

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12325-2018 (O&M)
Date of decision: 12.03.2024

Bhuvnesh Kumar and Others
.....Petitioners
Versus

Punjab State Power Corporation Limited and Another
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sunny Singla, Advocate
for the petitioners.

Mr. Vikas Chatrath, Advocate
for the respondents.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioners under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the impugned “Clause 9” (Selection Criteria) of advertisement dated 13.04.2017 (Annexure P-2), being violation and contrary to the judgment of the Hon’ble Supreme Court in case reported as AIR 1995 (SC) 1115 titled as “*UP State Road Transport Corporation vs U.P. Parivahan Nigam Shishukhs Berozgar Sangh and others*” (Annexure P-3) and the judgment of Division Bench of this Court in “*Darshan Singh and others vs B.B.M.B. and others*”, 2008 (2) SCT 815. Further a writ of mandamus has been sought for directing the respondents to consider the claim of the petitioner against the post of Assistant Linemen according to their inter se seniority of undergoing Apprenticeship Training and merit for the post in question with all consequential benefits in view of guidelines laid down by the Hon’ble Supreme Court in “*UP State Road Transport Corporation vs U.P. Parivahan Nigam Shishukhs Berozgar Sangh and others*” (Annexure P-3) and during the pendency of the present writ petition, respondent – Corporation be restrained from filling up the posts of

Assistant Linemen in pursuance of the impugned advertisement dated 13.04. 2017 (Annexure P-2) without framing the criteria of selection in terms of law laid down by the Hon’ble Supreme Court in “*U.P. State Road Transport Corporation vs U.P. Parivahan Nigam Shishukhs Berozgar Sangh and others*” (Annexure P-3) and Division Bench judgment of this Court in “*Darshan Singh and others vs B.B.M.B. and others*”, 2008 (2) SCT 815.

2. Learned counsel for the petitioners submits that out of total 09 petitioners, 07 petitioners i.e. petitioners No.1, 2, 3, 5, 6, 7 and 9 have already been appointed in the subsequent selection made in pursuance to the advertisement No.295 of 2017. He further submits that the present petition may be disposed of with liberty to the remaining petitioners i.e. petitioners No.4 and 8, to submit a justice demand notice to the respondents and time bound directions may be issued to the respondent/Corporation to consider and decide the same keeping in view the law laid down by the Division Bench of this Court in LPA No.1940 of 2016, titled as “*Rajesh Kumar and others vs PSPCL and others*”, decided on 03.07.2019.

3. In view of the above, the present petition is disposed of with a direction to the respondents/Corporation that if any such representation/justice demand notice is served by the aggrieved petitioners within a period of 01 month from today, the same shall be considered and decided within a period of 03 months thereafter.

(NAMIT KUMAR)
JUDGE

12.03.2024
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No