

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

**1. CWP No.10103 of 2014**

|                                                      |     |             |
|------------------------------------------------------|-----|-------------|
| Vijay Kumar Arora                                    | ... | Petitioner  |
| Versus                                               |     |             |
| Haryana Power Generation Corporation Ltd. and others | ... | Respondents |

**2. CWP No.9985 of 2014**

|                                                      |     |             |
|------------------------------------------------------|-----|-------------|
| Subhash Chander                                      | ... | Petitioner  |
| Versus                                               |     |             |
| Haryana Power Generation Corporation Ltd. and others | ... | Respondents |

**3. CWP No.10021 of 2014**

|                                                      |     |             |
|------------------------------------------------------|-----|-------------|
| Chandi Ram                                           | ... | Petitioner  |
| Versus                                               |     |             |
| Haryana Power Generation Corporation Ltd. and others | ... | Respondents |

**4. CWP No.9999 of 2014**

|                                                      |     |             |
|------------------------------------------------------|-----|-------------|
| Ramesh Kumar                                         | ... | Petitioner  |
| Versus                                               |     |             |
| Haryana Power Generation Corporation Ltd. and others | ... | Respondents |

**Date of Decision: 28.09.2018**

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

Present: Mr. Vikas Chatrath, Advocate,  
for the petitioner(s).

Mr. Gaurav Mohunta, Advocate,  
for the respondents in CWP No.10103 of 2014.

Mr. Sunil Nehra, Advocate,  
for Mr. P.S. Poonia, Advocate,  
for the respondents  
in CWP Nos.9985, 10021 and 9999 of 2014.

**\*\*\***

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

This order will dispose of CWP No.10103 of 2014, *Vijay Kumar Arora v. Haryana Power Generation Corporation Ltd. and others*, CWP No.9985 of 2014, *Subhash Chander v. Haryana Power Generation Corporation Ltd. and others*, CWP No.10021 of 2014, *Chandi Ram v. Haryana Power Generation Corporation Ltd. and others* & CWP No.9999 of 2014, *Ramesh Kumar v. Haryana Power Generation Corporation Ltd. and others* as common issues are involved and facts are not in dispute.

Heard learned counsel for the parties.

The only question which arises in this case is whether petitioner Vijay Kumar Arora can catch up with reserve category candidate Azad Singh Mowal reserve category candidate who was promoted as Circle Head Draftsman on April 15, 1995 while the petitioner a General category candidate was still a Draftsman which is two stages below (See Chart in para.2 of the written statement filed by the Corporation). In such a situation, the principle of catch up would not apply in view of the law stated by the Supreme Court in Sube Singh Bahmani and others v. State of Haryana, (1999) 8 SCC 213 (Constitution Bench). This was as a result of rejection of the argument of the general category that reserve category candidates should not be promoted on reserve roster point till general category candidates have caught up with their erstwhile junior reserve category candidates. The catch up principle has been explained by the Supreme Court in Ajit Singh Janjua & others v. State of Punjab and others, JT 1999 (7) SC 153 decided by the Constitution Bench on the same day as *Sube Singh Bahmani's* case.

Mr. Mohunta relies on an order passed in CWP No.4533 of

2014 in the case of Nigam itself in case titled *Mohinder Lal v. Uttar Haryana Bijli Vitran Nigam Limited & others* decided on March 14, 2018.

In view of the legal position explained above, these petitions have no life and are dismissed.

(RAJIV NARAIN RAINA)  
JUDGE

28.09.2018  
manju

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |