IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand Singh -----------Petitioner

                                      Versus

Vijai Vardhan IAS and others  ----Respondents

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| 3 | Annexure P-1 (Order of High Court) | 17.7.2018 | 7-16 | 33.22.75 |
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Total Court Fee with U.Form Rs. 19.60

Similar case if any :-no

CHANDIGARH SURESH AHLAWAT

ADVOCAT DATED:  25.6.2020      COUNSEL FOR THE PETITIONER

P/370/1994

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand Singh (aged 50 years) s/o Sh. Rattan Singh resident of house no . 110-A (HSMB) Sector-14, Panchkula presently posted as Clerk in the office of the Deputy Commissioner, Panchkula.

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

**VERSUS**

1. Vijai Vardhan I.A.S. Additional Chief Secretary-cum-Financial Commissioner to Govt. of Haryana, Department of Revenue and Disaster, Haryana Civil Secretariat, Sector -17 Chandigarh.

2. Smt. Deepti Umashankar I.A.S. Commissioner, Ambala Division, Ambala.

3. Mukesh K. Ahuja IAS, Deputy Commissioner, Panchkula.

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

Chandigarh SURESH AHLAWAT

DATED 25.6.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

**Second Contempt Petition** under Section 12 of the Contempt of Court Act-1971 for initiating contempt proceedings against the respondents for willfully and intentionally disobeying the directions passed by this Hon’ble Court vide order dated 17.7.2018 passed in CWP no. 4833 of 2016 titled as Anand Singh V/S State of Haryana and others , where by his claim for seniority and pay re-fixation has been accepted but more than two years have passed ,but till date they did not do so, which makes them liable for the severe punishment under the Contempt of Courts Act:-

RESPECTFULLY SHOWETH:

* 1. That the petitioner being aggrieved from non-compliance of order dated 17.7.2018 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 petitioner has filled civil writ petition no. 4833 of 2016 titled Anand Singh and others versus State of Haryana and others before this Hon,ble Court. The petitioner has filed the writ petition seeking following relief :-

CIVIL WRIT PETITION Under Article 226 of the Constitution of India for issuance of writ in the nature of Mandamus to grant the deemed date of appointment to the petitioner as that has been given to other appointed candidates in pursuance of the same selection list dt. 15.10.1989 issued by the Haryana Staff Selection Commission ,same selection process and grant the benefits of notional pay fixation at par with the candidates /employees with all consequential benefits who have joined their service prior to the petitioner i.e. in the year 1990 and being junior to the petitioner as per the merit list prepared at the time of selection pertaining to the advertisement dated 22.7.1987.

* 1. That the above noted writ petition came up for final hearing on 17.7.2018 and the Hon,ble Justice Ritu Bahari allowed that writ petition and directed that as per necessary formalities as per applicable procedure and rules be completed within four months from the date of receipt of a certified copy of this order. Copy of the order dated 17.7.2018 passed by this Hon,ble Court is annexed herewith as **Annexure P-1.**
  2. That certified copy of the order Annexure P-1 was given to the respondents and petitioner also met personally number of times and requested to take immediate compliance of the order dated 17.7.2018
  3. That despite supplying the copy of the order , no decision was taken then the petitioner served pre contempt notice upon the respondents requesting therein that petitioner is entitled to grant the all quansequantial benefits within four months of the order dated 17.7.2018. Therefore immediate compliance be done.
  4. That despite repeated requests and frequent visits, grievance of the petitioner has not yet been redressed. Even petitioner is not listened by the respondents and respondents are not caring about order passed the Hon,ble Court.
  5. That when the respondents did not pay any heed than petitioner constraint to file the contempt petition no.1785 of 2019 before this Hon’ble Court, while deciding the said petition, Hon’ble Court directed to the petitioner to first serve the representation on the respondents by way of contempt notice. A copy of that order dated 14.5.2019 is attached herewith as **Annexure P-2.**
  6. That than petitioner served the contempt notice to the respondents on 17.5.2019 to compliance the order but respondents gave the its replies on 18.6.2019/19.6.2019 of the above said contempt notice that whole matter is under process of the govt. as and when same is finalized , the case of the petitioner will be finalized. A copy of contempt notice and its replies are attached herewith as **Annexure P-3 and P-4 (colly)**respectively.
  7. That when the respondents did not pay any heed in spite of its own replies dated 18/19/6.2020 than petitioner again constrained to serve the contempt notice on 3.3.2020 to implement the order dated 17.7.2018 but after waiting more than three months, than respondent no.1 sent its reply to the counsel for the petitioner on 19.6.2020 mentioned therein that in case of the petitioner, his seniority has been re-fixed and arrear has been deposited in your account but there is no seniority number has been mentioned ,no promotion order according the re-fixed seniority list has been issued and no order of notional pay fixation has been issued only amount of Rs. 31 ,000/- has been deposited in his account . Copy of contempt notice and its reply are attached herewith as **Annexure P-5 and P-6** respectively.
  8. That now **TWO YEARS have been expired** from the date of passing of order dated 17.7.2018 by this Hon,ble High Court ,this matter is hanging fire since july-2018 but the respondents did not pay any heed and are not implementing the order passed by this Hon.ble Court on 17.7.2018 . The act and conduct of the respondents shows clear cut willful and deliberate disobedience of the order dated 17.7.2018 passed by this Hon,ble High Court.
  9. That the respondents have deliberately and intentionally disobeyed the order of the Hon’ble Court as they have no respect for law and order . In order to fulfill their own oblique motive ,the respondents have committed the offence of Contempt of Court Order.
  10. That the respondents have, thus, made themselves liable to be prosecuted under the contemptuous proceedings for disobedience of the High Court which makes them liable for severe punishment under the Contempt of Courts Act.

13.That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court except COCP no.. 1785 of 2019.

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 17.7.2018 passed in CWP no. 4833 of 2016 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 annexures in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : 25.6.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand Singh ---------Petitioner

                                      Versus

Vijai Vardhan IAS and others

---------Respondents

Total Amount of Court Fee Affixed.

SURESH AHLAWAT

Advocate

Dated: 25.6.2020                   Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand Singh ---------Petitioner

                                      Versus

Vijai Vardhan IAS and others

---------Respondents

Affidavit of Anand Singh s/o Sh. Rattan Singh presently posted as Clerk in the office of Deputy Commissioner, Panchkula.

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 except contempt petition no.1785 of 2019.

CHANDIGARH DEPONENT

DATED:- ..2020

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 . .2020 DEPONENT

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand -----------Petitioner

                                      Versus

Vijai Vardhan IAS and others  ----Respondents

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| 6. | Annexure P-4 (Its Reply)colly | 18/19.6.2019 | 21-23 |  |
| 7. | Annexure P-5 (Contempt Notice) | 3.3.2020 | 24-26 |  |
| 8 | Annexure P-6 (Its reply ) | 19.6.2020 | 27 |  |
| 9 | Power of Attorney |  | 28 |  |

Similar case if any :-no

CHANDIGARH SURESH AHLAWAT

ADVOCAT DATED:  25.6.2020      COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 4833 of 2016

Anand Singh (aged 50 years) s/o Sh. Rattan Singh resident of house no . 110-A (HSMB) Sector-14, Panchkula presently posted as Clerk in the office of the Deputy Commissioner, Panchkula.

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

**VERSUS**

1. Vijai Vardhan I.A.S. Additional Chief Secretary-cum-Financial Commissioner to Govt. of Haryana, Department of Revenue and Disaster, Haryana Civil Secretariat, Sector -17 Chandigarh.

2. Smt. Deepti Umashankar I.A.S. Commissioner, Ambala Division, Ambala.

3. Mukesh K. Ahuja IAS, Deputy Commissioner, Panchkula.

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

Chandigarh SURESH AHLAWAT

DATED 25.6.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

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

C.M. Application no. of 2015

IN C.W.P. no.14773 of 2005

Smt. Santro Devi and Others ---------------- Petitioners

Versus

Presiding Officer Labour Court and Others ----- Respondents

Application under Section 151 of CPC for an early actual date of hearing.

Respectfully Showeth :-

1. That the above titled civil writ petition is pending for regular hearing in this Hon,ble Court.
2. That the applicants are the L.R.s of the workman being wife and children who were wholly depended upon him and have challenged the award dated 4.8.2004 (Annexure P-7) whereby the respondent no. 1 had decided Industrial Dispute Reference against the petitioners instead of holding the termination of the service of late Sh. Baljit Singh workman was illegal and the petitioners are entitled to all the consequential benefits including gratuity back wages w.e.f. date of termination of service of said Sh. Baljit Singh till his demise.
3. That the petitioner are living in penury and are in dire need of money as they have no other source of income are facing the pinch of overall hardships of life in the times of skyrocketing prices of almost everything.
4. That in the above mentioned circumstances the case of the petitioner deserves to be heard on an earlier actual date.

It is, therefore, respectfully prayed that the application may kindly be allowed and the above titled CWP may kindly be listed for an early actual dated of hearing.

Place:- Chandigarh SURESH AHLAWAT

DATED : ADVOCATE

Counsel for the petitioners

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

C.M. Application no. of 2015

IN C.W.P. no.14773 of 2005

Smt. Santro Devi and Others ---------------- Petitioners

Versus

Presiding Officer Labour Court and Others ----- Respondents

Affidavit of Smt. Santro Devi late Sh. Baljit Singh(workman), resident of village and post office Litani, Tehsil and Disttt. Hisar.

I , the above named deponent do hereby solemnly affirm

and declare as under:-

1. That the applicants are the L.R.s of the workman being wife and children who were wholly depended upon him and have challenged the award dated 4.8.2004 (Annexure P-7) where by the respondent no. 1 answered the Industrial Dispute Reference against the petitioners instead of holding the termination of the service of late Sh. Baljit Singh workman, illegal and the petitioners are entitled to all the consequential benefits including gratuity back wages w.e.f. date of termination of service of said Sh. Baljit Singh till his demise.
2. That the petitioners are living in penury and are in dire need of money as they have no other source of income are facing the pinch of overall hardships of life in the times of skyrocketing prices of almost everything.

CHANDIGARH

DATED: 15.12.2015 DEPONENT

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: 15.12 .2015 IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. Application no. of 2015

IN C.W.P. no.14773 of 2005

Smt. Santro Devi and Others ---------------- Petitioners

Versus

Presiding Officer Labour Court and Others ----- Respondents

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Place:- Chandigarh SURESH AHLAWAT

DATED : 15.12.2015 ADVOCATE

Counsel for the petitioners

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

Civil Revision No.\_\_\_\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

I N D E X

|  |  |  |  |  |
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Note:

1. Whether any caveat has been

filed in this case : No.

2. Whether any similar case : No.

CHANDIGARH

DATED:06.10.09 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONERS

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

Civil Revision No.\_\_\_\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

Application u/s 151 CPC seeking exemption from filing certified copies of Annexure P-1 to P-3 and for placing on record true typed copies thereof.

RESPECTFULLY SHOWETH:

1- That the applicant/petitioners is filing accompanying civil revision petition and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of petition be read as part of this application also

2- That the applicant/petitioners has not readily available the certified copies of Annexure P-1 to P-3, which are relevant and necessary for the proper adjudication of the case. However, true typed copies of the same are attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/petitioners may kindly be exempted from filing certified copies of Annexure P-1 to P-3 and allow him to place on record true typed copies thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED:06.10.09 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONERS

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

In Civil Revision No.\_\_\_\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

Affidavit of Ishwar Singh son of Giani Ram, resident of Village Intal Khurd, Tehsil and District Jind

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

1- That the deponent is not readily available with the certified copies of Annexure P-1 to P-3, which are necessary for proper adjudication of the case.

CHANDIGARH

DATED: .10.2010

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

DATED: .10.2010

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

Civil Revision No.\_\_\_\_\_\_\_\_ of 2010

1. Ishwar Singh son of Giani Ram

2. Ravi Sarup son of Giani Ram

Both residents of Village Intal Khurd, Tehsil and District Jind, now running a shop of repair of Agricultural Implements at Old Hansi Road, Jind, Tehsil and District Jind.

--- PETITIONERS

VERSUS

1- Abheay Ram son of Daya Kishan

2- Joginder son of Abheay Ram

3- Surinder son of Abhey Ram,

All residents of Housing Board, Jind, now running shop of Kabari of Tractor parts at Old Hansi Road, Jind.

--- RESPONDENTS

CIVIL REVISION PETITION under section 227 of the Constitution of India for quashing/setting aside the impugned order dated 25.08.2010 (Annexure P-3) passed by Civil Judge (Senior Division), Jind vide which application for impleading Bijender son of Abhey Ram son of Daya Kishan as defendant No.2 filed by the petitioners has been dismissed wrongly and illegally with the further prayer for acceptance of present revision petition and for allowing the application (Annexure P-2) of the petitioners, in the interest of justice;

OR

Any other order or direction or relief which this Hon'ble Court deems fit and proper in the peculiar facts and circumstances of the instant case**.**

RESPECTFULLY SHOWETH:

1. That the Petitioners are residents of above mentioned address within State of Haryana. They being citizen of India and aggrieved from the action of respondents, are entitled to invoke inherent jurisdiction of this Hon'ble Court by way of filing present Civil revision petition under Article 227 of the Constitution of India.
2. That the brief facts of the case leading to the filing of present revision petition are that the petitioners filed a suit for permanent injunction restraining the respondents and one Bijender son of Respondent No.1 Abhey Ram from raising construction over the portion of land over an area of 25’ X 7’ shown in the head note of the plaint owned and possessed by the petitioners having purchased the same from Rattan Singh, Sher Singh sons of Dharam Chand son of Sh. Dewan Singh r/o Village Rajpura vide Registered Sale Deed No.2948 dated 18.9.2000 registered in the office of Sub Registrar, Jind for a sale consideration of Rs.50,000/- situated at Satya Nagar Colony, Old Hansi Road.
3. That the petitioners had filed the above suit because the respondents and aforesaid Bijender had threatened to encroach upon the portion of the land of the petitioners and had dug the said portion of the petitioners for the purpose construction of a shop thereupon. The petitioners tried to forbid the respondents and aforesaid Bijender, but they did not acceded the genuine request of the petitioners. Ultimately the petitioners were compelled to seek kind indulgence of the Court by way of filing the above said suit.
4. That the matter involved in the above noted suit was urgent and emergent and petitioners had sought the stay against the respondents and aforesaid Bijender. It is pertinent to mention here that respondents and aforesaid Bijender were served notice/summons by the Ld. Trial Court. The respondents were duly served the summons/ notice but aforesaid Bijender could not be served summons despite two times service because he was residing at that time in Andhra Pradesh at Vijaywara. But he had frequent visiting at Jind at the house of his father and aforesaid shop of respondents.
5. That as the stay matter was involved and the same was urgent in nature because respondents have collected the construction material at the spot, therefore, the petitioners had left with not other alternative but to give up the aforesaid Bijender. who was defendant No.2 in the above said plaint, vide Court order dated 14.01.2010.
6. That all the three cardinal principles i.e. Prima facie case, irreparable loss and balance of convenience are in favour of the petitioners, therefore, the Ld. Trial Court restrained the respondents from raising any construction over the suit property till final decision of the case vide status quo order dated 16.02.2009. Copy of the order is attached herewith as **Annexure P-1**.
7. That after passing of the aforesaid order, the respondents called the aforesaid Bijender back at Jind and they again started raising construction over the suit property despite the status quo order dated 16.02.2009. The petitioners requested not to take law in their hands and not to contempt of the Court order, but respondents threatened that the Court has passed the order only against the respondents and not against the aforesaid Bijender and now they will encroach upon the land of the petitioners and none can stop Bijender from raising construction.
8. That the aforesaid Bijender along with Respondent No.3 had also manhandled with the petitioners on the spot regarding aforesaid dispute, and therefore, a case under section 107/151 Cr.P.C. was registered against them. Contempt proceedings were also initiated against the respondents and aforesaid Bijender which is pending for and now the same is fixed before the Ld. Trial on 29.11.2010.
9. That on Enquiry it has come to know the petitioners that aforesaid Bijender has now shifted at House No.1930, Urban Estte, Jind and as the status quo order is not passed against Bijender, he is misusing and abusing the process of law. Therefore, the petitioners immediately moved an application for impleading Bijender son of Abheay Ram in the array of defendants on 16.08.2010. Copy of the application is attached herewith as **Annexure P-2**.
10. That the Ld. Trial Court without appreciating the peculiar facts and circumstances of the case dismissed the application of the petitioners vide order dated 25.08.2010 on the ground that

“…earlier plaintiff had impleaded Bijender as defendant No.2 vide his statement dated 14.1.2010 wherein he given up Bijender defendant No.2 being unnecessary. He stated that defendant No.2 is having in Andhra Pradesh. Plaintiff cannot be allowed to implead the same person ad defendant No.2 in view of the statement suffered earlier on 14.1.10 as he is estopped by his own act and conduct to do the same to impleaded Bijender again as defendant No.2.”

Copy of the impugned order dated 25.08.2010 is attached herewith as **Annexure P-3**.

1. That the impugned order (Annexure P-3) is untenable in law, contrary to the proved facts and is liable to be set aside inter-alia on the following grounds:-
   1. That the Ld. Trial Court has failed to take into consideration the peculiar facts and circumstances of the case that earlier the stay matter involved in the case was urgent and emergent in nature and Bijender could not be served notice because he was residing in Vijaywara (Andhra Pradesh) at that time and despite two times service he could not be served summons. Keeping in view the urgency of the matter, Bijender was given up as defendant No.2 in the aforesaid suit. Thereafter the Ld. Court finding all the three cardinal principles in favour of the petitioners granted status quo order in favour of the petitioners.
   2. That the aforesaid Bijender has now shifted in Jind at his new address house No.1930, Urban Estate, Jind and is creating hindrance in the peaceful possession of the petitioners by encroaching upon the portion of the property owned by petitioners. The aforesaid Bijender is threatening that no status quo order has been passed against him, therefore, he can raise illegal construction and no can forbid him from doing so.
   3. That the said Bijender along with respondent No.3 had also manhandled with the petitioners on the spot and tried to raise illegal construction upon the portion of the petitioners, therefore, a case under section 107/151 Cr.P.C. was registered against them and contempt proceedings were also initiated against them, as mentioned above.
   4. That the petitioners have no other alternative to save their property at the hands of respondents. who in connivance with Bijender are misusing and abusing the process of law and raising illegal construction, but to approach the Ld. Trial Court praying to implead Bijender in the array of defendants so that Bijender may also be made bound with the status quo order
   5. That it is settled law and also mentioned in Order 1 Rule 10(2) of CPC that the Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settled the questions involved in the suit, be added. Therefore, Bijender is necessary party and can be impleaded under the provision of Order 1 Rule 10 of CPC.
2. That the impugned orders caused grave injustice to the petitioners and petitioners has no other alternative remedy other than to approach this Hon'ble Court under Article 227 of the Constitution of India for the redressal of her grievance in the interest of justice. Thus, the present revision petition is maintainable in this Hon'ble Court
3. That no such or similar petition has earlier been filed either before this Hon'ble High Court or Hon'ble Supreme Court. No such revision is filed or pending in any other Court of law. However, the Civil Suit is now pending before the Ld. Trial Court for

It is, therefore, respectfully prayed that present revision petition may kindly be allowed, the impugned order dated 25.08.2010 (Annexure P-3) passed by Civil Judge (Senior Division), Jind may kindly be quashed/set aside and the application (Annexure P-2) of the petitioners may kindly be ordered to be allowed, in the interest of justice.

It is further prayed that during the pendency of present revision petition the respondents may kindly be restrained from raising any construction over the suit property by themselves or by their any agent, representative in any manner, in the interest of justice.

Any other relief/order or direction which this Hon'ble Court deems fit and proper in the peculiar facts and circumstances of the instant case, may also be granted in favour of the Petitioners.

CHANDIGARH

DATED:06.10.09 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONERS

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

Civil Revision No.\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

Affidavit of Ishwar Singh son of Giani Ram, resident of Village Intal Khurd, Tehsil and District Jind C/o shop of repair of Agricultural Implements at Old Hansi Road, Jind, Tehsil and District Jind.

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

1- That the deponent has gone through the contents of accompanying petition which are true and correct and the same be read as part and parcel of this affidavit for the sake of brevity.

2- That no such or similar petition has earlier been filed either before this Hon'ble High Court or Hon'ble Supreme Court

CHANDIGARH

DATED: DEPONENT

VERIFICATION:

Verified that the contents of para nos.1 and 2 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: DEPONENT

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

C.R.R. ( F ) no.\_\_\_ of 2015

Neha Verma and another ----------------------Petitioners

VERSUS

Gaurav ­­­ --------- Respondent

Application u/s 482 Cr.P.C. seeking exemption from filing certified /true typed copy of impugned order .

RESPECTFULLY SHOWETH:

1- That the applicant/appellant is filing accompanying first appeal and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of appeal be read as part of this application also

2- That the applicant/appellant has not readily available the certified copy of Annexure P-2, which is relevant and necessary for the proper adjudication of the case. However, true typed copy of the same are attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/appellant may kindly be exempted from filing certified copy of Annexure P-2 and allow him to place on record true typed copy thereof, in the interest of justice.

Note: Affidavit not required.

CHANDIGARH

DATED:1.8.2012 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE appellant

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

FAO No.\_\_\_ of 2012

Satyawan -- Appellant

VERSUS

Executive Engineer,UHBVN and Another ­­­ ---- Respondents

Affidavit of Suresh Ahlawat Advocate Pb.& Har. High Court Chandigarh.

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

1- That the deponent is not readily available with the certified copies of Annexure P-1 to P-3, which are necessary for proper adjudication of the case.

CHANDIGARH

DATED: .10.2010

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

DATED: .10.2010 IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No.\_1034 of 2002

Satya Narayan --------- --Appellant

VERSUS

Ajit Singh and others ------------- -- Respondents

Application u/s 151 CPC seeking exemption from filing certified copies of Annexure A-1 to A-4 and for placing on record .

RESPECTFULLY SHOWETH:

1- That the applicant/appellant is filing accompanying F.A.O. and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of appeal be read as part of this application also

2- That last date of hearing i.e. 21.1.2015. Hon,ble Court directed to the appellant to place on record the evidence of the appellant which is lead before the Ld. Tribunal Hissar. Now, appellant wants to place on record some of documents of evidence in the above mentioned case which are relevant and necessary for the proper adjudication of the case. However, true typed copies of the same are attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/ appellant may kindly be exempted from filing certified copies of Annexure A-1 to A-4 and allow him to place on record true typed copies Annexure A-to A-3 and exemption from filing the true type copy of Annexure A-4, which is true photo copy , in the interest of justice.

Note: Affidavit is not required.

CHANDIGARH

Dt.10.2.2015 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE APPELLANT

Sat Narain v/s Ajit Singh etc..

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Note: Main case is fixed for 26.2.2015

CHANDIGARH

DATED: 10.2.2015 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPELLANT

ANNEXURE = R-1

From :-

Chief Secretary, Haryana Govt.

To

1. All the Head of Departments of Haryana, Commissioner , Hisar and Ambala Division, All Deputy Commissioners and All Sub Division Magistrates.
2. Registrar of Punjab and Haryana, High Court and All Distt. & Session Judge in Haryana.

Dated. Chandigarh , 27th March, 1974

Subject:- Recruitment for the post of Clerk & Typist.

Sir,

I am directed that I want to your attention in the above subject that instructions issued by the Haryana Govt. Circular no. Sr. 1265-2GS –ii 73/781 dated 27.3.1973, in the above said instruction, it is mentioned that departments would be sent preparation of the collective demand of the clerk & typist to S.S.S. Board and further inform regarding number of such type of posts , if any, to the S.S.S. Board which would be filled up from clerks of Hindi or English so that, recruitment may be done accordingly.

2. In this matter, further discussed that any such method will be adopted , by which, it would be sustained , recruitment of clerk in all departments have knowledge of type .The knowledge of type for the clerk is a beneficial qualification. The clerk and assistant knowing the type can produce his notice by typing and can type other short letters himself .So , it has been considered appropriate that it is necessary the knowledge of Hindi or English typing for the clerks recruited in future and the department while sending the requisition to the S.S.S. Board for clerk it may clear be mentioned that the recommended candidates must have the knowledge of Hindi or English typing .S.S.S. Board should recommend the candidates only who have passed the typing test. If the Board, in first instance cannot made available the candidates knowing the typing , than , it shall prepare the list of candidates on merit who could not pass the type test but are eligible for the post of clerks . These candidates should be given chance by the Board within six months to pass the type test if those candidates pass the tying test by prescribed speed their names should be recommended to the department. So, implement this system, it is considered necessary that all the departments of the state may provide in class-II (Ministerial) rules for recruitment of clerks as under :-

“Knowledge of typing in Hindi or English at the speed of 25 and 30 words per minute respectively would be necessary qualification for the post of Clerk.”

1. For this amendment, approval of S.S.S. Board , Legal Department and Finance Department has been obtained and Counsel of Ministers has approved this amendment. So, it is suggested that all departments should amend in their rules after getting the notification, vetting from the L.R. Department and in future action may be taken in accordance this amendment
2. Please send receipt of these instructions.

Sd.

Virender Nath

Dy. Secretary, Political and Services

True Translation

Advocate

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

Civil Misc.No\_\_\_\_\_\_\_\_\_of 2007

IN

Civil Revision No.\_\_\_\_\_\_of 2007

Abhay Singh \_\_\_Petitioner

VERSUS

Sumer Singh and Anr. \_\_Respondents

Application under Section 151 of CPC praying for exemption from filing the certified copies of Annexure P-1 & P-2 as well as exemption from filing the certified copy of impugned order dated 18.1.2007.

RESPECTFULLY SHOWETH

1. That the petitioner is filing the above titled civil revision in this Hon'ble Court which is likely to succeed vide grounds taken therein.

2. That the certified copies of Annexures P-1 & P-2 and order dated 18.1.2007 passed by Ld. Addl. Distt. Judge, Narnaul are not readily available with the petitioner and in procuring the same will take sufficient time. However the true typed copies of same is being filed herewith the revision petition.

It is, therefore, respectfully prayed that application may kindly be allowed and petitioner may kindly be exempted from filing the certified copies of Annexures P-1 & P-2 and order dated 18.1.2007 in the interest of justice.

Note: Affidavit not required

CHANDIGARH (SANDEEP KUMAR YADAV (R)

ADVOCATE

DATED:14.2.2007 COUNSEL FOR THE PETITIONER

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

Civil Misc.No\_\_\_\_\_\_\_\_\_of 2007

IN

Civil Revision No.\_\_\_\_\_\_of 2007

Abhay Singh \_\_\_Petitioner

VERSUS

Sumer Singh and Anr. \_\_Respondents

Application under Section 151 of CPC praying for permission to place on record Annexures P-1 and P-2.

RESPECTFULLY SHOWETH

1. That the petitioner is filing the above titled civil revision in this Hon'ble Court which is likely to succeed vide grounds taken therein.

2. That the petitioner wants to place on record Annexures P-1 & P-2 i.e. copy of order 10.4.97 and judgment dated 31.7.2004 for the just and proper adjudication of the present civil revision.

It is, therefore, respectfully prayed that application may kindly be allowed and petitioner may kindly be permitted to place on record Annexures P-1 & P-2 in the interest of justice.

Note: Affidavit not required

CHANDIGARH (SANDEEP KUMAR YADAV (R)

ADVOCATE

DATED:14.2.2007 COUNSEL FOR THE PETITIONE

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

C.M. no.-------- of 2015

In F.A.O. No. 74 - M of 2013

Jasmer Singh -- ------Appellant

VERSU

Seema ---------- Respondent

Application u/s 151 CPC for early hearing to fix actual date and to pass appropriate order as applicant /respondent has no objection to allow the present appeal.

RESPECTFULLY SHOWETH:

1. That above said appeal is pending /admitted before this Hon,ble Court. Appellant/husband has preferred the above said appeal against the order dt. 2.2.2013 passed by the Ld. Distt. Judge ,Jind. Appellant /husband filled the divorce petition under section 13 of Hindu Marriage Act-1955 for dissolution of marriage before the Distt.Judge Jind but same was dismissed.
2. That marriage of the appellant-husband with respondent- was solemnized on 25.12.2010 at village Sangatpura District Jind according to Hindu rites and ceremonies. However, no issue had born out of their wedlock. Now, both the husband and wife in this case have been staying separately for last 5-6 years and there is no chance of their reconciliation , thus, the respondent-wife on the advice of her parents has decide to dissolve the said marriage and to re-habiliate herself . So, in view of the matter , the applicant –wife has no objection if the appeal preferred by the husband which is pending in this Hon,ble Court may be allowed .
3. That appellant-husband not at all in a mood to keep the applicant-wife in order to pull the matrimonial life.

It is , therefore, prayed that the above said appeal may kindly be listed for hearing and be allowed.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 3 . 8 .20 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT

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

C.M no.-------- of 2015

In F.A.O. No. 74 - M of 2015

Jasmer Singh -- ------Appellant

VERSU

Seema ---------- Respondents

Affidavit of Seema wife of Jasmer Singh d/o Sh. Sant Raj resident of village Sangatpura Tehsil & District Jind.

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

1. That marriage of the appellant-husband with deponent was solemnized on 25.12.2010 at village Sangatpura District Jind according to Hindu rites and ceremonies. However, no issue had born out of their wedlock. Now both the husband and wife in this case have been staying separately for last 5-6 years and there is no chance of their reconciliation , thus, the deponent on the advice of her parents has decide to dissolve the said marriage and to re-habiliate herself . So, in this view of the matter , the deponent has no objection if the appeal preferred by the husband which is pending in this Hon,ble Court may be allowed .
2. That appellant-husband not at all in a mood to keep the deponent in order to pull the matrimonial life.

CHANDIGARH DEPONENT

DATED: 2015

VERIFICATION

Verified that the contents of paras No. 1 to 2 of my above affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been kept concealed therefrom.

CHANDIGARH DEPONENT

DATED: .2015

True Copy

Advocate

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

C.M. No of 2015

IN F.AO. No.74-M- of 2013

Jasmer Singh --------------- Appellant

VERSUS

Seema ------------- Respondent

I N D E X

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| Note :- Power of Attorney already on record | | | | | |
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CHANDIGARH

DATED: 3.8.2015 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR RESPODENT

TO WHOM IT MAY CONCERN

Certified that Mrs. Sushil Kumari w/o Sh. Suresh Ahlawat has been worked in this school from 4.11.2014 to as Computer Teacher.

During her service in this institution, her work and conduct remained good.

We wish her best of prudence in her future endeavors.

Principal

Govt. Sr .Sec. School

Bhuri (Panchkula)

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

C.R.R. ( F ) no.\_\_\_ of 2015

Neha Verma and another ----------------------Petitioners

VERSUS

Gaurav ­­­ --------- Respondent

Application u/s 482 Cr.P.C. seeking exemption from filing certified /true typed copy of impugned order dated 4.9.2015.

RESPECTFULLY SHOWETH:

1- That the petitioners are filing accompanying revision petition and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of revision be read as part of this application also

2- That the petitioner no.1 has not readily available the certified copy of impugned order, which is relevant and necessary for the proper adjudication of the case. However, true photocopy/internet copy of the same is attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the petitioner may kindly be exempted from filing certified copy of impugned order dated 4.9.2015 , in the interest of justice.

CHANDIGARH

DATED:10.10.2015 (SURESH AHLAWAT)

ADVOCATE

Counsel for the petitioners

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

C.R.R. ( F ) no.\_\_\_ of 2015

Neha Verma and another ----------------------Petitioners

VERSUS

Gaurav ­­­ --------- Respondent

Affidavit of Suresh Ahlawat Advocate Pb.& Har. High Court ,Chandigarh.

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

1- That the deponent is not readily available with the certified copy of impugned order dated 4.9.2015 which is necessary for proper adjudication of the case.

CHANDIGARH

DATED: .10.2015

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

DATED: .10.2015

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

In Civil Revision No.\_\_\_\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

Affidavit of Ishwar Singh son of Giani Ram, resident of Village Intal Khurd, Tehsil and District Jind

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

1- That the deponent is not readily available with the certified copies of Annexure P-1 to P-3, which are necessary for proper adjudication of the case.

CHANDIGARH

DATED: .10.2010

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

DATED: .10.2010

Grounds of Revision

1. That the impugned order dated 4.9.2015 passed by the Ld. Add.District Judge (Family Court) Ambala is against the law and facts of the case , hence needs to be modified and the petitioners are entitled for the enhanced amount of maintenance to the tune of Rs. 15,000/- per month (Rs.10,000/- per month as maintenance for herself and Rs. 5000/- per month for son) as claimed by petitioners in the petition filed under section 125 of the Code of Criminal Procedure,1973.
2. That the for filing the present revision petition the facts are summarized here that the marriage of the petitioner with the respondent was solemnizes on 20.4.2008 at Kiratpur District Bijnour (U.P.),as per Hindu rites and ceremonies but was consummated at Ambala Cantt. From the said wedlock one son namely Purujit was born on 4.11.2010 at her parental home. The petitioner pleaded that although sufficient dowry was given by her parents at the time of marriage but after the marriage, she was maltreated with Cruelty by the respondent and his mother for demand of dowry and was turned out of the matrimonial home. Petitioner stayed with the respondent from 8.8.2009 to 17.3.2010 and returned along with the respondent upon his annual leave from Army and the respondent left the petitioner at her parental home. Further that during her stay in the company of the respondent, she was given merciless beatings. The respondent is not fulfilling his duty as a husband and as a father for minor son Purujit and always tried to keep away the petitioner , who are now residing with her parents at Kiratpur District Bijnour (U.P.) since 9.8.2011 due to act and conduct of the respondent .The respondent being employed in Indian Army is drawing more than Rs. 30,000/- per month, where as petitioner no1 has no source of income and unable to maintain herself as well as the minor child.
3. That after scanning the entire evidence led on behalf of both the parties , the Ld. Lower Court has came to the conclusion that the gross- salary of the respondent (who is serving in Indian Army as Signalman Man posted at Ambala Cantt) is Rs. 33,970/- per month which is evident from the salary slip Mark-A, which is un-rebuttal document but Ld. Court below has committed the grave illegalities by ordering to pay maintenance a sum of Rs. 2000/-per month each to the petitioners , which is very less whereas, prices of essential commodities were rising every day and it is not dispute that the petitioner-wife has no source of livelihood and has nothing to bank upon except for monthly maintenance amount from the husband. The respondent- husband has also no liability legally dischargeable other than payment of maintenance to his estranged wife, i.e. petitioner. When the respondent is getting monthly salary to the tune of Rs. 34,000/-per month, there is no reason for him to deny at least 1/2 of the said income for his wife and son, who are disadvantaged and are living in destitution . Petitioner has no claim on her father when her husband is an earning hand and is earning handsomely as well. It is pertinent to mention here that father of the respondent retired/pensioner person from Indian Air Force and have own residential house at Ambala. In this way ,parents of the respondent-husband not dependent upon him.
4. That the Ld. Court below granted the maintenance only 2000/- per month each to the petitioners no.1 & 2 is on very lower side and as such the petitioners are entitled at least RS. 15,000/-PER MONTH for her and his/her child maintenance and it is the natural duty and legal duty cast upon the husband to maintain his wife and son with all dignity, facility, amenity and perks as being taken by in this modern society.

It has been held by **Hon,ble Apex Court in Chaturbhuj v/s Sita Bai 2008 (1) CCC ,100 that Section 125 Cr.P.C** is a measure of social justice and is specially enacted to protect women and children . It has been further held that the object is to prevent vagrancy and destitution and a speedy remedy for the supply of food, clothing and shelter to the deserted wife. It gives effect to fundamental rights and natural duties of a man to maintain his wife, children and parents when they are unable to maintain themselves.

1. That the petitioner no.1 have no source of income to maintain herself and her child ,they are dependent on the amount of maintenance i.e. Rs.2000/-per month each and upon the parents of petitioner no.1 and petitioner no.2 namely Purujit aged 5 years is studding in LKG class of St. Peter,s School under C.B.S.C, Kiratpur District Bijnaur.and he need a considerable amount for their education, food and clothing etc. The price index has also increased considerably during these years. It is duty of respondent –husband to maintain her and his child. Law is well settled that petitioner-wife is also entitled to the same standard of living as she would have while residing with her husband. For these reasons , that the amount as awarded by the trial court be enhanced.
2. That thus, the impugned order is totally based upon hypothetical presumptions and assumptions. The reasons so recorded by the Ld. Lower Court are totally illegal, perverse fictional , speculative and not sustainable and tenable in the eyes of law and as such the impugned order is liable to be modified and the petitioners are entitled to the enhanced amount of maintenance as claimed by them in the petition from the date of filing thereof i.e.4.2.2013.
3. That the impugned order is also based upon the conjectures and surmises and as such liable to be modified and the petitioner are entitled for the enhanced maintenance as claimed for.
4. That the findings recorded by the lower court are wholly mechanical, fanciful and whimsical. Therefore, the same cannot be sustained in the eyes of law.
5. That the impugned order is not based upon the true facts and legal import of the case and as such liable to be modified.
6. That the ld. lower Court has miserably failed to recorded any cogent and valid reasons while passing the impugned order and as such the impugned order is liable to be modified.
7. That the ld. Court has committed the grave irregularity and illegality while passing the impugned order and as such caused the grave and manifest injustice to the petitioners by granting them the meagre amount of maintenance in this modern era of hike and to live a standard and dignified life. Thus , the impugned order is deserves to be modified and the petitioners are entitled for the enhanced amount of compensation as claimed by them in the petition.
8. That no such or similar revision petition has earlier been filed by the petitioners either in this Hon,ble court or in the Hon,ble Supreme Court of India nor pending on them behalf against the impugned order. However, the respondent-husband filed the divorce petition under section 13 of the HMA -1955 before the Ld. District Court , Ambala same is now pending and transfer application (T.A. 735 of 2015) of the said case from Ambala to Sonipat also same pending for 25.1.2016 in this Hon,ble Court.
9. It is, therefore, respectfully prayed that the present revision petition may kindly be allowed by modifying the impugned order dated 4.9.2015 passed by the Ld. District Court, (Family Court) Ambala and the petitioners my kindly be granted the enhanced amount of maintenance to the tune of Rs. 15,000/- per month (Rs.10,000/- per month as maintenance for herself and Rs. 5000/- per month for son) as claimed by them in the petition filed under Section 125 Cr.P.C. from the date of institution i.e. 4.2.2013 thereof, in the interest of justice.

It is further prayed the exemption may kindly be granted from certified/typed the judgment/order dated---- passed by the ld. Court, as well typed copy of Annexure \_p-1 and permission to place on record photocopy of the same.

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : ADVOCATE

COUNSEL FOR THE PETITIONERS

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR (F) no. --------- of 2015

Neha Verma and another …………Petitioner

Versus

Gaurav Verma ………..…Respondent

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Note : Caveat, if any : No.

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 10.10.2015 ADVOCATE

COUNSEL FOR THE PETITIONERs

IN THE COURT OF PRESIDING OFFICER , IDUSTRIAL TRIBUNAL- CUM- LABOUR COURT AT ACHANDIGARH.

Gajanand Balsal Versus State of Haryana and Another

LAC no. 21 of 2013

Application under Section 33-C (2) of Industrial Dispute Act ,1947 for setting-aside ex-parte order , dated 6.8.2015 passed by this Hon,ble Tribunal by virtue of which the respondent no.2 has been proceeded against ex-parte.

RESPECTFULLY SHOWETH:-

1. That the above titled case is pending before this Ld. Tribunal and is fixed for 18.12.2015.
2. That the respondent no.2 had engaged a counsel to appear on its behalf before the Hon,ble Tribunal and directed to file status report of each and every date of hearing ,but the said counsel always when asked for the status of the case failed to give any satisfactory reply and always put the matter on one pretext or the other . Therefore ,the the respondent no.2 engaged the present counsel and when the present counsel inquired the date of hearing from the previous counsel , he informed the present counsel that the case is fixed for 19.11.2015.
3. That on 19.11.2015 when the present counsel appeared before the this Hon,ble Tribunal ,the counsel came to know that the respondent no2. has been proceeded against ex-parte on 6.8.2015 due to non appearance on behalf of the respondent no.2 as well his counsel.
4. That the non appearance of the respondent no2 was neither willful nor intentional on the dates of hearing but due to the above said reason.
5. That no prejudice would be caused to the petitioner , if the ex-parte order dated 14.3.2014 be set-aside by this Hon,ble Tribunal and respondent no.2 be allowed to contest the case on merits.
6. That the present application is well within limitation from the date of knowledge of the order and in case the Hon.ble Court comes to the conclusion that there is delay in filing the application then the same may kindly be condoned as the same is neither intentional nor willful.

It is , therefore, most respectfully prayed that the ex-parte order dated 14.3.2014 against the respondent may please be set aside, in the interest of justice.

Place :- Panchkula ----- Respondent no.2

Dated Through Counsel

( SURESH AHLAWAT )

Advocate

IN THE COURT OF PRESIDING OFFICER , IDUSTRIAL TRIBUNAL –CUM- LABOUR COURT AT CHANDIGARH.

Jagbir Singh Versus State of Haryana and Another

AFFIDAVIT

I, Suresh Ahlawat ,Advocate, Resi-cum- Office H.No.706 , Sector -11, Panchkula, do here by solemnly affirm and declare as under:-

1. That the respondent no.2 had engaged a counsel to appear on its behalf before the Hon,ble Tribunal and directed to file status report of each and every date of hearing ,but the said counsel always when asked for the status of the case failed to give any satisfactory reply and always put the matter on one pretext or the other . Therefore ,the the respondent no.2 engaged the present counsel and when the present counsel inquired the date of hearing from the previous counsel , he informed the present counsel that the case is fixed for 19.11.2015.
2. That on 19.11.2015 when the present counsel appeared before the this Hon,ble Tribunal ,the counsel came to know that the respondent no2. has been proceeded against ex-parte on 13.8.2015 due to non appearance on behalf of the respondent no.2 as well his counsel.
3. That the non appearance of the respondent no2 was neither willful nor intentional on the dates of hearing but due to the above said reason.
4. That no prejudice would be caused to the petitioner , if the ex-parte order dated 13.8.2015 be set-aside by this Hon,ble Tribunal and respondent no.2 be allowed to contest the case on merits.
5. That the present application is well within limitation from the date of knowledge of the order and in case the Hon.ble Court comes to the conclusion that there is delay in filing the application then the same may kindly be condoned as the same is neither intentional nor willful.

Panchkula Deponent

Dated :-

Verification:- Verified that the contents of para no.1 to 6 of the affidavit are true and correct to my knowledge . No part of it is false and nothing material has been concealed there in .

Panchkulal Deponent

Dated

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No……….2018

IN THE MATTER OF:

Jogender VS State of Haryana and another

FIR.No.-219 dt 28.06.2015

U/s: 323,341,307and 120-B IPC

PS: Beri, Jhajjar

**Criminal Revision u/s 401 Cr.P.C.**

1. That this revision petition is against the impugned order dated 24.08.2018 passed by the Ld court of Sh. SudhirJiwan ASJ Jhajjar.
2. The FIR is lodged in the year 2015 and more than three years have passed since then, this is first time name of DSPAmit Kumar has cropped in the mind of prosecution. This application moved at this belated stage just to fill lacuna in the case. DSP Amit has neither investigated the matter nor was he involved in the case. That after lapse of so much time, the same cannot be allowed to be used by prosecution to prove the case against the petitioners. That the prosecution cannot, by way of examining the witness, fill up the lacuna left by the prosecution which is not permissible in the eye of law. Copy of the application dated 31.5.2018 moved by the applicant/prosecution and its reply filled by the petitioner are attached herewith as **Annexure P-1 and P-2 respectively.**
3. That there is no material on judicial file which bears signature of DSP Amit Kumar, there it is wrong to say that he has investigated the case. that [Section 311](https://indiankanoon.org/doc/1780550/) Cr.P.C. does not envisage for the exhibition of document in exercise of power under [Section 311](https://indiankanoon.org/doc/1780550/) Cr.P.C
4. That the Dr. Ishwar Singh might have given his opinion about Sajjan Singh way back on 10.01.2017 which is almost 1and a half year back. The prosecution has tried to call the witness in the witness box to prove the document which is not on the judicial file.
5. That while exercising [Section 311](https://indiankanoon.org/doc/1780550/) of the Cr.P.C., the Court should not be oblivious that the prosecution should not be allowed to fill up the lacuna left by the prosecution. [Section 311](https://indiankanoon.org/doc/1953529/) is meant to advance justice and to suppress mischief, and arrive to a right conclusion. In the case of Mohanlal Shamji SoniVs. Union of India &Anr. reported in 1991 Supp. (1) SCC 271, the Hon'ble Apex Court has interpreted the provision of [Section 311](https://indiankanoon.org/doc/1780550/) of the Cr.P.C. and has delineated the power and function of the trial court in the matter of exercising the power under [Section 311](https://indiankanoon.org/doc/1780550/) of the Cr.P.C.
6. [In Iddar & Ors. vs. Aabida&Anr](https://indiankanoon.org/doc/235455/). - AIR 2007 SC 3029 In [Section 311](https://indiankanoon.org/doc/1953529/) the significant expression that occurs is ‘at any stage of inquiry or trial or other proceeding under this Code’. It is, however, to be borne in mind that whereas the section confers a very wide power on the court on summoning witnesses, the discretion conferred is to be exercised judiciously, as the wider the power the greater is the necessity for application of judicial mind.
7. That the application had been filed at a belated stage with intention to delay the proceedings. Last but not the least, the documents are not a part of the challan and the witnesses sought to be produced were never investigated by the police and their statements were never recorded under [Section 161](https://indiankanoon.org/doc/447673/) of the Cr.P.C. The subsequent witnesses and documents could be allowed to be produced only, in case, subsequent charge-sheet was filed in pursuance to further investigation conducted under [Section 173(8)](https://indiankanoon.org/doc/274924/) of the Cr.P.C. In the present case, neither was there any further investigation and nor a subsequent charge-sheet. Hence, the prosecution cannot be allowed to examine such witnesses.
8. That the learned Single Judge of the Madras High Court in the case of **State by Inspector of Police Vs. S.Sankaran&Anr., reported in 2005 Crl.L.J. 1474**contend that no permission can be granted to examine new witness who had not given the statement under [Section 161](https://indiankanoon.org/doc/447673/) of the Cr.P.C. at the time of investigation
9. That the order dated 10.05.2013 passed in the case of Deepak Gopalia Vs. State of Rajasthan &Ors. (S.B.Criminal Misc. Petition No.2536/2012), vide which, the order dismissing the application under [Section 311](https://indiankanoon.org/doc/1781078/) was upheld on the ground that once the defence has disclosed its stand in the statement under [Section 313](https://indiankanoon.org/doc/767287/) of the Cr.P.C., an opportunity to examine new witness will not only amount to filling up the lacuna but shall also destroy the gains made by the defence.
10. That by way of application under [Section 311](https://indiankanoon.org/doc/1780550/) Cr.P.C., the prosecution is trying to **fill**up the **lacuna**, which would not be permissible in law. Grave prejudice would be caused to the accused.
11. That thus, the impugned order is totally based upon hypothetical presumptions and assumptions. The reasons so recorded by the Ld. Lower Court are totally illegal, perverse fictional , speculative and not sustainable and tenable in the eyes of law and as such the impugned order is liable to be set-aside .
12. That the impugned order is also based upon the conjectures and surmises and as such liable to be set-aside .
13. That the findings recorded by the lower court are wholly mechanical, fanciful and whimsical. Therefore, the same cannot be sustained in the eyes of law.
14. That the impugned order is not based upon the true facts and legal import of the case and as such liable to be set-aside.
15. That the ld. lower Court has miserably failed to recorded any cogent and valid reasons while passing the impugned order and as such the impugned order is liable to be set-aside.
16. That the ld. Court has committed the grave irregularity and illegality while passing the impugned order and as such caused the grave and manifest injustice to the petitioner. Thus , the impugned order is deserves to be set-aside .
17. That no such or similar revision petition has earlier been filed by the petitioner either in this Hon,ble court or in the Hon,ble Supreme Court of India nor pending on his behalf against the impugned order.
18. It is, therefore, respectfully prayed that the present revision petition may kindly be allowed and impugned order dated 24.8.2018 passed by the Ld. Lower Court blow may kindly be quashed/set aside in the interest of justice.

It is further prayed the exemption may kindly be granted from certified/typed the judgment/order dated 24.8.2018 passed by the ld. Court below, as well typed copy of Annexure P-1 and 2 and permission to place on record the same.

It is further prayed that during the pendency of this petition, further proceeding before the court of Ld. Additional Sessions Judge, jhajjar be stayed till the final decision of this petition by this Hon,ble Court.

CHANDIGARH ( Kalyan Singh and Suresh Ahlawat)

DATED : 4.9.2018 ADVOCATES

COUNSEL FOR THE PETITIONER

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No……….2018

IN THE MATTER OF:

Jogender VS State of Haryana and another

FIR.No.-219 dt 28.06.2015

U/s: 323,341,307, and 120-B IPC

PS: Beri, Jhajjar

AFFIDAVIT

I, Jogender S/o Sh. Kude Ram R/o Vill Chimni Distt Jhajjar do hereby solemnly as under:

1. That this revision petition in the above noted case in the Hon’ble court of Punjab and Haryana High court has been drafted by the counsel on my instructions.
2. That there is no such or similar petition has earlier filed by the petitioner either in this Hon,ble High court of Punjab and Haryana and Hon,ble Supreme Court of India..
3. That the content of the revision petition is read over to me in simple Hindi which I admitted to be correct.

PLACE:- CHANDIGARH

VERIFICATION

That the contents of the said affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Place:

Date:

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR no. --------- of 2018

Jogender …………Petitioner

Versus

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

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| 6. | **Annexure P-1**  (Application u/s 311 Cr.p.c) | ---------- | 17-19 |  |
| 7. | **Annexure –P-2**  (Reply) | 31.5.2018 | 20-25 |  |
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Note : Caveat, if any : No.

Similar case :- CRM –M-16221 0f 2016 (regular bail)

CHANDIGARH ( Kalyan Singh and Suresh Ahlawat)

DATED : 4.9.2018 ADVOCATES

COUNSEL FOR THE PETITIONER

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

Criminal Revision No.\_\_\_\_\_\_\_\_ of 2018

FIR.No.-219 dt 28.06.2015

U/s: 323,341,307 and 120-B IPC

PS: Beri, Jhajjar

**Memo of Parties**

Jogender s/o Sh. Kude Ram

resident of Village Chimni, Police Station Beri, District Jhajjar.

--- PETITIONER

VERSUS

1. State of Haryana
2. Kanta w/o Sh. Sajjan Singh -

Resident of village Chimni ,Police Station Beri District. Jhajjar.

---------- RESPODENTS

CHANDIGARH (Kalyan Singh and Suresh Ahlawat)

DATED : 4.9.2018 ADVOCATES

COUNSEL FOR THE PETITIONER

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No……….2018

IN THE MATTER OF:

Jogender VS State of Haryana and another

Court Fee

CHANDIGARH Kalyan Singh and Suresh Ahlawat

DATED : 4.9.2018 ADVOCATEs

COUNSEL FOR THE PETITIONER

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Now fixed for 23.11.2018

Mohinder and others --------------Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

Application under Section 151 of CPC for condonation of delay occurred (deposit 50% of decretal amount i.e. Rs. Six lacs) in compliance of order dated 24.10.2016 passed this Hon,ble Court in CM No. 14151-C-2016 and the auction proceeding, which is ordered to be conducted on 17.9.2018 may kindly be stayed in the interest of justice and fair play..

Respectfully Showeth :-

1. That the appellants have filed the above stated appeal in this Hon,ble Court and the same is likely to succeed on the grounds mentioned therein . the said appeal is now fixed for 23.11.2018 for final argument .
2. That the respondents /plaintiffs have filed suit under appeal for recovery of Rs. 12 lacs with interest @ 12% per annum from the date of payment along with pendent-lite and further interest @ 12% per annum against the appellants. Resultantly , vide impugned judgment and decree dated 4.1.2014 , the suit of the respondents/plaintiffs has been partly decreed to the extent that respondents/plaintiffs are entitled to recovery of Rs. 12 lacs from the appellants/defendants .
3. That this Hon,ble court vide order dated 24.10.2016 had directed to the appellants/applicants to deposit of 50% of the decretal amount i.e. Rs. Six Lacs before the executing Court within two weeks, failing which executing court will proceed further with the matter in accordance with law.

**Order dated 24.10.2016 passed by this Hon,ble Court is reproduced below for kind perusal of this Hon,ble Court :-**

**Present Mr. Rajesh Garg ,Sr. Advocate with Mr. RK Upadhyay, Advocate for the applicants appellants**

**Mr. Harsh Bunger ,Advocate for the Advocate.**

**CM-14150-C-2016**

**Application is allowed subject to all just exceptions**

**CM -14151-C-2016**

**Ld. Counsel for the applicants /appellants submits that similar three other regular second appeals bearing RSA No. 1268 of 2016 ,2131 of 2016 and 3037 of 2015 are fixed for 6.12.2016 for arguments ,which is fixed for today be stayed.**

**The application is allowed, the auction will be stayed ,subject to deposit of 50% of the deretal amount before the executing court within two weeks ,failing which executing court will proceed further with the matter in accordance with law.**

**Ld. Counsel for the respondents submits all the four appeals are having separate matters and same be separately heard. This contention will be looked in to the next date .**

**List on 6.12.2016, the date already fixed.**

**October 24 ,2016 Sd/-**

**( SURENDER GUPTA)**

**JUDGE**

1. That the appellants could not deposit the said due to paucity of money. When amount was arranged than appellants filed the application immediately before the Ld. Executing court for permission to deposit the 50 % of decretal amount i.e Rs. six lacs and Ld Executing court permitted and directed to the appellants that if the JD/applicants wants to deposit the amount at his own risk, he is permitted to do so, than as per the order of the executing court the amount has been deposited even own risk on 16.12.2017 vide E-Challan in Govt. Treasury from which, it reflects that the delay in deposing the amount is not intentional . Copy of the order dated 16.12.2017 passed by the Ld. Executing court and copy of E- challlan of deposited amount of Rs. Six lacs are attached herewith as **Annexure A-1 and A-2.**
2. That the now Ld. Executing court has passed the following orders regarding sale of attached property. Some of orders reproduced below for kind perusal of this Hon,ble court :-

of **Vikram v/s Mohinder Exe-2865-2014**

**Presant :- Sh. JK dang Advocate for DH**

**Sh. Harish saini Advocate for JD**

Warrant of sale is not received back either executed or unexecuted. No report in this regard is received . Now fresh warrant of sale attached property be issued on filling of Munadi fee etc. as per schedule.

Notice 19.5. 2018

Spot 7.6.2018

Sale 26.6.2018

Report 13.7.2018

SDO( C) is also directed to submit the report regarding non execution of warrant of sale dated 13.7.2018

Sd/-

Ashok Kumar

JMIC Gurugram

Date of order 1.5.2018

**Next date of hearing 13.7.2018**

**Purpose – sale**

**Vikram v/s Mohinder Exe-2865-2014**

Present :- Sh. JK dang Advocate for DH

Sh. Harish saini Advocate for JD

SDO ( C) has furnished the report regarding non execution of warrant of sale. Now to come up on 2.8.2018 for consideration.

Sd/-

Madhur Bajaj

CJ(JD/RC/JMIC Gurugram

**Date of order 13.7.2018**

**Next date of hearing 2.8..2018**

**Vikram v/s Mohinder Exe-2865-2014**

Present :- Sh. JK dang Advocate for DH

Sh. Harish saini Advocate for JD

Arguments are not advanced. Adjournment sought. Heard. Allowed. Now to come up on 27.8.2018 for arguments.

Sd/-

Madhur Bajaj

CJ(JD/RC/JMIC Gurugram

**Date of order 2.8.2018**

**Next date of hearing 27.8..2018**

**Purpose :- Sale**

**Vikram v/s Mohinder Exe-2865-2014**

Present :- Sh. JK dang Advocate for DH

Sh. Harish saini Advocate for JD

Arguments are not advanced. Adjournment sought. Heard. Allowed. Now to come up on 27.8.2018 for arguments.

Sd/-

Madhur Bajaj

CJ(JD/RC/JMIC Gurugram

**Date of order 27.8.2018**

**Next date of hearing 18.9..2018**

**Purpose :-**

1. That the delay in deposit the amount is not intentional and was due to unavoidable family circumstances not with in control the appellants/applicants as the applicants are poor farmers and have no source of fund/money ,therefore, it is prayed that delay in deposit of money may kindly be condoned.

In view of the above, it is respectfully prayed that auction proceeding before the executing court may kindly be stayed till the final decision of the regular second appeal (RSA) in the interest of justice.

Place:- Chandigarh SURESH AHLAWAT

DATED 10.9.2018 ADVOCATE

Counsel for the Applicants/ APPELLANTS

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Mohinder and others -------------- Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

Application u/s 151 CPC seeking exemption from filing true typed/certified copies of Annexure A-1 and A-2 and for placing on record true copies thereof.

RESPECTFULLY SHOWETH:

1- That the applicant/appellants is filing accompanying regular second appeal and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of appeal be read as part of this application also

2- That the applicants/appellants has not readily available the certified copy of Annexure A-2 , which is relevant and necessary for the proper adjudication of the case. However, certified copy of annexure A-1 and true photo copy of annexure A-2 are attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicants/appellants may kindly be exempted from filing true typed / certified copies of Annexure A-1 and A-2 and allow them to place on record thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 10.9.2018 (SURESH AHLAWAT)

ADVOCATE

Counsel for the Applicants/Appellants

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

C.M. No. of 2018

IN RSA No. 5048 of 2015

Mohinder and others -------------- Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

Affidavit

I, Mohinder son of Sh. Raghbir resident of village Kankrola, Tehsil and District Gurugram

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

That the applicants/appellants has not readily available the certified copy of Annexure A-2 , which is relevant and necessary for the proper adjudication of the case. However, certified copy of annexure A-1 and true photo copy of annexure A-2 are attached herewith for the kind perusal of this Hon’ble Court.

CHANDIGARH

DATED: .9.2018

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

DATED: .9.2018 THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Now fixed for 23.11.2018

Mohinder and others -------------- Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

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| 5. | **Annexure A-1** (Certified copy of order of Executing Court) | 15.12.2017 | 11-13 | 1.95 |
| 6. | **Annexure A-2**  (True Photo Copy of Challan) | 16.12.2017 | 14 | .65 |
| 7 | Power of Attorney | 1.9.2018 | 15 | 2.75 |
| Total Court Fee | | | | |

Note : Caveat, if any : No.

CHANDIGARH ( SURESH AHLAWAT)

DATED : 15.10.2018 Advocate

Counsel for the Applicants/appellants

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Mohinder and others -------------- Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

I, Mohinder son of Sh. Raghbir resident of village Kankrola, Tehsil and District Gurugram

The above named deponent, do hereby solemnly affirm and declare 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. Date:    .2018

Place:-Chandigarh

**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 .2018

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Now fixed for 23.11.2018

Mohinder and others --------------Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

Court Fee

CHANDIGARH ( SURESH AHLAWAT)

DATED : 15.10.2018 ADVOCATE

Counsel for the Applicants/appellants

IN THE HON’BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Now fixed for 23.11.2018

Mohinder and others --------------Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

Application under Section 151 of CPC to withdraw the above stated appeal in view of the matter being settled between the parties i.e appellants and respondents.

Respectfully Showeth :-

1. That the applicants appellants have filed the above stated appeal in this Hon,ble Court and the same is now fixed for 23.11.2018 for final argument .
2. That the respondents /plaintiffs have filed suit under appeal for recovery of Rs. 12 lacs with interest @ 12% per annum from the date of payment along with pendent-lite and further interest @ 12% per annum against the appellants. Resultantly , vide impugned judgment and decree dated 4.1.2014 , the suit of the respondents/plaintiffs was partly decreed to the extent that respondents/plaintiffs are entitled to recover of Rs. 12 lacs from the appellants/defendants .
3. That now the execution proceeding is going on before the ld. Executing Court at Gurugram to recover the decreetal amount of Rs. 12 lacs . Now appellants after settled the dispute with respondents, have deposited the said decreetal amount of Rs. 12 laks before the Ld. executing court. Now due to compromise between the parties , appellants do not want to pursue the above stated appeal and want to withdraw the same
4. It is , therefore , most respectfully prayed that the application may kindly be accepted and appellants be permitted to withdraw the above stated appeal , in the interest of justice.

Note :- affidavit is attached herewith .

Place:- Chandigarh SURESH AHLAWAT

DATED 15.10.2018 ADVOCATE

Counsel for the Applicants/ APPELLANTS

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Now fixed for 23.11.2018

Mohinder and others -------------- Appellants

Versus

M/S Vikram Electric Equipment Pvt. Ltd. and others

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

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|  |
|  | | | | |

Note : Caveat, if any : No.

CHANDIGARH ( SURESH AHLAWAT)

DATED : 15.10.2018 Advocate

Counsel for the Applicants/appellants

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2018

IN RSA No. 5048 of 2015

Mohinder and others -------------- Appellants

**Versus**

M/S Vikram Electric Equipment Pvt. Ltd. and others ------Respondents

**Affidavit**

I, Mohinder son of Sh. Raghbir resident of village Kankrola, Tehsil and District Gurugram do hereby solemnly affirm and declare as under:-

1. That the respondents /plaintiffs have filed suit under appeal for recovery of Rs. 12 lacs with interest @ 12% per annum from the date of payment along with pendent-lite and further interest @ 12% per annum against the appellants. Resultantly , vide impugned judgment and decree dated 4.1.2014 , the suit of the respondents/plaintiffs was partly decreed to the extent that respondents/plaintiffs are entitled to recover of Rs. 12 lacs from the appellants/defendants .

2. That now the execution proceeding is going on before the ld. Executing Court at Gurugram to recover the decreetal amount of Rs. 12 lacs . Now appellants after settled the dispute with respondents, have deposited the said decreetal amount of Rs. 12 laks before the Ld. executing court. Now due to compromise between the parties , appellants do not want to pursue the above stated appeal and want to withdraw the same

Place:-

Dated

**Verification:**

          Verified that 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.

BEFORE THE DEBTS RECOVERY TRIBUNAL-II

AT CHANDIGARH

O.A. NO. 439 OF 2016

Allahabad bank ------------Applicant-Bank

VERSUS

M/S Jai Durga Transformer and others

-----------Respondents/Defendants

**Short Rely** on behalf of the respondent no. 3 and 4

(Guarantors)

1. That application filed by the applicant/bank is not maintainable against the answering respondents because no order passed by the Ld. Magistrate Jind against the answering respondents regarding to take the possession of the residential house of the respondents.
2. That respondent no.1 had taken the loan amount of Rs. 18 lacs by mortgaging their residential house no. 613/27 measuring 269 Sq. Yard area. At present the Bank shown Rs. 21 lacs with interest outstanding against the above said lonee . It is, significant to mention here that present respondent no. 3 and 4 are the only guarantors of the secured loan amount , the Bank initiating recovery proceeding in this Hon,ble Tribunal , against borrower as well as the Guarantors. It is submitted that to recovery the loan amount of Rs. 21 Lecs the attachment order of the residential house of the Ans. Respondents measuring 121 Sq. Yds. has also been illegally attached . It is further submitted that outstanding amount is only Rs. 21 lecs and the market value of the residential house measuring 269 Sq. Yds. belonging to the borrower is more than Rs. 35 lecs.
3. That It is submitted that to recover the entire loan amount ,first the residential house belonging to the borrower be auctioned and if there is any deficiency in the loan amount , than the recovery can be made from the guarantor by auctioning their residential house . As already submitted that cost of the house of the borrower is more than the outstanding the loan amount.

Place Respondent no.

Dated

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

Respondent no.

BEFORE THE LAND ACQUISITION COLLECTOR- CUM- DRO , GURUGRAM

Application no. of 2019

1. Vijay son of Ram Singh s/o Khem Chand

2. Devender Kumar

3. Sunder sons of Baljeet s/o Khem Chand

All resident of Village Garauli Kalan, Tehsil & Distt. Gurugram --------------- Applicants/Petitioners

VERSUS

1. State of Haryana , through its collector, Gurugram

2. Managing Director, HSIDC, Haryana, Panchkula.

3. The Land Acquisition Collector-cum- DRO – GGR.

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

**Application under Section 28-A (3) of the Land Acquisition Act-1894**

Respectfully Showeth :-

**1. The** briefly the facts of the case are that State of Haryana vide Notification 29.1.2003 ,issued under Section 4 of the land acquisition Act,1894 sought to acquire land measuring 1779.40 acres ,situated in village Khandsa,Narsinghpur ,Mohammadpur Jharsa ,Harsaru and Garauli Khurd Tehsil & District. Gurugram for setting-up of Industrial Complex to be planned and developed as special economic Zone (SEZ) Phase –I . The land Acquisition Collector (LAC) vide award dated 27.1.2006 ,assessed the market value of the acquired land @Rs. 15 lakhs per acre for the land pertaining to revenue estates of village Khandsa and Narsingpur **@ Rs. 12.50,000/- per acre** for the land pertaining to revenue estates of village Harsaru,Mohammadpur Jharsa and **Garauli Khurd**. Aggrieved against the awards of the Collector ,the land owners filed objections which were referred to the ld. Distt.Court /Reference Court ,who keeping in view the material placed on record by the parties vide judgment/order dated 17.5.2012 ,assessed the market value of the acquired land @Rs. 40.95,000/-per acre for the land pertaining to revenue estate of villages Khandsa and Narsingpur. Vide another award , the ld. Reference Court assessed the market value of the acquire land **@Rs. 31,50,000/-** per acre for the land pertaining to revenue estate of villages Harsaru,Mohammadpur Jharsa and **Garauli -Khurd**. The aforesaid awards have been impugned by the land owners before the Hon’ble High Court at Chandigarh . Hon’ble High Court allowed the appeals on dated 23.9.2014 filed by the land owners and Hon’ble High Court further enhanced the compensation @ Rs. 57.80,000/- per acre for the land pertaining to revenue estate of villages Khandsa , Narsingpur and Mohammadpur Jharsa and **Rs,. 40,80,000/- per acre** for the land pertaining to revenue estate of villages Harsaru and **Garauli –Khurd** to all statutory benefits.

**2. That** at the time of acquisition of land in question, applicants were owners/co-sharers with Ram Nath in joint khewat and they were in possession of the land bearing khasra no. 415, Khata no. 478 ,Rect. No.36, killa no. 1 (7-14) and killa no. 10(8-0) .Petitioner no.2 and 3 are the LR.s of Baljeet Singh , the original co-sharer, so they will step into his shoes. A copy of statement no .19 of LA Act to this effect is attached herewith as **Annexure A-1.**

**3. That** after passed the award of the land Acquisition Collector than some of the aggrieved land owners filed the references under section 18 before the Ld. Distt. Court Gurugram . LR,s of Ram Nath who was also co-share in the joint Khewat with the applicants also filed the reference petition . Ld. Reference Court enhanced the condensation from Rs. 12,50,000/- per acre to 31,50,000/- per acre of the revenue estate village Garauli –Khurd . A copy of order dated 17.5.2012 passed by the Ld. Reference Court to this effect is attached herewith as **Annexure P-2.**

**3 That** after decided the references by the Ld. Distt. Court, present petitioners/applicants without their having filed reference petition under section 18 and application under Section 28-A of the land acquisition Act,1894 filed the execution petition before the Ld. Addl. Distt. Judge Gurugram being co-sharers on the principal of parity with their co-shares . ld. Executing Court Gurugram allowed the said application being main table vide order dated 4.11.2014 and granted the same benefits which was granted to other co-shares . A copy of order dated 4.11.2014 passed by the Executing Court is attached herewith as **Annexure P-3.**

6. That some of landowners went into appeal against the award passed by the Ld. Additional District judge , Gurugram before the Hon’ble High Court ,the Hon’ble High Court accepted the appeals vide order 23.2.2014 filed by the landowners and further enhanced the compensation from Rs.31,50,000/- per acre to 40,80,000/- per acre of the revenue estate village Garauli –Khurd. A copy of order dated 23.9.2014 passed by the Hon’ble High Court is attached herewith as **Annexure P-4.**

Than petitioners/applicants also filed the first appeal before Hon’ble High Court vide RFA no.2260 of 2017 for further enhancement of compensation of their acquired land against the order of the executing court but Hon’ble high Court dismissed as withdrawn the said appeal being non maintainable vide order dated 10.10.2017 and directed to the appellants to avail the appropriate remedy. In this regard a copy of order dated 10.10.2017 passed by the Hon’ble High Court is attached herewith as **Annexure P-5.**

**That now the applicants is filing the application under Section 28-A (3) of land Acquisition Act -1894.**

1. Firstly The text of **section 28-A (3) .It reads as follows:-**

**(3) “Any person who has not accepted the award under sub-section (2) may, by written application to the Collector ,require that the matter be referred by the Collector for the determination of the Court and the provisions of Section 18 to 28 shall , so far as may be ,apply to such reference as they apply to a reference under Section 18.”**

In this way a bare reading of sub section (3) of Section 28-A would indicate that applicants have been given a right under sub section 3 to make a written application to the collector to refer the matter for determination under section 18 to the Court.

The above reproduced provision represents the Legislature’s determination to ensure that the goal of equality enshrined in the preamble of the Constitution and Articles 38 , 39 and 46 thereof is translated in to reality, at least in the matter of payment of compensation to those who are deprived of their land for the benefit of the state , its instrumentalities /agencies and even private persons . Section 28-A 1 t0 3 also represents statutory embodiment of the doctrine of equality in matters relating to the acquisition of land . the scheme of section 28-A 1 to 3 provide some solace to this segment of the society by ensuring that such of the land owners whose land was acquired under the same Notification but who could not, on account of poverty ,ignorance and others disabilities join others in seeking reference under section 18 get an opportunity to claim compensation at par with others.

**2.. That** the applicants who are the decree holders being co-sharers in the acquired land , because of having been unaware of the intricacies of law and being illiterate , they could not filed reference petition under section 18 of the Act, which their co-sharers filed and succeeded in getting enhanced compensation from the Distt. Court as well as from the Hon’ble High Court in appeal.

**3. That** it is correct that petitioners could not filed the references before the Reference Court under section 18 within time due to varied reasons including poverty , ignorance and other disabilities but is it settled proposition of law that in case of acquisition of land parity has to be maintained . As others land owners have been paid higher compensation as stated in above paras of the said application than petitioners also deserve to be granted the same relief from Rs. 12,50,00/- per acre to Rs.40,80,000/- per acre i.e up to the order of the Hon ble, High Court.

**4. That** if compensation is further enhanced of the acquired land by the above notification under section 4 of the Land Acquisition Act then the petitioners shall be entitled to finally enhanced compensation by the Hon’ble Supreme Court of India .

**Prayer**

It is, respectfully, prayed that the present application/ petition under section 28\_A (3) of Land Acquisition Act -1894 of the applicants may kindly be allowed and the matter be referred for the determination to the Civil Court/Reference Court under section 18 of the Land Acquisition Act,1894 in the interest of justice, equity and fair play.

Place:-

Dated:-5.3.2019 Advocate

Counsel for the Applicants/petitioners

BEFORE THE LAND ACQUISITION COLLECTOR- CUM- DRO

GURUGRAM

Application No. of 2019

Under Land Acquisition Act.1894 (S.28-A (3)

Vijay and others -------------- Applicants

Versus

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

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|  |
| CHANDIGARH ( )    DATED :5.3.2019 Advocate  Counsel for the Applicants | | | | |

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

\*\*\*

Transfer Application NO. --------- OF 2019

Kavita ( age-27 yeas) wife of Deepak ,daughter of Sh. Deep Chand resident of Village Kablana,Tehsil and Distt. Jhajjar. …………Petitioner

Versus

Deepak Pannu (aged 27 years) son of Sh. Kuldeep ,resident of Vill. and Post Office –Thurana ,Tehsil –Hansi, Distt. Hissar.

………..…Respondent

CHANDIGARH (SURESH AHLAWAT)

DATED :8.4.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

Petition U/s 24 of the Code of Civil procedure seeking transfer of petition U/s 13 of the Hindu Marriage Act, 1955 *titled as Deepak Pannu v/s Kavita*  ( Regn. No. 293 of 2018 Filling No. 1293 of 2018 CNR No. HRHSO 30023282018) filed by the respondent (Annexure P-1) from the Court of Ld. District Judge , (Family Court) Hisar to the Court of competent jurisdiction at Jhajjar. AND

It is further prayed that the further proceeding pending before the Ld. District Judge, (Family Court) Hisar for 9.4.2019 arising out of Petition U/s 13 of the Hindu Marriage Act-1955 (Annexure P-1 ) may kindly be stayed , during the pendency of the present revision petition .

*RESPECTFULLY SHOWETH*

1. ***That*** *the marriage of the petitioner with the respondent was solemnized in accordance with Hindu rites and ceremonies on 14.6.2011 at village Kablana Tehsil and Distt. Jhajjar* as per Hindu rites and ceremony *. The parties cohabited as husband and wife and out of this wedlock , one male child born on 21.2.2013 and now male child is residing with the petitioner.*
2. ***That*** *the respondent has filed a petition U/s 13 of the Hindu Marriage Act-1955 in the court of District judge, Hisar (Family Court) , copy enclosed as* ***Annexure P-1.*** *In the said petition , totally vague and baseless allegation have been made. Notice of the said petition has already been issued to the petitioner. Now this case has been fixed for 9.4.2019 for appearance of the petitioner/wife.*
3. ***That*** *now the proceeding arising out of petition U/s 13 of the Hindu Marriage Act are going on before the District Judge ,Hisar (Family Court) , where as the petitioner is residing at* Kablana, Tehsil & District –Jhajjar  *The distance between Hisar to* Jhajjar *is more than 131 K.M. . Petitioner ,s father and mother who are old aged persons and now a days the parents of the petitioner are unable to afford the expenses of both of them . Petitioner having one male child aged 6 years only who is the school going and is student of Second Class. In such situation , there is no male member in petitioner , s family to accompany her to the court at Hisar. Where as , petitioner ,s husband deepak (Respondent ) aged 27years and able bodied person.*
4. **That** two cases already are going on at Jhajjar. Petitioner filed one petition under section 125 Cr.P.C. before the Ld. Court at Jhajjar which is fixed for 2.5.2019 for pws to grant the maintenance for her and her child and she is granted interim maintenance total Rs 4,000/- per month which is also not paid till date which is meagre amount for maintenance in this modern era of escalated price index and to live a standard and dignified life and petitioner also filed the criminal case u/s 498-A which is going before the Ld. Judicial Magistrate at Jhajjar In this case next date is 20.5.2019 for pws.
5. **That** the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents . The distance between Hisar to Jhajjar is about 131 kilometers. It will indeed be difficult for the petitioner to travel such long distance to attend the hearings at Hisar and the expenses for travelling will also be an additional financial burden on her. It has been held by Hon,ble Supreme Court in Sumita Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396 and Neelam Kanwar vs. Devinder Singh Kanwar, 2000(8) SCC 184 that convenience of the wife has to be taken into consideration in such like matters. Moreover, she has to travel from her village in Distt. Jhajjar to Hisar and back without reservation which is very difficult now a days for a lady to travel 131 kilometres on each and every date of hearing  *and as stated above , there is apprehension of danger to the life and liberty of the petitioner at the hands of respondent’s family at Hisar .* So, the petitioner is unable to meet the uncalled litigation expenses .

***6. That*** *it is in the interest of justice that the proceeding arising out of petition Annexure P-1 be transferred to the court of competent jurisdiction at Jhajjar, because petitioner is staying in her village Kablana Distt. Jhajjar with her parents. Then, there will be no difficulty to pursue her case properly in Distt. Court at jhajjar . In case, the proceeding are allowed to continue at Hisar , the petitioner will not be able to pursue her case properly.*

***7.. That*** *as per above mentioned cases ,settled proposition of law , convenience of wife is to be seen by the court. In this case , wife –petitioner is staying at Vill. Kablana Distt. Jhajjar hence the petition Annexure P-1 filed by respondent deserves to be transferred from Hisar to Jhajjar which is nearest place , so as to enable the petitioner to pursue her case properly and in order to impart justice to the petitioner.*

***8. 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.*

*It is , therefore , respectfully prayed that this petition may kindly be allowed and the petition U/s 13 of the Hindu Marriage Act-1955 (Annexure P-1)* 13 ( Regn. No. 293 of 2018 Filling No. 1293 of 2018 CNR No. HRHSO 30023282018)  *filed by the respondent titled as Deepak Pannu v/s Kavita may kindly be transferred from the Court of District Judge , (Family Court) Hisar to the court of competent jurisdiction at Jhajjar. AND*

*It is further prayed that the further proceeding pending before the Ld. District Judge (Family Court) Hisar for 9.4.2019 arising out of Petition U/s 13 of the Hindu Marriage Act-1955 ( Annexure –P-1 ) may kindly be stayed , during the pendency of the present application/ petition AND/ OR*

Pass any other appropriate order or direction which this Hon’ble Court may deem fit, just and proper in the peculiar facts and circumstances of this case.

*Chandigarh ( SURESH AHLAWAT )*

*Date :- 8.4.2019 Advocate*

*COUNSEL FOR THE PETITIONER*

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2019

Kavita …………Petitioner

Versus

Deepak Pannu ………..…Respondent

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 8.4.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application no. --------- of 2019

Kavita … …………Petitioner

Versus

Deepak Pannu ………..…Respondent

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Note : Caveat, if any : No.

Similar case if any:- No.

**DECLARATION**

The copies, as required by rule 16 of Chapter I Part A(a) of the Rules and Orders of Punjab and Haryana High Court, Volume-V, have been served upon----------- (the person upon whom the copies have been served)----------- at-----------(time) on-----------(date) in--------(place).

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 8.4.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application no. --------- of 2019

Kavita … …………Petitioner

Versus

Deepak Pannu ………..…Respondent

Affidavit of Kavita ( age-27 yeas) wife of Deepak ,daughter of Sh. Deep Chand resident of Village Kablana,Tehsil and Distt. Jhajjar.

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

1. That the contents of the accompanying transfer 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

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

DATED

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No. 24567 of 2017

Sanjay Kumar Thakran (aged about 36 years) son of Sh. Ram Chander Thakran,resident of VPO Jharsa,Patti Panchiya,Distt. Gurugram.

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

**VERSUS**

Smt. Keshani Anand Arora I.A.S. Additional Chief Secretary-cum-Financial Commissioner to Govt. of Haryana, Revenue Department , New Haryana Civil Secretariat, Sector -17 Chandigarh.

-------------------- Respondent

Chandigarh SURESH AHLAWAT

DATED 15.8.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

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 31.10.2017 passed in CWP no. 24567 of 2017 titled as Sanjay Kumar Thakran Versus State of Haryana by this Hon,ble Court willfully and deliberately.

RESPECTFULLY SHOWETH:

1. That the petitioners being aggrieved from non-compliance of order dated 31.10.2017 on part of respondent 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. 24567 of 2017 titled as Sanjay Thakran versus State of Haryana before this Hon,ble Court. The petitioners have filed the writ petition seeking following relief :-

CIVIL WRIT PETITION Under Article 226 of the Constitution of India for issuance of writ in the nature of Mandamus directing the respondent to publish in the Official Gazette of Haryana for attachment of the immoveable property of the defaulters (Annexure P-3) in the terms of the section 4(1) (ii) of the “ The Haryana protection of Interest of Depositors in Financial Established “Act .2013

1. That the above noted writ petition came up for final hearing on 31.10.2017 and the Hon,ble Mr. Justice Rajan Gupta disposed of that writ petition with the direction that representation Annexure P-5 in the office of the respondent if received , may kindly be looked into and appropriate action as deemed fit be taken thereon. A Copy of the order dated 31.10.2017 passed by this Hon,ble Court and representation dated 25.8.2017 submitted by the petitioner to the respondent are annexed herewith as **Annexure P-1 and Annexure P-2 .**
2. That the petitioner 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 31.10.2017 to the office of the respondents on dated 10.11.2017 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 on the representation of the petitioner. Petitioner met the official of the respondent many times to know the status of his case official of the respondent told to the petitioner that your case is not related to this office and further told that your case has been sent by this office to the Finance department on **4.4.2018 vide letter no. U.O.No.149 –R-2-2018/476 IFCC Branch 7th floor main Sectriate Haryana Chandigarh**. Than he contacted to the official of the Financial Department they told to the petitioner that your case wrongly sent to our department by the Revenue Department and our department have no power /jurisdiction to publish the order passed by the Court of the District Magistrate Gurugram in official Gazette for attachment of the immovable property of the defaulters under section 4 of the “ The Haryana protection of Interest of Depositors in Financial Established “Act .2013 and further told to the petitioner that your case returned back to the Revenue Department . Then , petitioner approached to the office of the respondent and official told him that yours case still is pending before the Department of Finance.
4. That despite repeated requests and frequent visits, grievance of the petitioners has not yet been redressed. Even they are not listened by the respondent and respondent is not caring about order passed the Hon,ble Court.
5. That more than eight months have expired from the date of passing of order dated 31.10.2017 by this Hon,ble High Court , but the respondent did not pay any heed and is not implementing the order for its compliance. The act and conduct of the respondent shows clear cut willful and deliberate disobedience of the order dated 31.10.2017 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 31.10.2017 passed in CWP no. 24567 of 2017 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-1and P-2, in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : 15..8.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No.24567 of 2017

Sanjay Thakran -----------Petitioner

                                      Versus

Smt. Keshani Anand Arora  ------------Respondent

Total Amount of Court Fee Affixed.

SURESH AHLAWAT

Chandigarh Advocate

Dated: 15.8.2018                   Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No. 24567 of 2017

Sanjay Thakran -----------Petitioner

                                      Versus

Smt. Keshani Anand Arora  ------------Respondent

Affidavit of Sanjay Kumar Thakran (aged about 36 years) son of Sh. Ram Chander Thakran,resident of VPO Jharsa,Patti Panchiya,Distt. Gurugram.

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:- .8.2018

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 .8.2018

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2018

IN C.W.P. No. 24567 of 2017

Sanjay Thakran -----------Petitioner

                                      Versus

Smt. Keshani Anand Arora  ------------Respondent

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CHANDIGARH SURESH AHLAWAT

ADVOCATE

DATED:  15.8.2018         COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2019

IN C.W.P. No. 4833 of 2016

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)

**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

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 khewat/khata of 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 less than four 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. Rajiv Kumar aged about 51 years
2. Jag Mohan aged about 54 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 Director, Urban Development Department, Haryana Sector-6 Panchkula.
3. The Land Acquisition Collector, Urban Estate Department, Haryana- Hisar District Hisar.
4. 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 land in dispute measuring 4 kanal 9 marla comprising 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) total 31 kanal 12 marla situated in revenue estate Singhpura, Tehsil Safidon Distt. Jind which is part and parcel of the land which is already released i.e 10 kanal 6 marla of the co-shares by the respondents in compliance of the judgment/ order dated 10.07.2013 (Annexure P-4) 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) revenue estate Singhpura Tehsil Safidon Disttr. Jind. 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 said 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 perusal of this Hon,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 no. 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 near 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 surrounded 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 achieved 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 enhancement 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 land in dispute measuring 4 kanal 9 marla comprising 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) total 31 kanal 12 marla situated in revenue estate Singhpura, Tehsil Safidon Distt. Jind which is part and parcel of the land which is already released i.e 10 kanal 6 marla of the co-shares by the respondents in compliance of the judgment/ order dated 10.07.2013 (Annexure P-4) 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 14 and 16 and 17 are true and correct to my knowledge. Para 15 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

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| 2. | Memo of Parties | 21.05.2019 | 3 | 100.00 |
| 3. | Civil Writ Petition | 21.05.2019 | 4-12 |  |
| 4. | Affidavit in support | 21.05.2019 | 13 |  |
| 5. | **Annexures** | --- |  |  |
|  | **P-1**: Notification U/S 4 OF LAC | 23.08.2007 | 14-16 | 1.95 |
|  | **P-2**: Notification U/S 6 OF LAC | 21.08.2008 | 17-19 | 1.95 |
|  | **P-3:** LAC Certificates (colly)  **P-4** Order of Hon’ble High Court | 25.10.2010  10.07.2013 | 20-21  22-24 | 1.30  1.95 |
|  | **P-5**: Representation | 20.03.2019 | 25-28 | 2.60 |
|  | **VERNACULAR** |  |  |  |
|  | **P-3:** LAC Certificates (colly) | 25.10.2010 | 29-30 |  |
| 6. | **Power of Attorney** | 16.3.2019 |  | 2.75 |

Note:

i) The main law points are involved at para no. in page no. 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 cheque no.427240 dated 19.10.2010.

Land Acquisition Officer

Urban Estate

HISAR

**LAND ACQUISITION CERTIFICATE**

NO.6681

DATE: 25.10.2010

Certifies 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 Distt 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 cheque no.427239 dated 19.10.2010.

Land Acquisition Officer

Urban Estate

HISAR

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

C.W.P. No.\_\_\_\_\_\_\_\_\_ of 2019

Roshni Devi, aged about 42 years , daughter of Inderjeet, V.P.O. Ghursal Tehsil- Balsamand, Distt. Hissar, Haryana, presently working as Assistant Sub Inspector (A.S.I.)in Haryana Police at Police Station – Badli Distt. Jhajjar, Haryana.

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

**VERSUS**

1. State of Haryana through its Secretary, Home Department, Haryana Civil Secretariat, Chandigarh.
2. Inspector-General of Police, Rohtak Range, Rohtak, Haryana
3. Director-General, of Police (Haryana) ,CPO , Sector-6. Panchkula
4. Sr. Superintendent of Police . Jhajjat ,Haryana

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

CHANDIGARH (SURESH AHLAWAT)

DATE:-8.9.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned reversion order dated 6.7.2019 Annexure P-7 Spassed by the Respondent no.3 being illegal, unjust, unwarranted and contrary to law that once on the same set of allegations major punishment were already awarded vide order dated 22.2.2019 **(Annexure P-4)** on the same allegations, no departmental proceeding is permissible to initiate against the petitioner therefore, impugned reversion order dated 6.7.2019 (Annexure P-7) and show cause notice dated 13.5.2019 (Annexure P-4) are without jurisdiction and liable to be quashed .

Further a writ in the nature of Mandamus, directing to the respondents to treat the petitioner as Assistant Sub Inspector (ASI) for all purposes and intents by ignoring the impugned reversion order dated 5.7.2019 **(Annexure P-7)**

Any other writ, order or direction, which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case, may be issued in the interest of justice.

**RESPECTFULLY SHOWETH**:

**1.** That the petitioner is citizens of India and is regular working in the Department of Police ,Haryana and as such she is entitled to invoke extra-ordinary jurisdiction of this Hon’ble Court under Article 226/227 of the Constitution of India by way of present writ petition.

**2.** **That** the petitioner had initially joined the Haryana Police as a Lady Constable on 10.10.2013. Thereafter she was promoted to Head Constable in the year 2014 further promoted to ASI vide order dated 2.7.2018 w.e.f. 1.2.2018 after clearing all the requisite examinations/formalities.

**3. That** on 22.9.2017 ,an FIR No. 548 , U/S 376,506 of IPC at Police Station Sadar Bahadurgarh ( Distt. Jhjjar) got lodged by one complainant by name of Shilpi Choudhary against accused Anil Dahiya . The petitioner was neither the Investigation Officer, nor the member of the investigation team in the said case on any manner.

**4. That** nevertheless , the complainant Shilpi Chaudharri on 10.10.2017 filed a complaint before the higher authority of the Police Department against the petitioner, Head Constable Rajesh and Constable Poonam, on the allegation that the complainant was being pressurized by these police officials to reach a compromise with the accused . The allegations in the said complaint against the petitioner were absolutely false.

**5. That** the respondent no.4 Superintendent of Police , Jhajjar . vide its order dated 21.10.2017 , suspended the petitioner and two other delinquents and ordered the preliminary departmental inquiry against them to be conducted by D.S.P. Jhajjat. Thereafter , respondent no. 4 the S.P. Jhajjar vide its order dated 16.11.2017 , reinstated all the three delinquents including petitioner in pending inquiry . An enquiry was held by the D.S.P. on the said complaint and vide enquiry report dated 20.4.2018 , they were found guilty but it was wrongly concluded that the petitioner along with HC Rajesh and L/C Poonam were pressurizing the complainant to compromise/settle the matter with the accused in FIR no. 548 dated 22.9.2017 under sections 376, 506 IPC.

6 That pursuant to the domestic enquiry, the petitioner was given a show- cause notice on 2.5.2018 by the respondent no.4 i.e S.P. Jhajjar , as to why the major penalty of stoppage of five annual increments with permanent effect be not imposed on her. But other person HC Rajesh and L/C Poonam was not given any notice . A copy of the show –cause notice dated 2.5.2018 is annexed herewith as **Annexure P-1.**

1. That the petitioner appeared before the punishing authority i.e. respondent no.3 in pursuance to the show-cause notice dated 2.5.2018 and explained her stand orally as well as in writing in detail. The petitioner explained that she was never the member of the investigation team in the said FIR at all , and that there was no question of her ever pressurizing the complainant for compromise in the matter . On hearing the petitioner , punishing authority the respondent no.4 i.e .S.P. Jhajjar came to the correct conclusion **that the allegations against the petitioner as well as other constables , were not proved and the departmental enquiry against the petitioner was filed.** A copy of the said order dated 19.6.2018 is annexed herewith as **Annexure P-2.**
2. That after the closer/file (dated 19.6.2018) of the departmental enquiry against the petitioner , since there were no departmental cases pending against her and petitioner met all other criteria, she was promoted as Assistant Sub Inspector.( A.S.I. ) vide order dated 2.7.2018 w.e.f 1.2.2018.
3. That however, more than 6 months after the closing/filing order dated 19.6.2018 of the departmental inquiry , passed by the punishing authority i.e. respondent no. 4 the Superintendent of Police –Jhjjar , the respondent no 3 Inspector General of Police ( IGP) Rohtak Rang, completely unknown reasons, decided to issue a disagreement note by exercise of powers conferred under Punjab Police Service Rule ( PPR) 16.28 ( as applicable in Haryana) and issue the show –cause notice dated 10.1.2019 to the petitioner . In the said disagreement note , the respondents no.3 ( IGP) without even hearing the petitioner , pre decided that the petitioner was guilty of grave misconduct in pressurizing the complainant in the FIR no. 548 u/s 376,506 IPC Police Station Sadar Bahadurgarh. . As per the disagreement note, the petitioner was yet again served with a show-cause notice, as to why a punishment of stoppage of 2 annual increments with future effect be not levied on the petitioner. A copy of disagreement note dated 10.1.2019 is annexed here with as **ANNEXURE P-3.**
4. That following the suo-moto disagreement note which had already pre-decided the issue against the petitioner , the respondent no.3 then passed the order dated 22.2.2019 vide this non-speaking order, a penalty of stoppage of two annual increments with further effect was levied on the petitioner. A copy of order dated 22.2.2019 is annexed here with as **ANNEXURE P-4.**
5. That against the illegal and incorrect order dated 22.2.2019 ,the petitioner has already filed her departmental appeal in the month of April-2019 to the Director-General of Police (DGP). Haryana i.e. Respondent no.2 which is still pending.
6. That the appeal against the order dated 22.2.2019 to stopped the two annual increments with permanent cumulative effect is still pending .before the DGP, Haryana. However , now the petitioner has been served the show-cause notice dated 13.5.2019 (to revert the petitioner from the post of ASI to Head Constable ) by the respondents no.3 on the same set of allegations in which petitioner is already suffering the major punishment imposed her . It is has been stated that she is not entitled to be promoted as ASI w.e.f 1.2.2018 . The show-cause thus seeks to revert the petitioner to the post of Head Constable , by erroneously concluding that the penalty order dated 22.2.2019 has a retrospective effect. Than petitioner gave its reply to the respondent no.4 i.e. SSP Jhajjar. Copies of the show-cause notice dated 13.5.2019 and its reply dated nil are annexed herewith as **ANNEXURE P-5 and P-6 respectively.**
7. That finally respondents not considered the reply of the show cause notice and passed the reversion order dated 6.7.2019 against the petitioner from the post of ASI to Head Constable. A copy of impugned reversion order dated 6.7.2019 is annexed here with as **ANNEXURE P-7.**
8. That the petitioner has thus approached this Hon’ble Court for quashing the impugned reversion order dated 6.7.2019 sent by the respondent no. 3 and 4 and staying its operation till the pendency of the instant writ petition ,inter-alia, on the following grounds:-
9. That on the date of promotion as Assistant Sub Inspector (ASI) from the post of head constable i.e. 1.2.2018 there was no punishment rather there was pending departmental inquiry and she was rightly promoted as Assistant Sub Inspector ( ASI) . Subsequently vide order dated 22.2..2019 ( Annexure P-4) punishment of stoppage of two annual increments with permanent effect has been passed . That order cannot take way the right of promotion by applying retrospective effect of punishment awarded on 22.2.2019 therefore the impugned reversion order dated 6.7.2019 Annexure P-7 is liable to be set-side .
10. That the impugned reversion order dated 6.7.2019 is also suffer for the reason that against the same misconduct, WHEN the order dated 22.2.2019 punishment of two annual increments with permanent effect has been passed on basis of misconduct of the petitioner than (same) respondents canot be passed the reversion order dated 6.7.2019 on same misconduct . It would be tantamount the double jeopardy, which is hit **Article 20 (2) of the Constitution of India,that No person shall be prosecuted and punished for the same offence more than once.**

C. That further still , in the FIR no. 548, u/s 376.506 dated 22.9.2017 Police Station Sadar Bahadurgarh( Jhajjar) filled by the complainant Shilpi Chaudhary, the accused in that case has gotten bail from this Hon’ble Court on the basis of the fact that the victim has turned hostile , not supported the prosecution and the version of the accused has been that he has been in consensual relationship with the victim. A copy of bail order passed by this Hon’ble High Court on 31.5.2018 is annexed here with as **ANNEXURE P-8.**

1. **That** finally, the reversion order is also discriminatory in nature , as there were 3 persons who were initially not found guily vide order dated 19.6.2018 ( Annexure P-2) . However , subsequent action was taken only against the petitioner and the show-cause notice has been sent only to the petitioner.

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

1. Whether the action of the respondents is totally illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India?
2. Whether in the facts and circumstances of the case , the impugned reversion order dated 6.7.2019 seeks to impose a retrospective dual punishment on the petitioner .

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

**14.** **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 except CWP no. 14944 of 2019 .

**15.** 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 statutory appeal or revision is available to the petitioner against the impugned reversion order which is passed without jurisdiction.

**16.** 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:-

1. a writ in the nature of Certiorari for quashing the impugned reversion order dated 6.7.2019 Annexure P-7 ( from the post of ASI to post of Head Constable ) passed by the Respondent no.3 being illegal, unjust, unwarranted and contrary to law that once on the same set of allegations major punishment were already awarded vide order dated 22.2.2019 **(Annexure P-3)** on the same allegations, no departmental proceeding is permissible to initiate against the petitioner therefore, impugned reversion order dated 5.7.2019 (Annexure P-7) and show cause notice dated 13.5.2019 (Annexure P-4) are without jurisdiction and liable to be quashed .
2. Further a writ in the nature of Mandamus, directing to the respondents to treat the petitioner as Assistant Sub Inspector (ASI) for all purposes and intents by ignoring the impugned reversion order dated 5.7.2019 **(Annexure P-7)**
3. 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.
4. iv. Dispense with the filing of true typed copies of Annexures and advance notices upon the respondents keeping in view the urgency of the matter.

CHANDIGARH

DATED: . .2018

THROUGH COUNSEL

(SURESH AHLAWAT )

ADVOCATE

**VERIFICATION:**

Verified that the contents of above writ petition from para no.1 to 12 & 14 to 16 are true and correct to my knowledge and those of para no. 13 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: 8.7.2019

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND

HARYANA AT CHANDIGARH

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

Roshni Devi --------------Petitioner

VERSUS

State of Haryana and Others -------------- Respondents

Affidavit of Roshni Devi, aged about 42 years , daughter of Inderjeet, presently working as Assistant Sub Inspector (A.S.I.)in Haryana Police at Police Station – Badli Distt. 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.

CHANDIGARH

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 DATED AND EVENTS**

**10.10.2003 TO 2014** The petitioner had initially joined the Haryuana Police as a constable 10.10.2003 .Thereafter she was promoted to Head Constable in the year 2014 .

**22.9.2017** , an FIR No. 548 , U/S 376,506 of IPC at Police Station Sadar Bahadurgarh ( Distt. Jhjjar) got lodged by one complainant by name of Shilpi Choudhary against accused Anil Dahiya . The petitioner was neither the Investigation Officer, nor the member of the investigation team in the said case on any manner.

**10.10.2017** complainant Shilpi Chaudharri on 10.10.2017 filed a complaint before the higher authority of the Police Department against the petitioner, Head Constable Rajesh and Constable Poonam, on the allegation that the complainant was being pressurized by these police officials to reach a compromise with the accused . **21.10.2017** respondent no.4 Superintendent of Police , Jhajjar . vide its order dated 21.10.2017 ordered the preliminary departmental inquiry against them to be conducted by D.S.P. Jhajjat . An enquiry was held by the D.S.P. on the said complaint and vide enquiry report dated 20.4.2018 , they were found guilty but it was wrongly concluded that the petitioner along with HC Rajesh and L/C Poonam were pressurizing the complainant to compromise/settle the matter with the accused in FIR.

**2.5.2018** That pursuant to the domestic enquiry, the petitioner was given a show- cause notice on 2.5.2018 by the respondent no.4 i.e S.P. Jhajjar , as to why the major penalty of stoppage of five annual increments with permanent effect be not imposed on her. But other person HC Rajesh and L/C Poonam was not given any notice.

That the petitioner appeared before the punishing authority i.e. respondent no.3 in pursuance to the show-cause notice dated 2.5.2018. On hearing the petitioner , punishing authority the respondent no.4 i.e .S.P. Jhajjar came to the correct conclusion **that the allegations against the petitioner as well as other constables , were not proved and the departmental enquiry against the petitioner was filed.**

**2.7.2018/1.2.2018** That after the closer/file (dated 19.6.2018) of the departmental enquiry against the petitioner , since there were no departmental cases pending against her and petitioner met all other criteria, she was promoted as Assistant Sub Inspector.( A.S.I. ) vide order dated 2.7.2018 w.e.f 1.2.2018.

* + 1. That however, more than 6 months after the closing/filing order dated 19.6.2018 of the departmental inquiry , passed by the punishing authority , the respondent no 3 Inspector General of Police ( IGP) Rohtak Rang, completely unknown reasons, decided to issue a disagreement note by exercise of powers conferred under Punjab Police Service Rule ( PPR) 16.28 ( as applicable in Haryana) and issue the show –cause notice dated 10.1.2019 to the petitioner . As per the disagreement note, the petitioner was yet again served with a show-cause notice, as to why a punishment of stoppage of 2 annual increments with future effect be not levied on the petitioner.
    2. That following the suo-moto disagreement note which had already pre-decided the issue against the petitioner , the respondent no.3 then passed the order dated 22.2.2019 vide this non-speaking order, a penalty of stoppage of two annual increments with further effect was levied on the petitioner.

------That against the illegal and incorrect order dated 22.2.2019 ,the petitioner has already filed her departmental appeal in the month of April-2019 to the Director-General of Police (DGP). Haryana i.e. Respondent no.2 which is still pending.

**13.5.2019** the petitioner has been served the show-cause notice dated 13.5.2019 (to revert the petitioner from the post of ASI to Head Constable ) by the respondents no.3 on the same set of allegations in which petitioner is already suffering the major punishment imposed her . It is has been stated that she is not entitled to be promoted as ASI w.e.f 1.2.2018 . The show-cause thus seeks to revert the petitioner to the post of Head Constable , by erroneously concluding that the penalty order dated 22.2.2019 has a retrospective effect.

**6.7.2019** That finally respondents not considered the reply of the show cause notice and passed the reversion order dated 6.7.2019 against the petitioner from the post of ASI to Head Constable. A copy of reversion order dated 6.7.2019 is annexed here with as **ANNEXURE P-7.**

Hence this writ petition.

Chandigarh (SURESH AHLAWAT)

Dated: 8.7.2019 Advocate

Counsel for the Petitioner

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2019

Roshni - ------------ Petitioner

VERSUS

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

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| 3. | Affidavit in Support | 8 .7.2019 | 9 |  |
| 4. | **ANNEXURE P-1**  (Show Cause notice) | 2.5.2018 | 10-12 | 1.95 |
| 5. | **ANNEXURE P-2** (order passed by SP ) | 19.6.2018 | 13-14 | 1.30 |
| 6. | **ANNEXURE P-3** ( disagreement Note) | 10.1.2019 | 15 | 0.65 |
| 7. | **ANNEXURE P-4** ( order of IG ) | 22.2.2019 | 16-17 | 1.30 |
| 8. | **ANNEXURE P-**5 ( Show cause notice | 13.5.2019 | 18 | 0.65 |
| 9 | **ANNEXURE P-**6 ( Its reply) | --------- | 19-21 | 1.95 |
| 10 | **ANNEXURE P-7** ( Impugned Reversion order) | 6.7.2019 | 22 | 0.65 |
| 11 | **ANNEXURE P-**8 ( Bail Order) | 31.5.2018 |  |  |
|  | **VERNACULAR ANNEXURE** |  |  |  |
| 12 | **ANNEXURE P-3** ( disagreement Note) | 10.1.2019 |  |  |
| 13 | **POWER OF ATTORNY** | 7.7.2019 |  |  |

NOTE: 61.20

1. That the main law points involved in the writ petition are contained in para no. 11 at page no.

2. Relevant Statutes/Rules:

i. The Constitution of India.

ii. Rule 16.28 Punjab Police Rules-1934

3 Caveat petition filled :- No.

Similar case if any: CWP no. 14944 of 2019 . Order dated 29.5.20109 of the said petition is reproduced below for kind consideration :-

“After arguing for some time , Ld. Counsel for the petitioner seeks to withdraw this petition to file reply to the show cause notice dated 13.5.2019 . Dismissed as withdrawn.”

**DECLARATION**

The copies, as required by rule 16 of Chapter I Part A(a) of the Rules and Orders of Punjab and Haryana High Court, Volume-V, have been served upon----------- (the person upon whom the copies have been served)----------- at-----------(time) on-----------(date) in--------(place).

CHANDIGARH  **(SURESH AHLAWAT)**

DATED: 8.7.2019 **ADVOCATE**

**COUNSEL FOR THE PETITIONER**

ORDER

As per the direction issued by the Worthy Inspector –General of Police Rohtak Rang-Rohtak vide their good office no. 5379/A-1 dated 29.4.2019 that Lady/ASI Roshni no.915 /Jhajjar was promoted to the rank of Assistant Sub Inspector w.e.f. 1.2.2018 and her name was brought on promotion List D . At that time, she was facing a departmental inquiry and ignored for promotion to the rank of Assistant Sub Inspector due to pending departmental inquiry against her . Later on , the above said departmental inquiry was filled by this office order no. 559-61 /steno dated 19.6.2018 . After that , her name was brought on promotion List D and further promoted to the rank of Assistant Sub Inspector w.e. f. 1.2. 2019 vide Inspector –General of Police Rohtak Range, Rohtak .Office memo no. 7145/A -1 dated 2.7.2018.

After that , a disagree note –cum- show cause notice was issued to her on dated 10.1.2019 by IGP/RTK Range RTK in the said departmental inquiry, she was awarded a punishment of stoppage of two future annual increments with permanent effect vide IGP/RTK Range RTK good office order Endst no. 559-64 /Steno dated 22.2.2019 In view of above narrated facts and circumstances , a show cause notice was given to her vide this office memo no. 21410 dated 13.5.2019 for withdrawn undue benefits of promotion to the rank of Assistant Sub Inspector may be withdrawn and she will be treated as Head Constable.

In this regard, she has submitted her reply in this office on dated 5.6.2019 of show cause notice . Now , necessary approval in respect of Lady Assistant Sub Inspector Roshni no.915/Jhajjar for withdrawn promotion List D w.e.f. 1.2.2018 and for reversion from the rank of Assistant Sub Inspector to Head Constable has been accorded by W/ Inspector –General of Police Rohtak Range, Rohtak vide their good office memo no. 7767/A-1 dated 29.6.2019.

Keeping of the view of the above directions , the name of Lady/ASI Roshni no. 915/Jhajjar is hereby withdrawn from the List –D and rank of Assistant Sub Inspector to Head Constable w.e.f. 1.2.2018.

Issue Order in O and all concerned to note for necessary action.

No. 29845-50 dated 6.7.2019

Sr. Superintendent of Police

Jhajjar

5.7.2019

Copy to:- R/ SSP for o6 ASI/P O/HC Steno

I/C Lady /ASI Roshni no. 915/JJR now HEAD CONSATBLE C/0 CHC ,DPO JHAJJAR

A COPY IS FARWARED to the IGP ,Rohtak Range,Rohtak

Sr. Superintendent of Police

Jhajjar

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

Civil Revision No.\_\_\_\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

I N D E X

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S. No | Particular | Date | page | Court Fees |
| 1 | Application for exemption and placing on record | 06.10.09 | 1-2 |  |
| 2 | Affidavit | 06.10.09 | 3 |  |
| 3 | Civil revision petition | 06.10.09 | 4-15 |  |
| 4 | Affidavit | 06.10.09 | 16 |  |
| 5 | Annexures: |  |  |  |
|  | P-1(Status Quo Order) | 16.02.10 | 17-24 |  |
|  | P-2(Application) | 16.08.10 | 25-27 |  |
|  | P-3(Impugned order) | 25.08.10 | 28-29 |  |
| 6 | Power of Attorney | 06.10.09 | 30 |  |

Note:

1. Whether any caveat has been

filed in this case : No.

2. Whether any similar case : No.

CHANDIGARH

DATED:06.10.09 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONERS

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

Civil Revision No.\_\_\_\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

Application u/s 151 CPC seeking exemption from filing certified copies of Annexure P-1 to P-3 and for placing on record true typed copies thereof.

RESPECTFULLY SHOWETH:

1- That the applicant/petitioners is filing accompanying civil revision petition and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of petition be read as part of this application also

2- That the applicant/petitioners has not readily available the certified copies of Annexure P-1 to P-3, which are relevant and necessary for the proper adjudication of the case. However, true typed copies of the same are attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/petitioners may kindly be exempted from filing certified copies of Annexure P-1 to P-3 and allow him to place on record true typed copies thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED:06.10.09 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONERS

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

In Civil Revision No.\_\_\_\_\_\_\_\_\_\_\_ of 2010

Ishwar Singh and another -- Petitioners

VERSUS

Abhey Ram and others -- Respondents

Affidavit of Ishwar Singh son of Giani Ram, resident of Village Intal Khurd, Tehsil and District Jind

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

1- That the deponent is not readily available with the certified copies of Annexure P-1 to P-3, which are necessary for proper adjudication of the case.

CHANDIGARH

DATED: .10.2010

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

DATED: .10.2010 CIVIL REVISION PETITION under Article 227 of the Constitution of India, that order dated 5.4.2019 passed by the Executing Court, Gurugram (in LAC matter ) may be modified to the extent that petitioner be granted interest on delayed period on enhancement amount of compensation till the payment is made @ which is prescribed under the Land Acquisition Act-1894 . OR

Any other order or direction or relief which this Hon'ble Court deems fit and proper in the peculiar facts and circumstances of the instant case**.**

RESPECTFULLY SHOWETH:

* 1. That the Petitioner is resident of above mentioned address within State of Haryana. She being citizen of India and aggrieved from the action of respondents, are entitled to invoke inherent jurisdiction of this Hon'ble Court by way of filing present Civil revision petition under Article 227 of the Constitution of India.
  2. That Govt. of Haryana issued a notification u/s 4 of the Act on 17.9.2004 for acquisition of land of village Lakhnola for public purpose namely for setting up of Ch.Devi Lal Industrial Model Township Phase V, Manesar. Land Acquisition Collector passed an award No.12 dated 9.3.2006 ,thereby awarding compensation @ Rs.12.50 lacs per acre situated within revenue estate of village Lakhnola , involved in the present case.
  3. Petitioner being co sharer has instituted her claim in the nature of an execution petition to claim enhanced compensation as awarded to other co sharers of the same khewat situated within revenue estate of village Nakhrola Tehsil Manesar Distt.Gurugram, who had filed a reference u/s 18 of Land Acquisition Act,1894 in L.A.Case no.243 dated 3.8.2009/13 and petitioner claimed interest on the delayed period in her execution application.

4. That Petitioner claimed that at the time of acquisition of land in question, she was well recorded as co sharer in the revenue record along with other co –sharers/family members Virender Singh and others, who had filed a reference u/s 18 of the Act. Said reference was registered as L.A.C No.243 dated 3.8.2009/13 titled Suresh etc. Vs. State of Haryana etc. and decided by the court of ADJ,Gurugram vide an award dated 31.8.2013 passed in main case titled Ram Niwas Vs.State of Haryana & Others vide which reference court enhanced the compensation @ Rs.50,43,315/-per acre from 12.50 lakh per acre. But petitioner could not file reference u/s 18 but she being a co -sharer (family member) in the same khewat is also entitled for enhanced compensation. A copy of the order passed by the Ld. Reference Court **dated 31.8.2013** is attached herewith as **Annexure P-1.**

1. That land owners/claimants further filled the first appeal against the order of Ld.ADJ Gurugram before this Hon’ble Court, Than this Hon’ble Court vide an order dated 25.5.2018 passed in RFA No.776 of 2014 titled Smt.Khajani Devi and others vs. State of Haryana and others reduced the compensation to Rs.48,46,000/- per acre from Rs. 50,43,315 per acre in respect of land of villages Naurangpur and Lakhnola.
2. That the petitioner filed the execution petition being co sharer on 6.4.2016 after decision of the references by the Reference Court on 31.8.2013. A copy of the Execution application dated 6.4.2016 filled by the petitioner is annexed herewith as **Annexure P-2** . Ld. Executing Court allowed the execution application filed by the petitioner on 5.4.2019 and held petitioner entitled for enhanced the compensation and Ld. Executing Court clear stated in its order that this application is not time barred by limitation but Ld. Executing Court wrongly held in the impugned order dated 5.4.2019 that petitioner shall be not entitled for interest on the delayed period .The relevant portion of the order is reproduced below:-

**”** That Present co-sharer filed petition in this court on 6.4.2016 seeking benefit of enhanced compensation. As per ratio of rulings supra, discussed in the findings of issue No.1, petition is not barred by limitation. However petitioner shall not be entitled for interest for the delay in filing the petition.

Petitioner-co-sharer is hereby held entitled to receive pro rata compensation pertaining to her share,@ Rs.48,46,000/- per acre with statutory benefits as per order dated 25.5.2018 passed by Hon’ble Pb.& Hr.High Court in RFA No.776 of 2014 titled Smt.Khajani Devi and others vs.State of Haryana and others in respect of her share . However petitioner shall not be entitled for interest for delay in instituting present execution**.”**  A **copy of the order 5.4.2019** passed by the Ld. Executing Court is attached herewith as **Annexure P-3.**

1. That the impugned order dated 5.4.2019 **(Annexure P-3)** is untenable in law, contrary to the proved facts and is liable to be modified inter-alia on the following grounds:-

**a)** That the finding of the Ld. Executing Court to the extent, vide which the petitioner has been denied the interest on the enhancement of compensation is wrong and perverse under law because Ld. Executing Court has not appreciated the fact that there is no fault on the part of the petitioner in approaching the Ld. Executing Court for receiving of enhancement of compensation with interest . As a matter of fact, it was incumbent upon the state to deposit the enhancement compensation with interest qua the share of the petitioner when the enhancement compensation was deposited by the state of its own, in the account of the similar situated land owners/claimants . There is no justification or reasoning on the part of the state that as to why the petitioner was subjected to such type of discrimination.

**b) That** it is the duty of the state to deposit and disburse the enhance compensation promptly and strictly in compliance of the direction of the **Hon’ble Supreme Court rendered in HSIDC v/s Pran Sukh and others 2011(1) RCR 569 S.C.**  The filing of the execution of the land owner is the course to be adopted only after the failure of the state to deposit and disburse the enhanced compensation with interest .

**c) That** the Ld. Executing Court over sighted the fact that the payment of enhancement compensation and interest was made to the landowner/claimants , where as the execution application was filled by the petitioner on 6.4.2016 which means, the petitioner approached the Ld. Executing Court immediately , the petitioner cannot be panelize for the act of the state and the Ld. Executing Court has failed to give assigning any reason in the impugned order, as to how the petitioner is not entitled for the interest and so much the period of the alleged delay has not been specifically determined in the impugned order.

1. That petitioner is illiterate and rustic villager lady could not filed the reference because other co sharer, who are also the family members in the same khewat Suresh ,Virender and others have been filed the reference for enhancement of compensation .
2. That the other similar situated persons /co-sharers from the same khawat have been got the benefits than petitioner was also entitled the same benefits . In this way, petitioner was constrained to file the execution petition by the respondents otherwise, there was no need to file the execution petitioner if such benefit granted to the other co shares in the same khawat.
3. That the impugned order caused grave injustice to the petitioner and petitioner has no other alternative remedy other than to approach this Hon'ble Court under Article 227 of the Constitution of India for the redressal of her grievance in the interest of justice. Thus, the present revision petition is maintainable in this Hon'ble Court
4. That no such or similar petition has earlier been filed either before this Hon'ble High Court or Hon'ble Supreme Court. No such revision is filed or pending in any other Court of law.

It is, therefore, respectfully prayed that present revision petition may kindly be allowed, the impugned order dated 5.4.2019 (Annexure P-3) passed by Ld. A.D.J .Gurugram may kindly be modified to the extent that petitioner be granted interest on delayed period on enhanced amount of compensation till the payment is made which is prescribed under the Land Acquisition Act-1894 in the interest of justice which is prescribed under the Land Acquisition Act-1894 in the interest of justice. CHANDIGARH

DATED: .7.2019 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONER

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

Civil Revision No. of 2019

Smt. Savitri @ Savant ---------- -- Petitioner

Versus

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

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Total Rs.

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

Any other similar case : No.

CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATED .2019 COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. of 2019

Smt. Savitri @ Savant ------Petitioner

Versus

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

Court Fee

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Total Court fee Rs.\_\_\_\_\_\_\_\_\_\_\_\_

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

CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATE:- .8.2019 COUNSEL FOR THE Appellant

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

C.R. No. of 2019

Smt. Savitri @ Savant ------Petitioner

Versus

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

Application u/s 151 CPC seeking exemption from filing certified copies of Annexurs and for placing on record true typed copies thereof.

RESPECTFULLY SHOWETH:

1- That the applicant/petitioners is filing accompanying civil revision petition and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of petition be read as part of this application also

2- That the applicant/petitioners has not readily available the certified copies of Annexures which are relevant and necessary for the proper adjudication of the case. However, true photo/ typed copies of the same are attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/petitioners may kindly be exempted from filing certified copies of anexures and allow her to place on record true typed /photo copies thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED:30.7.2019 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONER

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

Civil Revision No. of 2019

Smt. Savitri @ Savant ---------- -Petitioner

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 as under:-

That the deponent is not readily available with the certified copies of Annexures which are necessary for proper adjudication of the case. . However, true photo/ typed copies of the same are attached herewith for the kind perusal of this Hon’ble Court.

Deponent

CHANDIGARH

DATED: 8.2019

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: 8.2019

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

Civil Revision No. of 2019

Smt. Savitri @ Savant ---------- -Petitioner

Versus

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

Affidavit of Smt. Savitri @ Savant daughter of Ganpat now resident of Village Lakhuwas Tehsil -Sohna, Distt. Gurugram.

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

1. That the contents of Para 1 to 11 , of ground of petition are true and correct to the deponent’s knowledge and believed to be true being based on legal advice.

2. That no such or similar petition /appeal has earlier been filed by the petitioner either in this Hon,ble High Court or before Supreme Court of India.

CHANDIGARH

DATED: 8 .2019

VERIFICATION:

Verified that the contents of the above affidavit are true and correct to the Deponent’s knowledge. Nothing relevant has been concealed or mis-stated therein. No part of it is false.

CHANDIGARH

DATED: . 8 .2019

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

**MEMO OF PARTIES**

Smt. Savitri @ Savant daughter of Ganpat resident of Village – Nakhrola, Tehsil Manesar Distt. Gurugram now resident of Village Lakhuwas Tehsil -Sohna, Distt. Gurugram -------------------- Petitioner

VERSUS

1. State of Haryana through, Land Acquisition Collector, Gurugram
2. Haryana State Industrial Development Corporation through its Managing –Director at Panchkula, Haryana.
3. Asstt. General Manager ,Haryana State Industrial Development Corporation I.M.T. Manesar, Gurugram

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

Place: Chandigarh ( SURESH AHLAWAT)

Advocate

Dated: 7 . 2019 Counsel for the Petitioner

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

Roshni - ------------ Petitioner

VERSUS

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

C.M No. of 2019

**IN CWP. No. 18461 of 2019**

Application u/s 151 CPC seeking exemption from filing certified copies of Annexure P-6 (reply ) and P-9 (promotion -order) and for placing on record true copies thereof.

RESPECTFULLY SHOWETH:-

1. That the above titled writ petition is pending in this Hon’ble Court and is **now is fixed for 19.7.2019 .**
2. That the copy of annexure P-6 (reply) is not complete in the main petition and therefore, the petitioner wants to place on record the complete copy of the same and further the petitioner also wants to place on record ,the copy of promotion order as Annexure P-9.

It is, therefore, respectfully prayed that the applicant/petitioner may kindly be exempted from filing certified copies of Annexure P-6 and P-9 and allow her to place on record true copies thereof, in the interest of justice.

CHANDIGARH

DATED:-15.7.2019 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M No. of 2019

IN CWP. NO 18461 of 2019

**Fixed for 19.7.2019**

Roshni - ------------ Petitioner

VERSUS

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

N D E X

|  |  |  |  |
| --- | --- | --- | --- |
| S.  No. | Particulars | Date | Pages |
| 1. | Application u/s 151 C.P.C for placing on record | 15.7.2019 | 1 |

2. Affidavit 15.7.2019 2

**ANNEXURES**

3 **P-6** (True Copy of Reply of ----------- 3-5

Show cause notice P-5)

4 **P-9** (True Copy of Promotion order) 2.7.2018 6

5. Power of Attorney already on record

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CHANDIGARH

DATED:-15.7.2019 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M No. of 2019

IN CWP. NO 18461 of 2019

Roshni - ------------ Petitioner

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 as under:-

1- That the deponent is not readily available with the certified copies of Annexure P-6 and P-9, which are necessary for proper adjudication of the case.

CHANDIGARH

DATED: 15.7.2019

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

DATED: 15.7.2019 CIVIL REVISION PETITION under section 227 of the Constitution of India ,It is respectfully prayed that revision petition may kindly be allowed and order dated 5.4.2019 passed by the Executing Court, Gurugram (in LAC matter ) may be modified to the extent of calculating interest under Section 28 of the Land Acquisition Act-1894 occurred to the petitioner, since claim of the petitioner has been crystallized after decision of Hon’ble High Court in RFA No. 776 of 2014 titled as Smt. Khajani Devi and Others v/a State of Haryana decided on 25.5.2018 therefore ,claim of the petitioner is not time barred rather execution petition is pending since- 2016.

OR

Any other order or direction or relief which this Hon'ble Court deems fit and proper in the peculiar facts and circumstances of the instant case**.**

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 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.*

DATED . Deponent

*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.

Deponent

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2019

IN C.W.P. No. 17213 of 2015

**MEMO OF PARTIES**

Siri Pal J.E. ( age about 55 years) son of Sh. Ram Parsad office of the S.D.O. Divisional Store, UHBVN Kaithal (Haryana) resident of Subhash Nagar ,Near Mini Sectt. Narwana (Jind)

**VERSUS**

1. Shatrujeet Kapoor . Managing Director ,U.H.B.V.N.,Vidut Sadan Sector-6 Panchkula.

2. A.K. Raheja, Chief Engineer, UHBVN, S.C.O. no. 89 Sector-5 Panchkula. (Haryana)

Chandigarh SURESH AHLAWAT

DATED .9.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

**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 5.4.2019 passed in CWP no. 17213 of 2015 titled as Siri Pal V/S UHBVNL and others by this Hon,ble Court willfully and deliberately.

RESPECTFULLY SHOWETH:

1. That the petitioner being aggrieved from non-compliance of order dated 5.4.2019 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 petitioner had filled a civil writ petition no. 17213 of 2015 titled Siri Pal and others versus UHBVN and others before this Hon,ble Court. The petitioner has filed the writ petition seeking following relief :-

CIVIL WRIT PETITION Under Article 226 of the Constitution of India for issuance of writ ,order ,direction specially in the nature of a Writ of Certiorari for quashing the impugned order dated 4.4.2014 Annexure P-3 and order dated Annexure P-5 whereby the suspension period with effect from 4.12.2011 to 18.7.2013 has been treated as “leave of kind due” instead of paying the salary for the intervening period ,which is contrary to the Rule 7.3 of the Punjab Civil Service Rules Vol. 1,Part-1 and law laid down by this Humble Court in CWP no. 5187 of 2012 (Annexure P-6).

3. That the above noted writ petition came up for final hearing on 5.4.2019 and the Hon,ble Justice Arun Monga allowed that writ petition . Copy of the order dated 5.4.2019 passed by this Hon,ble Court is annexed herewith as **Annexure P-1.**

4. That the petitioner 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 petitioner also had supplied a certified copy of the order dated 29.4.2019 to the office of the respondents and requested to take immediate compliance of the order.

5. That despite supplying the copy of the order , the respondents did not take any action for grant the financial benefit to the petitioner, in compliance of the order passed by the Hon,ble High Court. Therefore, the counsel of the petitioner gave a contempt notice to the respondents in person on dated 26.8.2019 directed to the respondents to give all consequential benefits to the petitioner with in a period of **two months** along with interest @ 8% w.e.f. the date of entitlement till the actual date of disbursement . A copy of contempt notice dated 26.8.2019 is attached herewith as **Annexure P-2.**

6. That now **FIVE MONTHS have expired** from the date of passing of order dated 5.4.2019 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 5.4.2019 passed by this Hon,ble High Court.

7. 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 5.4.2019 passed in C.W.P. no. 17213 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 annexures in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : .9.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2019

IN C.W.P. No. 17213 of 2015

Siri Pal ------------Petitioner

**VERSUS**

Shatrujeet Kapoor and another

---------Respondents

Total Amount of Court Fee Affixed.

SURESH AHLAWAT

Advocate

Dated: 9.2019                   Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2019

IN C.W.P. No. 17213 of 2015

Siri Pal ------------Petitioner

**VERSUS**

Shatrujeet Kapoor and another

---------Respondents

Affidavit of Siri Pal s/o Sh. Ram Parshad presently posted ,office of the S.D.O. Divisional Store, UHBVN Kaithal (Haryana) .

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:- ..2019

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

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2019

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**VERSUS**

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IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2019

IN C.W.P. 29851 of 2018

1.Brij Mohan aged about 39 years son of Sh. Rohtash

2. Jai Bhagwan aged about 50 years son of Sh. Badri Narayan both resident of Vill. Khanpur-Khurd Tehsil Matanhail Distt. Jhajjar - ----------------Petitioners

VERSUS

1. M. Shayin I.A.S. Managing –Director , HPGCL, Urja Bhawan,Sector,6 Panchkula

2. Ashok K. Sehra, Chief Engineer (Admn.) HPGCL, Urja Bhawan,Sector,6 Panchkula

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

CHANDIGARH SURESH AHLAWAT

ADVOCAT DATED: 9.2019       COUNSEL FOR THE PETITIONER

**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 27.11.2018 passed in CWP no. 29851 of 2018 titled as Brij Mohan and another versus HPGCL and others by this Hon,ble Court willfully and deliberately.

RESPECTFULLY SHOWETH:

1. That the petitioner being aggrieved from non-compliance of order dated 27.11.2018 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 petitioner had filled a civil writ petition no. CWP no. 29851 of 2018 titled as Brij Mohan and another versus HPGCL and others . The petitioner has filed the writ petition seeking following relief :-

CIVIL WRIT PETITION Under Article 226 of the Constitution of India for issuance of a writ in the nature of a Writ of Mandamus ,directing to the respondents to issue appointment letters to the petitioners for the post, according to their educational qualification ,in terms of the policy decision (Land Oustees) Annexure P-1

**3. That** 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

**4. That** on dated 7.10.2007/13.1.2014 a scheme/policy was formulated by the State Govt. that one member each of the family whose land has been acquired for setting up thermal power plant , 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 more than two acre land of the family of the petitioners was acquired i.e. 26 kanal 5 marla land of the family of the petitioner no.1 and 28 kanal 5 marlas land of the family of petitioner no.2 was acquired.

**5.** **Tha**t the above noted writ petition came up for final hearing on 27.11.2018 and the Hon,ble Justice Nirmal jit Kaur disposed of that writ petition to take final decision on the legal notice dated 14.8.2018 (Annexure P-5) . Copy of the order dated 27.11.2018 passed by this Hon,ble Court is annexed herewith as **Annexure P-1.**

**6. That** the petitioner immediately had supplied a certified copy of the order dated 27.11.2018 to the office of the respondents on 7.12.2018 in person and requested to take immediate compliance of the order.

**7. That** after supplying the copy of the order , the respondents give its reply dated 1.3.2019 that” the matter is under active consideration, The status will be intimated in due course of time” but respondent did not take any action for appointment in govt. service in compliance of the order passed by the Hon,ble High Court. Therefore, the counsel of the petitioner gave a contempt notice to the respondents on dated 15.7.2019 to complice the order of the Hon’ble High Court dated 27.11.2018 .Than respondents again give its reply on 27.8.2019 that the cases of all pending applications were to be processed collectively as per the directions of the govt. of Haryana . A copy of reply dated 1.3.2019 of the order and reply dated 27.8.2019 of the contempt notice dated 14.8.2019 are attached herewith as **Annexure P-2.(Colly)**

**8. That** now **TEN MONTHS have expired** from the date of passing of order dated 27.11.2018 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 27.11.2018 passed by this Hon,ble High Court.

**9. 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 27.11.2018 passed in C.W.P. no. 29851of 2018 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 annexures in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : .9.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2019

IN C.W.P. 29851 of 2018

Brij Mohan and Another -----------Petitioners

VERSUS

M. Shayin I.A.S. and another

----------Respondents

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| |  |  |  |  |  | | --- | --- | --- | --- | --- | | Sr. No | Particulars | Date | Page | Court Fee | | 1 | Contempt Petition u/s 12  of the Contempt of Court Act-1971 | .9.2019 | 1-4 | 3.00 | | 2 | Affidavit | .9.2019 | 5 |  | |  | **ANNEXURES** |  |  |  | | 3 | Order of High Court ( P-1) | 27.11.2018 | 6-8 | 3.00 | | 4 | Reply ,Contempt Notice ( P-2)  and Its Reply (Colly) | ----- | 9-12 | 2.60 | | 5 | Power of Attorney |  | 13 | 3.00 | | |  |  |
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|  | | | |
| IN THE HIGH COURT OF PUNJAB & HARYANA    AT   CHANDIGARH      COCP NO 0F 2019  IN C.W.P. 29851 of 2018  Brij Mohan and Another -----------Petitioners  VERSUS  M. Shayin I.A.S. and another  ----------Respondents    Affidavit of . Jai Bhagwan aged about 50 years son of Sh. Badri Narayan both resident of Vill. Khanpur-Khurd Tehsil Matanhail Distt. Jhajjar -  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:- ..2019    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 | | |
|  | IN THE HIGH COURT OF PUNJAB & HARYANA    AT   CHANDIGARH      COCP NO 0F 2019  IN C.W.P. 29851 of 2018  Brij Mohan and Another -----------Petitioners  VERSUS  M. Shayin I.A.S.and another  ----------Respondents | | |

COURT FEE

Place :- SURESH AHLAWAT

DATE:- 9.2019 ADVOCATE

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2019

Birjesh (aged 24 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) .  **VERSUS** ….…. …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

------------------ 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-6) 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 wrongly rejected which is 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 policy (Annexure P-1). Relevant 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 andfinally the respondent no.2 on dated 15.3.2019 rejected the claim of the petitioner that grand father of the petitioner was initially not interested in 2013 for appointment in Haryana Power Utilities 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 denial 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 utilities . 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 minor . 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 whereas, similar situated persons offered the employment in 2014 . 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 peon.

**iv) 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 respondents are attached herewith as **Annexure P-7(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: -

i) a writ in the nature of certiorari thereby quashing the impugned order dated 15.3.2019 (Annexure P-7) 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 wrongly rejected which is against the provision of the land oustees policy of Thermal Power plant –Jharli (Jhajjar) **ANNEXURE P-1.**

ii) 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.

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

CHANDIGARH Through: PETITIONER

DATED: 20.8.2019 (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:- 20.8.2019

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2019

Birjesh …………..…Petitioner

Versus

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

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 20.8.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO. OF 2019

Birjesh …………..…Petitioner

VERSUS

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

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*Total Court Fee Rs.*

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-

CHANDIGARH (SURESH AHLAWAT)

DATED : 20.8.2019 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 except CWP No. 19565 of 2018

CHANDIGARH

DATED . 9.2019

*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 9.2019

**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.

**15.3.2019** Lastly claim of the petitioner rejected by the respondent no.2 vide order dated 15.3.2019 Annexure P-6.

Hence this writ petition.

CHANDIGARH (SURESH AHLAWAT)

DATED :20.8.2019 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 venture 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 providing 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 eligible for adjustment in th respective utility.

g) The land oustees admitted into ITIs but fail to complete the ITI course 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 category 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 Utilities 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 appointment 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 employment 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) Further, 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 before 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**

**IN THE HIGH COURT OF PUNJAB & HARYANA**

**AT   CHANDIGARH**

**COCP NO 0F 2019**

**IN C.W.P. 20423 of 2011**

**Chander Bhan -----------Petitioner**

**VERSUS**

**Mahabir Singh I.A.S. and another ------------Respondents**

**Affidavit of Chander Bhan ( aged about 58 years) son** of Late Sh.Parsha Ram resident of Village Pagon Distt.. Jind.

I, the above named deponent, do hereby solemnly affirm 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.

DATED:- .10.2019

Place:- Deponent

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.

DATED: 10 .2019

BEFORE THE ARMED FORCES TRIBUNAL AT REGIONAL BENCH AT CHANDIGARH.

O.A. No. 91 of 2019

Smt. Kusum Lata --------------------- Applicant

VERSUS

Union of India and Others -------------- Respondents

Short Replication of the Written Statement on behalf of the Applicant.

**RESPECTFULLY SHOWETH :-**

**Facts of the case:**

The following is a statement of facts of the case:

1. That the husband of applicant namely joined Indian Army on 24-4-1989 and served at different places and in different climatic conditions. On 8th March-2003 applicant received a letter without stated any reason from office of the respondents that yours husband Sh. Rajvir Singh has been expired on 5.3.2003 .After some time respondents told to the applicant due to “**ELECTROCUTION**” at Jamnagar (Gujrat) . Copy of letter dated 8.3.2003 **Annexure A-1** and certificate showing particulars of deceased soldier is annexed here with as **ANNEXURE A-2.**

**(ii) That** it is pertinent to mention here that after the death of her husband i.e. on 5.3.2003 ordinary pension was granted to the applicant, than after some time, applicant represented to the respondents to grant the special family pension instead of ordinary pension because her husband was on active service duty at the time of his death and his death was related to duties of military service and is attributable to military service but the respondents rejected her claim to grant the special family pension then applicant filed the appeal before the respondents but respondents also rejected her appeal to grant the special family pension on the ground that his death in such circumstances is not in any related to duties of military service and is not attributable to military service. A copy of rejection order dated 30.11.2006 passed by the appellant authority is attached herewith as **Annexure A-3 .**

* 1. That according to the court of inquiry (Ann. R-3) submitted by the respondent authority , it is not clear how the deceased NK Rajvir went out of the Military Station and how he reached near the electric tower (which is situated out of military area) where the dead body of the deceased Rajvir was found. The Army personal while leaving the military premises has to take the due permission or book out.
  2. That in the morning i.e. on 3.3.2003, he was seen by his buddies till they left for P.T. in the ground but when they looked for the deceased Rajvir, he was not found in the P.T. ground. They also searched him , the bus stand and the Railway station but they failed to find him anywhere.
  3. That in strict discipline in the Military Campus, who ever goes out of the Military Area, a prior permission of the competent authority is required and entry on the gates is also essential for the outgoing person.
  4. That there is no evidence of his entry as well permission by the competent authority in any of the Military Record. The respondent authority failed to explain, how he left the campus.
  5. That all the witnesses who examined in the enquiry proceeding had stated that deceased Rajvir was energetic and adventurous nature as well as very good player of Kabadi and Basketball and he was a member of the Battalion Team . It is not the case of respondents authority that husband of the applicant went on leave without permission.
  6. That the deceased Rajvir was quit cheerful and he had no any problem relating to his family affaires and as per the witnesses he never reported any problem to his buddies.
  7. That, thus all the matter seems to be subspecies’ and no confirmed evidence is available regarding his going out of the Military Station and near the Electric Tower, where his dead body was found. He was on duty within the definition of **Clause**

**12 (f) of the Entitlement Rules for Casualty Pensionary awards ,1982** which is reproduced below for kind consideration

**An accident which occurs when a man is not strictly “On Duty” as defined may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature ,condition, obligations or incidents of his service and that the same was not a risk common to human existence in modern condition in India.**

**Thus for instance ,where a person is killed or injured by another party by reason of belonging to the armed forces, he shall be deemed “on Duty” at the relevant time. This benefit will be given more liberally to the claimant in cases occurring on active service as defined in the Army/Navy/Air Force Act.**

* 1. That all the circumstances make it clear that the event of the death of the NK Rajvir is attributable to military service as well as which is direct nexus to military service and Clouse 12 (f) of the Entitlement Rules for Casualty Pensionary awards ,1982 is fully applicable in the case of applicant .

In this way, Applicant is entitled for special family pension.

Chandigarh

Dated :- Applicant

Through Counsel

SURESH AHLAWAT

Verification: Verified that para no.1 to of the replication of reply are true and correct to my knowledge, .legal averments are made on the advice of the counsel . No part of it is false or wrong nothing has been kept concealed there from.

Panchkula

Dated Applicant

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

C.M. No. of 2020

In LPA no 5121 of 2019

Uttar Haryana Bijli Vitran Nigam Ltd. ------ -----Appellants

Versus

Siri Pal ----------------- Respondent

Reply of the delay application in above mentioned LPA, on behalf of the Respondent.

1. That Para no 1 needs not to reply.

2. That the contents of para no.2 of the application wrong hence denied. It is submitted with respect that as per averments made in this para , it is admitted case of the appellant that Ld. counsel was engaged on 4.6.2019 but surprisingly the present appeal has been filled on 21.8.2019 so, there accrued 78 days delay without any reason which has not been explained properly .Each and every day of delay should be explained but no explanation was given by the appellant from 4.6.2019 to 21.8.2019 for 78 days of delay . Hence the present appeal deserve to be dismissed on this ground.

3. That contents of the para no.3 of the application wrong hence denied as no explanation has been given for sitting over the case for 78 days.

It is respectfully prayed present application as well as the above stated LPA no 1521of 2019 may kindly be dismissed out rightly in the interest of justice.

CHANDIGARH (SURESH AHLAWAT)

DATED : 1.2020 ADVOCATE

COUNSEL FOR THE Respondent

Note:- Affidavit is attached herewith

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

CM No. of 2020

IN LPA no.5121 of 2019

Uttar Haryana Bijli Vitran Nigam Ltd.

----------- Appellants

VERSUS

Siri Pal ------------Respondent

Affidavit of Siri Pal son of Sh. Ram Parsad ,J.E office of the S.D.O. Divisional Store , UHBVNL Kaithal. I, the above named deponent, do hereby solemnly affirm declare as under:-

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

DATED:- .1.2020

Place:-

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.

DATED: 1 .2020

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

CM No. of 2020

IN LPA no.5121 of 2019

Uttar Haryana Bijli Vitran Nigam Ltd. ----------- Appellants

VERSUS

Siri Pal ------------Respondent

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Place:- Chandigarh SURESH AHLAWAT

DATED : .1.2020 ADVOCATE

Counsel for the respondent

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

\*\*\*

Transfer Application NO. --------- OF 2020

MEMO OF PRTIES

Priti (age 25 years) wife of Pappu Ram Lakhera daughter of Sh. Shiv kumar resident of Sector-51, Near Radha Krishanan Mandir, Samaspur Village, Gurugram

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

Versus

Pappu Ram Lakhera son of Sh. Ramji Lal lakhera resident of House No. 226/34, Janta Colony, Rohtak.

--------------------Respondent

CHANDIGARH (SURESH AHLAWAT)

DATED :20.2.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

Petition U/s 24 of the Code of Civil procedure seeking transfer of petition U/s 13 of the Hindu Marriage Act, 1955 *titled as Pappu Ram Lakhera versus Priti*  (N0.DMC/99/2020) filed by the respondent (Annexure P-1) from the Court of Ld. Add. Principal Judge , (Family Court) **Rohatk**  to the Court of competent jurisdiction at **Gurugram.** AND

It is further prayed that the further proceeding pending before the Ld.Add. Principal Judge, (Family Court) Rohtak for 30.3.2020 arising out of Petition U/s 13 of the Hindu Marriage Act-1955 (Annexure P-1 ) may kindly be stayed , during the pendency of the present petition .

*RESPECTFULLY SHOWETH*

1. ***That*** *the marriage of the petitioner with the respondent was solemnized in accordance with Hindu rites and ceremonies on 23.1.2019 at Rewari* as per Hindu rites and ceremony *. The parties cohabited as husband and wife and no baby was born out of this wedlock.*
2. ***That*** *the respondent has filed a petition U/s 13 of the Hindu Marriage Act-1955 in the court of District judge, Rohtak (Family Court) , copy enclosed as* ***Annexure P-1.*** *In the said petition , totally vague and baseless allegation have been made. Notice of the said petition has already been issued to the petitioner. Now this case has been fixed for 30.3.2020 for appearance of the petitioner/wife.*
3. ***That*** *now the proceeding arising out of petition U/s 13 of the Hindu Marriage Act are going on before the Add. District Judge ,Rohtak (Family Court) , where as the petitioner is residing at* Gurugram. *The distance between Rohtak to* Gurugram *is more than 70 K.M. . Petitioner ,s father and mother who are old aged persons and now a days the parents of the petitioner are unable to afford the expenses of her . In such situation , there is no male member in petitioner , s family to accompany her to the court at Rohtakr. Where as , petitioner ,s husband Pappu Ram (Respondent ) aged 32 years and able bodied person.*
4. **That** one case already is going on at Gurugram. Petitioner filed one petition under Section 12 of Domestic Violence Act before the Ld. Court at Gurugram which is fixed for 29 May-2020. And another petition u/s 125 Cr.P.C. for maintenance yet to be filled .
5. **That** the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents . The distance between Rohtak to Gurugram is about 70 kilometers. It will indeed be difficult for the petitioner to travel such long distance to attend the hearings at Rohtak and the expenses for travelling will also be an additional financial burden on her. It has been held by Hon,ble Supreme Court in Sumita Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396 and Neelam Kanwar vs. Devinder Singh Kanwar, 2000(8) SCC 184 that convenience of the wife has to be taken into consideration in such like matters. Moreover, she has to travel from her village in Distt. Gurugram to Rohtak and back without reservation which is very difficult now a days for a lady to travel 70 kilometres on each and every date of hearing *and as stated above , there is apprehension of danger to the life and liberty of the petitioner at the hands of respondent’s family at Rohtak .* So, the petitioner is unable to meet the uncalled litigation expenses .

***6. That*** *it is in the interest of justice that the proceeding arising out of petition Annexure P-1 be transferred to the court of competent jurisdiction at Gurugram, because petitioner is staying in her village in Distt. Gurugram with her parents. Then, there will be no difficulty to pursue her case properly in Distt. Court at Gurugram . In case, the proceeding are allowed to continue at Rohtak , the petitioner will not be able to pursue her case properly.*

***7.. That*** *as per above mentioned cases ,settled proposition of law , convenience of wife is to be seen by the court. In this case , wife –petitioner is staying at Gurugram hence the petition Annexure P-1 filed by respondent deserves to be transferred from Rohtak to Gurugram which is nearest place , so as to enable the petitioner to pursue her case properly and in order to impart justice to the petitioner.*

***8. 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 except T.A. no.244 of 2020 which was withdrawn on dated 28.2.2020 with liberty to fill fresh one.*

*It is , therefore , respectfully prayed that this petition may kindly be allowed and the petition U/s 13 of the Hindu Marriage Act-1955 (Annexure P-1)* 13 (No.DMC /99/2020)  *filed by the respondent titled as Pappu Ram Lakhera v/s Priti may kindly be transferred from the Court of Addl. District Judge , (Family Court) Rohtak to the court of competent jurisdiction at Gurugram. AND*

*It is further prayed that the further proceeding pending before the Ld. Addl.District Judge (Family Court) Rohtak for 30.3.2020 arising out of Petition U/s 13 of the Hindu Marriage Act-1955 ( Annexure –P-1 ) may kindly be stayed , during the pendency of the present application/ petition.*

It is further prayed that the petitioner may kindly be exempted from certified/true typed copy of annexure in the interest of justice.

*Chandigarh ( SURESH AHLAWAT )*

*Date :- 3.3.2020 Advocate*

*COUNSEL FOR THE PETITIONER*

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2020

Priti …………Petitioner

Versus

Pappu Ram lakhera ………..…Respondent

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 20.2.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application no. --------- of 2020

Priti …………Petitioner

Versus

Pappu Ram lakhera ………..…Respondent

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Note : Caveat, if any : No.

Similar case if any:- No. T.A. no.244 of 2020 dismissed as withdrawn on 28.2.2020 with liberty to fresh file one.

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED :3.3.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application no. --------- of 2020

Priti …………Petitioner

Versus

Pappu Ram lakhera ………..…Respondent

Affidavit Priti (age 25 years) wife of Pappu Ram Lakhera daughter of Sh. Shiv kumar resident of Cector-51, Near Radha Krishan Mandir, Samaspur Village, Gurugram I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the contents of the accompanying transfer 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 except T.A. no.244 of 2020.*

CHANDIGARH

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

DATED

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM \_\_\_\_\_\_\_\_\_\_ of 2020

RA-RF No. \_\_\_\_\_\_\_\_ of 2020

In RFA No. 2548 of 2014

Ved Parkash and Others …….Appellant

Versus

State of Haryana and another …….Respondents

Application under Section 5 of Limitation Act for condonation of delay of days in filing the review application.

RESPECTFULLY SHOWETH:

1. *That the above said application* was filed before this Hon’ble Court and appellants-applicants are very hopeful of its success on the basis of grounds taken therein.

2- That the claims of landowners under Section 18 of the Land Acquisition Act were dismissed by the Reference Court, Jind vide judgment/order dated 17.12.2013. Thereafter, this Hon’ble Court though maintained the assessment as regard the land abutting the road upto the depth of 2 acres @ Rs.33,00,000/- per acre but the compensation qua the land situated beyond 2 acre was enhanced from Rs.18,00,000/- per acre to Rs.24,75,000/- per acre, vide order & judgment dated 22.12.2015 rendered in “RFA No.1515 of 2014 titled as Harijan Cooperative Society Ltd. Vs. State of Haryana & Another” along with other connected matters.

3. That in the meantime, out of this bunch matter, some landowners including applicants also approached to the Hon’ble Apex Court and their appeals have been partly allowed in Bijender case vide judgment/order dated 27.10.2017 and enhanced the compensation from Rs. 33 lacs to Rs. 45 Lacs per acre.

4. That filling aggrieved with the finding of the Ld. Reference Court, the applicants preferred RFA no.2548 of 2014 in this Hon’ble Court and similarly others land owners aggrieved from the same award also preferred different RFA,s in the Hon’ble Court and finding a bunch of about 300 RFA,s were came to be decided by this Ho’nble Court vide common order dated 22.12.2015 for the purpose of deciding the bunch of the RFA,s, the facts and evidence of the one or two cases were taken in consideration and the argument were advanced by Sr. Counsel on behalf of all the cases for the purposes of rending effective and time saving assistance to this Hon’ble Court .However ,the cases/RFA’s were never heard and decided on case to case basis ,this practice certainly gave rise to some cases to fall under some exception owing to the peculiar facts and circumstances . The graveness of the present applicants herein also based on such exception.

5.That apart from others grounds ,the applicants had also respectfully assured the finding of Ld. Reference Court has rendered in para no . 44 to 47 where by 50 cut was imposed on the payment of compensation admissible to the applicants qua the entire value of the trees so assessed in the valuation report which was duly exebit on the file ,on the reasoning that as per Rapat no ------ dated ----entered in the Rojnamcha, the possession of the acquired land in the Rojnamcha was taken on 19.8.2010 where as Notification u/s 4 of the land Acquisition Ac t had been issued on 23.8.2007 .

6. That although the RFA,s of the applicants was decided by this Hon’ble Court vide common order dated 22.12.2015 which the bunch matter but as the cases were not heard singly and separately , neither any argument on the said finding could be advanced nor any adjudication has been done by this Hon’ble Court in the common order 22.12.2015 and the counsel for the applicants despite due diligence argued regarding the above said finding . As a result, the above said remained adjudicated despite their being a specific challenge to the said finding in the grounds of appeal.

7. That in the Hon’ble Supreme Court although the order of this Hon’ble Court was challenged in SLP by the applicants and also by the number of others landowners but as there was no adjudication on the said finding, neither any argument could be advanced nor there is any finding of the Hon’ble Supreme Court on the said point ,although the compensation of the land was enhanced by the Hon;ble Supreme Court while disposing the bunch of SLP,s vide common order dated 27.10.2017 .

8. That now the applicants have filled execution in the Ld. Reference Court ,Jinx which is pending although since 2016 but in the month of Feb. the applicants contacted their counsel in the execution proceeding for determining the calculation of the compensation amount of the valuation of the trees awarding cut, at that time , the counsel brought to the notice of the applicants after perusal the entire case file including the order of the Hon’ble High Court and Supreme Court and stated that there is no adjudication by either court regarding the finding of the Ld. Reference Court qua the imposition of 50% cut of the valuation report of the trees .

9. That immediately hereafter applicants approached the earlier counsel in the Hon,ble High Court and after telephonically conversion with the counsel in the Executing Court ,he also admitted this factual aspect of non adjudication on the said issue and accordingly as per the legal advice present review petition is being filled in the Hon,ble Court and on account of the above said aspect, the review petition has earned a delay of days as on---.

It is therefore, respectfully prayed that this application may kindly be allowed and the delay of days in filing the review application may kindly be condoned, in the interest of justice.

CHANDIGARH **(SURESH AHLAWAT)**

DATED: 25.2.2020 ADVOCATE

COUNSEL FOR THE APPLICANTS/APPELLANTS

Application Form

Deferment of Recovery of Installment/EMI through NACH/SI

**State Bank of India**

**High Court Branch, Chandigarh**

Circle (Sector- 8-C Chandigarh)

Dear Sir,

**My/Our Term Loan A/C No. 65152059253 (SURSH AHLAWAT)**

**At High Court Branch, Chandigarh.**

**Deferment of Recovery of Installment/EMIs**

In view of the prevailing COVID-19 situation, as per RBI instructions on allowing 3 months moratorium in payment of EMIs, I/We wish to defer recovery of installment in my/our above Term Loan account till 31.5.2020.

I/we understand that:-

a) The repayment duration of my loan will get extended by the above period of deferment.

b) Interest will continue to accrue to my loan account during the period of deferment and this could result in increase in the amount /number of my EMIs.

c) I also authorize you to recover the deferred installments/EMIs in future through NACH along with the interest in as many EMIs as may be required.

2. Please refund the amount of installments already recovered for the **month of ( March/April/May 2020)**

Yours faithfully,

Signature of 1st Borrower Signature of 2nd Borrower

(SURESH AHLAWAT) ( SUSHIL KUMARI)

94171-11917

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

C.M. No. of 2020

In C.R. No.1905 0f 2020

Equitas Small Finance Bank Ltd. and another

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

Tarsham Kumar Sharma

----------------- Respondent

Application under Section 151 of CPC for vacating the stay order dated 11.6.2020 in the above mentioned case , which was passed ex-party on the basis of concealment of facts i.e. as the respondent/applicant had already been re-instated in bank service , in compliance of the order dated 4.6.2020 passed by the Ld. Distt. Judge –Jhajjar (P-1) before filling the present petition.

Respectfully Showeth :-

1. That the above mentioned Civil Revision is pending for hearing **9.9.2020** in this Hon,ble Court.
2. That applicant filed the civil suit for permanent injection with consequential relief of mandatory injection along with application u/o 39 r.1&2 but his application U/O. 39 R.1 and 2 has been dismissed by the Ld. Trial Court on 21.5.2020 on the sole ground that voluntary resignation was duly accepted at all levels. Thereafter , applicant filled the appeal against the said order before the Ld. District Judge –Jhhajjar. Ld. D.J. allowed the said appeal filled by the applicant on 4.6.2020 (Annexure P-1) and directed to the petitioner /bank to be put back to his job ,in case ,removed after 1.6.2020, with immediate effect. Than petitioner/bank compliance the said order and applicant/respondent again joined the bank service as Business Development Manager on same day i.e 4.6.2020 and worked up to 11.6.2020 i.e. ex –part order and his daily attendance marked daily manually as well as on web portal of the petitioner bank .
3. That petitioner/bank filed the above said revision petition before this Hon’ble Court against the order passed by the Ld.Distt. Judge –Jhhajjar (P-1) but petitioner/bank has not disclosed the true facts in the revision petition that applicant has been joined the service/ bank office on 5.6.2020 after passing the order dated 4.6.2020 (Annexure P-1) in his favour by the Ld. Distt. Couirt –Jhhajjar. But the petitioner bank deliberately concealed this fact before this Hon’ble Court and obtained ex-part stay order on 11.6.2020 and after this order, applicant immediately relived from the service/office on the same day i.e. 11.6.2020. True internet copy of joining and reliving (5.6.2020 to 11.6.2020) supplied by the petitioner/bank to the applicant through his email dated 12.6.2020 is annexed herewith as **Annexure R-1.** In this way ,only on this ground, ex-party stay order dated 11.6.2020 passed by this Hon’ble court should be vacated.

regarding para no 7 of the revision petition which is also wrong , it is pertinent to mention here that after reliving the applicant on 11.6.2020 from bank service and up till date no arrangement of suitable person, in place of the applicant/respondent is made out .

1. That the in the month of Feb. 2020 some false allegations were leveled upon the applicant and due to false allegations the applicant resigned from his job on 18.2.2020 through web portal of the petitioner/bank and has been given the notice of 90 days period to the bank for acceptance the same but the petitioner /bank accepted his resignation on 7/9.3.2020 than on 29.4.2020 applicant requested to the petitioner /bank to withdrawal his resignation according to prevalent circumstances but petitioner turned down his request for withdrawal of his resignation on 30.4.2020 but applicant had continued his work/job in the petitioner ,s bank up to last day of his notice period i.e. 1.6.2020 which is not dispute and admitted .
2. That according to the policy of the bank, regarding the resignation of the its employees **(Annexure P-6) where** in it is clear mentioned in para no. 12 &13 of the said policy that –

**12 \* In case your resignation is approved by your HR Manager ,you cannot withdraw your resignation online . .Please reach out to your HR Manager to initiate withdrawal if your resignation.**

**\* However , in any case ,you cannot withdraw resignation beyond the last working date recorded online.**

**13 What happens if do not serve notice period?**

* **As per the bank’s HR Policy ,every employee should serve full notice of 90 days …..**

1. That on portal of the petitioner bank, last working day of the applicant is reflected as 1.6.2020 till that he has every right to withdrawal his resignation .In this way ,only this ground also stay order dated 11.6.2020 passed by this Hon’ble court should be vacated
2. That applicant had to be relived from his job on 1.6.2020 ,he could withdraw his resignation ,any time before relinquishing his job/charge i.e. up to 1.6.2020 which was shown as his last working days on the portal . In this way ,only this ground also stay order dated 11.6.2020 passed by this Hon’ble court should be vacated.

It is, therefore, respectfully prayed that the application may kindly be allowed and ex-party stay order dated 11.6.2020 passed by this Hon’ble Court kindly be vacated in the interest of justice .

**Place:- Chandigarh SURESH AHLAWAT**

**DATED : 15.6.2020 ADVOCATE**

**Counsel for the Applicant/respondent**

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

C.M. No. of 2020

In C.R. No.1905 0f 2020

Equitas Small Finance Bank Ltd. and another

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

Tarsham Kumar Sharma

* ---------------- Respondent

Application u/s 151 CPC seeking exemption from filing certified copy of Annexur and for placing on record true typed copies thereof.

RESPECTFULLY SHOWETH:

1- That the applicant/respondent is filing accompanying c.m. and is sanguine of acceptance of the same on the grounds mentioned therein.

2- That the applicant/respondent has not readily available the certified copiy of Annexure which is relevant and necessary for the proper adjudication of the case. However, true photo/ typed copiy of the same is attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/respondent may kindly be exempted from filing certified copy of anexure and allow him to place on record true typed /photo copies thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED:15.6.2020 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE APPLICANT/RESPONDENT

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

CM No. of 2020

C.M. No. of 2020

IN C.R. No.1905 0f 2020

Equitas Small Finance Bank Ltd. and another

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

Tarsham Kumar Sharma ---------------------- Respondent

Tarsham Kumar Sharma son of Sh. Chand Ram resident of 250/5,Line Paar. Johri Nagar. Bahadurgarh.Distt. Jhajjar.

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

That the deponent is not readily available with the certified copy of Annexure R-1 which is necessary for proper adjudication of the case.

CHANDIGARH

DATED: . .2020

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

DATED: 2020

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2020

IN C.R. No.1905 0f 2020

Equitas Small Finance Bank Ltd. and another -- -----Petitioner

Versus

Tarsham Kumar Sharma --------------- Respondent

Tarsham Kumar Sharma son of Sh. Chand Ram resident of 250/5,Line Paar. Johri Nagar. Bahadurgarh.Distt. Jhajjar.

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

1. That the contents of Para 1 to of C.M. are true and correct to the deponent’s knowledge and believed to be true being based on legal advice.

2. That no such or similar c.m. has earlier been filed by the petitioner either in this Hon,ble High Court or before Supreme Court of India.

CHANDIGARH

DATED: .2020

VERIFICATION:

Verified that the contents of the above affidavit are true and correct to the Deponent’s knowledge. Nothing relevant has been concealed or mis-stated therein. No part of it is false.

CHANDIGARH

DATED: . 2020

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2020

IN C.R. No.1905 0f 2020

**Now fixed for 9.9.2020**

Equitas Small Finance Bank Ltd. and another -- -----Petitioner

Versus

Tarsham Kumar Sharma --------------- Respondent

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| 6. | Power of Attorney | 14.6.2020 | 10 | 3.00 |

Note :- similar case : no

CHANDIGARH ( SURESH AHLAWAT )

DATED : 15.6.2020 ADVOCATE

COUNSEL FOR Applicant/respondent

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2020

IN C.R. No.1905 0f 2020

**Now fixed for 9.9.2020**

Equitas Small Finance Bank Ltd. and another -- -----Petitioner

Versus

Tarsham Kumar Sharma --------------- Respondent

Court Fee

CHANDIGARH ( SURESH AHLAWAT )

DATED : 15.6.2020 ADVOCATES

COUNSEL FOR Applicant/respondent

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No. of 2020

IN C.W.P. No. 10158 0f 2017

MEMO OF PARTIES

Gopi Ram (aged 54 years ) s/o Sh. Jai Karan ( Retd. Science Master) through his wife being guardian /representative Smt. Meena Devi (aged 51 years) w/o Sh. Gopi Ram resident of Village & P.O. Garhwali Block, Julana Distt. Jind.

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

VERSUS

1. Dr. Mahavir Singh I.A.S. Addl. Chief Secretary to Government, Haryana, School Education Department, New Secretariat Haryana, Sector 17 Chandigarh.

2. Pardeep Kumar-I I.A.S. Director-General, Elementary Education Haryana, Shiksha Sadan, Sector 5, Panchkula.

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

CHANDIGARH ( SURESH AHLAWAT )

DATED : 15.8.2020 ADVOCATE

COUNSEL FOR PETITIONER

**Contempt Petition** under Section 12 of the Contempt of Court Act-1971 for initiating contempt proceedings against the respondents for willfully and intentionally disobeying the **order dated 14.1.2020** , passed by this Hon’ble Court in C.W.P No. 10158 of 2017 titles as Gopi Ram s/o Sh. Jai Karan ( Retd. Science Master) through his wife being guardian /representative Smt. Meena Devi w/o Sh. Gopi Ram Vs. State of Haryana & Others.” whereby more **than EIGHT MONTHS** have passed till date, ,but till date they did not do so, which makes you liable for the severe punishment under the Contempt of Courts Act.

**RESPECTFULLY SHOWETH:**

1. That since the petitioner Gopi Ram is 100% mentally disabled (insane). So, he is not fit to pursue this matter on account of the “**DEMENTIA”** according to “**HEAD INJURY”, therefore**, petitioner Sh. Gopi Ram is filing this present petition through his wife Smt. Meena Devi being guardian /representative and his wife Smt. Meena Devi already has filed the above mentioned writ petition being guardian which is mentioned in title of this case in the order of the writ petition (Annexure P-1.)
   1. That petitioner being aggrieved from non-compliance of order dated 14.1.2020 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 petitioner has filed above stated writ petition before this Hon'ble Court to direct the respondents to consider the claim of the petitioner and grant him/her all consequential service benefits with interest, considering the petitioner on Government duty till he attains the superannuation age i.e 31.5.2024 for all purposes and intents w.e.f. 9.6.2004 (relieving date ) in the light of the provision of Section 47 of The Persons with Disabilities Equal Opportunities Protection of Rights and Full Participation Act-1995.

seeking detail following relief :-

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance of Writ, in the nature of Certiorari for quashing the impugned order dated 14.6.2004 (Annexure P-3) passed by the respondent no.4 , vide which petitioner , who was working as Science master in the education department ,Haryana has been relieved/retired w.e.f 9.6.2004 from Government Service on the basis of medical report, in utter violation of Section 47 of the Persons with Disabilities Act-1995 and further a writ in the nature of Mandamus be issued to grant him all consequential service benefits with interest, considering the petitioner on Government duty till he attains the superannuation age i.e 31.5.2024 for all purposes and intents w.e.f. 9.6.2004 (relieving date ) in the light of the provision of Section 47 of The Persons with Disabilities Equal Opportunities Protection of Rights and Full Participation Act-1995

3. That when the said writ petition has come for hearing before this Hon'ble Court on 14.1.2020 then this writ petition is allowed by this Hon'ble Court and directed the respondents to compliance the  **said order within a period of one month,** which is reproduced below :-

“In view of all that has been discussed above and in view of all the aforementioned judgments, this writ petition is allowed and a direction is being given to the respondents to consider the claim of the petitioner in 11 of 12 ::: Downloaded on - 26-06-2020 11:43:17 ::: CWP No. 10158 of 2017 :12: terms of the observations made above and also in terms of the mandate of Section 47 of the Act. Respondents are directed to pay salary to the petitioner as per the rates by deeming fiction as if he is in service and has been working against a supernumerary post. The arrears of pay as was being drawn by the petitioner be calculated from 9.6.2004 up to date and the payment be made to the wife of the petitioner in accordance with the rules **within a period of one month** from the date certified copy of the order is produced before the respondents. The salary shall be paid to the petitioner every month till the date of superannuation. The respondents shall also be liable to pay interest @ 8% on the arrears of salary from the date the salary was due i.e 9.6.2004 till the date of its payment. The amount of gratuity/DCRG already paid to the petitioner shall be set off from the arrears of salary. On attaining the age of superannuation, the respondents shall pass an order of retirement along with an order calculating the pension of the petitioner in accordance with law. The wife of the petitioner shall also be entitled to the family pension in accordance with the Rules.” A copy of order dt.14.1.2020 passed by this Honble Court is attached herewith as **Annexure P-1.**

4. That thereafter, petitioner has supplied the certified copy/ies of order dated 14.1.2020 to the your offices respectively; which were duly received in the offices of the respondents.

**5.** That after received copies of said judgment dated 14.1.2020 (Annexure P-1) till date, no response has been given by the respondents

6. That now grievance of the petitioner is that she has supplied certified copy of order (Annexure P-1) passed by this Court to both respondents, which were duly received in their respective offices, but till today respondents have not complied the order of this Hon'ble Court . Hence, the respondents have not complied the order of this Hon'ble Court therefore; the respondents have clearly violated the directions passed by this Hon'ble Court, from which it reflects that they are disobeyed the order dated 14.1.2020 passed by the Hon'ble High Court willfully, deliberately & intentionally.

7. That when the respondents did not pay any heed than petitioner constrained to serve the contempt notice on 7.7.2020 to implement the order dated 14.1.2020 but after waiting more than 30 days than petitioner is being filed this petition. A copy of contempt notice dated 7.7.2020 is attached herewith as **Annexure P-2.**

8. That now **eight months have been expired** from the date of passing of order dated 14.1.2020 by this Hon,ble High Court ,this matter is hanging fire since Jan.-2020 but the respondents did not pay any heed and are not implementing the order passed by this Hon.ble Court on 14.1.2020 . The act and conduct of the respondents shows clear cut willful and deliberate disobedience of the order dated 14.1.2020 passed by this Hon,ble High Court.

9. That the respondents have deliberately and intentionally disobeyed the order of the Hon’ble Court as they have no respect for law and order . In order to fulfill their own oblique motive, the respondents have committed the offence of Contempt of Court Order.

10. That the respondents have, thus, made themselves liable to be prosecuted under the contemptuous proceedings for disobedience of the High Court which makes them liable for severe punishment under the Contempt of Courts Act.

11. 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 14.1.2020 passed in CWP no. 10158 of 2017 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 annexures in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : 15.8.2020 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 10158 of 2017

Gopi Ram through his wife ----------Petitioner

                                      Versus

Dr. Mahavir Singh IAS and another ---Respondents

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Total Court Fee Rs. 14.25.

Similar case if any :-no

CHANDIGARH SURESH AHLAWAT

ADVOCAT DATED:  15.8.2020      COUNSEL FOR THE PETITIONER

P/370/1994

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 10158 of 2017

Gopi Ram through his wife ---------Petitioner

                                      Versus

Dr. Mahavir Singh IAS and another

---------Respondents

Total Amount of Court Fee Affixed.

SURESH AHLAWAT

Advocate

Dated: 15.8.2020                   Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

COCP NO 0F 2020

IN C.W.P. No. 10158 of 2017

Gopi Ram through his wife ---------Petitioner

                                      Versus

Dr. Mahavir Singh IAS and another

---------Respondents

Affidavit of Meena Devi w/o Sh.Gopi Ram presently resident of Village & P.O. Garhwali Block, Julana Distt. Jind.

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 except contempt petition no.1785 of 2019.

CHANDIGARH

DATED:- .8.2020

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 .8 .2020

CIVIL REVISION PETITION under Article 227 of the Constitution of India, for setting-aside the order dated 5.4.2019 (Annexure P-1) passed by the Ld. Executing Court, (A.D.J.) Gurugram (in LAC matter ) to the extent that the petitioners have been denied interest on enhanced amount of compensation from the date of taking over the passion as mandated u/s 28 of the Land Acquisition Act-1894, **in terms of law lay down by this Hon’ble Court in C.R .1252 of 2020 titled as Joginder and others versus State of Haryana and others** **. (Annexure P-2.)**  OR

Any other order or direction or relief which this Hon'ble Court deems fit and proper in the peculiar facts and circumstances of the instant case**.**

RESPECTFULLY SHOWETH:

* 1. That the Petitioners are resident of above mentioned address within State of Haryana. They being citizen of India and aggrieved from the action of respondents, are entitled to invoke inherent jurisdiction of this Hon'ble Court by way of filing present Civil revision petition under Article 227 of the Constitution of India.
  2. That Govt. of Haryana issued a notification u/s 4 of the Act on 17.9.2004 for acquisition of land of village Lakhnola for public purpose namely for setting up of Ch.Devi Lal Industrial Model Township Phase V, Manesar. Land Acquisition Collector passed an award No.12 dated 9.3.2006 ,thereby awarding compensation @ Rs.12.50 lacs per acre situated within revenue estate of village Lakhnola , involved in the present case.
  3. Petitioners being co sharers have instituted their claim in the nature of an execution petition to claim enhanced compensation as awarded to other co sharers of the same khewat situated within revenue estate of village Nakhrola Tehsil Manesar Distt.Gurugram, who had filed a reference u/s 18 of Land Acquisition Act,1894 in L.A.Case no.225 dated 23.5.2011 and petitioners claimed interest on the delayed period in their execution application.

4. That Petitioners claimed that at the time of acquisition of land in question, they were well recorded as co sharers in the revenue record along with other co –sharers/family members i.e. Ram Rikh and others, who had filed a reference u/s 18 of the Act. Said reference was registered as L.A.C No.225 dated 23.5.2011 titled Ram Rikh etc. Vs. State of Haryana etc. and decided by the Court of ADJ,Gurugram vide an award dated 31.8.2013 passed in main case titled Ram Niwas Vs.State of Haryana & Others vide which reference court enhanced the compensation @ Rs.50,43,315/-per acre from 12.50 lakh per acre. But petitioners could not file reference u/s 18 but they being a co -sharer in the same khewat is also entitled for enhanced compensation.

5. That land owners/claimants further filled the first appeal against the order of Ld.ADJ Gurugram before this Hon’ble Court, Than this Hon’ble Court vide an order dated 25.5.2018 passed in RFA No.776 of 2014 titled Smt.Khajani Devi and others vs. State of Haryana and others reduced the compensation to Rs.48,46,000/- per acre from Rs. 50,43,315 per acre in respect of land of villages Naurangpur and Lakhnola.

6. That the petitioners filed the execution petition being co sharers on 26.4.2018 after decision of the references by the Reference Court on 31.8.2013. Ld. Executing Court allowed the execution application filed by the petitioners on 5.4.2019 and held petitioners entitled for enhanced the compensation and Ld. Executing Court clear stated in its order that this application is not time barred by limitation but Ld. Executing Court wrongly held in the impugned order dated 5.4.2019 that petitioners shall be not entitled for interest on the delayed period .The relevant portion of the order is reproduced below:-

**”** That Present co-sharer filed petition in this court on 26.4.2018 seeking benefit of enhanced compensation. As per ratio of rulings supra, discussed in the findings of issue No.1, petition is not barred by limitation. However petitioners shall not be entitled for interest for the delay in filing the petition.

Petitioners-co-sharers are hereby held entitled to receive pro rata compensation pertaining to their share,@ Rs.48,46,000/- per acre with statutory benefits as per order dated 25.5.2018 passed by Hon’ble Pb.& Hr.High Court in RFA No.776 of 2014 titled Smt.Khajani Devi and others vs.State of Haryana and others in respect of their share . However petitioners shall not be entitled for interest for delay in instituting present execution**.”**  A **copy of the order 5.4.2019** passed by the Ld. Executing Court is attached herewith as **Annexure P-1.**

7. That the impugned order dated 5.4.2019 **(Annexure P-1)** is untenable in law, contrary to the proved facts and is liable to be modified inter-alia on the following grounds:-

**a)** That In view of the settled law that a co-sharer owns every inch of the whole of the land and is entitled to the enhanced compensation which other co-sharers have got through proceedings under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act') the Non-litigating co-owner of the acquired property has a right to claim enhanced compensation awarded by the final Court with interest on par with the successful co-owners who litigated by directly approaching the executing court for relief of payment of enhanced compensation with statutory interest calculated in accordance with the provisions of the Act, that is, from the date of possession of the acquired land. **In this regard this Hon’ble court settled this type of controversy in C.R. no.1252 of 2020 titled as Joginder and Others versus State of Haryana** from the same Notification u/s 4 of the L.A.Act-1894 that co-shares from the same khewat are also entitled for enhanced amount of compensation with interest on period of delay also, if they file the references in the court or not and this case decided by this Honble Court in terms of **C.R. no.7485 of 2019 titles as Raj Pal and others versus State of Haryana. A copy of order dated 25.2.2020 passed by this Honble Court in C.R. no. 1252 of 2020 in Joginder case is attached herewith as Annexure P-2.**

b) By the impugned order, the executing Court has directed payment of enhanced compensation but has ignored altogether the statutory benefit of interest which it was duty bound to have allowed. law settled by the Supreme Court in “A.Viswanatha Pillai and others vs. Special Tehsildar for LandAcquisition”, (1991) 4 SCC 17: AIR 1991 Supreme Court1966; “Samiyathal and others vs. Special Tehsildar and others” 2015 (2) RCR (Civil) 441 (SC) holding that all landowners irrespective of whether they have filed special leave petitions or not are entitled to enhanced compensation on par .

c)

That the finding of the Ld. Executing Court to the extent, vide which the petitioners have been denied the interest on the enhancement of compensation is wrong and perverse under law because Ld. Executing Court has not appreciated the fact that there is no fault on the part of the petitioner in approaching the Ld. Executing Court for receiving of enhancement of compensation with interest . As a matter of fact, it was incumbent upon the state to deposit the enhancement compensation with interest qua the share of the petitioners when the enhancement compensation was deposited by the state of its own, in the account of the similar situated land owners/claimants . There is no justification or reasoning on the part of the state that as to why the petitioner was subjected to such type of discrimination.

**d) That** it is the duty of the state to deposit and disburse the enhance compensation promptly and strictly in compliance of the direction of the **Hon’ble Supreme Court rendered in HSIDC v/s Pran Sukh and others 2011(1) RCR 569 S.C.**  The filing of the execution of the land owner is the course to be adopted only after the failure of the state to deposit and disburse the enhanced compensation with interest .

e) That petitioners are rustic villagers could not filed the reference because other co sharer, who are also the family members in the same khewat i.e. Ram Rikh and others have been filed the reference for enhancement of compensation .

f) That the other similar situated persons /co-sharers from the same khawat have been got the benefits than petitioners were also entitled the same benefits . In this way, petitioners were constrained to file the execution petition by the respondents otherwise, there was no need to file the execution petitioners if such benefit granted to the other co shares in the same khawat.

g) That the impugned order caused grave injustice to the petitioners and there is no delay in filling this petition because interest has not been paid by the respondents on amount of enhancement compensation which is recurring cause of action arises every day and petitioners have no other alternative remedy other than to approach this Hon'ble Court under Article 227 of the Constitution of India for the redressal of their grievance in the interest of justice. Thus, the present revision petition is maintainable in this Hon'ble Court.

8. That no such or similar petition has earlier been filed either before this Hon'ble High Court or Hon'ble Supreme Court. No such revision is filed or pending in any other Court of law.

It is, therefore, respectfully prayed that present revision petition may kindly be allowed and order dated 5.4.2019 (Annexure P-1) passed by the Ld. Executing Court, (A.D.J.) Gurugram (in LAC matter ) may kindly be setting -aside to the extent that the petitioners have been denied interest on enhancement amount of compensation from the date of taking over the passion . Petitioners be granted interest on enhanced amount of compensation till the payment is made, which is prescribed under the Land Acquisition Act-1894 in the interest of justice.

CHANDIGARH

DATED: 15.8.2020 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONERS

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

Civil Revision No. of 2020

Rughnath (since deceased) through his L.R. and others

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

Versus

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

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Total Rs.

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

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CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATED 15.8. 2020 COUNSEL FOR THE PETITIONERS

En. No. P/370/1994 IN THE HIGH COURT FOR THE PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. of 2020

Rughnath (since deceased) through his L.R. and others

------Petitioners

Versus

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

Court Fee

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Total Court fee Rs.\_\_\_\_\_\_\_\_\_\_\_\_

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CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATE:- 15 .8.2020 COUNSEL FOR THE Petitioners

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

C.R. No. of 2020

Rughnath (since deceased) through his L.R.and others

-------- Petitioners

Versus

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

Application u/s 151 CPC seeking exemption from filing certified copies of Annexurs and for placing on record true typed copies thereof.

RESPECTFULLY SHOWETH:

1- That the petitioners is filing accompanying civil revision petition and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of petition be read as part of this application also

2- That the petitioners has not readily available the certified copies of Annexures which are relevant and necessary for the proper adjudication of the case. However, true photo/ typed copies of the same are attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the petitioners may kindly be exempted from filing certified copies of anexures and allow them to place on record true typed /photo copies thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED:15.8.2020 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE PETITIONERS

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

Civil Revision No. of 2020

Rughnath (since deceased )through his L.R.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 as under:-

That the deponent is not readily available with the certified copies of Annexures which are necessary for proper adjudication of the case. . However, true photo/ typed copies of the same are attached herewith for the kind perusal of this Hon’ble Court.

Deponent

CHANDIGARH

DATED: 8.2020

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: 8.2020

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

Civil Revision No. of 2020

Rughnath (since deceased) through his L.R. and others

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

Versus

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

Affidavit of Smt. Krishna daughter of Dhan Kaur D/O Chhellu resident of Village – Nakhrola, Tehsil Manesar Distt. Gurugram .

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

1. That the contents of Para 1 to 8 of grounds of petition are true and correct to the deponent’s knowledge and believed to be true being based on legal advice.

2. That no such or similar petition /appeal has earlier been filed by the petitioner either in this Hon,ble High Court or before Supreme Court of India.

CHANDIGARH

DATED: 8 .2020

VERIFICATION:

Verified that the contents of the above affidavit are true and correct to the Deponent’s knowledge. Nothing relevant has been concealed or mis-stated therein. No part of it is false.

CHANDIGARH

DATED: . 8 .2020

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

C.R. No. of 2020

**MEMO OF PARTIES**

1. Rughnath (since deceased) through his L.R. Himanshu (grandson) aged 16 years son of Sh. Jai Parkash son of Late Sh. Rughnath, Himanshu being minor representative through his natural guardian (father) Jai Parkash.

2. Smt. Sushma (aged about 48 years)

3. Smt. Krishna (aged about 50 years) daughters of Dhan Kaur d/o Chhellu

all resident of Village – Nakhrola, Tehsil Manesar Distt. Gurugram -----------------------Petitioners

VERSUS

1. State of Haryana through, Land Acquisition Collector, Gurugram

2. Haryana State Industrial Development Corporation through its Managing –Director at Panchkula, Haryana.

3. Asstt. General Manager ,Haryana State Industrial Development Corporation I.M.T. Manesar, Gurugram

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

Place: Chandigarh ( SURESH AHLAWAT)

Advocate

Dated: 15.8.2020 Counsel for the Petitioners

IN THE HIGH COURT FOR THE STATES PANJAB AND HARYANA AT CHANDIGARH

C.M.NO. OF 2020

In C.R.. NO of 2020

Rughnath (since deceased) through his L.R. and others

--------- Petitioners

VERSUS

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

Application under Rule 2, Chapter 1 Part C of Vol.-5 of Punjab High Court Rules and Orders R/W Order 22 Rule 3 read with section 151 of C.P.C. for bringing on record the L.R. of deceased Rughnath ( petitioner no.1) in the above mentioned case.

RESPECTFFULY SHOWETH;

1. That the above noted revision petition is being filed in this Hon’ble Court which is likely to succeed on the grounds mentioned therein.   
2. That petitioner no.1 Rughnath has died on 12.3.2020 in his Village Nakhrola Tehsil Manesar -Gurugram .

3. That petitioner no.1 Rughnath (since deceased) executed a registered Will on 29.8.2012 before the Registration Officer , Manesar (Gurugram) that his real grandson Himanshu son of Sh. Jai Parkash son of Late Sh. Rughnath would be sole L.R. in the property/amount of compensation of land acquired, left by him after his death. He further stated in his Will, that there would be no other L.R. except his grandson Himanshu but actually petitioner no.1 Rughnath (since deceased) has left behind his following L.R.s:- 1. Om Parkash 2. Braham Parkash 3. Chander Parkash 4. Jai Parkash sons of Rukhnath. All resident of village Nakhrola,Tehsil Manesar Distt. Gurugram.   
 But Rughnath (since deceased ) appointed his grandson Himanshu son of Sh. Jai Parkas sole L.R., according his Will dated 29.8.2012 in the property /amount of compensation left by him. A true translated copy of Will dated 29.8.2012 is attached here with as **AnnexureP-3.**   
5. That there are no other L.R,s of the deceased   
 Rughnath except above mentioned L.R.s

It is therefore, respectfully prayed that this application may kindly be allowed and the name of the above mentioned petitioner (Himanshu) be brought on record, as L.R. of Rughnath in the interest of justice.  
  
Place: Chandigarh SURESH AHLAWAT

Dated:- 15.8.2020 Advocate  
 Counsel for applicant /petitioners

Note: Affidavit is attached here with.

IN THE HIGH COURT FOR THE STATES PANJAB AND HARYANA

AT CHANDIGARH

C.M.NO. OF 2020

In C.R.. NO of 2020

Rughnath (since deceased) through his L.R. and others

--------- Petitioners

VERSUS

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

Affidavit of Smt. Krishna daughter of Dhan Kaur d/o Chhellu resident of Village – Nakhrola, Tehsil Manesar Distt. Gurugram

I, the above named deponent do hereby solemnly affirm and declare as under:-  
 That the deponent has gone through the contents of the accompanying application for bringing the LR,s of Late Sh. Rughnath (petitioner no.1) 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.

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:

**Annexure P-3**

WILL

I, Rughnath son of Sh. Chhellu Ram, is resident of Village & P.O. Nakhrola, Tehsil Manesar, District Gurgaon (Haryana). My aged is about 80 years, due to which reason, I often remain sick. Life is a matter of uncertainty, nobody knows as when to depart. I am having property i.e. agricultural land, houses, plot, cash amount, jewelry, lying in various banks, Society and other financial institutions by way of recurring deposit, saving account etc. I want that my property i.e. agricultural land, house, plot, situated in abadi of Village Nakhrola or anywhere in else, may not destroy due to dispute between my legal heirs. I have got five legal heirs i.e. one daughter Birwati and four sons namely Om Parkash, Brahm Parkash, Chander Parkash & Jai Parkash. My daughter was married, who has now died about one year back. I am residing with my sons namely Om Parkash, Brahm Parkash, Chander Parkash & Jai Parkash sons of Raghunath son of Sh. Chhellu Ram, who are performing their duties and rendering all services. I am so satisfied with their services and as such, do hereby execute that during my life time, I will remain absolute owner of my entire moveable & immoveable property, agricultural land, situated anywhere, owned by me, cash & jewelry lying deposited in any bank or the property acquired in my name during my life time or after my death, compensation issued in lieu of acquisition of my land. After my death, my real grandson Himanshu son of Sh.Jai Parkash son of Raghunath Singh, resident of Village & P.O. Nakhrola, Tehsil Manesar, District Gurgaon (Haryana) will become exclusive owner of entire property left by me. None of my other legal heirs will have any connection whatsoever in my property. This is my first Will. I have not earlier executed any Will. Hence I have understood the contents of this Will, gone through, admitted the same to be correct and put my signature in presence of witnesses. Witnesses also put their respective signatures on this Will in my presence, so as to keep in record and may be used on the need be**. Dated 29.8.2012**

Witness No.1 Executant Witness no.2

Sd/- L.T.I. Sd/-

Raghunath

Certified to be true & correct translation

Advocate