

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.119 of 2015 (O&M)
DATE OF DECISION: 24.02.2015

Sumer Chand and another

....Appellants

versus

Haryana Vidyut Parasaran Nigam Limited and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ravi Sharma, Advocate for the appellants
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

This is an appeal against an order dated 08.03.2011. There is a delay of 1379 days in filing the appeal. We intend considering the facts in the application for condonation of delay and in the appeal together. The combined effect of the delay at both stages affects the rights of the third parties.

2. The appellants have challenged the appointments given to respondents No.5 to 9. The first respondent-Board had issued an advertisement inviting applications for 2000 posts of Assistant Lineman and Shift Attendant on 04.03.1996. The appellants' grievance is that the percentage of reservation for Block-A and Block-B was illegally varied. There was a reservation of 11% for Block-B to which the appellants belong. The appellants, however, do not know what the original percentage was. Be that as it may, the entire exercise was gone

through soon after 03.12.2008. Petitions had been filed earlier for the appointment of 336 reserved candidates for the said posts as per the merit list prepared at that time. That petition, namely, CWP No.16278 of 1997 was disposed of by the order and judgment dated 03.12.2008. 336 seats were ordered to be filled up from the candidates. It is now six years since respondents No.5 to 9 have been appointed. The delay in filing this appeal has affected the rights of respondents No.5 to 9. It is not that they are ineligible or that they have not obtained the necessary marks entitling them to be placed in the merit-list. The contention is that if percentage of Block-B is increased, the number of appointments available against Block-B would increase. In that event, there would be a further consequence, namely, the number of seats in Block-A or in other category would stand reduced. Those appointees have been in office now for about 15 years. It is not possible to dislodge them at this stage.

3. In the circumstances, the application is dismissed. The appeal is also dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

24.02.2015
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(AUGUSTINE GEORGE MASIH)
JUDGE