

121.

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

CWP-3439-2023

Date of Decision: 20.02.2023

VAKIL SINGH

.... Petitioner

Versus

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Raj Kapoor Malik, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein seeks a writ in the nature of mandamus directing the respondents to allow him to join on the post of ALM (Assistant Lineman) pursuant to having participated in the selection process.

It is submitted that on the date when the petitioner applied for the said post, there was no case pending against him. However, during the pendency of the selection process, an FIR came to be registered, which would find due mention in his character verification form which was filled up by the petitioner. However, the case of the petitioner is not being considered.

At the present moment, counsel appearing on behalf of the petitioner would submit that the petitioner would be satisfied in case his Demand Notice dated 27.12.2022, Annexure P-5, whereupon no decision has been taken by the respondents till date, is decided in a time bound manner, in

accordance with law, after considering the judgment as rendered by the Supreme Court in *Avtar Singh Versus Union of India and others, Special Leave Petition (c) No.20525/2011, dated 21.07.2016*, with particular reference to para 30 of said judgment.

Notice of motion.

At this stage, Mr. Dushyant Saharan, Advocate, has put in appearance and accepts notice on behalf of the respondents.

Let adequate number of copies of complete paper book be supplied to the counsel appearing on behalf of the respondents during the course of day.

Without commenting on merits of the case and keeping in view the limited prayer made by counsel for the petitioner, the present petition is disposed of with a direction to the respondents to decide Demand Notice dated 27.12.2022, Annexure P-5, of the petitioner within a period of six weeks, after considering para 30 of the judgment rendered in *Avtar Singh's case (supra)*, from the date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

(JAISHREE THAKUR)
JUDGE

20.02.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No