



HPGCL
AN ISO 9001, ISO
14001 & OHSAS 18001
CERTIFIED COMPANY

HARYANA POWER GENERATION CORPORATION LIMITED

Regd. Office: C-7, Urja Bhawan, Sector-6, Panchkula
Corporate Identity Number: U45207HR1997SGC033517

Website: www.hpgcl.gov.in

Telephone No. 0172-5023407

Fax No. 0172-5022432



From

Chief Engineer/Admn.,
HPGCL, Panchkula.

To

XEN/IT,
HPGCL, Panchkula

Memo No. 158 /Ch.76 /HPGCL/Rectt-352

Dated: 10 /04/2024

Subject: - CWP NO. 23705 of 2022 titled as Balbir Singh Vs HPGCL.


Kindly refer to the subject noted above.

In this context, enclosed please find herewith a copy of Memo No. 85/LB-2(15) dated 15.03.2024 alongwith judgement dated 12.02.24 passed by Hon'ble High Court, Chandigarh in the subject cited case, received from the office of LR/HPU, Panchkula for praying dismissal of similar cases by placing reliance on the ibid judgement .

In this regard, it is requested to host the judgement dated 12.02.2024 on the official website of HPGCL, please.

This issues with the approval of Chief Engineer/Admn., HPGCL.

DA/As above


Xen/Rectt-cum-LNO,
For Chief Engineer/Admn.,
HPGCL, Panchkula

CC:-

PS to Chief Engineer/Admn, HPGCL, Panchkula.



HARYANA VIDYUT PRASARAN NIGAM LIMITED

Regd. Office : Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula 134109

Corporate Identity Number : U40101HR1997SGC033683

Website : www.hvpn.org.in, E-mail: companysecy@hvpn.org.in

Correspondence E-mail - lr@hvpn.org.in, hvpnlegalofficer2@gmail.com

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To

1. The CE/Admn. HVPNL, Panchkula
2. The CE/Admn. UHBVN, Panchkula
3. The CE/Admn., DHBVN, Hisar
4. The CE/Admn. HPGCL, Panchkula.

Memo No. 85 /LB-2(15)

Dated: 15.03.2024

Subject: CWP No. 23705 of 2022 titled as Balbir Singh Vs HPGCL.

Attention is drawn to judgment dated 12.02.2024 passed in subject cited case vide which the Hon'ble High Court dismissed the writ petition on account of the fact that once a family member is given employment under the policy of the State then right to claim appointment gets extinguished and no further claim can be raised by petitioner.

The operative part of judgment dated 12.02.2024 is given here under:-

"6. The employment is given in lieu of the land acquired keeping in view the policy issued by the Government of Haryana. Nothing has been mentioned in the policy that in case any member who is granted employment, leaves the job then another person is to be accommodated in his place. The employment being given under the Policy of the State is not a source of appointment but only a benefit is given so that, the family, whose land has been acquired could be compensated. Once, a family member is given the appointment in lieu of the land acquisition by the Government, the right to claim appointment stand extinguished and no further claim can be raised by the petitioner.

It may be noticed that the benefit which is being claimed by the petitioner is to be given on the basis of State policy and nothing in the policy suggests that once a member of the family has been given appointment, in case the said member leaves the job another member can be accommodated. In the absence of any such provision, no ground is made out to grant any benefit to the petitioner as there is no concept of negative discrimination.

Keeping in view the above, no ground is made out for the grant of any benefit to the petitioner as being claimed by

Diary No. 549 Xen/Rectt.

Dated 29/03/24

Memo No. 2120
 Dated 29/03/24
 DS/Estt.
 US/NGE
 DS/General
 DS/T&M
 XEN/HR&TRG
 XEN/Rectt.

[Signature]
 CE/Admn.,
 29/3/24

[Handwritten signature]

[Handwritten notes:]
 Put 4P for letter to den HIT to to Judgment of 12/2/24 on website
 01/11/24


[Handwritten signature]

him through present petition, hence, the present petition stands dismissed.

In the aforesaid judgement Hon'ble High Court has held that the employment is given in lieu of the land acquired keeping in view the policy issued by the Government of Haryana. Nothing has been mentioned in the policy that in case any member who is granted employment, leaves the job then another person is to be accommodated in his place. Once a family member is given an appointment in lieu of the land acquisition by the Government, the right to claim appointment stands extinguished and no further claim can be raised by the petitioner. The above judgement be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 12.02.2024 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 12.02.2024 on the website of concerned Power Utility. A complete copy of judgment dated 12.02.2024 is enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As Above


Legal Retainer,
HVPNL, Panchkula.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CM-1241-CWP-2024 in/and
CWP-23705 -2022 (O&M)
Decided on : 12.02.2024

BALBIR SINGH

...Petitioner

Versus

HARYANA POWER GENERATION CORPORATION LIMITED
AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. D. S. Chahal, Advocate for the petitioner,

Mr. Harish Nain, AAG, Haryana.

Mr. Anil Chawla, Advocate for respondents No. 1 & 2.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-1241-CWP-2024

1. Prayer in the present application is for recalling the order dated 11.12.2023 by which the main petition i.e.CWP No. 23705 of 2022 was dismissed for non -prosecution and further prayer for restoration of the main petition on its original number and status.

2. Notice of the application.

3. Mr. Harish Nain, AAG, Haryana, accepts notice on behalf of respondents and does not raise any objection in case the prayer made in the present application is allowed.

4. Keeping in view the facts enumerated in the present application coupled with the fact that the respondents-State does not raise any objection for the grant of prayer as recorded herein above, the present application is allowed and the order dated 11.12.2023 is recalled and the main petition i.e. CWP No. 23705-2022 is restored to its original numbers and status. On the request of learned counsel for the petitioner, the main case is taken up for the consideration today itself.

5. Civil miscellaneous application stands disposed of.

CWP No. 23705 of 2022

1. In the present petition, the grievance of the petitioner is that as the land of the petitioner was acquired by the Government of Haryana, one of the family member of the petitioner was entitled for the grant of employment as promised by the respondents-State keeping in view the State-policy issued.
2. Learned counsel for the petitioner argues that as the petitioner, whose land was acquired intends that the employment should be given to one of his grandson, the said prayer is liable to be accepted. Learned counsel for the petitioner further submits that similar benefits has been granted to the other persons, whose land was acquired.
3. Per contra, learned counsel for the respondents-State controvert the claim of the petitioner and submits that though it is a conceded fact that the land of the petitioner was acquired and in lieu of the said land acquisition, keeping in view the policy issued by the State, one of the family member of the petitioner was entitled for the grant of employment, employment was already given to one of the grandson of the petitioner, namely, Deepak son of Ravinder. Learned counsel for the respondents submits that after joining the post, the said grandson of the petitioner, namely, Deepak left the job and hence, once the employment was already offered to the grandson of the petitioner, another grandson of the petitioner can not be offered employment again.
4. I have heard learned counsel for the parties and have gone through the case file with their able assistance.
5. Keeping in view the facts which are gone un-rebutted is that one of the grandson of the petitioner, namely, Deepak had already been granted employment in lieu of the acquisition of the land of the petitioner. Learned

counsel for the petitioner concedes the factum that the said Deepak has left the job but submits that as Deepak has left the job, another grandson of the petitioner should be accommodated in his place.

6. The employment is given in lieu of the land acquired keeping in view the policy issued by the Government of Haryana. Nothing has been mentioned in the policy that in case any member who is granted employment, leaves the job then another person is to be accommodated in his place. The employment being given under the Policy of the State is not a source of appointment but only a benefit is given so that, the family, whose land has been acquired could be compensated. Once, a family member is given the appointment in lieu of the land acquisition by the Government, the right to claim appointment stand extinguished and no further claim can be raised by the petitioner.

7. It may be noticed that the benefit which is being claimed by the petitioner is to be given on the basis of State policy and nothing in the policy suggests that once a member of the family has been given appointment, in case the said member leaves the job another member can be accommodated. In the absence of any such provision, no ground is made out to grant any benefit to the petitioner as there is no concept of negative discrimination.

8. Keeping in view the above, no ground is made out for the grant of any benefit to the petitioner as being claimed by him through present petition, hence, the present petition **stands dismissed**.

9. Pending civil miscellaneous application, if any, stands disposed of.

12.02.2024

Riya

Whether speaking reasons
Whether Reportable

Yes No
Yes No

(HARSIMRAN SINGH SETHI)
JUDGE