

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 21087 of 2016
Date of decision: 6.10.2016

Hemant Kumar

... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. & anr.
... Respondents

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

Present: Mr. RK Malik, Sr. Advocate, with
Mr. Samrat Malik, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

From the table made in para 8 of the petition, Mr. R.K. Malik learned Senior counsel argues that the petitioner is higher in merit than Panna Lal, Pawan Kumar, Devender Kumar, Sanjeev Kumar and Jagmohan, who have been offered appointment as Assistant Linesman in August 2016 in the respondent-Nigam. The petitioner has been selected at merit No.83, in BC-A Category and the candidates lower in merit namely Panna Lal, Pawan Kumar, Devender Kumar, Sanjeev Kumar and Jagmohan, who were selected in the waiting list at merit No.103, 161, 210, 163 and 101 respectively belonging to BC-A Category have already been appointed.

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 appointment 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 15, 2016 (P-12) deserves to be paid attention to by the authorities in the Nigam.

Accordingly, a direction is issued to the respondents to take up the demand notice forthwith, examine the case of above-said selected candidates as against the case of the petitioners and accord the petitioners parity of treatment according to their merit position. Let this exercise be completed within a fortnight and in case, the petitioners deserve appointment according to their merit position in the category applied for then they 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

6.10.2016
monika

Whether speaking/reasoned *Yes / No*

Whether reportable *Yes/ No*