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

**CWP-21239-2016
Date of decision : 02.12.2016**

Rahul Midda

..... Petitioner

VERSUS

Haryana Vidyut Parsaran Nigam Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Tejpal Dhull, Advocate
for the petitioner.

Mr. R.S. Longia, Advocate
for respondents No.1 to 3.

ANUPINDER SINGH GREWAL, J.(Oral)

The petitioner is seeking appointment to the post of Assistant Lineman against 108 posts of Ex-servicemen (general category), which remained vacant due to unavailability of Ex-servicemen in that category.

The petitioner had applied for the post of Assistant Lineman in general category in pursuance to the advertisement issued by the respondents. The result was declared on 22.04.2010 and the petitioner was at Sr. No.93 in the waiting list in the general category.

It is the case of the petitioner that 108 posts of Ex-servicemen

Ex-servicemen and hence these posts should have been filled from the waiting list of general category in view of the instructions issued by the respondents on 22.07.2010 and clarification on 23.05.2014.

I have heard learned counsel for the parties.

An identical question pertaining to this very selection which is impugned in the instant petition has already been decided by a coordinate Bench of this Court in the case of **Kailash Chand Vs. Haryana Vidyut Parsarn Nigam Limited and others, CWP No.16214 of 2015** on **11.07.2016**, wherein it has been held that in case the posts of Ex-servicemen (general category) could not be filled due to unavailability of Ex-servicemen (general category) then the vacant post has to be filled from the waiting list of the candidates in the general category.

The petitioner is at Sr. No.93 while 108 seats in Ex-Servicemen (general category) were not filled. Therefore, he would be entitled to appointment.

Consequently, this petition is allowed in the same terms as the judgment in the case of **Kailash Chand Vs. Haryana Vidyut Parsarn Nigam Limited and others** (supra) and the respondents are directed to appoint the petitioner on the vacant post from the date when the batch mates have been appointed but the petitioner shall be entitled to remuneration from the date he will join service. However, his date of appointment shall be reckoned for all the service benefits including seniority. This exercise shall be carried out by the respondents within a

period of two months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

December 02, 2016
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes / No