

201-A

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

**CWP No. 12777 of 2017 (O&M)
DATE OF DECISION : 19.03.2021**

Mandeep Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

AND

CWP No. 18766 of 2018 (O&M)

Nirbhay Singh Sohi and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Prateek Pandit, Advocate,
for the petitioner (s).

Ms. Sunint Kaur, AAG, Punjab.

Mr. Vinod S. Bhardwaj, Advocate and
Mr. J. S. Rana, Advocate,
for respondent-PSPCL in
CWP No.12777 of 2017.

Mr. Sahil Sharma, Advocate,
for respondent-PSPCL in
CWP No.18766 of 2018.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

This order of mine shall dispose of above mentioned two writ
petitions, as common issues are involved therein. For brevity, contents of CWP

No. 12777 of 2017 have been referred here in after.

2. Learned counsels for the parties are ad idem that petitioner(s) herein are similarly situated as the ones in CWP No. 21748 of 2016 (Annexure P-19), inasmuch as, all of them made it to the merit list published pursuant to the same selection process. They are though arrayed at different serial numbers in the merit list, according to their performance in selection.

3. During the pendency of writ petition, the respondents have accorded the benefit of selection to few other candidates from the merit list, however, the petitioner(s), who contend that despite there being vacancies available, have not been accorded similar benefit. Notwithstanding the fact, that certain candidates in the merit list above them, have chosen either not to join or even to apply qua the said vacancies.

4. Apropos, learned counsel for the respondent/PSPCL, under instructions of Deputy Secretary (Recruitment), states that as far as the vacancy position is concerned, there are currently only four vacancies available. The last selected candidate was at Serial No.71 on the merit list. Petitioner Mandeep Kumar (in CWP-12777 of 2017) is at Serial No.74, whereas petitioners Nirbhey Singh Sohi and Gurdamandeep Singh (in CWP No.18766 of 2018) are at Serial Nos.83 and 88, respectively. Therefore, in between last selected candidate and the petitioner(s), there are quite a few other more meritorious candidates. The petitioner(s) cannot be given undue advantage by jumping the merit queue.

5. The submissions of learned counsel for the respondent/PSPCL are fair and just.

6. Having heard rival contentions, as aforesaid, it is directed that the respondent/PSPCL shall notify exiting vacancies to all the candidates on the merit list from Serial No.71 to 88 and make them an offer to join. In the event, none of the candidates above to the petitioner(s) choose not to join, needless to

say the petitioner(s) would be accorded the benefit of their merit against the available vacancies.

7. Let the needful exercise be done within a period of 90 days from today.

8. Both the petitions stand disposed of accordingly.

MARCH 19, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No