

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

Date of decision: 14.03.2017

RSA No.2367 of 1991

Ved Parkash

...Appellant

Vs.

Punjab State Electricity Board, Patiala

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mahabir Singh Sindhu, Advocate, for the appellant.

Mr. R.L.Sharma, Advocate, for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

So long as a candidate from the waiting list was not offered appointment, the person lower in merit in the same list cannot be given appointment from the same selection process. The date of declaration of result and the date when last candidate was selected and appointed from the main list have not been made known to this Court at the time of hearing. Therefore, it is not possible to make any comment regarding life of waiting list having expired or not. Even if it were alive, even then unfilled vacancies would have been carried forward to the new selection, where the plaintiff has a right to compete in his reserved category. The learned Additional District Judge did well in overruling the decision of the trial Court decreeing the suit based on incorrect interpretation of the letter dated 08.02.1985 (Ex.P1) and dismissed the suit for good and proper reasons. In this appeal, no question of service law much less substantial arises for consideration of this Court on its second appeal side.

Besides, 32 years have gone by and even if the plaintiff had a whit of a chance to succeed, even then by sheer passage of time, it would neither be prudent nor practical to consider a mandatory injunction to the State to offer appointment to the plaintiff. This last thought is an add-on mentioned in passing and in *arguendo*.

Hence, I endorse the findings recorded by the Additional District Judge and would uphold its work as fair and one which is sound on facts and law. Consequently, the instant appeal is found bereft of merit and is ordered to stand dismissed.

14.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>