

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

2025:PHHC:058415-DB



Date of Pronouncement: 05th May, 2025

1. **LPA No. 208 of 2017 (O&M)** Reserved on : 26th March, 2025

Krishan Kumar ... Appellant
Versus
Haryana Vidut Parsaran Nigam Limited and others ... Respondents

2. **LPA No. 211 of 2017 (O&M)** Reserved on : 29th April, 2025

Daya Nand ... Appellant
Versus
Haryana Vidut Parsaran Nigam Limited and others ... Respondents

3. **LPA No. 293 of 2020 (O&M)** Reserved on : 26th March, 2025

Satya Pal ... Appellant
Versus
Uttar Haryana Bijli Vitran Nigam Limited and others ... Respondents

4. **LPA No. 819 of 2021 (O&M)** Reserved on : 26th March, 2025

Balwinder Singh ... Appellant
Versus
Uttar Haryana Bijli Vitran Nigam Limited and others... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Ms. Sangita Dhanda, Advocate, for the appellants
In LPA Nos. 208 & 211 of 2017 and 819 of 2021.

Mr. Atul Lakhanpal, Senior Advocate assisted by
Mr. Arvinder Singh Grover, Advocate,
for the appellant in LPA No. 293 of 2020.

Mr. B. R. Mahajan, Senior Advocate assisted by
Ms. Nitika Goel and Mr. Kunal Soni, Advocates,
for respondent-HVPNL and UHBVNL.

SANJEEV PRAKASH SHARMA, J.

The appeals bearing LPA Nos. 293 of 2020 and 819 of 2021
have been preferred by the writ petitioners who have filed a joint writ

petition bearing CWP No. 13199 of 2019 along with one another writ petitioner, which was decided by the learned Single Judge on 20.12.2019. The grievance of both the writ petitioners/ appellants is identical. The grounds and the arguments raised are also on the same footing.

2. In LPA No. 208 of 2017 – **Krishan Kumar vs Haryana Vidut Parsaran Nigam Limited and others** and LPA No. 211 of 2017 – **Daya Nand vs Haryana Vidut Parsaran Nigam Limited and others**, the appellants assail the orders dated 11.12.2014 passed by the learned Single Judge in CWP Nos. 12699 of 2014 and CWP No. 2259 of 2011 independently, though directing them to make appropriate representation.

3. As all the four afore-captioned appeals are related to the same selection process of Assistant Lineman (hereinafter to be referred as ‘the ALM’) and Shift Attendant, we have taken up all these matters together and have heard the respective counsels and reserved the cases.

4. Shorn off the unnecessary details, the brief facts are that the Haryana State Electricity Board (for short, ‘the Board’) was split into four independent companies registered under the Companies Act in the years 1998 and 1999. Prior thereto, the Board had notified 791 posts of ALM and 250 posts of Shift Attendants vide advertisement dated 02.03.1992, the selection process whereof came to be challenged before this Court in CWP No. 7382 of 1993. Directions were issued by this Court on 29.11.1995 to initiate fresh selection. The SLP was dismissed in February, 1997. The Board, in the meanwhile, issued a fresh advertisement enhancing the posts of ALM to 2000 and Shift Attendants to 542 with a note that the candidates,

who had already applied in pursuance of the earlier advertisement dated 02.03.1992, need not apply again.

5. Daya Nand and Krishan Kumar's belong to BC (A) and SC(A) category, respectively. So far as the appellants are concerned, appellant – Satya Pal belongs to Ahir Caste, while appellant- Balwinder Singh belongs to Saini caste. Both these castes were included only vide notification dated 07.06.1995 in the list of Backward Classes as BC(B). Thus, at the time of filling of applications in terms of earlier advertisement dated 02.03.1992, the candidates, namely, the appellants submitted their application forms in General Category. When the new advertisement was issued on 04.03.1996, as the appellants were not required to file fresh applications, they continued with the said applications alone and were treated as General Category candidates. No attempt was made by them to ask respondents to treat them in reserved category as the appellants had been selected in the earlier selection and were continuing. However, in the fresh selection conducted in terms of the advertisement dated 04.03.1996, their names were considered as per their original applications but they failed to reach the cut off and, therefore, were not selected afresh. None of them chose to agitate any grievance at that stage.

6. Other candidates however raised grievance in CWP No. 17812 of 1997 that the reserved category candidates, who were more meritorious than the other Open Category candidates, had been left out and an order was passed allowing their writ petition on 03.12.2008 directing for re-drawing a fresh merit list by including higher meritorious reserved category candidates in the list of General Category. Accordingly in consequences thereof, 336

posts of ALM and 75 posts of Shift Attendant fell open for reserved category candidates. The last candidate from the reserved category was shown to have secured 68 marks. So far as the appellants are concerned, they had never applied under the reserved category nor moved any application and were, therefore, not considered.

7. It appears that the posts from reserved category were still left vacant and the respondent authorities accepted that 94 candidates, who had been selected as ALM and 59 candidates selected as Shift Attendant, had not joined from reserved category. Consequently, a public notice was issued on 07.01.2014, inviting applications from the candidates of reserved categories, who had secured more marks than the last selected candidates. Thereafter, the appellants applied under the RTI and it was found that appellant – Krishan Kumar had secured 69, appellant- Daya Nand had secured 70, - Satya Pal had secured 76, and appellant Balwinder Singh had secured 71 marks. But as they never applied under the reserved category, their names did not find place. However, under the garb of public notice issued by the respondents on 07.01.2014, the appellants claim consideration for appointment under the reserved category as after 1995, they had fallen in reserved category.

8. Their writ petitions preferred by appellant Krishan Kumar were disposed of with direction to make representation but since the rejection of representation has been done in two other writ petitions of the appellants on 15.05.2015, the appellants approached the Court afresh. By the impugned order, learned Single Judge has ousted them from consideration on the

ground that the claim of the writ petitioners suffered from gross delay and laches.

9. The decision of the Coordinate Bench of this Court in CWP No. 22873 of 2010 - **Krishan Kumar and others vs Haryana Vidhyut Parsaran Nigam Limited and others** was also taken into consideration by the learned Single Judge and held as under:-

“Viewed thus, it is clear that there is no reasonable or justifiable explanation for the delay on the part of the petitioners in taking effective steps to seek redressal of their grievance, which dates back to the year 1997. They took no steps whatsoever till the years 2010/2014 and even then, there is a delay of 4 years on the part of the first and third petitioners, as they did not choose to make a representation till 2014. The petitioners are now seeking to take advantage of the litigation initiated by others who had certain other grievances with regard to the selection made in 1996/1997, but the same would not absolve them of the obvious delay and laches on their part, which remain wholly unexplained. Even on merits, this Court finds that the petitioners took no effective steps to change the status of their candidature, whereby they can claim that injustice has been done to them by not treating them as Backward Class Category candidates.

Be it viewed on technicalities or on merits, this writ petition is utterly devoid of merit. The writ petition is accordingly dismissed.”

10. Learned counsel appearing for the respective appellants have relied upon the judgment rendered in LPA No. 312 of 2018 – **Haryana Vidut Parsaran Nigam Limited and others vs Balbir Singh** on 24.01.2023, wherein the Division Bench of this Court held that as the caste of Gujjar was

not included in BC(B) Category at the time of submitting the applications in the year 1992, and was only notified as a BC (B) Category in the year 1995, the case of Balbir Singh ought to have considered and as the concerned respondent had been appointed in the reserved category, treating him as a reserved category candidate, it was held that his appointment could not have been cancelled and upheld the decision of the Single Bench. The SLP 10422 of 2023 preferred by the State against the said judgment was dismissed on 06.07.2023, while keeping the question of law open.

11. The same Division Bench of this Court in LPA No. 1543 of 2016 **Krishan Kumar and others vs Haryana Vidyut Parsaran Nigam Limited and others**, decided on 19.04.2023 upheld the order where the learned Single Judge has rejected the claim of Krishan Kumar and others. In **Krishan Kumar**'s case, the Division Bench held as under:-

“33. If some of these posts remained unfilled because the candidates offered such appointments by the respondents did not join, the only course open to the respondents was to take up the fresh selection because the validity of the waiting list of 1997, pursuant to which the appellants had secured marks, had ended in 1998.

34. Unless the waiting list in law remains live and valid, the appellants could not have been issued appointment orders on 15.11.2012 and 23.11.2012.

35. They were given such appointment orders only because of the contempt application No.COCP-2987-2012 seeking implementation of the order dt.22.12.2010 passed in CWP-22873-2010.

36. Once the said order came to be reviewed on 11.12.2014 and was recalled, the services of the appellants had to be

terminated, and no fault can be found with the respondents for taking such action.

37. The learned Single Judge was also right in holding that some of the appellants could not have filed writs in the year 2010 seeking appointment in the vacancies arising out of the 1997 selection, when they were not parties to CWP-17812-1997, and had not approached the Court in 1997 to be considered in those vacancies.

38. We are of the opinion that the learned Single Judge had properly considered the matter in the right perspective and the order of the learned Single Judge does not warrant any interference by us in exercise of jurisdiction under the Letters Patent Appeal.”

SLP No. 15836 of 2023 - **Krishan Kumar and others vs Haryana Vidyut Parsaran Nigam Limited and others** filed against the judgment of **Krishan Kumar**'s case (supra), was dismissed by Hon'ble the Supreme Court on 31.07.2023.

12. Another LPA No. 2027 of 2016 **Anil Kumar and others vs Haryana Vidyut Parsaran Nigam Limited and others** filed by the appellants therein was also dismissed by another Division Bench of this Court (one of us Member) on 06.05.2024, relying on the order passed by Hon'ble the Supreme Court in **Krishan Kumar**'s case (supra).

13. Learned counsel for the appellants further vehemently argued that there are two different views of the Division Bench of this Court. Once Balbir Singh was allowed to continue, the appellants ought to be considered under the reserved posts, more so as they stand higher in merit than those who have been selected.

14. We are unable to accept the contention. In **Balbir Singh**'s case (supra), the Division Bench while allowing the appeal noticed one factor, which needs to be taken note of:-

“In our considered opinion, it was open to the appellants to have contended at that point of time in that Writ Petition that the representation of the respondent cannot be entertained on the ground of laches, but they have waived the said condition. Therefore, they are stopped from raising the said contention in this writ petition. Also, the said contention can be said to be barred by the principle of constructive resjudicata as well.”

15. We have also noticed that the selection process is of the year 1992, revised in the year 1995. In the years 1998 and 1999, the said State Electricity Board has already divided into 4 different companies. The posts were also assigned to four different companies. The advertisement has lost its life and has become otiose. After so many years, the candidates who had applied under the said advertisement would have now become 33 years older in age. Some of them may have attained the age of superannuation.

16. In view thereto, we find that this entire exercise of pursuing the appeal, which is being conducted at this belated stage, has become purely academic. That apart, on merit also, we do not find any reason to grant relief to the appellants who remained silent with regard to their claim for reserved posts till 2014 while the selection process had been started afresh in the year 1996. The learned Single Judge has, thus, rightly found the case to be suffered from gross delay and laches. The respondents have already taken the said objection and, therefore, the judgment of **Balbir Singh**'s case

(supra) would have no application to the facts of the present case.

Accordingly, we dismiss all the four appeals.

17. All pending applications shall stand disposed of.

18. No costs.

(SANJEEV PRAKASH SHARMA)
JUDGE

05th May, 2025
vs

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No