

Whose Applications Were Received Till 13.12.1991. Vs. Unknown

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Court : Punjab and Haryana

Decided On : Jul-22-2013

Appellant : Whose Applications Were Received Till 13.12.1991.

Respondent : Unknown

Judgement :

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

CWP No.8670 of 2013 Date of decision:

22. 7.2013 Mukesh .petitioner vs HPGCL and ors ..respondent Present Mr.Ravinder Hooda, Advocate.

M.M.S.BEDI,J.

The land of petitioner's mother Bala Devi was acquired in the year 1990 for setting up of Thermal Plant, Panipat.

A policy was laid down vide Notification dated 6.5.

1985 (Annexure P-1) for providing employment to the owners of the land, whose land stood acquired for Thermal/ Hydel projects.

The said Policy was withdrawn by the Haryana State Electricity Board (for short ' The Board.) on 11.1.1988.

The matter was again reconsidered by the Board and it was decided on 26.2.1992 and a Policy was formulated that the requests of the land owners for employment of their dependents, received upto to 13.12.1991, would be taken in to consideration for employment.

The owners/dependents possessing qualification of Matriculation would be considered and adjusted against the vacancies of Meter Readers and the persons, who were not Matriculate or illiterate, would be adjusted against daily wage posts.

It was also laid down in the Policy that an undertaking would be given that no other family member has obtained employment in the HSEB.

Accordingly, 19 eligible persons were given employment as Meter Readers and Daily WageRs.whose applications were received till 13.12.1991.

So far as the petitioner Mukesh is concerned, he had submitted his application in the year 2006 claiming that he was minor at the time of acquisition of land, as such, his claim should be considered.

In a Writ Petition and the Contempt Petition, a direction was given that the claim of the petitioner should be considered as early as possible within a period of three months w.e.f.21.1.2012.

The claim of the petitioner has been considered and rejected on the ground that the petitioner had not applied for employment on or before the cut off date i.e.13.12.1991 and that there was no provision in the Policy to keep reserve the post for providing employment for the minor till the date of majority.

Considering the claim of the petitioner as not maintainable, vide order dated 30.4.2012, the Chief Engineer rejected the claim of the petitioner.

Through the instant petition, the petitioner has challenged order dated 30.4.2012 (Annexure P-9) and seek a direction to the respondents to given employment to the petitioner.

I have considered the facts and circumstances of the case.

The employment sought for in the present case is not a public employment and the relief granted was in addition to the statutory benefits under the Land Acquisition Act.

In view of no enforceable statutory legal right available to the petitioner to invoke the provisions of Article 14 or 16 of the Constitution of India, I do not find any ground to interfere in the impugned order.

Besides this, this court is of the opinion that the appointment sought for is not a public appointment but was in the shape of additional bonus to the acquisition.

The writ petition is dismissed.

July 22 ,2013 (M.M.S.BEDI) TSM JUDGE

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