



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

**CWP-7612-2024 and other connected matters**

**Date of Decision: 21.05.2025**

Parmod Kumar and others

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

<b>Sr No.</b>	<b>Case Number</b>	<b>Title</b>
2.	CWP-12546-2024	Rahul V/S State of Haryana and others
3.	CWP-12561-2024	Pankaj Yadav and others V/S State of Haryana and others
4.	CWP-12903-2024	Shameem Ahmed V/S State of Haryana and others
5.	CWP-12904-2024	Pardeep V/S State of Haryana and others
6.	CWP-20483-2024	Naveen and others V/S State of Haryana and others
7.	CWP-21097-2024	Naveen Kumar and others V/S State of Haryana and others
8.	CWP-14783-2025	Naveen and others V/S State of Haryana and others
9.	CWP-5267-2025	Sandeep and others Vs. State of Haryana and others

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Present: Mr. Shreenath A. Khemka, Advocate,  
for the petitioner(s)  
(in CWP Nos.7612, 12546, 12561 and 20483 of 2024).

Mr. Mazlish Khan, Advocate,  
for the petitioner(s) (in CWP-12903-2024).

Mr. Sandeep Kumar Tada, Advocate,  
For the petitioner(s)  
(in CWP-21097-2024 and CWP-5267-2025).

Mr. Gurdeep Grewal, Advocate, for the petitioner(s)  
in CWP No.14783 of 2025).

Ms. Rajni Gupta, Addl. A.G., Haryana  
also appearing for respondent-Nigam  
(in CWP Nos.20483, 21097 of 2024,  
CWP Nos.5267 and 14783 of 2025).

Mr. Hitesh Pandit, Advocate,  
for respondent-Nigam.  
(in CWP Nos.7612, 12903, 12904, 12546  
and 12561 of 2024).

Mr. Samarth Sagar, Advocate  
for respondent-HSSC.

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

1. By this common order, above noted writ petitions are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from ***CWP-7612-2024***.

2. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of order dated 15.03.2024 (Annexure P-9) whereby their appointment was withdrawn on the ground that they lacked eligibility for the post of Assistant Lineman.

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3. The petitioners pursuant to advertisement dated 20.03.2022 applied for the post of Assistant Lineman. They were selected, however, their appointment has been cancelled by impugned order dated 15.03.2024 on the ground that they are not having requisite qualification with 60% marks. The operative portion of the impugned order reads as under:

*“Furthermore, DHBVNL & UHBVNL had forwarded certain issues relating to recruitment of ALM & SA including this issue to Government of Haryana for imparting advice/decision. The Government of Haryana considered this issue at length and decided to refer back the cases of all such candidates to Haryana Staff Selection Commission, Panchkula, keeping in view the advice tendered by Advocate General, Haryana which is reproduced as under:-*

***"The Recruitment & Promotion Policy (RPP) specifically provides for the requisite qualification with threshold marks of 60% in case of General Category candidates and 55% marks in case of reserved category candidates. By virtue of various Judicial pronouncements and instructions issued by General Administration Department (in General Services-II Branch) vide notification no. 10/4/2015-3GSII dated 25.03.2016 which provides that" if a candidate possesses higher qualification in the same line as prescribed in the minimum qualification applicable to a particular post, then he should be considered as eligible for that post" candidates possessing higher qualification in the same stream can be considered eligible. However, they are required to possess the qualification with minimum marks as prescribed in the recruitment & promotion policy (RPP). Thus, any candidate who has acquired the prescribed qualification or higher qualification of***

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***degree/diploma in the same stream of prescribed qualification with less than minimum marks as provided in recruitment & promotion policy (RPP) cannot be given appointment on the post of Assistant Lineman (ALM).***

*As such, on the basis of approval accorded by Government of Haryana, UHBVNL referred back the case of 96 ALMs to Haryana Staff Selection Commission, Panchkula on the similar line. Since, DHBVNL had issued provisional offer of appointment to the candidates mentioned in Table 'A', hence the matter was again brought up to the notice of Government of Haryana for concurrence to withdraw their provisional offer of appointment. The Government has accorded approval to withdraw provisional offer of appointment of all candidates who possess less than marks as prescribed for the services of ALM in DHBVNL.*

*Accordingly, provisional offer of appointments issued to 10 candidates as mentioned in Table 'A' are hereby withdrawn and names of 12 candidates mentioned in Table 'A' & 'B' are being referred back to Haryana Staff Selection Commission, Panchkula.”*

4. Mr. Shreenath Khemka submits that appointment of petitioners has been cancelled on the ground that they are not possessing degree/diploma with 60% marks. The requirement of 60% marks is applicable to National Apprenticeship Certificate awarded under the Apprentices Act, 1961 (in short '1961 Act'). There is no requirement of 60% marks with respect to other qualifications.

5. *Per contra*, Mr. Hitesh Pandit submits that claim of petitioners is based upon notification dated 31.03.2008 whereas applicable Regulations

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were amended vide notification dated 25.08.2017. The notification dated 25.08.2017 has made it mandatory for every qualification to possess 60% marks. The petitioners are having requisite qualification but their marks are less than 60%, thus, they do not comply with requirement of notification dated 25.08.2017. They are trying to make out a new case by way of rejoinder because in the rejoinder they are relying upon notification dated 02.07.2024 which came into force after completion of selection process in question. The petitioners are not assailing notification dated 25.08.2017 whereby condition of 60% marks was inserted.

6. I have heard the arguments and perused the record.

7. The entire controversy revolves around reading of Regulation 1.2 of Recruitment and Promotion Policy of Non-Gazetted Technical Staff. For the ready reference, the said Regulation as notified by notification dated 31.03.2008 is reproduced as below-

**“NOTIFICATION**

**31 March, 2008**

*No. 34/RECT-5/Vol-II in exercise of power conferred under Clause-C of Section-79 of the Electricity (Supply) Act, 1948 read with Haryana Electricity Reforms Act, 1997 and all other enabling powers in this behalf, the Dakshin Haryana Bijli Vitran Nigam hereby makes the following amendments/additions/deletions in Regulation 1.2 of Recruitment and Promotion Policy of Non-Gazetted Technical Staff (as applicable to DHBVN) notified vide erstwhile HSEB Notification No.27/REG-119 dated 10.10.1988 read with Notification No 60/REG-137 dated 14.03.1990, No. 163/REG-*

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*119 dated 09.04.1993, No.32/REG-14/SE/Admn. dated 20.04.04. No.47/REG-14 dated 12.01.06, No.78/REG-14/GM/Admn, dated 20.10.2006.*

**1.2 Assistant Lineman**

*1.2.1 97% posts of ALM will be filled up by direct recruitment from amongst the persons having minimum qualification of Matric with 2 years ITI Electrician/Wireman trade or having 2 years Vocational course under the trade of Lineman conducted by Director, ITI and Vocational Education, Haryana from any institute recognized by the State Govt. Must have passed Hindi/Sanskrit up to Matric standard.*

*1.2.2 3% posts of ALM will filled up from amongst the workmates, APD, Mali, Sweeper, Cleaner, Chowkidar and Sewerman and Tech. Grade-II, Helper Grade-1 and officials working on other equivalent posts in Workshop Organization having 2 years experience in DHBVN on technical posts. Beside the officials having minimum qualification as mentioned in Regulation 1.2.1 above and having 2 years experience in DHBVN will also be eligible for the promotion of ALM.*

*Note: -*

- 1. The age limit for direct recruitment of Assistant Lineman will be from 18 to 35 years.*
- 2. Such directly recruited ALMs shall remain on probation for 2 years in regular pay scale of ALM, of which one year will be training. The Competent Authority may terminate the services of ALM without notice and without assigning any reason, if his work and conduct during the probation period is not found satisfactory.*

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3. *The officials who will be promoted as ALM from workmates, APD, Mali, Sweeper, Cleaner, Chowkidar and Sewerman will not claim any right of seniority over those ALMs who have already promoted/appointment However, the seniority of the officials promoted from Workshop Organization will be determined from the date of their joining/promotion in the Nigam.*
4. *The Seniority of ALMs will be maintained on Circle basis. The above notification supersedes all previous orders/instructions issued by erstwhile HSEB/Nigam from time to time in this regard. This issues in pursuance of the decision taken by the Board of Directors of DHBVN in their meeting held on 20.02.2008.”*

*[Emphasis Supplied]*

8. The said Regulation was amended by notification dated 25.08.2017. The amended Regulation reads as under:-

***1.2 Assistant Linemen:-***

*1.2.1 97% posts of Assistant Lineman (ALM) will be filled up by direct recruitment from amongst the persons who passes the following qualification:-*

- (a) Matric with 02 years ITI course in Electrician/ Wireman trade or having 02 years Vocational Course under the trade Lineman or Electrician (Maintenance & Repair of Electrical and Domestic Appliances) conducted by Director, Industrial Training & Vocational Educational Haryana) or National Apprenticeship Certificate awarded under the Apprenticeship Act 1961 from any Institute with*

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*a minimum 60% marks in respect of General/other category candidates and 55% marks of SC category candidates of Haryana domicile recognized by State Govt.*

- (b) *Must have passed Hindi/Sanskrit upto Matric standard.*
- (c) *Computer Eligibility Test would be conducted.*

*Provided that these posts may be filled-up through outsourcing purely on contractual basis, against sanctioned vacant posts, through contractor/ service provider, by calling NIT through open bidding; without sending requisitions to the Employment Exchange or advertisement in the Newspapers, for a period not exceeding one year at a time or till the regular selected candidates are appointed, whichever is earlier.*

*[Emphasis supplied]*

9. The advertisement in question was issued on 20.03.2022. The Regulation 1.2 was initially amended by notification dated 31.03.2008 and it was later on amended by notification dated 25.08.2017. The notification dated 25.08.2017 was in force at the time of advertisement in question, thus, said notification was applicable and needs to be examined. The aforesaid Regulation was further amended by notification dated 02.07.2024. The Regulation 1.2 as amended by notification dated 02.07.2024 is reproduced as below:-

***“1.2 Assistant Linemen:-***



1.2.1 97% posts of Assistant Lineman (ALM) will be filled up by direct recruitment from amongst the persons who passes the following qualification:-

(i)(a) *Matric with 02 years ITI course in Electrician/Wireman trade duly recognized by National Council for Vocational Education and Training (NCVET)/State Council for Technical Education & Vocational Training (SCTEVT) with a minimum 60% (no rounding-off) marks in respect of General Category/other Category Candidates and 55% (no rounding-off) marks of SC category candidates of Haryana domicile only;*

**or**

(b) *Lineman & Electrician (Maintenance & Repair) from VEI (Vocational Educational Institute) with a minimum 60% (no rounding off) marks in respect of General Category/other Category Candidates and 55% (no rounding-off) marks of SC category candidates of Haryana domicile only;*

**or**

(c) *Full-Time 2 years National Skills Qualification Framework (NSQF) level-4 in Electrician/Wireman/Electrician Power Distribution trade in engineering duly recognized by NCVET/SCTEVT with a minimum 60% (no rounding-off) marks in respect of General Category/other Category Candidates and 55% (no rounding-off) marks of SC category candidates of Haryana domicile only;*

**or**

(d) *Two years of Senior Secondary Vocational Course in Electrical Technology conducted by CBSE with minimum 60% (no rounding off) marks in respect of General*



*Category/other Category Candidates and 55% (no rounding off) marks of SC category candidates of Haryana domicile only;*

**OR**

**(ii) Full Time Diploma in**

*Electrical Engineering/*

*Electrical & Electronics (Power System)/*

*Electrical & Instrumentation Engineering/*

*Electrical & Power Engineering/*

*Electrical Energy Systems/*

*Electrical Engineering (Instrumentation and Control)/*

*Electrical Engineering (Electronics and Power)/*

*Electrical Power Systems/*

*Electrical & Electronics Engineering/*

*Power Systems Engineering*

*with a minimum 55% (no rounding-off) marks in respect of General Category/other Category Candidates and 50% (no rounding-off) marks of SC category candidates of Haryana domicile subject to the candidate acquired the qualification in the same line as prescribed in the minimum qualification in terms of State Government, Haryana instructions dated 16.06.1979 reiterated vide instruction dated 25.03.2016, as amended from time to time;*

**OR**

**iii) Full Time Degree in**

*Electrical Engineering/*

*Electrical and Electronics (Power System)/*

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*Electrical and Electronics Engineering/  
Electrical and Instrumentation Engineering/  
Electrical Instrumentation and Control Engineering/  
Electrical Engineering (Electronics and Power)/  
Electrical Power Engineering/Electrical, Electronics and  
Power Engineering/  
Electrical and Power Engineering  
with a minimum 50% (no rounding-off) marks in respect  
of General Category/ other Category Candidates and 45%  
(no rounding-off) marks of SC category candidates of  
Haryana domicile subject to the candidate acquired the  
qualification in the same line as prescribed in the  
minimum qualification in terms of State Government,  
Haryana instructions dated 16.06.1979 reiterated vide  
instruction dated 25.03.2016, as amended from time to  
time.”*

10. From the perusal of notification dated 31.03.2008, it is evident that there was no requirement of qualification with 60% marks. The condition of 60% marks was inserted by notification dated 25.08.2017. In the notification dated 31.03.2008, the National Apprenticeship Certificate awarded under 1961 Act was not one of the qualifications. The said qualification was inserted by notification dated 25.08.2017. In brief, the following expression was inserted in notification of 2018:-

*“or National Apprenticeship Certificate awarded under  
the Apprenticeship Act-1961 from any Institute with a minimum  
60% marks in respect of General/ other category candidates and  
55% marks of SC category candidates of Haryana domicile  
recognized by State Govt.”*

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11. From the perusal of notification dated 25.08.2017, it is evident that a candidate is required to possess any one of the following qualifications-

- (a) Matric with 2 years ITI course in Electrician/Electronics/Wireman trade or;
- (b) 2 years vocational course under the trade Lineman or Electrician (Maintenance & Repair of Electrical and Domestic Appliances) conducted by Director, Industrial Training & Vocational Educational Haryana or (Vocational Educational institute) or;
- (c) National Apprenticeship Certificate awarded under 1961 Act from any Institute.

12. There is no dispute with respect to the fact that petitioners are possessing one qualification out of the three mentioned hereinabove. There is dispute *qua* 60% marks. The respondent is claiming that condition of 60% marks is applicable to all the three qualifications, meaning thereby, a candidate having qualification of matric with 2 years ITI course in Electrician is also required to have 60% marks like a candidate having National Apprenticeship Certificate.

Opinion of the respondent seems to be misplaced. From the perusal of notification dated 31.03.2008, it is evident that there was no condition of 60% marks for the qualifications mentioned hereinabove. The qualification of National Apprenticeship Certificate was inserted by notification dated 25.08.2017 and while inserting said qualification, condition of 60% marks was added. Said condition of 60% marks cannot be read with

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the other qualifications because every qualification is preceded by expression 'or'. In a peculiar situation, conjunction 'or' may be read as 'and', however, in the present case, there seems no reason to read conjunction 'or' as 'and'. The language of the notifications is unambiguous. It is settled proposition of law that if language of a statutory provision is clear and unambiguous, there should be plain reading. Courts are not supposed to look into intention or reasons of amendment. Natural meaning should be assigned to the provisions. No Court has right to add or subtract any word or expression in the statutory provisions. It is job of the Legislature. If contention of respondent is conceded to, it would amount to addition of condition of 60% marks with all the qualifications prescribed in the notification. The respondent by notification dated 02.07.2024 has made it clear that condition of 60% would be applicable to all the prescribed qualifications. There was something missing or there was some confusion on the part of respondent which competent authority has dispelled by way of notification dated 02.07.2024. The said notification is not having retrospective effect. If notification dated 25.08.2017 is read in the manner as claimed by respondent, it would amount to retrospective amendment of notification dated 25.08.2017 by notification dated 02.07.2024.

13. The respondents are claiming that petitioners by relying upon notifications dated 25.08.2017 and 02.07.2024 have attempted to make out a new case. The said argument cannot be countenanced because petitioners are claiming that their candidature has been rejected on the ground of lacking 60% marks in the prescribed qualification. The matter has to be examined in the



light of notification in force. It is a pure question of law and interpretation of statutory provisions. Court is bound to decide issues in the light of notifications in force. During the relevant period, notification dated 25.08.2017 was in force, thus, matter needs to be decided in the light of said notification.

14. In **CWP-21097-2024**, Mr. Sandeep Kumar, learned counsel for the petitioners submits that there are 46 petitioners. Petitioner No.17 had applied for the post of Shift Attendant and all others have applied for the post of Assistant Lineman. The petitioner No.17 has been wrongly made party in the petition. He may be allowed to withdraw petition *qua* petitioner No.17 with liberty to file afresh with better particulars, if so advised.

15. Petition *qua* petitioner No.17 in CWP-21097-2024 is dismissed as withdrawn with aforesaid liberty.

16. In the wake of above discussion and findings, this Court is of the considered opinion that instant petitions deserve to be allowed and accordingly allowed. The impugned order is hereby set aside. It is hereby held:

- (i) Condition of 60% marks was applicable only *qua* National Apprenticeship Certificate awarded under 1961 Act from any Institute. The said condition is inapplicable *qua* other qualifications.
- (ii) The respondent shall reconsider claim of the petitioners in the light of aforesaid observations.
- (iii) The needful shall be done within 2 months from today.

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17. It is hereby made clear that date of joining of the petitioners shall be their date of appointment for all intents and purposes. They shall not be entitled to notional service benefits. It is further made clear that this order would not affect service career of all those candidates who have already joined service.

18. This order may prompt fence sitters to file petitions before this court which would create chaos. To avoid further litigation, it is hereby made clear that the benefit of this judgment shall be available only to those candidates who have approached this Court on or before the date of this judgment.

19. Pending application(s), if any, shall also stand disposed of.

21.05.2025  
shivani

(JAGMOHAN BANSAL)  
JUDGE

Whether reasoned/speaking  
Whether reportable

Yes  
Yes