

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

LPA-1062-2015 (O&M)

Decided on: 31.08.2015

**Berojgar Linemen Union (Punjab),
PSPCL and others**

.... Appellants

VERSUS

**Punjab State Power Corporation
(PSPCL), Patiala and another**

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
 HON'BLE MS. JUSTICE NAVITA SINGH

Present: **Mr.H.C.Arora, Advocate, for the appellants.**

**Mr.Girish Agnihotri, Senior Advocate, with
Mr.Rohit Seth, Advocate, for the respondents.**

RAJIVE BHALLA, J. (ORAL)

The appellants' only surviving grievance, in view of order dated 02.07.2015, is that a one time age relaxation may be granted to the appellants particularly to those appellants who are part of the original selection-cum-waiting list of 2011.

Counsel for the appellants submits that the appellants have been rendered ineligible as they have crossed the age limit, for no fault on their part. The pendency of the writ petition challenging the original advertisement inviting applications from 5000 linemen has rendered them ineligible for the new selections. The respondents may, therefore, be directed to grant a one time age relaxation to those candidates who had applied earlier but have in the meanwhile been

rendered ineligible on account of age.

Counsel for the respondents submits that the appellants did not make any such prayer in the writ petition. The only prayer in the writ petition was to direct the respondents to make selection from the selection-cum-waiting list of 2011. The selection-cum-waiting list of 2011 having been held to be inapplicable to the present selection on the premise that it is to be treated as a fresh selection and fresh vacancies, the appellants cannot be granted a one time age relaxation. It is further submitted that the matter has been considered by the Board of Directors and declined.

We have heard counsel for the parties and perused the impugned order.

Notice of motion in the appeal was issued on the limited ground of considering the appellants' prayer for a one time relaxation of the eligibility regarding age. The Board of Directors has considered the request and declined age relaxation. Acceptance of the appellants' prayer for a one year waiver of eligibility regarding age, in our considered opinion, would in essence give a new lease of life to the selection-cum-waiting list of 2011 even if for the limited purpose of age relaxation. Accepting for a moment that such a relief could be available, the appellants were required to raise this plea before the learned Single Judge. A perusal of the pleadings in the writ petition and arguments advanced before the learned Single Judge do not indicate that any such prayer was made and, therefore,

considered.

The appellants rely upon a judgment of the Hon'ble Supreme Court in "State of Andhra Pradesh and anr. Vs. T. Ramakrishna Rao and ors". 1971 (1) S.L.R. Vol. 5. A perusal of the aforesaid judgment reveals that it was a case where the selection was quashed and while balancing equities between parties, candidates who had become over age during pendency of the writ petition were allowed to complete. The judgment, in our considered opinion, does not apply to the present case or advance the appellants' case in any manner whatsoever.

Consequently, we find no merit in the appeal and dismiss the same accordingly.

[RAJIVE BHALLA]
JUDGE

31.08.2015
shamsher

[NAVITA SINGH]
JUDGE