

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

CWP No.26234 of 2014 (O&M)

Date of Decision: August 10, 2017

Jaswinder Singh and others

....Petitioners

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. H.S. Batth, Advocate
for the petitioners.

Mr. T.P.S. Chawala, DAG, Punjab.

Mr. Vishal Chaudhari, Advocate
for respondent No.2.

TEJINDER SINGH DHINDSA, J. (Oral)

The Punjab State Power Corporation Limited issued an advertisement bearing No.C.R.A.-267/11 in the year 2011 to fill up 5000 posts (Tentative) of Lineman on contract basis. The advertisement further reflected 739 posts (Tentative) towards backlog of Scheduled Castes Category.

Petitioners herein belong to the Scheduled Castes Category and had applied in response to the advertisement for the post of Lineman on contract basis.

Counsel representing the petitioners would advert to documents placed on record at Annexures P-5 and P-6 to contend that upon information having been sought, under the Right to Information Act 2005, the appropriate authority under the

Corporation had informed that there is a backlog of 739 vacancies for the category of Scheduled Castes for purposes of direct recruitment of Lineman.

The petitioners are presently aggrieved against corrigendum dated 10.06.2011 (Annexure P-7) and whereby the respondent-Corporation has clarified that the details of the backlog for the Scheduled Castes Category, has been checked and it has found to be zero.

Counsel appearing for the petitioners would argue that the corrigendum reflecting zero backlog for the Scheduled Castes Category for direct recruitment to the post of Lineman, runs contrary to the information provided under the Right to Information Act. Further contended that the corrigendum at Annexure P-7 works to the detriment of the petitioners inasmuch as, no provision for reservation for the post of Lineman (contract basis) has been made to clear the backlog as per information provided under the Right to Information Act.

In response to the writ petition, a written statement on behalf of the Deputy Secretary, Recruitment, Punjab State Power Corporation Limited, has been placed on record. In the written statement it stands conceded that the information provided under the Right to Information Act, at Annexures P-5 and P-6, was not up to date and hence not correct. It is stated that the backlog of 739 posts of Lineman with respect to the Scheduled Castes Category was on the basis of the roster register for the year 1997 and such register for the

year 1997 was not up to date with respect to the retired/promoted employees prior to and after 1997.

Appended along with the written statement is even the affidavit of the Deputy Secretary (Zones) PSPCL and submitted to the Punjab State Scheduled Caste Commission at Annexure R-1. The deposition contained in such affidavit would be relevant. There is a reference to memo dated 21.10.2011, issued by PSPCL containing instructions for reservation and promotions of the Scheduled Castes and Backward Class. Under Para-6 Sub Clause 3, the backlog of carried forward reservation vacancies for Scheduled Castes is to be included keeping in view the total number of vacancies filled up in each cadre of service. It has also been deposed in the affidavit at Annexure R-1 that the Cadre capacity of Linemen in the corporation is 14348 and 50% of which, by way of direct recruitment comes to 7174 posts. As per Regulation 6(1) of the Technical Services Grade-III 1996 Rules, 50% quota has been stipulated to be filled up through direct recruitment. Further it is clarified that as on the date of filing of the affidavit the number of Lineman working through direct recruitment is 3201 and by taking reservation to be 25% of the posts of Scheduled Castes Category, the number arrived at is 800.

Furthermore, at Annexure R-2 placed on record, along with a written statement, a tabulation reflecting the direct recruitment position as on 31.03.2011 has been furnished and which as follows:-

Direct recruitment position as on 31.03.2011 is 3201 Lineman against the total strength of 14348 Lineman

Falls under quota of direct recruitment 50% of total cadre strength	Filled posts	Reserved SC category i.e. 25% of 3201	Actual post filled	Remarks
7174 (50% of 14348)	3201	800	809	Additional 9 No. SC category Lineman is working in PSPCL

The tabulation reproduced hereinabove, makes it clear that against 800 vacancies reserved for Scheduled Castes Category, the actual filled up posts are 809 in the Corporation.

The factual assertion contained in the written statement as also the Annexure appended along with, has not met with any rebuttal at the hands of the petitioners by way of filing a replication.

In view of the above, the grievance of the petitioners as regards the Corporation having eliminated the backlog reserved vacancies of the Scheduled Castes Category in the process of direct recruitment to the post of Lineman while issuing advertisement at Annexure P-4, is not well founded.

Writ petition is accordingly dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

10.08.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No