

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

**CWP No.2719 of 2022 (O&M)
Date of decision : 02.02.2023**

Rajinder Pal Chauhan

....Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Sunpreet Singh, Advocate for
Mr. Sehaj Bir Singh, Advocate
for respondents No.1 and 2.

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

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of petitioner and issue appointment to post of Assistant Lineman from the date his juniors have been appointed along with all consequential relief such as seniority, arrears of pay along with interest.

2. Vide public notice dated 3rd of October, 2019 respondent-Corporation invited applications for the recruitment of Assistant Lineman. The prescribed qualification as per the same is matriculation and National

Apprenticeship Certificate in the lineman trade. The last date for online registration of the application form was 25th of October, 2019. Petitioner participated in the same. Having secured 68.72 marks he was placed at Sr. No.813. However, the name of the petitioner figured in the list of rejected candidates. The issue related to mismatch in the date of result of the petitioner pertaining to his National Apprenticeship Examination Clarification which was mentioned as 14th of February, 2020. It is not disputed that during the pendency of the writ petition respondent No.3 i.e. Director General of Training, Ministry of Skill Development and Entrepreneurship, vide Communication dated 22nd of November, 2021 clarified the confusion stating that result date provided on certificates be read as 13th of October, 2019 i.e. prior to the last date of submission of application form i.e. 25th of October, 2019.

3. Counsels are *ad idem* that the matter stands covered by the order passed by this Court in **CWP No.9034 of 2021** titled as **Manish Kumar vs. Punjab State Power Corporation Limited and others** and **others** dated 1st of October, 2022 wherein this Court held as under :-

“Learned counsel for the petitioner contends that the petitioner had the requisite qualification for the post of Assistant Lineman, as he had qualified the National Apprenticeship Examination prior to the last date for submission of applications, which was 25.10.2019. He also contends that respondent No. 3 has clarified by communication dated 24.12.2021 (Annexure P11) that the result of the petitioner had been declared on 13.10.2019. He also contends that the petitioner would, therefore, be fully eligible

for the post of Assistant Lineman. This Court, by order dated 27.04.2021, had directed that one post of Assistant Lineman be not filled till further orders of the Court. The petitioner, therefore, seeks his consideration against the post of Assistant Lineman, which has been kept vacant in terms of orders of this Court.

Learned counsel for the respondents contend that they do not dispute the eligibility of the petitioner in view of the clarification issued by respondent No. 3.

Consequently, the writ petition is allowed. The candidature of the petitioner would be considered in terms of the merit for the post of Assistant Lineman. In the event of the petitioner being found meritorious, he would also be entitled to consequential benefits arising therefrom.”

4. Consequently, the writ petition is allowed in terms of **CWP No.9034 of 2021** *ibid*. Respondents are directed to consider the case of the petitioner as per merit list for the post of Assistant Lineman. In the event of the petitioner being found meritorious, he would also be entitled for all consequential benefits arising therefrom.
5. Pending application(s), if any, shall also stands disposed off.

February 02, 2023
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No