
(2014) 07 P&H CK 0561

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 1879, 11219 and 17676 of 2012

Pardip Kumar

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 08-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0561

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : B.R. Mahajan, Senior Advocate, Prateek Mahajan, Veena Kumari and H.S. Batth, Advocate for the Appellant; A.K. Sharma, Addl. A.G. and Vikas Chatrath, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sabina, J.—Vide this order, above mentioned three petitions would be disposed of as controversy involved in all these cases, is the same.

2. Facts taken from CWP No. 11219 of 2012.

3. Petitioners have filed these petitions seeking a direction to the respondents to consider them for appointment to the post of Lineman under the physically handicapped category in response to the advertisement issued by them.

4. Case of the petitioners, in brief, is that they were physically handicapped persons. 5000 posts of Lineman had been advertised by the respondents. 128 posts of Lineman were reserved for the candidates falling under the category of physically handicapped. Petitioners applied for the post of Lineman under the reserve category of physically handicapped. However, petitioners had not been issued the appointment letters. Hence, the present writ petitions.

5. Learned senior counsel for the petitioners has submitted that petitioners were duly eligible for the posts of Lineman. In fact, petitioners had also done their apprenticeship in the trade of Lineman and were, therefore, liable to be

appointed as Lineman.

6. Learned counsel for the respondents, on the other hand, has submitted that petitioners were unable to perform the duties attached to the post of Lineman on account of the disability suffered by them. The duties attached to the post of Lineman were arduous in nature and could not be performed by the petitioners. Learned counsel has further submitted that in normal course of duty, a Lineman is required to climb poles, repair high tension wires etc. so that uninterrupted power supply can be given to the consumers. Therefore, it was not feasible to appoint the petitioners keeping in view the risk involved to their lives as well as in larger interest of public on account of disability suffered by them.

7. Petitioners are physically handicapped persons. One of the petitioner has got total hip replacement whereas some of the petitioners are having shortening of lower limb/disability in the ankle. As per Annexure-A, placed on record in the written statement filed by the Board in CWP No. 11219 of 2012, the duties of Lineman are as under:-

1. Construction of works of Local distribution system.
2. Construction of sub station including sub station instruments.
3. Laying of overhead lines and underground cables.
4. Laying of service lines of consumers.
5. To dismantle and change the lines.
6. To set right the breakdown of HT/EHT lines.
7. To check the G.O. switches of 11 KV at sectionalizing places and pole mounting substation with the help of foreman and to maintain their interrupted and proper working.
8. To attend the complaints of consumers regarding breakdown of lines and LD system.
9. To visit the LT and HT lines and convey the faults of lines to higher officers through visit book.
10. To check the size of wires of fuses of LT and HT lines of pole mounting substations of area of complaint centres and to change the overside fuse wires.
11. To check the level of oil in transformers and their leakage.
12. To check the meter seals and consumers premises and report of missing seals.
13. To prepare the fuse change order book.
14. To prepare the complaint register.
15. i. To check the faults of LT distributions system and to replace them.

- ii. To tight the loose supports of service lines.
 - iii. To fix the loose Rag eye balts of cables, mains and submain.
 - iv. To tight the naked earthing wires and service cables of mains and submains.
 - v. To cut the twigs of trees near the conductors/wires.
 - vi. To visit the LT lines once in three months and to set right straight the bend poles.
 - vii. To maintain the T&P of complaint centres.
16. To maintain the overhead HT lines remove the breakdown of electricity. Have authority to take permit to work on lines in the observe of JE/supervisor.
 17. To report the shortage of oil in transformer and their leakage, to report the power theft to higher officers.
 18. To seal the premises of consumers if asked by SDO (Sub Station Officer) for which sealing plas will be issued to him.
 19. He will be responsible for any human accident due to his negligence.
 20. Any special work assigned to him by SDO.
 21. To maintain the LD system of those transformers who assigned to them.
 22. To remove the breakdown of lines and maintain the LT lines.
 23. To receive the material on form-4 from JE and use the material on daily basis and maintain the record of material.
 24. He will be responsible for any lose during maintenance of the distribution substation.
 25. To report the theft cases of his area to JE and Incharge of Sub Division (SDO). He will be also responsible for any theft checked by flying staff.
 26. Routine checking of job orders i.e. DCO, TDCO, MCO, SJO of his area and their implementation.
 27. To report any unauthorized connection/theft cases and to record in complaint register. He will report to SDO about these cases within 24 hours.
 28. He will be responsible for proper maintenance of 11 KV/LD system and count the burnt/damaged transformers due to low maintenance and also responsible for theft cases due to low maintenance of service lines of his area.
 29. To report any damaged lines/transformers of his area.
8. Annexure-B, with the written statement filed by the Board in CWP No. 11219 of 2012, the letter written by Deputy Director, Social Security Women and Child Development, reads as under:-

This is for your information on reference cited letter that, As you said in the above mentioned reference letter that the nature of duty of Lineman is of to maintain the live wires that are installed on the poles high above to the ground and to maintain the power supply without interruption but the duty of trade man (Electrical C.D.B.) is of servicing and repairing the different electrical equipments, electric lines, transformers switch boxes etc. So the nature of work of post of Tradesman (Electrical) is of different nature than the nature of work of lineman. The nature of work of post of Lineman is of construction of works, maintenance and complaint work as per letter No. 10/24/97-5 SS/4061 dt. 18.8.99 of this office.

As referred in your above memo about the duties of post of lineman, the duties of lineman are not equal to the duties of trade man (Electrical C.D.B.) it means that as per job identification only Hearing PD handicapped persons can do the job of lineman.

9. Thus, the Social Security department had also written that the nature of duties of Lineman were not equal to the post of Trademan (Electrical). Therefore, only Hearing PD handicapped persons could do the job of Lineman.

10. Since the petitioners are unable to perform the duties of Lineman efficiently on account of disability suffered by them, no ground for interference by this Court is made out.

11. Accordingly, all these petitions are dismissed.