

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

125

CM-1120-2019 in/and
CWP-31300-2018
Date of Decision: 30.01.2019

Manish Kumar

--Petitioner

Versus

Chairman-cum-Managing Director, PSPCL and another

--Respondents

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

Present:- Mr.Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Hittan Nehra, Advocate
for the respondents.

TEJINDER SINGH DHINDSA.J.

CM-1120-2019

Application is allowed as prayed for. The appointment letter dated 20.03.2017 and relieving letter dated 28.07.2017 are taken on record at Annexures P-12 and P-13.

Application is disposed of.

Main case:

Short reply on behalf of respondents No.1 and 2 has been filed in Court today and the same is taken on record. Copy has been furnished to the counsel opposite.

With the consent of counsel for the parties, the writ petition is taken up for disposal today itself.

Arguments have been heard at length.

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 withheld 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.

It has gone uncontroverted that identically situated candidates at that stage filed 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.

In CWP No.29791 of 2017, PSPCL took a stand that it was ready and willing to offer appointment letters to the petitioners therein. In view of such stand taken, the writ petition was disposed of as infructuous vide order dated 30.10.2018.

Petitioner herein seeks parity of treatment. Rather counsel would contend that in pursuance to the merit position secured by the petitioner and having participated in the counselling/document verification exercise in July 2017, the petitioner has even altered his position to his own detriment by having resigned from the post of Clerk under the subordinate Courts at Faridkot. In support of such submission counsel has adverted to the relieving letter dated 28.07.2017 at Annexure P-13 issued by the Civil Judge (Sr. Divn.), Faridkot.

On the last date of hearing i.e. on 17.01.2019, when the writ petition had come up for preliminary hearing, while issuing notice of motion for today, State counsel was furnished a complete copy of the writ petition and was requested to complete instructions as to whether the claim of the present petitioner would be at par with the petitioners in CWP No.29791 of 2017 (Ramandeep Singh and others Vs. Chairman-cum-Managing Director, PSPCL and another).

In the short reply that has been filed in Court today, a stand has been taken that upon legal advise having been received from the office of Legal Advisor, PSPCL, Patiala, the competent authority has approved to issue an appointment letter to the petitioner for the post of LDC/Cashier against the initial advertisement dated 17.06.2015. Furthermore, in the reply to the writ petition, it has been specifically stated that the

appointment letter would be issued shortly.

In view of such fair stand taken on behalf of the respondent-Corporation, the writ petition is rendered infructuous and the same is disposed of accordingly.

Directions are issued to the Corporation to issue appointment letter to the petitioner for the post of LDC/Cashier within a period of two weeks from today. Furthermore, the present petitioner would be entitled to be released all service benefits at par with the petitioners in CWP No.29791 of 2017.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.01.2019
anju

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No