

Haryana State Electricity Board

Vs

Maha Singh

(K. Ramaswamy, D. P. Wadhwa JJ)

21.04.1997

ORDER

1. Leave granted.
2. This appeal by special leave arises from the judgment of the Divisional Bench of the High Court of Punjab & Haryana, made on January 17, 1987 in CWP No. 1813/96.
3. The admitted position is that as per the policy of acquisition, the appellants are required to provide an employment to one of the members of the family whose land is acquired. The cut-off date prescribed was December 13, 1991. One Shamsher Singh, brother of the respondent and son of the owner had applied for appointment. Since he was not being considered, he filed a writ petition before the High Court. The High Court directed the Board-appellant to appoint Shamsher Singh. However, before appointment could be made, he died. Consequently, his wife Smt. Suresh Bala applied for and was appointed. Subsequently, the respondent applied for appointment but he was not given appointment as appointment had already been given to the widow of Shamsher Singh. Consequently, he filed writ petition. The same stand has been taken in the High Court; the Division Bench has held that in view of the policy that employment will be provided to one of the members of the family of the owner, appointment to the first respondent is required to be made and appointment of Suresh Bala is illegal. Thus this appeal by special leave.
4. Shri Goodwill Indeevar, learned counsel for the respondents, contends that the land belonged to the mother of the respondent and she gave consent for appointment of Shamsher Singh. After his demise, she gave consent to the employment of respondent, her second son. The very object is to provide assistance to the displaced persons due to the acquisition. As Shamsher Singh died, the necessary appointment should be given to one of the members of the family of the owner. The widow of Shamsher is not the member of the family of the owner. Therefore, it is argued that her appointment is illegal in law.
5. However, she being widow had applied for appointment in place of her husband, Shamsher Singh; admittedly, sanction was given for giving appointment to her husband, of Shamsher Singh. The appellants have acceded to her request and gave appointment to Suresh Bala. She having been appointed, there cannot be a direction for appointment of another member from the same family. Therefore, the High Court is was not right in giving direction to appoint the respondent.
6. The appeal is accordingly allowed. The writ petition stands dismissed. No costs.