

LPA no. 2053 of 2017 (O&M) 1

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

LPA no. 2053 of 2017 (O&M)

Date of Decision : 12.09.2018

Harsimran Kaur

....Appellant(s)

Versus

The Punjab State Electricity Board and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

Present : Mr.H.S.Sirohi, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

CM no. 4499-LPA of 2017

After hearing learned counsel for the applicant and going through the contents of the application, delay of one day in filing the instant appeal is hereby condoned.

Main case

This appeal is directed against the judgment of the learned Single Judge dated 11.8.2017.

The appellant participated in a selection process way back in the year 1996 and she filed the writ petition in the year 1999 with a prayer which we deem appropriate to extract herebelow:-

“(i) issue a writ in the nature of mandamus directing the respondent-Board to appoint the petitioners as Junior Engineers (Electrical) against the posts reserved for Women candidates in terms of circular dated

30.12.1996 issued by the State of Punjab which has been adopted by the Board vide circular dated 27.2.1997, Annexures P/1 and P/2.”

The primary grievance of the appellant was that 50% reservation for women candidates was intended in the advertisement but not effected during the selection process.

Learned Single Judge noticed this grievance that against 200 posts of Junior Engineers advertised, 60 fell to the share of women candidates in accordance with circular dated 30.12.1996 issued by the State of Punjab adopted by the Board but only 15 women candidates were called for the interview.

The respondents had justified the decision on the strength of a circular dated 22.10.1998 keeping reservation for women candidates in abeyance as the decision to effect 30% reservation for women have not been approved by the Chief Secretary, Punjab. This was disclosed to the appellant in the reply filed to the writ proceedings as Annexure R-1. The said decision is extracted herebelow:-

“2. The decision which was taken by Social Welfare Department vide its circular letter no.4/31/96/25.W/205 dated 30.12.1996 for providing a minimum of 30% reservation for women for Class I to 4 posts has not so far been approved by the Chief Secy. Punjab as with the provision of 30% reservation to women, the reservation will come to 65% where as it should not exceed 50% otherwise it will not be legally valid. Therefore Social Welfare Deptt. has been advised

to reconsider its earlier instructions. As soon as the decision to determine the roster point is taken, you will be informed accordingly.”

Learned Single Judge went on to hold that the question raised by the appellant is merely academic as entire recruitment process initiated in the light of advertisement issued in 1997 stood finalized in 1998 itself with all the selected candidates joining more than 15 years back.

Apart from the fact that we do not find any flaw in the reasoning of the learned Single Judge, at this stage, there is another impediment in the way of the appellant as she never questioned the decision of the respondents to keep the reservation in abeyance as the prayer clause would disclose. Her prayer is limited to a direction that circular dated 30.12.1996 be given effect to.

In view of above, we do not find any reason to interfere. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

12.09.2018
rekha

(Mahabir Singh Sindhu)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No