

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

**CWP No.5202 of 1994
Date of decision: 29.01.2016**

Rajesh Kumar Bharti

....Petitioner

Versus

Haryana State Electricity Board and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioners.

Mr. Kamal Sharma, Advocate
for respondents No.1 and 2.

RITU BAHRI J. (Oral)

The petitioner is seeking writ of mandamus directing the respondents to appoint him as an Assistant Lineman or Shift Attendant as per advertisement dated 02.03.1992.

The petitioner was working as a Peon in Haryana State Electricity Board (HSEB) w.e.f. 30.06.1975, and at the time of filing of writ petition he was working under the Executive Engineer, HSEB, Rohtak. Pursuant to the advertisement No.CRA-133 dated 02.03.1992, the petitioner sent his application for the post of Assistant Lineman and Shift Attendant. The necessary qualifications prescribed for the said post is reproduced as under (Annexure R-1):-

“1. Assistant Lineman:- 791 posts (408 reserved for Scheduled Castes, 135 for Ex-servicemen & 24 for Physically Handicapped of Haryana Domicile).

Pay Scale: Rs.1200/2040.

QUALIFICATION

- (i) Matric with 2 years ITI Certification in Electrician/Wireman Trade or having 2 years Vocational Course under the Trade of Lineman conducted by the Director, ITI & Vocational Education, Haryana.
- (ii) Hindi upto Matric standard.

2. Shift Attendant:- 250 posts (90 reserved for Scheduled Castes/Tribes, 16 for Backward Classes, 43 for Ex-servicemen & 7 for physically Handicapped of Haryana Domicile).

Pay Scale: Rs.1200/2040.

QUALIFICATION

- (i) Matric with 2 years ITI Course in Electrician /Electronics/ Wireman Trade.
- (ii) Hindi upto Matric standard.”

After submitting all the documents, the petitioner appeared before the Superintending Engineer (O.P. Circle), Rohtak, for interview. Thereafter, he served a notice/representation to the Chairman, HSEB, Panchkula, for his appointment as ALM/Shift Attendant (P-2). Respondents No.3 and 4 were selected who were not having the qualifications i.e. educational and technical. Respondent No.3 i.e. Krishan Kumar, was appointed as daily wages Mali on 01.04.1981, thereafter he

was appointed by the XEN, HSEB, Hisar, and he is working as ALM in the office of XEN, does not fulfill the qualification and experience as compared to the petitioner. Respondent No.4 i.e. Raj Kumar was appointed as daily wage Mali on 01.01.1981 and thereafter, he was appointed as work charge Mali and ALM by HSEB in October, 1992.

Upon notice in the present petition, written statement dated 27.09.1994, has been filed by respondents No.1 and 2. The stand taken by respondents is that pursuant to the advertisement, no application was received through proper channel by the respondent-department, however he was interviewed by the Selection Committee on the direction given by the Secretary, Haryana State Electricity Board. The petitioner was not selected as he did not fulfill the necessary qualifications as per the advertisement (Annexure R-1).

As far as details of respondent No.3 is concerned, it has been explained that his name does not find mention in the official record and this information has been received from XEN, T/L Division, Narwana vide memo No.1570/LC-1 dated 19.07.1994 (Annexure R-2).

A perusal of Annexure R-2 shows that Krishan Kumar, ALM, has never worked in this division. However, with regard to respondent No.4, it has been explained that he was appointed on the post of Assistant Lineman against 50% promotion quota seats

which were filled up on seniority-cum-merit basis as per Promotion Policy issued by the respondent-Board dated 10.10.1988 (Annexure R-3). The notification Annexure R-3 is reproduced as under:-

“Rule 1.2.1. 50% posts will be filled up by direct recruitment from amongst the persons having minimum qualification as Matric with ITI in Electrician/Wireman Trade or having 2 years Vocational Course under the Trade of Lineman conducted by Director ITI and Vocational Education, Haryana. The persons so recruited will be considered as Asstt. Lineman (Trainee) for a period of one year at a fixed pay allowed by the Board from time to time. On successful completion of training, he will be placed in regular scale of Asstt. Lineman.

1.2.2. The remaining 50% posts, will be filled up by promotion from the existing regular T-Mates, on seniority-cum-merit basis.”

Respondent No.4 was promoted in the quota of 50% meant for promotion. Further affidavit has been filed by Superintending Engineer, UHBVNL, explaining that respondent No.4-Raj Kumar was appointed on work charge Mali on 07.02.1985 and thereafter on 06.09.1990, he was appointed afresh

on the post of work-mate by the Superintending Engineer, Sonapat, vide order dated 30.07.1990 and his appointment letter has been placed on record as Annexure R-4. Perusal of Annexure R-4, shows that respondent No.4 was appointed on temporary basis as work-mate in the scale of 750/940, on 08.09.1990. Respondent No.4-Raj Kumar worked on the post of work-mate and thereafter, he was promoted to the post of Assistant Lineman as per Promotion Policy issued by the Board (Annexure R-3). His appointment has not been made when he was working as a work charge Mali. Hence, after working on the post of work-mate, he was not required to have educational qualification of Matric and ITI and he has rightly been promoted in the 50% quota post meant for promotion. The petitioner cannot claim any parity with respondent No.4 for promotion to the post of ALM as respondent No.4 has been promoted as per Promotion Policy (Annexure R-3). The petitioner being ineligible did not fall under the criteria as per Annexure R-3.

The writ petition is dismissed.

(RITU BAHRI)
JUDGE

29.01.2016

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