

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

Date of decision : February 20, 2017

1. CWP No.412 of 2014 (O&M)

Sanjay Kumar vs DHBVNL, Hisar and others

2. CWP No.472 of 2014 (O&M)

Manoj Kumar vs DHBVNL, Hisar and others

3. CWP No.441 of 2014 (O&M)

Anand Parkash vs DHBVNL, Hisar and others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Mani Ram Verma, Advocate
for the petitioners.

Mr. PS Poonia, Advocate
for the respondents.

Ajay Tewari, J (Oral)

This order shall dispose of the aforesaid writ petitions as similar questions of law and facts are involved therein.

By way of these writ petitions, the petitioners have challenged the action of the respondents in nullifying their previous service. The petitioners were all working on lower posts in the erstwhile Haryana State Electricity Board. In 1992, posts of Assistant Linemen and Shift Attendants were advertised. The petitioners applied through proper channel and were selected. Ultimately, that selection was set aside by this Court in CWP No.7382 of 1993, which was upheld in LPA No.75 of 1996. The matter was carried to the Supreme Court. During the pendency of the SLPs, fresh

advertisement was made and the petitioners again applied. Meanwhile, the Supreme Court decided the SLPs and issued a direction to the respondent-Board to complete the selection process and till then old selectees were directed to be continued in service. In the fresh selection, the petitioners were selected. However, on their joining, the petitioners were denied the benefit of their previous service by order dated 19.12.2013 (Annexure P-16).

The primary ground raised by counsel for the petitioners is that some of their erstwhile colleagues who were also similarly appointed in 1992 but were not selected in the subsequent selection were reverted back to their subordinate posts and were given the benefit of their entire service.

Counsel for the respondents has accepted this fact. Once that is so, the respondents cannot be allowed to discriminate. If the selection of 1992 was flawed, then the petitioners would be deemed to have been reverted back on the subordinate posts but it cannot be held that their entire service has been nullified. In the circumstances, these writ petitions are allowed and the impugned order is set aside. It is directed that the period during which the petitioners were employed on the higher posts pursuant to the first selection would be treated as period spent on the lower post. Of-course, no recovery could be made from the petitioners since they have actually worked on the higher posts.

Since the main cases have been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

February 20, 2017
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No

