

(1997) 09 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2955 of 1996

Partap and Others

APPELLANT

Vs

Bharat Petroleum Corporation Limited and Others

RESPONDENT

Date of Decision : 02-09-1997

Acts Referred:

Citation : (1998) 118 PLR 240 : (1997) 4 RCR(Civil) 291 : (1998) 1 RCR(Civil) 331

Hon'ble Judges : Jawahar Lal Gupta, J;B. Rai, J

Bench : Division Bench

Advocate : J.S. Maanipur, for the Appellant; Salil Sagar, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The petitioners claim that in accordance with the policy framed by the State of Haryana, persons whose land is acquired, are entitled to the grant of jobs. In the present case, their land was acquired by the respondent-corporation. However, the jobs have not been given to them. They consequently pray for the issue of a writ of mandamus directing the respondents to give them appointment in view of the fact that their land had been acquired.

2. Written statement has been filed on behalf of the respondent- corporation. It has been pointed out that the lists were prepared by the officers of the State Government. The corporation had given jobs to the persons found eligible or nominated by the landowners in accordance with the instructions given by the, State Government. So far, as the present petition is concerned, it has been pointed out that the lands of Smt. Shakuntla and Smt. Asharfi, the mothers of Petitioners Nos. 1 to 2 respectively, had been acquired. Smt. Shakuntla had nominated her husband Om Parkash as her nominee for the grant of job. Similarly, Smt. Asharfi had nominated her husband Sohan Lal. The petitioner were born on July 24, 1977, and June 25, 1974, respectively. They have filed this petition now, after a lapse of almost a decade, after they have attained majority.

3. Learned counsel for the parties have been heard.

4. Admittedly, the predecessors of the petitioners had been given compensation for the land acquired by the respondents. Still further, there is no dispute that the respective mothers of the petitioners had nominated their husbands for the grant of jobs. Even if it is assumed that the respective nominees did not get any job, it cannot be said that the petitioners on attaining majority can be given a fresh chance. The job had to be given to a person who was eligible at the relevant time. If the persons nominated by the landowners were ineligible, they could have named the persons who fulfilled the required qualifications. However, it cannot mean that the respondents had to wait till the petitioners attained majority and then give them jobs at the time they ask for it. The instructions issued by the State government are undoubtedly a welfare measure to help the persons who have lost their means of livelihood. However, such instructions have to be strictly construed because there are a large number of unemployed persons in this country who do not even have any land. Persons whose land is acquired were in no way worse than those who have neither land nor job. In any case, a person has to be eligible and available. It is not that claim can be made at any time, on attaining eligibility. It is a one-time measure. If you do not fulfil the qualification, you miss the chance. It cannot be continuing process.

5. In the present case, the persons nominated by the landowners were ineligible. They did not nominate any relations who may be eligible. Now, the petitioners cannot claim that they have the right to be given jobs. Consequently, no ground for issuance of a direction is made out.

6. Learned counsel for the petitioners submits that a perusal of the document produced by the respondents as Annexure R-7 shows that appointments have been given even in the year 1966. This document is the copy of letter dated February 6, 1996. With this letter, a list of persons was forwarded for the consideration by the appropriate authority. It does not show that any appointment had been given to any individual. In any case, nothing has been produced before us to show that the petitioners have a right which has been violated in the present case. No other point has been raised. There is no merit in the writ petition. It is accordingly dismissed. No costs.