



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

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CWP-14552-2026

Date of decision : 11.05.2026

Naresh Kumar

....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Randhir Singh Manhas, Advocate for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 04.08.2014 (Annexure P-5), whereby the claim of the petitioner for employment has been rejected on the ground that out of the joint khata, Chain Singh s/o Bhagat Ram has been provided employment as Class-IV employee. Further, seeking issuance of a writ of mandamus, directing the respondents to provide employment to the petitioner in accordance with the Rehabilitation and Resettlement Scheme dated 18.11.1993 (Annexure P-2).

2. Brief facts, as have been pleaded in the petition, are that in order to construct Ranjit Sagar Dam Project, which was initially known as Thien Dam Project, the land belonging to the States of Punjab, Himachal Pradesh and Jammu & Kashmir was acquired between 1972-

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73 to 1998-99. Due to construction of the said dam, a large number of people were uprooted from their houses and deprived of the land. The mother of the petitioner was owner in possession of land in village Thara Upperla Teeka Phangoh and a house acquired by the Punjab Govt. for the reservoir area of the abovesaid dam. Thereafter, the land Acquisition Collector, Ranjit Sagar Dam Project, Shahpurkandi Township, passed an Award No.78 dated 25.03.1975 u/s 11-A of the Land Acquisition Act, whereby a meager amount of compensation was awarded. The mother of the petitioner had separate land and house from the other co-owners of the land and had an independent right to receive the compensation and benefits under the Rehabilitation and Resettlement scheme of the Punjab Govt. The State of Punjab framed a policy for rehabilitation and resettlement of the oustees of Ranjeet Sagar Dam, under which various rehabilitation packages were introduced. One of the principal rehabilitation measure was to appoint one member of each landless and affected family, subject to the qualification and availability of vacancies in the project. After completion of the Ranjit Sagar Dam Project, the Government, had taken the decision in the meeting of Progress Review Committee of Ranjit Sagar Dam Project held on 05.11.1997, under the Chairmanship of the then Hon'ble Chief Minister, Punjab, that since some of the families could not be provided employment in the project, therefore, the eligible members of such families be given employment in other departments of Punjab Government. Despite the policy framed by the respondents, the dam oustees were not provided employment, as the respondents subsequently

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imposed a ban on direct recruitment. Ultimately some of the dam oustees approached this Hon'ble Court by filing *CWP No.787 of 2008 titled as 'Dharam Singh and others Vs. State of Punjab and others'* which was allowed on 26.11.2009 (Annexure P-3), whereby the respondents were directed to provide employment to the petitioners therein, within a period of two months, and costs of Rs.1,00,000/- was also imposed upon the State. Thereafter, the petitioner along with other aggrieved persons filed *CWP No.24074 of 2012 titled as 'Jahru Ram and others Vs. State of Punjab and others'*, claiming benefit of employment under the Rehabilitation & Resettlement Scheme dated 18.11.1993. The said writ petition was disposed of by this Court, vide order dated 05.12.2012, with liberty to the petitioners therein to submit a detailed representation before the authorities and in that eventuality, the authorities will pass a speaking order, within a period of three months. Pursuant to the said order, the claim of the present petitioner was considered and rejected by the respondents, vide impugned order dated 04.08.2014 (Annexure P-5), on the ground that one member of family, namely Sh. Chain Singh s/o Sh. Bhagat Ram has already been provided employment under the policy dated 18.11.1993. Hence, the instant petition.

3. Learned counsel for the petitioner submits that that land and house of the mother of the petitioner were acquired for the purpose of construction of Ranjit Sagar Dam. He further submits that the petitioner, being the son of a Dam affected person, is fully eligible for employment in lieu of the land and residential house acquired for the

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said purpose as per the Rehabilitation & Resettlement Scheme dated 18.11.1993, since the respondents are bound to provide employment to at least one member of each Dam affected family. He further submits that most of the dam oustees have already been provided employment and the petitioner cannot be discriminated against. Therefore, the impugned order dated 04.08.2014 is liable to be set aside being illegal, arbitrary and discriminatory.

4. On receipt of advance copy of the petition, learned State counsel has put in appearance on behalf of the respondents-state and while highlighting that employment has already been provided to a significantly large number of members of the oustee families, submits that the claim of all the genuine oustees have already been considered and accommodated. He further submits that the present petition suffers from unexplained delay and laches, as the petitioner has approached this Court after an inordinate delay, in the year 2026, whereas the acquisition proceedings had concluded in the year 1998 and the claim of the petitioner was rejected vide order dated 04.08.2014 (Annexure P-5). Therefore, the instant writ petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the relevant documents.

6. The dispute involved in the present case is no longer *res integra* as the same has already been answered by a Coordinate Bench of this Court in ***CWP-15379-2012 titled as 'Waryam Singh Vs. State of Punjab and others'*** and other 106 connected cases ***decided on 11.04.2023***. In the said judgment, it has been held as under: -

“19. At this stage, it is appropriate to note that though the



writ petition is not liable to be dismissed on the ground of bar of limitation, however, the delay and laches is one of the ground to decline the relief in exercise of writ jurisdiction. Keeping in view the various decisions, the matter was listed before a three Judge Bench in Digambar's case (supra). After discussing the case law on the subject, the larger bench held that the High Court was not justified to issue directions in exercise of its power vested under Article 226 of the Constitution of India without considering petitioner's disentitlement to such relief due to his blame worthy conduct on account of undue delay and laches in claiming the same.

20. *The relevant discussion is in para 23 and 24, which are extracted as under:-*

“23. Therefore, where a High Court in exercise of its power vested under Article 226 of the Constitution issues a direction, order or writ for granting relief to a person including a citizen without considering his disentitlement of such relief due to his blameworthy conduct of undue delay or laches in claiming the same, such a direction, order or writ becomes unsustainable as that not made judiciously and reasonably in exercise of its sound judicial discretion, but as that made arbitrarily.

24. *Since we have held earlier that the person seeking grant of relief under Article 226 of the Constitution, even if it be against the State, is required to satisfy the High Court that he was not guilty of laches or undue delay in approaching it for relief, need arises for us to consider whether respondent in the present appeal (writ petitioner in the High Court) who had sought for relief of compensation on the alleged infringement of his legal right, had satisfied the High Court that he was not guilty of undue delay or laches in approaching it*



for relief. The allegation of the petitioner in the writ petition, as becomes clear from the judgment under appeal, was that although certain extent of his land was taken away in the year 1971-72 by the agency of the State for the scarcity relief road works undertaken by the State Government in the year 1971-72, to find work for small agriculturists and agricultural labourers in the then prevailing severe drought conditions, without his consent, he was not compensated therefore, despite requests made to the State Government and various agencies in that regard ever since till the date of filing of the writ petition by him.”

21. Thereafter, in **City Industrial Corporation Vs. Doshu Aardeshir Bhiwandiwalla (2009) 1 SCC 168**, it was held that before entertaining the writ, the Court is required to apply certain tests including the question of delay and laches. Similarly, in **Chennai Metropolitan Water Supply and Sewerage Board Vs. T.T. Murali Babu, (2014) 4 SCC 108**, the Court again reiterated the aforesaid view. Similar view has been reiterated in **Union of India Vs. C. Goraya and others (2019) 15 SCC 633**.

22. As regards the question of continuing breach, though, the Limitation Act, 1963 is not strictly applicable to the present case, however, the nature of continuous breach has been explained in Section 22 of the Act thereof. On a careful reading, it is evident that Section 22 of the Act is applicable only when there is a continuing breach or a continuous tort giving rise to a fresh period of limitation every moment it is being committed. However, continuance of the effect of wrong once committed, is not a continuing wrong. The provision would not apply unless there is a wrong which is continuing like denial of monthly maintenance to wife, child or aged parents, infringement of



*trade marks or wrongful denial of the increment in absence of specific order, etc. If the wrongful act causes an injury which is complete, there is no continuing tort even though the damage resulting from the act may continue. The continuing effect of a wrong in itself is not a continuing breach. Non-payment of the amount due is not a continuing breach, though its effect is continuing. Similarly, the duty to hand over possession is a breach of obligation but does not constitute a continuing breach attracting the applicability of Section 22 of the Limitation Act, 1963. However, denial of annual increment which is due during the continuance of service in absence of any specific order may give rise to a continuing breach resulting in beginning of a fresh period of limitation as and when lesser salary than to which he is entitled, is paid to the employee during the employment. The soul of the principle lies in the commencement of a fresh period of limitation every moment the breach continues. However, in the present case, the denial of appointment is not giving rise to a continuing tort or continuing breach. In the present case, the denial of appointment arose when the land was acquired or when the policy was adopted and implemented. Admittedly, the project was completed in the year 1998. In the fourth round, this Court way back, on 26.11.2009, delivered the judgment in **Dharam Singh's case (supra)**. The petitioners for the first time started making representation in the year 2011 and filed the writ petitions subsequent thereto. Thus, there is an unexplained delay and laches for a period of nearly 14 years even it is assumed that the land of all the petitioners was last acquired in 1998. In these circumstances, the petitioners are required to explain the unexplained delay and laches of long period of one and a half decade. The purpose of the policy to give employment was to rehabilitate one member of the family immediately.*



There may be cases where the delay is solely on account of the State or its agencies. However, in the present case, as already noticed, the employment has been given and interviews were held in 1997-1998 and it is not the case of the petitioners that they were ever interviewed. There was no reason for the petitioners to wait for a long period of 14 years. There is also no dispute that none of the petitioners was party to the writ petition filed in Dharam Singh's case (supra).

23. *On the directions issued by the Court, the cases of the individual landowners have been considered by the Committee. Along with the additional affidavit filed by the respondents on 10.08.2022, status report with respect to each of the writ petition has been given. It has been noticed that with respect to category No.1 as culled out in order dated 27.05.2015, which has already been extracted above, one member of the family has already been given employment. It has also come on record that the petitioners have not approached the Court with clean hands. It has also been projected that the jamabandis for the period during which the acquisition took place were taken into consideration and on that basis the employment was given. It has also come on record that in some of the cases, joint family nominated one member of the family for employment while giving an undertaking to not make any further claim of employment. If we examine the facts of the lead case namely Waryam Singh, it is evident that as per the jamabandi for the period of 1975-1976, there were 10 members in the family including the mother and his children, who were all heirs of late Sh. Khoju. Sh. Kartar Singh son of Sh. Ram Singh son of late Sh. Khoju who was the cousin of the petitioner, was given employment. A speaking order in terms of rehabilitation and resettlement policy was passed. It was also found that the acquired land*



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of the family of the petitioner when compared with their entire landholding comes to 60.51%, which is far less than the criteria laid down under the Rehabilitation and Resettlement Policy dated 18.11.1993. It was noticed that Sh. Kartar Singh was found guilty by the Court of Sessions and sentenced to rigorous imprisonment for a period of three years. Moreover, the petitioner's father was living in village Dalla and the father of the petitioner did not own any residential house in village Hardo Saran.

24 to 103 xx xx xx xx xx xx xx

104. At this stage, it is appropriate to notice that the object of the policy was to provide immediate help to the family of the oustees, which after a passage of more than two and a half decade ceased to exist. It is not the case of the petitioners that their names were included in the original list prepared by the authority during the period of 1997-1998 or that they ever applied under the policy before 2011. It is evident in most of the above-mentioned cases that disputed questions of fact are involved.

105. This matter can be examined from yet another perspective. The employment under the oustee quota is not another regular source of recruitment. It is in the nature of an exception which has been carved out in order to provide relief in special/exceptional circumstances. Hence, the exception cannot be permitted to become a general rule. The Court while issuing the writ is expected to maintain a proper balance between the claims of the oustees who have woken up from a deep slumber on the one hand and expectations of the unemployed youth who are in dire need to get civil posts particularly in view of rampant unemployment on the other hand. In such circumstances, in the considered opinion of this Court, it will not be appropriate to have misplaced sympathies with the stale claims of the petitioners. It is obvious that not only the



petitioners' claim are stale but they involve the disputed questions of fact which this Court does not find appropriate to decide.

106. Moreover, the Land Acquisition Act, 1894 does not require the acquiring authority or the beneficiary of the acquisition to ensure employment to the oustees or their family members. Hence, the offer of employment is not in lieu of compensation which is equivalent to the market value and the amount of solatium but in addition thereto. Consequently, such policy is in the nature of a concession offered by the executive to reduce the impact of their dislocation from their place of residence or occupation. The offer of appointment as an oustee is not a vested right but is in the nature of a concession and therefore, it is not absolute but conditional. The policy does not create indefeasible right in the members of the family of the oustee. There cannot be a vested or legal right claimed in concession. Consequently, such concession is based upon the conditions laid down in the policy. Hence, employment is subject to the law of limitation as well as the conditions laid down in the policy. For the said reasons, the involuntary acquisition does not create a continuous cause of action to claim relief under the policy but it was merely a one time measure to provide immediate support to the affected families. The element of giving immediate relief eliminates the idea of labeling it as continuous breach altogether.

107. Consequently, all the writ petitions are disposed of.”

7. Further, the petitioner has approached this Court in 2026 i.e. after a lapse of about 28 years from the date of completion of acquisition process and after 12 years from the date his claim was rejected. It is settled law that a person who sleeps over his rights and

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awakens from his slumber at his own convenience cannot claim relief, as such conduct is not justified and is thus, bound to suffer the consequences. Moreover, employment under oustee quota is a one time concession to provide immediate relief to the affected families and is not a vested or legal right. Since there is undue and unexplained delay in approaching this Court, therefore, the instant petition deserves to be dismissed on the ground of delay and laches.

8. In view of the above, instant petition is dismissed.

11.05.2026*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No