had been acquired for the NTPC power plant . The true translated one of the copy of application along with bio-data of the petitioner and affidavit of the family members of the petitioner submitted by the Ashok brother of petitioner’s father and other affidavits dated 17.11.2017 of other family members (i.e Ajit and Surjit sons of Late Sh. Umed Singh) that no other family member shall have any objection if employment is given to Deepak from joint family, are annexed herewith as **Annexure P-5 (colly)**  and at present, age of the petitioner is of about 17 years and he had passed metric class and more than 2 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 .

**7.** **That** at present petitioner is minor, his age is about 17-1/2 years his date of birth is 20.4.2000 and he is studying in 10+2 class. A certificate of matriculation dated 28 May,2016 is attached herewith as **Annexure P-**6 .Whereas, according to Civil Service Rule applicable in Haryana, age of entry in Government service is 18 years but under the policy (Annexure P-1) its Para no.30 (Clause-iii) , it is clearly mentioned that such applicants would be given assurance letters who are under 18 years of age but they will be provided employment after attaining the age of 18 years but till date ,petitioner have got no assurance letter from the respondents whereas , other applicants whose land has been acquired, and who are less than 18 years of age ,have been issued assurance letter by the respondents.

**8.** That 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.

**9.** That petitioner’s grandfather Sh Jiya Ram had died leaving behind his two sons i.e Hoshiyar Singh and Umed Singh, further after death of Hoshiyar Singh in the month Sep.2014, he left his three LR,s i.e two sons i)Krishan (father of the petitioner) ii) Ashok and one daughter iii) Suresh Devi, and after the death of Umed Singh , he left his two LR,s i.e. Ajit Singh and Surjit Singh and total land acquired of petitioner’s joint family for the thermal power plant 17 kanal 4 marlas i.e. more than 2 acres instead of 8 kanal 6 marla which is acquired individually share in name of the member of the petitioner’s family i.e Hoshiyar Singh and Umed Singh . 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 as it 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.

**10.** That petitioner’s family is one and land measuring about 2 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 .

**11.** 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-7,*** *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 , Karishan kumar s/o Sh.Hoshiyar Singh 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 12.12.2017 is attached herewith as* ***Annexure P-8.***

**12.** That the impugned order dated 12.12.2017 **Annexure P-8** is illegal, discriminatory, 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.

**ii)** That in the month of December -2017 some similar situated members of land oustees family whose claim was not considered for employment earlier, respondents had given a last opportunity to remaining eligible land oustess (Annexure P-4) and directed them to contact Deputy Commissioner Jhajjar and submit the application form for employment then petitioner in the month of November/December 2017 submitted the application to the D.C. Jhajjar but respondents again rejected the claim of the petitioner vide order dated 6.2.2018 in same terms which is already rejected through Annexure P-8. A copy of the impugned order dated 6.2.2018 is attached herewith as **Annexure P-9.**

**iii)** 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 2 acre.

**iv)** That in the month of November-2017 when some similar situated persons were applying for the job then petitioner also submitted the application in the office of Deputy Commissioner Jhajjar Now respondent’s stand that policy has been freezed which is discrimination to the petitioner .

**V)** That respondents are continuously discriminated to the petitioner because in the month of November-2017 some similar situated land oustees who approached the respondents to provide the employment then respondents had given last opportunity (Annexure P-4) to those land oustees and directed them to 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 .

**Vi)** That the Notification dated 5th July-2007 ( P-1 (colly) issued by the State Govt. which is adopted in the policy of Thermal Plant Jharli (Jhajar) directing respondents to take the following steps regarding to provide the employment in lieu of land acquired which is mentioned in Para no.(i) of that Notification. One of the step is reproduced below:-

**The first stage** will be to make a list of families whose land had been acquired. Family would mean as it stood on the date, the land was acquired and not further subdivisions and subsequent families created on the basis of partition. This will mean that a member of family as existing on the date of acquisition will be given a job on the basis of qualification and eligibility.

In this way, petitioner’s case covered above mentioned para of that policy (Ann.P-1) because when the Notification u/s 4 of the Land Acquisition Act was issued for setting up thermal plant than family of the petitioner was stood on the date, the land was acquired.

Further this Hon,ble Court in CWP 6505 of 2013 decided on 26.11.2015 settled same controversy and held “ It indicates that the focus of the scheme is Family and not the individual members thereof . Accordingly, the total land of the family that has been acquired is to form the basis of the eligibility for employment and not the land acquired of each individual member thereof. It has been provided that only one member of the family will be provided employment even if the land belonging to the family that has been acquired is in excess of 2 Acre. The scheme does not contemplate that if more than two acres of land of more than one member of a family is acquired , each one of them will be given employment…….” And Hon,ble High Court further held:-

“ Thus the ground of denying the benefit of the Scheme to the petitioner on the ground that only 6 kanal 11 marla of his land has been acquired, which is less than 2 acres cannot be sustained.” A copy of order dated 26.11.2015 passed by this Hon,ble Court is attached herewith as **Annexure P-10.** Where as, in the case of the petitioner, total land measuring 17 kanal 4 marlas i.e. more then two acres was acquired of the family of the petitioner instead of 8 kanal 6 marla which is acquired individually share of the members of petitioner’s family. Therefore, the impugned order is liable to be set-aside on this score also.

**13.** 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?

**14.**  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.

**15.** 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-8)**and order dated 6.2.2018 **(Annexure P-9)** 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 assurance/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;

Petitioner

CHANDIGARH Through:

DATED: 5.3.**2018 (SURESH AHLAWAT)**

**ADVOCATE**

**Counsel for the petitioner.** *VERIFICATION*

Verified that the contents of Para No. 1 to 12 and 14 to 15 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 13 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 there from.

CHANDIGARH Petitioner

DATED:- 5.3.2018

**IN THE HIGH COURT FOR THE PANJAB AND HARYANAT CHANDIGARH**

**C.W.P. No. of 2018**

**Deepak (minor) through his father Sh. Krishan Kumar ----------------- Petitioner**

**Versus**

**Haryana Power Generation Corporation Ltd and others ------------------Respondents**

**INDEX**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Sr** | **Particulars** | **Date** | **Page** | **Court f** |
| 1 | List of Events | 5 .3.2018 | 1-3 |  |
| 2 | Civil Writ petition | 5 .3.2018 | 4-18 | 50.00 |
| 3 | Affidavit | .3.2018 | 19 |  |
|  | **ANNEXURES** |  |  |  |
| 4 | **P-1.** Land Oustees Policy(Colly) | 13.1.2014/  5.7.2007 | 20-32 | 8.45 |
| 5 | **P-2.** Notice u/s 9 of LAC | 25.6.2007 | 33 | 0.65 |
| 6 | **P-3** Affidavit ( colly) | 06.06.2014 | 34-35 | 1.30 |
| 7 | **P-4.** Reply of legal Notice | 17.11.2017 | 36 | 0.65 |
| 8 | **P-5** Application with Affidavits (colly) | -------- | 37-43 | 4.55 |
| 9 | **P-6** 10Th class certificate | 28.5.2016 | 44 | 0.65 |
| 10. | **P-7**  Legal Notice | 24.11.2017 | 45-49 | 3.25 |
| 11 | **P-8** Impugned Order | 12.12.2017 | 50-51 | 1.30 |
| 12 | **P-9** Impugned order | 06.02.2018 | 52 | 65 |
| 13 | **P-10** order of High Court | 26.11.2015 | 53-60 | 5.20 |
| 14 | Power of Attorney  **VERNACULARS** |  | 61 | 2.75 |
| 15 | P-2 Notice u/s 9 of LAC | 25.6.2007 | 62 |  |
| 16 | P-3 Affidavits ( colly) | 06.06.2014 | 63-64 |  |
| 17 | P-5 Application with Affidavits (colly) | ------ | 65-67 |  |
|  |  |  |  |  |

*NOTES:- Rs.*

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*.**CWP no.912 of 2018 titled as Pradeep Ghalawat v/s HPGCL and others NOM has been issued for 2.8.2018** wherein, following interim order dated 18.1.2018 passed by the Hon,ble Court:-

Present: Suresh Ahlawat, Advocate for petitioner

Notice of Motion

Mr. Siddharth Sanwaria, DAG Haryana, present in court, accepts notice on behalf of the respondents, copies furnished

Ld. State counsel prays for a short accommodation to examine the matter and respond. Adjourned to 8.3.2018

**18.1**.**2018 (Arun Palli)**

**Judge**  CHANDIGARH ( SURESH AHLAWAT )

5.3.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor) through his father Sh. Krishan Kumar -------------------- Petitioner

Versus

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

Affidavit of Krishan Kumar s/o Sh.Hoshiyar Singh resident of Vill. Khanpur-Khurd, Tehsil Matanhail 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 . 3.2018

*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 :- 3.2018

Affidavit

I, Ashok Kumar s/o Sh.Hoshiyar Singh resident of Khanpur-Khurd Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

* 1. That my share in the land which has been acquired in village Khanpur Khurd Tehsil Matanhail Distt. for Jhjjar NTPC Jharli , there is provision in the policy of Haryana Government to provide the employment to one member of the family, whose land has been acquired in the thermal plant. We nominate to Deepak son of Sh.Krishan Kumar for employment to our family. In future, if any member of my family apply/case/ claim for employment than I will be responsible.

Deponent

Verification: verified that above stated facts true and correct nothing has been concealed therein.

Deponent

**Affidavit**

I, Ajit Singh son of Umed Singh resident of Khanpur-Khurd Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

1. That my share in the land which has been acquired in village Khanpur Khurd Tehsil Matanhail Distt. for Jhjjar NTPC Jharli , there is provision in the policy of Haryana Government to provide the employment to one member of the family, whose land has been acquired in the thermal plant. We nominate to Deepak son of Sh.Krishan Kumar for employment to our family. In future, if any member of my family apply/case/ claim for employment than I will be responsible.

Deponent

Verification: verified that above stated facts true and correct nothing has been concealed therein.

Deponent

**Affidavit**

I, Sujit Singh son of Umed Singh resident of Khanpur-Khud Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

1. That my share in the land which has been acquired in village Khanpur Khurd Tehsil Matanhail Distt. Jhjjar for NTPC Jharli , there is provision in the policy of Haryana Government to provide the employment to one member of the family, whose land has been acquired in the thermal plant. We nominate Deepak son of Sh.Krishan Kumar for employment from our family. In future, if any member of my family apply/case/ claim for employment than I will be responsible.

Deponent

Verification: verified that above stated facts true and correct nothing has been concealed therin.

Deponent

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 17 kanal 4 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. minimum two acre has been acquired shall be given employment in class III and IV in accordance with his qualification. But the family of applicant despite 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 coming in D.C. office and there is no objection to any of my family members 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

Deepak s/o Sh. Krishan Kumar

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

DA:- Relevant documents attached herewith.

**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. Gadget 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. 1011/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**

**115 Hoshiyar Singh-Umed Singh 65**

**sons of Jiya son of Ram Nath 13 1-4**

equal share residents of the village. 2

14 8-0

17 8-0

-----------------------------

Kitta-3 **17-4**

|  |
| --- |
|  |

**Distt. Revenue Officer**

**Collector, Jhajar**

**Application Form Bio-Data**

To

Indira Gandhi Super Thermal Power Project, 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 ------------Deepak

Father/husband name ------ Sh.Krishan

Date of birth-------- 2.9.2000

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 | 2016 | CBSC | CGP | 8.8 CGP | 1st |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

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---- Krishan Kumar

Sir

It is certified that the land in the name of Hoshiyar Singh-Umed Singh sons of Jiya son of Ram Nath resident of Khanpur Khurd Intkal no. 3036 khawat no. 115 area measuring **17 kanal 4 marla** have been acquired in NTPC power plant Jharli.

Sd**- Sd- (Patwari)**

**Sr. No. 428 Dated 11.12.2017**

The original is forwarded to SDO(C) Jhajjar and requested that the report of patwari is explained , land belong to Hoshiyar Singh-Umed Singh son of Jiya Ram son of Ram Nath resident of village Khanpur Khurd intkal no.3036 khewat no 115 total **area measuring 17 kanals - 4 marlas** have been acquired by NTPC Jharli. Report is submitted for further n/a.

Sd-

**Tehsildar**

**Matanhail**

Application Form Bio-Data

To provide the employment in lieu of land acquired in the indra Gandhi Super Thermal power plant Jharli ( Jhajjar)

Applicant Name :- Deepak Kumar

Father’s Name:- Krishan Kumar

Mother’s Name :- Suman

Date of Birth:- 2.9.2000

Education Qualification:-

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sr. No. | Class | Year of Passing | Marks obtained | Total marks | Percentage |
| 1 | 10th | 2016 | CGP | 8.8 | 10 CGP |
| 2 | 12th | Appearance |  |  |  |

Applicant Address

VPO Khanpur-Khurd, Distt. Jhajjar, Haryana

**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 17 kanal 4 marla (more than 2 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 acres. Than father of the petitioner also submitted an application for the employment . But revenue authority did not accept his application and raised the objection that your share in acquired land is less than two acres i.e 8 kanal 6 marla (1/2) out of 17 kanal 4 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 Commissioner Jhajjar for providing the job .

That petitioner being fully eligible applied for the employment in the thermal power plant .

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 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 17 kanal 4 marla of the two 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 to the respondents.*

**12.12.2017** *Ultimately respondents rejected the claim of the petitioner vide order dated 12.12.2017(Annexure P-8) stated that” Therefore, you are hereby requested to withdraw legal notice as the name of your client , Sh. Krishan Kumar s/o Sh. Hoshiyar Singh was not mentioned in the list forwarded by D.C., Jhajjar on 2.8.2013 and this list* stands freezed now.

Petitioner again submitted his application in the month of December for providing the job but respondents on 6.2.2018 again rejected his claim for employment ( Annexure P-9)

**Hence, this writ petition.**

Chandigarh SURESH AHLAWAT

Dated: 5. 3.2018 Advocate

Counsel for the Petitioner

**Affidavit**

I, Chhoti Devi wife of Sh. Gopi Chand resident of Khanpur-Khud Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

1.That I am permanent resident of above mentioned address.

2. That my share in the land which has been acquired in village Khanpur Khurd Tehsil Matanhail Distt. Jhjjar for NTPC Jharli , there is provision in the policy of Haryana Government to provide the employment to one member of the family, whose land has been acquired in the thermal plant. I nominate my grandson Karamvir s/o Sh. Naseeb for employment . There is no objection to any member of my family to provide the employment to Karmvir.

Deponent

Verification: verified that above stated facts true and correct nothing has been concealed therin.

Deponent

Attested as Identified

Notary Public

Jhajjar

25.1.2018

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No. 20812 of 2015

1. Dr. Nirmal Boora d/o late Sh. Pyare Lal A/Professor, Govt. College , Hissar. Resident of H.No. 1062 Sector-16, Hissar.(aged 52 years)
2. Anita Singh d/o Sh. A.P. Suhag A/Professor, Govt. College , Rajiv Gandhi Govt. College, Saha Distt. Ambala resident of H.N. 504, GH-33 ,Sector-20 Panchkula.( .(aged 42 years)
3. Jai Narayan s/o Sh. Pritam Singh A/Professor Govt. College Sector-1 Panchkula. Resident of H.No.239 , Sector-7A Chandigarh. .(aged 52 years)
4. Dr. Ram Kumar s/o Sh. Surat Singh A/Professor Govt. College for Girls, Sector-14 Panchkula, Resident of H.No.986 Sector 13, Kurukshetra. .(aged 48 years)
5. Smt. Shailja Chhabra d/o Sh. R.P. Sethi A/Professor Govt. College , Sector-1 Panchkula. Resident of H.No. 1437, Sector-4 Panchkula. .(aged 44 years)

**VERSUS**

1. Smt. Jayoti Arora I.A.S. Additional Chief Secretary-cum-Financial Commissioner to Govt. of Haryana, Higher Education Department , Haryana Civil Secretariat, Sector -17 Chandigarh.

1. Sh. Vijay Singh Dahiya I.A.S. Director-General ,Department of Higher Education Haryana, Siksha –Sadan Sector-5, Panchkula.

Chandigarh SURESH AHLAWAT

DATED 15.5.2018 ADVOCATE

COUNSEL FOR THE PETITIONERS

Contempt Petition under Section 12 of the Contempt of Court Act-1971 for initiating contempt proceedings against the respondents for non-compliance and non-implementing the order dated 25.7.2017 passed in CWP no. 20812 of 2015 titled as Vimla Kumari and Others Versus State of Haryana and others by this Hon,ble Court willfully and deliberately.

RESPECTFULLY SHOWETH:

1. That the petitioners being aggrieved from non-compliance of order dated 15.7.2017 on part of respondents intentionally and deliberately is entitled to invoke inherent jurisdiction of this Hon,ble Court by filing present petition under section 12 of the Contempt of Courts Act,1971.
2. That the petitioners had filled a civil writ petition no. 20812 of 2015 titled as Vimla Kumari and others versus State of Haryana and others before this Hon,ble Court. The petitioners have filed the writ petition seeking following relief :-

CIVIL WRIT PETITION Under Article 226 of the Contitution of India for issuance of writ in the nature of Certiorari to quash the impugned order dated 12.12.2014 Annexure P-6 AND

Further Writ in nature of Mandamus directing to the respondents to grant the benefit of order/letter dated 16.4.2012 Annexure P-2 to the petitioners and thereby grant them one additional increment on 1.1.2006 in the pre-revised pay scale as one time measure and grant them all consequential benefits along with interest @ 12% P.A.

1. That the above noted writ petition came up for final hearing on 25.7.2017 and the Hon,ble Mr. Justice Anmol Rattan allowed that writ petition . Copy of the order dated 25.7.2017 passed by this Hon,ble Court is annexed herewith as **Annexure P-1.**
2. That the petitioners immediately sent a copy of the order passed by the this Hon,ble Court along with docket by the Registrar of this Hon,ble High Court. Moreover, the petitioners also had supplied a certified copy of the order dated 25.7.2017 to the office of the respondents on dated 10.8.2017 and requested to take immediate compliance of the order.
3. That despite supplying the copy of the order , the respondents did not take any action for grant the financial benefit to the petitioners, in compliance of the order passed by the Hon,ble High Court. Therefore, the counsel of the petitioners gave a contempt notice to the respondents dated 15.11.2017 through currier to respondents requesting therein that petitioners are entitled to grant the financial benefit within three months of the order dated 25.7.2017. Therefore immediate compliance be done. The copy of the contempt notice is attached herewith as **Annexure P-2.** It is pertinent to mention here that counsel of the petitioners have also attached a copy of the order dated 25.7.2017 along with their contempt notice dated 15.11.2017.
4. That despite repeated requests and frequent visits, grievance of the petitioners has not yet been redressed. Even they are not listened by the respondents and respondents are not caring about order passed the Hon,ble Court.
5. That more than ten months have expired from the date of passing of order dated 25.7.2017 by this Hon,ble High Court , but the respondents did not pay any heed and are not implementing the order for its compliance. The act and conduct of the respondents shows clear cut willful and deliberate disobedience of the order dated 25.7.2017 passed by this Hon,ble High Court.
6. That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court.

It is, therefore, respectfully prayed that present contempt petition may kindly be allowed, contempt proceeding against the respondents for non-compliance and non-implementing the order dated 25.7.2017 passed in CWP no. 20812 of 2015 by this Hon,ble Court willfully and deliberately may kindly be initiated under the provision of the Contempt of Courts Act, 1971, in the interest of justice.

Any other relief to which this Hon’ble Court deems fit and proper in the peculiar facts and circumstances of the present case may also be granted in favour of the petitioners.

It is further prayed that the petitioners may kindly be exempted from certified/true typed copy of annexure P-1, in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : 15..5.2018 ADVOCATE

COUNSEL FOR THE PETITIONERs

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No. 20812 of 2015

Dr. Nirmal Boora -----------Petitioners

                                      Versus

Smt. Jayoti Arora and another   ------------Respondents

Total Amount of Court Fee Affixed.

SURESH AHLAWAT

Chandigarh Advocate

Dated: 15.5.2018                   Counsel for the Petitioners

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No. 20812 of 2015

Dr. Nirmal Boora and others -----------Petitioners

                                      Versus

Smt. Jayoti Arora and Another    ------------Respondents

Affidavit of Dr. Nirmal Boora d/o late Sh. Pyare Lal A/ Professor presently posted at Govt. college ,Hisar.

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

1. That the contents of paras of the petition are true and correct to my knowledge . No part therein is false and nothing material has been kept concealed therein.
2. That no such or similar petition has been filed by the deponent either in this Hon’ble Court or before the Hon’ble Supreme Court of India.

CHANDIGARH

DATED:- .5.2018 DEPONENT

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

CHANDIGARH

DATED .5.2018 DEPONENT

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No. 20812 of 2015

Dr. Nirmal Boora and Others -----------Petitioners

                                      Versus

Smt. Jayoti Arora and Another   ------------Respondents

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | Particulars | date | Pages | Court fee |
| 1. | Contempt Petition under Section 12 of the Contempt of Court Act,1971 | 15.5.2018 | 1-5 |  |
| 2 | Affidavit | .5.2018 | 6 |  |
| 3 | Annexure P-1(Order of High Court) | 25.7.2017 | 7-14 |  |
| 4. | Annexure P-2 ( Contempt Notice) | 15.11.2017 | 15-16 |  |
| 5 | Power of Attorney |  | 17 |  |

CHANDIGARH SURESH AHLAWAT

ADVOCATE

DATED:  15.5.2018        COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2019

Birjesh s/o Baljeet Singh resident of Village Jharli, District- Jhajjar ( aged 25 years) presently working as Peon (Field) 132 K.V. S/Station Matanhale under the Office of 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. XEN /TS , Division HVPNL ,Rohtak.

4. Deputy Commissioner, Jhajjar

…………….. Respondents

Place:- Chandigarh SURESH AHLAWAT

Dated :- 5.8.2018 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 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 land oustees policy decision (Annexure P-1) 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 226/227 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). It is pertinent to mention hare that the policy ( Annexure P-1) dated 7.10.2007/13.1.2014 of the Jharli power plant Jhajjar and one of the policy /CM announcement dated 19.5.2007(true relevant extract typed copy) of the Thermal Power Project ,Khedar-Hissar is also adopted in that policy. A copy of policy obtained through R.T.I. Act is attached with as **Annexure P-1(colly).**
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 form 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 wanted to know the status of his application form then, official of respondent no. 4 i.e Deputy Commissioner told him that yours application form has been sent to the head office of the HPGCL at Panchkula, till than he has been passed 10+2 class (Non-Medical) examination (April-2014) and respondents no. 4 i.e. Deputy Commissioner, Jhajjar forwarded all the application form of other similar situated persons for govt. job of the land oustees family to the office of HPGCL 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 for employment , petitioner further was studying continuously 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 2014 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 17.7.2017 in the office of Deputy Commissioner ,Jhajjar i.e respondent no.4 and requested to official that he has passed the BA examination and till date no appointment letter was received to him, now I am fulfilling the requisite education qualification for the post of LDC instead of peon which provided in polcy (Annexure P-1). Relavent para of that policy is reproduced **below kind perusal of this Hon’ble High Court**

**“The applicants who are graduate with less than 60% marks ,would be adjusted against the post of LDC in relaxation of qualification . The applicants who are illiterate /under middle / under matric .would be adjusted the peon in relaxation of qualification”** But just after two months i.e on 29.8.2017 after passing the graduation/BA class respondent no.1 offered the post of Peon (Field) instead of LDC post without considering his genuine request,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 true translated copy of the application dated 17.7.2017 request for LDC post and appointment order dated 29.8.2017 for the post of peon of the petitioner is annexed herewith as **Annexure P-2 & 3** respectively.

It is submitted that In the policy of Khedar power plant (true relevant extract typed copy attached herewith As Annexure P-1 (colly) )which adopted in adopted in Khedar Power palnt **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 his 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 .

**7. 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)**

**8. 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 requests and running to pillar to post but the respondents did not consider the genuine claim of the petitioner on one pretext or the other since August-2017.

**9. That** the petitioner also served a legal notice upon the respondents through his counsel on dated 10.2.2018, 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**

**10. That** in some similar situated cases, office of the Haryana power General Corporation offered the post of peon instead of LDC to similar situated persons of the land oustees, where as they were having the educational qualification of graduate (B.A.) and after joining the post of peon they raised the objections before the higher authority that they are entitled for the post of LDC instead of peon according to their educational qualification i.e BA. but no action has been taken than some similar situated persons approached this Hon’ble High Court. Then Hon’ble Court decide their representations and directed to the respondents to re-consider the claim of the petitioners according their educational qualification. In this way, office of the Haryana Power Generation Corporation considered the genuine claim of the petitioners and lastly offered the post of LDC instead of peon according to their educational qualification. Some of the orders passed by this Hon’ble Court and its compliance orders by the official repodents are attached herewith as **Annexure P-6(colly)**

**11 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 . 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.

**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 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 except CWP no 17222 of 2018 and CWP 19565 of 2108 which was withdrawn on 17.7.2018 with the permission of Hon’ble Court .following order has been passed by the Hon’ble Court:-

“The present petition is dismissed as withdrawn with liberty to file a fresh on the same cause of action with full and complete particulars/disclosure of documents which were produced at the time of hearing but have not been placed on record**.”**

**(RAJIV NARAIN RAINA)**

**17.7.2018 Judge**

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.

iv) Filing of true typed of annexures s and certified copy of annexures be also dispensed with;

CHANDIGARH Through: PETITIONER

DATED: 5.8.2018 (SURESH AHLAWAT)

ADVOCATE

Counsel for the petitioner.

*VERIFICATION*

Verified that the contents of Para No. 1 to 11 and 13 and 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:- 5.8.2018

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2018

Birjesh …………..…Petitioner

Versus

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

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 5.8.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO. OF 2018

Birjesh …………..…Petitioner

VERSUS

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *S.N.* | *Particulars* | *Date* | *Page* | *Court Fee.* |
| *1* | *List* | *5.8.2018* | *1-4* |  |
| *2* | *Writ Petition* | *5.8.2018* | *5-15* | *50.00* |
| *3* | *Affidavit* | *.8.2018* | *16* |  |
| *4* | *Annexure P-1 Policy(colly)* | *7.10.2007/13.1.2014 and 19.7.2007* | *17-27* | *7.15* |
| *5* | *Annexure P-2 Copy of Applicatio* | *17.7.2017* | *28* | *00.65* |
| *6* | *Annexure P-3 Appointment Lette* | *29.8.2017* | *29-32* | *2.60* |
| *7* | *Annexure P-4 Certificates(colly)* | *-------* | *33-36* | *2.60* |
| *8.* | *Annexure P-5 Legal Notice* | *10.2.2018* | *37-43* | *4.55* |
| *9.* | *Annexure P-6 Orders/letters* | *------* | *44-53* | *6.50* |
| *10.* | ***Power of attorney*** | *3.2.2018* | *54* | *2.75* |
| *11* | *Annexure P-1(colly*  *Policy* | *19.7.2007* | *55-59* |  |
| *12* | *Annexure P-2 Vernacular Application* | *17.7.2017* | *60* |  |
| *13* | *Annexure P-3 Appontment Letter* | *29.8.2017* | *61-62* |  |
| *14* | *AnnexureP-6 one of appontment letter (full copy)* | *3.9.2015* | *63-64* |  |

*Total Court Fee Rs. 76.80*

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:-Land Oustees

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

4. *Similar Case, if any CWP no. 17222 of 2018*

CHANDIGARH (SURESH AHLAWAT)

DATED : 5.8.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2018

Birjesh …………. Petitioner

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.

CHANDIGARH

DATED . 8.2018

*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 8.2018

**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 more than two acre 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 .

**That** after submitting the application form 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 17.7.2017 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.

**10.2.2018** That the petitioner also served a legal notice upon the respondents through his counsel on 10.2.2018.

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 :5.8.2018 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 :- 10.2.2018**

**TO**

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

2. Deputy Commissioner, Jhajjar

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

Under the instructions from and on behalf of Birjesh s/o Baljeet Singh resident of Village Jharli, District- Jhajjar, presently working as Peon (Field) 132 K.V. S/Station Matanhale under the Office of XEN/TS,Division,HVPNL,Rohtak(Haryana) (hereinafter 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 more than 2 acre land of my client was acquired,
2. 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 my client also submitted his application for government job in the office of the Deputy Commissioner Jhajjar 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.
3. That after waiting some time, my client was wanted to know the status of his application form than, official of Deputy Commissioner, Jhajjar told him that yours application form is misplaced and told him to submit again. Than, in the month of Sep.-2014 my client again submitted his application for govt. employment in the office of the Deputy Commissioner,Jhajjar till than he has passed 10+2 class (Non-Medical) examination (April-2014) and 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.
4. 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. It is further decided that age and qualification can be relaxed after approval from the State Govt. for providing employment.

**5 That** after submitting the application form again in the month of Sep.2014, my client further was studying continuously and also waiting for job and in between many similar situated applicants of the land oustees family who applied for job along with my client have got the appointment letter of govt. job in Bijali Nigam/Corporation according to their education qualification but my client 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 your offices regarding govt. job then after passing the B.A. class, my client submitted his application dated 17.7.2017 in the office Deputy Commissioner Jhajjar and requested to the official that he has passed the BA examination and till date no appointment letter was received to him, 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, your office offered the post of Peon (Field) instead of LDC post whereas, my client has passed his BA examination in the month of June -2017. Ultimately my client 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.

It is pertinent to mention hare that in the policy 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, my client submitted his claim to the office of the Deputy Commissioner Jhajjar who has forwarded their application to the head office at Panchkula. In this way, case/claim of my client for the post of LDC instead of peon fully covered from that policy according to his education qualification i.e BA class .

**6. That** my client passed Matriculation exam.(10th class) in the Month of Oct. 2011 and 10+2 (Non-Medical) in the month of April -2014.Than my client 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.

**7. That** my client after joining and even before joining the said post i.e. peon represented to your offices that he was discriminated in providing the job of peon instead of L.D.C. but no action has been taken till date. My client made repeated requests and running to pillar to post but the your offices did not consider the genuine claim of the my client on one pretext or the other since August-2017.

**8. That** more than 70 persons of land oustees of the my client’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. Whereas , my client passed the B.A. with 61% marks in June-2017 .But still your office provided him job of peon i.e. IV class, which is the clear cut discrimination to the my client. some of persons of the land oustees family from my client’s village, who were provided the job of L.D.C. by the your offices after relaxation their qualification because these persons possesses the qualification of B.A. less than 60% marks , whereas, my client 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 my client 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.

**9 That** In this way, my client has been discriminated by offering appointment to the post of peon without any fault on his part , whereas, my client 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 .

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.

You are , therefore , requested through this Notice that appoint **TWO MONTH**  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. Yours faithfully

SURESH AHLAWAT

ADVOCATE

To

The Deputy Commissioner –cum- Chairman

(Land Oustees Committee ) Jhajjar.

Subject:- For considering my qualification i.e BA for the post of LDC.

R/SIR

It is submitted that in 2007 more than two acre land of our family was acquired by the Haryana Govt. for setting up Thermal Power Plant Jharli . In 2013-14, I submitted an application form for govt. job according to land oustees policy in the office of Deputy Commissioner Jhajjar . At that time ,my qualification was 10th passed and the same time, fourth class employment i.e peon was provided according to Matric AND 10+2 qualification. But after passing 4-5 years ,the appointment letter was not issued to me for the post of peon . It was not my fault and similar situated applicants were granted govt. job to the post of peon and clerks according to their qualification i.e matric and B.A . During this period, I have passed BA examination in June-2017 then I am entitled for the post of clerk (LDC) instead of peon . But appointment letter not issued to me by the govt. up till now.

It is further humbly prayed that I may be appointed on the post of LDC after considering my education qualification i.e. BA because now I fulfill the qualification of LDC post.

Applicant

Birjesh s/o sh. Baljeet Singh

Resident of Vill. Jharli Tehsil Mattanhail

Jhajjar.

DA Dated 17.7.2017

**HARYANA POWER GENERATION CORPORATION LTD.**

Regd. Office C-7 Urja Bhawan Sector-6 Panchkula

HPGCL Ph.No. 0172-5023404

From

Chief Engineer / Admn.

C-7, Urja Bhawan, Sector-6

HPGCL, Panchkula.

To

**Mr. Paramjeet s/o Sh. Ved Parkash,**

V.P.O. Mohanbari, Distt. Jhajjar, (Har.)

Memo.No. Ch. 59.HPGCL/ENG/G-47/Vol.**II Dt.3.9.2015**

**Subject:- Offer of appointment for the post of Lower Divisional Clerk (Field)**

With reference to your request dated 18.3.2014 **regarding change of post of peon (Field) already given to you in liew of land acquired for setting up 3x500MW, IGSTPP, Jhajjar to LDC (Field) has been considered by the state Govt. and approved the** same Accordingly , you are hereby appointed on the post of LDC (Field) in the Pay Band of Rs. 5200-20200(PB) with Grade Pay of Rs. 2400/- PM along with allowances as may be granted by Corporation from time to time as per service /rules/ regulations subject to relaxation in fulfillment of prescribed qualification and other condition ( wherever applicable.)

1. This appointment to the post of LDC (F) is subject to the following conditions that :-

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Please acknowledge the receipt of this letter

This issues with the approval of Chief Engineer/Admn. HPGCL,Panchkula.

Under Secretary.Estt.(NG)

For Chief Engineer/ Admn.

HPGCL, Panchkula.

Endst.No.1973 Ch. 59 /HPGCL/ENG/G-47/Vol-III. **Dated 3.9.2015**

**xxxxxxxxxxxxxxxxx**

**Subject:- Implementation of CM’ Announcement (CodeNo.2179) dated 19.7.2007 Provision of employment to one member each of the families whose land has been acquired for thermal power plant ,Khedar(Hissar)**

The land for the establishment of Rajiv Ghandhi Thermal Power Plant Project ,Khedar was transferred to the Haryana power generation Corporation Limited by Haryana Vidyut Prasaran Nigam in the year 2009 on the payment of the prevalent collectors rate @Rs. 8 lakh per acre on July 2009 . much higher than the cost of acquisition . The land had originally been acquired in the year 1998 by HVPNL.

2. The Prime Minister laid the foundation stone of 2X600 MW . Thermal owner Project at Khedar (Hisar) on 19.5. 2007 . On this occasion CM made the following announcement:-

“Employment would be provided two one member of each of the families of village Khedar (Hisar) IN THE Thermal power Plant whose land has been acquired for the thermal power plant Khedar on the basis of the qualification and eligibility criteria.:

Xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

14 As desired by the Government , a camp was organized at RGTPP Khedar (Hissar) on 13.7.2011 at RGTTP ,Khedar Hisar to get certain formalities completed from the applicants whose applications were found incomplete and also impress upon 4 No.s applicants who have not submitted their claim , if they so desire , Sh. Shamsher Singh ,Sarpanch of the Vill. Khedar who was present during the camp made a request (F/J) that **an opportunity may be given to the applicants who have improved their qualification after submission of their applications in the year 2007-2008. The matter was considered 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 ,the applicants submitted their claim to the Chief Engineer /RGTPP Hisar who has forwarded their applications to this** office vide memo no.Ch.85/86 both dated 18.7.2011 . It is also added here that the remaining 4 no.s applicants have also submitted their applications for employment.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Orders of Hon,,ble CM are solicited . Ex post –facto approval of the Cabinet will be obtained.

The appointment letters are proposed to be given at a function at CM residence, Chandigarh on 26.7.2011 at 12 Noon.

M.Prasad

FC. Power

20.7.2011

CPS(power)

Power Minister

Chief Minister

Superintendent

HPGCL. Panchkula

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor)through his father late Sh. Karishan Kumar --------------------- Petitioner

Versus

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr | Particulars | Date | Page | Court f |
| 1 | List of Events | 10 .1.2018 |  |  |
| 2 | Civil Writ petition | 10 .1.2018 |  | 50.00 |
| 3 | Affidavit | .1.2018 |  |  |
|  | ANNEXURES |  |  |  |
| 4 | P-1. Land Oustees Policy | 13.1.2014 |  | 5.85 |
| 5 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  | 0.65 |
| 6 | P-3 Certificatesof education ( colly) |  |  | 1.95 |
| 7 | P-4. Application with Bio –data(colly) |  |  | 1.95 |
| 8  9. | P-5 Affidavit (colly)  P-6 Legal Notice | 24.11.2017 |  | 1.30  3.90 |
| 10. | P-7 Impugned order | 12.12.2017 |  | 1.30 |
| 11 | Power of Attorny | 18.11.2017 |  | 3.00 |
| 12 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  |  |
| 13 | P-4. Application | 13.12.2017 |  |  |
| 14 | P-5 Affidavite (colly) | 7/17.11.2017 |  |  |

*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

Deepak(minor) through his father Sh. Karishan Kumar

Versus --------------------- Petitioner

Haryana Power Generation Corporation Ltd and another

--------------------Respondents

Affidavit of Karishan Kumar s/o late Sh. Hoshiyar Singh 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 situated 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. minimum two acre has been acquired shall be given employment in class III and IV in accordance with his qualification. But the family of applicant despite 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 coming 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 Dated 17.7.2017

**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. 1011/LAC dated 25.6.2007 Vill. Khanpur-Khurd Tehsil Matanhale Distt. Jhajjar.**

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

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

**115 Hoshiyar Singh-Umed Singh 65**

**ss/o Jia s/o Ram nath 13 1-4**

both equal share residents of the village. 2

14 8-

17 8-

Kitta-**3 17-4**

|  |
| --- |
|  |

**Distt. Revenue Officer**

**cum- Land Acquisition Collector, Jhajar**

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. -------------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 6.2.2018 **(Annexure P-7)** passed by the Respondent no.2 being contrary and discriminatory 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.

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 Thermal Power Plant Kheder (Hissar) was also adopted in that policy. A copy of special policy dated 13.1.2014 and earlier policy dated 5.7.2007 are being attached herewith as ANNEXURE P-1. (Colly).

As such 18 kanal 12 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 (18K-13M) issued to the family of the petitioner is being attached herewith as **Annexure P-2**

**Application Form Bio-Data**

To

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

Respected Sir,

Respectfully it is submitted that from……….

I show came to know that some posts of………..

Any various defected your and control .I offer my services for one of them one of them as regard by academic qualification and other particulers the same as under:-

Name -----------KARAMVIR

Father name --- NASHIB SINGH

Date of birth-------- 15.7.1990

Permanent Address Vill . Khanpur-Khurd

Tehsil—Matanhail Distt. Jhajjar

Education Qualification

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Exam.Passed | Year of Passing | Board/Uni. | Marks obtained | %age of marks | Division/class |
| 8th | 2004 | HSEB | 270 | 45% | III rd |
| 10 th | 2007 | HSEB | 307 | 51% | Ist |
| 12th | 2009 | HSEB | 336 | 67% | 1st |

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

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

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

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

Dated -------- Signature---- Karamvir

Sir

It is certified that the land in the name of Smt. Choti widow of Gopi Chand resident of Khanpur Khurd Intkal no. 3036 khawat no. 124 area measuring 67 kanal 7 marla have been acquired in NTPC power plant Jharli. Report is submitted**. PATWARI**

Sd- Sd- (Patwari)

Tehsildar, Matanhail 2 5.1.2018

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 Commissioner 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

Deepak(minor) through his father Sh. Karishan Kumar

--------------------- 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

Deepak(minor) through his father Sh. Karishan Kumar

--------------------- Petitioner

Versus

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.n | Particulars | Date | Page | Court |
| 1. | List of Events | 10.1.2018 | 1-3 |  |
| 2. | Civil Writ Petition | 10.1.2018 | 4-14 | 50.00 |
| 3. | Affidavit | 12.1.2018 | 15 |  |
|  | 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 Certificates’ (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 |  |
| 14 | P-5 Affidavits | 7.12.2017 | 44-45 |  |

*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

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Karamvir aged 28 years s/o Naseeb Singh s/o Late Sh. Gopi Chand 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.

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 letter dated 6.2.2018 **(Annexure P-7)** passed by the Respondent no.2 whereby claim of the petitioner for govt.job/appointment under special oustees policy of thermal power plant, Jharli (Jhajjar) Annexure P-1 has been rejected on the hyper technical ground that the name of the petitioner was in the list supplied /recommending by the Deputy Commissioner, Jhajjar over and above of the list of 2013

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 as more than two acre land of the petitioner’s family has been acquired but none has been given the govt. job/appointment in his family.

*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.

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 Thermal Power Plant Kheder (Hissar) was also adopted in that policy. A copy of special policy/CM Announcement dated 13.1.2014 and earlier policy dated 5.7.2007 are being attached herewith as ANNEXURE P-1. (Colly).

As such 18 kanal 13 marla (i.e. more than 2 acres) agriculture land (ancestral) of the family of the petitioner (i.e petitioner and his grandmother Smt. Chhoti wd./o late Sh. Gopi Chand) has been acquired in the thermal plant . It is pertinent to mention here that father of the petitioner Late Sh. Naseeb Singh and grandfather Late Sh. Gopi Chand have already died.

**3.** That the scheme framed by the respondents that the land measuring two acre of individual should be acquired is violation of the of the policy , where in, it has been held that land measuring two acre should be acquired of a family for job and not of individual.

4. 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 and verifying the application form from the month July-2013 for the employment of the eligible candidates of the family of the land oustees whose land was acquired more than 2 acre. Than petitioner also submitted an application committee after taking consent of other members of his family members in the office of the Deputy Commissioner Jhajjar (who was/is the chairman and SDM was /is the member of the land oustees) for the employment after verifying from the revenue authority .That after some time i.e. in the month of July-2014 father of the petitioner along with other members of land oustees again submitted an application for his son (Pradeep) 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 .

**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 (not total land aquired) 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 -2014 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

Deepak(minor) through his father Sh. Karishan Kumar ------------ Petitioner

Versus

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr | Particulars | Date | Page | Court fe |
| 1 | List of Events | 10 .1.2018 |  |  |
| 2 | Civil Writ petition | 10 .1.2018 |  | 50.00 |
| 3 | Affidavit | .1.2018 |  |  |
|  | ANNEXURES |  |  |  |
| 4 | P-1. Land Oustees Policy | 13.1.2014 |  | 5.85 |
| 5 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  | 0.65 |
| 6 | P-3 Certificates of education ( colly) |  |  | 1.95 |
| 7 | P-4. Application with Bio –data(colly) |  |  | 1.95 |
| 8  9. | P-5 Affidavit (colly)  P-6 Legal Notice | 24.11.2017 |  | 1.30  3.90 |
| 10. | P-7 Impugned order | 12.12.2017 |  | 1.30 |
| 11 | Power of Attorney | 18.11.2017 |  | 3.00 |
| 12 | P-2. Notice u/s 9 of LAC | 25.6.2007 |  |  |
| 13 | P-4. Application | 13.12.2017 |  |  |
| 14 | P-5 Affidavit (colly) | 7/17.11.2017 |  |  |

*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

HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor) through his father Sh. Karishan Kumar

-------- Petitioner

Versus

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

Affidavit of Karishan Kumar s/o Late Sh.Hoshiyar Singh 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

**HARYANA POWER GENERATION CORPORATION LTD.**

Regd. Office C-7 Urja Bhawan Sector-6 Panchkula

From

Managing Director,

HPGCL, Panchkula.

To

**Karmabir s/o Sh. Nasib Singh**

V.P.O. Khanpur -Khurd, Distt. Jhajjar, (Har.)

Memo.No. Ch. 75.HPGL/ Rett. **118/Vol III/57 Dt. 6.2.2018**

Subject:- **Offer of employment to one member each of land oustees family whose land has been acquired in thermal power plant Jharli (Jhajjar)**

Reference :- Your application dated 1.8.2017 (received in this office on dated 9.8.2017)

In this regard , it is intimated that your application for employment received in this office vide DC/Jhajjar ‘s office Memo no. 475/ASR dated 2.6.2014 was considered and after scrutiny it was found that your name was not included in the list of 293 land oustees , IGSTPP, jhajjar supplied by DC/Jhajjar.

Therefore, your application was returned back in original to the office of the DC, Jhajjar vide this office memo noCh-24/HPGCL/Rectt. -33 /V-II dated 18.6.2015.

The same has been intimated to your letter dated 9.8.2017 but you have again requested for providing employment vide letter dated 1.8.2017 with same grounds as stated as in earlier requests.

However, such type of representations were put up before the competent authority and it has been decided to reject the applications of those who are over and above the list of 293 land oustees initially supplied by DC jhajjar vide letter dated 2.8.2013 which stands freezed.

This issues with the approval of ACS (Power) , Haryana.

**Chief Engineer/ Admn.**

**For Managing Director HPGCL, Panchkula.**

CC 1. OCD to Managing Director/HPGCL

1. SPS to Director/Technical, HPGCL.Panchkula
2. SPS to Director/Generation HPGCL.Panchkula
3. Superintendent o/o DC Jhajjar for kind information of DC Jhajjar

**Affidavit**

I, Chhoti Devi wife of Sh. Gopi Chand resident of Khanpur-Khud Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

1.That I am permanent resident of above mentioned address.

2. That my share in the land which has been acquired in village Khanpur Khurd Tehsil Matanhail Distt. Jhjjar for NTPC Jharli , there is provision in the policy of Haryana Government to provide the employment to one member of the family, whose land has been acquired in the thermal plant. I nominate my grandson Karamvir s/o Sh. Naseeb for employment . There is no objection to any member of my family to provide the employment to Karmvir.

Deponent

Verification: verified that above stated facts true and correct nothing has been concealed therin.

Deponent

Attested as Identified

Notary Public

Jhajjar

25.1.2018

**Application Form Bio-Data**

To

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

Respected Sir,

Respectfully it is submitted that from……….

I show came to know that some posts of………..

Any various defected your and control .I offer my services for one of them one of them as regard by academic qualification and other particulers the same as under:-

Name -----------KARAMVIR

Father name --- NASHIB SINGH

Date of birth-------- 15.7.1990

Permanent Address Vill . Khanpur-Khurd

Tehsil—Matanhail Distt. Jhajjar

Education Qualification

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Exam.Passed | Year of Passing | Board/Uni. | Marks obtained | %age of marks | Division/class |
| 8th | 2004 | HSEB | 270 | 45% | III rd |
| 10 th | 2007 | HSEB | 307 | 51% | Ist |
| 12th | 2009 | HSEB | 336 | 67% | 1st |

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

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

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

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

Dated -------- Signature---- Karamvir

Sir

Certified that the land bearing mutation no. 3036 khewat no. 124 min area 67 Kanal 7 marla of 1/6th share of Smt. Chhoti widow of Gopi Chand and mutation no. 3036 area measuring 67 kanal 7 marla of 1/9th share of Karmvir s/o sh.. Nashib Singhresident of Khanpur Khurd **total of both 18 Kanal 13 Marla** has been acquired for NTPC Power Plant report is submitted.

**Sd- (Patwari)**

Sr. No. 506 Dated 25.1.2018

Original is forwarded to SDO(C) Jhajjar that as per the patwari record land bearing mutation no. 3036 khewat no. 124 min area 67 Kanal 7 marla of 1/6th share of Smt. Chhoti widow of Gopi Chand and mutation no. 3036 area measuring 67 kanal 7 marla of 1/9th share of Karmvir s/o sh.. Nashib Singhresident of Khanpur Khurd **total of both 18 Kanal 13 Marla** has been acquired for NTPC Power Plant . Report is farwared for further n/a. Sd:-

**Tehsildar**

**Matanhail**

**Application Form Bio-Data**

To

Indira Gandhi Super Thermal Power Project, 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 ------------Rajesh Kumar

Father/husband name ------ Manphool Singh

Date of birth-------- 24.6.1997

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 |
|  | March-2014 | BSEH | 387/500 | 77.4% | 1st |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

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---- Rajesh Kumar

Certified that the land bearing mutation no. 3036 khewat no. 117 min area 33 Kanal 18 marla of 1027/1172 share of Madan son of Sh. Nihala (2-19) and mutation no. 3036 Khewat no.117 area measuring 33 kana l 8 marla of 2711/5860th share of 15-13 resident of Khanpur Khurd **total of both 18 Kanal 12 Marla** has been acquired for NTPC Power Plant report is submitted.

**Sd- (Patwari)**

Sr. No. 526 Dated 30.1.2018

The original is forwarded to SDO(C) Jhajjar and requested that the report of patwari is explained that the land bearing mutation no. 3036 khewat no. 117 min area 33 Kanal 18 marla of 1027/1172 share of Madan son of Sh. Nihala (2-19) and mutation no. 3036 Khewat no.117 area measuring 33 kana l 8 marla of 2711/5860th share of 15-13 resident of Khanpur Khurd **total of both 18 Kanal 12 Marla** has been acquired for NTPC Power Plant Report is submitted for further n/a.

Sd-

**Tehsildar**

**Matanhail**

**Affidavit**

I, Madan s/o Sh. Nihal Singh resident of Khanpur-Khud Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

1.That I am permanent resident of above mentioned address.

2. That my share in the land which has been acquired in village Khanpur Khurd Tehsil Matanhail Distt. Jhjjar for NTPC Jharli whose khewat no. is 117/76, there is provision in the policy of Haryana Government to provide the employment to one member of the family, whose land has been acquired in the thermal plant.

3.I nominate my nephew Rajesh s/o Sh.Manphool Singh for employment . In future, I will not nominate any member of my family for employment except Rajesh s/o Sh. Manphool Singh .

Deponent

Verification: verified that above stated facts true and correct nothing has been concealed therin.

Deponent

Numberdar Attested as Identified

Executive Magistrate ,Matanhail

30.1.2018

**Affidavit**

I, Manphoo s/o Sh. Nihal Singh resident of Khanpur-Khud Tehsil Matanhale District Jhajjar do hereby solemnly affirm and declare on oath as under: -

1.That I am permanent resident of above mentioned address.

2. That my share in the land which has been acquired in village Khanpur Khurd Tehsil Matanhail Distt. Jhjjar for NTPC Jharli whose khewat no. is 117/76, there is provision in the policy of Haryana Government to provide the employment to one member of the family, whose land has been acquired in the thermal plant.

3. I nominate my son Rajesh for employment . In future, I will not nominate any member of my family for employment except Rajesh .

Deponent

Verification: verified that above stated facts true and correct nothing has been concealed therin.

Deponent

Numberdar Attested as Identified

Executive Magistrate ,Matanhail

30.1.2018

**Annexure P-**

**From: -**

**Sub Divisional Officer(C),**

**Jhajjar.**

**To**

**Managing Director,**

**H.P.G.C.L.,**

**Panchkula Sector -6**

Sr. No. 475/ASR **dated 02.06.2014**

Subject: - Application for providing the job to one member each of the land outsees family according to the Haryana government policy, whose land has been acquired more than 2 acres.

In the above mentioned subject applications have been received in the office of NTPC Jharali power plant regarding to provide the employment whose land has been acquired more than 2 acres. In this regard, report of the patwari and Tehsildar has been done.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Sr.NO. | Name | Name of Father/ husband | Date of Birth | Qualification | Name of village | Other |
|  | Harmender Kumar | Nasib Singh | 10.12.1990 | 10+2 | Khanpur Khurd  Jhajjar |  |
|  | Priya Kumari | Dharampal | 05.10.93 | 10+2 | Khanpur Khurd |  |
|  | Pooja Kumari | Dharampal | 19.08.92 | M.A. | Jhajjar |  |
|  | Sahil | Pawan Kumar | 07.01.98 | 10th | Khanpur Khurd |  |
|  | Krishan  Kumar | Surat Singh | 20.12.91 | 10+2 | Jhajjar |  |
|  | Karambir | Surat Singh | 02.12.96 | 10+2 | Khanpur Khurd |  |
|  | Ved Parkash | Kartar Singh | 03.10.80 | 10+2 | Jhajjar |  |
|  | **Karambir** | **Nasib Singh** | **15.07.90** | **10+2 Computer Diploma** | **Khanpur Khurd**  **Jhajjar** |  |

Above mentioned, application of 8 persons regarding to provide the job in the power plant Jharli, (Jhajjar) for the necessary action.

Received

Sd/-

03.06.2014

**Sd/-**

**Sub Divisional Officer(C),**

**Jhajjar**

True translated/ typed copy

Advocate

Annexure P-

**Haryana power Generation Corporation Limited**

**Regd. Office: C7, Uda Bhawan, Sector -5, Panchkula**

Sd/- DDPO/DA

Deputy Commissioner

Jhajjar 29.06.15

**From: Chief Engineer / Admn.**

**HPGCL, PANCHKULA.**

**To**

**Superintendent,**

**O/O Deputy Commissioner**

**Jhajjar.**

Memo No.CH-24/HPGCL/RECTT./333-VOL.II/176/I

**Dated 18.06.15**

**Subject: - CM’s Announcement Code–2386 dated 07.10.2007 – Employment to the land oustees of 3X500 MW IGSTPP, Jhajjar – reg.**

Enclosed please find herewith the following Memo Nos. along with the original/ photocopies of documents/applications/ application forms regarding providing employment to the land oustees of 3X500 MW IGSTPP, Jhajjar, whose applications are over and above the list of 293 land oustees received from your office.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sr. no. | Memo NO. | Name of land owner | Name of candidate for employment | Application form alongwith documents | Application |
|  | 539/ASR dated 07.07.2014 | Pooja Jakhar W/o Virender Jakhar | Sahil Jakhar S/o Virender Jakhar | Application form along with documents | --- |
| 2.  3.  4.  5. | 541/ASR dated 07.07.2014 | Bajender S/oRja Chand | Raj Bala W/o Vijender | Application form along with documents | --- |
| Ram Singh S/o Shauraj | Hemant S/o Raj Singh | Application form along with documents | --- |
| Kela D/o Harnaam | Kapil S/o Suraj Mal | Application form along with documents | --- |
| Bimla W/o Raghbir  Joginder S/o Raghbir | Joginder Singh S/o Raghbir Singh | Application form along with documents | --- |
|  | | | Letter addressed to Sub- Divisional Officer, Jhajjar |
|  | 238/Vikas dated 19.06.2014 |  | Sanjay Kumar, Sanjit, Manjeet S/o Hawa Singh |  |
|  | Ramesh Kumar S/o Jai Lal |  |  |
|  | 644/ASR dated 22.09.2014 | Meer Singh S/o Sri Ram | Manjeet s/o Meer Singh | Application form along with documents |  |
|  | 628/ASR dated 04.09.2014 | Mange Ram S/o Shiv Lal | Joginder s/o Satbir | Application form along with documents |  |
|  | 616/ASR dated 27.08.2014 | Mange Ram S/o Shiv Lal | Joginder S/o Satbir |  | Letter along with request |
| Mange Ram S/o Shiv Lal | Mandeep S/o Mattu Ram |  |  |
| Mange Ram S/o Shiv Lal | Sandeep S/o Karan Singh |  |  |
| Mange Ram S/o Shiv Lal | Harinder S/o Mahender |  |  |
| Mange Ram S/o Shiv Lal | Joginder Singh S/o Satbir |  |  |
|  | 624/ASR dated 04.09.2014 | Vijay son of Partap Singh | Arun Dhawan S/O Vijay | Application form along with documents |  |
|  | 94/ASR dated 27.08.2014 | Phool Singh son of Ram Mehar | Phool Singh S/o Ram Mehar | Application form along with documents |  |
|  | 620/ASR dated 04.09.2014 | Azad son of Ram Chander | Yogesh S/o Azad | Application form along with documents |  |
|  |  |  | Karambir sonof Nasib | xxxxx | Letter address to CM, Haryana dated 26.07.2014 and 5.07.2014. AND P.S. Power Haryana’s Receipt No. 1942 daed 04.08.2014 |
|  | 577/ASR dated 21.07.2014 | Jasbir S/o Dharampal | Jasbir S/o Dharampal | Application form along with documents |  |
|  | 584/ASR dated 03.08.2014 | Mukhtyar, Raj bir, Dalip S/o Ram Nath and Smt. Jehri W/o Ram Nath | Bimla Devi W/o Pardeep | Application form along with documents |  |
|  | 607/ASR dated 13.08.2014 | Dharampal S/o Arjun | Babli D/o Dilbagh | Application form along with documents |  |
| 17.  18.  19. | 622/ASR dated 01.09.2014 | Jai Lal S/o Maulad | Sunil Kumar S/o Jai Parkash Dalal | Application form along with documents |  |
| Dharmender Son of Lakhhi Ram | Dipanesh Jakhar S/o Dharamender Jakhar | Application form along with documents |  |
| Chandan S/o Kheb Ram | Rohit Jakhar S/o Ramesh Jakhar | Application form along with documents |  |
|  | 475/ASR dated 05.06.2014 | Dharam Pal S/o Ram Mehar | Priya Kumari D/o Dharam Pal | Application form along with documents |  |
| 21.  22. |  | Ram Mehar S/o Chiranji Lal | Pooja Kumari D/o Dharam Pal | -Do- |  |
| Chhoti Devi W/o Gopi Chand | Karambir S/o Nasib | do |  |

DA/AS Above

Sd/-

Under Secy. Rectt.

For chief Engineer/ Admn.

HPGCL, Panchkula.

CC;

1. P.S. TO Chief Engineer/ ADMN. HPGCL, Panchkula.
2. OSD to MD/HPGCL, Panchkula for kind information of MD/HPGCL, Please.
3. SPS To Director/ Technical, PHGCL, Panchkula for kind information of Director/ Technical, please.

**Sr.No. 235 / DA dated 15.07.2015**

Original record has been sent SUB Divisional Officer(C) for the taking necessary action.

**Sd/-**

**Deputy Commissioner,**

**Jhajjar**

True typed copy

Advocate

**Annexure P-**

**From:**

**Chief Engineer/ Admn.,**

**HPGCL, Panchkula**

**To**

**Deputy Commissioner,**

**District Jhajjar.**

**Memo No.CH06/HPGCL/Rectt. – 118/ VOl.-IIV/99**

**Dated: 21.03.2018**

Subject: - Regarding providing jobs to one member of each family whose land has been acquired for construction of IGSTPP Jharli, Jhajjar.

Kindly refer your office Memo No.336/ Vikas dated 19.02.2018, 344/ Vikas dated 21.02.2018 and 334/ Vikas dated 19.02.2018 vide which 27 nos. of applications were forwarded to this office for providing employment in lieu of land acquired for construction of IGSTPP, Jharli, Jhajjar out of which following 15 nos. of applications found over and above the list of 293 land oustees supplied by your office vide memo no. 1898/DA dated 2.08.2013 whereby number of land oustees has been freezed for employment.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.No. | Candidates Name | DC office Memo no. | Land Oustees name | Remarks |
|  | Jasbir Singh son of Dharampal |  | Sukhbir and Jasbir Sons of Dharampal | Over and above 293 |
|  | Karamvir S/o Nasib Singh |  | Combined land of Smt. Chhoti W/o Gopi and Karamvir S/o Nasib | Over and above 293 |
|  | Satish S/o Rajender |  | Combined land of Sh. Rajender S/o Baldev, Satish S/o Rajender | Over and above 293 |
|  | Satyawan S/o Sher Singh |  | Combined land of Satyawan and Pawan Kumar sons of Sher Singh S/o Shivlal | Over and above 293 |
|  | **Rajesh Kumar S/o Manphool Singh** |  | **Combined land Mapan and Manphool Sons of Nihala** | **Over and above 293** |
|  | Ranbir S/o Datta Ram | 336/ Vikas  Dated 19.02.2018 | Datta Ram S/o Chotu | Over and above 293 |
|  | Harish Lamba S/o Karan Singh |  | Mangeram S/o Shivlal | Over and above 293 |
|  | Vasu S/o Naresh |  | Pohkar S/o Lekha | Over and above 293 |
|  | Sunil Kumar S/o Jai Parkash Dalal |  | Jailal S/o Molad | Over and above 293 |
|  | Babli D/o Dilbag Singh |  | Dharampal S/o Arjun Singh | Over and above 293 |
|  | Mandeep Rathee S/o Rajbir Singh |  | Combined land of Ram Pyari Widow, Sanjeev, Jitender and Mukhesh D/o Dalip S/o Chalu | Over and above 293 |
|  | Jatin S/o Dharamvir Singh |  | Balbir S/o Udmi Ram village Mohanbarl | Over and above 293 |
|  | Raj Bala W/o Bijender | 344/ Vikas dated 21.02.2018 | Combined land of Bijender S/o Raja Chand and Dharamender S/o Raja Chand R/o village Khanpur Khurd. | Over and above 293 |
|  | Sudhir S/o Sh. Rajender |  | Combined Land Rajender, Ramoavtar and Harender Singh son of Sh. Ishwar Singh | Over and above 293 |
|  | Pooja D/o Sh. Dharampal | 334/ Vikas  Dated 19.02.2018 | Ram Mehar S/o Sh. Chiranji R/o Khanpur Khurd | Over and above 293 |

Therefore, above 15 nos. of applications are returned in original, herewith and it is again requested that such type of applications/ representations may not be forwarded to this office in future by ignoring your initial letter dated 02.08.2013, as such type of applications have already been rejected by the competent authority.

DA/AS ABOVE

Sd/-

Under SECY. / Rectt.

For Chief Engineer/ Admn.

HPGCL, Panchkula

CC: -

1. PS to Chief Engineer/ Admn., HPGCL, Panchkula
2. Jasbir Singh Son of Dharampal, VPO – Khanpur Khurd, Tehsil- Mattanhail, Jhajjar.
3. Karamvir S/o Nasib Singh, VPO – Khanpur Khurd, Tehsil – Mattanhail, Jhajjar.
4. Satish S/o Rajender, VPO – Khanpur, Khurd, Tehsil – Mattanhail, Jhajjar.
5. Satyawan S/o Sher Singh, VPO – Khanpur Khurd, Tehsil – Mattanhail, Jhajjar.
6. Rajesh Kumar S/o Manphool Singh, VPO – Khanpur Khurd, Tehsil Mattanhail, Jhajjar.
7. Ranbir S/o Datta Ram, VO – Goria, Tehsil Mattanhail, Jhajjar.
8. Harish Lamba S/o Karan Singh, VPO – Goria, Tehsil Mattanhail, Jhajjar.
9. Vasu S/o Naresh, VPO – Goria, Tehsil Mattanhail, Jhajjar.
10. Jai Lal S/o Sh. Molad, VPO Goria, Tehsil Mattanhail, Jhajjar.
11. Dharampal S/o Arjun Singh, VPO Mohanbari, Tehsil Mattanhail, Jhajjar.
12. Mandeep Rathee S/o Rajbir Singh, VPO Khanur Khurd, Tehsil Mattanhail, Jhajjar.
13. Balbir S/o Udmi Ram, VPO – Mohanbari, Tehsil Mattanhail, Jhajjar.
14. Raj Bala w/O Bijender, VPO – Khanpur Khurd, Tehsil Mattanhail, Jhajjar.
15. Sudhir S/o Sh. Rajender, VPO Goria, Tehsil Mattanhail, Jhajjar.
16. Rammehar S/o Sh. Chiranji Lal, VPO – Khanpur Khurd, Tehsil Mattanhail, Jhajjar.

True translated/typed copy

Advocate

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_\_\_\_\_OF 2018

Karamvir …Petitioner

VERSUS

Haryana Power Generation Corporation Ltd & Ors ….. Respondents

**INDEX**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No | Particulars | Date | Pages | Court fee |
| A | Court Fee | 01.08.2018 | A |  |
| 1. | List of Date & Events | 01.08.2018 | B- |  |
| 2. | Civil Writ Petition | 01.08.2018 |  |  |
| 3. | Affidavit in Support | 01.08.2018 |  |  |
| 4. | **ANNEXURE P-1**  Copy of |  |  |  |
| 5. | **ANNEXURE P-2**  Copy of | - |  |  |
| 6. | **ANNEXURE P-3**  Copy of |  |  |  |
| 7. | **ANNEXURE P-4**  Copy of |  |  |  |
| 8. | **ANNEXURE P-5**  Copy of |  |  |  |
| 9. | **POWER OF ATTORNEY** | 01.08.2018 |  |  |

TOTAL FEE RS.

NOTE:

1. That the main law points involved in the writ petition are contained in para no. 7 at page no.

2. Relevant Statutes/Rules:

i. The Constitution of India.

ii. The

3. Similar case if any: Nil

4. No notice of caveat has been received.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 01.08.2018 E.Nos. P-**

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_\_\_\_\_OF 2018

Karamvir …Petitioner

VERSUS

Haryana Power Generation Corporation Ltd & Ors ….. Respondents

**TOTAL COURT FEE AFFIXED IS RS.**

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 01.08.2018 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**LIST OF DATES & EVENTS**

Hence, this present petition.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 01.08.2018 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_ of 2018

**MEMO OF PARTIES**

Karamvir son of Sh. Naseeb Singh, Aged 28 year, Resident of VPO Khanpur Khurd, Tehsil Matanhail, District Jhajjar (Haryana).

--Petitioner

VERSUS

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

2. Chief Engineer, (Administration) HPGCS, Urja Bhawan, Sector 6, Panchkula.

3. Deputy Commissioner, Jhajjar, District Jhajjar.

…Respondents

CHANDIGARH (SURESH AHLAWAT)

DATED: 01.08.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

Civil Writ Petition under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of certiorari thereby quashing the impugned letter/ order dated 06.02.2018 (Annexure P-6) passed by the respondent no.1 whereby the claim for appointment/job from special land oustees policy of Thermal Power plant –Jharli (Jhajjar) has been rejected on hyper technicl ground which is contrary to the land oustees policy dated 07.10.2007 vide Annexure P-1 as the land of the familyof the petitioner was acquired of more than two acres but no appointment has been given to any member of the family of the petitioner .

Further for the issuance of a Writ in the nature of Mandamus directing the respondent no.1 to consider the claim of the petitioner for appointment/job in oustee policy according his education qualification and granted him the appointment w.e.f. the date when other similar situated persons were given appointments alongwith all other consequential benefits.

Any other appropriate writ, order or direction to which this Hon’ble High Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

**RESPECTFULLY SHOWETH:**

1. That the petitioner is a resident of State of Haryana and being citizens of India as such he is entitled to invoke the extra-ordinary writ jurisdiction of this Hon’ble Court by way of filing the present writ petition under Articles 226/227 of the Constitution of India.
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 respondents issued the special policy dated 13.1.2014 of that project for giving employment to the land oustees whose land have been acquired two acres or more .It is pertinent to mention here that one earlier policy dated 5.7.2007 issued by Govt. of Haryana ,Power Department regarding to provide the employment in liew of land acquired in the Tharmal Power Plant –Khedar (Hisar) was adopted in that policy. A copy of the policy dated 13.1.2014and earlier policy dated 5.7.2007 are being attached herewith as **ANNEXURE P-1 (colly).**

As such 18 kanal 13marlas (i.e more then 2 acres ) agriculture land (ancestral) of the family of the petitioner in his name and his grand mother Smt. Chhoti wd/o Late Sh. Gopi Chand has been acquired . Father of the petioner- Sh.Naseeb s/o Gopi Chnad has already expired.

3. That the petitioner has been passed 10+2 class with Deploma in Cmputer, his date of birth is 15.7.1990 and is eligible for the post of peon in terms of the oustees policy Annexure P-1, he applied for the said post on the ground that more than two acres of land of his family has been acquired. Photocopy of the certificate of 10+2 class and application endorsed by the revenue authority that land of the family of the petitioner has been acquired more than two acre are attached herewith as **ANNEXURES P-2 AND P-3**.

4. That there was a procedure to put the case for appointment through the Deputy Commissioner of Jhajjar who was /is the chairman of land oustees commeettee and SDO(C) was /is the member . The respondent no.3 i.e Deputy Commisssioner-Jhajjar recommended only 293 cases for appointment /Govt. Job whom individual land of two acres or more has been acquired. Since the land of the petitioner’s family which is a joint khewat has been acquired of more than two acres whose application for appointment has been recommended by respondent no.3along with other similar sichated applicants on the basis of revanue report submitted by the SDO (Civil) Jhajjar in which the claim of the petitioner figured at Serial No.8. The Respondent no.2 returned back application on the ground that the claim of the petitioner is over and above the list of 293 which have already been recommended by the respondent no.3 i.e Deputy Commissioner -Jhajjar. A copy of the letter dated 2.6.2014 and a copy letter dated 18.6.2015 are attached herewith as **ANNEXURES P-4 AND P-5.**

5. That finally the respondent no.1 on dated 06.02.2018 rejected the claim on the same ground that his name was not figured in the original list of 293 land oustees . A copy of the impugned letter dated 06.02.2018 is attached herewith as **ANNEXURE P-6.**

It is further submitted that the respondent no.2 vide letter dated 21.03.2018 directed the respondent no.3 Deputy Commissioner-Jhajjar that the application of the petitioner and other similar sichwted applicants which have already been written being over and above the list of 293 land oustees be not forwarded to the office as the same has already been rejected.

A copy of the letter dated 21.3.2018 is attached herewith as **ANNEXURE P-7.**

6. That the impugned order Annexure P-6 is illegal, unjust, unwarranted and contrary to the policy and discriminatory, violative of Articles 14 and 16 of the Constitution of India and deserves to be set aside inter-alia on the ground mentioned here-in-below:-

a. That there is no provision in the policy Annexure P-1 for provide employment being an oustee that only those will be given whose individual land has been acquired of two acres. The object of the policy to provide the employment to the oustee whose family’s land has been acquired of two acres or more that since the petitioner family land has been acquired more than two acres and one member of the family is entitled for employment. No one has been given appointment to the family of the petitioner. Grand mother of the petitioner Smt. Chhoti has already been given affidavit to that regard.A true translated copy of affidavit is attached herewith as **Annexure P-8**, therefore, the impugned order is arbitrary and contrary to the policy deserves to be set aside.

b. That further the impugned order is also illegal on the ground that similar situated persons/oustees whose land of two acres individual has been acquired had already been given employment numbering 293. The petitioner and those oustees are in the identical position; they cannot be disconnected particularly when the policy of oustees is not making any reference. There is no provision in the policy to restrict the claim only to the individual. Therefore, it is also hit mandate of the Articles 14 and 16 of the Constitution of India and deserves to be set aside.

c. That further the action is also illegal that on one side the respondent no.1 is directing to respondent no.3 not to recommend the case of the petitioner category and on the other hand the respondent no.2 is giving option to submit the application for employment to the candidate who are left out of the 293 land oustees list. A copy of letter dated 17.11.2017 issued by the respondent no.2 is annexed herewith as **Annexure P-9,** thus, on this score also the impugned order/action is liable to be set aside.

7. That the main points of law are involved in the present writ petition are as under:-

i. Whether the action of the respondents no.1 and 2 is totally illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India?

ii. Whether when there is no difference between individual and family in the outsees policy Annexure P-1 yet, the respondents no.1 and 2 themselves make classification?

iii. Whether great manifest injustice has been passed to the petitioner?

8. That the petitioner has not filed any such or similar writ petition earlier either in this Hon'ble Court or in the Hon'ble Supreme Court of India.

9. That there is no other efficacious remedy available to the petitioner except to approach this Hon'ble Court by way of filing the present writ petition. Nor any remedy of appeal or revision is available to the petitioners.

It is, therefore, respectfully prayed that for the submissions made above and to be made at the time of hearing this Hon'ble High Court may summon the record from the respondents and after perusing the same this Hon'ble High Court may be pleased to:-

i. Issue a Writ in the nature of certiorari thereby quashing the impugned letter/ order dated 06.02.2018 (Annexure P-6) passed by the respondent no.1 whereby the claim for appointment from oustees quota has been rejected contrary to the policy dated 07.10.2007 vide Annexure P- as the land of the family was acquired of more than two acres but no appointment has been given to any member of the family.

ii. Further for the issuance of a Writ in the nature of Mandamus directing the respondent no.1 to consider the claim for appointment in oustee quota and granted him the appointment w.e.f. the date when other similar situated persons were given appointments alongwith all other consequential benefits.

iii. Any other appropriate writ, order or direction to which this Hon’ble High Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

iv. Dispense with the filing of certified copies of Annexures P-1 to P- and advance notices upon the respondents keeping in view the urgency of the matter.

CHANDIGARH

DATED: 01.08.2018 PETITIONER

THROUGH COUNSEL

(SURESH AHLAWAT )

ADVOCATE

**VERIFICATION:**

Verified that the contents of above writ petition from para no.1 to & are true and correct to my knowledge and those of para no. is believed to be true and correct on the basis of legal advice sought from the counsel. No part of it is false and nothing has been concealed therein.

CHANDIGARH

DATED: 01.08.2018 PETITIONER

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_ of 2018

Karamvir …Petitioner

VERSUS

Haryana Power Generation Corporation Ltd & Ors ….. Respondents

Affidavit of Karamvir son of Sh. Naseeb Singh, Aged 28 year, Resident of VPO Khanpur Khurd, Tehsil Matanhail, District Jhajjar (Haryana).

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

1. That the deponent is filing the accompanying writ petition, the contents of which may also be treated as a part of this affidavit.

2. That the deponent is competent to file this affidavit and is well conversant with the facts and circumstances of the case. The averments made in the present writ petition are true and correct to my knowledge. No part of it is false and nothing material has been kept concealed therein.

CHANDIGAR

DATED:

### VERIFICATION: -

Verified that the contents of para no.1 & 2 of my above mentioned affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

CHANDIGARH

DATED:

LIST OF DATES AND EVENTS

**23.08.2007** That the respondents vide notification under Section 4 dated 23.08.2007 proposed to acquired 142 Acres of land in the revenue estate of village Singhpura tehsil Safidon District Jind, for development of residential/ commercial purposes in Safidon, Sector-7.

21.08.2008 That the land measuring 74.10 acres only was decided to be acquired while issuing notification under section 6 of the Land Acquisition Act, 1894 dated 21.08.2008.

**19.8.2010** Land Acquisition Collector passed the Award on dated 19.8.2010.

--- That out of 74.10 acquired land by the respondents, 67.90 acres has since been released.

--- That the co-sharer in the same khewatof the petitioners In total land measuring 31 kanal 19 marla filed **CWP No.18676 of 2011 titled as Shiv Kumar & others vs. State of Haryana & others before the Hon’ble** Punjab & Haryana High Court to release their land up to 40 % in total land measuring 31 kanal 19 marla i.e. land measuring 10K 6M and the Hon’ble High Court allowed the writ petition of the petitioners **on dated 10.07.2013.**

--- That as such, the whole purpose of acquisition of the land has now become futile, because 4-5 acres of land has been remained with the respondents.

**20.03.2019** That the petitioners have approached to the respondents by filing representations but the respondents have not taken any action upon the representations filed by the petitioners.

**--- Hence, the present petition.**

**Chandigarh: (SURESH AHLAWAT)**

**Dated:21.05.2019 Advocate**

**Counsel for the petitioners**

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO.\_\_\_\_\_\_\_\_OF 2019

MEMO OF PARTIES

1. Jag Mohan aged about 54 years
2. Rajiv aged about 51 years sons of late Sh. Bhagat Ram residents of Safidon District Jind at present residents of House No.1010 Sector 7-C, Faridabad.

….Petitioners

Versus

1. State of Haryana through Financial Commissioner & Secretary, Urban Estate Department, Haryana Civil Secretariat, Chandigarh.
2. The Land Acquisition Officer, Urban Estate- Hisar District Hisar.
3. The Estate Officer, Haryana Urban Development Authority, Jind, District Jind.

....Respondents

Chandigarh: (SURESH AHLAWAT)

Dated:21.05.2019 Advocate

Counsel for the petitioners

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing to the respondents to release the share of the petitioners i.e. 4 kanal 9 marla in terms of the judgment/ order dated 10.07.2013 (Annexure P-3) passed in CWP No.18678 of 2011 titled as Shiv Kumar & another Vs. State of Haryana.

AND/OR

Pass any other order or direction which this Hon’ble Court may deem fit and proper as per the facts and circumstances of the present petition.

RESPECTFULLY SHOWETH:-

1. That the petitioners are residents of the above mentioned address and being citizens of India are entitled to invoke the extra ordinary jurisdiction of this Hon’ble Court by filing the present writ petition under Articles 226/227 of the Constitution of India.
2. That the dispute in the present writ petition is that the petitioners are the permanent residents of Safidon Distt. Jind and are the co-sharers in land measuring 31 kanal 12 marla falls in Murba no.7,killa no. 5/2//1/2(0-7),6/2(1-16),7/2(8-2)14(5-0),27(16-14) the total land measuring 4-K 9-M of the petitioners (Land no.1) 7/50 equal share 2 kanal 02 marla comprising in khewat No,67, Khata No.163, Rect No.7, Killa No.5/2/1/2(0-7), 6/2(1-16), 7/2(8-2), 14(5-7) total 15 kanal 5 marlas and (No.2) share of applicants 7/50 share 02 kanals 07 marlas comprising in khewat No.67 Khata No.172, Rect No.07, Killa No.27(16-14) revenue estate village Singhpura tehsil Safidon District Jind, Sector 7, (HUDA) vide notification u/s 4 of Land Acquisition Act- 1894 dated 23.08.2007 was acquired by the respondents. The true copy of the notification dated 23.08.2007 is attached herewith as **Annexure P-1.**
3. That the respondents vide notification under section 4 dated 23.08.2007,of the Land Acquisition Act-1894 the State of Haryana proposed to acquired 142 acres of land for development of residential commercial purposes for HUDA, in Safidon City Distt.Jind. Sector-7, District Jind. After considering the objections submitted by the land owners, the land measuring 74.10 acres was decided to be acquired while issuing notification dated 21.08.2008 under section 6 of the LAC Act-1894 which includes about 4 acres of land owned by the applicants and others co-sharers as well.That co-sharers in the acquired land i.e 31 kanal 12 marlas had filled detailed objections under section 5-A of the Act with regard to release of their Dal Mill, Rice Sheller,Godowns etc. The copy of the said notification u/s 6 dated 21.08.2008 of the LAC-1894 is attached herewith as **Annexure P-2.**
4. That land acquisition Collector passed the award no. 3 on 19.8.2010 of the acquired land of the petitioners and awarded the Land acquisition certificate to the petitioners .For kind pursal of this Hun,ble Court True translated Copies of that certificates are attached herewith as **Annexure P-3.(Colly)**

It is also concede position that out of 74.10 acrs of acquired land, 67.90 acres land has since been released by the respondents by various objections raised by the land owners which giving rise to these proceedings essentially on the ground of hostile discrimination. The respondents have released following khasra nos in:-

* 1. In Muraba No.14, Killa No.9, the godowns of Safidon Cooperatie Society, Safidon has been released.
  2. In Muraba No.14 Killa No.7/3/1, 7/3/2, 2 Kanal 12 Marlas of land has been released in which godowns have been constructed of Kashmiri Lal Jain.
  3. In Muraba No.14, Killa No.7/2/1, Kanal 16 Marlas in which godowns have been constructed which belongs to Charangi Lal Banarsi Dass.
  4. In Muraba No.8 Killa No.19/2/2, 21/1 in Muraba No.9, 25/2/2, Khewat No.476, Luxmi Trading Company has constructed the godowns have been released.
  5. In Muraba No.43, Khewat No.290, Khata No.456, Killa No.11/2/2/1, 20/2/1/2, 20/1/2, 21/2/1, 21/2/4 in which godowns have been constructed of Vinod Kumar, Ramesh Kumar have been released.
  6. In Khasra No.4, Khewat No.291, Khata No.457, 11/2/2/2, 12/2/1/1, 19/1/1/2, 20/2/1/1, 20/2/3, 21/2/3, 22/1/2 in which godowns have been constructed and have been released by Satparkash.
  7. In Muraba No.6, Killa No.11/2, 20,21/2 godowns of Ajay Kumar, Subchand have been released.

1. That the co-sharer in the same khewat/murba of the petitioners Sh. Shiv Kumar and Sh. Prem Kumar filed the CWP No.18678 of 2011 titled as “Shiv Kumar and another Vs. State of Haryana” before the Punjab and Haryana High Court, to release their share about 10 kanals 6 marlas in 31 kanal 19 marla. The Hon’ble High Court vide order/judgment dated 10.07.2013 directed respondents to released their acquired land that the land measuring four acres of the petitioners is surroumded by the released land from three sides while on the fourth side It is abutting the road . A copy of said order dated 10.07.2013 is attached herewith as **Annexure P-4.** Now acquired land in Sector 7, and one entire block has been released from the acquisition proceedings by the respondents .Than how can be successfully achived or made viable on a piece of land less than four acres when the surrounding land measuring more than 67 acres has been released by the respondents. .
2. That as such, the whole purpose of acquisition of the land has now become futile, because less than four acres of land has been remained with the respondents in Sector-7.
3. That it is also relevant to mentioned here that adjoining vacant land in Killa No.15 owned by some similar situated persons has already been released by the respondents and one entire block has been released from the acquisition proceedings.
4. That the petitioners have approached to the respondents by filing representations that land owned by them is situated in thickly populated area and is already fully developed , perhaps so much developed as HUDA may not possibly able to develop. The petitioner are already doing a lot for the furtherance of the cause for which the land is being acquired .There shall be hardly any justification in acquisition of the land for the alleged purpose of development of the area for residential purpose. More ever , the land/plots owned by various similarly situated persons surrounding to the land of the petitioners has already been released where as the case of the petitioners is also similarly situated and can be taken into consideration for releasing the plots of the petitioners but the respondents have not taken any action upon the representations filed by the petitioners. One of the representation dated 20.03.2019 is attached herewith as **Annexure P-5.**
5. That it is relevant to mention here that the land owned by Shiv Kumar and Prem Kumar has already been released by the respondents in terms directions issued vide order dated 10.07.2013 (Annexure P-3) and the petitioners are co-sharers in the said land measuring 31 kanals 19 marlas falls in Muraba No.7, Killa No.5/2//1/2(0-7), 6/2(1-16), 7/2(8-2) 14(5-0), 27(16-14). Therefore the petitioners are also entitled to release their share i.e. 4 kanal 9 marlas acquired by the respondents.
6. That due to release of entire adjoining land from the total land acquired by the respondents now there is no use of remaining land and no purpose will be solve by keeping the land of the petitioners with the respondents.
7. That the award no. 3 was passed by the respondents on 19.8.2007 and now the 12 years have been passed and the respondents have not develop the land for which purpose they have acquired the same. Therefore the acquired land of the petitioners is liable to be released.
8. That the respondents have already released the entire land adjoining to the land of the petitioners and now it is the futile exercise by keeping the land of the petitioner with the respondents.
9. That the action of the respondents is against the principles of natural justice as the acquired land of some of the co-owners has already been released by the respondents and the land of the petitioners acquired by the respondents has not been released despite the repeated representations of the petitioners.
10. That the petitioners ready to deposit the entire amount of compensation with interest which was received by them in lieu of their acquired land.
11. That the following law pointes are involved in the present writ petition for the kind consideration of this Hon’ble Court:-
    1. Whether the impugned notification dated 23.08.2007 (Annexure P-1) and 21.08.2008 (AnnexureP-2) and all subsequent acquisition proceedings are patently illegal, ultra-vires, void, without jurisdiction and violative of principle of natural justice and are, therefore, liable to be quashed or not?
    2. Whether the impugned action of the respondents is violative of Article 14 of the Constitution of India?
    3. Whether grave and manifest injustice has been caused to the petitioners in the matter or not?
12. That the petitioners have no other remedy of appeal or revision against the impugned action of respondents, except to approach this Hon’ble Court by filing the present writ petition under Articles 226/227 of the Constitution of India.
13. That the petitioners have not filed any such or similar writ petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India on the same cause of action except R.F.A.No .5428 of 2017 for inhancement of compensation.

It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to:-

* 1. issue of a writ in the nature of mandamus directing to the respondents to release the share i.e. 4K 9M in acquired land of the petitioners in terms of the judgment/ order dated 10.07.2013 (Annexure P-3) passed in CWP No.18678 of 2011 titled as Shiv Kumar & another Vs. State of Haryana.
  2. Pass any other order or direction which this Hon’ble Court may deem fit and proper as per the facts and circumstances of the present petition.
  3. Exempt the petitioners from filing the certified/typed copies of annexures.

Chandigarh:

Dated:

Verification:-

Verified that the contents of paras 1 to 12 and 14 and 15 are true and correct to my knowledge. Para 13 is legal and is based on the legal advice sought from the counsel. No part of it is false and nothing has been concealed therein.

Chandigarh:

Dated:

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No. \_\_\_\_\_\_ of 2019

Rajiv Kumar & another. ---------- …Petitioners

VERSUS

State of Haryana & Others ----------------- …Respondents

Affidavit of Rajiv son of late Sh. Bhagat Ram at present residents of House No.1010 Sector 7-C, Faridabad.

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

2. 1. That the contents of paras of the petition are true and correct to my knowledge . No part therein is false and nothing material has been kept concealed therein.

2. That no such or similar petition has been filed by the deponent either in this Hon’ble Court or before the Hon’ble Supreme Court of India on the same cause of action.

Place: Chandigarh

Dated:

VERIFICATION :

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

Place: Chandigarh

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No. \_\_\_\_\_\_ of 2019

Rajiv Kumar & another. -------------------- …Petitioners

VERSUS

State of Haryana & Others ---------------- …Respondents

I N D E X

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S. No. | Particulars | Date | Page  No | Court Fee |
| 1. | List of dates and events | 21.05.2019 |  |  |
| 2. | Memo of Parties | 21.05.2019 |  |  |
| 3. | Civil Writ Petition | 21.05.2019 |  |  |
| 4. | Affidavit in support | 21.05.2019 |  |  |
| 5. | **Annexures** | --- |  |  |
|  | **P-1**: Notification U/S 4 OF LAC | 23.08.2007 |  |  |
|  | **P-2**: Notification U/S 6 OF LAC | 21.08.2008 |  |  |
|  | **P-3:** LAC Certificates (colly)  **P-4** Order of Hon’ble High Court | 25.10.2010  10.07.2013 |  |  |
|  | **P-5**: Representation | 20.03.2019 |  |  |
| 6. | Power of Attorney | 21.05.2019 |  |  |

Note:

i) The main law points are involved at para no. 14 in page no. 12 & 13 of the CWP.

ii) Relevant Statues: Article 14 & 16 of Constitution of India and Land Acquisition Act-1894

iii) Any other similar case : NIL

iv) Hard and Soft copies, both are same.

Place: Chandigarh

Dated: 21.05.2019

(SURESH AHLAWAT)

Advocate

Counsel for the Petitioners

**LAND ACQUISITION CERTIFICATE**

NO.6680

DATE 25.10.2010

Certifiys that of total land 31 kanal 12 marla of the **Mr. Jag Mohan** son of Sh. Bhagt Ram has been acquired in khasra no. 6/2-7/2-14-27, share of 7/100 village Singhpura Hadbast No. 53 Tehsil Safidon and Dist.. Jind of the Sector-7 vide award no.3 dated 19.8.2010 . Its total compensation become amount Rs. 15,13,390/-which has been paid vide chack no.427240 dated 19.10.2010.

Land Acquisition Officer

Urban Estate

HISAR

**LAND ACQUISITION CERTIFICATE**

NO.6681

DATE 25.10.2010

Certifiys that of total land 31 kanal 12 marla of the Mr. Rajiv son of Sh. Bhagt Ram has been acquired in khasra no. 6/2-7/2-14-27, share of 7/100 village Singhpura Hadbast No. 53 Tehsil Safidon and Dist.. Jind of the Sector-7 vide award no.3 dated 19.8.2010 . Its total compensation become amount Rs. 15,13,3389/-which has been paid vide chack no.427239 dated 19.10.2010.

Land Acquisition Officer

Urban Estate

HISAR

**FIRST INFORMATION REPORT**

( UNDER SECTION 154 CR.P.C.)

1. **District : Jind P.S. Jind City Year: 2017**

FIR No.: 210 Dated: 3/3/2017

1. **Sr. No. Acts Sections**
2. IPC 1860 323
3. IPC 1860 452
4. IPC 1860 506
5. MEDICARE SERVICE PERSONS 3

AND MEDICARE SERVICE INSTITUTIONS

(PREVENTION AND DAMAGE OF PROPERTY)

ACT-2008)

1. **Occurrence of offence:**
2. Day : Friday Date from: 3/3/2017 Date To 3/3/2017

Time Period Time From 17:30 Time To

Pahar 6 hrs 17:30hrs

1. Information received at P.S. Date: Time:

3/3/2017 22.45hrs

1. General Dairy Reference: Entry No. Time

41 22.45 hrs

1. **Time of Information:** Written
2. **Place of Occurrence:**
3. Direction and Distance from P.S. : EAST BEAT No.

3 K.m Urban Estate,HBC,

Bus Stand

1. Address: ASHTHA CHILD HOSPITAL, GOHANA ROAD , JIND
2. In case, outside the limit of this Police Station ,Then Name of P.S.

District (State)

1. **Complainant/informant :**
2. Name: Dr. SONAL SINGAL
3. Father, s Name : SATISH KUMAR MITTAL
4. Date/Year of Birth d) Nationality: INDIA
5. UID No.:
6. F) Passport No.

Date of Issue : Place of Issue:

1. Occupation:
2. Address:

Sr. No. Address Type Address

1. Present Address ASHTHA CHILD HOSPITAL GOHANA, ASHTH CHILD HOSPITAL GOHANA ROAD JIND. HARYANA.
2. Permanent Address: ASHTHA CHILD HOSPITAL GOHANA ROAD JIND. HARYANA.
3. Phone No,: Mobile : 999 2029 988
4. **Details of known/suspected/ unknown accused with full particulars:**

Sr. No. Name Alias Relative’s Name

1 POONAM Husband: ASHOK AHLAWAT

2 ASHOK KUMAR

AHLAWAT

1. **Reasons for delay in reporting by the complainant/informant :**
2. **Particulars of properties stolen (In Rs.)**

Sr. No. Property Type Value :( In Rs.--)

1. **Total Value of Property stolen ( In Rs.--)**
2. **Inquest Report /UD Case No. if any :**

S.No. U.D. Number

**12. First Information contents:**

**13. Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at item No.2.**

1) Registered the case and took up the investigation:

2) Directed ( Name of I.O.) Rank: ASI

No. 221 to take up the investigation or

3) Refused investigation due to or

4) Transferred to P.S. District:

On point of jurisdiction

FIR read to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

**R.O.A.C.**

**14. signature/Thumb Signature of Officer in charge ,Police**

Impression of the Station

Complainant/informant Name: Nar Singh

Rank: Inspector

No. 229-A

**15. Date and Time of Dispatch to the court:**

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

**CRM-M- no. OF 2019**

**MEMO OF PARTIES**

1. Poonam W/O Sh. Ashok Kumar Ahlawat
2. Ashok Kumar Ahlawat

both resident of house no. 3591-A, Urban Estate –Jind (Haryana)

------------------ Petitioners

VERSUS

1. State of Haryana
2. Dr. Sonal Singal s/o Sh. Satish Kumar Singhal

resident of Ashtha Child Hospital Gohana Road ,Jind ( Haryana)

----------------------- Respondents

Chandigarh                                (SURESH AHLAWAT)

Date:  .6.2019                               Advocate

Counsel for Petitioners

Petition under Section 482 Cr. P. C. for quashing the FIR No. 210 dated 3.3.2017 under Sections 323,452, 506 of IPC- 1860 and Section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property ) ACT-2008, P.S. City Jind ( Annexure P-1) and subsequent proceeding arising thereto on the basis of compromise entered on the parties dated 20.6.2017 (annexure P-2)

With a further prayer that during the pendency of the present petition before this Hon,ble Court, further proceeding arising out of the FIR in question may kindly be stayed.

**RESPECTFULLY SHOWTH:**

1. That the petitioners are peace loving citizens of this country and are residents of State of Haryana and are thus competent to invoke the extra ordinary jurisdiction of this Hon,ble Court under Section 482 Cr. P. C. for redressal of her/his grievances.
2. That an FIR No. 210 dated 3.3.2017, under Sections 323,452, 506 of I.P.C. and Section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property) ACT-2008, Police station City Jind ( Annexure P-1) was registered against the petitioners on the basis of statement of respondent no.2, due to some misunderstanding. The true translated copy of FIR dated 3.3.2017 is annexed herewith as **Annexure P-1.**
3. That the petitioners were involved in this above said FIR registered by respondent no.2 on the basis of misunderstanding of facts.
4. That after registration of the FIR the respectable of the locality and relatives of both the parties have got the compromise effected between the petitioners and complainant/ respondent no. 2 and in view of the said compromise, both the parties to the compromise do not want to pursue the criminal proceedings pending between them before the trial court, Jind and compromise entered between the parties are annexed herewith as **annexure P-2.**
5. That now no differences have remained between the complainant and petitioners. They have accepted the compromise for their welfare and benefit of the families and both parties want to live peacefully and the quashing of FIR is essential for harmony in the society.
6. That now both the parties entered into compromise and there is no dispute pending between the parties and the entire matter had already settled between the parties.
7. That the grievance of respondent no.2 i.e. complainant of the present case have been redressed and now respondent no.2 do not want to pursue the matter anymore and the parties want to live peacefully in future as no useful purpose would be served by long continuing litigation between the parties. The compromise got affected between the parties is without undue influence, coercion and pressure and is the result of free consent of the parties for their better peaceful future.
8. That as per the compromise ( Annexure P-2) and with the intervention of respectable of society, the matter has been amicably settled.
9. That it is also worth mentioning here the respondent no.2 i.e. complainant of this case is also ready to make statement before this Hon,ble Court, if the Hon,ble may deem fit. The true typed copy of the I. Card of the respondent no.2 is attached herewith as **Annexure P-3.**
10. That there is no other alternative and efficacious speedy remedy available to the petitioners except the extra ordinary jurisdiction of this hon,ble High Court under section 482 Cr.P.C.
11. That the petitioners have not filed any such or similar petition either in this hon,ble Court or in the Hon,ble Supreme Court.
12. That it is pertinent to mention here that the none of the petitioners is proclaimed offender.
13. That all the affected persons have been impleaded as party in the petition and that there is no other person left to be impleaded as party whose rights are likely to be prejudiced by quashing of FIR

It is, therefore respectfully prayed that the petition may kindly be accepted and the FIR No. 210 dated 3.3.2017, under sections 323,452, 506 of I.P.C.-1860 And Section 3 of Medicare Service Persons and Medicare Service Institutions (prevention of violence and damage of property) ACT-2008,Police Station City Jind ( Annexure P-1) and subsequent proceeding arising thereto may kindly be quashed on the basis of compromise entered into between the parties dated ( Annexure P-2) in the interest of justice.

With a further prayer that during the pendency of the present petition before this Honble Court , further proceedings arising out of the FIR in question , may kindly be stayed.

Further prayer that filing of certified/ true typed copies of annexure , may kindly be exempted , in the interest of justice.

Note :1. AFFIDAVIT IS ATTACHED.

2.That the I.Card of the respondent no.2 is enclosed.

Chandigarh                              (SURESH AHLAWAT)

Date:  .6.2019                               Advocate

Counsel for Petitioners

**MUTUAL COMPROMISE**

That case FIR No. 210 dated 3.3.2017 , under sections under Sections 323,452, 506 of IPC AND Section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property) ACT-2008 , Police station City Jind was registered on the complaint of the complainant Dr. Sonal Sighal resident of Ashtha Child Hospital Gohana Road ,Jind against the two persons namely Ashok Kumar Ahlawat and his wife Smt. Poonam resident of house no. 452 Urban Estate –Jind. The above titled FIR case is pending in the Court of CJM, Jind and is fixed for 20.10.2017. The respectable persons of the locality and relatives of the parties advised to compromise with each other for the welfare of families of both the parties. Now both the parties have compromised this matter on their own free will and without any pressure or any temptation. They have made sweet relations with each other. No differences have remained between the parties . They have accepted the compromise for their welfare and benefit of the families. In view of the compromise, both the parties have signed the compromise and the complainant has no objection if this FIR is quashed by the Hon,ble Court and the complainant does not want to pursue the case. The compromise has been read over to the complainant. This compromise has been written and signed by the complainant without any pressure and other relatives and respectable have also signed the same. Copy of this compromise has been retained by the parties.

**First party Second Party**

Dr. Sonal Singhal 1. Ashok Ahlawat

(Complainant)

Respondent no.2

2. Poonam w/o Sh. Ashok Ahlawat

( Petitioners )

**Affidavit**

I, Dr. Sonal Singal s/o Sh. Satish Kumar Singhal resident of Ashtha Child Hospital Gohana Road Jind , do hereby solemnly affirm and declare as under:-

1. That the deponent is resident of above mentioned address.
2. That a case FIR No. 210 dated 3.3.2017 , under sections under Sections 323,452, 506 of IPC and section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property) ACT-2008) Police station City Jind was registered on the complaint of the deponent against the two persons Ashok Kumar Ahlawat and his wife Smt. Poonam resident of house no. 452 Urban Estate –Jind. The above titled FIR case is pending in the Court of CJM, Jind.
3. That the respectable persons of the locality and relatives of the parties advised to compromise with each other for the welfare of families of both the parties.
4. That deponent and accused person has compromised on their own free will and without any pressure or any temptation. They have made sweet relations with each other. No differences have remained between the deponent and accused persons.
5. That the deponent has accepted the compromise for the welfare and benefit of the families of both the parties
6. That in view of the compromise, the deponent and accused persons have signed the compromise and the deponent has no objection if this FIR is quashed by the Hon,ble Court and the complainant does not want to pursue the case.

DEPONENT

VERIFICATION:-

Verified that all the contents of this affidavit are true and correct to best of my knowledge and belief and nothing has been concealed therein.

DEPONENT

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- No. --------- of 2019

Poonam and Another ……………Petitioners

Versus

State of Haryana and Another ………..…Respondents

Short Affidavit of Ashok Kumar Ahlawat s/o Sh. Ram Parshad resident of 3591-A, Urban Estate –Jind.

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

1. That the contents of the accompanying petition which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

CHANDIGARH Deponent

DATED .

*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 Deponent

DATED

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

**CRM-M- no. OF 2019**

Poonam and another ------------------ Petitioners

VERSUS

State of Haryana and another ------------------- Respondents

INDEX

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sr. No. | Particulars | Date | Page | Court Fee |  |
| 1 | Petition u/s 482 Cr.P.C | .6.2019 |  |  |  |
| 2. | Affidavit | .6.2019 |  |  |  |
| 3. | Annexure P-1 (FIR) | 3.3.2017 |  |  |  |
| 4 | Annexure P-2  Compromise | .6.2019 |  |  |  |
| 5. | Annexure P-3 I.Card |  |  |  |  |
| 6 | Power of Attorney | .6.2019 |  |  |  |
| 7 | Annexure P-1 Vernacular FIR |  |  |  |  |
|  |  |  |  |  |  |

Chandigarh                              (SURESH AHLAWAT)

Date:  .6.2019                               Advocate

Counsel for Petitioner

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2019

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

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. XEN /TS , Division HVPNL ,Rohtak.

4. Deputy Commissioner, Jhajjar

------------------ Respondents

Place:- Chandigarh SURESH AHLAWAT

Dated :- 20.8.2019 ADVOCATE

Counsel for the Petitioner

Civil Writ Petition under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of certiorari thereby quashing the impugned order dated 15.3.2019 (Annexure P-) passed by the respondent no.2 whereby 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), has been wongly rejected which is contrary against the provision of the land oustees policy of Thermal Power plant –Jharli (Jhajjar) **ANNEXURE P-1.**

Further a writ in nature of Mandamus, be issued, 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 land oustees policy decision (Annexure P-1) 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 226/227 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). It is pertinent to mention hare that the policy ( Annexure P-1) dated 7.10.2007/13.1.2014 of the Jharli power plant Jhajjar and one of the policy /CM announcement dated 19.5.2007(true relevant extract typed copy) of the Thermal Power Project ,Khedar-Hissar is also adopted in that policy. A copy of policy obtained through R.T.I. Act is attached with as **Annexure P-1(colly).**

**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 2013 Petitioner also submitted his application form for government job in the office of the Deputy Commissioner Jhajjar 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 wanted to know the status of his application form then, official of Deputy Commissioner told him that yours application form has been sent to the head office of the HPGCL at Panchkula, till than he has been passed 10+2 class (Non-Medical) examination (April-2014) and respondents no. 4 i.e. Deputy Commissioner, Jhajjar forwarded all the application form of other similar situated persons for govt. job of the land oustees family to the office of HPGCL 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 for employment , petitioner further was studying continuously 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 2014 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 17.7.2017 in the office of Deputy Commissioner ,Jhajjar and requested to official that he has passed the BA examination and till date no appointment letter was received to him, now I am fulfilling the requisite education qualification for the post of LDC instead of peon which provided in polcy (Annexure P-1). Relavent para of that policy is reproduced **below kind perusal of this Hon’ble High Court**

**“The applicants who are graduate with less than 60% marks ,would be adjusted against the post of LDC in relaxation of qualification . The applicants who are illiterate /under middle / under matric .would be adjusted the peon in relaxation of qualification”** But just after two months i.e on 29.8.2017 after passing the graduation/BA class respondent no.1 offered the post of Peon (Field) instead of LDC post without considering his genuine request,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 true translated copy of the application dated 17.7.2017 request for LDC post and appointment order dated 29.8.2017 for the post of peon of the petitioner is annexed herewith as **Annexure P-2 & 3** respectively.

It is submitted that In the policy of Khedar power plant (true relevant extract typed copy attached herewith As Annexure P-1 (colly) )which adopted in adopted in Khedar Power palnt **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 his claim to the D.C. Jhajjar 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 .

**7. 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)**

**8. 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 requests and running to pillar to post but the respondents did not consider the genuine claim of the petitioner on one pretext or the other since August-2017.

**9. That** the petitioner also served a legal notice upon the respondents through his counsel on dated 10.2.2018, 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 . Than petitioner constraint to file the civil writ petition no. 19565 of 2018 before this Hon’ble Court . This writ petition was disposed of by this Hon’ble Court on 13.11.2018 and directed to the respondents to consider the legal notice dated 10.2.2018 as per the policy and pass the appropriate speaking order in accordance with law with in a period of three months .**

**10 That petitioner submitted the certified copy of order dated 13.11.2018 passed by the Hon,ble Court to the respondents. Respondents considered it and** finally the respondent no.2 on dated 15.3.2019 rejected the claim of the petitioner that grand father of the petiiotner was initially not intersetd in 2013 for appointment in Haryana Power Utilites to any post as per the list of not interested land oustees of village Jharli as supply by the D.C. Jhajjar vide letter dated 2.8.2013. A copy of the impugned letter dated 15.3.2019 is attached herewith as **ANNEXURE P-6.**

11 That the impugned order Annexure P-6 is illegal, unjust, unwarranted and contrary to the policy and discriminatory, violative of Articles 14 and 16 of the Constitution of India and deserves to be set aside inter-alia on the ground mentioned here-in-below:-

i) That petitioner submit his application for employment well in time and there is no question arises to denied the offer of employment. Further there is no signature of denil by the any member of the family of the petitioner in any paper/application or letter of the respondents.

ii) That it is wrong to say that in the year of 2013 it was not interested for employment in power utilites . It is submitted that in the year 2013, petitioner was minor his date of birth is 4.11.1995 , petitioner submitted his application but the respondents did not consider being the mionr . The petitioner or any member of his family member never informed by the respondents that they are not interested for employment in power department.

iii) That although the petitioner submit his application again in 2014 but he was offered of appointed on 29.8.2017 on the post of peon . It is pertinent to mention here that the petitioner has passed B.A. examination in June-2017 so, he was eligible for the p[ost of clerk where as the petitioner has been appointed as peion.

**vi) That** in some similar situated cases, office of the Haryana power General Corporation offered the post of peon instead of LDC to similar situated persons of the land oustees, where as they were having the educational qualification of graduate (B.A.) and after joining the post of peon they raised the objections before the higher authority that they are entitled for the post of LDC instead of peon according to their educational qualification i.e BA. but no action has been taken than some similar situated persons approached this Hon’ble High Court. Then Hon’ble Court decide their representations and directed to the respondents to re-consider the claim of the petitioners according their educational qualification. In this way, office of the Haryana Power Generation Corporation considered the genuine claim of the petitioners and lastly offered the post of LDC instead of peon according to their educational qualification. Some of the orders passed by this Hon’ble Court and its compliance orders by the official respodents are attached herewith as **Annexure P-6(colly)**

**v) 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 . 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.

**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 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 except CWP no 17222 of 2018 and CWP 19565 of 2108 .

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.

iv) Filing of true typed of annexures s and certified copy of annexures be also dispensed with;

CHANDIGARH Through: PETITIONER

DATED: 5.8.2018 (SURESH AHLAWAT)

ADVOCATE

Counsel for the petitioner.

*VERIFICATION*

Verified that the contents of Para No. 1 to 11 and 13 and 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:- 5.8.2018

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2018

Birjesh …………..…Petitioner

Versus

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

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 5.8.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO. OF 2018

Birjesh …………..…Petitioner

VERSUS

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

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *S.N.* | *Particulars* | *Date* | *Page* | *Court Fee.* |
| *1* | *List* | *5.8.2018* | *1-4* |  |
| *2* | *Writ Petition* | *5.8.2018* | *5-15* | *50.00* |
| *3* | *Affidavit* | *.8.2018* | *16* |  |
| *4* | *Annexure P-1 Policy(colly)* | *7.10.2007/13.1.2014 and 19.7.2007* | *17-27* | *7.15* |
| *5* | *Annexure P-2 Copy of Applicatio* | *17.7.2017* | *28* | *00.65* |
| *6* | *Annexure P-3 Appointment Lette* | *29.8.2017* | *29-32* | *2.60* |
| *7* | *Annexure P-4 Certificates(colly)* | *-------* | *33-36* | *2.60* |
| *8.* | *Annexure P-5 Legal Notice* | *10.2.2018* | *37-43* | *4.55* |
| *9.* | *Annexure P-6 Orders/letters* | *------* | *44-53* | *6.50* |
| *10.* | ***Power of attorney*** | *3.2.2018* | *54* | *2.75* |
| *11* | *Annexure P-1(colly*  *Policy* | *19.7.2007* | *55-59* |  |
| *12* | *Annexure P-2 Vernacular Application* | *17.7.2017* | *60* |  |
| *13* | *Annexure P-3 Appontment Letter* | *29.8.2017* | *61-62* |  |
| *14* | *AnnexureP-6 one of appontment letter (full copy)* | *3.9.2015* | *63-64* |  |

*Total Court Fee Rs. 76.80*

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:-Land Oustees

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

4. *Similar Case, if any CWP no. 17222 of 2018 and 19565 of 2019 .*

CHANDIGARH (SURESH AHLAWAT)

DATED : 5.8.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2018

Birjesh …………. Petitioner

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.

CHANDIGARH

DATED . 8.2018

*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 8.2018

**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 more than two acre 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 .

**That** after submitting the application form 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 17.7.2017 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.

**10.2.2018** That the petitioner also served a legal notice upon the respondents through his counsel on 10.2.2018.

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 :5.8.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

Haryana Vidyut Prasaran NigamLimited

Office order No. /07/1SEG-347/VoII **Dated 15.3.2019**

The Hon’ble Punjab and Haryana High Court vide order dated 13.11.2018 had passed directions in CWP No. 19565 of 2018 titled as Birjesh v/s HVPNl and others .The order dated 13.11.2018 reprodued herein under:-

“The petitioner is seeking direction to the respondents to consider him for appointment on class III post as per the policy dated 07.10.2007/13.01.2014 and 19.07.2007 (Annexure P-1colly). The State Government had acquired land of about 2000 acres of four villages in District Jhajjar for setting up 3X500 MW Indira Gandhi Thermal Power Plant at Jharli, Jhajjar. After the acquisition of land, as per policy dated 07.10.2007 (Annexure P-1), job will be offered to one member of the each family against class III and class IV posts as per the qualification possessed by the member of the family. The petitioner submitted his application for the govt. job in June, 2013 in the office of Deputy Commissioner, Jhajjar. The petitioner is B.A. pass and fulfills the requisite qualification for the post of Lower Division Clerk (LDC) and he was offered post of Peon instead of Lower Divisional Clerk. The petitioner has served a legal notice dated 10.02.2018 (Annexure P-5) to reconsider his claim for appointment to class III post as per the policy dated 07.10.2007/13.01.2014 and 19.07.2007 (Annexure P-1colly). In similar circumstances, CWP-4882-2015 Paramjeet V/s. The State of Haryana and others was disposed of giving direction to respondents to consider the claim in accordance with law for appointment on the post of Class III i.e. Lower Division Clerk instead of Class IV i.e. Peon. Keeping in the above fact, this petition at this stage is being disposed of giving direction to the respondents to consider the legal notice dated 10.02.2018 (Annexure P-5) as per the policy dated 07.10.2007/13.01.2014 and 19.07.2007 (Annexure P-1 colly) and pass appropriate speaking order in accordance with law within a period of three months from the date of receipt of certified copy of this order. “

2 .The petitioner vide legal notice dated 10.2.2018 has requested to reconsider his claim for appointment to the post of LDC instead of peon on the basis of his qualification i.e. BA acquired on 4.8.2017.

3. In order to decide the claim of the petitioner, it is necessary to refer the factual back drop of the case which are given hereunder:-

i) Aravali Power Company Pvt. Ltd. (APCPL) ,a joint ventire of NTPC , HPGCL and IPGCL .Delhi had set-up 3x500 MW Power Project( IGSTPP) at Jharli ,Jhajjar.

ii) The Govt. of Haryana made an announcement on 7.10.2007 to provide employment to one member each of the families whose land has been acquired for the Power Project.

iii) A comprehensive policy for provoding employment against Class –III and IV posts to one member of families of such land oustees whose land more than 2 acre land has been acquired for IGSTPP.Jharli ,as a special dispensation in HPUs, was approved by the govt. of Haryana on 13.1.2014 do ever merited hereunder:-

a) To provide employment to the applications who are son,daughter,wife,daughter-in-law,Grandsons/GrandDaughters Pota,Poti),Nephew((Bhatija) and maternal grand children (Dyota/Dyoti) etc.

**b) The employment to the underage i.e below 18 years age, applicants will be provided as per their qualifications after they attain the age of 18 years.**

c) The applicants ,who are graduate with less than 60% marks ,would be adjusted against the post of LDC in relaxation of % age of marks.

d) The applicants ,who are illiterate/under middle/under matric,would be adjusted against the post peon /Helper in relaxation of qualification.

e) To provide employment to the applicants who are over age i.e. above 40 years in relaxation of age.

f) To provide suitable employment to 91 applicants who have been admitted into it is under relaxation for trade/stream of ITI council and percentage(%) of marks for making them eligiblefor adjustment in th respective utility.

g) The land oustees admitted into ITIs but fail to complete the ITI corse within the time frame as per the instructions of the ITI department would be considered for employment for the post of Peon/Helper etc. in case Class-IV catogary by the respective utility.

h) The stipend for the land oustees admitted in the ITI is fixed Rs @ 6580/- PM+ PM +DA @90% and the same shall be borne by M/S APCPL during the ITI course i.e 02 years.

**4 (i) Sh. Mahaveer son of Sh. Lakhi Ram ( grandfather of petitioner Sh. Brijesh )** land oustees of village Jharli was initially not interested in 2013 for appointment in Haryana Power Utilites to any post, as per the list of not interested land oustees of village Jharli as supplied by DC ,Jhajjar vide letter memo no. 1898 /DA dated 2.8.2013 in which the name of Sh. Mahaveer appears at Sr. no.2.

ii) As per approval of Council of Ministers on dated 29.1. 2014 , offer of appontmwent to 212 land oustees (who had submitted their application forms) were issued on dated 3.3.2014 .

iii) Thereafter, the DC, Jhajjar vide letter dated 1.9.2014 forwarded the request application dated 4.7.2014 of Sh. Mahaveer son of Lakhi Ram regarding grant of employment to his grandson i.e. Sh. Birijesh on thje basis of his qualification i.e. 10+2.

iv) The Council of Ministers on dated 25.7.2017 approved proposal for providing emplomnet to another such 30 land oustees who were initially not interested in employment but later on submitted their claim for employment to DC ,Jhajjar.

v) Further above mentioned policy dated 13.1.2014 has been followed strictly for the purpose of providing employment.

vi) Accordingly , an offer of appointment to the post of peon was issued to the petitioner on 29.8.2017 on the basis of his qualification as matriculation on 29.1.2014 . The qualification of BA degree has been acquired by the petitioner after 29.1.2014.

vii) Furthe, the case of one Sh. Paramjeet son of Ved Parkash as mentioned in the Humble Court order dated13.11.2018 is not similar with the case of the petitioner ,as Sh. Paramjeet had completed his graduation in the year 2009 befor the dated approval of first agenda i.e. 29.1.2014 ,whereas Sh. Birjesh completed his graduation during the year of 2017.

viii) From the facts mentioned above ,it is quiet evident that the petitioner for has rightly been offered appointment for the post of peon being matriculate till 29.1.2014 and cannot be offered appointment the post of LDC as he has acquired BA degree in the year 2017 i.e after the cut-off date.

Thus,the legal notice dated 10.2,2018 served by the petitioner for reconsidering his claim on the post of LDC instead of peon on the basis of his qualification i.e. BA acquired on 4.8.2017 is not feasible for acceptance and the same is hereby rejected for the reason contained above.

This issues with the approval of the Chief Engineer/Admn,HVPNL

Under Secretary/HR-IV,

HVPNL.Panchkula.

Endst. No.ch.80/SEG-347/vol-**ii Dated :- 15.3.2019**

A copy of the -----

**BEFORE THE ADDITIONAL CHIEF SECRETARY, COOPERATION DEPARTMENT HARYANA AT CHANDIGARH.**

**C.M. of 2018 IN**

REVISION PETITION NO. 13 OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------Petitioner

Versus

Ram Chander Kapur & others --------------Respondents

Application under order 9 Rule 9 r/w Section 151 of CPC for restoration of the aforementioned revision petition, which was dismissed in default vide order dated 5.2.2020.

**RESPCETFULLY SHOWETH:-**

1. That the aforesaid revision petition was filed by the petitioner and came up for hearing on 5.2.2020.
2. That the case was fixed for 5.2.2020 for argument when counsel for the appellant reached in Sector-17 Chandigarh near about at 3 .P.M. than official of the Coopration department told that court is being held at Main Sectrariat –Chandigarh, Than counsel for the petitioner reached after parking his vwhical at 8th floor then time then official of the court told that time is over.
3. for first appearance of the respondents .But the counsel for the to the petitioner was not able to appear before this Hon’ble Court ,as he was on the way and when the counsel reached ,court time was over when the counsel for the petitioner enquired about the case then counsel came to know that the above mentioned case was already ordered to be dismissed in default due to non- appearance of the counsel.
4. That vide order dated 5.2.2020 the revision petition was dismissed in default and as such the applicant prays that the case may be kindly be restored to its original number in the interest of justice.
5. That the non-appearance was not deliberate and was unintentional.
6. That the petitioner will suffer an irreparable loss and injury if the revision petition in not heard on merits.

It is, therefore respectfully prayed that the order dated 5.2.2020 passed by the Hon’ble Court may kindly be set-aside and the petition may kindly be restored as its original number, heard and decide on merits in the interest of justice.

Place:- Chandigarh SURESH AHLAWAT

Dated :- 6.2.2020 Advocate

Counsel for the Petitioner

**BEFORE THE ADDITIONAL CHIEF SECRETARY, COOPERATION DEPARTMENT HARYANA AT CHANDIGARH.**

**C.M. of 2020 IN**

REVISION PETITION NO. 13 OF 2018

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------Petitioner

Versus

Ram Chander Kapur & others --------------Respondents

Affidavit of Suresh Ahlawat Advocate Punjab and Haryana High Court Chandigarh.

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

That the contents of the petition are true and correct to the knowledge of the deponent and nothing has been concealed therein.

Chandigarh:

Dated:

Verification:

Verified that the contents of my above affidavit are true and correct to the best of my knowledge and nothing has been concealed therein.

Chandigarh:

Dated :-

**BEFORE THE ADDITIONAL CHIEF SECRETARY, COOPERATION DEPARTMENT HARYANA AT CHANDIGARH.**

**C.M. of 2020 IN**

**REVISION PETITION NO. 13 OF 2018**

The Jind Adarsh Co-Op. House Building Society Ltd. Jind through its Secretary. -------------Petitioner

Versus

Ram Chander Kapur & others --------------Respondents

INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| SR.NO. | Particulars | Date | Page |
| 1. | Application u/O 9 R. 9 r/w Section 151 CPC for restoration of revision petition | 6.2.2020 | 1-2 |
| 2 | Affidavit | 6.2.2020 | 3 |
| 3 | Power of Attorney already on record |  |  |

**Place:- Chandigarh SURESH AHLAWAT**

**Dated:- 6.2.2020 Advocate**

**Counsel for the applicant/ Petitioner**