



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No.8972 of 2023 alongwith  
connected matters**

**Decided on: 23<sup>rd</sup> March, 2026**

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**1. CWP No.8972 of 2023**

Surjan Kumar **.....Petitioner**

**Versus**

State of H.P. and others **.....Respondents**

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**2. CWP No.8973 of 2023**

Sains Ram **.....Petitioner**

**Versus**

State of H.P. and others **.....Respondents**

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**3. CWP No.8974 of 2023**

Nek Singh **.....Petitioner**

**Versus**

State of H.P. and others **.....Respondents**

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**4. CWP No.8975 of 2023**

Abhishek Kumar **.....Petitioner**

**Versus**

State of H.P. and others **.....Respondents**

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**5. CWP No.8976 of 2023**

Madan **.....Petitioner**

**Versus**

State of H.P. and others **.....Respondents**  
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**6. CWP No.8977 of 2023**

Mohan Lal

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****7. CWP No.8978 of 2023**

Birbal Singh

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****8. CWP No.8979 of 2023**

Mikku Ram

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****9. CWP No.8980 of 2023**

Ankit Kumar

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****10. CWP No.8981 of 2023**

Santuk Ram

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents**

**11. CWP No.8982 of 2023**

Balwant Singh

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****12. CWP No.214 of 2024**

Anamika

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****13. CWP No.215 of 2024**

Rakesh Kumar

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****14. CWP No.216 of 2024**

Saurabh

**.....Petitioner****Versus**

State of H.P. and others

**.....Respondents****Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?<sup>1</sup>**

For the Petitioners: Mr. Aashish Kumar, Advocate.

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



For the Respondents: Mr. Vishwadeep Sharma, Additional Advocate General, for respondents No.1 to 3-State.

Mr. Vikrant Thakur and Mr. Shubham Singh Guleria, Advocates, for respondents No.4 and 5.

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**Jyotsna Rewal Dua, Judge**

These are all connected writ petitions, praying for almost similar reliefs and involve similar questions. With the consent of learned counsel for the parties, these matters have been taken up together for decision. For convenience, facts from CWP No.8972 of 2023 have been referred to hereinafter.

Petitioner seeks a direction to the respondents to grant him employment in the Hydro Electric Power Project of respondents No.4 and 5. The basis for making the prayer is Memorandum of Understanding dated 23.09.2004 executed between the State and respondents No.4 & 5 as also Resettlement & Rehabilitation Scheme notified by the State on 11.06.2007.

**2. Heard** learned counsel for the parties and considered the case file.

**3. Facts:-**

**3(i).** According to the petitioner, a Memorandum of Understanding (MoU) was entered into between the State of Himachal Pradesh and private respondents on 23.09.2004



(Annexure P-1). In terms of Clause 18 of the MoU, the Company was to provide employment to one member of each of the displaced families or adversely affected as a result of acquisition of the land for the project during construction and operation & maintenance of the project. The company was to give preference to the members of the displaced families for employment in the project. The company was, *inter alia*, required to provide training programs to the locals affected by the project to enable them to get employment in technical/administrative jobs in the project.

**3(ii).** The MoU was followed by execution of an Implementation Agreement between the State and the private respondents on 28.01.2006. Clauses 5.5.5 and 5.5.9 thereof reiterated the above provisions of the MoU.

**3(iii).** On 11.06.2007, State of Himachal Pradesh notified Resettlement and Rehabilitation Scheme (Annexure P-2) for the project affected families. In terms of Clause 1.4 thereof, the Deputy Commissioner, Kinnaur, in whose jurisdiction the project affected area fell, was to be the Administrator for resettlement & rehabilitation. Clause 3 of the scheme contained provisions relating to employment in the project in question.



**3(iv).** Petitioner is with the grievance that he has not been employed in the Hydro Electric Power Project in question by respondents No.4 and 5; That respondents No.4 and 5 have breached the terms & conditions of the Implementation Agreement in relation to providing employment to local people; That the State authorities have also not given due regard to ensure implementation of the above referred provisions by respondents No.4 and 5.

**4.** In the reply filed by respondents No.2 and 3, through the Deputy Commissioner, Kinnaur, it has been stated that the petitioner is not the owner of the land. Land in question was owned by his father, who had been duly compensated for acquisition of the land for the project. The reply admits the Deputy Commissioner, Kinnaur to be the Administrator for the Resettlement & Rehabilitation Scheme of the project in question.

From the reply filed by respondents No.4 and 5, it appears that the project in question was commissioned five years ago, i.e. in the year 2013. That on the subject of providing employment to the project affected families, a meeting was convened on 17.08.2013 under the chairmanship of the Deputy Speaker of H.P. Vidhan Sabha/Local Member of Legislative Assembly. In this meeting, government officials, representatives of the



affected parties, project affected individuals and all other stakeholders participated. A consensus was reached regarding providing employment opportunities and compensation to those affected by the project. As per the agreed terms, 21 project affected individuals were to be given employment in accordance with the project requirements. Additionally, further identified 113 persons were to receive compensation of Rs.3500/- per month for subsequent ten years. It was further decided that 39 identified persons, whose lands though had not been acquired, but were integral to the project, would receive a monthly remuneration of Rs.2500/- for next five years. Similarly, 14 project affected persons, who were employed under the sub-contractors, were to be given monthly remuneration of Rs.2500/- for one year.

Learned counsel appearing for respondents No.4 and 5 highlighted the minutes of meeting dated 29.12.2021 held under the chairmanship of the Sub-Divisional Officer (Civil), Nichar at Bhabanagar, wherein, the representatives of the affected gram panchayats in lieu of providing employment to 36 more people, resolved that no further employment shall be demanded in future by the affected gram panchayats from respondents No.4 and 5. The reply pleads that in view of above decision taken in the meeting,



36 people from project affected areas were also employed by respondents No.4 and 5 as per requirement of manpower in the project.

**5.** Looking to the fact that the project commenced commercial operations in the year 2021, keeping in view the documents placed on record, more particularly the minutes of meetings held on 17.08.2013 & 29.12.2021 and the disputes on facts raised by the petitioners, it will be appropriate to direct respondent No.3, i.e. the Deputy Commissioner, District Kinnaur, being the Administrator of Resettlement & Rehabilitation Scheme of the project, to look into the grievances of the petitioners in accordance with law after associating all the parties concerned including the stakeholders and take appropriate call in the matter within twelve weeks from today. Ordered accordingly.

The writ petitions stand disposed of in the above terms, so also the pending miscellaneous application(s), if any.

March 23, 2026  
*Mukesh*

Jyotsna Rewal Dua  
Judge