**of Dates and Events**

22.07.1987 That the State of Haryana through S.S.S.Board now renamed Haryana Staff Selection Commission issued advertisement No. 4 of 1987, inviting the applications for the recruitment for the post of Clerks in various departments. The petitioner being eligible for the same, applied for the above stated post in B.C. Category within time and were issued Roll No. for written test.

15.10.1989 That after qualifying the written test, the petitioner was declared successful and stood in the merit list **at Sr.no.1494** prepared on the basis of the above stated written examination and their name was recommended by the selection board for the post of Clerk

-------- That total number of 5373 candidates were shown to be selected by the selection board and the respondent State appointed the candidates up to the merit number 4645 by adopting pick and choose method.

1990-91 That since the petitioner was not permitted to join for the above stated post without giving any reason and some of the similarly situated candidates who have been ignored being standing higher in merit even after being declared successful, preferred various litigations before this Hon’ble court and CWP No. 8187 of 1990 titled as Sudesh Kumari Vs. State of Haryana was allowed by this Hon’ble Court by directing the respondent State to fill up the posts among the candidates who are higher in merit as per the selection list dated 15.10.1989.

1994-95 That on the other hand another writ petition was filed before this Hon’ble Court, seeking the quashing of a waiting list of clerks out of the select list dated 15.10.1989 and the said matter was referred to the larger bench and the Full Bench of this Hon’ble Court, while disagreeing with the directions in Sudesh Kumari’s case and directed to issue another advertisement No. 9 of 1995 dated 19.11.1995 to fill up the available post of clerks.

------- That the above stated judgment passed by the full bench was challenged before the Hon’ble Supreme Court of India and the Full Bench judgment in Bijender Singh’s case was modified with the directions to make the appointments out of the list prepared on 15.10.1989 and same will not be annulled upto the serial no. 4645 in the selection list.

--------- That even after the directions issued by the Hon’ble Supreme Court of India, the said judgment was not complied with and the aggrieved candidates preferred contempt petitions before the Hon’ble Supreme Court of India and the Chief Secretary to Govt. of Haryana filed an affidavit stating therein that an additional affidavit was also filed by the State before the Hon’ble Supreme Court, identifying 145 vacancies as per the respective categories and total 20 number of posts are shown against BC Category.

18.09.1998 That the Hon’ble Supereme Court vide judgment dt. 18.09.1998 issued directions to the State of Haryana that post available from 15.10.89 to 1995 be filled up in order of merit.

22.10.1999 That the respondent authorities after finding the petitioner entitled for the appointment as per their merit number, issued the appointment letter dated 01.10.1999 alongwith other number of candidates against their respective merit number and petitioner joined service. (P-1).

That the Deputy Commissioner ,Panchkula issued a letter on dated 27.1.2003 to all Commissioner of Divisions and all the Head of Departments of the state that if any regular employee wants to transfer in the office of Deputy Commissioner Panchkula and has to full fill the conditions in the above mentioned letter which is attached herewith as **Annexure P-2** . The Rehabilitation Department forwarded the name of the petitioner after taking his consent to the office of the Deputy Commissioner Panchkula, in this regard, order dated 14.3.2003 passed by the Rehabilitation Department is attached herewith as **Annxure P-3** and consequently petitioner has been transferred from Rehabilitation Department to the office of the Deputy Commissioner, Panchkula i.e. respondent no.3 in March -2003 . The petitioner joined the duty in the office of the Deputy Commissioner Panchkula on dated 31st March -2003 and his pay has been protected and consequently new seniority no. assigned in the Ambala Division by the respondent no.2. A Copy of appointment letters dated 8.10.2003 issued by the Deputy Commissioner ,Panchkula i.e. respondent no.3 is attached as **Annexure P-4.**

**2004 That** after some time, after joining the petitioner from Rehabilitation Department to the office of the Deputy Commissioner, Panchkula i.e. respondent no.3 the parental department i.e. Rehabilitation Department of the petitioner merged into the Revenue & Deserter Department in the Year -2004.

04.08.2013 That petitioner submitted representation to the respondents for granting him deemed date of appointment , notional pay fixation, seniority and consequential benefits but no action has been taken.

3.10.2015 That the petitioner got served legal notice dated 3.10.2015 to respondents for granting him deemed date of appointment , notional pay fixation, seniority and consequential benefits as that has been given to other appointed candidates in pursuance of the same selection process and also from the same selection list, but no action has been taken so far

--------- Hence, the present writ petition.

CHANDIGARH (SURESH AHLAWAT)

DATED: 10.1.2018 Advocate

Counsel for the petitioner.

Civil Writ petition under article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant 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 Haryana Staff Selection Commission, same selection process, and grant the benefit of notional pay fixation at par with the candidates/employees with all consequential benefits who have joined their services 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 22.07.1987.

AND/OR

For issuance of any other appropriate writ, order or direction which this Hon’ble court may deem fit and proper in the peculiar facts and circumstances of the present case.

RESPECTFULLY SHOWETH:

1. That the petitioner is employee of government of Haryana, resident of Haryana, being citizen of India are entitled to invoke the extra ordinary writ jurisdiction of this Hon’ble Court under Articles 226/227 of the Constitution of India.

2. That the petitioner is working as clerk in the office of respondent no. 3 as clerk and work and conduct of the petitioner is totally unblemished and no adverse reports or remarks of any kind whatsoever been conveyed to him .

3. That the State of Haryana through S.S.S. Board, now renamed as Haryana Staff Selection Commission. issued advertisement No. 4 of 1987 dated 22.07.1987, inviting the applications for the recruitment for the post of Clerks in various departments. The petitioner being eligible for the same, applied for the above stated post in B.C. Category well within time and was issued roll no. 160123 After qualifying the written test, the petitioner was declared successful and stood in the **merit list at Sr.no.1494** prepared on the basis of the above stated written examination/interview and their name was recommended by the Selection Board for the post of Clerk.

4. That total number of 5373 candidates were shown to be selected by the Selection Board and the respondent State appointed the candidates up to the merit number 4645 by adopting pick and choose method as recommended by the Selection Board. It is necessary to mention here that the said merit list was prepared for the candidates of all the categories.

5. That since the petitioner was not permitted to join for the above stated post without giving any reason and some of the similarly situated candidates who have been ignored being standing higher in merit even after being declared successful, preferred various litigations before this Hon’ble Court and CWP No. 8187 of 1990 titled as Sudesh Kumari Vs. State of Haryana was allowed by this Hon’ble Court with the directions reproduced as under:-

“6. By directing the board at this stage to recommend the names of the petitioner and other similarly situated person who are higher in merit and whose names have been received back from the departments as they could not be appointed, would at this juncture disturb the persons who have already been appointed in the other departments, who are lower in merit. We would not like to disturb such person who have been appointed in the other departments who are lower in merit. Under these circumstances, we direct that from now onwards whenever a requisition is received from any department for filling the posts of clerks, all persons who are higher in merit as compared to the last person who might have been appointed, the selection list prepared on 15th October, 1989 would not lapse irrespective of any circumstances to the contrary issued by the Sate of Haryana, if any.”

As per above directions the respondent State was also directed to fill up the posts among the candidates who are higher in merit as per the selection list dated 15.10.1989.

6. That on the other hand another writ petition no 174 of 1992 (Bijender Singh case) was filed before this Hon’ble Court, seeking the quashing of a waiting list of clerks out of the select list dated 15.10.1989 and the said matter was referred to the larger bench and the Full Bench of this Hon’ble Court on dated 13.7.1994, while disagreeing with the directions in Sudesh Kumari’s case as reproduced above issued the following directions:-

“19. Having considered the matter and keeping in view the peculiar facts of this case, we hold that

i) The selection board cannot make the selection in excess of the number of posts for which the requisition has been placed before it. The waiting list prepared by the board has to be confined to the number prescribed by the Government.

ii) The selected candidates do not have any indefeasible right to be appointed to the post for which they have been selected.

iii) The directions given by the bench in Sudesh Kumari’s case particularly to the effect that the selection list prepared on October, 1989 would not lapse are not conformity with law.

iv) The respondent-State of Haryana would examine the cases of persons. Who were appointed even though they had not attained the requisite percentage of marks for inclusion in the merit list and were not within the number of posts for which the requisition had been sent to the board. It would pass orders in accordance with law.

v) The list prepared by the board on October 15, 1989 was valid for a period of one year. If, a candidate whose name appeared up to serial No. 662 has not been appointed so far, the State shall consider the claim and appoint him. All vacancies arising from October 15,1990 onwards shall be re-advertised and recruitment against those vacancies shall be made from amongst the selected candidates.”

In view of the directions the selection board did not recommend any name out of the selection list dated 15.10.1989 and the respondent State issued another advertisement No. 9 of 1995 dated 19.11.1995 to fill up the available post of clerks.

7. That the above stated judgment passed by the Full Bench was challenged before the Hon’ble Supreme Court through SLP.no. 4900 of 1998 and the Full Bench judgment in Bijender Singh’s case was modified on dated 18.9.1998 with the following directions:-

“we issue the following directions in substitution of the directions made by the High Court in the impugned judgment.

i) The appointments already made from out of the list prepared on 15.10.1989 will not be annulled.

ii) The last person who is stated to have been appointed being at serial No. 4645 persons occupying higher position than him could be considered for appointment to the post of clerk if there exists any vacancy for them.

iii) The vacancy in this context would mean the vacancies which are available in the State of Haryana prior to the advertisement issued for selecting persons for the said post for the year 1995. It is to be made clear that if no vacancies exists on the aforesaid date, then no further appointment would be made from out of list prepared on 15.09.1989 notwithstanding the directions of the Punjab and Haryana High Court in Sudesh Kumari’s case.

iv) If vacancies did exist on the date as aforementioned, then the appointment from out of the list prepared on 15.10.1989 could be made strictly on the basis of their merit position of the list.

v) We strongly deprecate the practice of selecting and preparing and unusually large list compared to the vacancy position and the State Government should either amend the recruitment rules in that respect and till then should issue a positive administrative instructions giving the right to the selection board to select only some persons in excess than the requisition for which the board is going to select people.

vi) We also do not approve of the inaction on the part of the State Government in not assailing the judgment of the Punjab and Haryana High Court in Sudesh Kumari’s case and now coming up before making submissions that the judgment is practically incapable of being implemented.”

Even after the directions issued by the Hon’ble Supreme Court of India, the said judgment was not complied with and the aggrieved candidates preferred contempt petitions before the Hon’ble Supreme Court of India and the Chief Secretary to Govt. of Haryana filed an affidavit stating therein that as many as 145 vacancies pertaining to the period between 15.10.1989 to 18.11.1995 were ascertained. There vacancies were intimated to the Staff Selection Commission and it was further stated in the said affidavit that 92 candidates were recommended for appointment as clerks in various departments against the select list dated 15.10.1989 in accordance with the merit in the respective categories. It is further submitted that an additional affidavit was also filed by the state before the Hon’ble Supreme Court, identifying the 145 vacancies as per the respective categories and total 20 number of posts are shown against BC category.

8. That in pursuance of the direction issued by the Hon’ble Supreme Court in its judgment dt. 18.09.1998 the petitioner was higher in merit and was not appointed earlier, was offered appointment in the Rehabilitation Department in the month of October ,1999 vide order dt. 22.10.1999 and he joined the services in the month of October,1999. A Copy of appointment letters dated 22.10.1999 issued by the Rehabilitation Department Haryana is attached as **Annexure P- 1.**

9. That the Deputy Commissioner ,Panchkula issued a letter on dated 27.1.2003 to all Commissioner of Divisions and all the Head of Departments of the state that if any regular employee wants to transfer in the office of Deputy Commissioner Panchkula and has to full fill the conditions in the above mentioned letter which is attached herewith as **Annexure P-2** . The Rehabilitation Department forwarded the name of the petitioner after taking his consent to the office of the Deputy Commissioner Panchkula, in this regard, order dated 14.3.2003 passed by the Rehabilitation Department is attached herewith as **Annxure P-3** and consequently petitioner has been transferred from Rehabilitation Department to the office of the Deputy Commissioner, Panchkula i.e. respondent no.3 in March -2003 . The petitioner joined the duty in the office of the Deputy Commissioner Panchkula on dated 31st March -2003 and his pay has been protected and consequently new seniority no. assigned in the Ambala Division by the respondent no.2. A Copy of appointment letter dated 8.10.2003 issued by the Deputy Commissioner ,Panchkula i.e. respondent no.3 is attached as **Annexure P-4.**

**10.** That after some time, after joining the petitioner from Rehabilitation Department to the office of the Deputy Commissioner, Panchkula i.e. respondent no.3 the parental department i.e. Rehabilitation Department of the petitioner merged into the Revenue & Deserter Department in the Year -2004.

11. That it is relevant to mention here that the similar controversy was raised by Sh. Satyavir Singh Clerk who was appointed from the same select list alongwith the petitioner in the year 1999 and he filed the CWP No. 7061/2009 titled Satyavir Singh Vs. State of Haryana and others and the same was decided on 24.09.2009 with the direction to the respondents to re-fix the seniority of the petitioner in terms of rule 12 of the rules as has been laid down in the division bench judgment of this court within a period of six months and consequential benefits would follow. Copy of the judgment dt. 24.09.2009 is attached as **annexure P- 5.**

12. That it is also pertinent to mention here that the similar controversy was raised by Sh. Bir Singh and other Clerks who were appointed from the same select list alongwith the petitioner in the year 1999 and they filed the CWP No. 7703 of 2009 titled Bir Singh and others Vs. State of Haryana and others and raised the similar controversy for grant them benefit of notional fixation of pay at par with juniors. The said writ petition was allowed by this Hon’ble High Court vide dt. 07.09.2011 with the direction for grant of notional fixation of pay. Copy of the judgment dt. 07.09.2011 is attached as **annexure P- 6.**

13. That from the above details it is clear that the present writ petition is covered by the judgment passed by this Hon’ble High Court and the petitioner is entitled for grant of notionaly pay fixation, deemed date of appointment and other consequential benefits from the year 1990 when the candidates from the same select list were allowed to join and petitioner was ignored though he was higher in the merit list.

14. That the petitioner has made several representations to the higher authorities but there request has not been considered. Feeling aggrieved petitioner served upon the respondents legal representation dt. 3.10.2015 with the request to allow them the deemed date of appointment from the year 1990, notional pay fixation from that date, and re-fixation of seniority in accordance with the merit determined by the Haryana Staff Selection Commission and other consequential benefits, but no action has been taken so far. Copy of legal representation/representation is attached as **annexure P-7 .**

15. That it is necessary to mention here that the seniority of the petitioner should have been fixed as per the merit determined by the Haryana Staff Selection Board in the year 1989 but the seniority of the petitioner has been fixed from the date of joining which is in violation of statutory rules, unjust, unfair, illegal, arbitrary, discriminatory and against the law of natural justice.

16. That since the appointment of the petitioner was made against their merit number in the selection list dated 15.10.1989 in eventuality, the petitioner cannot be denied for the benefit of deemed date appointment and other service benefits i.e pay fixation from the date other candidates from the same select list who joined in the year 1989-1990, as the candidates junior to the petitioner as per the merit determined by Board.

17. That it is further necessary to mention here that in another case this Hon’ble court were pleased to issue the direction for appointment to the petitioner on the post of Assistant Sub-Inspector subject to suitability in accordance with the rule, further directing the respondents to grant deemed date of appointment to the petitioner as that has been given to other appointed candidates in pursuance of the same selection process, but the petitioner will not be entitled for arrears of salary. However, such deemed date of appointment shall be taken into consideration for seniority and other consequential benefits etc.

18. That it is settled proposition of law that once the appointment is made strictly in the merit basis, an employee cannot be discriminated only on the ground that he could not be issued appointment letter either due to discrimination by adopting pick and choose method or due to the pendency of the litigations in that regard and on the other hand in that situation a condition which was not applicable over the candidates who have been selected in the same selection list, cannot be made applicable over the present petition even in the compelling circumstances specially when the petitioner has been issued the appointment letter after a long span of more than 10 years.

19. That as per above facts and circumstances and observations even in various judgment by the Hon’ble Courts, not granting deemed date of appointment to the petitioner as that has been given to other appointed candidates in pursuance of the same selection process, and not granting the benefit of notional seniority, consequential benefits, and pay fixation at par with the candidates/employees who have joined their services prior to the petitioner and being junior to the petitioner, petitioner is suffering recurring loss day-to-day, is unjust, unfair, illegal, arbitrary and discriminatory being violative of the article 14 and 16 of the Constitution of India and hence is liable to be set aside inter alia on the following grounds:-

i) That the petitioner was issued the appointment letter against the vacant post, being the selected candidate against their merit number hence he cannot be denied for the benefits which are admissible to the other similarly situated candidates among the same selection list/merit list and the discrimination committed with the petitioner is liable to be set aside.

ii) That as per the judgments passed by this Hon’ble court as well as by the Hon’ble Apex Court, the petitioner has been issued appointment letter and permitted to join against vacant post which has been admitted by the Chief Secretary to the Government of Haryana in his/her affidavit filed before the Hon’ble Court giving the details of vacant posts as per their respective categories. As such the petitioner cannot be denied for the benefits which is admits which is admissible to the other similarly situated candidates/employees who have been selected in the same merit list.

1. That it is settled law that in none of the circumstances the petitioner can be denied for the notional pay fixation at par with the similarly situated employees and who have been permitted to join at the time of declaration of selection and seniority as well as has already been decided by various judgments, passed by this Hon’ble Court as well as by the Hon’ble Apex Court.
2. That the respondent authorities are bound by the Statutory Rules which says that he has to abide by such rules and regulations as may be issued by the Haryana Govt. governing the conditions of service of its employees from time to time.
3. That as per the judgments passed by this Hon’ble Courts, the petitioner cannot be denied for the benefits of notional pay fixation and other consequential benefits as the similar benefits have already been granted to the other similarly situated employees who have been appointed among the same merit list.
4. That petitioner is suffering recurring loss day-to-day and thus cause of action arises daily.

20. That the following main law points are involved in the present writ petition, which are as under:-

i) Whether the action of respondents is unjust, unfair and illegal, arbitrary and discriminatory being violative article 14 and 16 of the Constitution of India?

ii) Whether the action of respondents is itself violative of the Haryana Govt., Service Rules, ?

iii) Whether the petitioner is entitled for deemed date of appointment as per determined by Haryana Staff Selection Commission, notational pay fixation and all consequential benefits?

iv) Whether the case of present petitioner is not covered with the rules/policies/schemes issued by the government of Haryana from time to time?

v) Whether grave and manifest justice has been caused to the petitioners?

21. That the petitioner has not filed any such or similar writ petition in this Hon’ble Court or in the Hon’ble Supreme Court of India.

22. That there is no remedy of appeal or revision available to the petitioner except to approach this Hon’ble Court by way of the petition under Articles 226/227 of the Constitution of India.

It is therefore, respectfully prayed that:

1. to issuance a Writ in the nature of Mandamus directing the respondents to grant 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 Haryana Staff Selection Commission, same selection process, and grant the benefit of notional pay fixation at par with the candidates/employees with all consequential benefits who have joined their services 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 22.07.1987.

ii) For issuance of any other appropriate writ, order or direction which this Hon’ble court may deem fit and proper in the peculiar facts and circumstances of the present case.

1. Record of the case may be called for;
2. filing of the certified copies of the annexures as well as filing of true typed copies of annexures, may kindly be dispensed with;
3. Cost of the petition be awarded to the petitioners.

Chandigarh:

Dated: 2.2.2016 (SURESH AHLAWAT)

Advocate Petitioner

Counsel for petitioner

Verification:

Verified that the contents of para No. 1 to 19 and 21 & 22 are true and correct to my knowledge and that of para No. 20 are based on legal advice believed to be true. No part of it is false and nothing material has been kept concealed there from.

Chandigarh: Petitioner

Dated :2.2.2016

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

**CHANDIGARH**

CWP No.---------0f 2016

1. Anand Singh s/o Sh. Rattan Singh resident of village Sanghi District Rohtak presently posted as clerk in the office of Deputy Commissioner, Panchkula

……….Petitioner

VERSUS

1. State of Haryana through its Additional Chief Secretary to Govt. of Haryana, Department of Revenue and Disaster Management, Haryana Civil Secretariat, Sector -17 Chandigarh.

2. Commissioner, Ambala Division, Ambala.

3. Deputy Commissioner, Panchkula

………Respondents.

Chandigarh ( SURESH AHLAWAT)

Dt : 2.2.2016 Advocate

Counsel for Petitioner.

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

**CHANDIGARH**

CWP No.---------0f 201

Anand Singh and ……Petitioner

Versus

State of Haryana and others …….Respondents

Affidavit of Anand Singh son of Sh. Rattan Singh R/o Vill. & P.O. Sanghi, presently working 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 deponent is who is filling the present writ petition and fully conversant with the facts of the present case.

2. That the contents of the writ petition has been read over to the deponent which are true and correct to the knowledge of the deponent. No part of it is false and nothing has been concealed therein.

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

Chandigarh DEPONENT

Date: 2.2016

**VERIFICATION**

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

Chandigarh DEPONENT

Date: .2.2016

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

**CHANDIGARH**

CWP No.--------- of 2016

Anand Singh ……Petitioner

Versus

State of Haryana and others …….Respondents

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**Note :** Total Court Fee:-

1. Whether caveat received **:** No
2. That main law points are involved in present writ petition in para No. 20, page of the petition.
3. Relevant Status/Rules : Constitution of India.
4. Any other case if any : **CWP NO. 25747** of **2015** titled Satish Kumar and others v/s State of Haryana and others **NOM** issued for **05.04.2016** by Hon,ble Justice Mr. Deepak Sibal.

Chandigarh (SURESH AHLAWAT)

Date : 2.2.2016 (Advocate)

Counsel for petitioner

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

**CHANDIGARH**

CWP No.---------0f 2017

Meena Devi ……Petitioner

Versus

State of Haryana and others …….Respondents

Total Amount of Court Fee Affixed.

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Chandigarh (SURESH AHLAWAT)

Dated: 10.1.2017 Advocate

Counsel for the Petitioner

SURESH AHLAWAT Residence # 706/11

Advocate Panchkula

Punjab & Haryana High Court

Chamber no.62 ,Chandigarh 94171-11917

Ref. No.-------------- Dated : 03/11/2015

**To**

1. State of Haryana through its Additional Chief Secretary to Govt. of Haryana, Department of Revenue and Disaster Management, Haryana Civil Secretariat, Sector -17 Chandigarh.

2. Commissioner, Ambala Division, Ambala.

3. Deputy Commissioner, Panchkula

**Subject: Legal representation.**

Sir,

Under the instructions and on behalf of my client Sh. Anand Singh s/o Sh. Rattan Singh working as Clerk in the office of Deputy Commissioner . I submit the following legal representation for your kind consideration and necessary action please:

1. That the state of Haryana through Subordinate Service Selection Board( S.S.S.Board) Now, Haryana Staff Selection Commission issued advertisement for the recruitment of many posts of Clerks in the various departments of Haryana in the year 1987. My client named above being eligible for the said posts applied well within time in B.C.catagary and qualified the written test and he was interviewed by the Board. He was finally placed in the merit list and recommended for joining as clerk in the departments of Haryana govt.
2. That while issuing the appointment letters the state of Haryana adopted pick and choose method and appointment was not made as per merit in the selection list. My client above named was not permitted to join for the said post without giving any reason and thus the action of the state of Haryana was challenged in the Hon’ble High Court and the said issue had gone upto the Hon’ble Supreme Court of India. The Hon’ble Supreme Court of India vide judgment dt. 18.08.1998 directed the state of Haryana to fill up the available post in accordance with the merit list prepared by the Haryana Staff Selection Commission.
3. That in compliance with the directions of the Hon’ble Supreme Court my client named above was directed to join as Clerk in Rehabilitation Department vide appointment order dt. 22.10.1999 and he joined as such in the said office and he was transferred from Rehabilitation Department to Deputy Commissioner ,Panchkula in the month of October-2003 and his pay was protected but seniority has not been given . Rehabilitation Department merged in to Revenue & Disaster Department in 2004.
4. That the candidates who were lower in the merit from my client were allowed to join in the year 1990 and my client were allowed to join in the year 1999 that was also on the direction of Hon’ble Supreme Court. He has been kept lower in the seniority list from those employees who were lower in the seniority but illegally appointed and allowed to join the service in the year 1990. The Hon’ble Punjab and Haryana High Court while deciding the civil writ petition No. 7703 of 2009 titled Bir Singh v. State of Haryana and others decided on 07.09.2011 in which the petitioner belong from the same select list and was allowed to join duties in the year 1999 in the Rehabilitation department after the judgment of the Hon’ble Supreme Court of India as mentioned above and he was given the seniority and pay fixation notionally over and above the juniors along with consequential benefits. Thus my client is on the same footing and he also deserve for the similar benefits.
5. That recently similar controversy was raised by the candidates who were selected from the same select list and 23 civil writ petitions were filed in the Hon’ble Punjab and Haryana High Court Chandigarh and the same also have been allowed. Thus my client named above is entitled for deemed date of appointment, seniority, notional pay fixation and other consequential benefits from the year 1990 when the candidates lower in the merit list were allowed to join in your department and my client was denied illegally. You are therefore requested to look into the matter, consider the case of my client sympathetically and allow him the deemed date of appointment from the year 1990, notional pay fixation from that date, re-fixation of seniority in accordance with the merit determined by the Haryana Staff Selection Commission than Subordinate Service Selection Board ( S.S.S.Board) and other consequential benefits in the interest of justice within a period of one month failing which I have no other option but to file the writ petition in the competent court of law for seeking the benefits mentioned above.

Thanking you

Yours sincerely

From Special Secretary to Govt. Haryana

Rehabilitation Department

To

Deputy Commissioner

Panchkula

Memo no. PF/ 2982/ Admn

**Dated Chandigarh 14.3.2003**

Request of Shiri Anand Singh, Clerk of this Deptt. For appointment as clerk in the office of Deputy Commissioner, Panchkula.

**Subject:-** Please refer to your letter no. 310-409/EA dated 27.1.2003 on the subject cited above.

1. Sh. Anand Singh Clerk of this department has requested that some posts of Clerks are lying vacant in the office of Deputy Commissioner, Panchkula and has requested that his name may be recommended for appointment as clerk on transfer basis in the said office. His application in original is enclosed herewith.
2. Sh. Anand Singh joined his service as clerk on 28.10.1999 on recommendation of SSS Board. He knows English Typing in good speed and also knowledge of Computer handling. He has earned 3 ACR and all are of good and very Good categories. The summary of ACR is also attached herewith. At present no proceedings under rule-7 & 8 are pending against him.
3. It is, therefore, requested that the request of Sh. Anand Singh for appointment as Clerk in the office of Deputy Commissioner Panchkula against vacant post may be considered and he may be appointed as Clerk on transfer basis.

Under Secretary( Rehabilitation)

For Special Secretary to Govt. , Haryana

Rehabilitation Deptt.

From

Smt. Satwanti Ahlawat, I.A.S.

Deputy Commissioner, Panchkula

TO

* 1. Commissioner, Ambala, Hisar, Gurgaon, Rohtak Division
  2. Head of all Departments

No. 310-409/ EA dated 27.1.2003

Subject:- To fill up the vacant posts of clerks on transfer basis.

In reference of aforesaid subject, some posts for clerks are lying vacant in this office which are proposed to be filled up on the basis of transfer as per letter no. 42/20/82-5 G.S. dated 19.8.1982

2 So you are, therefore, requested that if any clerk from your office is interested to join the office of the Deputy Commissioner than, you may sand his name within two months with recommendation. This transfer shall be based on the following conditions.

1. Employee should not be on ad-hoc basis.
2. The benefit of previous service of employee shall not be given in seniority of this office and it will be taken in writing from the employee that he shall not claim benefit of previous service in seniority of this office .
3. No T.A./D.A. shall be given .
4. Employee must have cleared the typing test . Preference will be given to the employee who knows Hindi typing.
5. Direct application shall not be accepted.
6. Service record of the employee should be good.
7. There should not be any departmental proceeding pending against the employee.

For Deputy Commissioner, Panchkula

From

The Deputy Commissioner,

Panchkula.

To

Joint Secretary to Govt. Haryana

Rehabilitation Department, Chandigarh

Subject:- Appointment of Clerks in the office of the Deputy Commissioner, Panchkula on transfer basis.

Reference your memo no. PF/7443/Admn. Dated Chandigarh, June July 7th -2003 on the above cited subject:-

Sh. Annad Singh , clerk of your office has been selected for temporary appointment as clerk in this office on transfer basis in the Grade of Rs. 3050-4590/-Plus usual allowances admissible to Haryana Govt. Servants from time to time . His appointment will be on the following terms and conditions:-

1. That his appointment is purely on temporary basis and as and when there will be no vacancy against which he could continue to officiate or his services are no longer required , he will be reverted to his parent office at any time without any notice . As such his lien will have to be retained in your office / department.
2. That his service is not found satisfactory , he will be sent back to his parents department.
3. That his services will be governed by the provisions of the Pb. Civil Services Rules and Haryana Revenue Department, District Subordinate ( Group-C) Services Rules, 1988 as amended from time to time.
4. That his seniority shall be determined as per rules from the date of joining this office.
5. That his pay and leave earned will be protected.
6. If the official is willing to accept the offer made on the above mentioned conditions , he may please be relieved from your office and directed him to report for duty in this office , immediately.
7. 4. His Service Record, LPC, Casual Leave Account for the current year and personal file containing character and antecedents duly verified may also please be transferred to this office.

Deputy Commissioner

Panchkula

ENDST No. 3159-60/oc PKL.-EA-/287 **Dated 8.10.2003**

A copy is forwarded to the following for information and necessary action:-

1. Commissioner, Ambala Division, Ambala Cantt.
2. Sh Anand Singh, clerk office of the joint Secretary to Govt. Haryana, Rehabilitation Department, Chandigarh.

To

The Director General

Higher Education Haryana

Shiksha Sadan Sector- 5,

Panchkula

Subject: Request for granting benefit of seniority and notional pay fixation at par with Clerk appointed from selection list in the year 1989 and all other consequential benefits.

Sir

With due respect it is submitted that my name was recommended for appointment as Clerk in the year 1989 and I was placed in the merit list in SC Category but I was not given appointment whereas appointments were given on pick and choose basis and persons in lower merits were given appointments due to which candidates who were not allowed to join duties they filed writ petition in the Hon’ble Panjab and Haryana High Court and case went upto Supreme Court .

The litigation continued for a long period and ultimately Hon’ble Supreme Court of India issued direction to the State of Haryana while deciding the appeal titled Roshni Devi Versus State of Haryana and Others vide order dt. 18.09.1998 to appoint Clerks as per seniority in the selection list prepared on 15.10.1989. In compliance with order of Hon’ble Supreme Court I was given appointment in Nov., 2003 and joined as such. It is brought to your notice that some employees who joined in the year 1999 from the same selection list on the order of court they filed writ petition in the High court Chandigarh titled Bir Singh and others and State of Haryana and others for same benefits and the writ petition has been allowed and they have been given all benefits. Now you are requested to place me in the seniority list at par with those employees who were appointed in the year 1989 and I may be given notional benefit of seniority and my pay may be fixed accordingly and release the arrear of salary after refixing the pay. I may also be placed in the seniority list at appropriate place and allow all consequential benefit.

Thanking you

Date 04/08/2013 Yours faithfully

SD/-Azad Singh clerk

O/O Commanding Officer

12 Haryana Batallian NCC Sonepat

Jai Bhagwan Sharma Off.-cum-Res.

Advocate 106 C/2, Raipur Khurd

Punjab & Haryana High Court U.T.Chandigarh Chandigarh M-9417171506

Ref. No.-------------- Dated : 03/11/2015

To

The Director General

Higher Education Haryana

Shiksha Sadan Sector- 5, Panchkula

Subject: Legal representation.

Sir,

Under the instructions and on behalf of my client Sh. Shamsher Singh s/o Sh. Bhagwana Ram working as Clerk in the office of Commanding Officer 15 Haryana Batallian NCC Jind I submit the following legal representation for your kind consideration and necessary action please:

1. That the state of Haryana through Staff Service Selection Board Haryana issued advertisement for the recruitment of many posts of Clerks in the various departments of Haryana in the year 1987. My client named above being eligible for the said posts applied well within time and qualified the written test and he was interviewed by the Board. He was finally placed in the merit list and recommended for joining as clerk in the departments of Haryana govt.
2. That while issuing the appointment letters the state of Haryana adopted pick and choose method and appointment was not made as per merit in the selection list. My client above named was not permitted to join for the said post without giving any reason and thus the action of the state of Haryana was challenged in the Hon’ble High Court and the said issue had gone upto the Hon’ble Supreme Court of India. The Hon’ble Supreme Court of India vide judgment dt. 18.08.1998 directed the state of Haryana to fill up the available post in accordance with the merit list prepared by the Haryana Staff Selection Commission.
3. That in compliance with the directions of the Hon’ble Supreme Court my client named above was directed to join as Clerk in the NCC Unit of your department vide appointment order dt. 01.10.1999 and he joined as such in the office of Commanding Officer 15 Haryana Batallian NCC Jind .
4. That the candidates who were lower in the merit from my client were allowed to join in the year 1990 and my client were allowed to join in the year 1999 that was also on the direction of Hon’ble Supreme Court. He has been kept lower in the seniority list from those employees who were lower in the seniority but illegally appointed and allowed to join the service in the year 1990. The Hon’ble Punjab and Haryana High Court while deciding the civil writ petition No. 7703 of 2009 titled Bir Singh v. State of Haryana and others decided on 07.09.2011 in which the petitioner belong from the same select list and was allowed to join duties in the year 1999 in the NCC Wing of your department after the judgment of the Hon’ble Supreme Court of India as mentioned above and he was given the seniority over and above the juniors along with consequential benefits. Thus my client is on the same footing and he also deserve for the similar benefits.
5. That recently similar controversy was raised by the candidates who were selected from the same select list and 23 civil writ petitions were filed in the Hon’ble Punjab and Haryana High Court Chandigarh and the same also have been allowed. Thus my client named above is entitled for deemed date of appointment, seniority, notional pay fixation and other consequential benefits from the year 1990 when the candidates lower in the merit list were allowed to join in your department and my client was denied illegally. You are therefore requested to look into the matter, consider the case of my client sympathetically and allow them the deemed date of appointment from the year 1990, notional pay fixation from that date, re-fixation of seniority in accordance with the merit determined by the Haryana Staff Selection Commission and other consequential benefits in the interest of justice within a period of one month failing which I have no other option but to file the writ petition in the competent court of law for seeking the benefits mentioned above.

Thanking you

Yours sincerely

(Jai Bhagwan Sharma)

Advocate

To

The Director General

Higher Education Haryana

Shiksha Sadan Sector- 5,

Panchkula

Subject: Request for granting benefit of seniority and notional pay fixation at par with Clerk appointed from selection list in the year 1989 and all other consequential benefits.

Sir

With due respect it is submitted that my name was recommended for appointment as Clerk in the year 1989 and I was placed in the merit list in SC Category but I was not given appointment whereas appointments were given on pick and choose basis and persons in lower merits were given appointments due to which candidates who were not allowed to join duties they filed writ petition in the Hon’ble Panjab and Haryana High Court and case went upto Supreme Court .

The litigation continued for a long period and ultimately Hon’ble Supreme Court of India issued direction to the State of Haryana while deciding the appeal titled Roshni Devi Versus State of Haryana and Others vide order dt. 18.09.1998 to appoint Clerks as per seniority in the selection list prepared on 15.10.1989. In compliance with order of Hon’ble Supreme Court I was given appointment in Nov., 2003 and joined as such. It is brought to your notice that some employees who joined in the year 1999 from the same selection list on the order of court they filed writ petition in the High court Chandigarh titled Bir Singh and others and State of Haryana and others for same benefits and the writ petition has been allowed and they have been given all benefits. Now you are requested to place me in the seniority list at par with those employees who were appointed in the year 1989 and I may be given notional benefit of seniority and my pay may be fixed accordingly and release the arrear of salary after refixing the pay. I may also be placed in the seniority list at appropriate place and allow all consequential benefit.

Thanking you

Date 04/08/2013 Yours faithfully

SD/-Azad Singh clerk

O/O Commanding Officer

12 Haryana Batallian NCC Sonepat

**List of Dates and Events**

22.07.1987 That the State of Haryana issued advertisement No. 4 of 1987, inviting the applications for the recruitment for the post of Clerks in various departments. The petitioners being eligible for the same, applied for the above stated post within time and were issued Roll No. for written test.

15.10.1989 That after qualifying the written test, the petitioners were declared successful and stood in the merit list prepared on the basis of the above stated written examination and their names were recommended by the selection board for the post of Clerk.

-------- That total number of 5373 candidates were shown to be selected by the selection board and the respondent State appointed the candidates up to the merit number 4645 by adopting pick and choose method.

1990-91 That since the petitioners were not permitted to join for the above stated post without giving any reason and some of the similarly situated candidates who have been ignored being standing higher in merit even after being declared successful, preferred various litigations before this Hon’ble court and CWP No. 8187 of 1990 titled as Sudesh Kumari Vs. State of Haryana was allowed by this Hon’ble Court by directing the respondent State to fill up the posts among the candidates who are higher in merit as per the selection list dated 15.10.1989.

1994-95 That on the other hand another writ petition was filed before this Hon’ble Court, seeking the quashing of a waiting list of clerks out of the select list dated 15.10.1989 and the said matter was referred to the larger bench and the Full Bench of this Hon’ble Court, while disagreeing with the directions in Sudesh Kumari’s case and directed to issue another advertisement No. 9 of 1995 dated 19.11.1995 to fill up the available post of clerks.

------- That the above stated judgment passed by the full bench was challenged before the Hon’ble Supreme Court of India and the Full Bench judgment in Bijender Singh’s case was modified with the directions to make the appointments out of the list prepared on 15.10.1989 and same will not be annulled upto the serial no. 4645 in the selection list.

--------- That even after the directions issued by the Hon’ble Supreme Court of India, the said judgment was not complied with and the aggrieved candidates preferred contempt petitions before the Hon’ble Supreme Court of India and the Chief Secretary to Govt. of Haryana filed an affidavit stating therein that an additional affidavit was also filed by the State before the Hon’ble Supreme Court, identifying 145 vacancies as per the respective categories and total 20 number of posts are shown against BC Category.

18.09.1998 That the Hon’ble Supereme Court vide judgment dt. 18.09.1998 issued directions to the State of Haryana that post available from 15.10.89 to 1995 be filled up in order of merit.

01.10.1999 That the respondent authorities after finding the petitioners entitled for the appointment as per their merit number, issued the appointment letter dated 01.10.1999 alongwith other number of candidates against their respective merit number and petitioner joined service. (P-1).

10.11.2003 That respondent authority issued the appointment letter dated 10.11.2003 to petitioner no. 2 alongwith other number of candidates against their respective merit number and petitioner joined service. (P-2).

04.08.2013 That petitioner no. 2 submitted representation to the respondent no. 2 for granting him deemed date of appointment , notitonal pay fixation,seniority and consequential benefits but no action has been taken. (P- 3 ).

23.10.2015 That the petitionerno.1 got served legal notice to respondent No. 2 for granting him deemed date of appointment , notitonal pay fixation,seniority and consequential benefits as that has been given to other appointed candidates in pursuance of the same selection process and also from the same selection list, but no action has been taken so far. (P- 4 ).

--------- Hence, the present writ petition.

CHANDIGARH (Jai Bhagwan Sharma)

DATED: 22.12.2015 Advocate

Counsel for the petitioners.

Civil Writ petition under article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant 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 by Haryana Staff Selection Commission, same selection process, and grant the benefit of notional pay fixation at par with the candidates/employees with all consequential benefits who have joined their services 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 22.07.1987.

AND/OR

For issuance of any other appropriate writ, order or direction which this Hon’ble court may deem fit and proper in the peculiar facts and circumstances of the present case.

RESPECTFULLY SHOWETH:

1. That the petitioners are employees of government of Haryana, resident of Haryana, being citizen of India are entitled to invoke the extra ordinary writ jurisdiction of this Hon’ble Court under Articles 226/227 of the Constitution of India.

2. That the petitioner no. 1 is working in the office of respondent no. 3 and the petitioner no. 2 has been retired on attaining the age of superannuation on 31.10.2013 from the office of respondent no. 4.

3. That the State of Haryana issued advertisement No. 4 of 1987 dated 22.07.1987, inviting the applications for the recruitment for the post of Clerks in various departments. The petitioners being eligible for the same, applied for the above stated post well within time and were issued roll Nos. After qualifying the written test, the petitioners were declared successful and stood in the merit list prepared on the basis of the above stated written examination and their name were recommended by the selection board for the post of Clerk.

4. That total number of 5373 candidates were shown to be selected by the selection board and the respondent State appointed the candidates up to the merit number 4645 by adopting pick and choose method as recommended by the selection board. It is necessary to mention here that the said merit list was prepared for the candidates of all the categories.

5. That since the petitioner were not permitted to join for the above stated post without giving any reason and some of the similarly situated candidates who have been ignored being standing higher in merit even after being declared successful, preferred various litigations before this Hon’ble court and CWP No. 8187 of 1990 titled as Sudesh Kumari Vs. State of Haryana was allowed by this Hon’ble Court with the directions reproduced as under:-

“6. By directing the board at this stage to recommend the names of the petitioner and other similarly situated person who are higher in merit and whose names have been received back from the departments as they could not be appointed, would at this juncture disturb the persons who have already been appointed in the other departments, who are lower in merit. We would not like to disturb such person who have been appointed in the other departments who are lower in merit. Under these circumstances, we direct that from now onwards whenever a requisition is received from any department for filling the posts of clerks, all persons who are higher in merit as compared to the last person who might have been appointed, the selection list prepared on 15th October, 1989 would not lapse irrespective of any circumstances to the contrary issued by the Sate of Haryana, if any.”

As per above directions the respondent State was also directed to fill up the posts among the candidates who are higher in merit as per the selection list dated 15.10.1989.

6. That on the other hand another writ petition was filed before this Hon’ble Court, seeking the quashing of a waiting list of clerks out of the select list dated 15.10.1989 and the said matter was referred to the larger bench and the Full Bench of this Hon’ble Court, while disagreeing with the directions in Sudesh Kumari’s case as reproduced above issued the following directions:-

“19. Having considered the matter and keeping in view the peculiar facts of this case, we hold that

i) The selection board cannot make the selection in excess of the number of posts for which the requisition has been placed before it. The waiting list prepared by the board has to be confined to the number prescribed by the Government.

ii) The selected candidates do not have any indefeasible right to be appointed to the post for which they have been selected.

iii) The directions given by the bench in Sudesh Kumari’s case particularly to the effect that the selection list prepared on October, 1989 would not lapse are not conformity with law.

iv) The respondent-State of Haryana would examine the cases of persons. Who were appointed even though they had not attained the requisite percentage of marks for inclusion in the merit list and were not within the number of posts for which the requisition had been sent to the board. It would pass orders in accordance with law.

v) The list prepared by the board on October 15, 1989 was valid for a period of one year. If, a candidate whose name appeared up to serial No. 662 has not been appointed so far, the State shall consider the claim and appoint him. All vacancies arising from October 15,1990 onwards shall be re-advertised and recruitment against those vacancies shall be made from amongst the selected candidates.”

In view of the directions the selection board did not recommend any name out of the selection list dated 15.10.1989 and the respondent State issued another advertisement No. 9 of 1995 dated 19.11.1995 to fill up the available post of clerks.

7. That the above stated judgment passed by the Full Bench was challenged before the Hon’ble Supreme Court of India and the Full Bench judgment in Bijender Singh’s case was modified with the following directions:-

“we issue the following directions in substitution of the directions made by the High Court in the impugned judgment.

i) The appointments already made from out of the list prepared on 15.10.1989 will not be annulled.

ii) The last person who is stated to have been appointed being at serial No. 4645 persons occupying higher position than him could be considered for appointment to the post of clerk if there exists any vacancy for them.

iii) The vacancy in this context would mean the vacancies which are available in the State of Haryana prior to the advertisement issued for selecting persons for the said post for the year 1995. It is to be made clear that if no vacancies exists on the aforesaid date, then no further appointment would be made from out of list prepared on 15.09.1989 notwithstanding the directions of the Punjab and Haryana High Court in Sudesh Kumari’s case.

iv) If vacancies did exist on the date as aforementioned, then the appointment from out of the list prepared on 15.10.1989 could be made strictly on the basis of their merit position of the list.

v) We strongly deprecate the practice of selecting and preparing and unusually large list compared to the vacancy position and the State Government should either amend the recruitment rules in that respect and till then should issue a positive administrative instructions giving the right to the selection board to select only some persons in excess than the requisition for which the board is going to select people.

vi) We also do not approve of the inaction on the part of the State Government in not assailing the judgment of the Punjab and Haryana High Court in Sudesh Kumari’s case and now coming up before making submissions that the judgment is practically incapable of being implemented.”

Even after the directions issued by the Hon’ble Supreme Court of India, the said judgment was not complied with and the aggrieved candidates preferred contempt petitions before the Hon’ble Supreme Court of India and the Chief Secretary to Govt. of Haryana filed an affidavit stating therein that as many as 145 vacancies pertaining to the period between 15.10.1989 to 18.11.1995 were ascertained. There vacancies were intimated to the board and it was further stated in the said affidavit that 92 candidates were recommended for appointment as clerks in various departments against the select list dated 15.10.1989 in accordance with the merit in the respective categories. It is further submitted that an additional affidavit was also filed by the state before the Hon’ble Supreme Court, identifying the 145 vacancies as per the respective categories and total 20 number of posts are shown against BC category.

8. That in pursuance of the direction issued by the Hon’ble Supreme Court in its judgment dt. 18.09.1998 the petitioners were higher in merit and were not appointed earlier, were offered appointments in the Haryana Battalion NCC wing under respondent Higher Education Department Haryana in the month of September,1999 vide order dt. 01.10.1999 and Nov.,2003 vide order no. 10.11.2003 respectively and they joined the services in the month of Oct.,1999. and Nov., 2003 respectively Copy of appointment letters are attached as annexure P- 1. and P-2.

9. That it is relevant to mention here that the similar controversy was raised by Sh. Satyavir Singh Clerk who was appointed from the same select list alongwith the petitioners in the year 1999 and he filed the CWP No. 7061/2009 titled Satyavir Singh Vs. State of Haryana and others and the same was decided on 24.09.2009 with the direction to the respondents to re-fix the seniority of the petitioner in terms of rule 12 of the rules as has been laid down in the division bench judgment of this court within a period of six months and consequential benefits would follow. Copy of the judgment dt. 24.09.2009 is attached as annexure P- 3.

10. That it is also pertinent to mention here that the similar controversy was raised by Sh. Bir Singh and other Clerks who were appointed from the same select list alongwith the petitioners in the year 1999 in the same department and they filed the CWP No. 7703 of 2009 titled Bir Singh and others Vs. State of Haryana and others and raised the similar controversy for grant them benefit of notional fixation of pay at par with juniors. The said writ petition was allowed by this Hon’ble High Court vide dt. 07.09.2011 with the direction for grant of notional fixation of pay. Copy of the judgment dt. 07.09.2011 is attached as annexure P- 4.

11. That from the above details it is clear that the present writ petition is covered by the judgment passed by this Hon’ble High Court and the petitioners are entitled for grant of seniority, par fixation, deemed date of appointment and other consequential benefits from the year 1990 when the candidates from the same select list were allowed to join and petitioners were ignored though they were higher in the merit list.

12. That the petitioners have made several representations to the higher authorities but there request has not been considered. Feeling aggrieved petitioner no. 1 served upon the respondent no. 2 legal representation through registered post dt. 23.10.2015 and petitioner no. 2 submitted representation dt. 04.08.2013 with the request to allow them the deemed date of appointment from the year 1990, notional pay fixation from that date, and re-fixation of seniority in accordance with the merit determined by the Haryana Staff Selection Commission and other consequential benefits, but no action has been taken so far. Copy of legal representation/representation are attached as annexure P-5 and P-6.

13. That it is necessary to mention here that the seniority of the petitioners should have been fixed as per the merit determined by the Haryana Staff Selection Board in the year 1989 but the seniority of the petitioners has been fixed from the date of joining which is in violation of statutory rules, unjust, unfair, illegal, arbitrary, discriminatory and against the law of natural justice.

14. That since the appointment of the petitioner was made against their merit number in the selection list dated 15.10.1989 in eventuality, the petitioners cannot be denied for the benefit of deemed date appointment and other service benefits i.e seniority, pay fixation from the date other candidates from the same select list joined in the year 1989-1990, as the candidates junior to the petitioner as per the merit determined by Board.

15. That it is further necessary to mention here that in another case this Hon’ble court were pleased to issue the direction for appointment to the petitioner on the post of Assistant Sub-Inspector subject to suitability in accordance with the rule, further directing the respondents to grant deemed date of appointment to the petitioner as that has been given to other appointed candidates in pursuance of the same selection process, but the petitioner will not be entitled for arrears of salary. However, such deemed date of appointment shall be taken into consideration for seniority and other consequential benefits etc.

16. That it is settled proposition of law that once the appointment is made strictly in the merit basis, an employee cannot be discriminated only on the ground that he could not be issued appointment letter either due to discrimination by adopting pick and choose method or due to the pendency of the litigations in that regard and on the other hand in that situation a condition which was not applicable over the candidates who have been selected in the same selection list, cannot be made applicable over the present petition even in the compelling circumstances specially when the petitioner has been issued the appointment letter after a long span of more than 10 years.

17. That as per above facts and circumstances and observations even in various judgment by the Hon’ble Courts, not granting deemed date of appointment to the petitioners as that has been given to other appointed candidates in pursuance of the same selection process, and not granting the benefit of notional seniority, consequential benefits, and pay fixation at par with the candidates/employees who have joined their services prior to the petitioners and being junior to the petitioners, petitioners are suffering recurring loss day-to-day, is unjust, unfair, illegal, arbitrary and discriminatory being violative of the article 14 and 16 of the Constitution of India and hence is liable to be set aside inter alia on the following grounds:-

i) That the petitioners were issued the appointment letter against the vacant post, being the selected candidates against their merit number hence they cannot be denied for the benefits which are admissible to the other similarly situated candidates among the same selection list/merit list and the discrimination committed with the petitioner is liable to be set aside.

ii) That as per the judgments passed by this Hon’ble court as well as by the Hon’ble apex court, the petitioners have been issued appointment letter and permitted to join against vacant post which has been admitted by the chief secretary to the government of Haryana in his/her affidavit filed before the Hon’ble court giving the details of vacant posts as per their respective categories. As such the petitioner cannot be denied for the benefits which is admits which is admissible to the other similarly situated candidates/employees who have been selected in the same merit list.

1. That it is settled law that in none of the circumstances the petitioner can be denied for the notional pay fixation at par with the similarly situated employees and who have been permitted to join at the time of declaration of selection and seniority as well as has already been decided by various judgments, passed by this Hon’ble Court as well as by the Hon’ble Apex Court.
2. That the respondent authorities are bound by the Statutory Rules which says that he has to abide by such rules and regulations as may be issued by the Haryana Govt. governing the conditions of service of its employees from time to time.
3. That as per the judgments passed by this Hon’ble Courts, the petitioner cannot be denied for the benefits of seniority, notional pay fixation and other consequential benefits as the similar benefits have already been granted to the other similarly situated employees who have been appointed among the same merit list.
4. That petitioners are suffering recurring loss day-to-day and thus cause of action arises daily.

18. That the following main law points are involved in the present writ petition, which are as under:-

i) Whether the action of respondents is unjust, unfair and illegal, arbitrary and discriminatory being violative article 14 and 16 of the Constitution of India?

ii) Whether the action of respondents is itself violative of the Haryana Govt., Service Rules, ?

iii) Whether the petitioners are entitled for deemed date of appointment, seniority as per determined by Haryana staff selection commission, notational pay fixation and all consequential benefits?

iv) Whether the case of present petitioner is not covered with the rules/policies/schemes issued by the government of Haryana from time to time?

v) Whether grave and manifest justice has been caused to the petitioners?

19. That the petitioner has not filed any such or similar writ petition in this Hon’ble Court or in the Hon’ble Supreme Court of India.

20. That there is no remedy of appeal or revision available to the petitioner except to approach this Hon’ble Court by way of the petition under Articles 226/227 of the Constitution of India.

It is therefore, respectfully prayed that:

i) to issue a writ of mandamus directing the respondents to grant deemed date of appointment to the petitioners as that has been given to other appointed candidates in pursuance of the selection list dt.15.10.1989 by Haryana Staff Selection Commission, same selection process, and grant the benefit of seniority and notional pay fixation at par with the candidates/employees with all consequential benefits who have joined their services prior to the petitioners and being junior to the petitioners as per the merit list prepared at the time of selection pertaining to the advertisement dated 22.07.1987.

ii) For issuance of any other appropriate writ, order or direction which this Hon’ble court may deem fit and proper in the peculiar facts and circumstances of the present case.

1. Record of the case may be called for;
2. filing of the certified copies of the annexures as well as filing of true typed copies of annexures, may kindly be dispensed with;
3. Cost of the petition be awarded to the petitioners.

Chandigarh: Petitioners

Dated: 22.12.2015 (Jai Bhagwan Sharma)

Advocate

Counsel for petitioners

Verification:

Verified that the contents of para No. 1 to 17 and 19& 20 are true and correct to my knowledge and that of para No. 18 are based on legal advice believed to be true. No part of it is false and nothing material has been kept concealed there from.

Chandigarh: Petitioners

Dated :21.12.2015

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

**CHANDIGARH**

CWP No.---------0f 2015

1. Shamsher Singh son of Sh. Bhagwana Ram R/o Vill. Dhankheri & P.O. Uchana Distt. Jind, presently working as Clerk in the office of Commanding Officer, 15 Haryana Battalion NCC Jind Distt. Jind (Haryana).

……….Petitioners

VERSUS

1. State of Haryana through its Additional Chief Secretary to Govt. of Haryana, Department of Education, Haryana Civil Secretariat, Chandigarh.

2. Director General, Higher Education Haryana, Plot No. 1B, Shiksha Sadan, Sector-5, Panchkula.

3. The Commanding Officer, 15 Haryana Battalion NCC Jind Distt. Jind (Haryana).

4. The Commanding Officer, 12 Haryana Battalion NCC, Kothi no. 21 sec.,14 Sonepat Distt. Sonepat (Haryana).

………Respondents.

Chandigarh ( Jai Bhagwan Sharma)

Dt : 22.12.2015 Advocate

Counsel for Petitioners.

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

**CHANDIGARH**

CWP No.---------0f 2015

Shamsher Singh and another ……Petitioners

Versus

State of Haryana and others …….Respondents

Affidavit of Shamsher Singh son of Sh. Bhagwana Ram R/o Vill. Dhankheri & P.O. Uchana Distt. Jind, presently working as Clerk in the office of Commanding Officer, 15 Haryana Battalion NCC Jind Distt. Jind (Haryana).

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

1. That the deponent is one of the petitioners who are filling the present writ petition and fully conversant with the facts of the present case.

2. That the contents of the writ petition has been read over to the deponent which are true and correct to the knowledge of the deponent. No part of it is false and nothing has been concealed therein.

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

Chandigarh DEPONENT

Date: 22.12.2015

**VERIFICATION**

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

Chandigarh DEPONENT

Date: 22.12.2015

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

**CHANDIGARH**

CWP No.--------- of 2015

Shamsher Singh and another ……Petitioners

Versus

State of Haryana and others …….Respondents

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**Note :**

1. Whether caveat received **:** No
2. That main law points are involved in present writ petition in para No. 18, page 17 of the petition.
3. Relevant Status/Rules : Constitution of India.
4. Any other case if any : **CWP NO. 25747** of 2015 titled Satish Kumar and others v/s State of Haryana and others **NOM** issued for 05.04.2016.

Chandigarh (Jai Bhagwan Sharma)

Date : 22.12.2015 (Advocate)

Counsel for petitioners

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

**CHANDIGARH**

CWP No.---------0f 2016

Indra Dhall ……Petitioner

Versus

State of Haryana and others …….Respondents

Total Amount of Court Fee Affixed.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chandigarh (SURESH AHLAWAT)

Dated: 2.10.2016 Advocate

Counsel for the Petitioner

OFFICE OF THE DIRECTOR OF HIGHER EDCUATION.

HARYANA, CHANDIGARH

ORDER No. 17/6-99ncc 91) Dated 1.10.1999

On the recommendation of the Haryana Service Selection Commission received vide no. HSSC-Confd.-99/1077 dated 25.9.1999 the following candidates are hereby appointed as officiating Clerks in the grade of Rs. 3050-75-3950-EB-80-4590 in the NCC Units mentioned against each:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Category | Name and Address | Where posted | Remarks |
| 1. to 14. | xx | Xxxx | xxxx | xxxx |
| 15. | SC | Shamsher Singh S/o Bhagwana Ram, village Dhankhheri, P.O. Uchana (Jind) | 15 Hr. Bn. NCC Jind | -do- |
| 16. | xx | Xxxx | xxxx | xxxx |

TERMS AND CONDITIONS:-

* 1. The appointment is purely to the temporary posts which is liable to be abolished at any time and carries no promise of subsequent permanent employment. No offer of permanent vacancy can be made to him at the present stage and in this respect he will have to take his chance like others who have been similarly recruited, Consequently his services may be terminated without notice.
  2. If at any stage he desires to resigh his post, he will be required to give one month’s clear notice or deposit in lieu thereof his salary including allowance for one month. Such a notice will be given to him by the directorate also in case it is proposed to terminate his services for the reasons other than that mentioned in clause (1) above.
  3. If the candidate has not been vaccinated within last twelve months, he should have it done before reporting himself for duty.
  4. He will be required to take the prescribed oath of allegiance to the Constitution of India.
  5. In case he is married, he will not have more than one living spouse.
  6. He will be required to take the prescribed oath of allegiance. In case he is unmarried, he will have to furnish a declaration to the effect that he will have not more than one living wife.
  7. He will not undertake higher studies of any kind without obtaining prior permission of the competent authority. Consequently no leave of any kind will be granted for the prosecution of higher studies.
  8. He will be governed by the Haryana Education Department, National Cadet Corps ( Group ‘C’ Services) Rules, 1991.
  9. He will not be permitted to apply for the post out side the Department before completing five years service.
  10. He will be required to produce the original Educational and date of birth certificates to the Head of Office.
  11. He should furnish a medical fitness certificate (s) from the Chief Medical Officer concerned as required under Rule 3.1 of the Punjab C.S.R.Vol.-I, Part-I before reputing himself for duty.
  12. No TA/DA will be paid to him for joining this post.
  13. He will remain on probation for a period of two years for assessing his performance during the period of probation.
  14. In case any adverse facts come to the notice of the State Govt. regarding his character and anticedents, his service are liable to be terminated.
  15. He will be required to pass the type test according to Rules.

If the above terms and conditions are acceptable to him, he should sent his willingness ot this Directorate immediately on NCC Unit concerned within 15 days from the date of receipt of this appointment letter, failing which the post will be offered to other candidate without giving any further notice to him his behalf.

SHAKUNTLA JAKHU,

DIRECTOR, HIGHER EDCUATION, HARYANA,

CHANDIGAH

OFFICE OF THE DIRECTOR OF HIGHER EDCUATION.

HARYANA, CHANDIGARH

ORDER No.17/48-2002 NCC(1) Dated, Chandigarh, the 10.11.2003

On the recommendation of Haryana Staff Selection

Commission Chandigarh, received under its letter No. HSSC-Confd/CL89-2002/490, dated, 19.9.2002, in compliance of order of Hon’ble High Court dated 14.3.2002 and 5.4.2002, passed in CWP No. 2391/2001 and CM No. 8720/2002 and order dated 10.7.2002 in CM No. 16965/2002 in CWP No. 2391/2002 Ramesh Chand & ors. Vs. State of Haryana & ors, vide which the Hon’ble Court has directed to comply with the forder of Hon’ble Supreme Court dated 18.9.98 in Roshni Devi’s case the following candidates are hereby appointed as officiating clerks in the grade of Rs. 3050-75-3950-EB-80-4590 and are posted in the NCC units mentioned against each on the terms and conditions mention there under:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Category | Name and Address | Where posted | Remarks |
| 1. | Gen | Sheela Devi D/o Sail Singh V.P.O Kharkara, tehsil Meham (Rohtak) | Commanding Officer 2 Hr. Girls Bn. NCC Rohtak | Against Vacancy |
| 2 to 4. | xx | Xxxx | xxxx | xxxx |

TERMS AND CONDITIONS:-

1. The appointment is purely to the temporary posts which is liable to be abolished at any time and carries no promise of subsequent permanent employment. No offer of permanent vacancy can be made to him at the present stage and in this respect he will have to take his chance like others who have been similarly recruited, Consequently his/her services may be terminated without notice.

1. If at any stage he/she desires to resign his/her post, in the NCC unit, he/she will be required to give one month’s clear notice or forfeit, in lieu thereof his/her salary including allowance for one month, or for the period by which the notice falls short of one month. Such a notice will be given to him by the directorate also in case it is proposed to terminate his services for the reasons other than that mentioned in clause (1) above.
2. He/She will be governed by the Haryana Education Department, National Cadet Corps (Group ‘C’ Services) Rules 1991.
3. He/She will remain on probation for a period of two years for assessing his/her performance during the period of probation.
4. He/She will be required to take the prescribed oath of allegiance to the constitution of India and to produce a certificate to this effect.
5. In case he/she is married, he/she has only one living spouse and in case he/she is unmarried, he/she will have to furnish a declaration to the effect that he will have not more than one living spouse.
6. He/she will not undertake higher studies of any kind without obtaining prior permission of the competent authority. Consequently no leave of any kind will be granted for the prosecution of higher studies.
7. He/she will not be permitted to apply for any post out side the department before completing five year service.
8. If he/she has not been vaccinated within last ttwelve month, he/she will have to get vaccinated before reporting himself/herself for duty.
9. He/she will produce the original Educational and date of birth certificates to the Head of Office.
10. He/she will furnish a medical fitness certificate from the Chief Medical Officer (concerned) as required under Rule 3.1 of the Punjab C.S.R.Vol.-I, Part-I before reporting himself/herself for duty.
11. No TA/DA will be paid to him for joining this post.
12. It is made clear to him/her that his/her character and antecedents have not been vveified and in case any adverse fact comes to the notice of Govt./Department, regarding his/her character and antecedents,his/her services are liable to be terminated.
13. He/she will be required to pass a test in typewriting in Hindi at the speed of 25 or in English at the speed of 30w.p.m. within a year from the date of joining his/her duties otherwise he/she shall not be allowed the annual increment until he/she passes such test. On passing the test he/she will be allowed increment from the date following the date of test on which he/she passes without payment of arrears of increments. His/her date of increment however not be postponed on account of his/her failure to clear the test within the prescribed period.
14. He/she will not be given promotion to higher post in case he /she failed to qualify the prescribed type test in Hindi or English as and when his/her turn come for promotion.
15. His/her appointment is subject to have passed Matriculation or its equivalent examination with Hindi.
16. The appointment is provisional and is subject to the Schedule Caste/Schedule Tribes and Backward class Certificate being verified through the proper channels and if the verification reveals that the claim to belong to SSC/ST and BC, as the case may be is false, the service will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under provisions of the Indian Penal Code for production of false certificate.
17. He will remain on probation for a period of two years for assessing his performance during the period of probation.
18. In case any adverse facts come to the notice of the State Govt. regarding his character and anticedents, his service are liable to be terminated.
19. He will be required to pass the type test according to Rules.

If the above terms and conditions are acceptable to him/her he/she should sent his willingness to this Directorate immediately onreceipt of this communication. He/she should report for duty, in the NCC Unit concerned within 15 days from the date of receipt of this appointment letter, failing which the order will be cancelled.

DHANPAT SINGH

Higher Education Commissioner,

Haryana, Chandigarh.

Endst. No. 17/48-2002NCC (1) Dated,Chandigarh, the 11/11/03

1. A copy is forwarded to the following for information and necessary action:-
2. Officer Commanding, 2 Hr. Girls Bn. NCC Rohtak.
3. Officer Commanding, 8 Hr. Bn. NCC Riwari.
4. Officer Commanding, R&v Sqn. NCC Hisar.
5. Officer Commanding, 14 Hr. Bn. NCC Yamuna Nagar.
   1. The necessary formalities given in the appointment order/letter,before the candidate joins his/her duty/reports for duty. His/her original qualification certificates, SC/BC certificate, Date of Birth Certificate, may please be seen and attested photocopies thereof may be kept in record. His/her joining report may be sent to this office along with attested copies of his/her medical report, Oath of allegiance and one living spouse affidavit.
   2. Group Commandant, NCC Group HQ Rohtak/Ambala Cantt.
   3. The candidate concerned (vide registered cover).
   4. Accountant General, Haryana, Chandigarh.
   5. The Dy. Director General NCC, Haryana, Punjab, HP and Chandigarh.
   6. The Secretary Haryana, Staff Selection Commission , sector 8, Chandigarh w.r.t. his letter no. HSSC-Confd/CL89-2002/490 dated 19/9/2002.
   7. The Chief Medical Officer, concerned with the request that the candidate may kindly be medically examined and the medical report be handed over to him/her for production before the officer Commanding Concerned.
   8. Copy placed in the personal file of the official.

Asst. Director Cadet Corps,

For Higher Education Commissioner,

Haryana, Chandigarh

Jai Bhagwan Sharma Off.-cum-Res.

Advocate 106 C/2, Raipur Khurd

Punjab & Haryana High Court U.T.Chandigarh Chandigarh M-9417171506

Ref. No.-------------- Dated : 03/11/2015

To

The Director General

Higher Education Haryana

Shiksha Sadan Sector- 5, Panchkula

Subject: Legal representation.

Sir,

Under the instructions and on behalf of my client Sh. Shamsher Singh s/o Sh. Bhagwana Ram working as Clerk in the office of Commanding Officer 15 Haryana Batallian NCC Jind I submit the following legal representation for your kind consideration and necessary action please:

1. That the state of Haryana through Staff Service Selection Board Haryana issued advertisement for the recruitment of many posts of Clerks in the various departments of Haryana in the year 1987. My client named above being eligible for the said posts applied well within time and qualified the written test and he was interviewed by the Board. He was finally placed in the merit list and recommended for joining as clerk in the departments of Haryana govt.
2. That while issuing the appointment letters the state of Haryana adopted pick and choose method and appointment was not made as per merit in the selection list. My client above named was not permitted to join for the said post without giving any reason and thus the action of the state of Haryana was challenged in the Hon’ble High Court and the said issue had gone upto the Hon’ble Supreme Court of India. The Hon’ble Supreme Court of India vide judgment dt. 18.08.1998 directed the state of Haryana to fill up the available post in accordance with the merit list prepared by the Haryana Staff Selection Commission.
3. That in compliance with the directions of the Hon’ble Supreme Court my client named above was directed to join as Clerk in the NCC Unit of your department vide appointment order dt. 01.10.1999 and he joined as such in the office of Commanding Officer 15 Haryana Batallian NCC Jind .
4. That the candidates who were lower in the merit from my client were allowed to join in the year 1990 and my client were allowed to join in the year 1999 that was also on the direction of Hon’ble Supreme Court. He has been kept lower in the seniority list from those employees who were lower in the seniority but illegally appointed and allowed to join the service in the year 1990. The Hon’ble Punjab and Haryana High Court while deciding the civil writ petition No. 7703 of 2009 titled Bir Singh v. State of Haryana and others decided on 07.09.2011 in which the petitioner belong from the same select list and was allowed to join duties in the year 1999 in the NCC Wing of your department after the judgment of the Hon’ble Supreme Court of India as mentioned above and he was given the seniority over and above the juniors along with consequential benefits. Thus my client is on the same footing and he also deserve for the similar benefits.
5. That recently similar controversy was raised by the candidates who were selected from the same select list and 23 civil writ petitions were filed in the Hon’ble Punjab and Haryana High Court Chandigarh and the same also have been allowed. Thus my client named above is entitled for deemed date of appointment, seniority, notional pay fixation and other consequential benefits from the year 1990 when the candidates lower in the merit list were allowed to join in your department and my client was denied illegally. You are therefore requested to look into the matter, consider the case of my client sympathetically and allow them the deemed date of appointment from the year 1990, notional pay fixation from that date, re-fixation of seniority in accordance with the merit determined by the Haryana Staff Selection Commission and other consequential benefits in the interest of justice within a period of one month failing which I have no other option but to file the writ petition in the competent court of law for seeking the benefits mentioned above.

Thanking you

Yours sincerely

(Jai Bhagwan Sharma)

Advocate

To

The Director General

Higher Education Haryana

Shiksha Sadan Sector- 5,

Panchkula

Subject: Request for granting benefit of seniority and notional pay fixation at par with Clerk appointed from selection list in the year 1989 and all other consequential benefits.

Sir

With due respect it is submitted that my name was recommended for appointment as Clerk in the year 1989 and I was placed in the merit list in SC Category but I was not given appointment whereas appointments were given on pick and choose basis and persons in lower merits were given appointments due to which candidates who were not allowed to join duties they filed writ petition in the Hon’ble Panjab and Haryana High Court and case went upto Supreme Court .

The litigation continued for a long period and ultimately Hon’ble Supreme Court of India issued direction to the State of Haryana while deciding the appeal titled Roshni Devi Versus State of Haryana and Others vide order dt. 18.09.1998 to appoint Clerks as per seniority in the selection list prepared on 15.10.1989. In compliance with order of Hon’ble Supreme Court I was given appointment in Nov., 2003 and joined as such. It is brought to your notice that some employees who joined in the year 1999 from the same selection list on the order of court they filed writ petition in the High court Chandigarh titled Bir Singh and others and State of Haryana and others for same benefits and the writ petition has been allowed and they have been given all benefits. Now you are requested to place me in the seniority list at par with those employees who were appointed in the year 1989 and I may be given notional benefit of seniority and my pay may be fixed accordingly and release the arrear of salary after refixing the pay. I may also be placed in the seniority list at appropriate place and allow all consequential benefit.

Thanking you

Date 04/08/2013 Yours faithfully

SD/-Azad Singh clerk

O/O Commanding Officer

12 Haryana Batallian NCC Sonepat

Jai Bhagwan Sharma Off.-cum-Res.

Advocate 106 C/2, Raipur Khurd

Punjab & Haryana High Court U.T.Chandigarh Chandigarh M-9417171506

Ref. No.-------------- Dated : 03/11/2015

To

The Director General

Higher Education Haryana

Shiksha Sadan Sector- 5, Panchkula

Subject: Legal representation.

Sir,

Under the instructions and on behalf of my client Sh. Shamsher Singh s/o Sh. Bhagwana Ram working as Clerk in the office of Commanding Officer 15 Haryana Batallian NCC Jind I submit the following legal representation for your kind consideration and necessary action please:

1. That the state of Haryana through Staff Service Selection Board Haryana issued advertisement for the recruitment of many posts of Clerks in the various departments of Haryana in the year 1987. My client named above being eligible for the said posts applied well within time and qualified the written test and he was interviewed by the Board. He was finally placed in the merit list and recommended for joining as clerk in the departments of Haryana govt.
2. That while issuing the appointment letters the state of Haryana adopted pick and choose method and appointment was not made as per merit in the selection list. My client above named was not permitted to join for the said post without giving any reason and thus the action of the state of Haryana was challenged in the Hon’ble High Court and the said issue had gone upto the Hon’ble Supreme Court of India. The Hon’ble Supreme Court of India vide judgment dt. 18.08.1998 directed the state of Haryana to fill up the available post in accordance with the merit list prepared by the Haryana Staff Selection Commission.
3. That in compliance with the directions of the Hon’ble Supreme Court my client named above was directed to join as Clerk in the NCC Unit of your department vide appointment order dt. 01.10.1999 and he joined as such in the office of Commanding Officer 15 Haryana Batallian NCC Jind .
4. That the candidates who were lower in the merit from my client were allowed to join in the year 1990 and my client were allowed to join in the year 1999 that was also on the direction of Hon’ble Supreme Court. He has been kept lower in the seniority list from those employees who were lower in the seniority but illegally appointed and allowed to join the service in the year 1990. The Hon’ble Punjab and Haryana High Court while deciding the civil writ petition No. 7703 of 2009 titled Bir Singh v. State of Haryana and others decided on 07.09.2011 in which the petitioner belong from the same select list and was allowed to join duties in the year 1999 in the NCC Wing of your department after the judgment of the Hon’ble Supreme Court of India as mentioned above and he was given the seniority over and above the juniors along with consequential benefits. Thus my client is on the same footing and he also deserve for the similar benefits.
5. That recently similar controversy was raised by the candidates who were selected from the same select list and 23 civil writ petitions were filed in the Hon’ble Punjab and Haryana High Court Chandigarh and the same also have been allowed. Thus my client named above is entitled for deemed date of appointment, seniority, notional pay fixation and other consequential benefits from the year 1990 when the candidates lower in the merit list were allowed to join in your department and my client was denied illegally. You are therefore requested to look into the matter, consider the case of my client sympathetically and allow them the deemed date of appointment from the year 1990, notional pay fixation from that date, re-fixation of seniority in accordance with the merit determined by the Haryana Staff Selection Commission and other consequential benefits in the interest of justice within a period of one month failing which I have no other option but to file the writ petition in the competent court of law for seeking the benefits mentioned above.

Thanking you

Yours sincerely

(Jai Bhagwan Sharma)

Advocate

To

The Director General

Higher Education Haryana

Shiksha Sadan Sector- 5,

Panchkula

Subject: Request for granting benefit of seniority and notional pay fixation at par with Clerk appointed from selection list in the year 1989 and all other consequential benefits.

Sir

With due respect it is submitted that my name was recommended for appointment as Clerk in the year 1989 and I was placed in the merit list in SC Category but I was not given appointment whereas appointments were given on pick and choose basis and persons in lower merits were given appointments due to which candidates who were not allowed to join duties they filed writ petition in the Hon’ble Panjab and Haryana High Court and case went upto Supreme Court .

The litigation continued for a long period and ultimately Hon’ble Supreme Court of India issued direction to the State of Haryana while deciding the appeal titled Roshni Devi Versus State of Haryana and Others vide order dt. 18.09.1998 to appoint Clerks as per seniority in the selection list prepared on 15.10.1989. In compliance with order of Hon’ble Supreme Court I was given appointment in Nov., 2003 and joined as such. It is brought to your notice that some employees who joined in the year 1999 from the same selection list on the order of court they filed writ petition in the High court Chandigarh titled Bir Singh and others and State of Haryana and others for same benefits and the writ petition has been allowed and they have been given all benefits. Now you are requested to place me in the seniority list at par with those employees who were appointed in the year 1989 and I may be given notional benefit of seniority and my pay may be fixed accordingly and release the arrear of salary after refixing the pay. I may also be placed in the seniority list at appropriate place and allow all consequential benefit.

Thanking you

Date 04/08/2013 Yours faithfully

SD/-Azad Singh clerk

O/O Commanding Officer

12 Haryana Batallian NCC Sonepat

**SURESH AHLAWAT, Advocate**

**PUNJAB & HARYANA HIGH COURT**

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

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

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

**TO**

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

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

3. The District Education Officer, Rohtak.

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

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

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

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

**Encl.Annexure-1** -! letter E.D. Hr. no.11/73/99-Edu. 1V (3) **dated 7.8.2001**

Yours faithfully

SURESH AHLAWAT

Advocate

**respondent hence cannot put forth any reply to the ground taken by the petitioner in the sub-para under reply.**

**vii) That in reply to contents of sub-para (vii) of para 10 of the writ petition it is most humbly submitted that the answering respondent has not framed the Notification under challenge but is to merely follow it. The petitioner in the entire petition has not raised any contention against the answering respondent. The answering respondent hence cannot put forth any reply to the ground taken by the petitioner in the sub-para under reply.**

**10. That conents of para 10 of the writ petition needs no reply.**

**11. That conents of para 10 of the writ petition needs no reply.**

**12. That conents of para 10 of the writ petition needs no reply.**

**13. That conents of para 10 of the writ petition needs no reply.**

**In view of the above mentioned facts and circumstances of the case it is submitted that respondent/ Corporation No.5 has no role in the issuance of the Notification under challenge ,Than the petition only to be decided on the averments made by the petitioner as well as others respondents.**

**Place:-**

**Date: Answering Resp. No.5**

**Through Counsel**

**SURESH AHLAWAT.Advocate**

**Verification:**

**Verified that the contents of para no. to of the short reply are true and correct to my knowledge and based on the information derived from the official record, which I believe to be correct. No part of it is false and nothing material has been kept concealed therefrom.**

**Answering Resp. No.5**

**Grant of benefit of Earned Leave, Maternity Leave and Medical Leave etc.for ad-hoc service period to the teachers working under the Directorate of Secondary Education, Haryana.**

( Copy of E.D. Hr. no.11/73/99/ Edu. iv (3) **dt.7.8.2001**

Reference subject noted above.

The matter regarding grant of certain benefits to the teachers working under the Directorate of Secondary Education , Haryana in the light of following judgment:-

1. Judgment of the Hon,ble Supreme Court of India in Writ Petition no. 4600 of 1983 decided on 16.8.1985 in Rattan Lal and Others vs state of Haryana .
2. Judgment given by Hon,ble Punjab and Haruyana High Court in CWP no. 4050 of 1994 Haryana Rajkiya Adhayapak Sangh vs State of Haryana .
3. Supreme Court of India Petition (s) for SLP no. 20692 of 1996 State of Haryana. had been under the consideration of the State Govt. for some time.

Now it has been decided by the state Govt. to grant the benifitof Erned Leave, Maternity Leave and Medical Leave etc. for the period of ad-hoc service to the teachers working under the Directorate of Secondary Education in the same way as these benefits are admissible under the rules to the teachers who are in the regular service of the State Govt.

Further in this regard, you are requested to frame a policy on the subject of ad-hoc appointment with in a period of two months and get the same approved from the Counsel of Ministers after clearance thereof by the Finance Department

This issue with the concurrence of Finance Department.

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2016

Indra Dhall w/o Sh. Hans Raj, Ex Lecturer (10+2) Govt. Sr. Sec. School Kheri-Sadh Rohtak, resident of House no. 1052 Sector-2, Rohtak. --------------------- -------Petitioner

Versus

1. The State of Haryana through the Principal Secretary to Government, Haryana, School Education Department, New Secretariat Haryana, Sector 17 Chandigarh.

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

3. The District Education Officer, Rohtak.

……… Respondents

PLACE: CHANDIGARH SURESH AHLAWAT

Dated 10.2016 ADVOCATE COUNSEL FOR PETITIONER

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for the issuance of a Writ, in the nature of Mandamus directing the respondents to take in to account ad-hoc service rendered by the petitioner from 23.12.1986 to 31.12.1990 towards calculation of Earned Leave for the purpose of leave encashment and release due amount of leave encashment to the petitioner w.e.f. 1.7.2016 ( i.e date of retirement is 30.6.2016) to till the date of actual payment with interest 18**%. in terms of letter**  E.D. Hr. no.11/73/99/ Edu. iv (3) **dated 7.8.2001 (Annexure P-3)** issued by the Education Department in compliance of Judgment passed by this Hon,ble Court in C.W.P. 4050 of 1994 titled as Rajkiya Adhapak Sangh v/s State of Haryana; and further, also in view of judgment of the Hon,ble Supreme Court in SLP no. 4600 of 1983 titled as Rattan Lal etc. V/s State of Haryana.

***RESPECTFULLY SHOWETH***

1. **­That** the petitioner is a resident of District Rohtak (Haryana) and as such being a citizen of India, she is fully competent to invoke the extraordinary writ jurisdiction of this Hon’ble Court under Articles 226/227 of the Constitution of India by way of the present writ petition.
2. **That** petitioner was appointed as Science Mistress in the Department of Education ,Haryana and joined on 23.12.1986 in the Govt. Girls Middle School Nigana Distt. Rohtak on ad-hoc basis and further her services were regularized on 1.1.1991 according to regularizing policy of the State Govt. ,when she was posted in Govt. Girls Middle School Roorki (Rohtak). After serving the Department successfully, Petitioner retired from service on dated 30.6.2016 on attaining the age of superannuation from the Govt. Sr. Sec. School Kheri-Sadh (Rohtak) as lecturer 10+2 in the subject of Chemistry. A copy of regularisation order dated 27.6.1991 of the petitioner is being attached herewith as **ANNEXURE P-1** for kind perusal for this Ho,ble Court.

**3.** **That** after the retirement from service of the petitioner i.e. on 30.6.2016 respondents released all the retirement benefits admissible to the petitioner i.e. G.P.F, Medical Leave, Gratuity, G.I.S and Leave Encashment of regular service period ( 1.1.1991 to 30.6.2016) but the benefit of Earned Leave of ad-hoc service period ( 23.12.1986 to 31.12.1990) to the petitioner has not been granted by the office of the respondent no.3 .

4. **That**  before the year 1998 large number of teachers appointed on adhoc/contract basis by the education department Haryana and the benefit of the regular pay scale has been given to these persons like the regular teaches but the benefit i.e. Maternity Leave, Medical Leave ,half pay leave and *Earned leave, have not been given to the adhoc teachers, on the ground that this benefit has been granted to only regular employees of the State as per Leave* ***Rules 8.116*** *contained in Punjab C.S.R.Vol.1 Part-1, as applicable to the Haryana. It is pertinent to mention here that earned leave permitted to 10 days on full pay during the year and further in the above said Rule, there is a method of calculation of cash payment in lieu of unutilized earned leave on the date of retirement.*

***5****.* ***Than*** *large number of representations had been submitted by the adhoc teachers to the State Government for grant the same benefits i.e.* Maternity Leave, Medical Leave ,half pay leave and *Earned leave, which were given to the regular employees because they are also discharging the same duty like regular employees so, they are entitled to the same relief. When the respondents not considered their demand they approached to the Hon,ble High Court by filing various writ petitions and such type of matter reached up to Hon,ble Supreme Court in Rattan Lal case 1985 (3) SLR 548 , one of the writ petition no. 4050 0f 1994 titled as Rajkiya Adhyapak Sangh vs State of Haryana which was allowed on 6.6.1994 by this Hon,ble Court in the light of Rattan Lal case . Conclusion para* ***of the Judgment dated 6.6.1994 is reproduced as under :-***

***4. ” Under the circumstances this writ petition is accepted and a direction is issued to the respondents to grant medical leave, earned leave, maternity leave ,etc to the petitioners . No cost.”***

*The copy of the said order dated 6.6.1994 passed by this Hon,ble Court is annexed herewith as* ***Annexure P-2.***

***6.******That*** *in compliance of order dated 6.6.1994 passed in CWP no. 4050 0f 1994 and upheld by Hon,ble Supreme Court of India, the respondents settled this controversy and respondent no.1 had issued a letter dated 7.8.2001, where by, granted this benefit to all teachers in the state who have worked/working on adhoc basis. The copy of the letter* E.D. Hr. no.11/73/99/ Edu. iv (3) **dated 7.8.2001**  *is annexed herewith as* ***Annexure P-3.***

***7.******That*** *petitioner utter surprised after her retirement from service when she was given the benefit of leave encashment ( earned leave) only for the regular period of her service i.e. 1.1.1991 to 30.6.2016 and her adhoc service period (23.12.1986 to 31.12.1990) not counted for leave encashment. Official of the Respondent no.3 told to the petitioner that regarding this period, ( adhoc ),no letter of Head Office has been received .*

***8.******That*** *this benefit of ad-hoc service as allowed by the Hon,ble Supreme Court and this Hon,ble Court should have been extended to all the teachers .This was the bounded duty of the respondents to have done so. It is further submit that it has been settled by this Hon,ble Court in a long line of cases and respondent itself issued the general order annexure P-3 to extend this benefit of ad-hoc service to all teachers, but the respondents are harassing the petitioner and compel to approach this Hon,ble High Court. It is further mentioned here that respondents are doing step-motherly treatment in the case of the petitioner which is continued as no order has been passed .*

***9.******That*** *there is sufficient judicial weight of precedents in favour of the petitioner because respondents have unsettled the settled position for the benefit of ad-hoc period .*

***10.******That*** *on 23.8.2016 petitioner have been representing to the respondents to extend benefit of leave encashment/earned leave but nothing has been done . Finally the petitioner sent a legal notice through counsel vide notice dated 10..9.2016 to the respondents that she be granted the benefit of earned leave attached with the ad-hoc service. The copies of these representation and legal notice are annexed herewith as* ***Annexure P-4 and 5*** *respectively.*

***11.******That*** *act of the respondents is not extending benefit of leave encashment/ earned leave of the ad-hoc service rendered by the petitioner, in spite of the law laid down by the Hon,ble Supreme Court and this Hon,ble Court and letter dated 7.8.2001 (Annexure P-3). is highly arbitrary, discriminated , illegal and violative of law of equity.*

**12.** **That** the main law points involved in this writ petition are as under:-

1. Whether the action of the respondents is arbitrary and violative of Articles 14 and 16 of the Constitution of India?

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

c) Whether the case of the petitioner is covered vide Annexure P-3 ?

**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.

**PRAYER**

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

1. a Writ in the nature of Mandamus directing the respondents to take in to account ad-hoc service rendered by the petitioner from 23.12.1986 to 31.12.1990 towards calculation of Leave ( Earned Leave) for the purpose of leave encashment and release due amount of leave encashment to the petitioner w.e.f. 1.7.2016 ( date of retirement is 30.6.2016) to till the date of actual payment with interest 18**%. in terms of letter dated 7.8.2001 ( Annexure P-3)** issued by the Education Department in compliance of Judgment passed by this Hon,ble Court in C.W.P. 4050 of 1994 titled as Rajkiya Adhapak Sangh v/s State of Haryana and further also in view of judgment of the Hon,ble Supreme Court in SLP no. 4600 of 1983 titled as in Rattan Lal etc. V/s State of Haryana.
2. And/or 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.
3. Filing of true typed of annexures and certified copy of Annexures be also dispensed with;
4. Costs of the present writ petition be also awarded in favour of the petitioner and against the respondents.

Place: Through: Petitioner

DATED: **( 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 no. 12 is 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.

Petitioner

CHANDIGARH

DATE:-

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2016

Indra Dhall -------------------------------- Petitioner

Versus

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

Affidavit of Indra Dhall w/o Sh. Hans Raj presently resident of House no. 1052 Sector-2, Rohtak. I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

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

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

CHANDIGARH

DATED . 10 .2016

*VERIFICATION*

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

CHANDIGARH

DATED 10 .2016

**THE HIGH COURT OF PUNJAB AND HARYANA**

**AT CHANDIGARH**

**C.W.P. No. OF 2016**

**Indra Dhall …….. …. …Petitioner**

**Versus**

**State of Haryana and others. ------------- Respondents**

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| **4** | **Annexure P-1 ( Copy of Regularisation Letter)** | **27.6.1991** | **13** | **.65** |
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***NOTES:-***

**1. The main law points canvassed in this writ petition are contained in para No. 12 at page 8,9 and thereof.**

**2. *Relevant Acts and Statutes* - Constitution of India.**

**3. Whether any Caveat/Petition has been filed in this case:No**

**4. *Similar Case, if any :No.***

**CHANDIGARH ( SURESH AHLAWAT )**

**DATED : 2.10.2016 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**LIST OF EVENTS**

**23.12.1986** That petitioner was appointed as Science Mistress in the Department of Education ,Haryana and joined on 23.12.1986 in Govt. Girls Middle School Nigana Distt. Rohtak on ad-hoc basis.

**01.01.1991** Petitioner’s services were regularized on 1.1.1991 according to regularizing policy of the State Govt.

**17.07. 1996** Petitioner was promoted as Lecturer Chemistry in Sr.Sec. School ( 10+2) from the post of Science Mistress.

**30.06.2016** Petitioner retired from service on dated 30.6.2016 on attaining the age of superannuation her from the Govt. Sr. Sec. School Kheri-Sadh (Rohtak) as lecturer 10+2.

**That after** the retirement from service i.e. on 30.6.2016 respondents released all the retirement benefits admissible to the petitioner i.e. G.P.F, Medical Leave, Gratuity, G.I.S etc. but Leave Encashment granted to her, only regular service period i.e 1.1.1991 to 30.6.2016 but the benefit of Earned Leave of ad-hoc service period i.e. 23.12.1986 to 31.12.1990 of the petitioner not granted by the office of the respondent 3.

Where as, such type of controversy already has been settled by the this Hon,ble Court, in compliance of orders passed by the this Hon,ble Court, respondent no. 1 has already been issued the general order / letter dated 7.8.2001 **(Annexure P-3 )** to give the ad-hoc service benefits to all such teachers in the State of Haryana, who have worked on adhoc basis.

***23.8.2016***  *That petitioner has been representing on dated 23.8.2016 to the respondents to extend benefit of leave encashment/earned leave to her but nothing has been done . Finally the petitioner sent a legal notice through counsel vide dated 10..9.2016 to the respondents that she be granted the benefit of earned leave attached with the ad-hoc service.*

but no action has been taken so far.

--------- Hence, the present writ petition.

CHANDIGARH ( SURESH AHLAWAT )

DATED : .10.2016 ADVOCATE

COUNSEL FOR THE PETITIONER

**SURESH AHLAWAT, ADVOCATE**

**PUNJAB & HARYANA HIGH COURT**

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

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

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

**TO**

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

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

3. The District Education Officer, Rohtak.

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

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

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

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

**Encl.Annexure-1** -! letter E.D. Hr. no.11/73/99-Edu. 1V (3) **dated 7.8.2001** Yours faithfully

SURESH AHLAWAT

ADVOCATE

* REGISTRERED

To

Head Master

Govt. High/Higher Secondary School

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

Sr.No. no. Estt. –II /91/ 0352-475

**Dated : 27.6.1991**

Subject:- Regarding Regularization of services of the ad-hoc teacher

According the order Sr.no. Estt./91/ no 3503-04 dated 3.6.1991 , issued by Distt. Education Officer /Distt. Primary Education Officer, Rohtak, the services of Mr./Mrs. Indra Dhall G.G.M. School, Roorki /Sanskrit/Hindi/PTI//Art&Craft Teacher/Master/ of your school has been regularized w.e.f.  **1.1.91.** So, Service Book of teacher is sent to your record.

Sd.

Sub Division Educational Officer

Rohtak

Letter -Same-------

One copy is forwarded to :-

Estt. 3 ( In this office) Mr./ Mrs.-----------

with personal file of teacher

DA 1. Personal File 2. Accounts-2 ( In this office) Mr. /Mrs.-----Teacher , Govt. Middle School –Rurkee with service book

Sub Division Educational Officer

Rohtak

**To**

**The Director ,**

**Secondary Education. Haryana**

**Shiksha Sadan, Panchkula.**

**Subject:- Release of amount related to Leave Encashment for ad-hoc Service period –request regarding.**

Dear Sir/Madam,

I wish to state that I had joined service as Science Mistress on 23.12.1986 in Govt. Girls Middle School Nigana(Rohtak) on ad-hoc basis . My service was regularized on 1.1.1991 when I was posted as Science Mistress in Govt. Girls Middle School Roorki( Rohtak) . I was promoted as Lecturer Chemistry and I was joined Govt. Sr. Sec. School Samer-Gopalpur (Rohtak) on 17.7.1996. At the time of retirement, my grade pay was Rs. 9300-34800.

I got retired as Lecturer Chemistry on 30.6.2016 from Govt. Sr. Sec. School Kheri-Sadh( Rohtak) . After my retirement I have been released Leave Encashment amounting to Rs. 5,37,198/- on 28.7.2016. This amount pertains to the period from 1.1.1991 to 31.12.2015 ( regular service period) . This is to further state that Leave Encashment for my service period from 23.12.1986 to 31.12.1990 ( ad-hoc service period) has not been given.

I further wish to state that stopping my leave Encashment for the period from 23.12.1986 to 31.12.1990 is unjustified and against rules. I wish to bring it, to your kind notice that Mrs. Gayan Devi ,Hindi Teacher who retired from Govt. Girls Sr. Sec. School , Rurkee( Rohtak) in July- 2012 and Mrs. Nirmal ,Lecturer ,History who retired Govt. Girls Sr. Sec. School , Rurkee( Rohtak) in Sep. -2013 ,have been given Leave Encashment for their ad-hoc service period as per order no. ED.Har. No. 11/73/99. Edu. 1V (3) dated 3.8.2001 for grant of benefit of Earned Leave, Maternity Leave and Medical Leave etc. for ad-hoc service period for the teaches working under the Director, Secondary Education, Haryana.

Sir/Madam , when this benefit of Leave Encashment for ad-hoc service period as per order stated above, has been given to Mrs. Gayan Devi and Mrs. Nirmal then, why I am being denied this benefit of Leave Encashment for the Ad-hoc service period . I request you to kindly consider the above stated facts and allow me Leave Encashment for ad-hoc service period from 23.12.29986 to 31.12.1990.

Enclosed Yours Sincerely

1 Copy of Indra Dhall

Ex Lecturer Chemistry ( Govt. Sr. Sec. School Kheri-Sadh ( Rohtak)

# H.No.1052, Sector-2 ROHTAK -124001

Enclosed:

1.Copy of Ad-hoc appointment Letter

Copy of the Regular appointment Letter

Copy the Letter of Director Education

PANJAB AND HARYANA HIGH COURT

(D.B.)

Ashok Bhan and Sat Pal, JJ.

**C.W.P. No. 4050 of 1994**

Decided on 6.6.1994

**Haryana Rajkiya Adhyapak Sangh ------------------- Petitioner**

**Versus**

**The State of Haryana and others ---------------- Respondents**

For the Petitioner : Mr. Kirti Kumar, Advocate

For the Respondent: Mr. Arun Nehra, Addl. A.G. ( Haryana)

**Ashok Bhan,J.-** Petitioners are serving ad hoc teachers is Govt. Schools under the State of Haryana. They have been disallowed the benefits of Medical Leave, Maternity, Earned Leave,etc. on the ground that instructions Annexure P-2 do not provide so.

**2.** Supreme Court of India in Rattan Lal and Others vs. State of Haryana and Others,1985(3) SLR 548 with regard to the salary and allowances for summer vacation, in the case of ad hoc teachers , observed as under:-

“ We strongly deprecate the policy of the State Govt. under which ‘ad hoc’ teachers are denied the salary and allowances for the period of the summer vacation by resorting to the fictional breaks of the type referred to above. These ‘Ad hoc’ teachers shall be paid salary and allowances for the period of summer vacation as long as they hold the office under this order. Those who are entitled to maternity or medical leave, shall also be granted such leave in accordance with the rules.”

**3.** The matter in dispute is squarely covered by the observations of the Supreme Court in Rattan Lal,s case (supra) . It is clear enough on the point that ad-hoc teachers employed by the State Govt. are not only entitled to medical leave, maternity leave, earned leave, etc. but other allowances as well.

**4** Under the circumstances, this writ petition as accepted and a direction is issued to the to the respondents to grant medical leave, earned leave, maternity leave, etc. to the petitioners . No costs.

**Petition allowed**

To

The Chief Engineer (Admn)

H.P.G.C.L., UrjaBhawan

Sector 6, Panchkula.

**Subject: Regarding providing of employment in lieu of land acquired for Thermal Power Plant Jharli,Jhajjar.**

R/Sir,

1. It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. So, in the year 2013, from our family, an application for providing employment to my son Yogesh was submitted.
2. That my father Sh. Ram Chander had died in the year 2000. After his death, in our family there are two brothers, one sister, who is married and our mother Smt. Bharpai. In our family, out of these , non has any objection to give employment to my son Yogesh.
3. That our land measuring about 61 kanal (8 acres) was acquired for Thermal Power Plant. That my father had died in the year 2000. After his death, we have harited the land owned by my father i.e. two brothers, one sister and mother. In this way, land measuring 15K-5 M of each member was acquired.
4. That when from our family, an application of a member Yogesh, was submitted, for providing employment , then the concerned officers refused to receive the application and said that land in the name of father of the applicant, measuring 15K-5 marlas has been acquired for power plant which is less than scheme of2 acres, so employment cannot be provided to the applicant.
5. That after it, we met Deputy Commissioner, Jhajjar and told that land of our family measuring about 8 acres has been acquired for Power Plant. After the death of my father in the year 2000, in the ancestral property, we two brothers, sister and mother became co-sharers , but the family is the same and there is one ration card and Tehsil office has raised this wrong objection measuring 15K-5M of each member of this family has been acquired and in accordance with the scheme, if the land of each member, less than 2 acres has been acquired ,his family,s member have no right for employment . Therefore, the applicant has no right for employment.
6. That our is one family and land measuring about 8 acres of our family has been acquired which of the family is more than 2 acres. Also, our mother has got the land of her share transferred in the name of us both the brothers half each. Her share measuring 15K-5 marla had been acquired and after adding half share to each both the brothers of 15K-5 marla acquired land, land measuring more than two acres of our share has been acquired. In this way also, in accordance to policy our claim of providing employment in the power plant exists. Therefore, from each angle, we have a right of employment as per the scheme .
7. That taking application of our son Yogesh, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula.
8. That at present, age of my son Yogesh is of about 16 years and he is studding in 10+1 class, but uptill now, we have got no assurance letter from you
9. That the 4 villages, whose land has been acquired, in respect of other families the age of whose member is less than 18 years, assurance letters have been issued, but no assurance letter of my son has been received so far. Even on visiting in the office repeatedly, it is told that on attaining the age of 18 years appointment letter will be issued directly.

So, it is requested that assurance letter to my son Yogesh be also given, so that on completion of age of 18 years, he may join the service .Thanking You.

Applicant.

Azad Singh

S/o Late Shri Ram Chander

Village Mohanbari

District Jhajjar.

**SURESH AHLAWAT, ADVOCATE**

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

**# Flat no.701,Block-E-1,Maya Garden City, Zirkpur**

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

**TO**

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

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

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

Under the instructions from and on behalf of Azad Singh s/o Late Sh. Ram Chander Village Mohanbari District Jhajjar. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. So, in the year 2013, from my client’s family, an application for providing employment to my clint’s son Yogesh was submitted.
2. That my client’s father Sh Ram Chander had died in the year 2000. After his death, in my client’s family there are four members i.e two brothers, one sister, and their mother Smt. Bharpai. In my client’s family, out of these , non has any objection to give employment to his son Yogesh.
3. That my client’s family, land measuring about 61 kanal (8 acres) was acquired for Thermal Power Plant. That his father had died in the year 2000. After his death, my client’s family members i.e. two brothers, one sister and mother have harited the land which owned by their father. In this way, land measuring 15K-5M of each member was acquired.
4. That when from my client’s family, an application of my client’s son Yogesh, was submitted, for providing employment in lieu of land acquired , then the concerned officers refused to receive the application and said that land in the name of father of the applicant Sh. Azad Singh , measuring 15K-5 marlas has been acquired for power plant which is less than according to Govt. Scheme of 2 acres, so employment cannot be provided to the applicant.
5. That after it, my client’s family members met Deputy Commissioner, Jhajjar and told that land of our family measuring about 8 acres has been acquired for Power Plant. After the death of our father in the year 2000, in the ancestral property, we two brothers, sister and mother became co-sharers , but the family is the same and there is one ration card and Tehsil office has raised wrong objection regarding measuring 15K-5M of each member of this family has been acquired and told them that in accordance with the scheme, if the land of each member, less than 2 acres has been acquired ,his family,s member have no right for employment . Therefore, the applicant has no right for employment.
6. That my clien’s family is one and land measuring about 8 acres of my client’s family has been acquired which of the family is more than 2 acres. Also, my client’s mother has got the land of her share transferred in the name of my Clint and his brother, both the brothers half each. Her share measuring 15K-5 marla had been acquired and after adding half share to each both the brothers of 15K-5 marla acquired land, land measuring more than two acres of their share has been acquired. In this way also, in accordance to policy their claim of providing employment in the power plant exists. Therefore, from each angle, They have a right of employment as per the scheme .
7. That taking application of my client’s son Yogesh, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula.
8. That at present, age of my clint’s son Yogesh is of about 16 years and he is studding in 10+1 class, but uptill now, they have got no assurance letter from you.
9. That the four villages, whose land has been acquired, in respect of other families the age of whose member is less than 18 years, assurance letters have been issued, but no assurance letter of my client’s son has been received so far. Even on visiting in the office repeatedly my client , it is told that on attaining the age of 18 years appointment letter will be issued directly.

You are , therefore , requested through this Notice that assurance letter to my client ‘s son Yogesh be also given , **with in a pried of two months** from the date of receipt of notice so that on completion of age of 18 years, he may join the service , failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

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

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

SURESH AHLAWAT

ADVOCATE

From-

The Commissioner- cum- Director-General, School Education

Haryana, Chandigarh.

**To**

**The Accountant General Haryana( A&E)**

**Chandigarh.**

Memo no.13/35-05 Pen.(5) Dated,Chandigarh,the

**Sub. Pension Case of Sh. Gopi Ram Sc. Mas G.M.S. Jaijaiwanti, Jind D.O.R. 8.6.04 PPO No.179181-s/Hr.**

Reference your letter no. P-3/G-303/2005-06/149531-31 Dt. 7.8.2005 on the subject cited above.

The parawise rely to the objections raised by your office vide letter under reference is as under :-

2. Consolidated NDC including NDC of long term advance is enclosed herewith as received from DEO Jind vide no. JA/2005/2139 dated 27.1.2006

1. The LPC showing him paid up to date of retirement is enclosed herewith.
2. Increment due on --------- has been awarded.
3. Service for the period from 16.12.1988 to 8.6.2004 has been verified in the service book part At page-----
4. Leave account has been updated .

15. Four copies of photographs attested by competent authority is enclosed herewith.

As nothing is due from the retiree, it is, therefore , requested that a sum of Rs. 9420/- withheld from his Gratuity may please be released .

1. Service Book is enclosed herewith.
2. LPC/NDC

Sd/-

Chief Accounts Officer (s)

For Commissioner & Director General School

Education, Haryana, Chandigarh.

Endst. No. even. Dated, Chandigarh, the **17.4.2006**

A copy is forwarded to Sh. Gopi Ram VPO Garhwali ( Jind) for information .

**PANDIT B.D. SHARMA PGMIS ROHTAK**

Report of Special Medical Board, Pandit B.D. Sharma PGIMS. Rohtak in respect of Sh. Gopi Ram

Certified that the Special Medical Board has Carefully examined Sh. Gopi Ram s/o Sh. Jai Karan whose signature/thumb impression is appended below , on (dt.) 2.6.2004.

Special Medical Board considers Sh. Gopi Ram-------- completely and permanently incapacitated for further service in the Department of Education Deptt. ------------- as Science Teacher----------- on account of **dementia according to Head Injury---------------------- .**

His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits,Spacial Madical Board is of the opinion that Sh. Gopi Ram -------- is **UNFIT** for further service as Science Teacher in the deptt. Of Education Deptt.---------------.

L.T.I. Gopi Ram

Sd/- Sd/- Sd/-

**Chairman Secretary Member**

Spl. Medical Board Spl. Med. Board Spl. Med. Board

Endst. No. PGMIS/MS/875 **dated 9.6.2004**

Forwarded to the Civil Surgeon ,Jind,---------

In original with the remarks that signature/thumb impression and photo attested by your department are sent herewith . This is with reference to your office letter no. 68 dated 16.3.2004.

Sd/-

Secretary

Special Medical Board

Immediate:- Pt. B.D. PGMIS –Rohtak

Page Sr. No. S/CMO (c) 04/537 dated 11.6.2004

One copy of its, forwarded to the Block Education Officer ,Jind for information and further necessary action.

Sd/-

Civil Surgeon

Jind.

Pension:- P-3/G-303/2005-06/149531-31 Dt. 11.8.2005

DY No. 200502683

**OFFICE OF THE ACCOUNTANT GENERAL (A&E) HAR.**

Plot no. 4 & 5 Sector-33-B, CHANDIGARH

**CERTIFICATE AND REPORT**

TO

DIR. Secondary Education Haryana, Chandigarh.

**Subject:-** Certificate and Report of the A.G. (A&E) Haryana, Chandīgarh on the admissibility of Family Pension/DCRG in respect of Sh. Gopi Ram s/o Sh. Jai Karan.

Certified that ( subject to the remarks recorded below and over leaf ) Qualifying service of Sh. Gopi Ram has been approved for 15 Y. 5.M. 21.D. and that INV (SUP) Pension not exceeding Rs. 2572 on the basis of average emoluments of Rs. 7300.00 & DP 3650.00 and DCRG not exceeding Rs. 94202.00 on the basis of the last pay of Rs. 7300.00 & DP 3650.00 for completed 15 Y. 5 M. 21 D. half years of service in one lump sum are admissible under the Haryana CSR. The Pension will commence from 9.6.2004.

After the death of the Govt. Servant, family pension not exceeding Rs. 3285 per month will be admissible Smt. MEENA KUMARI,W from the day, following the day of death of Sh. Gopi Ram till the expiry of 7 years or completion of 65 years of age by the employee, had the Govt. employee survived whichever is earlier and thereafter @ Rs. 3285 per month subject to the condition specified in PPO 129181-S/HR.

The observation made ( ) overleaf may be attended to any reply sent within 7 Days positively/20 days before retirement.

Asstt. Account Officer / Section Officer

Forwarded to ---------

Gopi Ram s/o Sh. Jai Karan

VPO. Garhwali Tehsil & Distt. Jind

For information and necessary action---

Asstt. Account Officer / Section Officer

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO OF 2013

Naveen Chand Versus State of Haryana

# AFFIDAVIT

Affidavit of Naveen Chand S/o Sh. Hira Ballabh, Haryana Civil Secretariat, Chandigarh.

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

1. That the contents of the paras no. 1 to 17 of the above said writ petition are true to my knowledge and belief. No part of it is false and nothing material has been concealed therein.

PLACE: CHANDIGARH (NAVEEN CHAND)

DATED: 18.09.2013 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 material has been kept concealed therein.

PLACE: CHANDIGARH (NAVEEN CHAND)

### DATED: 18.09.2013 DEPONENT

**SURESH AHLAWAT, ADVOCATE # 701,Block-E-1**

**PUNJAB & HARYANA HIGH COURT MAYA GARDEN ‘CITY’**

**Ch.no. 62, CHANDIGARH. ( 94171-11917 ) ZIRKPUR**

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

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

**TO**

1. The Director-General, Elementary Education Haryana, Shiksha- Sadan, Sector 5, Panchkula.

2.. The District Elementary Education Officer, Jind.

**Sub. Legal Notice - cum - Demand for Justice**

**To release the salary of Gopi Ram s/o Sh Jai Karan, Ex Science Master, from 9.6.2004 to up to date and further to allow him to continue in service in light of the provision of Section 47 of “The persons with Disabilities ( Equal Opportunities, Protection of Rights and Full Participation) Act,1995 .”**

Under the instructions from and on behalf of my client Smt. Meena Devi w/o Sh. Gopi Ram Ex. Science Master, Education Department , Village & P.O. Garhwali Block, Julana Distt. Jind (hereinafter referred to my client ) I do hereby serve upon you following notice for your compliance and necessary action at your end.

1. That my client,s husband Sh. Gopi Ram was appointed as Science Master , in the Department of Education, Haryana on 16.12.1988 and joined in Govt. High School Buwana Block –Julana Distt. Jind on ad-hoc basis and further his services were regularized on 1.1.1991 according to the regularization policy of the State Govt. .
2. That unfortunately on 17.10.2002 husband of my client Sh. Gopi Ram met with an fatal road accident at Julana ( Jind) while in the active service of education department, Haryana and due to non availability of medical services at Julana Hospital , he was referred to PGI Rohtak to save his life . My client’s husband remained admit in deferent times in PGI Rohtak for long time and since then, he is in deep COMA and treatment of her husband is still continuing.
3. That my client’s husband Sh. Gopi Ram declared permanently incapacitated for further service as Science Master according to Medical Report dated 9.6.2004 submitted by the Special Medical Board of PGMIS, Rohtak. The husband of the my client Sh Gopi Ram has been found to be completing and permanently incapacitated (100%) for future service in the department as Science Master on account of the “HEAD INJURY “suffering by him. It is pertinent to add here that even according to the report of Medical Board dated 9.6.2004 aforesaid incapacity does not appear to have been caused by irregular or intemperate habits on his part.

**4.** That my client’s husband subsequently relived from Govt. service by the Education Department on 8.6.2004 from Govt. Middle School ,Jaijaiwanti block-Julana(Jind) vide order no. 3.2004/726-728 dated 14.6.2004 issued by S.D.E.O. Jind on medical ground i.e. Sh.Gopi Ram Science Master having been declared incapacitated for further service with the department , as per the medical certificate issued by the Special Medical Board ,PGMIS Rohtak . Now, he is on invalid pension under Rule 5.11 of C.S.R .Vol.II.( PPO no. 179181-S/Hr.) Whereas, his case was fully covered of the mandatory provision of the Special Act i.e the provision of Section 47 of “The persons with Disabilities ( Equal Opportunities, Protection of Rights and Full Participation) Act,1995 .”

**5.** That my client’s husband suffered 100% permanent disability during his service , due to fatal accident on 17.10.2002 which had put him in deep COMA due to Head Injury, on account of Dementia, which has been defined a disability under section 2(i) of “The persons with Disabilities ( Equal Opportunities, Protection of Rights and Full Participation) Act,1995 .”

**6.** That my Clint’s husband is in the state of deep COMA means thereby he is 100% incapacitated . He had met with an road accident and because of the he went in COMA . Under The Persons with Disabilities Equal Opportunities, Protection of Rights and full participation Act, 1995, an employee who is 100% incapacitated is not to be shifting to some other posts with the same pay scale and services benefits as no establishment can dispensed with, or reduce in rank an employee who acquires a disability during his service .In this way, husband of my Clint’s case is fully covered by the provision of Section 47 of The Persons with Disabilities Equal Opportunities, Protection of Rights and full participation Act, 1995. Which is reproduced below for prompt reference:-

**“47. Non-discrimination in Government Employment:-**

1. No establishment shall dispense with, or reduce in rank an employee who acquires a disability during his service;

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

**7.** That the above provisions were made by the Parliament in its wisdom to secure the interest of all those who suffer disability during service but is matter of surprise that the benefit of such law has not yet been extended to my client’s husband by the Education Department . My client have been suffering a lot due to non payment of salary of her husband and she is suffering the burden of liability which is increasing on her head.

**8.** That my client,s husband is 100% incapacitated and since 17.10.2002, he is in coma . Such patients who are in deep Coma or whose recovery may take time may not be allowed admitted in the Hospitals, so my client’s husband was released from the Hospital and Doctors advised him medicines. As per the prescription, my client is spending a huge money on her husband as an outdoor patient. In such circumstances my client is facing a great financial cries due to non- payment of salary.

**9.** That date of birth of my client’s husband Sh. Gopi Ram is 8.5.1966 and he will attain the superannuation age on 8.5.2024. My client’s husband should have been extended the benefits flowing from the provision of the aforesaid enactment of year 1995 and treated in service by creating supernumerary post and my client’s husband should have been paid regularly the salary which would have otherwise been paid had he continued in service in normal course. Such a treatment has not been extended to him. My client’s husband was wrongfully treated on invalid pension under rule 5.11 of C.S.R. Vol.II vide P.P.O. no. 129181-s/Hr.. In this regard , my client has been guided to make reference of following decision of the Hon,ble Supreme Court & Hon,ble Punjab and Haryana High Court in support of his such claim :-

**2003 SCC ( L&S) 482**

**KUNAL SINGH VS UNION OF INDIA**

"…….Once it is held that the appellant has acquire disability during his service and if found not suitable for the post he was holding, he could be shifted to some other post with same pay scale and service benefits, if it was not possible to adjust him against any post, he could be kept on a supernumerary post until a suitable post was available or he attains the age of superannuation, whichever is earlier. It appears no such efforts were made by the respondents. They have proceeded to hold that he was permanently incapacitated to continue in service without considering the effect of other provisions of Section47of the Act.’

**CWP No. 5715 of 2005**

**Parvesh Devi Vs State of Haryana**

“Persons with Disabilities ( Equal Opportunities, Protection of Rights and Full Participation Act, 1995, Section 2 (t)and 47 Punjab civil Services Rules, Volume II, Rule 5.11 and 6.16-Pension- Declining of on ground that petitioner has rendered less than 10 years of qualifying service- Petitioner appointed as Sanskrit Teacher on 18.12.1972 in recognized aided school taken over by government w.e.f 1.9.1994 - Petitioner could work under Government up to June- 2002 and he was relieved from service on 4.6.2002 - He is lying in coma being 100% incapacitated which condition has not been caused by any of his irregular or habits. Petitioner held to be a person with disability with in meaning of section 2 (y) of the Act of 1995 – In View of Section-47 of the Act, employer cannot dispense with or reduce the rank as he acquired disability during service –Order relieving the petitioner from service and order declining the request of the husband of the petitioner for grant of pension quashed – respondents directed to pay salary to the petitioner as per the rates by deemed fiction as if he is in service and has been working against a supernumerary post – The arrears of pay be calculated from 1.7.2002 up to date of payment with interest @ 8% p.a. from the date of salary due, from 1.7.2002 till the date of payment. On the date of superannuate on 30.6.2007 respondents shall pass an order calculating pension in accordance with law.”

**10.** That in the light of such legal position, the process for grant of invalid pension is wholly arbitrary, illegal, improper, unjustified, unreasonable and amounts to disrespect to the authority of law, which had enacted the law, for the protecting of the suffering human beings in the service of the Government.

**11.** That the Hon,ble Punjab and Haryana High Court had vide its land marking judgment dated 21.3.2002 given ln the case of SATBIR SINGH & OTHERS VS THE STATE OF HARYANA REPORTED AT 2002(3)RSJ 38 stressed the need for the disposal of the representations /legal notices etc. by passing speaking orders and for conceding the claim which is an conformity with any judgment of the court which has attained finality as early as possible in any case not later than four months ( not later than one month as per Subsequent judgment given in the case of Rajiv Alias Ruli V/s State of Haryana CWP No. 526 of 2004) from the receipt of such representation /notices .

The Worthy Chief Secretary to Government, Haryana has forwarded the gist of said judgment to all the Heads of Departments concerned for strict compliance of verdict of the Hon,ble High Court vide No 62/26/2002 –6GSI dated 2. 5. 2002 for strict compliance and thereby it has been circulated that judgments delivered by the Hon,ble High Court on any point which had attained finality should be followed by the authorities at all levels.

With the above background, it is submitted that case of my clients husband Sh. Gopi Ram is fully supported by the above judgment of the Hon,ble High Court and so, it is prayed that this notice for demand for justice be accepted and appropriate order be kindly passed for creating supernumerary post in the department of education and for treating him in the service of the department till date of his superannuation i.e 8.5.2024 and for the disbursement of unpaid salary from 9.6.2004 till date and for regular payment of salary with all benefits of increments etc. and with interest. as per spirit of the law enacted by the parliament for doing substantial justice with my client’s husband Sh. Gopy Ram, Ex Science Master.

It is submitted that your good offices shall keep in view the latest decision of the Hon,ble Punjab and Haryana High Court given in the CWP No 526 of 2004 titled as Rajiv Alias Ruli Vs State of Haryana, the exact of which has been supplied by the Chief Secretary to Govt.of Haryana vide Memo no. 62/74/2004/6GSI dated 22.3.2004

to aIl the Heads of Department in Haryana for strict compliance . It has been stressed in the said judgment that legal Notices / notices of demand for justice must be promptly attended to and appropriate reply to the notice should be given within maximum period of **ONE MONTH** and accordingly request is being made for a prompt decision and appropriate response in the matter.

I, therefore, call upon you to kindly look into my client’s husband Sh. Gopi Ram, Ex Science Master humble grievance and he may be deemed in continued service on supernumerary post and his salary with increment etc. and interest from 9.6.2004 onward, be disbursed immediately, so that , my client’s sufferings are minimized. I may be informed accordingly and if nothing is heard within **ONE MONTH** from receipt of this notice by you in that event my client’s husband Sh. Gopi Ram shall be left with no option but to move to the court of law for protection of his rights at your cost and risks

Dated Yours Sincerely

SURESH AHLAWAT

Advocate

*respondent hence cannot put forth any reply to the ground taken by the petitioner in the sub-para under reply.*

***(vii)******That*** *in reply to contents of sub-para(vii) of para 10 of the writ petition it is most humbly submitted that the answering respondent has not framed the notification under challenge but is to merely follow it. The petitioner in the entire petition has not raised any contention against the answering respondent. The answering respondent hence cannot put forth any reply to the ground taken by the petitioner in the sub-para under reply.*

*10* ***That*** *contents of para 10 of the writ petition needs no reply.*

*11 That contents of para 11of the writ petition needs no reply.*

*12 That contents of para 12 of the writ petition needs no reply.*

*13 That contents of para 13 of the writ petition needs no reply.*

*In view of the above mentioned facts and circumstances of the case it is submitted that respondent/ Corporation has no role in the issuance of the notification under challenge Than the petition only to be decided on the averments made by the petitioner as well as others respondents.*

***Place:***

***Date Answering Respondent no.5***

***HSDC***

***Through Counsel***

***SURESH AHLAWAT***

***VERIFICATION- Verified that the contents of my above written statement are true and correct to my knowledge. No part of it is wrong and nothing has been kept concealed therein.***

***Place:***

***Date Answering Respondent no.5***

***HSDC***

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**Transfer Application NO. --------- OF 2017**

Neha Verma w/o Sh. Gaurav Verma d/o Sh. Kushal Pal Singh, resident of Block Colony, Basi- Kiratpur, near Veterinary Hospital, Kiratpur, District –Bijnour (U.P. ) … …..……Petitioner

**Versus**

Gaurav Verma s/o Sh. Jitender Kumar Verma resident of House no. 295, Sonia Colony, Ambala Cantt. ( Haryana) . presently serving in 40 ART.DIV. SIGNAL REGIMENT (AREN) PIN 917840 C/O 56 A.P.O.

… ……..…Respondent

PLACE: CHANDIGARH SURESH AHLAWAT

DATED: Advocate

COUNSEL FOR THE PETITIONER

Petition under Section 24 of Civil Procedure Code for transfer of petition under Sections 7,9, 25 of Guardian and Ward Act-1890 (Case no. GW/ 10/ 2016) (Annexure P-1) pending before the Court of Ld. Family Court Ambala to the Ld. competent Court of jurisdiction at Sonipat .

It is further prayed that the proceedings before the Ld. Family Court Ambala may kindly be stayed during the pendency of this Petition. AND

Any other order or direction as this Hon,ble Court may deem fit in accordance with peculiar facts and circumstances of the case may kindly be issued

***RESPECTFULLY SHOWETH***

1. ***That*** *the marriage of the petitioner with the respondent was solemnized in accordance with Hindu rites and ceremonies on 20.4.2008 at* Kiratpur, District –Bijnour (U.P. ) as per Hindu rites and ceremony *. The parties cohabited as husband and wife and out of this wedlock , one male child born on 4.11.2010 and now male child is residing with the petitioner.*
2. ***That*** *the respondent has filed a petition* U/s 7,9,25, of the Guardians and Wards Act,1890 (Case no. GW/ 10/ 2016) *in the court of District judge, Ambala (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 been issued to the petitioner. Now this case is fixed for 8.3.2017 .*
3. ***That*** *now the proceeding arising out of petition U/s* 7,9,25, of the Guardians and Wards Act, 1890 (Case no. GW/ 10/ 2016) *is going on before the District Judge ,Ambala (Family Court) where as, the petitioner is residing at* Kiratpur, District –Bijnour (U.P. )  *The distance between Ambala to* Kiratpur, District –Bijnour (U.P.) *is more than 350 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 because the father of the petitioner is seriously ill and undergoing treatment in AIIMS at Delhi. and younger brother of the petitioner is regular going student in the College . Petitioner having one male child Purujit Singh aged 6 years only who is the school going and is student of UKG Class. In such situation , there is no male member in petitioner,s family to accompany her to the court at Ambala. Where as , petitioner ,s husband Gaurav (Respondent ) aged 31 years who is serving in Army as Signal Man in 40-Artillery Division, Signal Regiment posted at Ambala Cantt and he is getting the salary more than Rs. 40,000/- per month and respondent having his own residential house at Ambala Cantt and is residing with his parents after service duty, his father is Ex service man and retired from IAF.*
4. **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 Bijnore (U.P) to Ambala Cantt. is about 350 kilometers. It will indeed be difficult for the petitioner to travel such long distance to attend the hearings at Ambala 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 ( referred in T.A. no.61 0f 2014) that convenience of the wife has to be taken into consideration in such like matters. Moreover, she has to travel from Bijnore to Ambala Cantt. and back without reservation which is very difficult now a days for a lady to travel 350 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 Ambala.* So, the petitioner is unable to meet the uncalled litigation expenses .
5. **That the** respondent is continuously harassing the petitioner by filing frivolous petitions one after the other, earlier on dated 19.5.2012 he filed a first petition u/s 9 of HMA before the Ld.Family Court Ambala but later on , he had withdrawn the same on 15.4.2014 . After this ( Second) in the month of December-2015 mother of the respondent filled the petition under section 12 of the Domestic Violence Act,2005 against the petitioner which is pending . After this, respondent filed the ( third petition) divorce petition in July -2014 against the petitioner u/s 13 of HMA Act-1955 at Ambala. Then , petitioner filled the Transfer Petition no.735 of 2015 u/s 24 of the C.P.C. before this Hon,ble Court to transfer the divorce petition from Ambala to Sonipat and Hon,ble Court on dated 31.3.2016 accepted the plea of the petitioner and transferred the petition from Ambala to Sonipat but respondent appeared before the Ld. District Judge (Family Court) Sonipat and later on he had withdraw the same on dated 29th July -2016 . Copies of the order dated 31.3.2016 passed by the Hon,ble High Court as well as the order of withdrawal of the case dated 29.7.2016 passed by the District Court Sonipat are being attached herewith as **ANNEXURE P-2 and P-3** respectively. Now respondent filed this (Fourth Petition) petition under the Guardians and Wards Act. In this way, respondent is continuously harassing the petitioner by filing the frivolous petitions one after other against the petitioner where as, petitioner filed only one petition under section 125 Cr.P.C. against the respondent to grant the maintenance for her and her child aged 6 years and she is getting total Rs 4,000/- per month which is meagre amount for maintenance in this modern era of escalated price index and to live a standard and dignified life .Petitioner ,s petition (CRR-M-280-of-2015) for enhancement of maintenance is pending before this Hon,ble Court.

***5. 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 Sonipat, because permanent residence of the petitioner falls in Distt. Meerut, U.P., she belongs to village Bhainsa P.S. Mawana . Distt. Meerut (U.P.) and her father,s family and some other relatives are residing in the said village. Distance between Meerut to Sonipat is 50 k.M. and Sonipat is nearest and convenient place in Haryana to the petitioner and permanent residence village Pachanda –Klan of the respondent falls in District Muzaffer Nagar near Meerut city . (U.P) Now petitioner is staying at Kiratpur Distt. Bijnore (U.P.) with her parents , her father is serving in U.P. Govt. and posted at Kirtpur but permanent resident falls in Distt. Meerut . Then, there will be no difficulty to pursue her case properly in Distt. Court at Sonipat . In case, the proceeding are allowed to continue at Ambala , the petitioner will not be able to pursue her case properly.*

***6.. 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 Kiratpur Distt. Bijnore (U.P.) hence the petition Annexure P-1 filed by respondent deserves to be transferred from Ambala to Sonipat which is nearest place , so as to enable the petitioner to pursue her case properly and in order to impart justice to the petitioner.*

***7. 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 7,9,25, of the Guardians and Wards Act,1890  *(Annexure P-1) filed by the respondent titled as Gaurav Verma v/s Neha Verma (* case no.GW/10/2016)  *may kindly be transferred from the Court of District Judge , (Family Court) Ambala to the court of competent jurisdiction at Sonipat. AND*

*It is further prayed that the further proceeding pending before the Ld. District Judge ,Family Court Ambala for 8.3.2017 arising out of* petition U/s 7,9,25, of the Guardians and Wards Act,1890  *Petition ( 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 :- Advocate*

*COUNSEL FOR THE PETITIONER*

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2017

Neha Verma …………Petitioner

Versus

GauravVerma ………..…Respondent

Affidavit of Neha Verma w/o Sh. Gaurav Verma d/o Sh. Kushal Pal Singh, resident of Block Colony, Basi- Kiratpur, near Veterinary Hospital, Kiratpur, District –Bijnour (U.P. )

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

1. That the contents of the accompanying petition which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

CHANDIGARH

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

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2017

Neha Verma …………Petitioner

Versus

GauravVerma ………..…Respondent

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : ADVOCATE

COUNSEL FOR THE PETITIONER

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

**Transfer Application no. --------- of 2017**

**Neha Verma …………Petitioner**

**Versus**

**GauravVerma ---------- Respondent**

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| **6.** | **Power of Attorney** | **.01.2017** | **21** | **2.75** |
| **5** | **Total Court Fee**  **With Urgent Form** |  |  | **17**  **3** |

**Rs. 20.00**

**Note : Caveat, if any : No.**

**CHANDIGARH (SURESH AHLAWAT)**

**P/370/199**

**DATED : ADVOCATE**

**COUNSEL FOR THE PETITIONER**

*IN THE COURT OF DR. ABDUL MAJID,ADJ.*

*DISTRICT JUDGE ( FAMILY COURT),AMBALA*

*CASE NO. -------- OF 2016*

Gaurav Verma s/o Sh. Jitender Kumar Verma resident of House no. 295, Sonia Colony, Ambala Cantt.

…………. Petitioner

VERSUS

Neha Verma w/o Sh. Gaurav Verma d/o Sh. Kushal Pal Singh, resident of Block Colony, Basi- Kiratpur, near Veterinary Hospital, Kiratpur, District –Bijnour (U.P. ) ……..…Respondent

Petition under sections 7,9,25 of the Guardians and Wards Act-1890 for the obtaining the custody of the minor child Purujit Singh aged about five and half years s/o Sh. Gaurav Verma and for visitation rights to meet the minor son, based on all sorts of evidence oral as well as documentary under order 7 rule 1 of CPC.

Sir,

Respectfully , it is submitted as under:-

1. That the marriage of petitioner with the respondent was solemnized according to the Hindu Rites and ceremonies on 20.4.2008 at Ambala Cantt.
2. That the marriage was duly consummated as husband and wife in the matrimonial house and one child was born namely Purujit Singh on dated 4.11.2010.
3. That after the marriage the behavior of the respondent not cordial and pleasant with petitioner and his family members. She used to teach, insult and humiliate the petitioner in one way of another. She was a short tempered lady and showed no respect for petitioner and other family members. The respondent also did not shown love and affection towards the petitioner through out her marital life. The respondent used to pickup quarrels on patty matters with the petitioner and other family members and used to speak in an abusive and filthy language with them. She kept a very hostile attitude towards parents of the petitioner and other family members since the inception of the marriage.
4. That the petitioner being a matured person, he always tried to make the respondent to understand that she should adjust herself in his house with petitioner and other family members and not to create unnecessary problems for him she never tried to understand any thing. She also used to taunt and insult the petitioner that he was a worthless person and he could not keep her happy and such as did want to spoil her entire life by living in his company.
5. That the petitioner had suffered a lot at the hands of the respondent . She had treated the petitioner with utmost cruelty and had made his life miserable by treating him with cruelty and by living in continuous adultery with the respondent.
6. That petitioner suffered all cruelty act of the respondent in the hope that one day, she would realize her mistakes and try to amend herself but cruel conduct and the acts of the respondent had made it impossible for the petitioner to live with her without mental agony and suffering. So far, the petitioner and all members had made every possible effort to save the marriage life but it is cruel and uncivilized conduct/behavior of the respondent which had made all sincere effort of the petitioner futile.
7. That on 19.3.2010 the petitioner and the respondent went to the respondent’s house at Kiratpur (UP) to live there for some days, while residing in her parental house , the respondent developed illicit physical relationship with the another person namely Shubham Panwar @ Charu who was her friend for College time. When the petitioner opened the gate of her house and knocked the door of her bed room which was bolted in side the petitioner astonished to she her friend Shubham and the respondent in the bed room in a odd position. The petitioner had gone to neighbors’ house. The petitioner asked the respondent why she had developed these illicit relation with Shubham .The respondent reply that it a common things in the culture of her family and not to be taken seriously by the husband ,s . The respondent further disclosed that Shubham is her first love and she cannot lived without him. On this the petitioner advised respondent to desist from such activities in future.
8. That the respondent left the company of the petitioner without his consent on dated 9.8.2011 and till date ( approximately going to be 3 years) she is living at her parental house.
9. That the petitioner and other family members requested the respondent to sleep jointly in one room, but the respondent refused to have any physical relation with the petitioner which cause a great mental tension to the petitioner.
10. That the petitioner and respondent living separately from 9.8.2011.The father and mother of the respondent are acting as supporting factors to the respondent instead of giving her good advice.
11. That respondent has deserted the petitioner continuously for the last more than two years without any sufficient cause or reason. She is residing her parental house leaving the matrimonial house of petitioner since last three years.
12. That the respondent unauthorizedly and illegally had removed detained the minor child Purujit Singh from the lawful custody of the petitioner . The respondent unathorizedly and unlawfully retaining the custody of the minor child.
13. That petitioner and his family members has immense love and affection towards the minor child and the respondent had not exclusive right over the minor child because the petitioner and his family members are also the guardian of the minor child and the respondent has no legal right title or interest on the minor child because the petitioner is the biological and natural guardian of the minor child and by depriving the petitioner and his family members from love and affection towards minor child had given great mental torture and prejudice to the rights of the petitioner and his family members.
14. That the petitioner is having the better means and avenues for providing the basic facilities and amenities for all round development of the minor child.
15. That the future of the minor child is safe and bright with the petitioner and her members only as they are in position to provide proper averments, atmosphere and better facilities.
16. That the respondent inclusion and connivance with her parental family members is poisoning and brain washing the mind of the minor child towards the petitioner and his father and other family members.
17. That such conduct on the part of t he respondent by depriving the petitioner and his family members from the company of the minor child has caused immense mantel torture, pain, agony and suffering to the petitioner and his family members.
18. That the respondent and her family members are not allowing the petitioner and his family members to see, talk, meet and spent time with the minor child.
19. That the petitioner and his family members undertakes that they are ready and willing to bear all the expenses for the upbringing of the minor child in future.
20. That the environment of the respondent and her parental family members are causing adverse affect upon the personality and development and future of minor child
21. That the petitioner does not have any other efficacious and remedy except to approach this Hon,ble Court for redressal of grievances and this petition has been filed bonafidely and in the interest of the minor child.
22. That at present no proceedings relating to the custody of the minor children between the parties are either pending or has been decided by any other court of law.
23. That in view of the above detailed facts and circumstances, there is no other efficacious remedy available to the petitioner except to approach this Hon,ble Court by filing the present case against the respondent to obtain the custody of the minor child.
24. That the permanent resident of the petitioner is residing of the above mentioned address and as such this Hon,ble Court has got the jurisdiction to entertain and try the present petition and to grant the relief prayed for.
25. That requisite court fee as per law is affixed on the present petition.
26. That there is no ground why the relief claimed in the petition be not granted to the petitioner.

It is , therefore, respectfully prayed that keeping in view the facts and above detailed circumstances , present petition may kindly be accepted and an appropriate order for granting the custody of the minor child Purujit Singh may kindly be passed in favour of the petitioner and also prayed for the arrangements for visiting rights of such child by the respondent in the interest of justice.

Any other relief which this Hon,ble court may deem fit and proper under the law,equity and circumstances of the present case may also be granted to the petitioner under the law and the equity.

Gaurav Verma s/o Sh. Jitendera Kumar Verma, R/O H.No.295, Sonia Colony, Ambala Cantt,

Petitioner

Through:- Sudhir Sehgal Advocate

Verification:- Verified that the contents of all the paras of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein. Petitioner.

**SURESH AHLAWAT OFFICE-CUM-RESIDENCE**

**ADVOCATE H.No.413, SECTOR.11,**

**PUB. & HAR. HIGH COURT PANCHKULA.**

**CHANDIGARH**  **Resi: Mb.94171-11917**

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

Ref.No**.** Dated: . 2017

To

The Chief Engineer ( Hydel) DCRTPP, Haryana Power Generation Corporation Ltd. Yamuna Nagar .

SIR

In terms of the order passed by Hon,ble High Court on 3.4.2017 in CWP no. 28303 of 2013 titled as Jai Kishan v/s HPGCL the following documents **(true typed copy)** are to be sent/supplied in order to place on record before next date of hearing **i.e. 30.5.2017** at least 15 days prior.

1. Rules/Regulations/Executive instructions, regulating the service conditions of the post of Driver and Tractor Trailer Driver ( T.T. Driver) in the year 1985 to 1990.
2. Pay Scale attached to the post of Driver and Tractor Trailer Driver in the year 1985 to 1990.
3. Any instruction/order regarding regularization of the services of work charge /daily wager employee between the period 1985 to 1990.

It is further brought to kind notice that the application along with documents (**true typed copy)** required to be filed , kindly depute the concerned official to collect the affidavit in support of application for signature of the competent authority.

NOTE:- Order of the Hon,ble High Court is attached herewith

SURESH AHLAWAT

Dated 20.7.2017 ADVOCATE

Chandigarh Counsel for the Petitioner

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

**CHANDIGARH**

CRM-M- No.---------0f 2017

Sombir s/o Sh. Ramphal ( aged about 40 years) resident of Ram Nagar Colony Rohtak Road Jind

……….Petitioner

**VERSUS**

1. State of Haryana.

2. Superintendent of Police (S.P.) Jind.

3. SHO. Police Station- City, Jind

4. Neresh s/o not known resident of M/S Krishna Disposal, Rohtak Road ,Jind.

………Respondents.

Chandigarh SURESH AHLAWAT)

Dt : 20.7.2017 Advocate

Counsel for Petitioner.

Petition under section 482 Cr.P.C. for issuance of direction to the respondent no 2 i.e. Superintendent of Police, Jind to protect the life and liberty of the petitioner from the hands of private respondent no. 4, who is harassing the petitioner and demanding huge amount as bribe in the name of D.S.P. Kaptan Singh posted at Jind, failing which he is continuously giving threats to life and liberty to the petitioner. OR

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

**RESPECTFULLY SHOWETH:-**

1. That the petitioner is resident of above said address and as such he is entitled to invoke the extra ordinary jurisdiction of this Hon,ble High Court by way of filing the present petition.
2. That brief facts of the present case are that petitioner is doing the work of sweet maker. A case was registered on 9.5.2007 against one Sompal in Police Post Rohtak Road Jind under sections of NDPS Act . Kuldeep Kaur with whom, he (Sompal) resides, made a call from her mobile no. 9034040191 to the mobile of petitioner and other person namely Mohinder she said, to come immediately in Police Post Rohtak Road Jind, as police has arrested Sompal from his house.
3. That when the petitioner and other person namely Mohinder Singh reached Police Post Rohtak Road Jind , in the way, private respondent no.4 i.e. Neresh met to the petitioner, who runs his shop on Rohtak Road Jind with the name & style of M/S Krishana Disposal and also he is a financer ,says he is close to the police officers . When petitioner came to police post Rohtak road , than respondent no. 4 calls 3-4 times from his mobile separately and demanded of Rs. 1,30,000/- in the name of D.S.P. Kaptan Singh for settled the police case and further said if money is not paid, bail shall not be granted to Sompal and case shall be registered against the relatives . Next day, respondent no.4 again said , if money is not given, police case shall be registered against the relatives. Due to fear, on the asking of Kuldeep Kaur who is aunt of Sompal and having good family relation with him , petitioner issued three blank cheque as security and gave to private respondent no.4 i.e. Neresh after signing the same, respondent no.4 said to give the cash money instead of cheque to arranging immediately but Kuldeep Kaur could not arranged the cash money.
4. That now respondent no.4 i.e. Neresh is demanding the cash money from the petitioner in the name of D.S.P. Kaptan Singh. Respondent no.4 has made petitioner’s life miserable for this bribe money and repeatedly says that he is receiving the phone from police and if you not give the money, I will create the difficulty for both of you. Respondent no.4 had given the time to arrange the money in cash to the petitioner up to 17.5.2017 and now says to give the money of bribe to him from your pocket. Petitioner is sweet maker and is poor person . Petitioner had gone to the police station, on the calling of Kuldeep Kaur being neighborer as human being and petitioner be shaved from the harassment and threatening of private respondent no. 5 i.e. Naresh.
5. That the petitioner as well as Kuldeep Kaur refused to give the said money since then he is continuously give threats to falsely implicate the petitioner as well as other family members in the same false case.
6. That life and liberty of petitioner as well as family members has been grossly violated by the act and conduct of respondent no. 4 and he is harassing the petitioner one pretext to another and demanding huge amount in the name of police official.
7. That due to act and conduct of private respondent no.4 petitioner moved applications to the official respondents continuously, mentioning therein the detail facts and circumstances and requested him to protect the life and liberty of the petitioner from the hands of private respondent no 4 . But till date nothing has been done against him. A true translated copy of one representation dated 26.5.2017submitted to the Superintendent of Police (S.P.) Jind is annexed here with as **Annexure P-1.** Thereafter, S.P. Jind mark the inquiry to the D.S.P. Narwana but nothing else. Thereafter, petitioner has been approaching the higher authorities i.e Inspector General (I.G.) Hissar Range with his grievances and requested them to intervene in the matter. But nothing has been done.
8. That the petitioner has not filed any such or similar petition either in this Hon,ble Court or in the Hon,ble Supreme Court of India nor any such petition is pending in any court of law at the time of filing the present petition.

It is ,therefore , respectfully prayed that this petition be allowed and the direction be issued to the respondent no.2 i.e Superintendent of Police,( S.P.) Jind to protect the life and liberty of the petitioner from the hands of private respondent no. 4 who is harassing the petitioner and demanding huge amount as bribe in the name of DSP Kaptan Singh posted at Jind, failing which he is continuously giving threats to life and liberty to the petitioner or

To 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.

It is further prayed that the certified copy of annexure P-1 may kindly be dispensed with.

Note :- Affidavit is attached herewith .

*Chandigarh ( SURESH AHLAWAT )*

*Date :- Advocate*

*COUNSEL FOR THE PETITIONER*

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

**CRM-M- No. --------- of 2017**

**Sombir …………Petitioner**

**Versus**

**State of Haryana and Others ………..…Respondents**

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| **2.** | **Affidavit** | **.7.2017** | **7** |  |
| **3** | **Annexure P-1**  **Representation** | **26.5.2017** | **8-9** | **2.00** |
| **4** | **Power of Attorney** | **15.7.2017** | **10** | **3.00** |
| **5** | **Vernacular ( Annexure P-1)**  **Representation** | **26.5.2017** | **11-12** |  |

**Note : if any other similar case : No.**

**CHANDIGARH (SURESH AHLAWAT)**

**P/370/1994**

**DATED : ADVOCATE**

**COUNSEL FOR THE PETITIONER**

To

The Superintendent of Police (S.P.)

Jind.

**Subject:-** Complaint against Neresh Mobile No. 9466603050 M/S Krishana Disposal Rohtak Road Jind , who had demand of Rs. 1,30,000/- in the name of D.S.P. Kaptan Singh and for taking legal action against him.

Sir

Applicant is requested as under:-

1. That the applicants are resident of Ram Nagar Colony Rohtak Road Jind and doing the work of Sweet Maker.
2. That a case was registered on 9.5.2007 against one Sompal in Police Post Rohtak Road Jind and Kuldeep Kaur with whom he resides, made a call from mobile no. 9034040191 to the mobile no. 9354314402 of Mohinder and she said to come immediately in Police Post Rohtak Road Jind, as Police has arrested (Sompal) from his house.
3. That when we reached Police Post Rohtak Road Jind , in the way Neresh met us ,who runs his shop on Rohtak Road Jind with the name Krishana Disposal and also is a financer ,says he is close to the police officers . When we came to police post Rohtak road , he calls 3-4 times from his mobile separately and said to give Rs. 1,30,000/- to D.S.P. Kaptan Singh otherwise bail shall not be granted to Sompal and case shall be registered against the relatives also. Money could not be arranged on that day. Next day Naresh again said , if money is not given case shall be registered against the relatives. Due to fear, on the asking of Kuldeep Kaur aunt of Sompal , I (Sombir) issued three blank cheque as security and gave to Neresh after signing the same, Neresh said to give the money on arranging immediately after this also Kuldeep Kaur could not arrange the cash money.
4. That now Neresh is demanding the money repeatedly in the name of DSP Kaptan Singh and a relative of Neresh , who allegedly belongs to village Khanda-Kheri and posted in Police Station Sadar Jind, is the middle man of this money.
5. That Neresh has made our life miserable for this bribe money and repeatedly says that he is receiving the phone from police and if you not give the money, I will create the difficulty for both of you. Naresh had given us time up to 17.5.2017 and now says to give the money of bribe to him from your pocket. We are sweet makers and are poor persons . We had gone, on the calling of Kuldeep Kaur being neighborer and human being.
6. That detail calls from mobile no. 9466603050 of Neresh up to 9.5.2017 be trace out, from the cyber cell and truth be known and we may be shaved from the harassment and threatening of Naresh.

You are, therefore, requested to take strict legal action against the accused and our life and liberty be protected and we may be given justice.

You would be kind enough.

**Applicants**

1. Sombir s/o Sh. Ramphal
2. Mahender s/o Sh. Sher Singh resident of Ram Nagar Colony Rohtak Road –Jind.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- No. --------- of 2017

Sombir ……………Petitioner

Versus

State of Haryana and Others ………..…Respondents

Affidavit of Sombir s/o Sh. Ramphal resident of Ram Nagar Colony Rohtak Road –Jind.

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

1. That the contents of the accompanying petition which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

CHANDIGARH

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**

CRM-M- No.---------0f 2017

Sombir …….. ……Petitioner

Versus

State of Haryana and others ….…….Respondents

Total Amount of Court Fee Affixed.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chandigarh (SURESH AHLAWAT)

Dated: 20.7.2017 Advocate

Counsel for the Petitioner

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

**CHANDIGARH**

CRM-M- No.---------0f 2017

In CRA-D No. DB of 2017

Ajit and another ---------- Applicants/Appellants

Versus

State of Haryana ….…….Respondent

Application under Section 482 Cr.P.C. praying for stay of recovery of fine from the appellants during the pendency of the appeal.

**Respectfully Showeth:-**

1. That the Applicant/Appellants have been convicted and sentenced by the Court of Ld. Addl. Sessions Judge, Hissar on 18.7.2017 as under:-

**Name of the appellants / Convict:- 1. Ajit 2. Subodh@ Babloo**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | **Offence U/ss** | **Imprisonment** | **Fine** | **In default of payment of fine** |
| 1 | 148 IPC | Rigorous imprisonment  For three years | RS. 1,000/- | further undergo  rigorous imprisonment  for one month |
| 2. | 302/149 IPC | Imprisonment for Life | Rs. 10,000/- | further undergo  rigorous imprisonment  for two years. |
| 3 | 328/149 IPC | Rigorous imprisonment  For Seven years | Rs. 5000/- | further undergo  rigorous imprisonment  for one year. |
| 4. | 364/149IPC | Rigorous imprisonment  For ten years | Rs. 10,000/- | further undergo  rigorous imprisonment  for two years. |
| 5 | 323/149IPC | Rigorous imprisonment  For one year | Rs. 500/- | further undergo  rigorous imprisonment  for one month |
| 6 | 325/149 IPC | Rigorous imprisonment  For four years | Rs. 5,000/- | further undergo rigorous imprisonment for one mo |

All the substantive sentences shall run concurrently.

1. That aggrieved against the same, the applicants/appellants are filing accompanying criminal appeal. The appellants are hopeful of their success on the grounds taken in the appeal , which may kindly be read as part of this application.
2. That the applicants-appellants are poor men and are unable to pay the amount of fine.

It is, respectfully prayed that present application may kindly be allowed and recovery of fine may kindly be ordered to be stayed from the applicants/appellants during the pendency of the appeal.

Note:- 1. That no such or similar application has earlier been filed in this Hon,ble Court or in the Hon,ble Supreme Court of India.

2. No affidavit is necessary as applicants/appellants are confined in Distt. Jail, Hissar.

Chandigarh (SURESH AHLAWAT)

Dated: 20.8.2017 Advocate

Counsel for the Applicants/Appellants

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

**CHANDIGARH**

CRA-D No. ----- DB of 2017

Ajit and another ---------- Appellants

(Now confined in Distt. Jail, Hissar)

Versus

State of Haryana ….…….Respondent

**Memo of Parties**

1. Ajit son of Raj Kumar (aged about 45 years) resident of Village Landhari, Police Station -Agroha, Distt. Hissar.
2. Subodh @ Babloo son of Raj Kumar ( aged about 31 years) resident of Village Landhari, Police Station- Agroha, Distt. Hissar.

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

VERSUS

State of Haryana

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

Chandigarh (SURESH AHLAWAT)

Dated: 20.8.2017 Advocate

Counsel for the Appellants

**Grounds of Appeal**

1. That the impugned judgment dated 18.7.2017 passed by the Ld. Addl. Sessions Judge , Hissar, is against the facts and law.
2. That in woodcut the case of the prosecution is that on 22.5.2012 medical ruqqa was received in the police station Agroha from Maharaja Aggarsain Medical College , Agroha regarding admission of Rekha wife of Ajit and Dhan Raj resident of Landhari in a poison case, upon which ASI Shiv Kumar anon with ASI Jagbir Singh reached Medical College, Agroha where injuries were reported to be referred to higher center and there another medical ruqqa regarding admission of Sumitra wife of Dhanraj due to injuries sustained in a quarrel was received but she left the hospital without preparing her MLR and later on information was received the Sumitra was admitted at General Hospital ,Hisar . ASI Shiv Kumar reached General Hospital , Hisar and obtained opinion of doctor regarding fitness of injured Sumitra , upon which she was declared fit to make statement . Thereafter , statement of Sumitra was recorded , wherein she alleged that she is resident of village Landhari and housewife. She has one son Dheeraj and one daughter Sunita who are married . On 22.5.2012 at about 10.00 a,m. she was present her house and Om Parkash son of Ganga Ram informed her that her son Dheeraj was taken by Ajit and Babllo in their house and causing beating to him. She along with her Nanad ( sister-in law) Bala Devi reached at the house of Ajit was giving him beating with danda on his head and leg, whereas Babloo was causing blow of rapri ( axe) on his head . Monu@ Lala was hitting her son on private parts with iron rod. Sonu had caught hold of the hands of her son Dheeraj . Dheeraj and Neeraj, grand sons of Raj Kumar were also causing injuries to her son Dheeraj with danda and when she raised hue and cry to save her son then Babloo gave an axe ( rapri) blow on her elbow of right hand . Monu@ Lala gave iron rod blow on her left shoulder. Sumitra and Lali daughters of Raj Kumar and wife of Raj Kumar namely Chandro also caused injuries to her son with danda . He also caused injuries to her , upon which she fell down. Thereafter , Sumitra dragged her outside the house and she saw from whole of gate that Ajit was giving injection to her son Dheeraj whereas Babloo and Sonu caught hold of Dheeraj . Sumitra was pouring poison ( Spray) in the mouth of Dheeraj. When she alongwith Bala Devi and Ashvin raised hue and cry , many persons of village gathered at the spot. Police also reached at the spot and opened the door of house of Ajit and her son Dheeraj was shifted to Agroha Medical College, Agroha but due to serious condition , her son Dheeraj was referred PGIMS Rohtak. The motive behind the occurrence was alleged that two years ago when Ajit was giving beatings to his wife Rekha who is her neice in relation , she was rescued by her husband and due to this enmity accused caused injuries to her and her son Dheeraj.
3. That delay has been used for consultations and deliberations to concoct false version, matter regarding the alleged occurrence was also not reported to the police immediately after the occurrence and if we admit that injured was not in a condition to narrate about the occurrence to the police , the alleged eye witnesses were there , who could lodge complaint with the police immediately after the alleged occurrence but it was not done so, In view of above circum stances the entire prosecution story is doubtful and concocted only to false rope the appellants in present case
4. That defective and tainted investigation was conducted by the police, as per defense of the appellants/accused, deceased Dheeraj and Rekha wife of appellant no.1 were found involved in illegal sexual activities and villagers caused them the injuries and pant of deceased Dheeraj which was lying at the spot , was also taken in possession by the police .
5. That the defense version taken by the appellants accused is natural, probable and convincing. Appellant no 1 Ajit was not present at the alleged place of occurrence as he was on his duty in Agroha Medical College , Agroha at the relevant time and this fact has been proved through the statement of DW-2 Dr. Geetika.
6. That the recovery of weapon is a padding. No independent witness was joined by the police while effecting recovery of weapon from the accused. Recovery of the weapon has been planted upon the accused and no reliance can be placed upon the statement of official witnesses is planted and further alleged recovered weapons were not sent to F.S.L. for analysis and benefit of the same be given to appellants/accused further the syringe which was allegedly used by accused appellant no.1 Ajit to inject some poisonous substance in the body of Dheeraj was not recovered by the police from the spot and it appears that false story was concocted and the actual matter was something else.
7. That no independent witness has been examined by the prosecution.
8. That there are material contradictions improvements and discrepancies in the testimonies of PW-1 Smt. Sumitra and PW-2 Bala Devi, these two witnesses have made vital improvements in their statements and from the statement of these two witnesses, the identification of the appellant/accused is not proved as these witnesses have fail to depose before the trial court that which of the injury and how many injuries were caused to the injured by which of the appellants/accused, actually PW-1 and PW-2 were not present at the alleged place of occurrence and they were later on introduced as eye witnesses of the alleged occurrence which was not at all taken place and real facts of the matter was that deceases Dheeraj was found in objectionable condition with wife of Ajit (Appellant no.1) by the villagers , who in a heated passion, caused injuries to Dhiraj and this fact is further clear from the prosecution evidence that pant of deceased Dheeraj was left at the spot, when he tried to escape. and thus , PW-1 and PW-2 are not reliable witnesses and further there are material discrepancies and contradictions in the testimony of prosecution witnesses and such contradictions are fatal for the case of the prosecution and plank of evidence produced by the prosecution is stumbling in this case and hence appellants/accused is liable to be acquitted and no reliance can be placed upon the same.
9. That PW-1 Sumitra, who is mother of the deceased and PW-2 Bala Devi, who is Nanand( sister-in-law) of PW-1 Sumitra , are interesting witnesses and their testimonies is liable to be discarded.
10. That the medical evidence contradicts ocular version.
11. That prosecution has failed to prove any motive of the offence as no evidence has been brought on the file in this regard.
12. That there are other lacunas and discrepancies in the evidence adduced by the prosecution and to raise any other relevant and pertinent submission as available, which shall be brought to the notice of this Hon,ble Court at the time of final hearing.
13. That appellants have committed no offence.

It is, therefore, respectfully prayed that present appeal may kindly be accepted, conviction and sentence imposed by the Ld.Trial Court vide order dated 18.7.2017/21.7.2017 upon the appellants be set aside and they be acquitted of the all charges framed against them.

It is ,therefore, further respectfully prayed that from filing the true copy of the impugned judgment dt. 18/21.7.2017 be exempted as true copy of the same attached herewith, is legible and readable and certified copy of impugned judgment dt. 18/21.7.2017 is also attached .

**NOTE:-** 1. No such or similar appeal has earlier been filed by the appellants either in this Hon,ble Court or in the Hon,ble Supreme Court of India.

2. No affidavit is necessary as appellants are confined in District Jail, Hisar.

Chandigarh (SURESH AHLAWAT)

Dated: 20.8.2017 Advocate

Counsel for the Appellants

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

**CHANDIGARH**

CRA-D - DB- 2017

Ajit and another ---------- Appellants

(Now confined in Distt. Jail, Hissar)

Versus

State of Haryana ….…….Respondent

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Chandigarh (SURESH AHLAWAT)

Dated: 20.8.2017 Advocate

Counsel for the Appellants

Opening Sheet for Criminal Appeals

**IN THE HIGH COURT OF STATES OF PUNJAB AND HARYANA**

**JUDICIAL DEPARTMENT**

**CRIMINAL APPEAL –D NO. - DB- OF 2017**

**Divisional Register No.---------------**

|  |  |  |  |
| --- | --- | --- | --- |
| **District** | **Date of Filing Petition** | **Whether filed by appellants in person or by Counsel or Agent** | **Stamp on Petition of appeal** |
| **Hisar** | **22/8/2017** | **Through**  **Suresh Ahlawat**  **Advocate** | **----Nil----** |

**Ajit and another …….. ……Appellants**

**Versus**

**State of Haryana ….…….Respondent**

**Appeal**  from the order of Ld. Addl. Sessions Judge, Hisar dated 18/21.7.2017 convicting and sentencing the appellants.

**Charge** under Section 148,149,302,323,325,328 and 342 of IPC,1860

**Sentence:-**

**Name of the appellants / Convict:- 1. Ajit 2. Subodh@ Babloo**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | **Offence U/ss** | **Imprisonment** | **Fine** | **In default of payment of fine** |
| 1 | 148 IPC | Rigorous imprisonment  For three years | RS. 1,000/- | further undergo  rigorous imprisonment  for one month |
| 2. | 302/149 IPC | Imprisonment for Life | Rs. 10,000/- | further undergo  rigorous imprisonment  for two years. |
| 3 | 328/149 IPC | Rigorous imprisonment  For Seven years | Rs. 5000/- | further undergo  rigorous imprisonment  for one year. |
| 4. | 364/149IPC | Rigorous imprisonment  For ten years | Rs. 10,000/- | further undergo  rigorous imprisonment  for two years. |
| 5 | 323/149IPC | Rigorous imprisonment  For one year | Rs. 500/- | further undergo  rigorous imprisonment  for one month |
| 6 | 325/149 IPC | Rigorous imprisonment  For four years | Rs. 5,000/- | further undergo rigorous imprisonment for one mo |

All the substantive sentences shall run concurrently.

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

CRM-M-\_\_\_\_\_\_\_ of 2017

ShikshaThakran ------ Petitioner

VERSUS

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

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CHANDIGARH (SURESH AHLAWAT)

DATED: 12.09.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

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

CWPNo.\_\_\_\_\_\_\_ of 2017

Sanjay Kumar Thakran ------ Petitioner

VERSUS

State of Haryana ------ Respondent

COURT FEE:

CHANDIGARH (SURESH AHLAWAT)

DATED: 20.10.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

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

CRM-M-\_\_\_\_\_\_\_ of 2017

ShikshaThakran aged about 45 years wife of Sh. Jitender Thakran, Resident of VPO Jharsa Patti Pachaya, Gurgaon, Distt. Gurgaon (Haryana).

------ Petitioner

VERSUS

1. State of Haryana

2. Commissioner of Police Gurgaon, District Gurgaon.

3. In charge , Economic Offences Wing, Palam Vihar, Gurgaon, District Gurgaon.

------ Respondents

CHANDIGARH (SURESH AHLAWAT)

DATED: 12.09.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

Petition under Section 482 Cr.P.C. for issuance of direction to respondents to take action against accused in case FIR No.318 dated 03.09.2016, under sections 03, 32, 14 of “The Protection of Interests of Depositors (Financial Establish) Act, 2014” r/w Section 420 IPC, registered at Police Station Sector 40, District Gurgaon (Annexure P-2) because till date i.e. after lapse of one year , neither accused have been arrested nor final investigation report has been presented despite of action against the accused , police is helping hands to the accused .

RESPECTFULLY SHOWETH:

1. That the petitioner is resident of Distt. Gurgaon in the State of Haryana and thus being citizen of India is competent to invoke the extra ordinary jurisdiction of this Hon’ble High Court.
2. That the accused persons who are directors of UNIFD C/o Unitech Limited Regd. and Office of this company is situated at Unitech House, L Block, South City-I, Gurugram-122001(Haryana). The said company launched a scheme while advertising that they would pay a much higher rate of interest than any other financial institution or company, in case anyone deposits an amount by way of fixed deposit (FDR).
3. That petitioner who is a simpleton lady and resides at village Jhardsa in Gurugram , believing the advertisements published in various local newspapers and considering the good name of Unitech Company in the vicinity, deposited an amount of Rs. 10,00,000/- on 07.02.2013, Rs. 9,00,000/- on 02.05.2013 and Rs. 10,00,000/- on 02.05.2013 in the name of FDRs with the accused persons , after sold agriculture land with their family members in her village i.e. Jharsa.

It is relevant to mention here that at the time of depositing the above said amount the petitioner was issued an account no. 1237311 by the accused persons who are directors of the Unitech Company. It was also assured by them to the petitioner that she will be entitled for an interest @ 12.50% per annum on the above said fixed deposits made by the petitioner. These FDRs were for a period of three years i.e. the FDR’s had matured in the year 2016.

1. That it is still further relevant to mention here that, the land of the family of the petitioner and other persons was purchased by the Unitech Company in her village i.e. Jharsa (Gurugram) and at that time the accused persons who are official of the Uniteck Company had told the petitioner her family members that their company is also involved in the business of finance and they have a valid and legal license for the same and they assured that the company provides interest at a higher rate than the other such financial institutions and companies. The petitioner and her family members were told and assured that if you deposits the amount from the sale consideration with the company in the shape of FDR’s then she/you will be given interest @ 12.5% per annum.
2. That the petitioner and her family members on the assurance of the accused persons of the Company deposited the above said amount total of Rs. 29 lakhs with the Unitech Company situated at Gurugram. Moreover, the other family members of the petitioner had also likewise deposited Rs. 87 lakhs with this company.
3. That the maturity period of the said FDR’s of the petitioner was for three years and all the three FDR’s of the petitioner had attained maturity in the year 2016 and when the petitioner alongwith her husband went to the office of the accused persons for getting the amount of maturity of the FDR’s, then the accused persons, instead of returning their money alongwith assured interest, threatened the petitioner and her husband with dire consequences and even they were illegally detained in the office of the accused persons. Thereafter, tactfully they escaped from that office and made a complaint/representation to the respondents with the above said averments and depicted their miserable plight. The copy of the complaint dated 15.6.2016 submitted to the respondents is annexed herewith as **Annexure P-1.**
4. That thereafter, when no action was taken then the petitioner was compelled to lodged an FIR 318 dated 03.09.2016, under sections 03, 32, 14 of “The Protection of Interests of Depositors (Financial Establish), Act, 2014” and Section 420 IPC, registered at Police Station Sector 40, District Gurgaon against the accused persons and there after the investigation was transferred to the Economic Offence Wing, Gurugram. The copy of said FIR which is annexed herewith as **Annexure P-2.**
5. That it is very unfortunate as the FIR was got registered on 03.09.2016, but till date no action has been taken against by the respondents subsequent to the registration of the FIR. The petitioner went to the police of P.S. Sector 40, Gurugram along with her husband many times just to about the development in the matter but the police officers/officials instead of telling about the progress of the case rebuked the petitioner, saying that notice u/s 91 Cr.PC has been sent to the SEBI and RBI but reply is awaited. It is pertinent to mention here that there are many FIR pending against the accused on similar allegations and further officers of the same Economic Offence Wing Gurgaon, who are in the same office and sitting in the same room in the office of Commissioner of Police Gurugram had arrested accused Sanjay Chandra and Ajay Chandra on 7.4.2017 and kept them in police custody till 13.4.2017. But the I.O. of the present did not care to have an inquiry about the present case which is evident from the Annexure P-3 and she was even humiliated at the hands of the local police and petitioner has recently suffered a paralytic attack and is also the patient of seizures . The one copy of the representation dated 7.7.2017 submitted by the family member of the petitioner to the respondents is annexed herewith as **Annexure P-3.**
6. That it appears that the police has kept the FIR in question in the list/bundle of the dormant cases/files and intentionally the police is not taking any required action in the FIR in question, due to the reason that the accused are affluent and influential persons working with well-known and mighty Unitech company.
7. That the petitioner has not filed any such or similar petition either in this Hon’ble High Court or in the Hon’ble Supreme Court of India.

It is therefore, respectfully prayed that the present petition may kindly be allowed and directing to respondents to take action against accused in case FIR No.318 dated 03.09.2016, under sections 03, 32, 14 of “The Protection of Interests of Depositors (Financial Establish) Act, 2014” r/w Section 420 IPC, registered at Police Station Sector 40, District Gurgaon (Annexure P-2) because till date i.e. after lapse of one year , neither accused have been arrested nor final investigation report has been presented despite of action against the accused , police is helping hands to the accused .

It is therefore respectfully prayed that the petitioner may kindly be exempted from filing the certified/true typed copies of annexures, in the interest of justice.

CHANDIGARH (SURESH AHLAWAT)

DATED: 12.09.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

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

CRM-M-\_\_\_\_\_\_\_ of 2017

ShikshaThakran ------ Petitioner

VERSUS

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

Affidavit of ShikshaThakran wife of Sh. JitenderThakran, Resident of VPO Jharsa Patti, Pachaya Distt.Gurgaon, Haryana.

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

1. That the contents of the accompanying petition which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

CHANDIGARH

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

Annexure P-2

FIRST INFORMATION REPORT

(UNDER SECTION 154 CR.P.C.)

1. District: GURGAON P.S.: SECTOR 40 Year: 2016

FIR No. 0318 **Date 03.09.2016**

2. Sr. No. Act(s) Section(s):

1. The protection of interest 03

of deposits (Financial

Establish), Act, 2014.

2. The protection of interest 32

of deposits (Financial

Establish), Act, 2014.

3. The protection of interest 14

of deposits (Financial

Establish), Act, 2014.

4. IPC 1860 420

3. (a) Occurrence of Offence:

(1) Day: Intervening Days Date From: Date to:

07.02.2013 15.06.2016

Time Period: Time From: Time to:

10.00 hrs. 10.00 hrs.

(2) Day: Intervening Days Date From: Date to:

07.02.2013 15.06.2016

(b) Information received at P.S. Date: Time:

03.09.2016 22:46 hrs.

(c) General Diary Reference Entry No. Time

008 03.09.2016

22:46hrs.

4. Type of Information: WRITTEN

5. Place of Occurrence:

(1) (a) Direction and Distance from P.S. North/1.km. Beat No.

(b) Address: UnitechSoutH City GGN

© In Case: Outside line limit of police station:

Name of P.S.: District.

(2) (a) Direction and distance from P.S.. (East, 1 Km(s) Beat No.

(b) ADDRESS : UNITECH SOUTH CITY GGN.

© In Case: Outside line limit of police station:

Name of P.S.: District.

6. Complainant / Informant:

(a) Name :SMT. SHIKSHA THAKRAN

(b) Father’s/Husband’s Name :

(c) Birth Year: Nationality :INDIA

7 to 11 XXXXXXXXXXX

12. First Information Contents

The Commissioner of Police Gurgaon, 2. Incharge, Economic Offence Wing PalamVihar Gurgaon, Sub: Complaint against Mr. Ramesh Chandra, Executive Chairman, Mr. Sanjay Chandra, Managing Director, Mr. Ajay Chandra, Managing Director, Mr.Ravinder Singhaniya Director, Ms.Minoti Bahri, Director Mr. GR Ambwani Director, Mr. Anil Harish Director, Mr. Sanjay Bahadur Director Dr. P.K. Mohanty, Director of M/s UNIFED C/o Unitech Limited Regd. Office at Unitech House, L Block South City-I Gurgaon 122001 Haryana.

Sir, the complaint submits as under:- 1. That the complainant is law abiding citizen of his country and she is presently residing in VPO Jharsa Gurgaon.

2. That the accused person had lodged a scheme in year 2013, wherein they advertise that in case any person deposits an amount by way of fixed deposit in their company then he/she would be paid a rate of interest much beyond the other financial institutions.

3. That the complainant, who is simpleton lady got the amount invested with the accused company and she accordingly got the fixed deposit for the amount of Rs. 10,00,000/- Rs. 9,00,000/- and Rs. 10,00,000/- on date 07.02.2013, 02.05.2013 and 02.05.2013 respectively and it was assured to the complainant that the amount which is being deposited by her by way of fixed deposit would carry on interest 12.50%. 4. That the complainant was issued an account no. 1237311 by the accused company and she was also given the compies of the FDRs and it was assured to her that the said amount alongwith interest @ 12.5% per annum would be paid to her on the maturity. That the said FDR’s were for the period of 3 years and the accused company as well as its director has assured her that in case she requires the money in between then she could get the said FDR broken and she will earn the interest till the time the amount is lying with the accused company.

5. That the complainant has recently suffered a peralatic attack and it also the patient of seizures and she alongwith her husband visited the office of the accused person in Gurgaon and asked him to reimburse the amount as the said FDR’s are matured and she is legally entitled to get back her amount alongwith the interest but she was threatened by the accused persons that in case she/he asked for the refund of the amount then she would have to face dire consequences.

6. That the accused persons have refused to payback the amount of the complainant which she is legally entitled and in fact the complainant alongwith her husband were kept in illegal custody in the office of accused person, when they demanded the amount and they were threatened with the dire consequences,

7. That the accused have cheated the complainant for valuable consideration and have also breached her trust by not handed over back the money which she has invested with the accused person and infect the accused person have caused the wrongful loss to the complainant and her husband with dire consequences in case they asked for the refund of the amount. That the life and property of the complainant and her husband in under threat from the hands of the accused persons, who were involved in day to day functioning of the above mentioned company and they are liable for all the acts and conducts of the said company.

It is therefore, requested that the present complaint may kindly be entertained and accused persons may kindly be punished and booked as per the provisions of law and the money deposited by the complainant may kindly be recovered with interest from the custody of the accused above. Sd/- RTI ShikshaThakran W/o Sh. Jitender R/o VPO Jharsa Patti Pachaya Gurgaon, Haryana.

13 to 15 XXXXXXXXXXX

True Relevant Extract Translation Copy

Advocate

Petition under section 482 Cr.P.C. for directing the respondents to take further necessary action in FIR No.318 dated 03.09.2016, under sections 03, 32, 14 of “The Protection of Interests of Depositors (Financial Establish) Act, 2014” r/w Section 420 IPC, registered at Police Station Sector 40, District Gurgaon (Annexure P-2) to take the case at its logical end.

RESPECTFULLY SHOWETH:

1.That the petitioner is resident of Distt. Gurgaon in the State of Haryana and thus being citizen of India is competent to invoke the extra ordinary jurisdiction of this Hon’ble High Court.

2.That the accused persons who are directors of UNIFD C/o Unitech Limited Regd. and Office of this company is situated at Unitech House, L Block, South City-I, Gurugram-122001(Haryana). The said company launched a scheme while advertising that they would pay a much higher rate of interest than any other financial institution or company, in case anyone deposits an amount by way of fixed deposit (FDR).

3.That petitioner who is a simpleton lady and resides at village Jhardsa in Gurugram , believing the advertisements published in various local newspapers and considering the good name of

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2017

Sanjay Kumar Thakran(aged about 35 Years) son of Sh. Ram Chander Thakran, resident of VPO Jharsa, Patti Panchiya, Distt. Gurugram ---------------- -------Petitioner

Versus

State of Haryana through the Additional Chief Secretary to Government of Haryana, Revenue Department, New Secretariat Haryana, Sector 17 Chandigarh.

……… Respondent

PLACE: CHANDIGARH SURESH AHLAWAT

Dated 10.2017 ADVOCATE COUNSEL FOR PETITIONER

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for the issuance of a 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 terms of the Section 4(1) (ii) of “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013.

***RESPECTFULLY SHOWETH***

1. **That** the petitioner is a resident of District Gurugram (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 Articles 226/227 of the Constitution of India by way of the present writ petition.
2. That UNIFD c/o Uniteck Limited registered Co. having its office situated at Uniteck House , L- Block ,South City -1, Gurugram ( Haryana). The said Company launched a scheme in the year 2013 while advertising that they would pay a much higher rate of interest then any other financial institution or company , in case anyone deposits an amount by way of fixed deposit ( FDR).
3. That petitioner who is a simpleton person and resides at village Jharsa Distt. Gurugram, believing the advertisement published and considering the good name of Unitech Company in the vicinity, deposited an amount of Rs. 10,00,000/- on 15.2.2013 in the name of FDR with company after sold agriculture land with their family members in his village i.e. Jharsa and it was assured to the petitioner that the amount which is being deposited by him by way of fixed deposit would carry on interest 12.50% p.a. These FDR was for a period of three years i.e. the FDR,s had matured in the year 2016.
4. That the petitioner was issued an account no. 1087511 by the official of the company and he was also given the copies of the FDR . That the said FDR was for the period of 3 years and the company as well as its Director has assured him that in case he requires the money in between then he could get the said FDR broken and he will earn the interest till the time the amount is laying with the company.
5. That the company have refused to pay back the amount to the petitioner which he is legally entitled and in fact the petitioner along with his wife were kept in illegal custody in the office of the company when they demanded the amount and they were threatened with the dire consequences.
6. That thereafter, when no action was taken then the petitioner was compelled to lodged an FIR no 318 dated 3.9.2016 under section 3,32,14 of “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 and section 420 IPC registered at Police Station Sector-40 ,Distt Gurugram against the official of the company and petitioner filed the petition under Section 4 of the “Haryana Protection of Interest of Depositors in Financial Established” Act,2013 before the District Magistrate, Gurugram.

**In order to make it crystal clear for this Hon’ble Court Section 4 of “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 is being reproduced as under:-**

**4.(1) Notwithstanding anything contained in any other law for the time being in force:-**

**(i) Where upon complaint received from the depositor or otherwise, the District Magistrate is satisfied that any financial establishments has failed-**

**(a) to return the deposit after maturity or on demand by the depositor; or**

**(b) to pay interest or other assured benefit; or**

**(c) to provide the service promised against such deposit; or**

**(ii) where the District Magistrate has reason to believe that any financial establishment is acting in a calculated manner detrimental to the interests of the depositor , with intention to defraud them and if the District Magistrate is satisfied that such financial establishment is not likely to return the deposits or make payment of interest or other benefits assured or to provide the services against which the deposit is received , the District Magistrate may , in order to protect the interest of the depositors of such financial establishment , after giving an opportunity of hearing and recorded reasons in writing, issue an order by publishing it in the Official Gazette, for attaching the money, property or assets belonging to or believed to have been acquired by such financial establishment either in its own name or in the name of any other person, from and out of the deposits collected by the financial establishment, or if it transpires that such money or other property or assets , is not available for attachment or are not sufficient for repayment of the deposits, may order attachment of such other property or assets of the said financial establishment or the personal assets of the promoters, partners , directors, managers, members or any other person of the said financial establishment, as the District Magistrate may deem fit.**

1. **On the publication of the order under sub-section (1) , all money, properties and assets of the financial establishment and in the name of the persons mentioned therein shall forthwith vest in the competent authority appointed by the District Magistrate pending further order from the designated court.**
2. **On receiving a complaint under sub –section (1) , the District Magistrate shall forward such complaint , along with his report to the Government at the earliest and shall send a copy of the complaint to the concerned Superintendent of police in the district for investigation.**
3. **The attachment shall be made in the manner provided for attachment of property in execution of a decree under the Code of Civil Procedure ,1908.**
4. That official of the company have cheated the petitioner for valuable consideration and have also breached his trust by not handing over back the money which petitioner has invested with the company. Then petitioner filed the petition on dated 3.11.2016 against the company for recovery the deposit amount under section 4 of the “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 before the Ld. Distt. Magistrate Gurugram which was ultimately allowed on dated 3.1.2017 and Ld. Disttt. Magistrate Gurugram ordered for attaching and vesting in to competent authority the property believed to have been acquired by the company. A copy of order dated 3.1.2017 passed by the Ld. District Magistrate Gurugram and a copy of attachment in execution prohibitory order are annexed herewith as **Annexure P-1 and P-2 respectively.**
5. That Distt. Magistrate forward his recommendation to the respondent for publication of his order for attachment of immoveable property of the defaulters under section 4 (1) (ii) of The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 in the official Gazette of Haryana but till date respondent did not publish the attachment of property of the company in the official Gazette . A copy of list of attached immovable property is annexed herewith as **Annexure P-3** and a letter dated 8.6.2017 forwarded by the District Magistrate to the respondent is annexed herewith as **Annexure P-4.**  Petitioner also represented many times to the respondent to publish the attachment property in the official Gazette but the respondent did not bothered it .One of the copy of representation dated 25.8.2017 submit by the petitioner is attached herewith as **Annexure P-5.**

***9.******That*** *act of the respondent not to publish the attached property of the defaulter in the official Gazette of Haryana is highly arbitrary, discriminated , illegal and violative of statutory provision of law.*

**10.** **That** the main law points involved in this writ petition are as under:-

1. Whether the action of the respondents is arbitrary and illegal ?

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

**11.** **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.

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

**PRAYER**

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

a 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 terms of the Section 4(1) (ii) of “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013.

ii) For issuance of any other appropriate writ, order or direction which this Hon’ble court may deem fit and proper in the peculiar facts and circumstances of the present case.

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

iv) Costs of the present writ petition be also awarded in favour of the petitioner and against the respondents.

Place: Through:

DATED: **( SURESH AHLAWAT)**

**ADVOCATE**

**Counsel for the petitioner.**

***VERIFICATION***

Verified that the contents of Para No. 1 to 9 and 11 and 12 of the writ petition are true and correct to my knowledge. Legal submissions made in para no. 10 is 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

DATE:-

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2017

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

Versus

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

Affidavit of Sanjay Kumar Thakran son of Sh.Ram Chander, resident of Jharsa Patti Panchiya, Distt.Gurugram I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

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

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

CHANDIGARH

DATED . .2017

*VERIFICATION*

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

CHANDIGARH

DATED .2017

**THE HIGH COURT OF PUNJAB AND HARYANA**

**AT CHANDIGARH**

**C.W.P. No. OF 2017**

**Sanjay Kumar Thakran …….. …. …Petitioner**

**Versus**

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

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***NOTES:-***

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

**2. *Relevant Acts and Statutes* - Constitution of India.**

**3. Whether any Caveat/Petition has been filed in this case:No**

**4. *Similar Case, if any :No.***

**CHANDIGARH ( SURESH AHLAWAT )**

**DATED : 20.10.2017 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

To

The Additional Chief Secretary

to Government of Haryana, Revenue Department

Sector-17, Chandigarh.

Subject:- Publication of order dated 3.1.2017 passed by the Court of the District Magistrate Gurugram ( Haryana) for attachment of immovable property of the defaulters under section 4(1) of “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 in the official Gazette of Haryana.

Sir.

First brief facts of this case are as under :-

1. That UNIFD c/o Uniteck Limited registered Co. having its office situated at Uniteck House , L- Block ,South City -1, Gurugram ( Haryana). The said Company launched a scheme in the year 2013 while advertising that they would pay a much higher rate of interest then any other financial institution or company , in case anyone deposits an amount by way of fixed deposit ( FDR).
2. That applicant who is a simpleton person and resides at village Jharsa Distt. Gurugram, believing the advertisement published and considering the good name of Unitech Company in the vicinity, deposited an amount of Rs. 10,00,000/- on 15.2.2013 in the name of FDR with company after sold agriculture land with their family members in his village i.e. Jharsa and it was assured to the applicant that the amount which is being deposited by him by way of fixed deposit would carry on interest 12.50%p.a.Theae FDR was for a period of three years i.e. the FDR,s had matured in the year 2016.
3. That the applicant was issued an account no. 1087511 by the official of the company and he was also given the copies of the FDR . That the said FDR was for the period of 3 years and the company as well as its Director has assured him that in case he requires the money in between then he could get the said FDR broken and he will earn the interest till the time the amount is laying with the company.
4. That the company have refused to pay back the amount to the applicant which he is legally entitled and in fact the applicant along with his wife were kept in illegal custody in the office of the company when they demanded the amount and they were threatened with the dire consequences.
5. That thereafter, when no action was taken then applicant was compelled to lodged an FIR no 318 dated 3.9.2016 under section 3,32,14 of “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 and section 420 IPC registered at Police Station Sector-40 ,Distt Gurugram against the official of the company and applicant

also filed the petition on dated 3.11.2016 against the company for recovery the deposit amount under section 4 of the “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 before the Ld. Distt. Magistrate Gurugram which was ultimately allowed on dated 3.1.2017 and Ld. Disttt. Magistrate Gurugram ordered for attaching and vesting in to competent authority the property believed to have been acquired by the company.

1. That Distt. Magistrate forward his recommendation to your good office for publication of his order for attachment of immoveable property of the defaulters under section 4 (1) (ii) of The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 in the official Gazette of Haryana but till date your office did not publish the attachment of property of the company in the official Gazette .

I, therefore, request your kind honour to publish the order passed by the Court of District Magistrate Gurugram for attachment of immoveable property of the defaulters under section 4 (1) (ii) of The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 in the official Gazette of Haryana. Hoping for favorable action on my application.

Thanking you.

Applicant

Sanjay Kumar Thakran s/o Sh. Ram Chander Thakran R/O VPO-Jharsa, Patti Panchiya, Gurugaon

**NOTE :- All relevant documents attached herewith.**

LIST OF EVENTS

2013 **Uniteck Company**  Gurugram launched a scheme in the year 2013 while advertising that they would pay a much higher rate of interest then any other financial institution or company , in case anyone deposits an amount by way of fixed deposit ( FDR).

**Petitioner** deposited an amount of Rs. 10,00,000/- on 15.2.2013 in the name of FDR with company after sold agriculture land with their family members in his village i.e. Jharsa and it was assured to the petitioner that the amount which is being deposited by him by way of fixed deposit would carry on interest 12.50% p.a.Theae FDR was for a period of three years i.e. the FDR,s had matured in the year 2016.

**June 2016** **That t**he company have refused to pay back the amount to the petitioner which he is legally entitled.

**That** thereafter, when no action was taken then the petitioner was compelled to lodged an FIR no 318 dated 3.9.2016 under section 3,32,14 of “The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 and section 420 IPC registered at Police Station Sector-40 ,Distt Gurugram against the official of the company and petitioner filed the petition under Section 4 of the “Haryana Protection of Interest of Depositors in Financial Established” Act,2013 before the District Magistrate, Gurugram, which was ultimately allowed on dated 3.1.2017 and Ld. Disttt. Magistrate Gurugram ordered for attaching and vesting in to competent authority the property believed to have been acquired by the company.

**That** Distt. Magistrate forward his recommendation to the respondent for publication of his order for attachment of immoveable property of the defaulters under section 4 (1) (ii) of The Haryana Protection of Interest of Depositors in Financial Established” Act,2013 in the official Gazette of Haryana but till date respondent did not publish the attachment of property of the company in the official Gazette .

**25.8.2017 Petitioner** also represented many times to the respondent to publish the attachment property in the official Gazette but the respondent did not bothered it.

Hence the present writ petition .

**CHANDIGARH ( SURESH AHLAWAT )**

**DATED : . .2017 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

To The Director ,

Secondary Education, Haryana

Panchkula

Subject:- For Adjustment /transfer

Sir

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

I, therefore, requested your kind honour to adjust me in **Govt. Sr. Sec. School** **Sector-7 Panchkula** City. So that, I can perform my duties efficiency . Hoping for favorable action on my application.

Thanking you.

Applicant

Sushil Kumari

Computer teacher/faculty

Govt.Sr.Sec.School - Bhuri ( 3715 ) block-Morni Hills

Distt. Panchkula # 706/11 Panchkula

( 94171-11917 )

**SURESH AHLAWAT, ADVOCATE**

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

**# Flat no.701,Block-E-1,Maya Garden City, Zirkpur**

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

**TO**

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

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

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

Under the instructions from and on behalf of Azad Singh s/o Late Sh. Ram Chander Village Mohanbari District Jhajjar. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. So, in the year 2013, from my client’s family, an application for providing employment to my clint’s son Yogesh was submitted.
2. That my client’s father Sh Ram Chander had died in the year 2000. After his death, in my client’s family there are four members i.e two brothers, one sister, and their mother Smt. Bharpai. In my client’s family, out of these , non has any objection to give employment to his son Yogesh.
3. That my client’s family, land measuring about 61 kanal (8 acres) was acquired for Thermal Power Plant. That his father had died in the year 2000. After his death, my client’s family members i.e. two brothers, one sister and mother have harited the land which owned by their father. In this way, land measuring 15K-5M of each member was acquired.
4. That when from my client’s family, an application of my client’s son Yogesh, was submitted, for providing employment in lieu of land acquired , then the concerned officers refused to receive the application and said that land in the name of father of the applicant Sh. Azad Singh , measuring 15K-5 marlas has been acquired for power plant which is less than according to Govt. Scheme of 2 acres, so employment cannot be provided to the applicant.
5. That after it, my client’s family members met Deputy Commissioner, Jhajjar and told that land of our family measuring about 8 acres has been acquired for Power Plant. After the death of our father in the year 2000, in the ancestral property, we two brothers, sister and mother became co-sharers , but the family is the same and there is one ration card and Tehsil office has raised wrong objection regarding measuring 15K-5M of each member of this family has been acquired and told them that in accordance with the scheme, if the land of each member, less than 2 acres has been acquired ,his family,s member have no right for employment . Therefore, the applicant has no right for employment.
6. That my clien’s family is one and land measuring about 8 acres of my client’s family has been acquired which of the family is more than 2 acres. Also, my client’s mother has got the land of her share transferred in the name of my Clint and his brother, both the brothers half each. Her share measuring 15K-5 marla had been acquired and after adding half share to each both the brothers of 15K-5 marla acquired land, land measuring more than two acres of their share has been acquired. In this way also, in accordance to policy their claim of providing employment in the power plant exists. Therefore, from each angle, They have a right of employment as per the scheme .
7. That taking application of my client’s son Yogesh, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula.
8. That at present, age of my clint’s son Yogesh is of about 16 years and he is studding in 10+1 class, but uptill now, they have got no assurance letter from you.
9. That the four villages, whose land has been acquired, in respect of other families the age of whose member is less than 18 years, assurance letters have been issued, but no assurance letter of my client’s son has been received so far. Even on visiting in the office repeatedly my client , it is told that on attaining the age of 18 years appointment letter will be issued directly.

You are , therefore , requested through this Notice that assurance letter to my client ‘s son Yogesh be also given , **with in a pried of two months** from the date of receipt of notice so that on completion of age of 18 years, he may join the service , failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

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

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

SURESH AHLAWAT

ADVOCATE

**SURESH AHLAWAT, ADVOCATE**

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

**# Flat no.701,Block-E-1,Maya Garden City, Zirkpur**

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

**TO**

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

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

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

Under the instructions from and on behalf of Azad Singh s/o Late Sh. Ram Chander Village Mohanbari District Jhajjar. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. So, in the year 2009 and again in July-2014, application for providing employment to my Clint was submitted.
2. That my client’s father Sh Ram Chander had died in the year 2000. After his death, in my client’s family there are four members i.e two brothers, one sister, and their mother Smt. Bharpai. In my client’s family, out of these , non has any objection to give employment to his son Yogesh.
3. That my client’s family, land measuring about 61 kanal (8 acres) was acquired for Thermal Power Plant. That his father had died in the year 2000. After his death, my client’s family members i.e. two brothers, one sister and mother have harited the land which owned by their father. In this way, land measuring 15K-5M of each member was acquired.
4. That when from my client’s family, an application of my client’s son Yogesh, was submitted, for providing employment in lieu of land acquired , then the concerned officers refused to receive the application and said that land in the name of father of the applicant Sh. Azad Singh , measuring 15K-5 marlas has been acquired for power plant which is less than according to Govt. Scheme of 2 acres, so employment cannot be provided to the applicant.
5. That after it, my client’s family members met Deputy Commissioner, Jhajjar and told that land of our family measuring about 8 acres has been acquired for Power Plant. After the death of our father in the year 2000, in the ancestral property, we two brothers, sister and mother became co-sharers , but the family is the same and there is one ration card and Tehsil office has raised wrong objection regarding measuring 15K-5M of each member of this family has been acquired and told them that in accordance with the scheme, if the land of each member, less than 2 acres has been acquired ,his family,s member have no right for employment . Therefore, the applicant has no right for employment.
6. That my clien’s family is one and land measuring about 8 acres of my client’s family has been acquired which of the family is more than 2 acres. Also, my client’s mother has got the land of her share transferred in the name of my Clint and his brother, both the brothers half each. Her share measuring 15K-5 marla had been acquired and after adding half share to each both the brothers of 15K-5 marla acquired land, land measuring more than two acres of their share has been acquired. In this way also, in accordance to policy their claim of providing employment in the power plant exists. Therefore, from each angle, They have a right of employment as per the scheme .
7. That taking application of my client’s son Yogesh, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula.
8. That at present, age of my clint’s son Yogesh is of about 16 years and he is studding in 10+1 class, but uptill now, they have got no assurance letter from you.
9. That the four villages, whose land has been acquired, in respect of other families the age of whose member is less than 18 years, assurance letters have been issued, but no assurance letter of my client’s son has been received so far. Even on visiting in the office repeatedly my client , it is told that on attaining the age of 18 years appointment letter will be issued directly.

You are , therefore , requested through this Notice that assurance letter to my client ‘s son Yogesh be also given , **with in a pried of two months** from the date of receipt of notice so that on completion of age of 18 years, he may join the service , failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

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

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

SURESH AHLAWAT

ADVOCATE

**SURESH AHLAWAT, ADVOCATE**

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

**# 413 Sector -11, Panchkula**

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

**TO**

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

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

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

Under the instructions from and on behalf of Brij Mohan s/o Sh. Rohtash s/o Sh. Mam Chand resident of Vill. Khanpur Khurd Tehsil Matanhail Distt. Jhajjar at present residing at Vill. Karola Tehsil Faruk Nagar Distt. Gurugram (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. As such 26 kanal 5 marlas of land of my father Sh. Rohtash was acquired which is more than 3 acres. In this regard, notice dated 25.6.2007 issued u/s 9 of the LAC to the family of my client, is attached herewith.
2. So, in the year Jan. 2009, an application for providing employment to my client was submitted along with all the requisite documents in the office of Tehsildar ,Matanhail (Jhajjar) with the consent of his all family members . There was no objection to any of his family members regarding his job. But again on the demand of govt. he gave an application in the July-2014. In this way , my client being a matric was having the qualification for the post of peon. My client submitted an application in July 2014 in the office of S.D.M. Jhajjar vide file No.ASR , 568 DA Branch No.4028 dated 26.8.2014.
3. That till today my client has not received any information regarding govt. job from the office of Govt. My client has continuously gave many representations to the office of D.C Jhajjar , office of S.D.M. Jhajjar and office of Tehsildar Matanhail. But no reply was received. That the D.C. Jhajjar, S.D.M. and Tehsildar, Matanhail are the Chairman and the members of the land oustees Committee of tharmal power plant and received the applications regarding the Govt. Job and decided the cases regarding the same. Then he had filed the application under RTI Act in the office of D.C. Jhajjar and office of Tehildar for ascertaining the status of his case. But no satisfactory reply given to him and RTI application is pending from the date i.e. 16.5.2016 and 08.07.2016 and now his RTI application has been transferred under section 6(3) of the RTI Act in deferent offices . But no status report has given to my client till today.
4. That my client possessing the qualification of Govt. Job of Peon from the beginning as per the policy of Haryana Govt. Because he had passed the 10th class and having more 2 acres of his family’s land has been acquired and there is no objection from his family members regarding his job and he is the only person who had applied for the Govt. job in his family . Many persons similarly situated to my client from his village, has been provided the govt. job before 3-4 years ago , whose more than 2 acres of land was acquired. But the job has not been provided to my client till date.
5. It is submitted that your good offices shall keep in view the latest decision of the Hon,ble Punjab and Haryana High Court given in the CWP No 526 of 2004 titled as Rajiv Alias Ruli Vs State of Haryana, the exact of which has been supplied by the Chief Secretary to Govt.of Haryana vide Memo no. 62/74/2004/6GSI dated 22.3.2004 to aIl the Heads of Department in Haryana for strict compliance . It has been stressed in the said judgment that legal Notices / notices of demand for justice must be promptly attended to and appropriate reply to the notice should be given within maximum period of **ONE MONTH** and accordingly request is being made for a prompt decision and appropriate response in the matter.
6. It is further submitted in the case CWP No 562 0f 2015 Phool Sing v/s State of Haryana and CWP No. 3209 of 2015 Ashok Kumar v/s State of Haryana , Hon,ble High Court passed the order and directed to the government that pending claims of the claimants may be decided expeditiously than, in this regard, State Government has been issued the instruction on dated 16.3.2015 ( Copy of M& CC Hr. No. 8/1/2015-MC dt. 16.3.2015)

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

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

**Encl. Annexure-1** Notice u/s 9 of the Land Acquisition Act-1894 regarding land acquired more than 2 acres of my client

SURESH AHLAWAT

ADVOCATE

**SURESH KUMAR , ADVOCATE**

**(94171-11917)**

**# 413/11 Panchkula**

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

**TO**

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

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

**Panchkuka.**

**Sub. Legal Notice**

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

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

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

SURESH AHLAWAT

ADVOCATE

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

**CHANDIGARH**

CWP No.---------0f 2017

Manoj Kumar s/o Sh. Satbir Singh (aged about 34 years) resident of Vill. Jhanj Khurd Tehsil & Ditt. Jind (Haryana)

……….Petitioner

VERSUS

1. Haryana State Federation of Co-Operative Sugar Mills Ltd through its Managing Director, Base no 49-50 Sector-2 Panchkula.
2. The Chairman cum Deputy Commissioner, The Jind Cooperative Sugar Mill ltd. Jind
3. Managing Director, The Jind Cooperative Sugar Mill ltd.

Narwana road Jind

4. Ravinder Kumar

………Respondents.

Chandigarh ( SURESH AHLAWAT)

Dt : 12.11.2017 Advocate

Counsel for Petitioner.

CIVIL WRIT PETITION under Article 226 of the Constitution of India for the issuance of a writ in nature of Certiorari for quashing selection and appointment post of Assistant Security Officer of respondent no.3 being illegal and arbitrary manner further directing to the respondent to appoint the petitioner in place of respondent no.3.

**Or** any other appropriate writ, order or direction which this Hon’ble court may deem fit and proper in the peculiar facts and circumstances of the present case.

***RESPECTFULLY SHOWETH***

1. **That** the petitioner is a resident of District Jind (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 Articles 226/227 of the Constitution of India by way of the present writ petition.
2. That Jind Cooperative Sugar Mills Ltd. advertised the one post Assistant Security Officer in general category for ex service man . The petitioner being fully eligible for the said post of Assistant Security Officer applied against the same and required qualification for the said post ex -service man not below the rank of Haveldar with matric from the recognized education Board and knowledge of computer is necessary up to “O” level will be preferred on dated 11.5.2017.
3. That the petitioner is eligible and better candidate for the selection of said post. The petitioner was retired from Indian Navy on rank of POCD.
4. That Petitioner have 70.66 marks in Matric. Total 8 candidate had appeared for interview and Petitioner was not selected for the said post whereas one Ravinder Kumar i.e. respondent no 3 was selected for the said post illegally who was not having 52% marks in matriculation. The said selection process was not conducted fairly and petitioner was not selected for the post by the committee knowingly and intentionally.

**5.** **That** the main law points involved in this writ petition are as under:-

1. Whether the action of the respondents is arbitrary and illegal ?

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

**6.** **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.

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

**PRAYER**

It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to call for the records of the present case and after perusal thereof may be pleased to issue: a writ in nature of Certiorari for quashing selection and appointment for the post of Assistant Security Officer of respondent no.3 being illegal and arbitrary further directing to the respondent to appoint the petitioner in place of respondent no.3

ii) For issuance of any other appropriate writ, order or direction which this Hon’ble court may deem fit and proper in the peculiar facts and circumstances of the present case.

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

iv) Costs of the present writ petition be also awarded in favour of the petitioner and against the respondents. Petitioner

Place: Through:

DATED: **( SURESH AHLAWAT)**

**ADVOCATE**

**Counsel for the petitioner.**

***VERIFICATION***

Verified that the contents of Para No. 1 to 9 and 11 and 12 of the writ petition are true and correct to my knowledge. Legal submissions made in para no. 10 is 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.

Petitioner

CHANDIGARH

DATE:-

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2017

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

Versus

Haryana State Federation of Co-Operative Sugar Mills Ltd and others

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

Affidavit of Manoj Kumar s/o Sh. Satbir Singh (aged about 34 years) resident of Vill. Jhanj Khurd Tehsil & Ditt. Jind (Haryana)

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

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

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

CHANDIGARH

DATED . .2017

*VERIFICATION*

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

CHANDIGARH

DATED .2017

**THE HIGH COURT OF PUNJAB AND HARYANA**

**AT CHANDIGARH**

**C.W.P. No. OF 2017**

**Manoj Kumar …….. …. …Petitioner**

**Versus**

Haryana State Federation of Co-Operative Sugar Mills Ltd  **and others ------------- Respondents**

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**Total Court Fee Rs. /-**

***NOTES:-***

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

**2. *Relevant Acts and Statutes* - Constitution of India.**

**3. Whether any Caveat/Petition has been filed in this case:No**

**4. *Similar Case, if any :No.***

**CHANDIGARH ( SURESH AHLAWAT )**

**DATED : 12.11.2017 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

**CHANDIGARH**

CRM-M- No.---------0f 2017

Vinod ……………………………. ……Petitioner

Versus

State of Haryana and another

……..…….Respondents

Total Amount of Court Fee Affixed.

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Chandigarh (SURESH AHLAWAT)

Dated: 10.12.2017 Advocate

Counsel for the Petitioner

**SURESH AHLAWAT, ADVOCATE**

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

**# 413 Sector-11, Panchkula**

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

**TO**

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

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

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

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

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria, Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. As such 36 kanal 11 marlas of land of my family was acquired, which was the ancestral property. In this regard , notice dated 25.6.2007 of LAC issued by the govt. to the four family members of my client is attached herewith.
2. That my client possessing the education qualification of Govt. job from the beginning as per the policy of Haryana Govt. because he had passed the 10th class in Augest-2004 thereafter he did 10+2 in March 2010, now he is also possessing the Diploma in Computer Operator and Programming Assistant from Govt. ITI. He being eligible applied for employment in thermal power plant in the month of July-2014, this application was indorsed by the Naib Tehsildar,Matanhail who certified that 36 kanals 11 marlas land of the joint family had been acquired for the Thermal Plant, then he submitted the same in the office of Deputy Commissioner Jhajjar with the consent of his all family members . There was no objection to any of his family members regarding his job.
3. That my client’s grandfather Sh. Mange Ram had died in the month of Jan.2012 leaving behind his four sons, i) Attar Singh ii) Jai Bhagwan,( father of applicant) iii)Bhagwan Das and iv) Jaibir, he was the Karta of my client’s joint family. It means my client’s family was one, at the time of land acquired in 2007 i.e. before his death (Jan. 2012) .My client’s family total land acquired for the thermal power plant 36 kanal 11 marlas i.e. more than 4 acres instead of 9 kanal 3 marla which is acquired individually share of the member of the my client’s family. In this way, when the land was acquired ,the land was joint (khata) in the name of ancestor members of family of my client being co-sharer and family of my client stood on the date , the land was acquired
4. That my client’s family is one and land measuring about 4 acres of my client’s family has been acquired, which of the family is more than 2 acres. In this way also, in accordance to policy, claim of providing employment in the power plant exists. Therefore, from each angle they have a right of employment as per the scheme .
5. That taking application of my client, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula and at present, age of my client is of about 28 years and he had passed 10+2 class, and having more 4 acres of his family’s land has been acquired for thermal power plant, but up till now, they have got no appointment letter from yours office .
6. That the four villages, whose land has been acquired, in respect of other land ousted families, the appointment letters have been issued and govt. job has been provided, but no appointment letter of my client has been received so far. Even on visiting in the office repeatedly my client , it is verbally told by the official of the Nigam that land in yours father was only 9 kanals 3 marlas , which is less than the 2 acre required as per the scheme.
7. It is submitted that your good offices shall keep in view the latest decision of the Hon,ble Punjab and Haryana High Court given in the CWP No 526 of 2004 titled as Rajiv Alias Ruli Vs State of Haryana, the exact of which has been supplied by the Chief Secretary to Govt.of Haryana vide Memo no. 62/74/2004/6GSI dated 22.3.2004 to aIl the Heads of Department in Haryana for strict compliance . It has been stressed in the said judgment that legal Notices / notices of demand for justice must be promptly attended to and appropriate reply to the notice should be given within maximum period of **ONE MONTH** and accordingly request is being made for a prompt decision and appropriate response in the matter.
8. It is further submitted in the case CWP No 562 0f 2015 Phool Sing v/s State of Haryana and CWP No. 3209 of 2015 Ashok Kumar v/s State of Haryana , Hon,ble High Court passed the order and directed to the government that pending claims of the claimants i.e land oustees family may be decided expeditiously than, in this regard, State Government has been issued the instruction on dated 16.3.2015 regarding land oustees matter ( Copy of M& CC Hr. No. 8/1/2015-MC dt. 16.3.2015)

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

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

**Encl** SURESH AHLAWAT

ADVOCATE

**SURESH AHLAWAT, ADVOCATE**

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

**# 413 Sector -11 ,Panchkula**

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

**TO**

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

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

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

Under the instructions from and on behalf of Karishan Kumar s/o Sh Hoshiyar Singh who is the father and natural guardian of his minor son Deepak (applicant in this case) Village Khanpur-Khurd District Jhajjar. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. So, in July-2014 an application in the name of my client’s minor son Deepak to providing employment was submitted with the consent of his all family members .
2. That total coparcenery land measuring 17 kanals 4 marla had been acquired for Indira Gandhi Thermal Plant in the name of my client’s father Sh Hoshiyar Singh and his uncle Umed Singh who were two brothers after their death my client’s family members have harited the coparcenery land which owned by their father and uncle .In my client’s family, out of these , non has any objection to give employment to his minor son Deepak.
3. That at present , age of my cline’s son Deepak is 17 years and he is studding in 10+2 class, but up till now, they have got no assurance letter from you. He being eligible applied for employment in thermal power plant in the month of July-2014, this application was indorsed by the Naib Tehsildar,Matanhail who certified that 17 kanals 4 marlas land of the joint family had been acquired for the Thermal Plant, then he submitted the same in the office of Deputy Commissioner Jhajjar.
4. That the four villages , whose land has been acquired, in respect of other families the age of whose member is less than 18 years, assurance letters have been issued , but no assurance letter of my client’s son has been received so far. Even on visiting in the office repeatedly my client , it is told that that land in yours father was only 8 kanals , which is less than the 2 acre required as per the scheme.
5. That my client’s family total land acquired for the thermal power plant 17 kanal 4 marlas i.e. more than 2 acres instead of 8 kanals which is acquired individually share of the member of the my client’s family. In this way, when the land was acquired ,the land was joint (khata) in the name of ancestor members of family of my client being co-sharer and family of my client stood on the date , the land was acquired in 2007.
6. That my client’s family is one and land measuring about 17 kanals 4 marlas of my client’s family has been acquired, which of the family is more than 2 acres. In this way also, in accordance to policy, claim of providing employment in the power plant exists. Therefore, from each angle they have a right of employment as per the scheme .
7. That taking application of my client, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula and at present, age of my client is of about 17 years and he had passed 10 class, and having more 2 acres of his family’s land has been acquired for thermal power plant, but up till now, they have got no assurance letter/ appointment letter from yours office .
8. That the four villages, whose land has been acquired, in respect of other land ousted families, the assurance letters/appointment letters have been issued and govt. job has been provided, but no assurance letter/appointment letter of my client has been received so far. Even on visiting in the office repeatedly my client , it is told that land in yours father was only 8 kanals , which is less than the 2 acre required as per the scheme.
9. It is submitted that your good offices shall keep in view the latest decision of the Hon,ble Punjab and Haryana High Court given in the CWP No 526 of 2004 titled as Rajiv Alias Ruli Vs State of Haryana, the exact of which has been supplied by the Chief Secretary to Govt.of Haryana vide Memo no. 62/74/2004/6GSI dated 22.3.2004 to aIl the Heads of Department in Haryana for strict compliance . It has been stressed in the said judgment that legal Notices / notices of demand for justice must be promptly attended to and appropriate reply to the notice should be given within maximum period of **ONE MONTH** and accordingly request is being made for a prompt decision and appropriate response in the matter.
10. It is further submitted in the case CWP No 562 0f 2015 Phool Sing v/s State of Haryana and CWP No. 3209 of 2015 Ashok Kumar v/s State of Haryana , Hon,ble High Court passed the order and directed to the government that pending claims of the claimants i.e land oustees family may be decided expeditiously than, in this regard, State Government has been issued the instruction on dated 16.3.2015 regarding land oustees matter ( Copy of M& CC Hr. No. 8/1/2015-MC dt. 16.3.2015)

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

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

**Encl** SURESH AHLAWAT

ADVOCATE

Pradeep Ghalawat s/o Sh. Jai Bhagwan Village Khanpur-Khurd District Jhajjar.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2017

Pradeep Ghalawat s/o Sh. Jai Bhagwan resident of Village Khanpur-Khurd, Tehsil- Matanhail District- Jhajjar (Haryana)

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

Versus

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

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

…………….. Respondents

CHANDIGARH ( SURESH AHLAWAT )

DATED : .12.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

CIVIL WRIT PETITION under Article 226 of the Constitution of India for the issuance of a writ in nature of Certiorari for quashing the impugned order dated 30.11.2017 **(Annexure P-7)** passed by the Respondent no.2 being contrary to the policy and facts and also contrary to the law laid down by this Hon,ble Court in CWP no. 6505 of 2013 Dharmender Singh  *Versus The State of Haryana and another”* decided on 26.11.2015 (Annexure P-10) further writ in the nature of Mandamus be issued, directing the respondents to issue appointment letter to the petitioner for the post, according his education qualification , in terms of the policy decision (Annexure –P-1) .

*RESPECTFULLY SHOWETH*

1. That the petitioner is a resident of District Jhajjar (Haryana) and as such being a citizen of India, he is fully competent to invoke the extraordinary writ jurisdiction of this Hon’ble Court under Article 226 of the Constitution of India by way of the present writ petition. Where as, petitioner is minor aged about 17 years ,now he is filling this writ petition through his father and natural guardian Sh. Azad Singh.
2. That State Govt. of Haryana vide Notification dated 20.11.2006 under Section 4 of the Land Acquisition Act.1894 , acquired more than 2000 acres of the agriculture land of four villages in District Jhajjar for the public purpose for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( I.G.S.T.P.P) in village Jharli District Jhajjar and on 7.5.2007 award had been passed by the Land Acquisition Collector. At that time, Hon,ble Chief Minister Haryana had made an announcement on 7.10.2007 while addressing a meeting that one member each of the family whose land has been acquired subject to a minimum of 2 acres shall be given employment against class -III and VI as per the qualification possessed by the member of land oustees family and for this purpose , a special policy was framed for this project and Notification dated 5/6/ July-2007 issued by the Financial Commissioner & Principal Secretary to Govt. Haryana Power Department regarding to provide the employment in lieu of land acquired in Thermal Plant Kheder (Hissar) also adopted in that policy, A copy of special policy/ CM Announcement dated 7.10.2007 and Notification dated 5th July-2007 are being attached herewith as **ANNEXURE P-1.** (Colly)

It is pertinent to mention here that 61 Kanal (more than 7 acres) agriculture land of the family of the petitioner has been acquired in the thermal plant . Copy of two notices dated 20.4.2007 (out of three notices) under section 9 of the Land Acquisition Act-1894, regarding land is to be acquired (42 kanal) issued to the family of the petitioner is being attached herewith as **Annexure P-2 (colly).**

1. That in this regard , on dated 18.3.2013 a meeting was held by the respondents /department at Chandigarh to implement the announcement of employment ( Ann.P-1) to the land oustees and directed to the Deputy Commissioner Jhajjar who was the Chairman of the Committee of the land oustees matter and SDM who was the member of the Committee , to supply the list of village wise information of persons of land oustees and their education qualification regarding to grant the employment . They were also directed to forward the list 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. It is also mentioned in the CM Announcement that Rehabilitation & Resettlement (R&R) Policy-2010 issued by the Revenue and Disaster Management Department, Haryana and salient features of the methodology adopted in case of 2x 600 MW R.G.T.P.P.,Khedar District Hisar be also considered for providing the job to the dependent family of land oustees. 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 i.e. Aravali Power Company Private limited (APCPL) which is joint a venture of NTPC, HPGCL has no suitable jobs , may be provided employment by Haryana Power Utilities i.e. UHBVN, DHBVN,HVPN and HPGCL.
2. That in pursuance to the policy (Ann.-P-1) , from the month of Sep/Oct. 2013-14, process of collecting the application through munadi , for the employment of the eligible candidates of the family of the land oustees was started village-wise by the revenue authorities , who prepared the list of about 212 persons of the four villages and supplied the list to the Deputy Commissioner Jhajjar . Then D.C. Jhajjar has supplied list of 212 persons of village wise information of land oustees of the four villages to the Government. So, father of the petitioner Sh. Azad Singh also submitted an application for employment in oustess quota in the name of his son Yogesh (minor) i.e. petitioner after taking consent of other members of his family.
3. That when on dated 3.3.2014 a program/function was conducted in the petitioner’s village by the respondents for distribution/issuance of employment letter to the members of land oustees family. The name of the petitioner’s family was not announced for issuing appointment latter (as per above said policy) in the above said program. Thereafter, father of the petitioner inquired from authority ,why his family name not called for job than, official of the respondents replied that yours family case, to provide the employment in lieu of land acquired is under consideration before the higher authority along with some other cases, then you will wait for some time . Then after some time, family members of the petitioner met Deputy Commissioner, Jhajjar who was/is the chairman of the land oustees committee and again submitted a representation and an application of the applicant for providing the job in lieu of land acquired and represent their case before the Deputy Commissioner, Jhajhar . A true translated copy of application endorsed by the revenue authority on dated 12.8.2014 and representation submitted by the father of the petitioner and endorsed by the Deputy Commissioner Jhajjar to DDPO dated nil are attached herewith as **Annexure P-3 and P-4** respectively.
4. That at present petitioner is minor, his age is about 17 years his date of birth is 20.4.2000 and he is studying in 10+2 class. A certificate of matriculation dated 22 May,2016 is attached herewith as **Annexure P-5 .**Whereas, according to Civil Service Rule applicable in Haryana, age of entry in Government service is 18 years but under the policy (Annexure P-1) its Para no.30 (Clause-iii) , it is clearly mentioned that such applicants would be given assurance letters who are under 18 years of age but they will be provided employment after attaining the age of 18 years but till date ,petitioner have got no assurance letter from the respondents whereas , other applicants whose land has been acquired, and who are less than 18 years of age ,have been issued assurance letter by the respondents.
5. That after waiting for some time and not receiving the response of the respondents, father of the petitioner has been repeatedly requesting the respondents to consider the candidature of his son for employment, as more than 200 similarly placed persons have been offered employment . *Finally father of the petitioner sent a legal notice through counsel vide notice dated 24.9.2016 to the respondents which is attached here with as* ***Annexure P-6,*** *ultimately respondents rejected the claim of the petitioner vide order dated 30.12.2016 stated that” claim of your client is considered by the competent authority and not found feasible for acceptance as your client’s acquired land is less than 2 acres”. A copy of impugned order dated 30.12.2016 is attached herewith as* ***Annexure P-7.***

**8.** That the impugned order dated 30.12.2016 **Annexure P-7** is illegal, unjust, unwarranted, contrary to the policy, facts and law and deserve to be set-aside inter alia on the grounds mentioned herein below:-

1. That Sh. Ram Chander grandfather of petitioner had died in the month of June-2000 who was the Karta of his family and he was owner in possession of the ancestral property including acquired land etc. before June-2000 and after his death, ancestral property including acquired land inherited by his four legal representative as coparcener in equal share i.e father of the petitioner Sh. Ajad Singh and his brother –Balwant Singh , sister- Guddi and their mother Smt. Bharpai and total land acquired of the family of the petitioner was 61 Kanals , in this way, share of 15 Kanal 5 Marla of acquired land, each member of the family was acquired in the thermal plant from the joint khewat .

A pedigree table of the family of the petitioner reads as under:-

**Ram Chander** --------- Smt. Bharpai

(now deceased) (wd/o Late Sh. Ram Chander)

**Azad Singh** **.**  Balwant Guddi

son son daughter

**Yogesh . Pt.**

(Son of Azad Singh)

It is pertinent to mention here that at the time , when the land was acquired, the land was joint (khata) in name of the ancestor members of family of the petitioner being co-sharer and after the acquisition proceeding land is still joint in the name of members of the petitioner’s family, there was one Ration Card of the petitioner’s joint family and every member of petitioner’s joint family had given their consent for considering the case of petitioner namely Yogesh, who had applied for job and it was resolved that no other family member from joint family shall apply for job and relinquish their claim in favour of petitioner. A copy of joint rashan card dated 29.5.2009 family of the petitioner and affidavit dated 11.8.2014 submitted by the father of the petitioner to the respondents regarding, no other family member from joint family shall apply for job, are annexed herewith as **Annexure P-8 and P-9** respectively.

**ii)** That Smt. Bharpai, grandmother of the petitioner has bequeathed her share in the name of her two sons viz. Ajad Singh (father of the petitioner) and Balwant Singh. It becomes evident from above that acquired share of petitioner’s father was more than 2 acres because share of the petitioner’s father in the acquired land was 15 Kanal 5 marla and her mother,s share of 15 K 5M was also acquired ,since she has transferred her ½ share to father of the petitioner so, share of petitioner’s father in acquired land comes to be 15 K 5M + ½ ( 15K 5M) = 26K 6 M ( more than 3 acres).

Therefore it is crystal clear that after getting half share of his mother, acquired land of Azad Singh i.e. petitioner’s father is more than 3 acres , whereas, as per policy, it should not be less than 2 acres . So, petitioner’s case is covered under the policy ( Annexure P-1) and therefore, the impugned order is liable to be set-aside on this score alone.

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

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

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

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

“ Thus the ground of denying the benefit of the Scheme to the petitioner on the ground that only 6 kanal 11 marla of his land has been acquired, which is less than 2 acres cannot be sustained.” A copy of order dated 26.11.2015 passed by this Hon,ble Court is attached herewith as **Annexure P-10.** Where as, in the case of the petitioner, total land measuring 61 kanal i.e. 7 acres was acquired of the family of the petitioner instead of 15 kanal 5 marla which is acquired individually of the members of petitioner’s family. Therefore, the impugned order is liable to be set-aside on this score also.

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

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

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

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

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

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

PRAYER

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

1. a writ in nature of Certiorari for quashing the impugned order dated 30.12.2016 **(Annexure P-7)** passed by the Respondent no.2 being contrary to the policy and facts further writ in the nature of Mandamus be issued, directing the respondents to issue assurance/appointment letter to the petitioner for the post, according to his education qualification , in terms of the policy decision (Annexure –P-1) .

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

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

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

CHANDIGARH Through: PETITIONER

DATED: .5.**2017 (SURESH AHLAWAT)**

**ADVOCATE**

**Counsel for the petitioners.**

*VERIFICATION*

Verified that the contents of Para No. 1 to 8 and 10 to 11 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 9 are believed to be true on the advice received from the learned Counsel. No part of it is false and nothing has been kept concealed therefrom.

CHANDIGARH PETITIONER

DATED:- .5.2017

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2017

Yogesh (minor) through his father Azad Singh

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

Versus

Haryana Power Generation Corporation and other -------Respondents

Affidavit of Ajad Singh s/o Late Sh. Ram Chander resident of Vill. Mohanbari Distt. Jhajjar

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

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

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

CHANDIGARH

DATED . .2017

*VERIFICATION*

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

CHANDIGARH Dated :- .2017

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

Below mentioned land is to be acquired for the public purpose of Electricity Department vide Haryana Govt. Gajjatt Notification no. 20/11/2006-5 Electricity dt. 12.4.2007. Therefore, the interested persons are being informed through this notice that in respect to their claim, they may appear in Mini Sect. Jhajar on 7.5.2007 at 10 a.m.in person or through their agent with regard to compensation or any other claim or objection . On the same day the award will be announced and compensation will be given.

**Sr. no. 628/LAC dated 20.4.2007 Vill. Mohanbari Tehsil Matanhale Distt. Jhajar.**

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

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

**72 min** Randhir s/o Jug Lal s/o Shalnga

1/3 share and Smt. Ram Kaur wd.

And Smt. Bhatari, Guddi daughter

And Jogender s/o Kali Ram s/o Jug Lal

1/3 share **Smt. Bharpai wd. and Smt. Guddi**

**daughter and Balwant, Azad sons of Ram Chander**

son Jug Lal all for in 1/3 equal share residents of the village.

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|  |

**Distt. Revenue Officer**

**cum- Land Acquisition Collector, Jhajar**

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

below mentioned land is to be acquired for the public purpose of Electricity Department vide Haryana Govt. Gajjatt Notification no. 20/11/2006-5 Electricity dt. 12.4.2007. Therefore, the interested persons are being informed through this notice that in respect to their claim they may appear in Mini Sect. Jhajar on 7.5.2007 at 10 a.m.in person or through their agent with regard to compensation or any other claim or objection . On the same day the award will be announced and compensation will be given.

**Sr. no. 629/LAC dated 20.4.2007 Vill. Mohanbari Tehsil Matanhale Distt. Jhajar.**

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

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

**73 min**  Smt. Ram Kaur wd.

And Smt. Bhatari- Guddi

Daughter And Jogender s/o Kali Ram

s/o Jug Lal 1/3 share **Smt. Bharpai**

**wd. and Smt. Guddi daughter**

**and Balwant, Azad sons of Ram Chander**

son Jug Lal all for in 1/3 equal share

Daya Ram s/o Sh.Kurla 1/3 shere , residents of the village. .

|  |
| --- |
|  |

**Distt. Revenue Officer**

**cum- Land Acquisition Collector, Jhajar**

To

The Dy. Commissioner

Jhajjar

Subject:- Application for providing government job, in lieu of land acquired in NTPC Jharli.

SIR

I (Azad Singh) am permanent resident of village Mohanbari Tehsil Matanhale Distt. Jhajjar. My land has been acquired in 2007 for NTPC Jharli. My land near about measuring 15 Kanal 5 Marlas has been acquired for NTPC Jharli. My mother Smt. Bharpai wife of Sh. Ram Chander transferred her ½ share each to me and my brother from the 15 kanal 5 marla ,than my share in acquired land comes more than 2 acre. On dated 3.3.2014 a program/function was conducted by yours for distribution/issuance of employment letter , than no name of my family member was announced .

So, it is humble request that to provide employment to one member of my family according to Haryana Govt. policy. I obliged.

Azad Singh

Applicant

Azad Singh s/o Sh. Ram Chander resident of village Mohanbari Tehsil Matanhale Distt. Jhhajjar.

Dated-----

Place: Jhajjar

DDPO

Sd. -----

Deputy Commissioner.

AFFIDAVIT

I, Bharpai wd/o Sh Ram Chander resident of Mohanbari Tehsil Matanhale Distt. Jhajjar do hereby solemnly affirm and declare on oath as under: -

* 1. That I am permanent resident of above mentioned address after marriage.
  2. That I have the land in village Mohanbari Tehsil Matanhale Distt. Jhajjar ,total area measuring 15 kanal 5 marla which has been acquired for NTPC Jharli.
  3. That I have two legal heirs Azad and Balwant Singh s/o Sh. Ram Chander.
  4. That the amount of royalty which is being given to me by the NTPC Jharli ,the same I have transferred in the name of my above two legal hairs, who are serving me in every like manner such as bread, clothing and house etc. I have transferred the said amount in the half share each in favour of the above my two hairs.
  5. That except above land , the acquired land is more than two acre of each of my sons therefore, I and any of my family member have no objection in case of, any employment is given to my above two sons.

Deponent

Verified that above mentioned facts are true and correct.

Deponent

Government of Haryana

D-3

Rashan Card

(Only for Food Articles)

1. Area of distribution -------------- Mohanbari
2. Rashan Card No. -------------- 086820
3. Name of Head of Family-------- Ajad Singh
4. Name of Mother/Father--------- RamChander
5. Name of Wife/Husband----------
6. LPG Gas Cosumer no.--------------

7.----------------------

8. House no. -------------------- 159

Village & Post Office----------- Mohan bari

9.--------------------------

**10. No. of Family members Adults children Total**

**6 4 2 6**

-------------- with Photo----------------

Signature of Card holder Signature with seal of Distributer officer

Dated:- 29.5.2009

( To be filled up by Depot Holder)

Name of Depot------------ Authority No.------------Registration No.

Signature with seal of Depot Holder

**Particulars of members of Family**

Sr. No. Name Age relation with head of family

1 Ajad Singh 30 self

2 Bharpai 50 mother

3 Sunita 28 wife

1. Balwant 24 brother
2. Jayoti 10 daughter
3. Yogesh 6 son

Total members 6

Sd-------

Signature with Seal of Distributer Officer

29.5.2009

Application Form Bio-Data

To

D.C.

Distt. Jhajjar

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

Respected Sir,

Respectfully it is submitted that from……….

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

My academic qualification and other particulars the same as under –

Name ------------ Yogesh

Father/husband name ------ Sh. Azad Singh

Date of birth-------- 20.4.2000

Permanent Address Vill . Mohanbari , PO Jhansaswa kalan

Tehsil—Matanhail Distt. Jhajjar

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

**Education Qualification s**

Exam - Year - Board/Uni - Marks - Total - Division

Passed passing obtained marks class

9th class study going on w.e.f. Apr.-20014

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

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

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

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

Other activities

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

utmost to prove worthy of your selection.

Thanking you in anticipation

Dated -------- Signature---- Yogesh

Sir

It certified that the land in the name of applicant’s father measuring **15 kanal-5 marla** has been acquired in NTPC Jharli.

Sd- (Patwari)

Sd— 12.8.2014

Tehsildar ( Jhajjar)

Affidavit

I, Azad Singh son of Sh. Ram Chander Singh resident of village Mohanbari Tehsil Matenhale Distt. Jhajjar do hereby solemnly affirm and declare on oath as under: -

1. That I am resident of above mentioned address.
2. That my land which is situated in village Mohanbari Distt. Jhajjar ,which has come in Indra Gandhi Super Thermal Power Plant .
3. That as per policy of Haryana Government, the land of farmers has come in thermal , then one member of his family is to be given employment.
4. That I am stated that I have one son and one girl.
5. That now , I am moving an application for job in thermal plant for one of my family member namely my son Yogesh.
6. That I and any other of family member have not any objection in giving the employment to my above son.
7. That apart from my above son , if any member of my family applies for employment or raises any objection , then I my self will be responsible for that .
8. That above statement I have made without any pressure and at my own wish.

DEPONENT

Verification:- verified that above mentioned paras are true according to my knowledge.

DEPONENT

Attested

THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P. No. OF 2017

Yogesh (minor) through his father Sh Ajad Singh ….. ….Petitioner

Versus

Haryana Power Generation Corporation and other.------Respondents

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***NOTES:-***

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

2. *Relevant Acts and Statutes.* Constitution of India.

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

4. *Similar Case, if any* .**Controversy in the present writ petition is squarely covered by the decision of this Hon,ble Court titled as Dharmender Singh v/s State of Haryana in CWP no.6505 of 2013 decided on dated 26Nov. 2015.**

**Similar is the controversy in the present case.**

**CHANDIGARH ( SURESH AHLAWAT )**

**DATED : .5.2017 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

LIST OF EVENTS

That State Govt. of Haryana vide Notification dated 20.11.2006 under Section 4 of the Land Acquisition Act.1894 , acquired more than 2000 acres of the agriculture land of four villages in District Jhajjar for the public purpose for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( I.G.S.T.P.P) in village Jharli District Jhajjar and for this purpose , a special policy was framed for this project that one member each of the family whose land has been acquired subject to a minimum of 2 acres shall be given employment against class -III and VI as per the qualification possessed by the member of land oustees family (P-1)

It is pertinent to mention here that 61 Kanal (more than 7 acres) agriculture land of the family of the petitioner has been acquired in the thermal plant .

That in pursuance to the policy (Ann.-P-1) , from the month of Sep/Oct. -2013-14 , process of collecting the application , for the employment of the eligible candidates of the family of the land oustees was started village-wise by the revenue authorities .

On 3.3.2014 a program/function was conducted in the petitioner’s village by the respondents for distribution/issuance of employment letter to the members of land oustees family. The name of the petitioner’s family was not announced for issuing appointment latter, then official of the respondents replied that your’s family case regarding providing the employment in lieu of acquired land is under consideration before the higher authority along with some other cases then you will wait some time. Then after waiting some time members of the family of the petitioner met Deputy Commissioner and represent continuously to the respondents.

*Finally the father of the petitioner sent a legal notice through counsel vide notice dated 24.9.2016 to the respondents that acquired land of petitioner’s family is more than 7 acre ultimately respondents rejected the claim of the petitioner vide order dated 30.12.2016 stated that” claim of your client is considered by the competent authority and not found feasible for acceptance as your client’s acquired land is less than 2 acres”. (P-4)*

*The present writ petition is being filed on various grounds mentioned in para no. 8 of the writ petition .*

**CHANDIGARH ( SURESH AHLAWAT )**

**DATED : .5.2017 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**FIRST INFORMATION REPORT**

( UNDER SECTION 154 CR.P.C.)

1. **District : GURGAON P.S. SECTOR-5 Year: 2016**

FIR No.: 295 Dated: 13/05/2016

1. **Sr. No. Acts Sections**
2. IPC 1860 279
3. IPC 1860 337
4. IPC 1860 338

3. **Occurrence of offence:**

1. Day : MONDAY Date from:09/05/2016 Date To 9/5/2016

Time Period Time From 14:30 Time To 14.40 hrs

Pahar 5

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

13/05/2016 14:40 hrs

1. General Dairy Reference: Entry No.39 Time20:00hrs

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

SOUTH.1.3Km

1. Address: SEC.7 GURGAON
2. In case, outside the limit of this Police Station ,Then Name of P.S.

District (State)

1. **Complainant/informant :**
2. Name: NEETU
3. Father, s Name : PANKJ JUNEJA
4. Date/Year of Birth d) Nationality: INDIA

e)UID No.:

1. F) Passport No.

Date of Issue : Place of Issue:

g) Occupation:

h) Address:

Sr. No. Address Type Address

1. Present Address 1036/29 Krishana Colony

Sector-5,Gurgaon 1036/29 Krishana Colony

2. Permanent Address Sector-5,Gurgaon

i) Phone No,:

1. **Details of known/suspected/ unknown accused with full particulars:**

Sr. No. Name Alias Relative’s Name

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

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

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

S.No. U.D. Number

**12. First Information contents:**

**TO**

**INCHARGE, POLICE POST**

**SECTOR 4/7 GURGAON**

**SIR**

It is requested that I ( Neetu w/o Sh. Pankaj Juneja) am resident of 1036/29 Krishana Colony Gurgaon . My daughter Jiya who studies in Third Class, Section –B in RYAN INTERNATIONAL SCHOOL SECTOR-31 GURGAON, on 9.5.2016 at about 2.30 p.m. came my house from route no. 16 and I , Neetu ( mother of girl ) was standing on the stop for picking her , on which school bus used to come daily to pick- up my girl but on 9.5.2016 said vehicle come from opposite side instead of right side and there was no attendant on the said bus neither morning nor at moon. Driver of bus did not know about the bus stop of the Jiya being new and he proceed further from the stop perhaps he may have stopped the bus on the asking of Jiya , he dropped my daughter on the road without any attendant and when child started to cross the road than a vehicle came from high speed , hit my daughter , who is driving the vehicle rashly and negligently manner and upon which my daughter became un conscience as she fell down . The vehicle which hit my child was of white colour as it seen by me. I picked up my child with the help of public and took her in the Aryan Hospital. After getting the first-aid, my family members took her in Medanta Hospital Gorgaon .This accident occurred due to the negligence and carelessness of the driver of the bus, route no. 16 of Rayan International School and unknown vehicle . This vehicle may be searched and legal action would be taken against this vehicle and legal action would also be taken against the school bus but we already given a written application to you for taking time for recording the statement and again I also given a Witten application to you and legal action would be taken against these persons. Sd-

Neetu

**13/5/2016**

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

1) Registered the case and took up the investigation:

2) Directed ( Name of I.O.) Sanjay Kumar Rank: Head Constable

No. 34 GGN to take up the investigation or

3) Refused investigation due to or

4) Transferred to P.S. District:

On point of jurisdiction

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

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

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

Impression of the Station

Complainant/informant Name: Slailender Singh

Rank: Inspector

No. PInsp

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

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

**CRM-M- no. OF 2017**

**MEMO OF PARTIES**

Vinod aged 45 years son of Sh. Bharat Singh, resident of village and post office Carterpuri, Tehsil and District Gurugram.

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

VERSUS

1.State of Haryana

2.Neetu w/o Pankaj Juneja resident of house no. 1036/29 Krishna ColonyGurugram.

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

Chandigarh                           (SURESH AHLAWAT)

10.12.2017                               Advocate

Counsel for Petitioner

Petition under section 482 of Cr.P.C for quashing/setting -aside impugned order dated 11.7.2017 (Annexure P-3) qua to the petitioner passed by the Ld. JMIC Gurugram vide which, the petitioner has been charge sheeted under Section 304-A of IPC ( in the case FIR No.295 dated 13.5.2016 under Sections 279,337and 338 of I.P.C.1860, P.S.Sector-5 Gurgaon, later on section 304-A of IPC was added) and impugned order dated 3.11.2017 (Annexure P-4) passed by the Ld. ASJ Gurugram vide which, revision petition of the petitioner has been erroneously dismissed.

And further prayer, the charge sheet dated 11.7.2017 Annexure (P-2) may kindly be set-aside/quashed qua the petitioner and petitioner be discharged against the charge i.e 304 –A of IPC framed against him, in the interest of justice.

**RESPECTFULLY SHOWTH:**

1. That the petitioner is peace loving citizen of this country and is resident of State of Haryana and is thus competent to invoke the extra ordinary jurisdiction of this Hon,ble Court under Section 482 Cr. P. C. for redressal of his grievances.
2. That sum and substance of the prosecution case as reflected in charge sheet/FIR, is that complainant moved an application in the police station with the allegations that the accused person Vinod who was driving the bus on that fateful day was new on that route and did not know about the stop of the deceased Jiya perhaps, the accused stopped the bus on Jiya,s ( deceased ) request , a little ahead of the stop. There was no attendant in the bus , in morning and afternoon time. Without the attendant they alighted the Jiya on road and while crossing the road a fast speed white car which was being driven rashly and negligently hit the baby Jiya. The bus driver and the unknown vehicle are responsible of the accident. A true translated copy of FIR dated 13.5.2016 is attached herewith as **Annexure P-1.** It is pertinent to mention here that Smt. Sushma was deputed as attendant in the school bus, she is also facing trial .
3. That the impugned orders are liable to be set aside as the same are based upon conjectures and surmises, against the law and the contents of the report under section 173 Cr.P.C.
4. That charge was framed against the petitioner (driver ) and Sushma (school bus attendant) in the above cited case under section 304-A of IPC vide order 11.7.2017 by the Ld. JMIC Gurugram .A true copy of charge framed against the petitioner and in this regard order passed by Ld. JMIC Gurugram are attached herewith as **Annexure P-2 and P-3** respectively .Than petitioner filled revision petition against the order dated 11.7.2017 before the Ld. Additional Session Judge Gurugram . However the Ld. ASJ dismissed the revision petition filled by the petitioner. A certified copy of order dated 3.11.2017 is attached herewith **as Annexure P-4.**
5. That the petitioner is a driver of the school bus. The child was alighted on the bus and has met with the accident with other vehicle . The job of handling the children and alighted the children of the school bus is of the attendant, is not of the driver . Petitioner being driver has to follow the instructions of the bus attendant regarding stopping of the bus or moving of the bus.
6. That the deceased Jiya daughter of the complainant was successfully alighted from the school bus and while trying to cross the road, child has to be taken care by the attendant of the school bus till the child reached to the destination or join the company of the person available of receiving the child on the stop.
7. That in such circumstances petitioner being a driver cannot be held responsible for negligence or the offence having being charge sheeted, the ingredients of the offence under section 304-A of IPC is not made out against the petitioner specially in the above facts and circumstances as well as when the petitioner has been discharged from offence under sections 279,337and 338 of IPC .
8. That from the bare reading of the contents of the FIR , no offence is made out against the present petitioner . The complainant has not made any allegation against the petitioner .
9. That the law of land is that there must be a prima facie case against the accused to frame charge but there is no prime facie evidence against the accused and he must be discharged under section 239 of Cr.P.C.
10. That the accident was caused while crossing the road by the high speeding white colour vehicle due to the rashness and negligent at the part of unknown vehicle.
11. That no such or similar petition has earlier been filled on behalf of the petitioner in this Hon,ble or in the Hon,ble Supreme Court of India as per instructions supplied to the counsel.

It is, therefore respectfully prayed that the present petition may kindly be accepted and impugned order dated 11.7.2017 (Annexure P-3) passed by the Ld. JMIC Gurugram vide which, the petitioner has been charge sheeted under Section 304-A of IPC ( in the case FIR No.295 dated 13.5.2016 under Sections 279,337and 338 of I.P.C.1860, P.S.Sector-5 Gurgaon, later on section 304-A of IPC was added) and impugned order dated 3.11.2017 (Annexure P-4) passed by the Ld. ASJ Gurugram vide which, revision petition of the petitioner has been erroneously dismissed, be set-aside/quashed, qua the petitioner in the interest of justice .

And further prayer, the charge sheet dated 11.7.2017 Annexure (P-2) may kindly be set-aside/quashed qua the petitioner and petitioner be discharged against the charge u/s 304 –A of IPC framed against him, in the interest of justice.

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

It is further prayed that petitioner may kindly be exempt from filing the certified/true typed copies of annexures in the interest of justice.

Chandigarh                            (SURESH AHLAWA

10.12.2017                               Advocate

Counsel for Petitioner

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

**CRM-M- no. OF 2017**

Vinod - ----------------- Petitioner

VERSUS

State of Haryana and another ------------ Respondents

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Similar case if any : No

Chandigarh                        (SURESH AHLAWAT)

Dated.10.12.2017                              Advocate

Counsel for Petitioner

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- no. OF 2017

Vinodand ----------------- Petitioner

VERSUS

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

Short affidavit of Vinod son of Sh. Bharat Singh, resident of village and post office Carterpuri, Tehsil and District Gurugram.

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 Hon.ble Supreme Court.*

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 COURT OF SUKHDEV SINGH,JUDICIAL MAGISTRATE 1ST CLASS GURUGRAM

CHARGE SHEET

State V/S Vinod etc.

I Sukhdev Singh .JMIC ,Gurugram , do hereby charge you, accused Sushma w/o Jitender Singh, r/o 550B Shivpuri Gurugram 2. Vinod Singh s/o Bharat Singh r/o Karterpuri, P.S. Palam Vihar, Gurugram , charge-sheet:

That on 9.5.2016 in the area of PS Sector-5, Gurugram , you the above named accused, caused death of complaiant,s daughter Jiya by doing a rash or negligent act not amounting to culpable homicide, and that you thereby committed an offence punishable under Section 304-A of IPC and within cognizance of this court.

And I hereby direct that you be tried on the said charge by this court.

( Sukhdev Singh)

JMIC/GGM, UID no.HrO418

11.7.2017

It is certified that the contents of above said charge have been read over and explained to the accused in simple Hindi.

( Sukhdev Singh)

JMIC/GGM, UID no.HrO418

11.7.2017

State v/s Sushma/Vinod

Statement of accused Vinod Singh s/o Bharat Singh r/o Karterpuri, P.S. Palam Vihar, Gurugram.

Qus. Have you heard understood the contents of charge sheet ?

Ans. Yes Sir.

Qus. Do you plead guilty or not ?

Ans. No, I do not plead guilty.

RO & AC ( Sukhdev Singh)

Vinod JMIC

11.7.2017

Statement of accused Sushma w/o Jitender Singh, r/o 550-B Shivpuri, Gurugram

Qus. Have you heard understood the contents of charge sheet ?

Ans. Yes Sir.

Qus. Do you plead guilty or not ?

Ans. No, I do not plead guilty.

RO & AC ( Sukhdev Singh)

JMIC

11.7.2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. of 2018

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

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

VERSUS

* 1. Haryana State Federation of Co-Operative SugaMills Ltd. through its Managing Director , Base no. 49-50 Sector-2 Panchkula.
  2. The Chairman cum Deputy Commisioner, Jind
  3. Managing Director, The Jind Cooperative Sugar Mill Ltd. Narwana Road Jind
  4. Ravinder Kumar s/o Sh. Rajender Singh H.No. 953/B, Shri Nagar Colony, Rohtak.

------------------------ Respodents

Place: Chandigarh SURESH AHLAWAT

Dated: 1.2018 Advocate

Counsel for the Petitioner

Civil Writ Petition under Article 226/227 of the Constitution of India for the issuance of an appropriate writ in the nature of Certiorari for quashing/setting aside the selection /appointment of respondent no. 4 done by the oficial respondents vide the impugned slection/result dated 24.10.2017 (Annexure P-4) for the one post of Asstt. Security Officer vide Advertisment dated 11.5.2017 ( Annexure P-1) in general catgary of Ex-service man being ellegal,arbitrary,malafide and contrary to rule of recruitment/advertisement as he is only Sepoy from Indian Army where as requerment of rule /advertisement is Havaldar which is evident from Annexure P-5 .

Further a writ of Mandamus directing to respondents to Re- intriew the candidats again from the eligible candidates and made slection accordingly.

AND in the alternative, VIVA VICE marks be excluded and than slecction be made accordiglly.

RESPECRFULLY SHOWETH:-

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

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

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Pradeep Ghalawat ( aged about 29 years) s/o Sh. Jai Bhagwan resident of Vill. Khanpur- Khurd, Tehsil Matanhale, Dsitt. Jhajjar. --------------------- Petitioner

Versus

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

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

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

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2018 Advocate

Counsel for the Petitioner

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

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

*RESPECTFULLY SHOWETH*

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

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

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

As such 36 kanal 11 marla (more than 4 acres) agriculture land ( ancestral) of the family of the petitioner has been acquired in the thermal plant . A copy of notice dated 25.6.2007 under section 9 of the Land Acquisition Act-1894, regarding land acquired (36K-11M) issued to the family of the petitioner is being attached herewith as **Annexure P-2**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYER

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

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

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

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

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

CHANDIGARH Through:

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

**ADVOCATE**

**Counsel for the petitioner.**

*VERIFICATION*

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

CHANDIGARH

DATED:- 10 .1.2018

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

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

Versus

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

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*NOTES:- Rs.70/-*

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

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

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

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

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 10.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

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

Versus

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

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

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

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

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

CHANDIGARH

DATED . 1.2018

*VERIFICATION*

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

CHANDIGARH Dated :- .2018

Affidavit

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

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

Deponent

Verification: verified that above stated facts true and correct.

Deponent

Affidavit

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

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

Deponents

Verification: verified that above stated facts true and correct.

Deponents

To

Deputy Commissioner

Jhajjar

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

Sir

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

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

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

Applicant

Pradeep Ghalawat s/o Sh. Jai Bhagwan

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

DA 11601-RKE

13.12.2017

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

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

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

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

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

**90 Attar Singh-JaiBhagwan**

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

**s/o Sukh Ram**

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

|  |
| --- |
|  |

**Distt. Revenue Officer**

**cum- Land Acquisition Collector, Jhajar**

**Application Form Bio-Data**

To

Indira Gandhi Super Thermal Power Project

Corporation, Jharli.

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

Respected Sir,

Respectfully it is submitted that from……….

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

My academic qualification and other particulars the same as under –

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

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

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

Permanent Address Vill . Khanpur-Khurd

Tehsil—Matanhail Distt. Jhajjar

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

Education Qualification

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

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

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

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

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

Other activities

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

utmost to prove worthy of your selection.

Thanking you in anticipation

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

Sir

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

Sd- Sd- (Patwari)

Tehsildar, Matanhail 5.12.2017

Sr. No. 427 Dated 11.12.2017

**List of Events**

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

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

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

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

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

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

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

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

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

**Hence, this writ petition.**

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2018 Advocate

Counsel for the Petitioner

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

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

Versus

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

Total Court Fee

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2018 Advocate

Counsel for the Petitioner

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

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

Versus

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

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*Rs.70/-*

Note:-

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

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

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

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

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 10.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

**SURESH AHLAWAT, ADVOCATE**

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

**# 413 Sector-11, Panchkula**

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

**TO**

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

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

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

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

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

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

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

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

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

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

SURESH AHLAWAT

ADVOCATE

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

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

Versus

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

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

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

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2018 Advocate

Counsel for the Petitioner

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

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

*RESPECTFULLY SHOWETH*

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

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

It is pertinent to mention here that one earlier policy dated 19.7.2011 issued by Govt. of Haryana, Power Department regarding to provide the employment in lieu of land acquired in Tharmal Power Plant Kheder (Hissar) was adopted in that policy. . A copy of special policy dated 13.1.2014 is being attached herewith as **ANNEXURE P-1.**

As such 17 kanal 4 marla (i.e.more than 2 acres) agriculture land ( ancestral) of the family of the petitioner in the name of his father Late Sh. Hoshiyar Singh (since decasead) and his real uncle late Sh. Umed Singh (since decesead)sons of Jia Ram has been acquired in the thermal plant . A copy of notice dated 25.6.2007 under section 9 of the Land Acquisition Act-1894, regarding land acquired (17K-4M) issued to the family of the petitioner is being attached herewith as **Annexure P-2 (Colly)**

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

It is pertinent to mention here that when the father of the petiiotnr submitted his application for provideng the job, than his father Late Sh. Hoshiyar Singh and his aunt Bimla devi wd/Late Sh. Umed Singh, whose name land was acquired submitted his/her affidavit dated 6.6.2014 and nominated his candidature for employment in liew of land acquired that no other family member from joint family shall apply for job. True translated Copies of said affidavits are annexed here with as **Annexure P-3 (Colly)**

**4.** That after some time i.e. in the month of July-2014 father of the petitioner along with other members of land oustees again submitted an application for his son (Deepak) in the office of the Deputy Commissioner Jhajjar who was/is the chairman of land oustees committee after taking consent of other members. **5.** That the four villages, whose land has been acquired, in most of cases the appointment letters have been issued and govt. jobs have been provided, but no appointment/assurance letter to the petitioner has been received so far. Even on visiting in the office repeatedly, it is verbally told by the official of the Nigam that land acquired in the name of yours father ,is less than 2 acres ,therefore, employment cannot be granted.

**6.** That some similar situated persons who have applied along with petitioner in the month of July 2014 have been given the employment by the respondents in the month July- 2017 but in the case of the petitioner nothing has been done. In month of November /Decmber-2017 when the other similar situated persons were submitting the application for employment than petitioner also on 13.12.2017 again submitted the application along with requisite documents in the office of the Deputy Commissioner, Jhajjar. This application was indorsed by the Naib Tehsildar , Matanhail who certified that 17 kanal 4 marla of the two brothers i.e Hoshiyar Singh and Umed Singh had been acquired for the NTPC power plant . The true translated copy of application dated 13.12.2017 and bio-data of the petitioner are attached herewith as **Annexure P- 4.** (Colly) Copies of affidavit dated 7.11.2017 submitted by the Ashok brother of petitioner,s father and other affidavits dated 17.11.2017 of other family members (i.e Ajit and Surjit sons of Late Sh. Umed Singh) of the petitioner regarding this, that no other family member shall not have any objection if empoloment is given to Deepak from joint family, are annexed herewith as **Annexure P-5 (colly)**  and at present, age of the petitioner is of about 17 years and he had passed metric class and more than 2 acres of his family’s land has been acquired for thermal power plant, but up till now, he has got no appointment letter from respondents .

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

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

**9.** That petitioner’s grandfather Sh Jiya Ram had died leaving behind his two sons i.e Hoshiyar Singh and Umed Singh, further after death of Hoshiyar Singh in the month Sep.2014, he left his three LR,s i.e two sons i)Krishan (father of the petitioner) ii) Ashok and one daughter iii) Suresh Devi, and after the death of Umed Singh , he left his two LR,s i.e. Ajit Singh and Surjit Singh and total land acquired of petitioner’s joint family for the thermal power plant 17 kanal 4 marlas i.e. more than 2 acres instead of 8 kanal 4 marla which is acquired individually share in name of the member of the petitioner’s family i.e Hoshiyar Singh and Umed Singh . In this way, when the land was acquired ,the land was joint (khata) in the name of members of family of petitioner being co-sharer and family of petitioner as it stood on the date, the land was acquired and every member of petitioner’s joint family had given their consent for considering the case of petitioner who had applied for job and it was resolved that no other family member from joint family shall apply for job and relinquish their claim in favour of petitioner.

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

**11.** That after waiting for some time and not receiving the response of the respondents, petitioner has been repeatedly requesting the respondents to consider his candidature for employment, as more than 200 similarly placed persons have been offered employment. *Petitioner sent a legal notice through counsel vide notice dated 24.11.2017 to the respondents which is attached here with as* ***Annexure P-7,*** *ultimately respondents rejected the claim of the petitioner vide order dated 12.12.2017 stated that” Therefore, you are hereby requested to withdraw legal notice as the name of your client , Karishan kumar s/o Sh.Hoshiyar Singh was not mentioned in the list forwarded by DC, Jhajjar on 2.8.2013 and this list stands freezed now”. A copy of impugned order dated 18.12.2017 is attached herewith as* ***Annexure P-8.***

**12.** That the impugned order dated 12.12.2017 **Annexure P-8** is illegal,discrimanatry, unjust, unwarranted, contrary to the policy, facts and law and deserve to be set-aside inter alia on the grounds mentioned herein below:-

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

**ii)** That in the month of December -2017 some similar situated members of land oustees family whose claim is not considered for employment earlier, respondents had given a last opportunity to remaining eligible land oustess and directed to them to contact Deputy Commissioner Jhajjar and submit the application form for employment the petitioner in the month of December 2017 submitted the application to the D.C. Jhajjar.

**iii)** That petitioner not at fault from the beginning because petitioner’s father submitted his application in 2013 but revenue authority i.e. Tehsildar/patwari did not accept his application by saying that yours share in acquired land is less than two acre where as land of the petitioner has been acquired more than 2 acre.

**iv)** That in the month of July -2014 when some similar situated persons were applying for the job than father of the petitioner also submitted the application for his son i.e. petitioner in the office of Deputy Commissioner Jhajjar Now respondent’s stand that policy has been freezed which is not correct.

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

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

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

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

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

“ Thus the ground of denying the benefit of the Scheme to the petitioner on the ground that only 6 kanal 11 marla of his land has been acquired, which is less than 2 acres cannot be sustained.” A copy of order dated 26.11.2015 passed by this Hon,ble Court is attached herewith as **Annexure P-9.** Where as, in the case of the petitioner, total land measuring 17 kanal 6 marlas i.e. more then two acres was acquired of the family of the petitioner instead of 8 kanal 7 marla which is acquired individually share of the members of petitioner’s family. Therefore, the impugned order is liable to be set-aside on this score also.

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

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

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

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

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

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

PRAYER

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

1. a writ in nature of Certiorari for quashing the impugned order dated 12.12.2017 **(Annexure P-8)** passed by the Respondent no.2 being contrary and discriminatory to the policy and facts.
2. AND further writ in the nature of Mandamus be issued, directing the respondents to issue assurance/appointment letter to the petitioner for the post, according his education qualification , in terms of the policy decision (land oustees) Annexure –P-1

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

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

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

CHANDIGARH Through:

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

**ADVOCATE**

**Counsel for the petitioner.**

*VERIFICATION*

Verified that the contents of Para No. 1 to 12 and 14 to 15 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 13 are believed to be true on the advice received from the learned Counsel. No part of it is false and nothing has been kept concealed therefrom.

CHANDIGARH

DATED:- 10 .1.2018

IN THE HIGH COURT FOR THE PANJAB AND HARYAN AT CHANDIGARH

C.W.P. No. of 2018

Deepak (minor) through his father Sh. Krishan

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

Versus

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

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

*NOTES:- Rs.70/-*

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

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

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

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

CHANDIGARH ( SURESH AHLAWAT )

DATED : . 10.1.2018 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

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

Versus

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

Affidavit of Krishna Kumar s/o Sh.Hoshiyar Singh resident of Vill. Khanpur-Khurd, Tehsil Matanhail Distt. Jhajjar.

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

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

2. That no such or similar petition has earlier been

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

CHANDIGARH

DATED . 1.2018

*VERIFICATION*

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

CHANDIGARH Dated :- .2018

Affidavit

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

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

Deponent

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

Deponent

Affidavit

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

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

Deponent

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

Deponent

Affidavit

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

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

Deponent

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

Deponent

To

Deputy Commissioner

Jhajjar

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

Sir

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

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

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

Applicant

Pradeep Ghalawat s/o Sh. Jai Bhagwan

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

DA 11601-RKE

13.12.2017

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

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

**Sr. no. 1011/LAC dated 25.6.2007 Vill. Khanpur-Khurd Tehsil Matanhale Distt. Jhajar.**

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

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

**115 Hoshiyar Singh-Umed Singh 65**

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

equal share residents of the village. 2

14 8-0

17 8-0

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

Kitta-3 **17-4**

|  |
| --- |
|  |

**Distt. Revenue Officer**

**cum- Land Acquisition Collector, Jhajar**

**Application Form Bio-Data**

To

Indira Gandhi Super Thermal Power Project, Jharli.

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

Respected Sir,

Respectfully it is submitted that from……….

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

My academic qualification and other particulars the same as under –

Name ------------Deepak

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

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

Permanent Address Vill . Khanpur-Khurd

Tehsil—Matanhail Distt. Jhajjar

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

Education Qualification

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Exam.Passed | Year of Passing | Board/Uni. | Marks obtained | %age of marks | Division/class |
| 10th | 2016 | CBSC | CGP | 8.8 CGP | 1st |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

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

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

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

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

Other activities

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

utmost to prove worthy of your selection.

Thanking you in anticipation

Dated -------- Signature---- Krishan Kumar

Sir

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

Sd**- Sd- (Patwari)**

**Sr. No. 428 Dated 11.12.2017**

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

Sd-

**Tehsildar**

**Matanhele**

**SURESH AHLAWAT, ADVOCATE**

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

**# 413 Sector -11, Panchkula**

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

**TO**

* 1. Chief Engineer ( Admn.) , Haryana Power Generation Corporation Ltd. Urja Bhawan Sector-6 Panchkula.
  2. Deputy Commissioner, Jhajjar.

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

Under the instructions from and on behalf of **Brij Mohan** s/o Sh. Rohtash s/o Sh. Mam Chand and **Shari Bhagwan** s/o Badri Narayan resident of Vill. Khanpur Khurd Tehsil Matanhail Distt. Jhajjar at present residing at Vill. Karola Tehsil Faruk Nagar Distt. Gurugram (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That land of the family of the above stated my clients was acquired in 2007 for setiing up thermal power olant-Jharli (Jhajjar). As such more than two acre land each of the my clients has been acquired. 26 kanal 5 marla land of the family of Brij Mohan and 28 kanal 5 marlas land of the family of Shari Bhagwan was acquired.
2. That as per the annoumcement by the Chief Minister on 7.10.2007 scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification.
3. That as per the land oustees policy both my clients submitted their application form for employment in the office of the Deputy Commissioner Jhajjar time and again but no response was recived . after some time my clients have also filled the applications under RTI but no status report was recived . Ultimately both my clients served the legal notice on 2.11.2017 same was replied by your office on 17.11.2017 that Deputy Commissioner –Jhajjar has not farwared your names .So, one more apportunity is given to the eligible candidates to contact the office of the Deputy Commissioner-Jhajjar and submitted their application form . This letter 17.11.2017 attached herewith.
4. That both my clients submitted their application forms longwith other relawant documents in the office of the Deputy Commisssioner –Jhajjar and D.C. Jhajjar farwarwed their applications to your office on 15.1.2018 but your office raised the objections on applications forms of my clients that documents are not complete and returned the same to the office of D.C.jhajjar and one cocy each of this sent to my clinets for information. Which is attachef herewith .
5. That both my clients again submitted their application form with proper documents desired by you in the office of the Deputy Commissioner –Jhajjar in the March-2018 .But till now no information has recived regarding their employment . When my clients contacted in this regard than office of the Deputy Commissioner –Jhajjar verbly informed that your application forms have been farwarved to HPGCL Panchkula. But office of the HPGCL Panchkula orly informed that yours application forms have not been farwared by the office of the Deputy Commissioner –Jhajjar.

So, you are requested to consider the claims of my clients for emolpment as per the land oustees policy

1. It is submitted that your good offices shall keep in view the latest decision of the Hon,ble Punjab and Haryana High Court given in the CWP No 526 of 2004 titled as Rajiv Alias Ruli Vs State of Haryana, the exact of which has been supplied by the Chief Secretary to Govt.of Haryana vide Memo no. 62/74/2004/6GSI dated 22.3.2004 to aIl the Heads of Department in Haryana for strict compliance . It has been stressed in the said judgment that legal Notices / notices of demand for justice must be promptly attended to and appropriate reply to the notice should be given within maximum period of **ONE MONTH** and accordingly request is being made for a prompt decision and appropriate response in the matter.

You are , therefore , requested through this Notice to consider the claim of my clients for emolpment as per the land oustees policy and

employment letter to my clients be also given , **with in a pried of one months** from the date of receipt of this notice. so that, thay may join the govt. service , failing which my clients will be left with no other alternative remedy except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for costs and litigation expenses . Please take this notice and ensure compliance.

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

SURESH AHLAWAT

ADVOCATE

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 Leks 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 lacs 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.

SURESH AHLAWAT # 413, SECTOR-11

ADVOCATE PANCHKULA

Pb& Har. HIGH COURT 134109

CHANDIGARH M.NO.94171-11917

CHAMBER NO.62

=====================================

1. Principal Controller of Defence Accounts ( Pension) Draupadi Ghat, Allahabad, U.P. 211014
2. The officer In-charge Records, The Mahar Regiment Records, Saugor (MP) , PIN- 900127, C/O 56 APO

**Legal Notice:-** Grant of Special Family Pension instead of ordinary family pension to Smt Kusum Lata wd/o late LN Rajvir Singh (No.4561244 PPO No. Final 1681/2003 Village Kalwan Tehsil Narwana Distt. Jind (Haryana) presently residing House no. 3192 Sector-11 Jind ( Haryana).

**SIR,**

Under the instruction and on behalf of my client namely Smt Kusum Lata wd/o late LN Rajvir Singh (No.4561244 PPO No. Final 1681/2003 Village Kalwan Tehsil Narwana Distt. Jind (Haryana) presently residing House no. 3192 Sector-11 Jind ( Haryana) I hereby serve upon following Legal Notice- cum- justice demand notice for your kind consideration and sympathetically action please:-

1. That the husband of my client namely late Sh. NK Rajvir Singh ( No.4561224) joined Indian Army on 24 April 1989 as Sepoyand served at different places and in different climatic conditions. When he was discharging official duly as LN, unfortunately died on 5th March-2003 in Jam Nagar (Gujarat) due to shock on account of electrocution. So his death is attributable and aggravated to military service.
2. That after death my client’s husband , your office started to grant the ordinary family pension to Smt, Kusum Lata where as she was entitled for special family pension w.e.f 6.3.2003 because death of my client ,s husband Late Sh. LN Rajvir Singh is attributable and aggravated to military service, during his discharging the official duty.
3. That as per pension regulation for Indian Army Anneure III to Appendix II:-

**Classification of Disease**

B. Disease Affected by Stress and Strain

12. Myocardial Infarction, and other forms of IHD.

4 That Sub Section-II Family Pension and Gratuity of the pension regulation of the Army reads as under:-

**“Sub section –II Family Pension and Gratuity, Special Family Pension”**

**213. A Special family pension may be granted to the family of an individual if his death was due to or hastened by:-**

**(a) A wound, injury or disease which was attributable to military service.**

**OR**

**(b) The aggravation by military service of a wound, injury or disease which existed before or arose during service.**

1. That in number of cases Hon’ble High Court as well as Hon’ble Supreme Court of India has held that death of the service personal during discharge of military service is attributable to Military Service . So, my client is entitled for Spacial Family pension instead of ordinary pension w.ef 6.3.2003 with interest for delayed payment.
2. That further it is pertinent to mention here that **Hon'ble Supreme Court** in case titled as **“K.T. Veerappa& Others Vs. State of Karnataka & Ors** reported as **2006 (2) RSJ 773** and another judgments of this Hon'ble High Court titled a **“Gandhi Ram (through his LRs) Vs. State of Haryana & another**” reported as **2007 (1) RSJ 413** held that once relief has been given to the similarly situated petitioners then the present petitioner is also entitled for the same.
3. That the action of your office is illegal, unlawful and against the principal of natural justice for not granting the family pension to my client.
4. In this way, That my client is entitled for Special Family pension w.e.f 6.3.2003 with interest @12% per annum for the delayed payment.

Under the peculiar facts and circumstances of the case stated above, I hereby call upon you to consider the genuine claim of my client to grant the Special Family Pension instead of ordinary pension to my client w.e.f. 6.3.2003 with interst@12 % for delayed payment within 30 days from the date of receipt of this notice failing which my client shall be constrained to move the Hon’ble Tribunal for initiating legal proceedings against you, for which you will be liable in all respect.

Note:- A copy of this legal notice has been retained in my office for record and further necessary action , if need be.

Dated:- SURESH AHLAWAT

ADVOCATE

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2018

Ms. Jyoti d/o Late Sh. Surender resident of House no. 543, near UCO Bank ,Julana Distt. Jind. --------------------- Petitioner

Versus

**1.** Financial Commissioner-cum- Principal Secretary to Government Haryana, Welfare of Scheduled Castes and Backward Classes Department of Haryana , New Secretariat Haryana, Sector 17 Chandigarh.

2. The Director-General, Welefare of Scheduled Castes and Backward Classes Department, Haryana, S.C.O. No. 42-44, Haryana, Sector 17-A Chandigarh.

3. Principal of MSM Institute of Ayurveda Sonipat.

4. Distt. Welfare Officer , Sonipat.

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

Chandigarh SURESH AHLAWAT

Dated: 10. 1.2019 Advocate

Counsel for the Petitioner

CIVIL WRIT PETITION under Article 226/227 of the Constitution of India for the issuance of a writ in nature of Mandamus be issued, directing the respondents to for grant of Post Matric Scholarship/stipend to SC/BC students for the year 2016-17 and 2017-2018. , in terms of the policy Annexure –P-1

*RESPECTFULLY SHOWETH*

**1.** That the petitioner is a resident of District Jind (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 Articles 226/227 of the Constitution of India by way of the present writ petition.

**2. That**  Govt. of Haryana formulated a scheme to provide the post matric scholarship to the students brlonging to the Scheduled cast family, whose income is less then Rs. two lakh per annum

**That** petitioner is the student of BAMS 3rd year in MSM Istitute of Ayurveda Sonipat .She had enrolled in the year 2015 and belongs to Scheduled Cast family (S.C.) .My client applied for the post matric scholarship scheme being a Scheduled Cast student according to policy of Har. Govt. But she got only one year scholarship i.e for the session 2015-16. But the your good office is not released for the two year i.e 2016-17 and 2017-18. My client through her college has already submitted representations and legal notice dated 16.7.2018 to BPS Mahilla Vishwavidyalaya Khanpur . But official of the university replied the said notice on 10.8.2018 that Scholarship form of Ms Jyoti d/o Sh. Surender for the session 2016-17 has been forwarded to DWO Sonipat vide letter no. BPSMV/17/696 dt. 10.4.2017(F/A) which is attached herewith . But your office has not released the post matric scholarship under the Govt. Scheme last two years.

2.**That** father of my client is a laborer his income is less than 88000/- per year .It is very hard for her/him to pay full college and hostel fees every year without getting any scholarship .