

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

**CWP-27028-2018 (O&M)
Date of decision : 28.03.2019**

Jarnail Singh and others

...Petitioner

Versus

**Punjab State Power Corporation Ltd.
and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S. Atwal, Advocate for the petitioners.

Mr. N.S. Lubana, Advocate,
for Mr. Abhilaksh Grover, Advocate,
for the respondents.

JITENDRA CHAUHAN J. (ORAL)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ of Mandamus directing the respondents to release the Tubewell connections in favour of the petitioners under the Chairman's Discretionary Quota.

It is contended that the petitioners being farmers had applied for tubewell connections under the Chairman's Discretionary Quota on priority in the year 2016 as per the procedure prescribed by the respondent-Corporation. The tubewell connections were approved and sanctioned by

the competent authority vide separate sanctions letters (Annexure P-1 colly.). As per the sanction letters, the petitioners were directed to deposit the requisite processing fee for installation of tubewell connections. Accordingly, the petitioners deposited the amount as demanded by the respondents vide receipts Annexure P-2 (colly.). The grouse of the petitioners is that till date, tubewell connections have not been released to them, whereas, similar connections have been released to other villagers by adopting pick and chose policy.

It is contended that after the deposit of processing fee by the petitioners with the respondent-department, model code of conduct was implemented by the Election Commission on 04.01.2017, thus, the requisite connections could not be released. Even petitioner Nos.1, 3, 5 and 7 had deposited the processing fee when the model code of conduct was already in force. The connections were being issued to those persons to whom demand notices were issued before the implementation of the code on 04.01.2017.

Heard.

It is not in dispute that the applications for grant of tubewell connection under the Chairman's Discretionary Quota moved by the petitioners had been approved by the competent authority well before the implementation of the model code of conduct. The requisite processing fee also stands deposited by all the petitioners. Thus, once the discretion had already been exercised by the competent authority in favour of the petitioners, denial of the benefit on the ground of implementation of model

code of conduct is arbitrary. The respondent-authorities could have released the connections immediately after the elections. It is also admitted position that similar connections have been released in favour of similarly situated persons during and after the model code of conduct.

In this view of the matter, the instant petition is allowed and the respondents are directed to release the tubewell connections to the petitioners after completion of necessary formalities. The necessary exercise be carried out within a period of eight weeks from the date of receipt of a certified copy of this judgment.

28.03.2019

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No