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

CWP-13371-2017
Date of decision:23.08.2022

NAVEEN KUMAR

...Petitioner

versus

STATE OF HARYANA AND ORS

...Respondents

RAVINDER YADAV

CWP-8706-2018

...Petitioner

VS

HARYANA VIDYUT PARSARAN NIGAM LIMITED AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate,
Mr. V.K.Sheoran, Advocate,
For the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Hitesh Pandit, Advocate,
For respondents No.1, 2 and 4 in CWP-8706-2018.

ARUN MONGA, J. (ORAL)

Vide this common order, I intend to dispose of aforesaid two writ petitions as similar facts and issues are involved therein. Recital and facts are being taken from CWP No.13371-2017.

2. Respondent No.2 issued an advertisement No.4/2008 for the post of Assistant Lineman in different categories. Having qualified the written examination, petitioner was called for interview. On 20.04.2010, when the result was declared, name of petitioner was shown in the waiting list in BCA-category at Sr No.8. In the year-2010, Respondent No.1 issued specific Instructions that vacant post in the ESM category be filled up from the waiting list of same category candidates. In 2014, respondent No.1 issued directions and it was decided that if suitable candidate is not found in ESM

category in Group 'C' and 'D' in those situation the post will be filled up from the waiting list of the same category candidates. In the premise, petitioner submitted many representations but to no avail. Hence, the instant petition.

3. I have heard learned counsel for the parties and gone through the case files.

4. In the return filed, claim of the petitioners has been resisted on ground that both of them are not eligible for issuance of appointment letters even though they may have been in the waiting list. Further more, perusal of speaking order dated 05.12.2017 (Annexure R-1/4) reflects that not only they were not eligible but an unequivocal statement has been made therein that none of the juniors to the petitioners in the waiting list have been offered appointment. In fact, chart of all the 17 candidates on the waiting list has been given therein which is as below:

Sr. No.	Sr. No in the waiting list	Roll No.	Categ ory	Candidate C-Name F-Name	Date of Birth (MM/DD/YY)	Remarks
1.	168	011856	SC	Deepak Balwan Singh	11.08.1988	
2	169	015360	SC	Mukesh Kumar Sher Singh	11.3.1988	Petitioners in CWP No.20454/2016
3	170	008739	SC	Vinod Kumar Nanak Chand Gehnoliya	05.16.1989	
4	171	005300	SC	Kuldeep Teka Ram	01.07.1990	
5	172	005716	SC	Surinder Singh Gurdial Singh	07.13.1971	
6	173	013719	SC	Umesh Chand Mool Chand	12.10.1973	
7	174	003086	SC	Kamalkant Ravi Dass	09.20.1977	

				RajenderDass		
8	175	008018	SC	Darshan Singh Joginder Singh	06.19.1982	
9	176	008026	SC	Ved Parkash Subhash Chand	08.05.1983	
10	177	005298	SC	Gurpreet Singh Satpal Singh	07.10.1987	
11	178	005109	SC	Sonu Chandi Ram	06.20.1989	
12	137	006581	BC-A	Sunil Kailash Chand	10.28.1984	
13	138	017748	BC-A	Gopal Darshan Raj Kumar	04.04.1985	
14	139	005190	BC-A	Naveen Kumar Rampal Singh	10.16.1989	Petitioner in CWP No.13371/20 17
15	127	003336	BC-B	Naveen Kumar Shri Bhagwan	11.10.1989	
16	128	011868	BC-B	Ravinder Yadav Surender Singh	01.24.1989	
17	129	015357	BC-B	Anuj Saini Ishwar Singh	07.31.1989	

5. Petitioners are at No.14 and 16 of the above list and in view of the statement that none of their juniors has been offered appointment, I see no reason as to why the petitioners should jump the queue merely because

they have preferred a writ petition when they have not assailed their ineligibility.

Confronted with the situation, learned Senior counsel, at this stage, submits that order dated 05.12.2017 was not in his knowledge. It is difficult to accept the same, since the said order has been appended with the return and to turn around belatedly at this stage to argue that same was not in his knowledge, is not acceptable to say the least.

- 5. Be that as it may, no grounds are made out to interfere.
- 6. Dismissed.
- 7. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

August 23, 2022
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No