



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

Date of Decision: 03.04.2025

CWP No.17190 of 2000(O&M)

Karam Chand and others

....Petitioners

VS.

Haryana Vidyut Prasaran Nigam Limited and others

....Respondents

CWP No.14142 of 2005(O&M)

Labh Singh and others

....Petitioners

VS.

Uttar Haryana Bijli Vitran Nigam Limited and others

....Respondents

CWP No.15661 of 2015(O&M)

Sumer Chand and others

....Petitioners

VS.

Haryana Vidyut Prasaran Nigam Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. J.P.Sharma, Advocate
for the petitioners in CWP- 17190 of 2000**

**Mr. Ravi Sharma, Advocate
for the petitioners in CWP- 15661 of 2015**

**Mr. Ram Bilas Gupta, Advocate
for the respondents in CWP- 17190 of 2000**



Mr. R.S.Longia, Advocate
for respondents No. 1 to 4 in CWP- 15661 of 2015

Mr. Padam Kant Dwivedi, Advocate and
Ms. Mansi, Advocate
for respondent No. 1 in CWP Nos. 17190 of 2000
and 14142 of 2005

Mr. Rajinder Yadav, Advocate for
Mr. Salil Dev Singh Bali, Advocate
for respondent No. 52 in CWP- 17190 of 2000

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 17190 of 2000, CWP No. 14142 of 2005 and CWP No. 15661 of 2015 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 17190 of 2000.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of selection of respondents No. 12 to 287 on the post of Assistant Lineman or Shift Attendant.

3. The petitioners are assailing selection of respondents No. 12 to 287 on the ground that they were not having basic qualification. The respondents are claiming that appointment of private respondents was made as per advertisement. There was no bungling of record and appointments were made as per advertisement.

4. The petitioners are relying upon judgments of Supreme Court in **Som Dutt vs. State of Haryana and another, 1983 (3) SLR 141** and **Zahoor Ahmad Rather and others vs. Sheikh Imtiyaz Ahmad and others, 2019 (1) SCT 232.**



5. A five Judge bench of Supreme Court in **Sivanandan C.T. and others vs. High Court of Kerala and others, 2023 SCC OnLine SC 994** though held that appointment of Judicial Officer by Kerala High Court was bad in law, however, did not disturb appointment on the ground that already appointed officers have already served for nearly six years and gained experience. It would deprive the State and its citizens of the benefit of experienced judicial officers. The relevant extracts of the judgment read as:

“60. The following are our conclusions in view of the above discussions:

(i) The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being termed as arbitrary and violative of Article 14;

(ii) An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following : (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;

(iii) A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;

(iv) The decision of the High Court of Kerala to apply a minimum cut-off to the viva voce examination is contrary to Rule 2(c)(iii) of the 1961 Rules.

(v) The High Court's decision to apply the minimum cut off marks for the viva voce frustrates the substantive legitimate expectation of the petitioners. The decision is arbitrary and violative of Article 14.

(vi) In terms of relief, we hold that it would be contrary to public interest to direct the induction of the petitioners into the Higher Judicial Service after the lapse of more



than six years. Candidates who have been selected nearly six years ago cannot be unseated. They were qualified and have been serving the district judiciary of the state. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the state and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”

6. The petitioners are assailing appointment of respondents No. 12 to 287, meaning thereby, they are assailing selection of 276 candidates. They were appointed in 1997 against the advertisement of 1993. There are possibilities that few respondents might have retired.

7. In the wake of above cited judgments, this Court is of the considered opinion that instant petitions deserve to be dismissed and accordingly dismissed.

8. The prayer of the petitioners seeking regularisation on the ground of length of service needs to be taken care of. The respondents are hereby directed to consider their claim for regularisation in terms of recent judgment of Supreme Court in **Jaggo vs. Union of India and others, 2024 SCC OnLine SC 3826**. Needful in this regard shall be done within six months from today.

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

03.04.2025
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No

