



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**110**

**CWP-32114-2025 (O&M)**  
**Date of decision: 31.10.2025**

Harpreet Singh and another

....Petitioners

Versus

Punjab State Power Corporation Limited and others

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. H.S. Saini, Advocate  
for the petitioners.

Mr. Shwas Bajaj, Advocate  
for Ms. Palika Monga, Advocate  
for the respondents.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing of impugned order dated 25.09.2025 passed by the respondent/Corporation whereby the claim of the petitioners for appointment against the post of Assistant Lineman in pursuance of CRA No.295 of 2019 has been rejected. Further a writ of *mandamus* has been sought, directing the respondent/Corporation to consider the claim of the petitioners for appointment to the post of Assistant Lineman in pursuance of the advertisement CRA No.295 of 2019 and release all consequential benefits w.e.f. the date when the candidates lower in merit than the petitioners are appointed.



2. Learned counsel for the petitioners, *inter alia*, contend that petitioner No.1 belongs to BC category whereas petitioner No.2 belongs to a General category and they possess the qualification of ITI diploma in electrician trade. They have further undergone 02 years of apprenticeship in the trade of Lineman from Bhakhra Beas Management Board, Nangal from 19.09.2001 to 18.09.2003. Thus, in terms of Punjab State Electricity Board Technical Services Class-III Regulations, 1996 (in short, 'the Regulations of 1996'), both the petitioners are fully eligible and qualified for appointment to the post of Assistant Lineman. The essential qualification is provided in regulations of 1996. On 03.10.2019, the respondent/Corporation issued an advertisement (Annexure P-6) for filling up 3500 posts of Assistant Lineman. Out of 3500 posts, 328 posts were reserved for BC category. The respondent/Corporation in complete disregard to the statutory Regulations of 1996 has inserted a condition vide Clause 6(iv) in the advertisement providing preference to the candidates having apprenticeship in the trade of lineman from Punjab State Power Corporation Limited (PSPCL/PSTCL or erstwhile PSEB). The recruitment rules only prescribes the essential qualification and do not provide any preference for apprenticeship. As such, preference clause of the apprenticeship inserted in the advertisement without any regulatory mandate is not enforceable. Both the petitioners participated in the selection process and petitioner No.1 was placed at Serial No.1092 of the select list for 328 seats under BC category whereas petitioner No.2



was placed at Serial No.3366. Many other similarly situated candidates were not considered for appointment to the post of Assistant Lineman by the respondent/Corporation against the advertisement issued in the year 2017 and 2019. Similarly situated candidates filed a petition i.e. **CWP-24773-2018** titled as ***Harish Kumar v. State of Punjab and others*** which was allowed by the Coordinate Bench on **27.04.2023** (Annexure P-8) by holding the action of the respondent/Corporation to be illegal and arbitrary by providing preference to the apprenticeship by ignoring the merit. A direction was issued to the respondent/Corporation to consider the claim of the petitioner therein and grant them appointment from the date from which the persons junior to them in the merit list were appointed. Further, some candidates namely Jangsher Singh and Narinder Pal Singh and others approached this Court by filing **CWP-10637-2020** and **CWP-6577-2020** by relying upon the judgment of ***Harish Kumar's case (supra)*** which was decided on **26.05.2023** and **07.07.2023** (Annexures P-9 and P-10 respectively) and, this Court disposed of the said writ petitions in terms of the judgment rendered in ***Harish Kumar's case (supra)***. As such, the case of the petitioners is squarely covered and identical to that of ***Jangsher Singh's case (supra)***. Intra Court appeal bearing **LPA-1365-2023** against all the aforementioned three writ petitions were dismissed by the Division Bench of this Court on **28.11.2023**. As such, the findings of the Coordinate Bench have attained finality. The respondent/Corporation is bound to consider both the petitioners for appointment to the post of



Assistant Lineman as both the petitioners are higher in merit whereas the persons who were less meritorious are already serving the respondent/Corporation.

2.1. Learned counsel for the petitioners further relied upon the judgment of the Supreme Court in ***Khunjamayum Bimoti Devi v. The State of Manipur and others, 2024 INSC 733*** and submits that once an issue is settled, the respondent/Corporation cannot deny the claim of the petitioners by deviating from the settled issue and the judgment rendered by this Court in ***Harish Kumar's case (supra)*** has to be considered in rem. As such, the act and conduct of the respondent/Corporation in rejecting the claim of the petitioners is violative of Article 14 of the Constitution of India being discriminatory and arbitrary. Further, it is trite law that not each and every aggrieved candidate is required to approach the Court for seeking benefit which has already been extended to identically circumstanced candidate in the selection process.

3. Learned counsel for the petitioners further submits that the petitioners have taken a specific ground that only 2384 posts have been filled up out of 3500 posts and the respondent/Corporation has not controverted the same. Further, the respondent/Corporation cannot be allowed to perpetuate the illegality by permitting the less meritorious candidates than the petitioners, to be in service. Moreover, the respondent/Corporation has admitted that when the writ petition filed by Jangsher Singh was allowed on 26.05.2023, 100 posts are lying vacant.



4. *Per contra*, learned counsel for the respondents opposes the prayer made by the petitioners on the ground that the petitioners' claim cannot be considered at this belated stage as the selection process has already lapsed on 30.12.2022 and they are fence-sitters. The petitioners remained silent for several years. The petitioners in ***Harish Kumar's case (supra)*** were diligent enough to approach this Court well in time whereas the present petitioners slept over their rights and have filed the present petition only when a favourable order was passed in favour of other candidates. The petitioners have not impleaded those persons who have been selected and the persons who have been appointed in the year 2020 has gained experience and by non-suiting them after a period of 05 years would be against the public interest. Further, there is no vacancy subsequent to the impugned notification. The respondent/Corporation, in the meantime, has initiated the selection process four times by issuing various advertisement for the post of Assistant Lineman. As such, at this belated stage, the petitioners' claim cannot be considered.

5. Having heard the learned counsel for the parties and after perusing the record of this case, this Court finds no substance in the arguments raised by the learned counsel for the petitioners.

6. Admittedly the advertisement caring the impugned clause of the preference of apprenticeship was advertised on 03.10.2019 and the tentative merit list was first released in July 2020, the impugned clause in the present case was challenged in the year 2018 in **CWP No.24773 of 2018**, followed vide **CWP No.10673 of 2020** in the year



2020 and subsequently again in the year 2020 vide **CWP No.6577 of 2020**. Thrice the issue involved in the present case was brought before this Court but the petitioners remained indolent and arose only on 20.08.2025 by filing a legal notice for the first time after a favorable judgment was passed in **CWP 6577 of 2020** on **07.07.2023**.

7. A Three-Judge Bench of the Hon'ble Supreme Court in ***Chairman/Managing Director, U.P. Power Corporation Limited and Others v. Ram Gopal (2021) 13 SCC 225***, has held as follows:

*"16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced."*

8. A Two Judge Bench of the Hon'ble Supreme Court in ***State of Uttaranchal v. Shiv Charan Singh Bhandari, (2013) 12 SCC 179***, while speaking through Justice Dipak Misra observed as under:

*"23. In State of T.N. v. Seshachalam [(2007) 10 SCC 137: (2008) 1 SCC (L&S) 475], this Court, testing the equality clause on the bedrock of delay and laches pertaining to*



*grant of service benefit, has ruled thus: (SCC p. 145, para 16)*

*"16. ... filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant."*

9. Much water has flown since, the respondent/Corporation has initiated the selection process four times by issuing various advertisements for the posts of Assistant Lineman. The issue of limitation or delay and laches should be considered with reference to the original cause of action. Further the petitioners have not impleaded any of the selected candidates appointed in the year 2020. The selected candidates have already been serving as Assistant Linemen for nearly five years. Meanwhile, the petitioners lack any relevant experience in this role. Considering the substantial period that has passed and the practical reality that these candidates have been carrying out their duties effectively, it would not serve the public interest to disturb their appointments, at this stage. Removing them now would cause significant disruption to both the organization and the public at large, given the experience they have acquired during their tenure.



10. A Constitutional Bench of the Hon'ble Supreme Court in ***Sivanandan C.T. v. High Court of Kerala 2023 INSC 709*** made the following observation, which while speaking through Dr. Justice DY. Chandrachud made the following observations,

*"53. The question which now arises before the Court is in regard to the relief which can be granted to the petitioners. The final list of successful candidates was issued on 6 March 2017. The candidates who have been selected have been working as District and Sessions Judges for about six years. In the meantime, all the petitioners who are before the Court have not functioned in judicial office. At this lapse of time, it may be difficult to direct either the unseating of the candidates who have performed their duties. Unseating them at this stage would be contrary to public interest since they have gained experience as judicial officers in the service of the State of Kerala. While the grievance of the petitioners is that if the aggregate of marks in the written examination and viva-voce were taken into account, they would rank higher than three candidates who are respondents proceedings, equally, we cannot lose sight of the fact that all the selected candidates are otherwise qualified for judicial office and have been working over a length of time. Unseating them would, besides being harsh, result in a situation where the higher judiciary would lose the services of duly qualified candidates who have gained experience over the last six years in the post of District Judge."*

11. Ergo it would be unfair and against the public interest to non-suit the persons appointed in the year 2020 after gaining 05 years of



experience. Law cannot protect and foster a fence-sitter as one cannot approach the Court at the time of their convenience and whim.

12. In view of the above discussions, the present petition is dismissed.

**(HARPREET SINGH BRAR)  
JUDGE**

**31.10.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No