

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****Date of decision: 01.02.2017****CWP No.1862 of 2017**

Rajiv Kumar

...Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd. &amp; another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Ms. Alka Chatrath, Advocate, for the petitioner.

**RAJIV NARAIN RAINA, J. (ORAL)**

From the table made in para.23 of the petition, Ms. Alka Chatrath, learned counsel argues that the petitioner, who belongs to BCA category, is higher in merit than persons, who have been offered appointments as Assistant Linesmen in August, 2016 in the respondent-Nigam. The petitioner has been selected at merit No.153 and the candidates lower in merit than the petitioner, who were selected in the waiting list at Merit Nos.161, 183 & 210 respectively belonging to BCA category, have already been appointed and the candidates at Sr. Nos. 259, 261 & 271 belonging to General Category have been appointed.

When asked how has this happened, Ms. Chatrath submits that in cases of the present kind, 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, Ms. Chatrath's contentions appear to be weighty that the petitioner's demand notice dated November 25, 2016 (P-18) 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 cases of above-said selected candidates as against the case of the petitioner and accord him parity of treatment according to his merit position. Let this exercise be completed within a fortnight and in case, the petitioner deserves 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 all the formalities.

With these observations and directions, the petition stands disposed of.

**01.02.2017**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

*Whether speaking/reasoned:* *Yes*

*Whether Reportable:* *No*