

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24028 of 2016

Date of Decision: 21.11.2016

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 Ms. Rimple Kadyan, 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 higher in merit than Sunil Kundu, Gurnam Singh, Rupender Singh, Sonu, Sunil Kumar, Kani Ram, Gopal Kumar, Parmod, Sunil, Sulender, Naveen Sheokand and Sunil who have been offered appointment as Assistant Linesman in August 2016 in the respondent-Nigam. The petitioner has been selected at merit No.146 and the candidates lower in merit namely Sunil Kundu, Gurnam Singh, Rupender Singh, Sonu, Sunil Kumar, Kani Ram, Gopal Kumar, Parmod, Sunil, Sulender, Naveen Sheokand and Sunil who were selected in the waiting list at merit No. 151, 162, 169, 175, 193, 221, 225, 238, 247, 257, 261 and 271 respectively belonging to General 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 October 06, 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 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 deserve 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

21.11.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No