

226

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12613-2020 (O&M)

Date of Decision: 31.01.2024

Vikki

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.S. Dhillon, Advocate, for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

Mr. Aman Bahri, Advocate, for respondents No.2 to 6.

Mr. Gurmail Singh, Advocate, for
respondents No. 7 to 9, 11 & 14 and 15 to 18.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for quashing the impugned memo dated 19.03.2020 (Annexure P-14) and memo dated 14.05.2020 (Annexure P-15).

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner was working as a Shift Attendant in the respondent-Nigam but thereafter a decision was taken by the Nigam whereby a large number of Shift Attendants were rendered surplus and were retrenched and thereafter a policy decision was taken by

the respondent-Nigam and the State of Haryana vide Annexure P-4 whereby it was so decided that those outsourced contractual workers who became excess/surplus on account of joining of newly selected Grid Sub Station Operator (GSO) and Shift Attendant (SA) be supplied to DISCOMs for engagement/adjustment against vacant posts of Assistant Lineman (ALM) subject to fulfillment of the requisite qualification for the post of ALM. However, the petitioner who was also declared as a surplus was not given the appointment as ALM despite the fact that some of the other persons were given appointment in this regard.

3. On the other hand, Mr. Aman Bahri, learned counsel appearing on behalf of respondents No.2 to 6 submitted that in pursuance of the decision Annexure P-4, the persons who were rendered surplus were granted the post of ALM but it had to be done subject to the condition that they fulfill the requisite qualification for the post of ALM. One of the eligibility conditions for being appointed to the post of ALM is Annexure P-21 dated 18.02.2019 wherein vide Clause 2.3.1, an employee has to have qualification of ITI with at least 60% marks in General Category. The petitioner belongs to the General Category but he did not have the qualification of 60% marks in ITI and therefore, he could not be adjusted to the post of ALM in pursuance of the policy decision Annexure P-4. He submitted that during the pendency of the present petition, the petitioner has now qualified ITI with more than 60% marks and has provided his certificate to the Nigam and he has instructions to state that in case now the petitioner is interested and files any application/representation to the respondent-Nigam for being appointed as ALM in pursuance of the policy decision Annexure P-4, then he will be considered for being appointed to the post of ALM since now he has attained

the eligibility.

4. Learned counsel appearing on behalf of the petitioner has stated that in view of the stand taken by the counsel for the respondent-Nigam, he will file a comprehensive application/representation to the respondent-Nigam alongwith the certificate of ITI showing more than 60% marks and some time bound direction may be issued to the respondent-Nigam to consider the same in accordance with law.

5. In view of the aforesaid position, the present petition is disposed of. The petitioner shall be at liberty to file any appropriate application /representation to the respondent-Nigam alongwith the certificate of ITI showing more than 60% marks and in case such an application /representation is filed, then the respondent-Nigam shall consider and decide the same by passing a speaking order in accordance with law within a period of two months.

31.01.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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