

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

Date of decision: 01.12.2016

CWP No.24793 of 2016

Vishal & another

...Petitioners

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mohnish Sharma, Advocate, for the petitioners.

RAJIV NARAIN RAINA, J. (ORAL)

From the table made in para.17 (E) of the petition, learned counsel argues that the petitioners are far higher in merit than private respondents No.5 to 10 who have already been offered appointment as Assistant Linesman in the respondent-Nigam. The petitioners and private respondents No.5 to 10 belong to the Backward Class 'A' category of candidates. The merit position of the petitioners in the waiting list (Annexure P-13) are 42 and 52 while the name of the private respondents stands lower in merit position at Sr. Nos.78, 101, 103, 161, 210 and 281 of the Backward Class A Category.

When asked how has this happened, ld. counsel submits that in cases of the present kind the respondent Nigam offers appointments as and 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, the contentions made by counsel for the petitioners appear to be weighty that the petitioners' representation dated 07.06.2016 (P-14) deserves to be paid attention to by the authorities in the Nigam.

Accordingly, a direction is issued to respondents No.3 and 4 to take up the representation (P-14) forthwith, examine the case of private respondents No.5 to 10 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.

01.12.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*