

Speaking Order

1. **Whereas** Haryana State was the 20th state of India formed on 1st November 1966, previously it was under Punjab. Initially, it had common Electricity Board under Punjab State Electricity Board (PSEB) under the State of Punjab. The composite Board (PSEB) was bifurcated and Haryana State Electricity Board (HSEB) came into existence on 01.05.1967.

Whereas the Electricity Generation, Transmission and Distribution system of Haryana State has expanded rapidly in the decades, after the bifurcation of erstwhile PSEB. As per requirement of HSEB, additional posts at all levels of engineers were sanctioned from time to time by the successor board i.e. HSEB.

Whereas the HSEB was further bifurcated under the Haryana Electricity Reforms Act 1997, in first phase on 14.08.1998, HSEB into two companies, Haryana Vidyut Prasaran Nigam Ltd. (HVPNL) for undertaking Transmission & Distribution business & Haryana Power Generation Corporation Ltd. (HPGCL) for undertaking generation business. In second phase on 01.07.1999, HVPNL was further bifurcated into HVPNL for transmission business and Discoms (Uttar Haryana Bijli Vidyut Nigam Ltd. (UHBVNL) & Dakshin Haryana Bijli Vidyut Nigam Ltd (DHBVNL) for distribution business. The cadre of engineers of HSEB as was available in 1998 was also subdivided into these four Haryana Power Utilities (HPU). All four corporations/ Nigams have been expanding their cadre further at all levels in accordance with their individual requirements and this scenario is prevalent at present.

Whereas the cadre of electrical engineers in HSEB was comprised of Engineer-in-Chief, Chief Engineers, Superintending Engineers, Executive Engineers, Assistant Executive Engineers (AEE earlier nomenclature was AE Class-I) and Assistant Engineers (AE/class-II). The post of AE/Class-II is the feeder cadre post for the engineering cadre.

Whereas in the erstwhile HSEB, the prescribed quota for the recruitment/ appointment to the post of AE/Class-II, was 65% from Direct Recruitment and 35% by the way of promotion. The quota bifurcation for the post of AE/Class-II as per PSEB Service Regulations of Electrical engineers as applicable in H.S.E.B. (subsequently applicable to all four HPU) as per o/o no. 35/Reg-25A/PSEB dated Patiala, the 1st Sept., 1965 is as under:-

“9. APPOINTMENT AS ASSISTANT ENGINEER BY PROMOTION

- (1) (i) **Upto 35% (Thirty five percent) of the total number of cadre posts of Assistant Engineers, may be filled up by promotion, calculating this quota in the manner given in Clause (ii) of this Sub-Regulations, out of various types of**

Engineering Subordinate under the Board. The share of various categories in this 35% quota would be as follows:-

- (a) Engineering Subordinate possessing minimum academic qualification of Matriculation or its equivalent and with not less than 10 years total service as Junior Engineers, Line Superintendent Sub Station Operator, Control Room Operator or on such other posts, as may be declared by the Board to be equivalent to these posts and having not less than one year's service as Junior Engineer to the extent of 10% (Ten percent).
- (b) Engineering Subordinate holding diploma of all types in Electrical and Mechanical Engineering of recognized institute, with 5 years service in the Board out of which one year must be as Junior Engineer..... to the extent of 14% (Fourteen Percent).
- (c) Drawing Establishment (whether Diploma holders or non diploma holders) holding the posts of Chief Draftsmen and with one year experience as such to the extent of 4% (Four percent).
- (d) Engineering Subordinates who are Bachelor of Engineering or AMIE during the service of the Board..... to the extent of 7% (Seven Percent) of calculated quota posts.

.....

(ii) The number of vacancies in the cadre of Assistant Engineers to be filled by promotion from amongst the Engineering Subordinates will be determined in the following manner:-

- a) Posts of Assistant Engineers are to be so reserved to be filled in by promotion of Engineering Subordinates that they constitute 35% of the total sanctioned strength of posts of Assistant Engineers in the Board plus 35% of (80% of the sanctioned posts of Assistant Executive Engineers minus the number of Engineering Subordinate who stand promoted as Assistant Executive Engineers).

Whereas in the above notification no. 35/Reg-25A/PSEB dated Patiala, the 1st Sept., 1965 which is re-printed copy on 15.04.1987 is available and the cadre strength of Engineers as mentioned in the Appendix-A annexed with the aforesaid regulation, is as under:-

(Referred to in Regulation-3 & 16)

CADRE

Permanent	Temporary	Total	Name of Appointment	Scale of pay
1	1	2	Engineer-In Chiefs	Rs.2250-125/2-2750 plus SP Rs. 250/-
3	8	11	Chief Engineers	Rs. 2250-125/2-2750
10	-	10	20% of S.Es Designated as Additional Chief Engineers	Rs. 2250-125/2-2625 plus Rs. 250/-SP for Head Office only.
3	34	37	Superintending Engineers	Rs. 2100-100-2500 plus Rs. 250/-SP for Head Office only.
69	137	206	Executive Engineers	1400-60-1700-75-2000-100-2100 (2000-100-2300 SG for 20%

Permanent	Temporary	Total	Name of Appointment	Scale of pay
				posts) + Rs. 150/- SP for Head Office only.
227	270	497	Assistant Engineers	Rs.1000-40-1200-EB-1400-60-1700/75-1850+Rs.100/-SP for Head Office only (Rs.1700-75-2000 SG upto 20% of combined regular strength of AE, AEEs plus Rs. 100/-SP for H.O. only. OR 940-40-1100/50-1400-60-1700/75-2000 without SG +Rs. 100/-SP for H.O. only. On promotion as AEE to get two increments.
70	277	347	Assistant Executive Engineers	

Note:- Number of Permanent and Temporary posts and scales of pay have been copied from Budget Estimate 1987-88.

Whereas direct recruitment posts were filled up by recruiting the Graduate Engineers directly by the board or through PPSC/ HPSC and promotional posts by way of promotion from the cadre of eligible Engineering subordinates. The recruitment to the service was governed as under:-

"6. Recruitment to the Service shall be made by any of the methods indicated below as the Board may determine in each case:-

- (a) In case of posts of Assistant Engineers
- (i) By direct appointment.
 - (ii) By promotion as provided in Regulation-9
 - (iii) By transfer of an officer already in the service of a Government or any other State Electricity Board or an Undertaking of Government.

.....
Provided further that:-

Candidates who have obtained at least second or equivalent class in degree, Diploma or a Certificate mentioned in Appendix 'B' but who do not fulfil the conditions regarding Practical training or experience may be appointed as Graduate technical Apprentices for a period of one year on basic pay of Rs. 750/- fixed per mensem.

These Graduate Technical Apprentices shall be appointed as Assistant Engineers on satisfactory completion of one year training which may be extended upto a maximum of three years by the Board. The Board may terminate the services of a Graduate Technical Apprentice if his work and/or conduct during the period of apprenticeship is not satisfactory."

Whereas the quota for various Engineering subordinates for promotion as AE underwent changes even though the overall quota for direct recruitment (i.e. 65%) and for promotion from Engineering subordinates (i.e. 35%) remained same.

- I. The quota for Engineering subordinates for promotion to the post of AE underwent changes vide Notification no. 167/NGE/G-761 dated 09.08.1974 which is as under:-

i)	Direct Recruitment	65%
ii)	Promotion from amongst Diploma Holder with Electrical/Mechanical Qualification + 5 yrs service in board.	20%
iii)	A.M.I.Es (full)	5%
iv)	Drawing staff, Non-diploma holders, others on merit on the basis of the recommendations of the T.M. (Technical Member)	10%

II. The quota for Engineering subordinates for promotion to the post of AE further underwent changes vide Notification no. 28/EBG Dated 22.1.1979 which is as under:-

"9(1). Regulation 9 of the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 shall stand substituted as follows:

Upto 35% of the total number of cadre posts of Assistant Engineers, may be filled-up by promotion, calculating the quota on the total sanctioned strength of Assistant Engineers plus 80% posts of Assistant Executive Engineers, out of Engineering Subordinates under the Board, possessing the following qualification:-

(a) *Engineering Subordinates possessing minimum Academic qualifications of Matriculation or its equivalent and with not less than 10 years service as Junior Engineer, Line Superintendent, Sub-Station-Operator, Control-room-operator or on such other posts as may be declared by the Board to be equivalent to these posts to the extent of 10% of the calculated quota posts.*

(b) *The Engineering Subordinates holding diploma of all types in Electrical and Mechanical Engineering of recognized Institute, with five years service in the Board out of which one year must be as Junior Engineer to the extent of 14% of the calculated quota posts.*

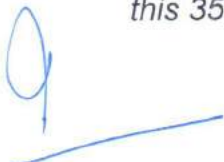
(c) *Subordinates from Drawing establishment (whether diploma holders or non-diploma holders) holding the posts of Circle Head draftsman and above and with five years experience as such to the extent of 6% of calculated quota posts.*

(d) *Engineering subordinates who are Bachelor of Engineering or AMIE to the extent of 5% of calculated quota posts."*

III. The quota for Engineering subordinates for promotion to the post of AE further underwent changes vide Notification no. 190/EBG dated 22.05.1979 which is as under:-

"Regulation 9(1)(i)

Upto 35% (Thirty five percent) of the total number of cadre posts of Assistant Engineers, may be filled up by promotion, calculating this quota in the manner given in Clause (ii) of this Sub-Regulation, out of various types of Engineering Subordinates under the Board. The share of various categories in this 35% quota would be as follows:-



- (a) Engineering Subordinates possessing minimum academic qualifications of Matriculation or its equivalent and with not less than 10 years total service as Junior Engineers, Line Supdt., Sub-Station Operation, Control Room Operator or on such other posts, as may be declared by the Board to be equivalent to these posts and having not less than one year's service as Junior Engineer... to the extent of 10% (Ten percent).
- (b) Engineering Subordinates holding diploma of all types in Electrical and Mechanical Engineering of recognized institute, with five years service in the Board out of which one year must be as Junior Engineer ...to the extent of 14% (Fourteen percent).
- (c) Drawing Establishment (Whether Diploma holders or non-diploma holders) holding the posts of Chief Draftsman and with one year experience as such... to the extent of 4% (four percent).
- (d) Engineering Subordinates who are Bachelor of Engineering or A.M.I.E. or above... to the extent of 7% (seven percent)."

IV. The quota for Engineering subordinates for promotion to the post of AE further underwent changes vide Notification no. 21/REG-18 dated 19.02.1988 wherein the direct recruitment quota remain 65% however the promotion quota i.e.35% was further divided into two cadres namely General Cadre and Generation Cadre. The procedure for calculation of quota posts was also amended to be made on Sanctioned Strength of AEs only. which is as under:-

- "(A) Sub-Regulation (g) of Regulation-2 shall be substituted as under:-
- (g) (i) For General Cadre (Transmission and Distribution).
"Engineering subordinate" means Junior Engineers, Field/Sub-Station/Test/Carrier or Junior Engineers Grade-I Field/Sub-Station/Test/Career, who possesses at least 3 years Diploma in Electrical or Mechanical or Electronics Engineering.
 - (ii) For Generation Cadre consisting of Thermals/Hydel/BBMB etc.
"Engineering subordinate" means Junior Engineers (Thermal) controllers; Master Foreman and Senior Supervisor having at least 3 years Diploma in Electrical/Mechanical or Electronics Engineering.
- (B) Clause (i) of Sub-Regulation (c) of Regulation-6, shall be substituted as under:-
- (i) By promotion from amongst Assistant Executive Engineers as provided in Regulation-9.
- (C) Clause (i) of Sub-Regulation (d) of Regulation-6, shall be substituted as under:-
- (i) By selection from amongst the Executive Engineers as provided in Regulation-9.
- (D) Regulation-9 shall be substituted as under:-
- (9) (1) Recruitment to the post of Assistant Engineers shall be made:-
 - (a) By Direct Recruitment. 65%
 - (b) By promotion for **General Cadre** in the manner as

(i) From amongst Engineering subordinates as defined for General Cadre under Regulation-2(g) (i) with 5 years service as Junior Engineer-I.	22.1/2%	Share quota of 35% of posts of AEs shall be calculated on the sanctioned strength of posts of AEs in General Cadre of the Board excluding the posts of AEs in Generation Cadre viz Thermals/Hydel/BBMB etc.
(ii) From amongst Engineering subordinates of General Cadre	12.1/2%	

possessing AMIE/BE Qualification and having 5 years service as such.		
(c) By promotion for Generation Cadre in the manner as under:-		
(i) From amongst Engineering Subordinates of Generation Cadre as defined in Regulation-2(g) (ii) with 5 years' service as Controller/Master Foreman and Senior Supervisors.	22.1/2%	Share quota of 35% of posts of AEs meant for Engineering Subordinates in the Generation Cadre shall be calculated on the sanctioned strength of posts of AEs in Generation Cadre viz, Thermal/Hydel/BBMB etc.
(ii) From amongst Engineering Subordinates of Generation Cadre possessing AMIE/ BE Qualification and having 5 years Service as such.	12.1/2%	

V. Further the quota bifurcation and service regulation was amended to the effect that the calculation of share quota would on the basis of vacancy arose instead of sanctioned strength vide Notification no. 167/Reg-21/L-II dated 12.10.1993, which is mentioned as under:-

“

D. Regulation-9 shall be substituted as under:-

(9) (I) Recruitment to the post of Assistant Engineers shall be made:-

- | | |
|--|------|
| (a) By direct recruitment | 65% |
| (b) By promotion for General Cadre in the manner as under:- | 35% |
| i) From amongst Engineering subordinates as defined for General Cadre under Regulation-2(g)(i) with 5 years service as Junior Engineer-I. | 22½% |
| ii) From amongst Engineering subordinates of General Cadre possessing AMIE/BE qualification and having 5 years service as such. | 12½% |
| (c) By promotion from Generation Cadre in the manner as under:- | |
| (i) From amongst Engineering subordinates of Generation Cadre as defined in Regularion-2(g)(ii) with 5 years service as JE-I/Boiler Controllers. | 22½% |
| (ii) From amongst Engineering subordinates of Generation Cadre possessing AMIE/BE qualification and having 5 years service as such. | 12½% |

Provided further that share quota posts of AE's shall be calculated on the Vacancies which have arisen either by new creation, retirement, promotion etc.

Provided further, if qualified candidates from (b) (ii) and (c) (ii) above, are not available, their vacancies may be filled-up by promotion of excess number from the category (b)(i) and (c) (i) respectively on the availability of qualified persons and vice versa."

2. The dispute on account of which the current litigation has arisen is stated in brief as follows:-

That on 19.02.1988 two promotion channels i.e. 10% Non- Diploma Holders (NDH) & 4% Drawing staff, were abolished for promotion to the post of Assistant Engineer. Further, the promotion channel to the post of Assistant Engineer, was also bifurcated into two cadres i.e. **General Cadre (Field) & Generation Cadre**, whereas Direct recruitment remained same i.e. @65%. The detail bifurcation has already been stated in the Para IV on page no. 5, gist of the policy dated 19.02.1988, is briefed as under:-

Assistant Engineer (after 19.02.1988)				
Direct @65%	General Cadre (Field)		Generation Cadre	
	Promotion @35% of the sanctioned strength in General cadre		Promotion @35% of the sanctioned strength in Generation cadre	
65% of sanctioned strength	22.5% (Diploma holder eng. Subordinates from field having 5 yrs service as such)	12.5% (AMIE/BE holder eng. Subordinates from field having 5 yrs service as such)	22.5% (Diploma holder eng. Subordinates from Gen. having 5 yrs service as such)	12.5% (AMIE/BE holder eng. Subordinates from Gen. having 5 yrs service as such)

Prior to amendment dated 19.02.1988, the direct recruitment and promotion channel bifurcation for the post of Assistant Engineer in terms of R&P regulation Office order no. 190/EBG dated 22.05.1979, was as under:-

Assistant Engineer (up to 18.02.1988)				
Direct @65%	Promotion @35%			
65% of sanctioned strength of AE/ Class-II	14% (Diploma holder eng. Subordinates having 5 yrs. Service as such)	10% (Non-Diploma holder eng. Subordinates having 10 yrs service as such)	7% (AMIE/BE degree holder eng. Subordinates)	4% (drawing staff /Draftsm an etc.)

In August, 1988:- Erstwhile HSEB floated an advertisement for recruitment of Engineering Subordinates for the posts of JEs/Apprentice in the General (Field cadre) against CRA 104/1988.

In August, 1989:- Against the above advertisement, 254 JEs/Apprentices (1989 batch) were recruited out of which **100 Nos. (approx.)** were placed in **Field cadre**

and **154 Nos. (approx.)** were placed in **Generation cadre**. The apprentice period of these JEs was for one year from the date joining.

On 01.06.1990:- The apprentice period of the JEs (1989 batch) posted in Generation cadre, was curtailed from one year and they were appointed as regular JEs w. e. f. 01.06.1990.

On 13.02.1991:- The regulation for promotion to the post of Assistant Engineer under **12.5%** quota was **amended to the** extent that the number of years of service required was **reduced from 5 Years to 2 Years** in the case of engineering subordinates having AMIE/BE holders.

During the years 1991 to 1993:- Some JEs (AMIE/BE holders/1989 batch) from the Field cadre, who were otherwise junior to JEs (AMIE/BE holders/1989 batch) posted in Generation Cadre, were promoted as **Assistant Engineer/Adhoc** against the direct recruitment quota posts.

12.10.1993:- The regulation for promotion to the post of Assistant Engineer under **12.5%** quota again **amended to the** extent that number of years of service required was **raised from 2 Years to 5 Years** in case of engineering subordinates having AMIE/BE holders.

During the year 1993:- Sh. Rajinder Singh Redhu and others (JEs posted in Generation recruited on 1989 Batch) filed CWP No. 6557 of 1993 in Hon'ble Punjab and Haryana High Court, for their promotion as Assistant Engineer at par with their juniors in the Field Cadre of their batch 1989, on the basis of combined merit list at the time of recruitment.

29.07.1997:- Hon'ble Punjab and Haryana High Court decided CWP No. 6557 of 1993 on 29.07.1997. The judgement dated 29.07.1997 of the Hon'ble High court is reproduced as under:-

"In this writ petition, the petitioners have prayed for quashing the orders dated 18th December, 1991 (Annexure P-2) 13th January, 1992 (Ann.P3) and 3rd March, 1992 (Annexure P-4) by which the respondents nos. 2 to 16 (in short, the private respondents) were promoted as Assistant Engineers on Adhoc basis against vacancies of the direct in the Public interest with immediate effect.

Briefly stated the facts of the case are that the petitioners as well as the private respondents have been appointed as Junior Engineers in pursuance of the advertisement dated August 13, 1988 (annexure P-1) Annexure P-1 clearly states that after successful completion of training all the selected persons shall be absorbed in the regular service of the HSEB as Junior Engineers and they can either be posted in any Thermal/Generation project within the jurisdiction of HSEB including BBMB/BCH or outside Haryana state



or in the Field cadre at the discretion of the board. The admitted facts for the petitioners are that all the petitioners merit list than all the private respondents in the were higher in the select list, prepared for appointments as Junior Engineers. It is also not disputed that all the writ petitioners were posted in the Generation projects and all the private respondents were posted in the field cadre (General Cadre) by the Board.

The promotion of the junior engineers to the next cadre (Assistant Engineers) is governed by the Punjab State Electricity Board service of Engineers (Electrical) recruitment Regulations, 1965 (hereinafter referred to as the regulations)/ As per Regulation 9 (1), 65% posts of the Assistant Engineers are filled up by direct recruitment and 35% by promotion from amongst the persons holding posts of Junior Engineers both in the Generation cadre as well as in the General cadre. Out of the said 35% quota, 22.5% of the posts are filled up by seniority from amongst the persons who are having experience of 5 years in the cadre of Junior Engineer and the remaining 12-1/2% are filled up from amongst the persons who possess the degree of A.M.I.E./B.E. and are having experience of 2 years.

In terms of the said Regulation, eligibility for consideration for promotion from A.M.I.E./B.E against 12-1/2% quota shall be determined from the date of qualifying the said examination. It is also an admitted fact that all the writ petitioners had qualified the examination of AMIE/B.E. prior to the date when the private respondents had qualified the said examination. In view of this, all the writ petitioners were entitled to be considered for the post of Assistant Engineers against 12 1/2% quota prior in time than the private respondents.

It may be relevant to point out here that the Regulations do not provide any discrimination for promotion to the post of Assistant Engineer from amongst the Junior Engineers belonging to the General Cadre or Generation cadre. In this connection, reference may also be made to the orders dated 01.10.1996 (Annexure A-1), 30.09.96 (Annexure A-2) and 17th September, 1996 (Annexure A-3) which have been filed along with C.M. (Civil Misc.) No. 6353 of 1997. The aforesaid orders clearly show that the Junior Engineers working in the Generation cadre could be transferred to General cadre and vice versa. Similarly the orders dated 27th January 1993 (Annexure P-7) 30th August, 1991 (Annexure P-8) and 9th December, 1992 (Annexure P-9) show that the Assistant Engineers working in the Generation cadre and vice versa.

Mr. Rajiv Atma Ram, learned counsel appearing on behalf of the petitioners, after referring to the orders, Annexures P-2, P-3 and P-4 submits that from these orders. It is clear that promotions of Assistant Engineers were made from the persons working in the General cadre and these promotions were made against posts (65% quota) meant for direct recruitment. He submits that since the petitioners were posted in the Generation cadre under the orders of the Board and not according to their own choice and further since the Junior Engineers working in the Generation cadre could be transferred to the general cadre and vice versa the petitioners were also entitled to be considered for promotion to the posts of Assistant Engineers at the time when the promotions were made vide



Annexures P-2, P-3 and P-4. He further submits that admittedly, since all the petitioners had qualified the examination of A.M.I.E./B.E. on the date much prior to the date when the private respondents had qualified the examination, the petitioners were entitled to be considered for promotion even prior to the consideration of the private respondents for promotion to the post of Assistant Engineers. He, therefore, contended that the impugned orders Annexure P-2, P-3 and P-4 were liable to be set aside and the respondent no. 1 should be directed to consider the case of the petitioners for the post of Assistant Engineers from the date, when the private respondents were considered for promotion vide orders Annexures P-2, P-3 and P-4. In support of his submissions, the learned counsel placed reliance of the following judgments of this court:

1. *Kishan Chand V. Haryana State Electricity Board at Chandigarh, 1984 (2) SLR 799.*

2. *Harbans Lal V. State of Punjab & others 1995 (6) SLR 150.*

And a judgment of Division Bench in C.W.P. No. 13674 of 1996 decided on 14th March 1997 (*Ahush Bakhat Rai v. State of Punjab*).

It will also be relevant to note here that during the pendency of the writ petition the respondent-board issued order dated 7th April, 1994, copy of which has been filed as Annexure B along with C.M. No. 5713 of 1994, by which Sarvhr1 Kashmir Singh and Rajiv Kumar Mishra who were respondents nos. 16 and 13 respectively in this writ petition, have been, regularized from the date on which their quota post became available be per the provisions of the Regulations. Annexure B also shows that respondents nos. 16 and 13 have been regularized from the date when they were appointed as Assistant Engineers on Adhoc basis vide Annexures P-2, P-3 and P-4.

Separate written statements on behalf of respondent no. 1 and some of the private respondents have been filed. In the written statement filed on behalf of respondent no. 1, it has been stated that since the vacancies of Assistant Engineers were available in the field cadre (general Cadre) at the relevant time and as such only persons who were working at that time in the General cadre were entitled to be promoted to the post of Assistant Engineer. This submission has been reiterated by Mr. Setia, learned Counsel appearing on behalf of respondent. No. 1.

In the written statement filed on behalf of some of the private respondents, it has been stated that the private respondents have been promoted on Adhoc basis as stop gap arrangement against the quota posts mean for direct recruits with the condition that as and when the direct recruits will be available they will be reverted and the Adhoc promotion will not confer any right on them regarding seniority and promotion as Assistant Engineer, None has, however appeared on behalf of \ the private respondents today.

I have given my thoughtful consideration to the submission made by the learned counsel for the parties and have perused the record. From the advertisement, Annexure P-1, it is clear that the candidates selected pursuant to said advertisement could either be posted in thermal/general projects or in the field cadre (General cadre) at the discretion of the Board. Admittedly, all the writ petitioners were higher in the merit list in comparison to all the private respondents and all the writ petitioners were posted in generation order not because they had opted for posting in that cadre but only because of the orders

passed by the respondent-Board. As stated herein above, the junior Engineers working in Generation cadre can be transferred to the General cadre and vice versa. From the facts on record, it is also clear that the promotions made to the posts of Assistant Engineers vide impugned order Annexures P-2, P-3 and P-4, were made against the posts meant for direct recruits and for those posts, the private respondents have got no preferential right to be considered qua the writ petitioners. As a matter of fact, the writ petitioners had qualified the examination of AMIE/BE prior in time than all the private respondents and in terms of Regulation 9, they were entitled to be considered and promoted to the post of Assistant Engineer prior in time than the private respondents. There is no stipulation in the statutory rules that in case vacancies arise in the General cadre, then only persons working in the general cadre could be promoted as Assistant Engineer. On the contrary, the cadre of Assistant Engineers is only one cadre and as such persons working in the Generation cadre could not be discriminated qua the persons working in the General cadre while making promotions to the posts of Assistant Engineers.

In view of these facts, I do not find any merit in the contention raised by Mr. Setia, learned counsel appearing on behalf of respondent no. 1. Similarly, there is no merit in the submission made in the written statement filed on behalf of some of the private respondents. In fact, Annexure B filed with C.M. no. 5713 of 1994, clearly shows that two of the private respondents who were promoted on Adhoc basis vide orders, Annexures P-2, P-3 and P-4 have been regularized against the same post of Assistant Engineers from the date when they were appointed on Adhoc basis. During the course of arguments, Mr. Rajiv Atma Ram, learned counsel appearing on behalf of the petitioners, submitted that even other respondents have also been regularized by respondent no. 1 from the date when they were promoted as Assistant Engineers vide impugned orders.

In view of the above discussion, I am of the opinion that Annexures P-2 to P-4 have to be set aside. Accordingly, the writ petition is allowed and the orders dated 18th December, 1991 (Annexure P-2 13th January, 1992 (Annexure P-3) and 3rd March, 1992(Annexure P-4) are hereby set aside and the respondent No. 1 is directed to consider the case of the petitioners for promotion to the posts of Assistant Engineers in the same manner as was done in the case of respondents Kashmir Singh and Rajiv Kumar Mishra vide order dated 7th April, 1994 copy of which has been filed as Annexure B with C.M. No. 5713 of 1994. Needless to add, that consequential benefits have to be given to the petitioners after they are considered and promoted. The view I have taken finds full support from two D.B. judgments in the case of Kishan Chand (supra) and Ahush Bakhat Rai (Supra). The parties are, however, left to bear their own costs."

In year 1997 Erstwhile HSEB filed LPA No. 657 of 1997 against orders dated 29.07.1997 of Hon'ble High court, Chandigarh in CWP No. 6557 of 1993. Against the said order affected party (Manoj Kumar & others) also filed LPA No. 641 of 1997 in Hon'ble High Court.



Hon'ble High court passed a judgment dated 17.12.2004 in LPA No. 657 of 1997 and 641 of 1997 (*Manoj Kumar Vs UHBVNL & others*). The judgment dated 17.12.2004 in these LPAs is reproduced below:-

"These appeals are directed against order dated 29.07.1997 passed by the learned single Judge in C.W.P. no. 6557 of 1993 – Rajinder Singh Redhu and others versus Haryana State Electricity Board and others, whereby he quashed the promotions of junior engineers (respondent nos. 17 to 31 in L.P.A. no. 657 of 1997) to the posts of Assistant Engineers and directed the Haryana State Electricity Board (for short the Board) to consider the claim of the writ petitioners for promotion on those posts.

For the sake of convenience, we have taken the facts from L.P.A. no. 657 of 1997.

In response to advertisement no. CRA-104 dated 13.08.1988 issued by the Board, the respondents including the writ petitioners applied for recruitment as Trainee Junior Engineers (Electrical, Mechanical and Electronics). The relevant extract of the advertisement is reproduced below:-

"The candidates will have to undergo training for one year at a fixed pay of Rs. 1400/- per letters patent appeal no. 657 of 1997.

Month, the period of training can be extended further at the discretion of the Board. On successful completion of training they will be absorbed in the regular service of HSEB as Junior Engineer in the pay scale of Rs. 1640/2900 plus allowances as may be sanctioned by the board from time to time and they can either be posted in any Thermal/Generation Project within the jurisdiction of HSEB including BBMB/BCB or outside Haryana state or in the field cadre at the discretion of the board. An undertaking showing their willingness to this effect should be furnished by the prospective applicants alongwith their application."

On being recommended by the selection committee constituted by the Board, respondent nos. 1 to 16 were appointed in the Generation Projects (Generation Cadre) and respondent nos. 17 to 31 were posted in General cadre (Field cadre). In the course of service, the respondents passed B.E./A.M.I.E. Thereafter, vide orders dated 18.12.1991, 13.01.1992 and 03.03.1992 (Annexures P2 to P4 in C.W.P. No. 6557 of 1993), respondent nos. 17 to 31 were promoted as Assistant Engineers on Adhoc basis against the vacancies of direct recruitment quota. Note nos. 2, 3 and 4 incorporated in these orders, which have bearing on the decision of the appeals, read as under:-

- 1. The above promotions on Adhoc basis over and above the share quota have been ordered in terms of Regulation 9 of PSEB service of Engineers (Elect.) Recruitment, Regulations-1965 amended vide order no. 21/Reg-18. Dt. 19.02.1988 read with Notification no. 89 dt. 13.02.1991.*
- 2. The above promotions on Adhoc basis will not confer upon them any right of seniority and regular promotion in the capacity of Assistant Engineer.*
- 3. The earlier Adhoc promotions in respect of the above named officials will not give them any right of seniority over those who may otherwise be senior to them and whose cases are pending for one reason or the other."*

Respondent nos. 1 to 16 represented against the promotion of respondent nos. 17 to 31 by asserting that the action of the Board was discriminatory and violative of the Punjab State Electricity Board service of Engineers (Electrical) Recruitment Regulations, 1965 (for short, the Regulations), as applicable to the Board, They claimed that being senior in the cadre of Junior Engineers from the point of view of the merit determined by the selection committee and the date of passing of B.E./A.M.I.E., they were entitled to be considered for promotion before their juniors could be promoted. Having failed to evoke response from the concerned authorities of the Board

respondent nos. 1 to 16 filed C.W.P. No. 6557 of 1993 for quashing orders Annexures P2 to P4 with the direction to the Board and its functionaries to promote them as Assistant Engineers.

In the written statement filed on behalf of the Board. It was not disputed that respondent nos. 1 to 16 were placed higher in the merit list prepared by the selection committee and that they had passed B.E./A.M.I.E. before respondent nos. 17 to 31. However, their claim of being considered for promotion to the posts of Assistant Engineers was contested on the premise that there were two cadres of Junior Engineers. Namely, Generation cadre and Field Cadre and respondent nos. 17 to 31, who belong to field cadre, were promoted against the posts earmarked for that cadre in the direct recruitment quota.

On a consideration of the rival pleadings and arguments of the counsel for the parties, the learned single Judge allowed the writ petition by observing as under:-

"From the advertisement, Annexure P-1. It is clear that the candidates selected pursuant to said advertisement could either be posted in Thermal/General projects or in the field cadre (General Cadre) at the discretion of the Board. Admittedly, all the writ petitioners were higher in the merit list in comparison to all the private respondents and all the writ petitioners were posted in Generation cadre not because they had opted for posting in that cadre but only because of the orders passed by the respondent board. As stated herein above, The Junior Engineers working in Generation cadre can be transferred to the General cadre and vice versa. From the facts on record, it is also clear that the promotions made to the posts of Assistant Engineers vide impugned order, Annexures P-2, P-3 and P-4 were made against the posts meant for direct recruits and for those posts "the private respondents have got no preferential right to be considered qua the writ petitioners. As a matter of fact, the writ petitioners had qualified the examination of AMIE/BE prior in time than all the private respondents and in terms of Regulation 9, they were entitled to be considered and promoted to the post of Assistant Engineer prior in time than the private respondents. There is no stipulation in the statutory rules that in case vacancies arise in the General cadre, then only persons working in the General cadre could be promoted as Assistant Engineer. On the contrary, the cadre of Assistant Engineer is only one cadre and as such persons working in Generation cadre could not be discriminated qua the persons working in the General cadre while making promotions to the posts of Assistant Engineers."

Shri Mukul Aggarwal. Learned counsel for the board and Shri Sanjiv Bansal. Learned counsel for appellant-Manoj Kumar assailed the order of the learned Single Judge by arguing that the view taken by him on the issue of eligibility and entitlement of respondent nos. 1 to 16 for promotion to the posts of Assistant Engineers is clearly erroneous. Shri Aggarwal pointed out that as per the Punjab Public Works Department (Electricity Branch) State service Class-III (Subordinate posts) Rules, 1952 (for short, the 1952 Rules) which were adopted by the Board, there were two separate and distinct cadres of Junior Engineers i.e. General and Generation cadres and argued that the learned Single Judge committed a serious illegality by quashing the promotion of respondent nos. 17 to 31 on the ground of non-consideration of the cases of respondent nos. 1 to 16 ignoring the fact that the posts of Assistant Engineers against which respondent nos. 17 to 31 had been promoted belonged to the General cadre and respondent nos. 1 to 16, who were members of Generation cadre, were not entitled to be considered for promotion against those posts. Shri Aggarwal and Shri Bansal emphasized that promotions of the Junior Engineers to the posts of Assistant Engineers were required to be made from



amongst the persons belonging to their own cadres and the findings of the learned single Judge that there was only one cadre of Assistant Engineers and the persons working in the Generation cadre could not be discriminated qua he persons working in the General cadre, while making promotions to the posts of Assistant Engineers were erroneous. Learned counsel referred the amendment made in the Regulations vide notification dated 19.02.1998 and argued that promotions to the posts of Assistant Engineers is required to be made separately against the prescribed quota from amongst the Junior Engineers belonging to the field cadre and Generation cadre.

Shri Rajiv Atma Ram, learned senior counsel appearing for respondent nos. 1 to 16 supported the order of the learned Single Judge and argued that the 1952 Rules do not envisage separate cadres for Junior Engineers and in the absence of any amendment in those rules or the Regulations. The Board could not bifurcate the cadre of Junior Engineers into Generation cadre and the Field or General cadre. Referring to orders Annexures A1 to A3 filed along with Civil miscellaneous Application no. 6353 of 1997. Shri Rajiv Atma Ram submitted that the posts of Junior Engineers are inter-transferable and thus all the junior engineers constitute a common cadre. He further argued that even if, the theory of separate cadres of Junior Engineers is accepted, the denial of consideration for promotion to respondent nos. 1 to 16 cannot be sustained because there is a common cadre of Assistant Engineers. Learned counsel referred to the advertisement issued by the Board for appointment of Assistant Engineers against the direct recruitment quota and the orders issued for appointment for selected candidates to show that the cadre of assistant engineers is common and submitted that the concerned authorities of the board committed a illegality by promoting junior persons ignoring the claim of the respondent nos. 1 to 16.

We have given serious thought to the respective arguments, Undisputedly, all the respondents were appointed as Junior Engineers in the service of the Board in pursuance of advertisement dated 13.08.1988 (Annexure P-1). It is also not in dispute that respondents nos. 1 to 16 were higher in the merit list than respondents nos. 17 to 31, prepared for appointment as Junior Engineers.

It is further the undisputed position that respondents nos. 1 to 16 were posted in the generation whereas respondents nos. 17 to 31 were posted in the field cadre (General Cadre by the Board. The next cadre of promotion of the Junior Engineers is to the post of Assistant Engineers which according to respondents nos. 1 to 16, was governed by the Regulations. As per regulation 9 (1) of the said regulation 65% posts were required to be filled up by making direct recruitment and the remaining 35% by means of promotion from amongst the persons holding posts of junior engineers in Generation and the General Cadre. The promotees quota had been bifurcated into two categories i.e. 12.5% of the posts of this quota were to be filled up by way of seniority from amongst the persons having experience of five years in the cadre of Junior Engineers and the remaining 12.5% were to be filled up from amongst those possessing the degree of AMIE/BE and having experience of two years as junior engineers. In terms of the aforesaid regulation, eligibility for consideration for promotion from the persons possessing the degree of BE/AMIE. Against 12.5% quota has to be determined from the date of qualifying the said examination. A perusal of orders annexure P2 to P4 which were impugned in the writ petition reveals that the promotion to the posts of Assistant Engineers were made from amongst the persons working in the General cadre and the said promotion were made against the quota meant for direct recruitment. Learned Single Judge accepted the claim of respondent nos. 1 to 16 and held that they could not have been

discriminated in the matter of promotion to the posts Assistant Engineers and the action of the Board to promote Junior persons was discriminatory. In our opinion the view taken by the learned Single Judge does not suffer from any legal infirmity. Admittedly, the services of the Junior Engineers is governed by the 1952 Rules and the perusal of the same would clearly indicate that the Junior Engineers constituted one cadre. Even if it be taken that any amendment was brought about in the regulations whereby the cadre of the junior Engineers was bifurcated, nothing has been shown to this court by producing any notification or otherwise, whether such bifurcation could be made by simply issuing an office order upon which the board has remained totally silent. However, we find that as per section 79 of the Electricity Act, 1948 the conditions of service for the employees could only be prescribed by the regulation which could only be made by issuing a notification in the official gazette. In so far as the submission of the appellants counsel that options were invited from the employees including the Junior Engineers to opt for a particular cadre is concerned. It is the specific case of respondents nos. 1 to 16 that no such option was ever invited from them. On the other hand the orders Annexures A1 to A3 appended with Civil Miscellaneous Application no. 6353 of 1997 clearly depict that the posts of the Junior Engineers were inter-transferable, which in other words, further shows that all the Junior Engineers constituted a common cadre. It is not in dispute that the Board has made promotions from **amongst the Junior Engineers who had qualified the BE/AMIE. Examination, on Adhoc basis against the vacancies of direct recruits.** The primary grievance of respondents nos. 1 to 16 in their writ petition was that at the time of making these Adhoc appointments, the Board considered the claim of only Junior Engineers working in the General Cadre and totally ignored the claim of those working in the Generation Cadre despite the fact the Junior Engineers in the Generation Cadre were senior to those working in the General Cadre, in the order of merit at the time of initial recruitment and had even qualified the AMIE/BE examination prior to them. In reply to these averments in the writ petition, the stand of the Board was not comprehensive. It has not been specifically denied on behalf of the Board that respondents nos. 1 to 16 had not qualified the BE/AMIE prior to respondent nos. 17 to 31 and thus, had a right for being considered for promotion to the post of Assistant Engineers, even on a date prior to the date of consideration of their cases.

Though the Board has taken a categorical stand that the promotions made vide orders Annexures P2 to P4 were against the quota of 12.5% meant for BE/AMIE and the same stand has also now been taken in appeal by the appellant in Letters Patent Appeal No. 641 of 1997, but a perusal of the Notes appended to the promotion orders impugned in the writ petition clearly shows that the promotions made by virtue of those orders to the posts of Assistant Engineers were made against the quota meant for direct recruits and once that is so, respondent nos. 17 to 31 would certainly have no preferential right for being considered for promotion qua respondent nos. 1 to 16.

The argument of Sh. Sanjiv Bansal that respondent nos. 1 to 16 are estopped from challenging the promotions of respondent nos. 17 to 31 because they had not questioned the bifurcation of the cadre of Engineering Subordinates/ Junior Engineers is clearly misconceived. It is an uncontroverted fact that the posts of Junior Engineers as well as Assistant Engineers were inter-transferable and no order bifurcating that cadre was issued by the competent authority. That apart, once it is found that the cadre of Assistant Engineers is one, there could be no justification to deny consideration for promotion to respondent nos. 1 to 16, who were admittedly senior to respondent nos. 17 to 31.

*No other point has been argued.
In the result, the appeals are dismissed."*

On 17.12.2004, with reference to the judgment of Hon'ble High court dated 17.12.2004 passed in LPA No. 657 of 1997, Sh. Rajinder Singh Redhu & others were promoted as AE by reassigning seniority vide office order No. 330/HPG/GE-623 dated 15.09.2005.

During 2005, the seniority assigned to Sh. Rajinder Singh Redhu & others vide office order No. 330/HPG/GE-623 dated 15.09.2005 was challenged by Sh. Parveen Arora, AEE & others (*Direct recruited AEs*) by filing a civil writ petition No. 16330 of 2005 in Hon'ble Punjab & Haryana High Court.

On 23.10.2006 The Hon'ble High Court issued interim directions by passing orders dated 23.10.2006 in the said Civil Writ Petition No. 16330 of 2005 by staying the operation of the seniority list dated 15.09.2005. The orders dated 23.10.2006 are reproduced as under:-

"As large number of persons are likely to be effected, the registry is directed to list this petition for final hearing within six months.

*We have heard the learned counsel for the parties at some length and prima facie find that the private respondents have been promoted against posts meant for direct recruits. **There was some dispute between the private respondents and other promotees which culminated into the filing of CWP No. 6557 of 1993 decided on 29.07.1997.** Even the LPA No. 657 of 1997 against the view taken by the learned Single Judge was dismissed. However, **the petitioners who were direct recruits have claimed that the posts against which the respondents have rendered service were admittedly meant for direct recruits.** The aforementioned fact has not been disputed by the learned counsel for the private respondents. **It is well settled that the service rendered by promotees against the direct quota post would not qualify for seniority as they would be deemed to be hanging outside service. Such promotees could reckon their service for the purposes of seniority from the date the post in their own quota becomes available and they are adjusted against the same.** As the seniority list (Annexure-P-1) dated 15.09.2005 grant the benefit of service rendered by the respondents even against the posts meant for direct recruits, we are of the view that **the implementation of the aforementioned seniority deserved to be stayed.***

Accordingly, we issue interim directions directing the respondents to stay the implementation of the seniority list dated 15.09.2005 qua the respondents.

The records of LPA No. 657 of 1997 and CWP No. 6557 of 1993 (Annexures-P-7 & P-8) shall be tagged with the instant petition."

The aforesaid CWP No. 16330 of 2005 remained on regular hearing in the Hon'ble High court. Meanwhile various other similar writ petitions were also filed by the many other Engineering Subordinates for promotion as AE, which were



clubbed with the aforesaid CWP No. 16330 of 2005 titled as "Parveen Arora & others vs. HPGCL & Others". List of those CWPs is given as under:-

Sr. No.	CWP No.	Titled as
1.	9175 of 2006	Atul Kumar Jain vs. HPGCL & others
2.	11909 of 2006	Vijender Sangwan and others vs. HPGCL & others
3.	12099 of 2006	Raj Kumar Sharma and others vs. HPGCL & others
4.	16883 of 2006	Sukhdev Singh and others vs. HPGCL & others
5.	16898 of 2006	Jagdish Parshad and others vs. HPGCL & others
6.	17721 of 2006	Dharam Bir vs. HPGCL & others
7.	5300 of 2007	Sukhbir Singh vs. HPGCL & others
8.	8431 of 2007	Narender Sharma and others vs. HPGCL & others
9.	13409 of 2007	Atul Pasrija and others vs. UHBVNL & others
10.	1593 of 2008	Satyavir Singh Yadav vs. HPGCL & others

On 09.05.2012 Hon'ble High Court in CWP No. 16330 of 2005 on 9.5.2012, passed following orders:-

"Adjudication of the dispute in hand is likely to affect Civil Writ Petition Nos. 16330 of 2005 and Other connected cases. inter-se rights of direct recruits and promotees. The issues involved in these petitions are a legacy of the then Haryana State Electricity Board, now represented by four different companies.

We, therefore, direct Mr. Narender Hooda, Standing Counsel for these companies, to get in touch with the Managing Directors of these companies and if possible work out a solution that would satisfy the rights of all concerned.

Adjourned to 17.05.2012."

On 15.05.2012 To comply with the above direction of Hon'ble High Court, a statement was placed on 17.05.2012 on records of Hon'ble High Court, on behalf of Chairman HPU and MDs of all Haryana Power Utilities, through standing Council, which is reproduced as under:-

"Sub- CWP No. 16330/2005 and other connected cases.

Matter discussed today i.e. on 15.05.2012 in the chamber of Chairman of Haryana Power Utility wherein all MDs were also present. As per the discussion held only workable solution which is also legally sustainable is that the quota post of promotes be calculated as per availability of quota in terms of policy in vogue and they may be re-assigned seniority from the date their quota post is available. The above will settle grouse of direct recruits who were otherwise appointed in the year 1993 i.e. much after date of promotions/deemed dates given in 1991 to Rajinder Singh Redhu & others. Even otherwise as per the settled law

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a direct recruit will get seniority from the date he is borne on the cadre while a promotee will get seniority from the date of quota post available.

Re-fixation of seniority may entail reversion of promotions carried out in excess of quota or non-availability of quota and consequently re-fixation of pay. The Standing counsel may be apprised of the above stand of Utilities by way of short affidavit in order to comply with the directions contained in order dated 09.05.12.

A copy of above advise has been added in the file of other utilities.

-sd-
LR/HPU

On 09.01.2014 Hon'ble High court on 09.01.2014 pronounced its decision in CWP No. 16330/2005 titled as Parveen Arora & Ors. Vs. HPGCL, & Or. and disposed all the writ petitions clubbed with the case. The decision dated 09.01.2014, is reproduced as under:-

"This order will dispose of 11 writ petitions viz. Civil Writ Petition Nos. 16330 of 2005 titled as "Parveen Arora and Others v. Haryana Power Generation Corporation Limited and Others", No. 9175 of 2006 titled as "Atul Kumar Jain v. Haryana Power Generation Corporation Limited and Others", No. 11909 of 2006 titled as "Vijender Sangwan and Others v. Haryana Power Generation Corporation Limited and Others", No. 12099 of 2006 titled as "Raj Kumar Sharma and Others v. Haryana Power Generation Corporation Limited and Others", No. 16883 of 2006 titled as "Sukhdev Singh and Others v. Haryana Power Civil Writ Petition Nos. 16330 of 2005 and Other connected cases. Generation Corporation Limited and Others", No. 16898 of 2006 titled as "Jagdish Parshad and Others v. Haryana Power Generation Corporation Limited and Others", No. 17721 of 2006 titled as "Dharam Bir v. Haryana Power Generation Corporation Limited and Others", No. 5300 of 2007 titled as "Sukhbir Singh v. Haryana Power Generation Corporation Limited and Others", No. 8431 of 2007 titled as "Narender Sharma and Others v. Haryana Power Generation Corporation Limited and Others", No. 13409 of 2007 titled as "Atul Pasrija and Others v. Uttar Haryana Bijli Vitran Nigam Limited and Others" and No. 1593 of 2008 titled as "Satyavir Singh Yadav v. Haryana Power Generation Corporation Limited and Others", as the common questions of law and facts are involved therein. To dictate order, facts are being taken from Civil Writ Petition No. 16330 of 2005.

By filing this writ petition, petitioners have laid challenge to order dated 15.9.2005 (Annexure P1) vide which seniority inter-se the parties was fixed in terms of order passed by this Court. Petitioners were not satisfied with the above order. They approached this Court by filing this writ petition.

It is their grievance that respondents were promoted and adjusted in the posts meant for the petitioners. Be that as it may, during pendency of this writ petition, various interim orders were passed to settle matter between the parties. On 9.5.2012, following order was passed by this Court:-

"Adjudication of the dispute in hand is likely to affect Civil Writ Petition Nos. 16330 of 2005 and Other connected cases. inter-se rights of direct recruits and promotees. The issues involved in these petitions are a legacy of the then Haryana State Electricity Board, now represented by four different companies.

We, therefore, direct Mr. Narender Hooda, Standing Counsel for these companies, to get in touch with the Managing Directors of these companies and if possible work out a solution that would satisfy the rights of all concerned.

Adjourned to 17.05.2012."

The Haryana Power Generation Corporation Limited was directed to work out a solution so that rights and entitlement of the petitioners and the

respondents, inter se, is not harmed. In response thereto, on 17.5.2012, a proposal was placed on record. The said proposal reads thus:-

"Matter discussed today i.e. on 15.5.2012 in the chamber of Chairman of Haryana Power Utility wherein all M.Ds were also present. As per the discussion held only workable solution which is also legally sustainable is that the quota post of promotees be calculated as per availability of quota in terms of policy in vogue and they may be re-assigned seniority from the date their quota post is available. The above will settle grouse of direct recruits who were otherwise appointed in the year 1993 i.e. much after date of promotions/deemed dates given in 1991 to Rajinder Singh Civil Writ Petition Nos. 16330 of 2005 and Other connected cases. Redhu & others. Even otherwise as per the settled law a direct recruit will get seniority from the date he is borne on the cadre while a promotee will get seniority from the date quota post is available.

Re-fixation of seniority may entail reversion of promotions carried out in excess of quota or non-availability of quota and consequently re-fixation of pay. The Standing Counsel may be apprised of the above stand of Utilities by way of short affidavit in order to comply with the directions contained in order dated 9.5.2012."

In the proposal made, a solution has been offered. Counsel for the petitioners are satisfied with the proposal made and have no objection to the same. Counsel for respondents No.3 to 17 states that in earlier round of litigation, some favourable judgments were passed in favour of the respondents, protecting their rights and those may be kept in mind when acting upon the proposal, so made. Those judgments have been placed on record as Annexures P7 & P8, respectively.

In view of above facts, the above writ petitions are disposed of. The authorities are directed to act in terms of the decision taken on 15.5.2012 which was placed on record of this Court on 17.5.2012. In terms of that decision, let fresh exercise be done to settle right of the parties. When making that exercise, judgments, passed in favour of respondents No.3 to 17 and similarly situated other persons be kept in mind. When making above said exercise, the decision taken on Civil Writ Petition Nos. 16330 of 2005 and Other connected cases. 15.9.2005 (Annexure P1) shall not affect rights of the parties. The exercise shall be done within five months from the date of receipt of a certified copy of this order. Liberty shall remain with the parties not satisfied with the order to be passed to approach this Court."

Subsequently in 2014 the Hon'ble Punjab & Haryana High court also disposed off the following petitions in terms of the judgement dated 09.01.2014 in CWP No. 16330/2005 titled as Parveen Arora & Ors. Vs. HPGCL, & Or.:-

Sr. No.	CWP No.	Titled as
1.	10195 of 1993	Jaswant Singh Brar & Ors. Vs HSEB/HPGCL & others.
2.	798 of 2007	O.P.Kharab & others
3.	12395 of 1997	R. P. Garg & Ors. Vs HSEB/HPGCL & others.
4.	10168 of 2006	Raj Kumar & Bhuvneshwar Vashisht Vs. HPGCL & others

On 28.02.2014, in order to comply with the directions of the Hon'ble High Court, a committee comprising of all Chief Engineer/Admn. of all the power utilities was constituted vide office order no. 103/HPG/GE-623 dated 28.02.2014 read with subsequent office orders, for compliance of orders dated 09.01.2014 of Hon'ble Punjab and Haryana High Court orders in CWP no. 16330 of 2005 & Ors and other connected matters. The said committee submitted its report on 20.11.2014

and the draft report was hosted on the website of all power utilities. Numerous representations were received on the draft report regarding the availability of quota posts and assigning the seniority position.

Whereas the whole matter was re-examined and to decide the matter, detailed deliberations were made and in compliance to the Hon'ble High Court judgment dated 09.01.2014 in CWP No. 16330/2005 titled as Parveen Arora & Ors. Vs. HPGCL, & Ors., the Tentative Seniority Lists of AEs from 19.02.1988 to 14.08.1998, were circulated vide speaking Office Order No. 220/HPG/GE-623 dated **24.03.2015**.

Whereas in order to be fair and transparent these seniority lists were treated as tentative against which objections from all the affected parties were invited. It was mentioned in the speaking order that any officers/retirees having any legitimate grievances against the seniority position assigned to him therein may file a representation to the respective utility, along with documentary evidence(s) within one month from the date of issue of the Tentative Seniority List, failing that it will be presumed that the officers/retirees has accepted as correct the position assigned to him. It was also mentioned that any representation received after it shall liable to be rejected. On the request of some officers/officials, the date of submission of the grievances was further extended by one month i.e. up to 25.05.2015, vide office order no. 312/HPG/GE-623 dated 24.04.2015.

Whereas the representations have been received from various officers/officials against speaking Office Order No. 220/HPG/GE-623 dated **24.03.2015**.

Whereas, meanwhile following COCPs were also filed by some of the petitioners and/or respondents in their court cases which were clubbed with CWP No. 16330 of 2005

Sr. No.	COCP No.	Titled as
1.	2248 of 2014	Vejinder Sangwan & others and other cases
2.	2860 of 2014	Jaswant Singh Brar & Ors. Vs HSEB/HPGCL & others.
3.	2861 of 2014	O.P.Kharab & others
4.	1144 of 2015	R. P. Garg & Ors. Vs. HSEB/HPGCL & others.
5.	1104 of 2014	Anil Kumar Vs. M.K.V.Rama Rao

The seniority list was placed on record before the Hon'ble Court in COCP titled as Vejinder Sangwan & others and other cases.

Whereas in the representations major issue has been raised is regarding the sanctioned strength of AE/Class-II from time to time.

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Whereas the principal dispute is to take the sanctioned strength of AE/Class-II in the year 1967-1968 when the HSEB was bifurcated from PSEB and subsequently to arrive at the sanctioned strength of AE/Class-II in HSEB including the posts BBMB etc, during the period of dispute i.e. 1988 onwards, because sanctioned strength is the basis for calculating the quota for Direct and Promotees.

Whereas the sanctioned orders record of the cadre strength of AE/Class-II allocated to HSEB from PSEB in 1967 is not available, as submitted by the HVPNL. However, there are various kinds of documents available, which can be interpreted in different nature to form an opinion regarding sanctioned strength of AE/Class-II at a given point of time. These documents are of the following nature:-

1. The gradation lists of employees for the year ending 31.03.1967, 31.03.1968.
2. Subsequent years sanctioned office orders of erstwhile HSEB vide which the posts were sanctioned/ abolished from time to time.
3. Annual Financial Reports containing Administrative details.
4. Seniority list of AEs as submitted by HVPNL in draft report dated 26.10.2015.
5. Affidavit filed in High court & Other official Records
6. Gazette Notification dated 14.08.1998 & 01.07.1999.

Whereas the cadre strength of AE/Class-II indicated in each of these documents is different from other. The different documents which are available on the records given by HVPNL & committees, shows different sanctioned strength as under:-

1. If we rely on the working strength in the cadre given in the gradation list it was 166 nos. as on 31.03.1968 as submitted by HVPNL in draft report dated 13.11.2015. No further gradation list is available. However the list also has the names of the AEs who have either been reallocated to the PSEB or resigned (*up to the date of printing of the list*) and also the names of the officials officiating as AEs.
2. If we rely on the Annual Financial Reports, the sanctioned strength in the cadre in 1968-69 was 162 Nos.
3. If we rely on the **Gazette Notification** dated 14.08.1998 the sanctioned strength in the cadre as on 14.08.1998 was 551 Nos. including AE/Trainees.
4. If we rely on **the sanctioned orders** for the posts of AE/Class-II the sanctioned strength in the cadre was 37 nos. as on 01.01.1968 and 183 nos. including 60 Nos. Graduate Technical Apprentices (GTAs) and 539 Nos. as on 14.08.1998 including 56 Nos. GTAs.



5. If we rely on the report of the **committee of Chief Engineers/ Admn of all HPUs including LR**, dated 20.11.2014, the sanctioned strength in the cadre is 37 nos. as on 01.01.1968 and 183 nos. including 48 Nos. Apprentice Engineers and 539 Nos. as on 14.08.1998, followed by verification from the sanctioned orders and authentic documents by another committee from HVPNL report dated 20.02.2015.

Now whatever numbers of the sanctioned strength is considered, it will adversely affect the other party, for instance if we consider sanctioned strength on higher side, it directly affects the Direct Recruittees persons and if we consider lower side, it directly affects the Promotee persons.

However, authentic proof/ documents/sanctioned orders regarding additional sanctioned strength of AE/Class-II apart from the sanctioned strength taken in the speaking order (*as submitted by the committee in draft report dated 20.11.2014 of all Chief Engineers Administration of all HPUs*), is neither available on the records of HSEB nor have been presented by the officials/officers in their representations.

Whereas, as per speaking order dated 24.03.2015, the quota posts was worked out as per availability of quota in terms of policy in vogue and the seniorities have been re-assigned from the date their quota post was available, on the basis of the yearly cadre sanctioned strength for the post of Assistant Engineer/Electrical, as given by the committee in its draft report dated 20.11.2014 and as supplied by HVPNL vide letter dated 20.02.2015 after verifying the same from the office orders issued by erstwhile HSEB for sanction/ abolish/ new creation/ up-gradation etc., of the posts of AE/Class-II.

The sanctioned strength given by the said committee in the draft report dated 20.11.2014 and same was further verified by another committee of HVPNL in its report dated 20.02.2015 is as under:

Year	Sanctioned Strength given by the committee in its draft report dated 20.11.2014	Sanctioned Strength verified by HVPNL vide its letter dated 20.02.2015
1967.	-	37
1968.	-	183 (including 60 GTA)
1969.	-	216
1970.	-	235
1971.	-	246
1972.	-	260
1973.	-	268
1974.	-	270
1975.	-	276
1976.	-	281
1977.	-	305
1978.	-	323



Year	Sanctioned Strength given by the committee in its draft report dated 20.11.2014	Sanctioned Strength verified by HVPNL vide its letter dated 20.02.2015
1979.	-	362
1980.	-	359
1981.	-	364
1982.	-	426
1983.	-	439
1984.	-	462
1985.	-	482
1986.	-	500
1987.	-	543
1988.	556	550
1989.	594	588
1990.	564	558
1991.	566	557
1992.	574	564
1993.	545	535
1994.	544	534
1995.	543	532
1996.	543	532
1997.	543	531
14.08.1998	551	539

Whereas another major issue highlighted in the representation is regarding the consideration of the posts of GTA sanctioned by HSEB and later on upgraded to the post of AE/Trainees for inclusion in the sanctioned strength of AE-Class-II.

The issue has been examined and deliberated among all MD/ HPU on 10.11.2015. The posts of GTA and/or AE-Trainee are distinct from the posts of AE/Electrical Class-II posts and not as part of additional sanctioned strength of AE. The post of GTA/AE-Trainee was the mode of direct recruitment from which they were further appointed or regularized on the posts of AE-Class-II. The posts of GTA which were converted to AE/Trainee have been considered as a part of method of recruitment of AE. The post of GTA has not been considered as substantive post. Further, share quota for promotion to the post of AE/Electrical Class-II cannot be given from the distinct cadre posts of GTA and/or AE-Trainee in terms of policy in vogue. Accordingly, GTAs have not been considered as the part of sanctioned strength of AE/Class-II.

Whereas in view of the forgoing, we have determined the cadre strength as 37 No. in 1968, 550 No. in 1988 including the posts of GTA/ AE/Trainee and 551 Nos. on 14.08.1998 including the posts of GTA/ AE/Trainee. Accordingly, the quota for direct recruitment (i.e. 65% of sanctioned strength of 550- GTA) and for promotees (i.e. 35% of sanctioned strength of 550-GTA) as on 19.02.1988.

4. **Whereas** other issues brought out in general in the representations received against speaking Order dated 24.03.2015, and their decisions are as under:-

a. ***That after the bifurcation of HSEB, the Nodal agency for regulation is HVPNL. Therefore, HPGCL has no right to examine the matter involving other corporations. That no employee of HVPNL, UHBVNL & DHBVNL is arrayed as parties in CWP No.16330 of 2005, therefore, the judgment dated 09.01.2014 is not binding and cannot adversely affect the employees of other corporations/ Nigams by any action of the HPGCL.***

Whereas the CWP No. 16330 of 2005 was against HPGCL, which was defended by HPGCL and all other Haryana Power Utilities were also respondents in the case. Hon'ble High Court in its decision dated 09.01.2014 in CWP No. 16330 of 2005 has mentioned that Haryana Power Generation Corporation Limited was directed to work out a solution in the said case. On the directions of Hon'ble High Court, the proposal for doing fresh exercise was made by all four HPUs, on the basis of which the case was disposed by the court to do fresh exercise. The exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others (disposing off 11+4 writ petitions also) as stated in the speaking office order No.220/HPG/GE-623 dated 24.03.2015. Accordingly, this necessary exercise has been carried out in HPGCL with the co-operation of other Haryana Power utilities, in accordance with the Hon'ble High Court orders.

b. That Hon'ble High Court vide order dated 10.12.2008 in CWP No.10534 of 1995 observed that after 13 years lapse, the seniority followed by the Board for promotions cannot be altered in the 3rd party interest. That no adverse order in the interest of petitioner can be passed on the basis of CWP No.6557 of 1993 and LPA 641 and 657 of 1997.

Promotion/Regularisation made in the erstwhile HSEB prior to 18.12.1991 and after 12.10.1993 are not under challenged in any court of law hence no dispute. The Hon'ble court has directed to settle the right of the parties in 15 nos. CWP & not to open Pandora box.

Whereas the exercise has been done as per the orders of Hon'ble Punjab & Haryana High Court dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others, passed by the court on the basis of the decision taken by all four HPUs on 15.05.2012 wherein, it was specifically mentioned as under:-

"Matter discussed today i.e. on 15.05.2012 in the chamber of Chairman of Haryana Power Utility wherein all MDs were also present. As per the discussion held only workable solution which is also legally sustainable is that the quota post of promotes be calculated as per availability of quota in terms of policy in vogue and they may be re-assigned seniority from the date their quota post is available. The above will settle grouse of direct recruits who were otherwise appointed in the



year 1993 i.e. much after date of promotions/deemed dates given in 1991 to Rajinder Singh Redhu & others. Even otherwise as per the settled law a direct recruit will get seniority from the date he is borne on the cadre while a promotee will get seniority from the date of quota post available.

Re-fixation of seniority may entail reversion of promotions carried out in excess of quota or non-availability of quota and consequently re-fixation of pay. The Standing counsel may be apprised of the above stand of Utilities by way of short affidavit in order to comply with the directions contained in order dated 09.05.12."

The abstract of the Hon'ble Punjab & Haryana High Court judgement dated 09.01.2014 in CWP No.16330 of 2005 is given as under:

"In the proposal made, a solution has been offered. Counsel for the petitioners are satisfied with the proposal made and have no objection to the same. Counsel for respondents No.3 to 17 states that in earlier round of litigation, some favourable judgments were passed in favour of the respondents, protecting their rights and those may be kept in mind when acting upon the proposal, so made.

In view of above facts, the above writ petitions are disposed of. The authorities are directed to act in terms of the decision taken on 15.5.2012 which was placed on record of this Court on 17.5.2012. In terms of that decision, let fresh exercise be done to settle right of the parties. When making that exercise, judgments, passed in favour of respondents No.3 to 17 and similarly situated other persons be kept in mind. When making above said exercise, the decision taken on Civil Writ Petition Nos. 16330 of 2005 and Other connected cases. 15.9.2005 (Annexure P1) shall not affect rights of the parties."

Accordingly, the exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005.

Further, as per Hon'ble High Court orders, the judgment dated 29.07.97 in CWP no. 6557 of 1993 and the judgement dated 17.12.2004 passed by Hon'ble High Court in LPA No. 657 of 1997 in favour of the respondents no. 3 to 17 (of 16330 of 2005) has been duly considered. These respondents (i.e. the petitioners 1 to 16 of CWP no. 6557 of 1993) have been considered as seniors to the respondents 17 to 32 of CWP no. 6557 of 1993 as per the court orders.

c. That the names of direct recruitees of 1986-87 batch have not been included in the tentative seniority list circulated vide office order dated 24.03.2015.

Whereas the instance quoted in the representations is devoid of merits, as the direct recruitees of 1986-87 batch have been included and shown in the list of working AE as on 18.02.1988 at page no. 97-103, working list as on 19.02.1988 from page no. 117 to 123 as well as in the tentative seniority lists for the year 1988

at Page 134 to 139 of the Speaking order dated 24.03.2015. The AEs of direct recruitment batch were got further promoted as AEE during 1993 and 1996 as per records, thus they have been shown in the seniority lists upto the year 01.01.1993 at page no. 375 to 379 and upto 1996 at page no. 581 & 582 of the Speaking order dated 24.03.2015 respectively.

d. In Para-V (i) of order dated 24.03.2015, the quota for appointment of AE by direct recruitment upto 18.02.1988 has been claimed as 65% of sanctioned strength which is incorrect and deviations from principles of regulation-1965.

Whereas the issue raised in the representations is devoid of merits, as the Quota for direct recruitment remained @65% and that for promotion from engineering subordinates remained @35%, since formation of the HSEB as per Service Regulation for Electrical Engineers notified in 1965. The share quota posts of various engineering subordinates underwent changes within 35%, as already explained in para-1 above. For instance the direct recruitment quota for the post of AE Class-II is mentioned as 65% and quota for promotion from Engineering subordinates is mentioned as 35% in the Office Order No. 687/NGE/G-761 dated 09.08.1974 and this exercise for re-assignment of seniorities pertained to the period from 19.02.1988 to 14.08.1998.

e. Merit list of the engineers selected against advertisement No.CRA-126 & 132 has not been maintained while preparing the seniority list.

Whereas the issue raised in the representations is devoid of merits as this exercise for re-assignment of seniorities pertained to the period from 19.02.1988 onwards as per the court orders, to settle the grouse of all the petitioners and respondents of CWP No. 16330 of 2005 and other connected matters. There was no such specific court case connected with the CWP No. 16330 of 2005 which was related to the issue of merit list of 1984 batch directly recruited AEs. However, AEs directly recruited in 1984 has been placed at their relative inter-se seniority as they were in the seniority lists of AEs for 1984 batch circulated by HSEB and there has been no alteration / modification so far as inter-se merit/ seniority between direct recruits is concerned.



f. Promotion quota has been wrongly calculated as the quantum of 35% of 80% sanctioned posts of AEE minus number of engineering subordinate promoted as AEE has not been taken into account.

Whereas the calculation formula for promotion quota upto 18.02.1988 was as under:-

@35% of the sanctioned posts of AE/Elec. Class-II in the Board plus 35% of (80% of sanctioned posts of AEE minus number of Engg. Subordinates who stand promoted as AEE) Example:-

	Actual sanctioned Strength	Direct Quota @65%	Promotion Quota @35%	Inflated sanctioned strength
Sanctioned posts of AE	400	260	140+ 66*= 206	=260+206 =466 against 400 actual strength.

* Plus calculations:

Sanctioned posts of AEE	300
Working AEEs who were promoted as AE from Engg. Subordinates	50
Promotion quota for AEs	@35% of 80% of 300-(50) i.e. @35% of (240-50) =@35% of 190 =66.5 ~66

Thereby the working position was always more than the actual sanctioned strength of AEs. Accordingly on 19.02.1988 the policy for calculation of share quota for promotions was changed to actual sanctioned strength of AEs in the Board.

The disputed period under the fresh exercise is from 19.02.1988 onwards and the promotion quota have been correctly taken as 35% of the sanctioned strength of AEs instead of taking extra posts from AEE cadre, as per the prevalent rules & regulations. The exercise has strictly been done in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others as stated in the speaking office order No.220/HPG/GE-623 dated 24.03.2015.

g. The AEs who were promoted under Non Diploma Holder (NDH) and Drawing Staff (Drg.) Quota prior to 19.02.1988 & working as on 19.02.1988, should be adjusted against Direct Quota on abolishment of their quota for promotion to the post of AE under 35%.

Furthermore, 24 Nos AEs, (11 Nos promoted from NDH & 13 Nos Drawing Staff) should be shown excess/hanging outside the cadre on 19.02.1988 when their promotion quota was abolished and due to the fallout effect of

amended policy for calculations of promotion quota posts on the basis of sanctioned strength of AE only.

Whereas the direct recruitment and promotion channel bifurcation for the post of Assistant Engineer/Electrical as on 18.02.1988 was as under:-

Appointment to the post of Assistant Engineer/Elec. (upto 18.02.1988)				
By Direct recruitment 65%	By Promotion @35% plus 35% of (80% of sanctioned posts of AEE minus number of Engg. Subordinates who stand promoted as AEE)			
65% of sanctioned strength (Direct)	14% (Diploma Holder eng. Subordinates having 5 yrs service) (DH)	10% (Non-Diploma Holder eng. Subordinates having 10 yrs service) (NDH)	7% (AMIE/BE degree holder eng. Sub. having 5 yrs service) (AMIE)	4% (Drawing staff /Draftsman etc.) (Drawing)

The above provisions was amended vide erstwhile HSEB notification dated 19.02.1988, whereby the promotion channel to the post of Assistant Engineer/Electrical, in respect of Engineering Subordinates under 35% Quota, was categorized into two cadres i.e. **General Cadre (Field) & Generation Cadre.**

In the promotion channel (under 35%), two categories i.e. Non Diploma Holders (NDH 10%) and Drawing staff (4%), were abolished and the quota for Diploma Holder and AMIE/Degree holder engineering subordinates was revised. The quota for Direct recruitment remained same i.e. @65%. The revised quota bifurcation was as under:-

Assistant Engineer (after 19.02.1988)				
Direct @65%	General Cadre (Field)		Generation Cadre	
	Promotion @35% of sanctioned posts of AE in General Cadre		Promotion @35% of sanctioned posts of AE in Generation Cadre	
65% of sanctioned strength (Direct)	22.5% (Diploma holder eng. Subordinates from field having 5 yrs service as such) (DH)	12.5% (AMIE/BE holder eng. Subordinates from field having 5 yrs service as such) (AMIE)	22.5% (Diploma holder eng. Subordinates from Gen. having 5 yrs service as such) (DH)	12.5% (AMIE/BE holder eng. Subordinates from Gen. having 5 yrs service as such) (AMIE)

The share quota of 35% posts of Assistant Engineer/Elect., for promotion in General Cadre & Generation Cadre, was to be calculated on the sanctioned strength of Assistant Engineers in General Cadre & Generation Cadre, respectively.

On 19.2.1988, the promotion channel of Engineering Subordinates under 35% quota, in respect of NDH (10%) & Drawing (4%) was abolished and the quota of

other categories DH & AMIE/BE was increased from 14% to 22.5% & 7% to 12.5% respectively. Accordingly, the existing AEs working against the quota of NDH & Drawing has been adjusted proportionately in promotion quota considering common cadre for promotion to the post of AE in terms of High Court orders.

Thus, AEs promoted against the quota posts meant for Non Diploma Holders/Drawing Estt. upto 18.02.1988 have rightly been adjusted against their quota slots under promotion categories, as their quota for further promotions was abolished and the regulation was amended prospectively. There were no such provisions or office order issued by competent authority to adjust excess promotions of NDH/Drg., already made under promotion quota under direct recruit quota.

Moreover, during 1988 the process for direct recruitment against direct recruitment vacant posts **through open advertisement as well as through internal screening committee** was initiated and the AEs under the direct quota was in position during 1989.

Whereas the exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others as stated in the speaking office order No.220/HPG/GE-623 dated 24.03.2015. The promotees have been assigned quota slots as per availability under respective quota only. Further it is well settled law that no promotee can be adjusted against direct quota post.

h. Promotions made in excess to the post of AE under 12.5% quota of AMIE/BE should not affect the seniority of JE-I/BC promoted under 22.5% quota.

Whereas the exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others as stated in the speaking office order No.220/HPG/GE-623 dated 24.03.2015. The promotees have been assigned quota slots as per availability under respective quota only and there is no intrusion of any quota (i.e. 65% vs. 35% or vice versa and/or 12.5% Vs. 22.5%) while reassigning the seniorities as per availability of quota slots.

i. Seniority cannot be disturbed after 04 years as per decision dated 11.12.1997 in case of B.S. Bajwa & others vs state of Punjab. The seniority of AE prepared in pursuance of Court Directions dated 12.10.1990 in CWP

No.2244 of 1986 & 3275 of 1987 issued on 04.05.1992 as per position 30.09.1990 & re-circulated on 09.04.1993 cannot be altered unsettled after afflux of time and it cannot be made applicable from too retrospectively.

The petitioners of CWP 16330 of 2005 are direct recruits of 1993 and 1999 and hence they cannot claim the post of AE of 1991-92. Promotion/Regularization made in erstwhile HSEB prior to 18.12.1991 and after 12.10.1993 are not under challenged in any court of law and hence no dispute.

Whereas the exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others (disposing off 11+4 writ petitions also) wherein clear directions was given by the Hon'ble High court to do fresh exercise in terms of decision taken on 15.05.2012 placed on the records of High Court on 17.05.2012, as stated in the speaking office order No.220/HPG/GE-623 dated 24.03.2015.

The quota post of promotees has been calculated as per availability of quota in terms of policy in vogue and they have been re-assigned seniority from the date their quota post is available.

The direct recruits who were appointed in the year 1993/ 1999 have been assigned the seniorities from the date they borne on the cadre, as per their merit order, while a promotee have been re-assigned seniority from the date quota post is available.

j. The application of Haryana Government instruction from a retrospective date to different class of employees of autonomous body clearly raises doubts about the impartially and intentions of the administrative authority in HPGCL. in the order dated 24.03.2015 reliance has been placed on the notification dated 03.07.1998 issued by Chief Secretary, Haryana which relates to Group C service rules of FCR Department, whereas the service of Engineers of HSEB are governed by PSEB Engineers Recruitment Regulation 1965.

Whereas the services of Electrical Engineers are governed by PSEB Service Regulations for Electrical Engineers as applicable to HSEB 1965 as amended from time to time and the seniorities are being governed under Regulation 15 of the ibid regulations. The State Govt. of Haryana notification dated 03.07.1998 issued by Chief Secretary Haryana, regarding Group C service rules of FCR Department are the basic principles governing inter-se seniority for direct recruitment and promotees.

Whereas the Principles under the regulation governing services of Electrical Engineers are in line with the principles laid down by Govt. of Haryana. The



comparison of various instructions/ rules & regulations governing seniority as AEs in HSEB are discussed as under:-

- (i) The principles laid down in the policy notified by the Chief Secretary of Haryana, vide notification dated 03.07.1998, under which such matters are regulated, are reproduced as under:-

"11. Seniority, inter se of the members of the service shall be determined by the length of continuous service on any post in the service:

Provided that where there are different cadres in the service, the seniority shall be determined separately for each cadre;

Provided further that in the case of members appointed by direct recruitment, the order of merit determined by the commission shall not be disturbed in fixing the seniority:

Provided further that in the case of two or more members appointed by on the same date, their seniority shall be determined as follows:-

- (a) *A member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer;*
(b) *A member appointed by promotion shall be senior to a member appointed by transfer;*
(c) *In the case of a member appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred ; and*
(d) *In the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member, who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also the same, then by the length of the their service in the previous appointments; and if the length of such service is also the same, the older member shall be senior to the younger member."*

- (ii) The seniority of AEs is governed by Regulation-15 of PSEB Service of Engineers (Elect.) recruitment Regulation-1965 (As applicable to HSEB/HPGCL). The relevant part is reproduced as under:-

"15. SENIORITY

The seniority of the member of the service shall be determined as follows:-

(1) PRIOR TO CONFIRMATION

The seniority interse of members of the service in a particular class of posts viz. Assistant Engineer, Assistant Executive Engineer, Executive Engineer, Superintending Engineer, Addl. Chief Engineers and Chief Engineer, shall be determined by the date of their continuous appointments in that class.

Provided, firstly, that in the case of members appointed by direct appointment, the order of merit determined by the Board, shall not be disturbed so far as the seniority in the class of post to which direct appointment was made is concerned, and persons appointed as a result of an earlier selection, shall be senior to those appointed as a result of subsequent selection.

Provided secondly, that in the case of two or more members appointed on the same date, seniority shall be determined, as follows:-

- a)** *In the order of the salaries allowed to them on such date, the higher paid being placed above the lower paid or if both, the date of appointment and the salary be the same, in the order of age, the older being placed above the younger and*

b) In the case of the members of the service appointed as AEs and above by promotion according to their relative seniority in the lower class from which they were promoted unless a member of a lower class, is promoted earlier than another member of that class, who is senior to him and the later has been passed over on the score of un-suitability or in eligibility for promotion in which case the member of the lower class first promoted, shall take rank in the higher class above such other members of the lower class if and when the later is promoted as AE and/or above.

Provided thirdly, that a member of the service who is appointed as Assistant Engineer by direct appointment, shall be senior to all members of the service appointed as Assistant Engineer by promotion from the subordinate class, who may be appointed to the service after the appointment of any member by direct appointment in the same batch of selection.

Provided, fourthly, that the seniority of a member of the service appointed by transfer, shall be determined by the Board on the merits of each case.

Provided, fifthly, that if a member of the service is promoted temporarily to a post earlier than his senior, for reasons other than the inefficiency of the senior person or his ineligibility for promotion they will rank interse according to their relative seniority in the class from which they were promoted."

(iii) The erstwhile HSEB vide memo No.Ch-90/EG-327/1992/Vol-III dated 17.02.1995 had circulated the Revised Seniority List of Assistant Engineer/Electrical as it stood on 31.07.1984 wherein the Board has laid down the principles for determining inter-se seniority of AEs between direct recruits and promotees based on the HSEB Service Engineers Regulation-1965, same are reproduced below:-

- a. The calculation of promotion quota posts has been made at 28% of the posts becoming available on or after 10.11.72 and up to 9.8.74 i.e. the date on which the quota for promotion posts was again enhanced, thereafter only for the posts becoming available on or after 09.08.74 on the basis of percentage fixed for the purpose and subsequent changes made in percentage for promotion quota posts viz-a-viz the number of posts becoming available during the relevant period. The posts available in BCB/BBMB/UT falling to the share quota of HSEB have also been taken into account for calculating the number of posts available for being filled up by promotion.
- b. The seniority of AMIE/BE qualified Engineering Subordinates who were promoted against direct share quota posts have been given the date of promotion when the share quota posts of promotion for AMIE/BE category become available. No benefit of service of promotion against the posts meant for direct recruits has been allowed.
- c. AMIE/BE Degree Holders who have been selected against direct quota posts have been assigned seniority in accordance with their merit position determined by the selection committee.
- d. Seniority list has been finalised on the basis of Regulation-15 of PSEB service of Engineers (Electrical) Recruitment Regulation-1965 (as applicable to HSEB) read with Regulation-9.
- e. The determination of seniority for the officers promoted to the post of AE on the basis of their AMIE/BE qualification has been made from the date of passing AMIE/BE examination and not from the date of joining

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in the feeding cadre. This principle has been upheld by the Hon'ble Punjab and Haryana High Court in their Judgment in CWP no. 2584/87, CWP no. 2244/86, CWP no. 3275/87 and CWP no. 9357/90 in the case of Sh. Charanjit Singh Nanda etc., Sh. Vijay Kumar Garg etc. Sh. Ashwani Talwar etc. and Sh. Prithvi Singh etc., respectively. The criterion of experience has been kept in view for determining the seniority of these officers as per instructions in force at the relevant time.

- f. The Engineering subordinates who had higher qualification of AMIE/BE before joining the Board, has been considered for promotion and allowed seniority as per share quota posts available at the relevant time. A person who entered the lower cadre on the basis of superior qualification (more than the basic qualifications needed for that cadre) has not been denied benefit of further promotion only because the happens to have acquired those qualifications before joining in the feeding cadre.*
- g. The record of service for promotion from the post of JE to AE has been taken into consideration. The promotions have only been allowed after the mandatory requirement of satisfactory record are fulfilled by the officers.*
- h. G.T.As appointed earlier and promoted as AE without fulfilling the various conditions laid down in their appointment letter as GTA have been considered for appointment as AE only after they fulfilled all the conditions laid down in their appointment letter and not before.*
- i. The benefit of Adhoc service as AE has not been given for fixing the seniority as per instructions of the State. Govt. Dated 16.11.73 and various rulings of the Hon'ble Punjab and Haryana high Court in CWP no. 8/1981 and CWP no. 413/1981 in the case of Sh. O.P. Manchanda etc. and Sh. R.D. Jain and others.*
- j. The officials who were working in the lower cadre and subsequently joined higher cadre as AE as direct recruits by improving their qualifications have been treated as direct recruits for all intents and purposes and their claim for promotional posts have not been taken into account."*

Thus, there is no difference between the basic principles in the regulations of Govt. of Haryana dated 1998 and from service regulation of Electrical Engineers-1965 and the seniorities have been worked out as per the regulations of HSEB which are in line with basic principles of Chief Secretary instructions dated 1999.

The exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others (disposing off 11+4 writ petitions also).

The quota posts of promotees have been calculated as per availability of quota in terms of policy in vogue and they have been re-assigned seniority from the date their quota post is available.

The direct recruits who were appointed in the year 1993/ 1999 have been assigned the seniorities from the date they borne on the cadre, as per their merit order, while a promotee have been re-assigned seniority from the date quota post is available.



k. ***“As the boiler controller are being promoted after acquiring extra qualification of Boiler Operation Engineering. As per IBR, BOE qualified engineers are mandatory to run boilers therefore separate quota of Boiler Controllers for promotion to the post of AE was created and they have not been given due slots in the quota while re-fixation of seniority roster assigned to Boiler Controller vide Notification 158/REG-18 Vol-IV dated 07.12.1992 has not been observed.”***

Whereas the subject matter case CWP No. 16330 of 2005 titled as Parveen Arora case is regarding availability of the quota posts of AE whether direct or promotee (65% vs. 35%). On the directions of the Hon'ble High Court dated 10.05.2012, the proposal for doing fresh exercise was made by all HPUs and was placed on records of Hon'ble High court on the basis of which the case was disposed by the court to do fresh exercise. The relevant part of the decision is as under:-

“that the quota post of promotees be calculated as per availability of quota in terms of policy in vogue and they may be re-assigned seniority from the date their quota post is available. The above will settle grouse of direct recruits who were otherwise appointed in the year 1993 i.e. much after date of promotions/deemed dates given in 1991 to Rajinder Singh Redhu & others. Even otherwise as per the settled law a direct recruit will get seniority from the date he is borne on the cadre while a promotee will get seniority from the date quota post is available.

Re-fixation of seniority may entail reversion of promotions carried out in excess of quota or non-availability of quota and consequently re-fixation of pay.”

Whereas the quota of Boiler Controllers was given in the promotion quota of Generation Cadre only after in the regulation dated 04.02.1992. The Hon'ble High Court in CWP No. 6557 of 1993 titled as Sh. Rajinder Singh Redhu and others on dated 29.07.1997, held *that the cadre of Assistant Engineers is only one cadre and as such persons working in the Generation cadre could not be discriminated qua the persons working in the General cadre while making promotions to the posts of Assistant Engineers.*

The Hon'ble High court upheld the above version in LPA No. 657 of 1997 and LPA No. 641 of 1997, stating that *it is an uncontroverted fact that the posts of Junior Engineers as well as Assistant Engineers were inter-transferable and no order bifurcating that cadre was issued by the competent authority. That apart, once it is found that the cadre of Assistant Engineers is one, there could be no justification to deny consideration for promotion to respondent nos. 1 to 16, who were admittedly senior to respondent nos. 17 to 31 .*

Hon'ble High Court has not agreed to categorize the cadres of engineering Subordinates (notified on dated 19.02.1988) as Generation and Field/General cadres, for their promotion to the post of Assistant Engineer/Electrical, *as the posts of Junior Engineers as*

well as Assistant Engineers were inter-transferable and the cadre of Assistant Engineers was only one cadre and as such persons working in the Generation cadre could not be discriminated qua the persons working in the General cadre while making promotions to the posts of Assistant Engineers.

In policy dated 19.02.1988, the quota was assigned to Boiler Controllers on the sanctioned strength of Generation cadre only, which cannot be given from the sanctioned strength of all posts of AE/electrical of HSEB considering a common cadre.

1. The Controllers, Master foreman, Sr. supervisors and other controllers were to be considered under Category of Engineering Subordinates for Promotion to the post of AE under 22 ½ % quota under generation cadre in terms of policy dated 19.2.88. For Promotion as AE under 22 ½ % quota the inter-se seniority of engineering subordinates having completed 5 years service as such was to be maintained as per their date of joining in the respective engineering subordinate cadre, i.e. based on length of service in that cadre.
2. The boiler Controllers specifically came into the picture, vide R&P policy Notification No. 27/REG-18 dated 05.12.1988, governing service regulations of engineering subordinates Policy wherein all other engineering sub-ordinates, viz., Sr. supervisors and other controllers were re-designated as JE-I except Boiler Controllers.

However, no amendment was made in the R & P Policy for promotion to the post of AE. The amendment in the policy for R&P of Electrical Engineers was issued vide No. 108 dated 21.05.1991, indicating Boiler Controllers eligibility under the definition of engineering subordinates for promotion as AE in 22.5% quota in Generation cadre. Subsequently on 04.02.1992, the promotional quota in generation cadre was allocated as under:-

- a. JE-I i.e. 70% of 22 ½ %,
- b. Master Foreman i.e. 10% of 22 ½ %
- c. Boiler controller i.e. 20% of 22 ½ %.

Subsequently, on 20.10.93, the quota was revised as under

- a. JE-I i.e. 80% of 22 ½ %
 - b. Boiler controller i.e. 20% of 22 ½ %
- and roaster points for BC (i.e. 4th & 8th in the block of 10 posts) in generation cadre was allocated.

The quota for Boiler Controllers was given after 04.02.1992 i.e. 20% of 22.5% of sanctioned strength of Generation cadre, however, in the absence of consideration of separate cadre i.e. Generation cadre, no additional quota from the total sanctioned posts can be allowed upto 14.08.1998.

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Whereas, the promotions of Boiler Controller which were carried out in the respective quota have considered as promoted on the date they were originally promoted however their seniority has been assigned as & when the quota post arose under 22.5% quota. Further, quota for Boiler Controllers after bifurcation of erstwhile HSEB, will be given from the sanctioned posts of the concerned power utility i.e. by HPGCL.

The quota position for the post of AEs has been workout strictly as per directions of the Hon'ble High Court dated 09.01.2014, the persons who had been promoted as AE were allotted quota as per the policy in vogue.

1. The entire exercise of re-fixing seniority has been entrusted to the official of HPGCL who are directly recruit and affected by the outcome of the seniority.

Whereas in order to comply with the directions of the Hon'ble High Court, a committee comprising of all Chief Engineer/Admn. of all the power utilities was constituted vide office order no. 103/HPG/GE-623 dated 28.02.2014 read with subsequent office orders, for compliance of orders dated 09.01.2014 of Hon'ble Punjab and Haryana High Court orders in CWP no. 16330 of 2005 & Ors and other connected matters. The said committee submitted its report on 20.11.2014 and in the interest of transparency and natural justice, the draft report was hosted on the website of all power utilities. Numerous representations were received on the draft report.

Further, in compliance to the Hon'ble High Court judgment dated 09.01.2014 in CWP No. 16330/2005 titled as Parveen Arora & Ors. Vs. HPGCL & Ors., a group of officers/officials who were not directly or in-directly going to be affected was asked to prepare the seniority lists based on the records considering the data from draft report dated 20.11.2014. Accordingly, the Tentative Seniority Lists of AEs from 19.02.1988 to 14.08.1998 were circulated vide speaking Office Order No. 220/HPG/GE-623 dated 24.03.2015.

Whereas in order to be fair and transparent, these seniority lists were treated as tentative against which objections from all the affected parties were invited. The quota posts of promotees have been calculated as per availability of quota in terms of policy in vogue and based on the available records and they have been re-assigned seniority from the date their quota post is available.

The direct recruits who were appointed in the year 1993/1999 have been assigned the seniorities from the date they borne on the cadre, as per their merit order,



while a promotee have been re-assigned seniority from the date quota post is available.

m. The officers allowed deemed date of promotion as AE has been shown in the working list during the relevant period but they were not actually working at that time.

Whereas the officers who have been allowed deemed dates of promotion as AE w.e.f. dates falling during the period 19.02.1988 to 14.08.1998, have rightly been considered as AE against their respective share quota posts, against which they were given deemed date. They have rightly been assigned seniority as AE in the exercise carried out, w.e.f deemed date allowed, as per availability of quota post.

n. "The seniority list have been prepared without working out tentative inter-se-seniority of DH Engineers Subordinates and ranking list of AMIE/BE Engineering Subordinates and Generation cadres from 19.02.1988 to 14.08.1998. No law permit to decide law point like training period, after lapse of 30 years."

The joint seniority list of JEs of Field and Generation cadre included in page No-1468 to 1474 of the draft report dated 20.11.2014 submitted by the committee of LR/HPUs and all Chief Engineers/ Administration of all HPUs. The quota posts of promotees have been calculated as per availability of quota in terms of policy in vogue and based on the available records and JEs who were promoted during the period from 19.02.1988 to 14.08.1998 have been re-assigned seniority from the date their quota post is available.

As per the circular dated 27.03.1991 read with 22.11.1991, the training period on or after 29.01.1990 of all categories has to be considered as regular service for all intents i.e. seniority, promotion, pay & allowances and increments etc.. As such the period spent on training prior to 29.01.1990 has been considered as regular service, for considering for date of eligibility for inclusion of name in the ranking list. JEs who joined in the Cadre as JE/trainee or JE/Apprentice who were otherwise regularised on 01.06.1990 have been given benefit of the period spent on Training /Apprenticeship, after 29.01.1990

o. "That direct recruitment remained banned/ closed during 1980 to 1993; resultantly the rotational seniority on the post of AE was stopped. The board filled up the post of AE under direct recruitment quota from engineering subordinate having higher qualifications as such the petitioner & respondents become surplus of their AMIE/BE quota of 12.5%."

The contention is wrong, as Direct recruitment was carried by HSEB through open advertisement in the years 1980, 1984, 1986, 1988, 1990, 1993. The exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High

Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others (disposing off 11+4 writ petitions also).

p. "The 53 nos. JEs working as AE CDC in the year 1988 were recruited as GTA against the direct recruitment quota by constituting screening committee and made them senior from the 75 nos. GTA who were selected through open advertisement in August 1988 which is illegal. Further 3 nos. GTA out of 53 Nos. GTA who selected through Screening committee were given deemed date of promotion as AE by violating PSEB recruitment regulation as Deemed date of promotion can only be granted to the AE promoted against 35% promotion quota and not to the directly recruited AE"

Whereas, the exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others (disposing off 11+4 writ petitions also). The quota post of promotees has been calculated as per availability of quota in terms of policy in vogue and they have been re-assigned seniority from the date their quota post is available.

Whereas the direct recruits who were appointed in the year 1993/ 1999 have been assigned the seniorities from the date they borne on the cadre, as per their merit order, while a promotee have been re-assigned seniority from the date quota post is available. No merit list of direct recruitees has been altered. No merit list of direct recruitees has been altered.

Whereas, the exercise was to assign seniorities as per availability of quota posts in compliance to orders of High Court dated 09.01.2014. The promotions or appointments made by the erstwhile HSEB through screening committee against the direct quota posts, have been considered as Direct Recruitees.

Whereas, S/Sh. Shanti Lal Ahuja, V.P. Saini and L.R. Virmani who were selected by the Screening Committee as AE on 12.10.1989 and subsequently they were granted deemed date of promotions as AE as under:

Sr. No.	Name S/Sh.	Deemed date of promotion as AE	Office order No. & Date
1.	Shanti Lal Ahuja, AE	20.08.1987	285/EBG-2217 Dated 05.06.1991
2.	V.P. Saini, AE	02.03.1985	13/EBG-2487 Dated 11.01.1995
3.	L.R. Virmani, AE	02.03.1985	364/EBG-2218 Dated 13.11.1996

As such, they have been rightly considered as promoted AEs against their respective quota.

Whereas, after considering the representations the following corrections have been observed:-

1. The names of Sh. V. P. Karaka, Sh. A. S. Chugh has been mentioned in the tentative list of working AEs as on 18.02.1988. However, on perusal of records, it is observed that they have been shown at Sr. No. 153 & 154 in the Seniority list of AEEs circulated vide memo No. 87/EG-3/Seniority dated 06.03.1995 and they were granted deemed date of promotion as

AEE w.e.f. 07.10.1978, accordingly they have been deleted from the working list of AEs as on 18.02.1988 and onwards.

2. The name of **Sh. Hardwari Lal Chhabra, AE** has been mentioned in the tentative list of working AEs as on 18.02.1988, however as per records he retired on 31.01.1988, accordingly his name has been deleted from working list of AEs as on 18.02.1988.
3. **Sh. M. R. Sachdeva, Xen** has represented that he has passed AMIE on 20.04.1988 and has not been shown promoted as AE till 14.08.1998. Examined and found that he has passed AMIE on 20.04.1988 and his name is mentioned above **Sh. Om Parkash Barnela** in the ranking list as on 01.01.1994 (Page No. 1467 of Committee report dated 20.11.2014). Accordingly **Sh. M. R. Sachdeva, Xen** has been mentioned at **S. No. 368A** in sty list of AE as on 01.01.1994 by replacing **Sh. Dayabir Singh, JE/F junior most AE of AMIE quota**.
4. The name of **Sh. Anirudh Kumar Sharma, AE** is mentioned in duplicate at **S. No. 311** and **S. No. 315** in the Tentative Seniority List of AEs as on 01.01.1998 and **S. No. 278** and **S. No. 339** in the Tentative Seniority List of AEs as on 14.08.1998. Accordingly, his name has been deleted from **S. No. 315** in the Tentative Seniority List of AEs as on 01.01.1998 and from **S. No. 339** in the Tentative Seniority List of AEs as on 14.08.1998.
5. **Sh. P. D. Khattar, Xen** and **Sh. GB Sharma, Xen** has been mentioned in DH quota in the Tentative Seniority Lists as on 01.01.1995 to 14.08.1998, however, they were promoted under AMIE quota and belongs to AMIE category. Accordingly, their quota has been corrected from DH to AMIE, in the Revised Seniority Lists as on 01.01.1995 to 14.08.1998 considering representations.

Whereas, **Sh. R. C. Dalal, AE/Retd.**, has represented for including his name in the Joint Ranking List in terms of the decision dated 18.03.2015 of High Court in CWP No 10974 of 2012 titled as Ram Chander V/s HPGCL and others. The judgment dated 18.03.2015 is reproduced as under:-

"By this petition the petitioner has claimed promotion to the post of Assistant Executive Engineer on the ground that he was an ex-service man with diploma and 10 years experience in the technical field and, therefore, had to be treated as a Graduate Engineer.

*The petitioner served the **Indian Air Force w.e.f. 20.08.1973 to 31.08.1988** in the technical stream. The Government of India, Ministry of Education and Social Welfare (Department of Education) had issued a notification dated 26.5.1977 (Annexure P-2) whereby Diploma in Engineering in appropriate discipline along with 10 years of technical experience in the appropriate fields was recognized as equivalent to degree in engineering. The petitioner submitted a representation to the respondent department claiming the benefit of 2nd emergency as he served in the Armed Forces of the country during emergency and claimed that as per the notification Annexure P-2 he should be considered as equivalent to degree in Engineering and that his name may be included in the ranking list of Engineering Subordinates (Generation Cadre). The department, while releasing the aforesaid ranking list, ignored the claim of the petitioner. He filed objections and his request for considering his case for grant of 2nd emergency benefits was duly accepted but his*



qualification was not considered as equivalent to degree in Engineering whereas his juniors were promoted against the post of AEs on the basis of possession of degree in engineering.

In the written statement the plea taken is that the qualification of diploma with 10 years experience cannot be equated to a degree.

Learned counsel for the petitioner has argued that the matter is no longer res-integra. He has relied upon the decisions of this Court in Rohtash Kumar Nehra and another vs. Union of India and others, CWP No.12505 of 2009, decided on 15.7.2010, Lal Chand Jangra vs State of Haryana and others, CWP No.7955 of 2010, decided on 21.12.2010, and Haryana Vidyut Parsaran Nigam Limited vs. Sant Kumar and others, LPA No.1493 of 2011, decided on 27.9.2011. In all these judgments, different Benches of this Court have held that it was incumbent upon the respondents therein to recognize the qualification of such ex-servicemen (as the petitioners) as being equivalent to degree. The decision in LPA No.1493 of 2011 (supra) was carried by the respondents thereinto the Hon'ble Supreme Court and their Lordships dismissed the Special Leave Petition. Counsel for the respondents has not been able to cite any contrary judgment. The decisions of this Court, as referred to above, are binding upon me.

In these circumstances, this writ petition is allowed and the respondents are directed to accept the claim of the petitioner and grant him seniority and all other consequential benefits from the date his juniors have been promoted. The necessary exercise be conducted within a period of two months from the date of receipt of a certified copy of this order."

Whereas, in terms of the above decision dated 18.03.2015 of High Court in CWP No 10974 of 2012 the name Sh. R. C. Dalal, AE/Retd., has been inserted at Rank No. 11A in the Joint Ranking list as it stood on 01.01.1995, circulated by the committee report dated 20.11.2014, at page no. 1471, considering his particulars as under:-

Rank No.	Name S/Sh.	Desg.	DOB	DOJ Board	DOJ Present post	Date of passing AMIE/BE	Date of completion 5 years	Date of Eligibility
11	Ishwar Singh Lamba	FM-I	18.07.1947	30.06.1989	30.06.1989 FM-I	13.09.85	30.06.94	30.06.1994
11A	Ram Chandar Dalal	JE/Gen.	22.10.1956	01.07.1989	01.07.1989 JE/T	31.08.88 (Prior to joining)	01.07.94	01.07.1994
12	Joginder Pal	FM-I	20.07.1959	04.07.1989	04.07.1989 FM-I	16.02.92	04.07.94	04.07.1994

All other grievances have been considered and not found feasible for acceptance, except the corrections as stated above.

It is hereby concluded that the fresh exercise has been done strictly in accordance with the Hon'ble Punjab & Haryana High Court judgment dated 09.01.2014 in CWP No.16330 of 2005 titled as Parveen Arora and others (disposing off 11+4 writ petitions also).

The quota post of promotees has been calculated as per availability of quota in terms of policy in vogue and they have been re-assigned seniority from the date their quota post is available.

The direct recruits have been assigned the seniorities from the date they borne on the cadre, as per their merit order, while a promotee have been re-assigned seniority from the date quota post is available. No merit list of direct recruitees has been altered.


I order accordingly. Therefore, the Tentative seniority lists of AEs as circulated vide office order dated 24.03.2015 attains finality, including the corrections (attached as Annexure-I) stated above.


ACS(Power)-cum-Chairman, HPUs

A copy of the above speaking order is forwarded in continuation to Endst No. Ch-42/HPG/GE-218/L/CC-3 dated 25.03.2015, to the following for information and necessary action:-

1. Managing Director, HVPNL, Panchkula.
2. Managing Director, UHBVNL, Panchkula.
3. Managing Director, DHBVNL, Hisar.
4. All Chief Engineers HPGCL.
5. Chief Engineer/Admn., HVPNL, Panchkula.
6. GM/Admn., UHBVNL, Panchkula.
7. CGM/Admn., DHBVNL, Hisar.
8. Xen/HR&IT, HPGCL, Panchkula for hosting the same on official website of HPGCL.

It is requested to host the same on official website of all HPUs.


Dy. Secy./Estt. (G)
For Managing Director,
HPGCL, Panchkula.

CC

- (i) Sr. PS to ACS/Power-cum-Chairman, Haryana Power Utilities, Panchkula
- (ii) OSD/Tech. to Managing Director, HPGCL, Panchkula.
- (iii) Sr. PS to Director/Finance, HPGCL, Panchkula
- (iv) Sr. PS to Director/Technical, HPGCL, Panchkula.
- (v) Sr. PS to Director/Generation, HPGCL, Panchkula
- (vi) PS to Chief Engineer/Admn., HPGCL, Panchkula