



**DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD.**

(A Power Distribution & Retail Supply Utility, Government of Haryana)

(AN ISO 9001:2008 Compliant Utility, CIN No. U99999HR1999SGC034165)

*Registered Office: Vidyut Sadan, Vidyut Nagar, Hisar - 125 005 (Haryana)*

Office of the Superintending Engineer/Administration, DHBVNL, Hisar

www.dhbvn.org.in ☎ 01662 – 223439, 223108 (Fax), Email: seadmn@dhbvn.org.in & usga@dhbvn.org.in

**Memo No. Ch- 158 /SE/Admn/REG-21/Vol-III**

**Dated: 29.04.2021**

To

1. All Chief Engineers in DHBVNL.
2. Chief Technology Officer, DHBVNL, Hisar.
3. Chief Financial Officer, DHBVNL, Hisar.
4. CAO/FA(HQ)/Chief Auditor/FA(MM)/FA(CBO), DHBVNL.
5. Chairman, CGRF, DHBVNL, Gurugram.
6. Company Secretary, DHBVNL, Hisar.
7. All Superintending Engineers in DHBVNL.
8. Controller of Stores, DHBVNL, Hisar.
9. S.E./IT, DHBVNL ***for uploading the same on website.***
10. Chief Communications Officer, DHBVNL, Hisar.
11. All Executive Engineers in DHBVNL.
12. All Sectional Heads with Headquarters at Hisar.

**Subject: CWP No. 4332 of 2021 titled as Sunil Kumar Versus State of Haryana & others.**

Please find enclosed a copy of the letter on the subject cited above, received from Ld. Legal Remembrancer, HPUs, Panchkula vide office Memo No. Ch-06/LB-2(44) dated 24.03.2021, for your kind information and taking further necessary action at your end, please.

With reference to the subject cited above, the attention has been drawn to judgment dated 02.03.2021 whereby the Hon'ble High Court dismissed the subject-cited CWP, filed by the petitioner.

It has also been mentioned in the ibid letter that it is an important judgment on the issue of limitation, delay & latches as well

as on validity of waiting list in pending cases on similar issues praying for dismissal, in favour of Nigam in view of settled law.

It has been requested in the ibid letter that the above judgment be circulated to offices under your control for applying in the similar situated cases by placing reliance on the judgment dated 02.03.2021 passed by Hon'ble High Court. It has also been requested to direct the concerned IT Wing to host the Judgment dated 02.03.2021 on the website of concerned Power Utility.

This is for your kind information and necessary action at your end, please.

This issues with the approval of the Chief Engineer/HR & Admn., DHBVNL, Hisar.

**DA:** As above

*AP*  
29.04.2021  
**S.E./Administration,  
DHBVNL, Hisar**

**Copy to:**

1. Sr.P.S. to the Managing Director, DHBVNL, Hisar.
2. Sr.P.S. to Director/Operations, DHBVNL, Hisar.
3. Sr.P.S. to Director/Projects, DHBVNL, Hisar.
4. Sr.P.S. to Director/Finance, DHBVNL, Hisar.
5. P.A. to Chief Engineer/HR & Admn., DHBVNL, Hisar.

**HARYANA VIDYUT PRASARAN NIGAM LTD.**  
 (Govt. of Haryana undertaking)  
 O/o Legal Remembrancer  
 Shakti Bhawan, Sector-6, Panchkula  
 Phone: 0172-2560769, 2571841 Fax: 0172-2560769  
 E-mail: [lr@hvpn.org.in](mailto:lr@hvpn.org.in)

To

The CE/Admn.  
HVPNL, Panchkula

The CE/Admn,  
HPGCL, Panchkula.

The CGM/Admn.,  
UHBVN, Panchkula.

The GM/Admn.,  
DHBVN, Hisar.

Memo No. *Ch 6*/LB-2(44)

Dated: 24.03.2021

**Subject: CWP No. 4332 of 2021 titled as Sh. Sunil Kumar Vs State of Haryana.**

With reference to the subject cited above. The Hon'ble High Court dismissed of the present writ petition vide order dated 02.03.2021. The relevant extract of above order is reproduced here under:-

U.S./HR-I  
 U.S./HR-II  
 U.S./Gen.  
 U.S./Legal  
 XENT&M  
 Supdt./RTI  
 S.E./Admn

*"Petition herein, inter alia, is for issuance of a writ in the nature of mandamus directing the respondents to consider the name of the petitioner from the alleged pending waiting list prepared by the Subordinate Staff Selection Board and appoint him to the post of Shift Attendant.*

*2. Learned counsel for the petitioner contends that all the original waiting list candidates have already been appointed. Even after that, more than 40 posts are still lying vacant with respondents No.3 to 5. Therefore, respondents may be directed to prepare a second waiting list and offer him appointment.*

*3. Learned State counsel at the outset submits that as per Instructions dated 20.01.1988 issued by Chief Secretary of State of Haryana, a waiting list is valid only up to a year of same being sent to the department for making appointments.*

*4. She submits that in the present case posts of Shift Attendant were advertised vide advertisement No. 3/2016 dated 20.02.2016. Pursuant thereto, the petitioner unsuccessfully participated in the General Category. Petition has been filed not only belatedly, but even otherwise same is not maintainable as the waiting list was conveyed to the department on 30.11.2019. Waiting list accordingly lapsed on 29.11.2020.*

*5. I see no reason to disagree with the aforesaid submissions of the learned State counsel.*

*Handwritten signatures and initials on the left side of the page.*

*999  
6/4/21*

*594  
Recd. - 07/cwp 4332  
of 2021  
6/4/21*

6. Concededly, the petitioner was not on the list of the selected candidates. He was on waiting list which has lapsed. Instant present writ petition is, therefore, not maintainable having been filed after lapse of the waiting list.
7. Confronted with the situation, learned counsel for the petitioner argues that the waiting list was wrongly prepared by Subordinate Staff Selection Board inasmuch as only 9.35% candidates were kept in the waiting list as against the general practice of 15% to be kept in the waiting list. He further argues that ordinarily a second and/or third waiting list is also prepared, which has not been done in the present case.
8. Be that as it may, it was open for the petitioner to assail the waiting list at the relevant time, in case he was aggrieved, as aforesaid. The waiting list cannot be challenged, at this stage, once the same has lapsed.
9. No grounds are made out to interfere.
10. Dismissed.

*The writ petition suffers from inordinate delay and latches. Dismissed."*

It is an important judgement on the issue of limitation, delay & latches as well as on validity of waiting list in pending cases on similar issues praying for dismissal, in favour of Nigam in view of settled law. Thus it may be circulated & also hosted on website of respective utility, for facility of reference. A complete copy of judgement dated 02.03.2021 are enclosed herewith for further necessary action.

This issues with the approval of L.R.

DA/As Above.



Legal Officer,  
HPU, Panchkula

CC:-

1. The Deputy Secretary/Technical, HVPNL, HPGCL & UHBVN, Panchkula for hosting on website.
2. The Deputy Secretary/Technical, DHBVN, Hisar for hosting on website.

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

**CWP-4332-2021**

**Date of Decision: 02.03.2021**

Sunil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Rajesh Hooda, Advocate,  
For the petitioner.

Ms. Mamta Talwar, DAG, Haryana.  
**(Presence marked through video conference).**

**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to consider the name of the petitioner from the alleged pending waiting list prepared by the Subordinate Staff Selection Board and appoint him to the post of Shift Attendant.

2. Learned counsel for the petitioner contends that all the original waiting list candidates have already been appointed. Even after that, more than 40 posts are still lying vacant with respondents No.3 to 5. Therefore, respondents may be directed to prepare a second waiting list and offer him appointment.

3. Learned State counsel at the outset submits that as per Instructions dated 20.01.1988 issued by Chief Secretary of State of Haryana, a waiting list is valid only up to a year of same being sent to the department for making appointments.

4. She submits that in the present case posts of Shift Attendant were advertised vide advertisement No. 3/2016 dated 20.02.2016. Pursuant

thereto, the petitioner unsuccessfully participated in the General Category. Petition has been filed not only belatedly, but even otherwise same is not maintainable as the waiting list was conveyed to the department on 30.11.2019. Waiting list accordingly lapsed on 29.11.2020.

5. I see no reason to disagree with the aforesaid submissions of the learned State counsel.

6. Concededly, the petitioner was not on the list of the selected candidates. He was on waiting list which has lapsed. Instant present writ petition is, therefore, not maintainable having been filed after lapse of the waiting list.

7. Confronted with the situation, learned counsel for the petitioner argues that the waiting list was wrongly prepared by Subordinate Staff Selection Board inasmuch as only 9.35% candidates were kept in the waiting list as against the general practice of 15% to be kept in the waiting list. He further argues that ordinarily a second and/or third waiting list is also prepared, which has not been done in the present case.

8. Be that as it may, it was open for the petitioner to assail the waiting list at the relevant time, in case he was aggrieved, as aforesaid. The waiting list cannot be challenged, at this stage, once the same has lapsed.

9. No grounds are made out to interfere.

10. Dismissed.

**March 02, 2021**  
vandana

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No