

209.

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

CWP-24132-2015

Date of Decision: 09.02.2023

DHARAM VEER

.... Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LIMITED THROUGH ITS
MANAGING DIRECTOR AND ORS.

.... Respondents

II. CWP-18073-2016

PARVEEN KUMAR

.... Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LIMITED THROUGH ITS
MANAGING DIRECTOR AND ORS.

.... Respondents

III. CWP-7232-2016

SATISH KUMAR

.... Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LIMITED THROUGH ITS
MANAGING DIRECTOR AND ORS.

.... Respondents

IV. CWP-3929-2017

PARMANAND

.... Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LIMITED THROUGH ITS
MANAGING DIRECTOR AND ORS.

.... Respondents

V. CWP-3930-2017

SUKHBIR SINGH

.... Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LIMITED THROUGH ITS
MANAGING DIRECTOR AND ORS.

.... Respondents

VI. CWP-3935-2017

JASVIR SINGH

.... Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LIMITED THROUGH ITS
MANAGING DIRECTOR AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vijay Deep Rathee, Advocate, for
Mr. Balraj Singh Rathee, Advocate,
for the petitioner in CWP No.24132 of 2015.

Mr. D.K. Tuteja Advocate,
for the petitioner(s) in CWP Nos.18073, 7232 of 2016,
CWP Nos.3929, 3930, 3935 of 2017.

Mr. B.R. Mahajan, Senior Advocate, with
Mr. Prateek Mahajan and Ms. Saloni Sharma, Advocates,
for respondents-HVPN Ltd.

JAISHREE THAKUR.J (Oral)

By this common order, six petitions i.e. CWP No.24132 of
2015; CWP Nos.18073, 7232 of 2016 and CWP Nos.3929, 3930, 3935 of
2017 are being disposed of as common questions are involved therein.
However, the facts are being taken from CWP No.24132 of 2015.

This writ petition has been filed seeking a writ to be issued in the nature of certiorari for quashing impugned order dated 20.10.2015, Annexure P-16, whereby the grievance of the petitioner as raised in the legal notice dated 12.01.2015, Annexure P-13, has not been dealt with, with a further prayer for issuance a writ in the nature of mandamus directing the respondents authorities to consider and appoint the petitioner against a vacant post meant for BC-A category.

In brief, the facts are that the respondents advertised 791 posts of Assistant Linemen and 250 posts of Shift Attendants vide advertisement dated 02.03.1992. The selection process was challenged in CWP No.7382 of 1993 and the same was quashed by the High Court on 29.12.1995 when a fresh selection was ordered to be conducted. The selection process was completed in the year 2019 and a fresh merit list was prepared in category BC-A in compliance of the orders passed in CWP Nos.17812 of 1997, 15558 of 1997 and 16278 of 1997. The petitioner herein is aggrieved against the preparation of the merit list and appointment thereunder. It is contended that some candidates, who were unsuccessful, had approached this Court by filing CWP No.3763 of 2012, titled *Joginder Singh and others Versus Haryana Vidyut Parsaran Nigam Limited and others* and CWP No.9775 of 2013, titled *Satbir Singh and others Versus Haryana Vidyut Parsaran Nigam Limited and others*. Those writ petitions were disposed of with a direction to consider the prayer of the petitioners therein for appointment in case they were higher in merit.

Counsel appearing on behalf of the petitioner would submit that the petitioner herein too ought to be considered for appointment and his plea

for appointment, as made through a legal notice, has wrongly been denied.

Per contra, counsel appearing on behalf of the respondents would point out that similar matters had come up for hearing in CWP No.21596 of 2015, titled *Chander Lal and others Versus Haryana Vidyut Prasaran Nigam Limited through its MD and others*, and this Court, vide order dated 04.04.2018 dismissed the said writ petition while taking note of CWP No.28663 of 2013, titled *Phool Singh Versus State of Haryana and others*, decided on 13.01.2016 and CWP No.22873 of 2010, titled *Krishan Kumar and others Versus Haryana Vidyut Parsaran Nigam Limited and others* observing that the selection process had been completed much prior in time and, therefore, no interference would be called for. In the present case, selection process was completed, as per the averments made in the writ petition, as far back as in 1997 and as on date, there is no vacancy. Moreover as noted in CWP No.21596 of 2015, no waiting list was prepared in the case in hand as vacancies had already been filled up.

I have heard learned counsel for the parties and have taken note of the orders as passed by the Coordinate Bench in CWP No.21596 of 2015.

Admittedly, the petitioner herein had participated in the selection process which had concluded in the year 1996 and as per the reply filed all vacancies were filled up. The present writ petition has been filed after an inordinate delay of approximately 18 years seeking to challenge the appointments of candidates who were declared successful by primarily relying upon orders passed by a Coordinate Bench to consider the case of the petitioners in those writ petitions. It would be pertinent to note that the petitioner, who had initially approached the Court, was found to be lacking in

merit and, therefore, his case was dismissed. Consequently, finding that the writ petition has been filed after an inordinate delay, no ground would be made out to entertain the same.

Similar is the position with the rest five writ petitions, argued by Mr. Tuteja.

All the six writ petitions are accordingly dismissed.

(JAISHREE THAKUR)
JUDGE

09.02.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No