

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

CWP No.819 of 2018
Date of decision:-16.01.2019

Bhupesh Kumar

.....Petitioner

versus

Chairman-cum-Managing Director, PSPCL and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Nikhil Anand, Advocate for the petitioner.

Mr. Hittan Nehra, Advocate for respondents No.1 and 2.

TEJINDER SINGH DHINDSA, J.(ORAL)

Counsel for the parties have been heard.

Brief facts of the case are that the Punjab State Power Corporation Limited, issued an advertisement dated 17.06.2015 for filling up various posts including 500 posts of LDC/Cashier. The petitioner herein who belongs to General Category being eligible, as per qualifications prescribed, applied for the post and participated in the selection process comprising of a written test held online on four dates in the months of December 2015 and January 2016. Result was declared on 24.05.2016. Candidates who were placed in the selection list were called for an exercise for verification of their documents. There is no dispute as regards the fact that the petitioner based on the merit secured, participated in a counselling/documents verification exercise conducted on 5/6 of July 2017. The documents produced by the petitioner were found to be in order.

Grievance raised in the instant petition is that inspite of falling within the zone of appointment against the advertised vacancies in the General Category and the documents having been found in order in the counselling exercise, the respondent-PSPCL has illegally with-held the appointment letter.

Apparently, the respondent-Corporation had thereafter initiated a fresh recruitment process in the light of advertisement dated 16.12.2017 which included the unfilled vacancies pertaining to the recruitment process initiated earlier in point of time vide advertisement dated 17.06.2015 and in which the present petitioner had participated.

Identically situated candidates at that stage filed a CWP No.29791 of 2017 (Ramandeep Singh and others Vs. Chairman-cum-Managing Director PSPCL and another) and in which interim directions were issued staying the process of selection pursuant to the fresh advertisement dated 16.12.2017.

It has gone uncontroverted that in the connected writ petition i.e. CWP No.29791 of 2017, PSPCL had taken a stand that it was ready and willing to offer appointment letter to the petitioners therein. In view of such stand taken, the writ petition was disposed of as infructuous vide order dated 30.10.2018.

Counsel representing the petitioner herein seeks parity of treatment.

On the last date of hearing i.e. on 11.01.2019, Mr. Hittan Nehra, Addl. A.G. Punjab, representing PSPCL was directed to complete instructions as to whether the claim of the petitioner herein would be at par with the petitioners in CWP No. 29791 of 2017.

During the course of hearing today, Mr. Nehra, concedes that the claim and grievance of the present petitioner is identical to the petitioners in CWP No.29791 of 2017. The only difference sought to be portrayed is that the instant petition was filed approximately three weeks later than CWP No.29791 of 2017.

Suffice it to observe that the petitioner herein cannot be treated as a candidate who was not vigilant in pursuant his claim. The factual premise as regards the petitioner herein having secured a merit position against the General Category pursuant to having participated in a selection process for the post of LDC/Cashier and falling within the zone of appointment is not disputed. It is also not in dispute that the documents produced by the petitioner at the stage of verification/counselling have been found in order.

In view of the above, the instant writ petition is allowed.

Respondent-PSPCL is directed to issue in favour of the petitioner an appointment letter in respect of the post that he had applied in pursuance to the advertisement dated 17.06.2015. Such appointment shall reckon from the date when other candidates have been issued appointments who had also participated in the same very selection process.

(TEJINDER SINGH DHINDSA)
JUDGE

16.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No