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

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CWP-6326-2025

Date of Decision :10.03.2025

Gaurav Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Kahlon, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner has not been granted the benefit of employment in pursuance to the Rehabilitation and Resettlement policy dated 18.11.1993 (Annexure P/1) (hereinafter referred to as '1993 Policy') issued by the Government of Punjab as, his land was acquired under the Heddle Channel Ranjit Sagar Dam project. Hence, it is the prayer of the petitioner that order No.8565-90 dated 19.11.2013 (Annexure P/3) vide which respondent No.3 has wrongly rejected the claim of the petitioner on the ground that he does not meet the criteria for employment as per the 1993 Policy made for the benefit of oustees of Dam be set aside, with a further prayer that petitioner be provided with employment as per the 1993 Policy (Annexure P/1).



2. Learned counsel for the petitioner submits that the petitioner earlier approached this Court by way of filing CWP-24855-2012 seeking the benefit of employment as per the 1993 Policy, which writ petition was disposed of by this Court with the direction to appropriate authorities to decide the claim of the petitioner.

3. Learned counsel for the petitioner further submits that the claim of the petitioner qua the employment was denied by the respondents vide order dated 19.11.2013 (Annexure P/3). Learned counsel for the petitioner submits that though, the petitioner should have approached this Court immediately after denial of his claim by the authorities concerned vide order dated 19.11.2013 (Annexure P/3) but as certain committees were formed for the Dam oustees for considering their claim by the respondents, the petitioner had approached the Deputy Commissioner, who eventually decided not to interfere with speaking order passed by authority concerned, which order was passed on the direction of this Court hence, the present petition has been filed by the petitioner.

4. Learned counsel for the petitioner further submits that the claim of the petitioner is covered by the policy dated 18.11.1993 (Annexure P/1) issued by the Government of Punjab as more than 75% of his land has been acquired by the Government hence, the respondents are bound to grant the benefit of employment to the petitioner.

5. On being asked, as to why the petitioner did not challenge the order dated 19.11.2013 (Annexure P/3) for a period of 12 years, learned counsel for the petitioner submits that as an assurance was given to him that remedial action will be taken despite passing of the impugned order



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19.11.2013 (Annexure P/3), the petitioner therefore, did not approach this Court.

6. On being pointed out that the even the said remedial action was declined to be taken in the year 2020, present petition has been filed after a period of 05 years, learned counsel for the petitioner has not been able to give any explanation.

7. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

8. Land of the petitioner was acquired in the year 1993. Approximately 32 years have passed since the acquisition of land. The petitioner is claiming appointment after a period of 32 years despite the fact that the rejection of his claim was done more than 12 years ago.

9. As per the settled principle of law settled by the Hon'ble Supreme Court of India in *Civil Appeals No.1852-1989 & No.4772-1989 titled as, State of Punjab and others vs. Gurdev Singh and Ashok Kumar, decided on 21.08.1991*, wherein, it has been held that even the void orders are to be challenged within a period of three years. Though, it may be noticed that in filing the writ petition, there is no prescribed limitation period but the delayed actions to challenge the impugned order, which has attained finality cannot be reopened only on the asking of the petitioner as and when he deems fit, especially, when the claim raised is qua the concession offered.

10. Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

March 10, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No