



CWP No. 8986 of 2022(O&M) -1-

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

Date of Decision: 27.03.2025

CWP No. 8986 of 2022(O&M)

Sanjeet Kumar

....Petitioner

VS.

Haryana Power Generation Corporation Limited and others

....Respondents

CWP No. 8688 of 2022(O&M)

Sandeep

....Petitioner

VS.

Dakshin Haryana Bijli Vitran Nigam and others

....Respondents

CWP No. 8557 of 2022(O&M)

Amit Kumar

....Petitioner

VS.

Dakshin Haryana Bijli Vitran Nigam and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. B.K.Bagri, Advocate
for the petitioner(s) in all the petitions
Mr. Baldev Raj Mahajan, Senior Advocate with
Ms. Nikita Goel, Advocate
Mr. Anil Chawla, Advocate
Mr. Piyush Bansal, Advocate
for the respondents

**JAGMOHAN BANSAL, J. (ORAL)**

1. By this common order, CWP No. 8986 of 2022, CWP No. 8688 of 2022 and CWP No. 8557 of 2022 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 8986 of 2022.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 11.03.2022 (Annexure P-10) whereby respondent ordered to terminate him from service with immediate effect.

3. On 29.04.2022, the following order was passed:-

“Learned counsel for the petitioner contends that the petitioner had been appointed as Lower Divisional Clerk in terms of the Government Policy (Annexure P-1) for rehabilitation and resettlement of land owners, whose land had been acquired. The basic qualification for the post of LDC is matriculation with first division or 10+2 with second division or graduation. The petitioner has passed 10+2 in second division from the Board of School Education, Haryana. A copy of the certificate is at Annexure P-4. The services of the petitioner are being dispensed with on the ground that the graduation degree which had been obtained from EIILM Sikkim University, has not been approved by the UGC. He, however, contends that the petitioner did not derive any benefit from the graduation degree as he was eligible for the post of LDC as 10+2 had been passed in second division.

Issue notice to the respondents.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondents and prays for time to seek instructions.



List along with CWP No.6026 of 2022 on 12.07.2022.

The operation of the impugned order dated 11.03.2022 (Annexure P-10) shall remain stayed till the next date of hearing.”

4. Mr. B.K.Bagri, Advocate submits that respondent vide order dated 10.09.2024 retrospectively confirmed appointment of Pardeep Kumar son of Ram Niwas as LDC though he had filed ingenuine degree of Graduation. The respondent has further granted similar benefit to Amit Kumar son of Jaibir @ Jaivir Singh.

5. Mr. B.R.Mahajan, Senior Advocate submits that Pardeep Kumar was appointed on 04.08.2011 and at that point of time minimum qualification prescribed for the post of LDC was 10+2 whereas petitioner was appointed in 2011 and at that point of time minimum qualification was Graduation. Amit Kumar was appointed in 2014 and his degree of Graduation was found genuine though his Post Graduation degree was found ingenuine. As minimum required qualification was Graduation, thus, selection of Amit Kumar was protected as LDC. The case of petitioner cannot be compared with Amit Kumar or Pardeep Kumar. As in 2014 minimum qualification was Graduation, any ingenuine degree of Graduation could not be accepted. Nevertheless, respondent taking a lenient view has approved appointment of petitioner as Peon from the date of his appointment as LDC. By doing so, the respondent has protected his seniority as Peon. The act of petitioner was unfair and respondent could lodge FIR against him apart from dismissing from service but considering the fact that he was in



service since 2014 and is not involved in any other offence, he was appointed as Peon with retrospective effect.

6. Faced with this, Mr. B.K.Bagri, Advocate expressed his inability to controvert the fact that minimum qualification prescribed in 2011 was 10+2 whereas in 2014 it was Graduation. He expressed his satisfaction to the effect that petitioner has been considered and appointed as Peon from the date of his appointment as LDC. He further submits that similar benefit may also be extended to other two petitioners.

7. Mr. B.R.Mahajan, Senior Advocate submits that order as passed in the case of Sanjeet Kumar would be passed in the case of other two petitioners. The needful would be done within four weeks from today.

8. In the wake of above, petitions stand disposed of in the above terms.

9. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.03.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No