

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

Date of decision: 17.11.2016

CWP No.23729 of 2016

Jai Dev & another

...Petitioners

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd. & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Alka Chatrath, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

From the table made in para.22 of the petition, Ms. Alka Chatrath, learned counsel argues that the petitioners who belong to SC category are higher in merit than Kani Ram, Sukhbir and Sunil, who have been offered appointment as Assistant Linesman in August, 2016 in the respondent-Nigam. The petitioners have been selected at merit No.142 and 29 respectively and the candidates lower in merit namely Kani Ram, Sukhbir and Sunil, who were selected in the waiting list at Merit No.221, 259 and 271 respectively belonging to General category, have already been appointed and the candidates Sr. No.232, 172 & 291 belonging to SC Category have been appointed.

When asked how has this happened, Ms. Chatrath submits 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, Ms. Chatrath's contentions appear to be weighty that the petitioner's demand notice dated October 10, 2016 (P-18) 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 them 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.

17.11.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*