



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 6477 of 2012
Decided on: 30.05.2026

Biju Ram and others

.....Petitioners

Versus

Satluj Jal Vidyut Nigam Ltd and others

..Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioners: Mr. Rajiv Rai, Advocate.

For the Respondents: Ms. Devyani Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for respondents No. 1 to 3.

Mr. Y.P.S. Dhaulta, Additional Advocate General and
 Ms. Seema Sharma, Deputy Advocate General for respondent No.4- State.

Jyotsna Rewal Dua, Judge

Petitioners rendered landless on account of respondents' undertaking construction activities in relation to Rampur Hydro Electric Project (in short, RHEP) have preferred this writ petition seeking directions to the respondents to provide them regular employment in RHEP/Satluj Jal Vidyut Nigam Limited (in short, SJVN Ltd.) in terms of Resettlement and Rehabilitation Scheme for Project Affected Families of RHEP (Annexure P-2).

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



Alternatively, compensation of ₹30,00,000/- to each of petitioner's families has also been prayed for.

2. Heard learned counsel on both the sides and considered the case file. For the sake of brevity, the submissions made by learned counsel and the discussion thereupon, have been elaborated hereinafter.

3. Both sides have placed reliance upon Resettlement and Rehabilitation Scheme for project affected families of RHEP (Annexure P-2) in support of their submissions. Therefore, it would be appropriate to refer to some of the relevant clauses of this scheme pressed into service by the learned counsel. The word 'family' has been defined in Clause 1.5 as under:-

"1.5. In this Scheme, unless the context otherwise requires:

(a) Family

'Family' means husband/wife of the person who is entered as owner/co-owner of the land in the revenue record, their children including step or adopted children, grand children and includes his/her parents and those brothers and sisters who are living jointly with him/her as per entries of Panchayat Parivar Register as on date of notification under Section-4 of the Land Acquisition Act, 1894.

Explanation:

Only the Panchayat Parivar Register Entry, as it stood on the date of Notification under Section-4 of the Land Acquisition Act, 1894, shall be taken into account for the purpose of separate family for rehabilitation benefits as well as for consideration of employment."



Project affected family has been defined under clause 1.5(c) as a family whose place of residence or other properties or source of livelihood is substantially affected by land acquisition process for the project and who has been residing continuously for a period of not less than three years preceding the date of declaration of the Project Affected Area/ Affected Zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the Project Affected Area/ Affected Zone, preceding the date of declaration of the affected zone. The definition is as under:-

“(c) Projected Affected Families (PAFs)

The Project Affected Family means a family/person whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of declaration of the Project Affected Area/ Affected Zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the Project Affected Area/ Affected Zone, preceding the date of declaration of the affected zone.”

The project affected area/zone has been defined in the following manner under clause 1.5(b):-

“(b) Project Affected Area/Affected Zones means area as notified by project authority or where land is acquired for construction for any component of project, infrastructure, township, offices, construction facilities welfare facilities etc. Unit for



declaring Project Affected Area would be Panchayat/Revenue Village."

Construction of Project affected family rendered landless is as follows in terms of clause (c-i) of Clause 1.5:-

"(c-i) Project Affected Family Rendered Landless
The Project Affected Family Rendered Landless means that family whose whole agriculture land is acquired for the project or in whose case balance agriculture land left after acquisition is less than 5 bighas.

For this purpose agricultural land held within the project area by all such persons and their family members shall be reckoned. Person losing land on acquisition of building and land appurtenant there to shall not be treated as landless Project Affected Family., The landless PAF shall be certified by the Deputy Commissioner concerned."

Project affected family rendered houseless has been construed as under in Resettlement and Rehabilitation Scheme:

"(c-ii) Project Affected Family Rendered Houseless.
The Project Affected Family rendered houseless means the family whose dwelling house is acquired for the Project. This will be certified by the Deputy Commissioner concerned."

Sub-clause (c-iii) of Clause 1.5 provides for eligibility of project affected families who would be rendered landless as also houseless as under:-

"(c-iii) In addition to the above two categories there will be Project Affected Families who will be rendered landless as well as houseless as per definitions given above. They shall be eligible for



benefits of project affected families rendered landless and project affected families rendered houseless. This will be certified by the Deputy Commissioner concerned."

Providing employment to the project affected family rendered landless is governed by following clause:-

"Clause 3.1 One member of each Project Affected Family rendered landless will be provided for employment by the Project Authority in the category of skilled/semi-skilled/unskilled workmen subject to fulfilling the requisite criteria/qualification and as and when any fresh recruitment is done in these categories. It would be ensured that land oustees eligible for employment as mentioned above are given chance first and normal recruitment would be made only if none are available from amongst them. However persons who are allotted shops shall not be eligible for benefit of employment and vice versa.

The following criteria will be adhered to by the Deputy Commissioner concerned for providing of preference while sponsoring the names of employment.

(i) Affected families whose entire land has been acquired.

(ii) Affected families who have become landless on account of acquisition of land by the Nigam.

(iii) Other

Within these categories preference will be given on the basis of quantum of land acquired. Those who lose more land will come first."

Secondary employment has also been envisaged for families not covered under the Project Affected Family rendered landless/houseless/shopless but with their land acquired for the project as under:-



“3.2 Secondary Employment

There may be families who are not covered under the Project Affected Family rendered landless/houseless/shopless as given at 1.5(c-i), (c-ii), (c-iii) and (d) but their land is acquired for the project, they shall have to be helped in starting some gainful occupation or getting training. Therefore, such families who may not be accommodated in direct employment, the Project Authorities will help them in any one of the following manners:-.....(relevant portion).”

3(ii). Petitioners’ allege that respondents have not implemented the above Resettlement and Rehabilitation Scheme. No kind of employment whatsoever has been provided to the petitioners till date. Respondents are liable to provide regular employment to at least one family member of the petitioners who belong to project affected landless families under the Resettlement and Rehabilitation Scheme. Instead of providing employment to the petitioners, the respondent project had engaged persons through private recruiting agencies like HIMPESCO apart from engaging personnel from H.P. State Electricity Board.

3(iii). Respondents on their part have denied petitioners’ allegations. In their reply, respondents have tabulated a list of project affected landless persons to whom employment was provided by RHEP through its major contracting agencies. Submissions were made that in aforesaid list, names of some of the petitioners also



figure i.e. at Sr. No. 1, 2, 3, 5, 7 to 13, 15 and 16. Petitioners have not denied this fact. In fact, submissions were also made for the respondents that some of the petitioners to whom employment was given through contracting agencies of RHEP did not even accept the employment. Petitioners have not disputed this fact as well though according to them the employment was offered by the contracting agency of RHEP and not by the RHEP itself. According to them, regular employment should have been offered to the petitioners and not contractual that too by the agencies of RHEP. Learned counsel for the petitioners however could not point out any provision in the Resettlement and Rehabilitation Scheme for providing regular employment. It has also been demonstrated by the respondents that in view of Clause 3.1 of Resettlement and Rehabilitation Scheme, the respondents had undertaken three recruitment drives for providing employment to the project affected families including landless and houseless. In the year, 2011, posts of Pharmacists had been advertised and filled up from the project affected families of RHEP. These posts had been advertised exclusively for the project affected families. In the year 2010 also, posts of Steno-Typists and Electricians were advertised with the rider that first



preference will be given to the project affected families of various projects of SJVN Ltd. in Himachal Pradesh and Uttrakhand. The respondents have given tabulation (pages 122 & 124 of paper book) about the status of the applications received from the project affected families in response to the advertisement. It has also been pleaded that none of the project affected families qualified the test for the posts; However, towards discharging its obligations under Resettlement and Rehabilitation Scheme, the respondents have given employment through different means to the project affected families viz. through contractors, indirect employment, vehicle plying, engagement through HIMPESCO i.e. one of the major contracting agency as also through other contracting agencies etc. Respondents have not disputed engagement of employees of H.P. State Electricity Board but have justified the same by pleading that in accordance with Memorandum of Understanding (MOU) executed with the respondent-State, RHEP is bound to have minimum 40% of its approved staff strength by deputation of officers belonging to H.P. State Electricity Board.

Learned counsel for the petitioners next contended that respondent No.4- Deputy Commissioner,



District Kullu, H.P in its reply to the writ petition has lent support to the grievance of the petitioners by pleading that cases of the petitioners had been forwarded to the project authority for taking necessary action as per Resettlement and Rehabilitation Scheme. Suffice to note that RHEP has not denied receiving cases of the petitioners and others seeking employment in RHEP in terms of this scheme. However, the respondents' stand is that many of the petitioners/ their family members were indeed offered employment. Some of them had accepted the employment through the contracting agencies whereas others despite having been offered employment did not accept the same. Further, applications received in response to the recruitment drives undertaken by the respondents could not secure the employment for failing in the written tests etc. The respondents in their reply have given ample justification of their intention & efforts put in for engaging the project affected families landless or houseless through several modes. There is no reason to disbelieve the factual submissions pleaded by the respondents. Learned counsel for the petitioners also raised a plea that respondents should consider employing the petitioners if not in RHEP then in other projects executed by its umbrella body i.e. SJVN Ltd.



Learned Senior Counsel for the respondents justifiably opposed such prayer as the Resettlement and Rehabilitation Scheme (Annexure P-2) is for project affected families of RHEP i.e. the project in question with specific definitions for determining the applicability and entitlement of the benefits flowing under the scheme; Separate Resettlement and Rehabilitation Scheme would be in force for the different projects executed by SJVN Ltd., petitioners cannot be considered for employment against the Rehabilitation & Resettlement Scheme of other projects.

In view of above, I find no force in the petition. Accordingly, the writ petition is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

May 30, 2026
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Jyotsna Rewal Dua
Judge