

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19501 of 2016

Date of Decision: 20.09.2016

Sunil Kumar

... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd.  
and another

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. R.K. Malik, Sr. Advocate,  
with Mr. Kuldeep Sheoran, Advocate,  
for the petitioner.

**RAJIV NARAIN RAINA, J.**

From the table made in para.8 of the petition, Mr. R.K. Malik, learned Senior counsel argues that the petitioner is far higher in merit than one Devender Kumar who has been offered appointment as Assistant Linesman in August 2016 in the respondent-Nigam. Both Sunil Kumar, the petitioner, and said Devender Kumar belong to the Backward Class 'A' category of candidates. The merit position of the petitioner is 178 while the name of Devender Kumar stands lower in merit position at No.210.

When asked how has this happened, Mr. Malik submits from his engaging counsel's instructions that in cases of the present kind that the respondent Nigam offers appointments when directed by Court.. This is a rather interesting way of settling rights of candidates who are higher in merit in the category.

If this is the position then there is no need to issue summons and put the Nigam to notice only to perpetuate a bad habit formed in the

Nigam to go by Court orders alone with no sanctity attached to merit in the selection process.

In the circumstances, Mr. Malik's contentions appear to be weighty that the petitioner's demand notice dated August 01, 2016 (P-12) deserves to be paid attention to by the authorities in the Nigam.

Accordingly, a direction is issued to respondent No.1 to take up the demand notice forthwith, examine the case of Devender Kumar as against the case of the petitioner and accord the petitioner parity of treatment according to his merit position. Let this exercise be completed within a fortnight and in case, the petitioner deserves appointment according to his merit position in the category applied for then he would be offered consideration for appointment within the next three weeks after completing the formalities.

With these observations and directions, the petition stands disposed of.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**20.09.2016**

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Whether speaking/reasoned                      Yes

Whether reportable                                No