

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

CWP No.17082 of 1998 (O&M)

Date of Decision:03.05.2017

Rakesh Kumar and others

... Petitioners

Vs.

Haryana Vidyut Parsaran Nigam Ltd. and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. K.L. Suneja, Advocate for the petitioners.

Mr. H.S. Gill, Sr. Advocate with
Mr. K.B.S. Mann, Advocate for respondent No.1.

Mr. Kushagra Mahajan, Advocate
for respondents No.3, 15 and 16.

Mr. Y.P. Malik, Advocate for respondent No.9.

P.B. BAJANTHRI J. (Oral)

The petitioners have questioned the selection and appointment of respondents No.2 to 21 to the post of Assistant Linemen. Further they have sought for quashing the memo dated 3.6.1998 by which the petitioners' representation dated 26.3.1998 has been rejected.

The official respondents notified to fill up the post of Assistant Linemen to the extent of 663 posts on 4.3.1995. The petitioners are candidates for the selection and appointment for the posts of Assistant Lineman. They have participated in the process of selection including interview process in the month of May 1997. The selecting authority instead of filling up posts to the extent of 663 posts under the general category, they have selected and appointed 1028 candidates. The petitioners are not eligible even if selecting authority filled up 1028 posts from the general category.

Learned counsel for the petitioners submitted that filling up of posts of Assistant Lineman by the selecting and appointing authority is in excess is illegal and arbitrary and in violation of Article 14 and 16 of the Constitution.

The petitioners having participated in the selection and being unsuccessful cannot turn around and say procedure of selection is illegal and arbitrary. That apart petitioners have not produced appointments orders issued to respondents No.2 to 21 as Assistant Linemen so as to challenge the selection and appointment. In the absence of challenge to selection and appointment orders of respondents No.2 to 21, petition cannot be entertained merely on the prayer to quash the selection and appointment of respondents No.2 to 21. Moreover, the petitioner had cause of action to contend that there is a excess in selection and appointment to the notified vacancies as and when select list was notified. Whereas the present petition had been filed in the year 1998 and by that time selection and appointment was over.

In view of the above facts and circumstances, petition stands dismissed.

03.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**