

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 21116 of 2016
Date of decision: 6.10.2016

Pawan Kumar & anr.

... Petitioners

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 petitioners.

RAJIV NARAIN RAINA, J.(Oral)

From the table made in para 8 of the petition, Mr. R.K. Malik learned Senior counsel argues that petitioner No.1 belonging to BC-A Category is higher in merit than Prem Chand, Panna Lal, Pawan Kumar, Sanjeev Kumar, Jagmohan and Devender Kumar, who have been offered appointment as Assistant Linesman in August 2016 in the respondent-Nigam and similarly, petitioner No.2 belonging to BC-B Category is higher in merit than Satish Kumar, Sachin Yadav and Ravinder. Petitioner No.1 has been selected at merit No.54 in BC-A Category and candidates namely Prem Chand, Panna Lal, Pawan Kumar, Sanjeev Kumar, Jagmohan and Devender Kumar, who were selected in the waiting list at merit No.78, 103, 161, 183, 101 and 210 respectively, were appointed. Similarly, petitioner No.2 belonging to BC-B Category stands at merit No.75 in the waiting list and candidates namely Satish Kumar, Sachin Yadav and Ravinder, whose merit position is 185, 192, 94 respectively in the waiting list 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 September 01, 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