

HARYANA VIDYUT PRASARAN NIGAM LTD.

(Govt. of Haryana undertaking)

O/o Legal Remembrancer

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FROM

To Legal Remembrance,
HPU, Panchkula

The CGM/Admn.,
UHBVN, Panchkula.

The CE/Admn.,
HVPN, Panchkula,

The CGM/Admn.,
DHBVN, Hisar.

The CE/Admn.,
HPGCL, Panchkula.

Memo No. 69/LB-2 (72)

Dated: 11/06/2018

Subject: CWP no.4533/14 titled as Mohinder Lal SA V/s UHBVN & others.

Memo No. 5872
Dated: 12/06/18
 DS/Estt.
 DS/NGE
 US/NGE
 DS/General
 DS/T&M
 XEN/HR&TRG
 US/Recit.

A
CE/Admn. 11/6/18

Attention is drawn to judgment dated 14.03.2018 passed in subject cited case vide which the Hon'ble High Court dismissed the petition in the light of law laid down in CWP no. 1894 of 2014 titled as Madan Lal Vs UHBVN & others decided on 13.03.2015 vide which it was held that:-

"Once a general category candidate is not able to catch up with the reserved category candidate on the next higher post, the principle of catching up would have no applicability."

It is an important judgement on the issue of stepping up and can be cited on similarsituations for dismissal cases in favour of Nigam. Thus it may be circulated & also hosted on website of respective utility for facility of reference. A complete copy of judgment dated 14.03.2018 are enclosed herewith for further necessary action.

This issues with the approval of L.R.

DA/as above

A
Legal Officer,
HPU, Panchkula.

CC:-

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

A/S
13/6/18
UPL

Supdt/Estt
13/6

Diary No. 54 US/Estt., HPGCL
Dated: 12/06/18

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Certified to be true copy
Incharge,
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High Court of Pb. & Hr., Chandigarh.

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CWP No.4533 of 2014

category candidate on the next higher post, the principle of catching up would have no applicability.

Counsel for the petitioners has further argued that in some cases, promotions have been granted after the decision of the Hon'ble Supreme Court in M.Nagaraj and others v. Union of India and others, (2006) 8 SCC 212, without following the mandatory parameters laid down therein. Counsel for the respondents, on the other hand, state that to their knowledge, in none of these cases it has been done but they fairly state that if in any case any reserved category candidate has been granted promotion contrary to the decision in M.Nagaraj and others (supra), the concerned general category employee may make a representation in this regard within a period of two months from the date of receipt of a certified copy of this order, and the competent authority will decide the same by passing a speaking order thereon within a further period of three months. With this caveat, all these writ petitions are dismissed."

In addition, the instant petition is also dismissed in terms of Madan Lal's case.

14.03.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No