

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24029 of 2016

Date of Decision: 21.11.2016

Rakesh and another

... Petitioners

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 petitioners.

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 no.1 is higher in merit than Kani Ram, Gopal Kumar, Parmod, Sunil, Sulender and Sunil who have been offered appointment as Assistant Linesman in August 2016 in the respondent-Nigam. Similarly petitioner no.2 is higher in merit to Sunil who have been offered appointment as Assistant Lineman in August 2016. The petitioner no.1 has been selected at merit No.168 and the candidates lower in merit namely Kani Ram, Gopal Kumar, Parmod, Sunil, Sulender and Sunil who were selected in the waiting list at merit No.221, 225, 238, 247, 257 and 271 respectively belonging to General Category have already been appointed. Similarly the petitioner no.2 has been selected at merit no.267 and Sunil Kumar who was selected in the waiting list at merit no. 271 has 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 petitioners 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 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

21.11.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No