

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 10634 of 2012 (O&M)

Date of decision : April 24, 2015

Ramesh Kumar,

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vijay Pal, Advocate
for the petitioner.

Mr. PS Poonia, Advocate
for respondents No.2 to 5.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

By this writ petition, the petitioner has claimed appointment as PTI. The admitted facts are that land of the petitioner measuring 2 acres was acquired for setting up a thermal power plant in Village Khedar, District Hisar. It is also admitted that as per the policy Annexure R3/1, the petitioner was entitled for a job commensurate with his qualifications. The petitioner was appointed as a Peon in the school being run by the Deenbandhu Chhotu Ram Thermal Power Project, Yamuna Nagar. The prayer of the petitioner is that he was qualified for the post of PTI and consequently, could not have been appointed to the lower post of Peon.

In the written statement, the plea taken is that as per the notification dated 8.8.1990, the essential qualification for appointment to the post of PTI was Matriculation with first division which the petitioner did not have. Today, it has been admitted that the aforesaid notification was amended by notification dated 4.4.1991, wherein the condition of first division in Matriculation was dropped. Resultantly, it has to be held that the petitioner was qualified for the post of PTI.

Counsel for the petitioner has also relied upon Annexure P-5, i.e reply to the RTI application filed by him, as per which one sanctioned post of PTI is lying vacant since 13.1.2005.

Counsel for the respondents states that the said reply was given as far back as 16.1.2012 but has fairly stated that if that vacancy still exists, the petitioner cannot be denied the appointment as PTI.

In the circumstances, this writ petition is allowed and it is directed that if the vacancy as reflected in Annexure P-5 still exists, the petitioner be appointed thereto, in terms of the policy Annexure R3/1, with all consequential benefits except the difference in salary from the date of appointment till today. Let the necessary exercise be conducted within three months from the date of receipt of a certified copy of this order.

(AJAY TEWARI)
JUDGE

April 24, 2015
`kk'