

2025:PHHC:058726-DB



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

Date of decision: 03.05.2025

1. LPA-319-2023 (O&M)

JAIMAL SINGH

.....Appellant

Versus

STATE OF PUNJAB & ORS

.....Respondents

2. LPA-320-2023 (O&M)

ADITYA SHARMA

.....Appellant

Versus

STATE OF PUNJAB & ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Rahul Dev Singh, Advocate for the appellants.

Ms. Arundhati Kulshreshtha, AAG Punjab.

SUDHIR SINGH, J.

CM-923 & 926-LPA-2023

For the reasons given in the applications, the same are allowed. Delay of 33 days in filing the appeals is condoned.

Main Case

This order shall dispose of the above noted two appeals arising out of a common order dated 13.01.2023, passed by the

learned Single Judge, whereby the writ petitions filed by the appellants were dismissed.

2. Before the learned Single Judge, the appellants had sought employment under the Rehabilitation and Resettlement Scheme dated 18.11.1993. It was the case of the appellants that on account of the compulsory acquisition of their land in the year 1990, they were entitled to the employment under the aforesaid scheme. The counsel appearing for the appellants argued before the learned Single Judge, that it was the respondent-Authorities, who had delayed the appointment and failed to implement the scheme and, thus, the delay and laches would not come in their way. However, as noticed above, the said plea did not find any favour with the learned Single Judge.

3. Learned counsel for the appellants has vehemently argued that the appellants were entitled to the employment in view of the decision of this Court in the year 2013, and, therefore, the finding of the learned Single Judge that after the passage of nearly 30 years, the entire object of the scheme ceased to exist, is not tenable in the eyes of law. It is further argued that similarly situated persons have been offered/given employment, whereas the said benefit was denied to the appellants.

4. On the other hand, learned counsel for the respondent-authorities, submits that the appellants did not supply the mandatory documents as were required under the scheme and, therefore, they were not entitled to the employment sought for. It is further argued that after the order passed by this Court in Waryam Singh's case, a total 30 number of oustees were identified, but as they did not submit

the necessary documents, no employment was provided to them for want of said mandatory documents.

5. We have heard learned counsel for the appellants and have also gone through the paper book, including the impugned order.

6. The only question that arises for consideration by this Court is whether the order passed by learned Single Judge, requires any interference.

7. It may be noticed that in compliance of the order dated 06.12.2023 passed by a Co-ordinate Bench of this Court, an affidavit dated 23.01.2025 has been filed for and on behalf of respondents No.1 to 4. It is pointed out therein that approximately 112 applications received in the office of the respondent-Authorities were rejected in view of the judgment dated 11.04.2023 and that no employment had been afforded to the similarly situated Dam oustees. It is further pointed out that in terms of the interim order dated 10.08.2022, passed in the case of Waryam Singh, 13 number of Dam oustees, whose cases had been identified for employment by the Competent Authority before passing of the judgment dated 11.04.2023, were called upon to submit necessary documents for consideration of their cases, but they did not do the needful and accordingly, after passing of the impugned order by the learned Single Judge, no offer of appointment was made to them for want of the said mandatory documents. It is further pointed out that only already declared eligible oustees have been granted employment by the respondent-authorities to whom the provisional offer of appointment was made in the year 2013.

8. Admittedly, the matter pertains to the Rehabilitation and Resettlement Scheme, 1993. The learned Single Judge has found that after the passage of nearly 30 years, the entire object of the scheme had ceased to exist. It was further found that the impugned order passed by the authorities, showed that the appellants did not furnish the requisite documents.

9. We find that even in the present LPA, the Coordinate Bench had called upon the respondent-Authorities to file an affidavit, which was so filed as indicated above. Apart from the facts that 30 years have elapsed since the launching of the aforesaid scheme, it has been the case of the respondent-Authorities that the appellants did not furnish the requisite mandatory documents. Once such is the position, no equity can come to the rescue of the appellants and accordingly, we find that the order passed by the learned Single Judge cannot be said to be illegal or perverse requiring any interference by this Court. Accordingly, both the appeals are hereby dismissed.

10. Pending application(s), if any, shall also stand disposed of.

**[SUDHIR SINGH]
JUDGE**

**[ALOK JAIN]
JUDGE**

03.05.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No