

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

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**CM-17986-CWP-2021 in/and
CWP-5119-2021 (O&M)
Date of Decision : 23.12.2021**

Jasvir Singh & Others

.....Petitioners

VERSUS

Punjab State Power Corporation Limited & Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.S. Kalra, Advocate for the petitioner.

Mr. Sehajbir Singh, Advocate for respondent Nos.1 and 2.

Mr. H.S. Oberoi, Advocate for respondent No.3.

Mr. Abhilaksh Gaind, Advocate for respondent No.4.

ALKA SARIN, J.

Heard in physical mode.

CM-17986-CWP-2021

This is an application for issuance of directions to the respondents to consider the claim of the petitioners.

Learned counsel appearing for the respondents state that they have no objection in case the main case is preponed and taken up today for hearing.

With the consent of learned counsel for the parties, the main case, which is fixed for hearing on 06.04.2022, is taken on Board today itself.

CM stands disposed off.

CWP-5119-2021 (O&M)

The prayer in the present civil writ petition filed under Article 226 of the Constitution of India is *inter alia* for issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of the present petitioners as depicted in the tentative merit/selection list (Annexure P-2) for the post of Assistant Lineman from the date their counterparts have been appointed alongwith all consequential reliefs such as seniority, arrears of pay alongwith 18% rate of interest per annum.

The brief facts relevant to the present *lis* are that the respondent-PSPCL issued an advertisement on 03.10.2019 inviting applications for filling up the posts of 3500 Assistant Lineman. The petitioners, being fully eligible, submitted their applications for being considered as Assistant Lineman. The petitioners were duly called for scrutiny of the documents. It has further been averred in the petition that the respondents, without uploading any merit list on the website and taking advantage of the lock-down declared on account of the COVID-19 pandemic, started issuing appointment letters without making public any merit list/selection list. CWP-8917-2020 titled as “Jangsher Singh Vs. Punjab State Power Corporation Limited & Ors.” was filed before this Court. Thereafter, a tentative merit list of candidates as well as list of rejected candidates was uploaded on the website. The names of the petitioners also found mention in the tentative merit list, however with a rider that the same was under consideration. It is apt to mention that CWP-8552-2020 titled as “Baljinder Singh & Ors. Vs. State of Punjab & Ors.” also came to be filed before this Court wherein vide order 27.10.2020 the

matter with regard to investigation of fraudulent certificates has been handed over to the Crime Branch of Punjab Police.

It has further been averred that petitioner No.1 took his exam in 107th All India Trade Test for Apprenticeship but could not clear the same. He, thereafter, appeared in the 109th All India Trade Test Examination held in May 2019 and the result was declared in October 2019. Petitioner No.2 also did not clear the exam in 106th All India Trade Test for Apprenticeship and subsequently appeared in the 109th All India Trade Test Examination and his result was also declared in October 2019. Similarly, petitioner Nos.3, 4 and 5 also appeared in the 109th All India Trade Test Examination in May 2019 and the result was declared in October 2019. Since the mark cards of the petitioners were not issued, the petitioners were compelled to approach this Court by filing CWP-33376-2019. Vide order dated 16.12.2019 the respondents therein were directed to release the mark cards of the petitioners therein. However, the candidature of the present petitioners was kept in abeyance and the respondent-PSPCL issued a letter dated 09.03.2020 wherein a query was put to respondent Nos.3 and 4 seeking details of the date of result of the present petitioners. Respondent No.3 replied to the said query vide letter dated 01.01.2021 clearly stating therein that the result of the 109th All India Trade Test Examination was declared on 13.10.2019, however, due to some technical/administrative reasons the result of the petitioners could not be uploaded in time. Despite the said clarification, the appointment letters were not issued to the petitioners. Aggrieved by the inaction on the part of the respondent-PSPCL, the present writ petition has been filed.

Mr. Sehajbir Singh, Advocate, appearing on behalf of the respondent-PSPCL, is not in a position to deny the fact that the letter dated 01.01.2021 (Annexure P-7) clearly states that the result of the petitioners was declared on 13.10.2019, however, the same could not be uploaded due to technical reasons. He is also not in a position to deny the fact that the posts are still lying vacant. It has been contended by the learned counsel for the respondent-PSPCL that the letter dated 01.01.2021 (Annexure P-7) was not communicated to the respondent-PSPCL and is simply addressed to “*to whom it may concern*” and the veracity of the said letter cannot be commented upon.

A short reply has been filed on behalf of respondent No.3 wherein it has categorically been stated that respondent No.3 had declared the result of the 109th AITT on 13.10.2019, which is the responsibility of the Directorate General of Training (DGT). However, the result of some of the candidates could not be uploaded in time due to technical reasons, as stated in the letter dated 01.01.2021, which has already been appended with the petition as Annexure P-7.

Heard.

In the present case the only reason the petitioners were not being issued appointment letters was that a response was awaited from respondent No.3. Though the response dated 01.01.2021 (Annexure P-7) was given, however, the respondent-PSPCL refused to act upon it on the ground that the same was not addressed to the respondent-PSPCL but read “*to whom it may concern*”. The reply filed on behalf respondent No.3 not only verifies the letter dated 01.01.2021 (Annexure P-7) but has further reiterated that the result of the 109th AITT was declared on 13.10.2019 and

that the result of some of the candidates could not be uploaded in time due to technical reasons as stated in the letter dated 01.01.2021 (Annexure P-7).

Learned counsel for the respondent-PSPCL has not been able to deny the fact that this was the only hitch in issuing the appointment letters to petitioner Nos.1, 2 and 4 who have otherwise qualified on the basis of their merit. Learned counsel is also not in a position to deny that there are still posts lying vacant and by appointing petitioner Nos.1, 2 and 4 none of the appointed candidates would be displaced.

In view thereof, the writ petition is allowed qua petitioner Nos.1, 2 and 4. Petitioner Nos.1, 2 and 4 would be entitled to all consequential benefits.

Admittedly, petitioner Nos.3 and 5 currently do not figure in the merit list although it has been stated that since there are still vacant posts available they are likely to fall in the zone of consideration. In case the petitioner Nos.3 and 5 do fall in the zone of consideration, the delay in uploading of the result of 109th AITT would not be an impediment in the way of their appointment, if found otherwise eligible.

Disposed off.

**(ALKA SARIN)
JUDGE**

December 23rd, 2021
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NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO