	therefore, whenever Line Superintendent junior to the Thermal Supervisor is promoted as Junior Engineer, the Thermal Supervisor would also be given the rank and pay of J.E. Thermal. Vide orders No.137/NGE/G-933 dated 24.02.1981, this facility was extended to Thermal Operators and vide orders 11.03.1981, the petitioner was granted the rank and pay of J.E. Grade-I to my client w.e.f. 18.09.1980. iii) That as is evident from the table appended as Annexure-2 and a copy of which was attached as Annexure P-18 with the petition, the petitioner was always senior to Shri. Jaswant Singh and Narender Singh, respondents No.3 and 4, who had also joined as Operator. However, these two officials were transferred to field organization without calling any options, whereas my client continued to work in Thermal. iv) That as is evident from Sr.No. 126 in the table Annexure- 2, my client was always senior to the respondents No.3 and 4 in the rank of J.E.I, A.E. and A.E.E. However, on the basis of a civil suit which was decided in his favour, the HSEB, Vide orders dated 05.01.1996, granted accelerated seniority to Shri. Jaswant Singh from 435 to 68 and consequently, he was promoted as JE-I w.e.f. 25.11.1971 and AE w.e.f. 01.10.1974, AEE w.e.f. 01.1986 and XEN w.e.f. 17.08.1995. V) On the basis of directions of this Hon'ble Court passed in CWP No.13318 of 1996, Shri. Narender Singh, respondent No.4, by considering his case at par with Shri. Jaswant Singh was also granted promotion to the rank of JE till XEN retrospectively. vi) However, when similar treatment as accorded to the juniors i.e. respondent No.3 and 4, was not granted to the petitioner, the present CWP was filed. vii) The only ground on which the case of my client had been rejected by the respondents is that he had given an option to be absolve in Thermal Cadre when options were invited vide memo No.Ch-38/TC/Misc-1566/F dated 18.11.1987. viii) This contention on the part of the respondents is untenable in the eyes of law because by categoric pronouncement in Rajinder Singh Redhu's case which was upheld by the Division Bench as mentioned in Para-2 above, that there is no separate Generation/General Cadre in the Rank of Junior Engineers and they are to be treated as a Common Cadre. The Division Bench of High Court in its orders dated 09.01.2014 has also held that when recasting the seniority, the judgments which have attained finality shall be duly considered. ix) In view of above, the case of the petitioner is required to be considered at par with that of respondents No.3 and 4, Shri. Jaswant Singh and Shri. Narinder Singh and since he was senior to them, his rightful place in the seniority is to be restored by granting him also retrospective seniority and consequential benefits. 5. Since the petitioner has already retired on attaining the age of superannuation, after granting him the requisite benefits, his pension and pensionary benefits may also be appropriately revised. 6. A copy of the above is retained in my office for reference and record.
Recommendations of the Committee:- That contentions raised in this legal notice have been taken care of as is evident from views appended in para 21 sub-para D).	
3 [Flag-64]	**From – Advocate Ashwani Kumar on behalf of Shri Sukhdev Singh S/o Sh. Harbhajan Singh, relating to CWP 16883 of 2006 dated-17.05.2014** The following 9 Officers working with the notices as per the details mentioned against each of them, have approached me to issue a legal notice to you the noticees on the subject of reassignment of seniority which is now to be carried afresh in terms of the judgment dated 09.01.2014 passed in CWP No. 16330 of 2005.

Sr.	Name & Father's	Address	Designation	Station

R.K. Chandan, Member Secretary | Rajesh Khandelwal, Member-cum-GM/Admn, UHBVN | V.K.Jain, Member-cum-GM/UHBVNL | Sukarm Singh, Member-cum-SE/Admn.-I, HVPNL | R.R. Goel, Member-cum-CE/Admn, DHBVNL | R.K.Bansal, Member-CE/Admn., HPGCL | Poonam Bhasin, Chairperson-cum-LR/HPUs.

No.	Name			
1	Sh. Shiv Parkash S/o Sh. Brij Lal	# 1027, Sector 35-B, Chandigarh	FM-XEN	BBMB, Chandigarh
2	Sh. Ashok Rathi S/o Sh. BS Rathi	Flat No. 70, Navyug Apartments, Sector-9, Rohini, Delhi	FM-AEE	BBMB, Kaka Nagar, Delhi
3	Sh. Sukhdev Singh S/o Sh. Harbhajan Singh	# 569-D, Model Town, Panipat	JE-XEN	HPGCL, Panipat Thermal
4	Sh. Suresh Kumar Bansal S/o Sh. Prem Nath Bansal	# 188, Type-V, Thermal Colony, Panipat	JE-XEN	HPGCL, Panipat Thermal
5	Sh. Ashok Kumar Parmar S/o Partap Singh	# 36, Type-V, Thermal Colony, Panipat	JE-XEN	HPGCL, Panipat Thermal
6	Sh. Satpal Malik S/o Sh. Ram Chander Malik		JE-XEN	Operation City Division, UHBVNL, Karnal
7	Sh. Kuldeep Singh S/o Sh. Ishwar Singh	# 723-A, Sector-36-B, Chandigarh	FM-XEN	BBMB, Chandigarh
8	Sh. Raju Batra S/o Sh. H.L. Batra	# 19, Sector-23, Faridabad	XEN	HPGCL, Panipat Thermal
9	Sh. Rakesh Singla S/o Sh. I.P. Singla	# 385, Sector-8, Faridabad	FM-XEN	BBMB, Ballabhgarh, Distt. Faridabad

Under the instructions and authority of my above named clients, I hereby serve you with the following notice:-

1. That my clients joined the erstwhile Haryana State Electricity Board as Junior Engineer/ Foreman Grade-1. All the above officers further qualified their AMIE/BE examination and thus are entitled for consideration of promotion to the rank of Assistant Engineer in the 12.5% quota fixed for such Engineering subordinates out of a total of 35% quota fixed for promotion of the Junior Engineers to the rank of Assistant Engineer.

2. That in the Regulations dated 19.02.1988, when the separate quota of 12.5% for Engineering subordinates possessing twin qualifications of AMIE/BE and experience was provided for the first time, it was also mentioned as follows:-

"The eligibility for consideration for promotion from AMIE/BE against 12.5% shall be determined from the date of qualifying such examination."

It is further relevant to point out that the experience required for such eligibility has been changed from time to time vide various Regulations as per the following details:-

Regulation issued vide office order no. 21/Regulation-18 dated 19.02.1988	5 Years
Regulation dated 13.02.1991	2 Years
Regulation dated 12.10.1993	5 Years

Vide office order No. 33/Reg.-18 dated 27.02.1989, it was further provided as under:-

(i) The ranking list of Engineering Subordinates, for their promotion as AE after having been qualified by the AMIE examination and completion of 5 years service in the cadre may normally be prepared on the 1st day of January of each year and duly notified to all concerned.

R.K. Chandan, Member Secretary | Rajesh Khandelwal, Member-cum-GM/Admn, UHBVN | V.K.Jain, Member-cum-GM/UHBVNL | Sukarm Singh, Member-cum-SE/Admn.-I, HVPNL | R.R. Goel, Member-cum-CE/Admn, DHBVNL | R.K.Bansal, Member-CE/Admn., HPGCL | Poonam Bhasin, Chairperson-cum-LR/HPUs.

(ii) The names of eligible candidates in the ranking list, will be arranged in the order of their date of passing AMIE/BE examination. The names of JEs who qualify AMIE/BE examination during the subsequent year will be added in the ranking list below the names of the candidates who have passed the said examination in the earlier years.

3. That it is further a settled position of law that the requisite experience of 5/2 years is to be counted from the date of regular appointment as Engineering Subordinate in the cadre and the training period, if any, spent by the incumbent prior to his regularisation as JE is not to be counted.

4. That it is further a settled position of law as held by a Single Judge of the High Court in its orders dated 29.07.1997 in CWP No. 6557 of 1993 titled Rajinder Singh Vs. HSEB reported as 1997(5) SLR 499 that there is no separate cadre of JE Generation and JE/Field and that the case for promotion to the rank of Assistant Engineer is to be counted on the basis of joint seniority of Junior Engineers irrespective of the fact as to whether they are in the field cadre or generation cadre. The above said judgment has been upheld by the High Court in LPA No. 657 of 1997 in the case titled HSEB Vs. Rajinder Singh decided on 17.12.2004 and reported as 2005(4) SLR 822.

5. That when the promotions to the rank of Assistant Engineer from amongst Engineering subordinates in their quota of 12.5% were not made in accordance with the settled principles, the matter was challenged by certain direct recruits by way of CWP No. 16330 of 2005 titled Parveen Arora & others Vs. HPGCL.

The High Court disposed of the CWP No. 16330 of 2005 and a bunch of 10 other Civil Writ Petitions vide common orders dated 09.01.2014 wherein the authorities have been directed to act in terms of the decision dated 15.05.2012 placed on record of the Court on 17.05.2012 and carry out a fresh exercise to settle the rights of the parties. The above exercise is to be carried out within a period of 5 months.

6. That from a perusal of the above Regulations and authoritative pronouncement of the High Court interpreting the above provisions which have by now attained finality, it is evident that the fresh exercise for re-determination of seniority is to be carried out as per the following norms:-

(i) The inter-se seniority lists of Engineering subordinates has to be worked out on the combined strength of erstwhile HSEI3 year-wise i.e. on first January of each year.

(ii) The inter-se seniority lists of Engineering subordinates and diploma holders JEs has to be worked out afresh by strictly following the below mentioned norms:-

(a) For the purpose of counting of experience, date of joining in the cadre of Engineering subordinates in regular capacity is to be the criteria and the training period, if any, is not to be considered/reckoned for this purpose;

(b) The inter-se seniority of Engineering subordinates is to be worked out by strictly following the provisions contained in the 1988 Regulations i.e. the attaining of requisite experience of 5/2 years as per the relevant Regulations applicable on the date of eligibility and date of passing of the AMIE/BE examination. A person acquiring/possessing twin conditions i.e. requisite qualification (AMIE/BE) and requisite experience earlier should be strictly placed higher in the ranking list. The matter has already been settled by Punjab 86 Haryana High Court vide its Judgment Dated 31.8.2005 in LPA NO. 507 of 1996 in CWP No. 8710 of 1993 titled Raj Pal 86 others V/ S HVPNL and already implemented in HVPNL.

(iii) Once the above exercise of re-determination of inter-se seniority has been completed, the various slots meant for direct recruits, Engineering subordinates and diploma holders JEs are to be filled.

7. That it is the case of my clients that they are all Engineering subordinates and their inter-se seniority for consideration of their case for promotion to the rank of Assistant Engineer has to be considered in the quota of 12.5% after re-determination of their seniority as per the details given in para-6 above. Once the above exercise is carried out, the date of eligibility of my clients vis-a-vis

R.K. Chandan	Rajesh Khandelwal	V.K.Jain	Sukarm Singh	R.R. Goel	R.K.Bansal	Poonam Bhasin
Member Secretary	Member-cum-GM/Admn, UHBVN	Member-cum-GM/UHBVNL	Member-cum-SE/Admn.-I, HVPNL	Member-cum-CE/Admn, DHBVNL	Member-CE/Admn., HPGCL	Chairperson-cum-LR/HPUs.

	certain other Engineering subordinates who are currently ranked senior to them shall be changed and my clients will attain their rightful place in the seniority above the persons mentioned in the list who are currently senior to them. The details are appended for ready reference as Annexure A-I with the legal notice and it is the case of my clients that once the ranking list of Engineering subordinates for promotion to the rank of Assistant Engineer is formulated, strictly as per above provisions and in terms of the judgment dated 09.01.2014 of the High Court, the ranking list, in as far as, my clients are concerned vis-à-vis the other Engineering subordinates concerned with my clients, shall be as per Column 7 of Annexure A-I attached. It is the case of my clients that on the basis of the seniority as shall be re-determined on the basis of column the date of promotion to the rank of Assistant Engineer in the quota of 12.5% reserved for Engineering subordinates shall be worked out and accordingly, the date of actual promotion as Assistant Engineer of these persons which as on now is as per column-8, shall undergo a change in accordance with the seniority as determined vide column-7. Through the present notice, you the notices are hereby called upon to confirm to my clients within a period of two weeks from the date of receipt of this notice that their seniority shall be re-determined strictly as per the above norms in the exercise being carried out. If such a confirmation is not given and you the noticees adopt other ways/means while carrying out the exercise of re-determination of seniority, I have the clear instructions from my clients to initiate appropriate legal proceedings before a Court of competent jurisdiction and in case my clients are forced to do that, the entire legal proceedings shall be contested at your risk and costs. A copy of the notice is retained in my office for my reference and record.

Recommendations of the Committee:-

This legal notice has been given on behalf of different streams of JEs. Therefore, a separate recommendation for each stream has been given. The representees at Sr No 1, 2, 3, 4 & 5 are also the petitioners of CWP No 16883 of 2006. They were promoted to the post of JE prior to 1988, and thereafter as Assistant Engineer from different feeder posts, as such, their claim is required to be considered as per facts of individual cases enumerated below:-

a) Sukhdev Singh JE, Suresh Kumar Bansal JE, Ashok Kumar Parmar JE & Sh. Satpal Malik, JE were working as JEs in erstwhile HSEB.

The perusal of record reveals that in compliance of decision of Hon'ble High Court in CWP No. 2953 of 1987 titled as S.P. Kapoor, JE & others Vs HSEB, options were invited from amongst all JEs (including present petitioners at Sr. no. 1 to 7) working in Thermal/Hydel Projects in HSEB vide memo no. 36/NGE/O-105 dt. 11.11.1987. After receipt of options, the suitability of such JEs being absorbed in Generation Cadre or otherwise was duly considered and the decision was circulated vide Memo No. Ch-81/ NGE/G-105 dated 29.04.1988. Thus, the allocation of person recruited/Promoted as Engineering Subordinates prior to 1989, as JE/Generation or JE/Field had achieved finality which cannot be undone under the garb of directions contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997.

These petitioners working in erstwhile HSEB, may it be Hydel/Thermal belong to above mentioned set of officials. Their options were called and they were absorbed in Generation/Field Cadre as per their suitability based upon their options received. Their list was duly circulated as is evident from **Flag-58**, which was never objected to by them prior to filing of the present petition. Thus, their allocation as JE/Generation or JE/Field had achieved finality which cannot be undone under the garb of directions in the Order dated 17.12.2004 of the Hon'ble High Court in LPAs No. 657 & 641 of 1997 of Rajender singh Redhu, as claimed by the petitioners. Moreover, vide judgment dated 17.12.2004 passed in LPAs No. 657 & 641 of 1997, it was held that it is an uncontroverted fact that the posts of Junior Engineer as well as Assistant Engineer were inter-transferable and no order bifurcating that cadre was issued by the Competent Authority. While rest of the earlier Regulations were neither struck down nor held to be bad. Thus, all action,

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promotion etc. done under those regulations, ipso facto are sustainable and not liable to be unsettled.

After due consideration of factual and legal position in this regard, the committee is of the view that the contentions made by the petitioners of CWP No. 16883 of 2006 are not feasible of acceptance.

b) Sh. Shiv Parkash, Sh. Ashok Rathi, Sh. Kuldeep Singh, Sh. Rajesh Singla & Sh. Raju Batra were working as Foreman-I in erstwhile HSEB.

After due consideration of factual and legal position in this regard, the committee is of the view that the case of Sh. Shiv Parkash, Sh. Ashok Rathi, Sh. Kuldeep Singh, Sh. Rajesh Singla & Sh. Raju Batra, Foreman Grade-I for their further promotion as AE is to be considered under 12.5 % AMIE/BE quota meant for them being "Engineering Subordinate" in terms of regulation/notification no. 98/REG18/L dated 12.04.1991. Their cases are to be decided by the administrative department of concerned Utility independently of the directions contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, respectively, because facts & circumstance of their case & Rajender Singh Redhu case are different.

4 [Flag-65]	**From – Advocate Dinesh Kumar on behalf of Shri Sh. Rajiv Mishra, Sh. P.C. Saini, Sh. B.S. Kamboj and Sh. Manoj Garg who are working as Executive Engineer in UHBVNL and Sh. Kashmir Singh Saini, AE working in HVPN. Dated-01.05.2014** "On the authority and on the instructions of my clients Sh. Rajiv Mishra, Sh. P.C. Saini, Sh. B.S. Kamboj and Sh. Manoj Garg all working as Executive Engineers in UHBVNL and Sh. Kasmir Singh Saini, AE working in HVPN and posted at different places in the State of Haryana, I hereby address you as Under:- 1. That there has been a dispute with regard to determination of seniority of Junior Engineers appointed in the General Cadre (Field Cadre) and Generation Cadre. In this regard, the employees belonging to Generation Cadre filed a CWP no. 6557 of 1993 titled Rajender Singh & others Vs. HSEB & others which was allowed on 19.07.1997 reported in 1997 (5) SLR 499. Operative part of the judgement is as under:- " 12. 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 the 3rd March, 1992 (Annexure P-4) are hereby set aside and respondent no. 1 is directed to consider the case of the petitioners for promtiootion to the post of AEs in the same manner as was done in the case of respondents Kashmir Singh and ARjaiv Mishra vide order datred 7th April, 1194 copy of which hasw 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." ***[This legal Notice placed at Flag-65 runs into 47 pages which are not being reproduced for space constraints.]*** In view of the abov, I call upon you to take all corrective steps available to you on the administrative side as well as on the legal side so that the order dated 09.01.2014 is complied with in letter and spirit and at the same time there should not be any violation of the Service Regulations and further, at the first instance, a tentative seniority list be issued and given a vide publicity to invite objections from all concerned and pass final orders after considering the objections raised by the adversely effected employees".

R.K. Chandan Member Secretary	Rajesh Khandelwal Member-cum-GM/Admn, UHBVN	V.K.Jain Member-cum-GM/UHBVNL	Sukarm Singh Member-cum-SE/Admn.-I, HVPNL	R.R. Goel Member-cum-CE/Admn, DHBVNL	R.K.Bansal Member-CE/Admn., HPGCL	Poonam Bhasin Chairperson-cum-LR/HPUs.

	Recommendations of the Committee:- The names of these representees figure at performa respondents at sr. no. 28, 27, 26, 29 & 31, respectively, of LPA no. 657 of 1997 in CWP no. 6557 of 1993, filed by Erstwhile HSEB in the Hon'ble Punjab & Haryana High Court. The Letters Patent Appeals No. 657 of 1997 filed by erstwhile HSEB & 641 of 1997 was filed by Manoj Garg Vs UHBVNL and both the LPAs were dismissed by Hon'ble Court vide common Order dated 17.12.2004. The decision of Judgement was not challenged by any of the litigant/ representees, therefore, same has achieved finality qua the litigants including these respondents as well as Power Utilities. For implementation of Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, respectively, 3 pronged action is required to be taken i.e. :- i. Merger of JE/Generation & JE/Field as it was a cadre of JEs. ii. Thereafter, placement in the ranking list. iii. Consideration of promotion as AE in terms of revised ranking list as per relevant regulations in vogue. All the above exercises have been carried out as is evident from Para-20. This ensure the directions contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, read with directions dated 09.01.2014 passed in CWP no. 16330 of 2005.
5 [Flag-66]	**From – Advocate H.S.Bhatti on behalf of Sh. N.K. Makkar working as Executive Engg. in HVPN. Dated-01.05.2014** On the authority and on the instructions of my client Sh. N.K. Makkar working as Executive Engineer in HVPNL and posted at Faridabad. I address you as under:- 1. That there has been a dispute with regard to determination of seniority of JEs appointed in the General Cadre (Field Cadre) and Generation Cadre. In this regard, some employees belonging to Generation Cadre Filed a CWP no. 6557 of 1993 titled Rajender Singh & Others Vs. HSEB & others which was allowd on 19.07.1997 reported in 1997 (5) SLR 499. Operative part of the judgment is as under:- "12. In view of the above discussion, I am to 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 Jamuary, 1992 (Annexure P-3) and the 3rd March, 1992 (Annexure P-4) are hereby set aside and respondent no. 1 is directed to consider the case of the petitioners for promotion to the post of AEs in the same manner as was done in the case of respondents Kashmir Singh and Rajiv 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." ***[This legal Notice placed at Flag-66 runs into 52 pages which are not being reproduced for space constraints]*** In view of the abov, I call upon you to take all corrective steps available to you on the administrative side as well as on the legal side so that the order dated 09.01.2014 is complied with in letter and spirit and at the same time there should not be any violation of the Service Regulations and further, at the first instance, a tentative seniority list be issued and given a vide publicity to invite objections from all concerned and pass final orders after considering the objections raised by the adversely effected employees".

R.K. Chandan	Rajesh Khandelwal	V.K.Jain	Sukarm Singh	R.R. Goel	R.K.Bansal	Poonam Bhasin
Member Secretary	Member-cum-GM/Admn, UHBVN	Member-cum-GM/UHBVNL	Member-cum-SE/Admn.-I, HVPNL	Member-cum-CE/Admn, DHBVNL	Member-CE/Admn., HPGCL	Chairperson-cum-LR/HPUs.

	Recommendations of the Committee:- The name of representee figure at performa respondent at sr. no. 30, of LPA no. 657 of 1997 in CWP no. 6557 of 1993, filed by Erstwhile HSEB in the Hon'ble Punjab & Haryana High Court. The Letters Patent Appeals No. 657 of 1997 filed by erstwhile HSEB & 641 of 1997 was filed by Manoj Garg Vs UHBVNL and both the LPAs were dismissed by Hon'ble Court vide common Order dated 17.12.2004. The decision of Judgement was not challenged by any of the litigant/ representees, therefore, same has achieved finality qua the litigants including these respondents as well as Power Utilities. For implementation of Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, respectively, 3 pronged action is required to be taken i.e. :- i. Merger of JE/Generation & JE/Field as it was a cadre of JEs. ii. Thereafter, placement in the ranking list. iii. Consideration of promotion as AE in terms of revised ranking list as per relevant regulations in vogue. All the above exercises have been carried out, as is evident from Para-20. This ensure the directions contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, read with directions dated 09.01.2014 passed in CWP no. 16330 of 2005.
6 [Flag-67]	**Complaint/Legal Notice from Advocate Bhatti addressed to the Chairman, HPUs Dated 16.10.2014** Subject: - Illegal Change of allocation from HPGCL to HVPNL in respect of Rakesh Singla & Kuldeep Singh Fore Man Grade-1 of HPGCL and their illegal promotion & deemed date seniority of 11.10.1993 in HVPNL thereof. Refer: Hearing before the Hon'ble committee under the chairman ship of L.R. Chair Person, Committee HPU Panchkula on dated 18-09-2014 on the subject matter. 1. Sh. Rakesh Singla & Sh. Kuldeep Singh were appointed as Fore Man Grade-1 in Projects of HSEB in 1988. 2. They passed their degree (AMIE) in 1991. 3. They were promoted out of turn as AE (Adhoc) for BBMB services and were Fore Man Grade-1 in HSEB. Out of turn promotion as AE (Adhoc) was for BBMB services only and they were posted in BBMB in 1997. 4. HSEB was bifurcated into two Nigams on 14.08.1998 namely HVPNL and HPGCL. The allocation of the officials/officers was "As is where basis is". 5. Sh. Rakesh Singla & Sh. Kuldeep Singh were allocated to HPGCL as they were holding the post of Fore Man Grade-1 in projects of HSEB at the time of bifurcation of HSEB. No matter they were posted as AE (Adhoc) in BBMB on deputation. 6. Under Ist and 2nd transfer scheme, applications were invited from common cadre personals of HSEB for change of their allocations. Fore Man Grade -1 was a cadre post and was not covered in the transfer scheme for the change of allocations as per Haryana Government Ist and 2nd Transfer Scheme. 7. Sh. Rakesh Singla Fore Man Grade-1 & Sh. Kuldeep Singh Fore Man Grade-1 of HPGCL applied for their change of allocation in the capacity of Assistant Engineer (common cadre personal), even they were holding the post of Fore Man Grade-1 in HPGCL. 8. Sh. Rakesh Singla Fore Man Grade-1 & Sh. Kuldeep Singh Fore Man Grade-1 had concealed the facts that they were holding the post of Fore Man Grade-1 in HPGCL and working as AE(Adhoc) on their out of turn promotion as AE(Adhoc) for BBMB services only. 9. They were not entitled for change of allocation from HPGCL as both were holding the cadre post of Fore Man Grade-1 in HPGCL. 10. Administration could not verify the facts about the post both were holding in HPGCL. In the absence of facts, both were considered as Assistant Engineer (common cadre personal) and their allocation was changed from HPGCL to HVPNL inadvertently. 11. Post of Fore Man Grade-1 was not included in the definition of "Engineering Subordinate" in HVPNL and hence Fore Man Grade-1 could not be included in ranking list of degree holdres engineering subordinates of

R.K. Chandan	Rajesh Khandelwal	V.K.Jain	Sukarm Singh	R.R. Goel	R.K.Bansal	Poonam Bhasin
Member Secretary	Member-cum-GM/Admn, UHBVN	Member-cum-GM/UHBVNL	Member-cum-SE/Admn.-I, HVPNL	Member-cum-CE/Admn, DHBVNL	Member-CE/Admn., HPGCL	Chairperson-cum-LR/HPUs.

	HVPNL for further promotion in degree holders quota. 12. On change of their allocation to HVPNL, Administration could not again verify the facts about the post of Fore Man Grade-1, both were holding. Fore Man Grade-1 was not Engineering Subordinate in HVPNL, even than both were promoted from Fore Man Grade -1 to Assistant Engineer in HVPNL in degree holder quota. 13. This was not enough, administration could not go through the facts and they were granted deemed seniority of AE from 1993 in HVPNL, even though as per promotion policy of degree holder, Fore Man Grade-1 was not Engineering Subordinate and both were not eligible for promotion in degree holder promotion quota of HVPNL. 14. Under Transfer Scheme of Haryana Government, Fore Man Grade-1 was not entitled for the change of allocation from HPGCL. Change of allocation of Sh. Rakesh Singla Fore Man Grade-1 & Sh. Kuldeep Singh Fore Man Grade-1 happened inadvertently in the absence facts on record, is totally illegal and should be cancelled. 15. As per promotion policy of degree holders, Fore Man Grade-1 was not Engineering Subordinate and both were not eligible for promotion in degree holder promotion quota of HVPNL. Their promotion of AE should be revised as per their original company of HPGCL. While making fresh exercise in light of Court orders of 14-01-2014, illegal change of allocations and there by illegal promotion and deemed date seniority given to Rakesh Singla & Kuldeep Singh Fore Man Grade-1 of HPGCL may be set right. Thanking you
Recommendations of the Committee:- After due consideration of factual and legal position in this regard, the committee is of the view that the cases of Sh. Shiv Parkash, Sh. Ashok Rathi, Sh. Kuldeep Singh, Sh. Rajesh Singla & Sh. Raju Batra, Foreman Grade-I are to be re-considered for their further promotion as AE under 12.5 % AMIE/BE quota meant for them as they are Engineering Subordinate in terms of regulation/ notification no. 98/REG18/L dated 12.04.1991. Their cases are to be decided afresh by the administrative department of concerned Utility independently of the directions contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, because facts & circumstance of their case & Rajender Singh Redhu case are different. Therefore, their matter is not within the purview of the Committee.	

23. The seven no. representations received and considered as per orders of the Principal Secretary, Power, Haryana Memo No Ch-16/HPG/ GE/ GEN/ 218/ PH /C dated 01.09.2014 alongwith their actual quota position/detail is tabulated below:-

Sr No	Representation
1	**Representation of Prabhu Dayal Khattar / XEN O/o CE/PTPS 11, HPGCL [Flag-68]** Subject: Re-assignment of seniority as AE. Reference: 1. Judgment of Hon'ble Punjab & Haryana High Court dated 17.12.2004 passed in LPA No.657 of 1997 and 641 of 1997. 2. Judgment dated 09.01.2014 of CWP No.16330 of 2005. Respected Sir, In compliance of the judgment of Hon'ble High Court of Punjab & Haryana dated 17.12.2004 passed in LPA No. 657 of 1997 and 641 of 1998, HPGCL vide O/oNo. 330/HPG/GE-623 dated 15.09.2005 (photocopy enclosed as Annexure A) had given deemed date promotion to 16 No. JEs having qualification AMIE/BE. Deemed date promotion to 16 No. JEs (having AMIE) was given from 18.12.1991 and 19.02.1992. The base for giving deemed date seniority was that Sh. Naresh Kumar Makkar (Date of Joining is 14.12.1988 and date of passing AMIE is 06.10.1991) & Sh. Kali Ram Gupta (Date of Joining is 24.01.1972 and

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date of passing B.E. is 07.12.1991) etc. were junior to them.

In the meantime, some petitions vide CWP No. 16330 of 2005, 9175 of 2006, 11909 of 2006, 12099 of 2006, 16883 of 2006, 16898 of 2006, 17721 of 2006. 5300 of 2007, 8431 of 2007, 13409 of 2007 and 1593 of 2008 were filed in Hon'ble High Court of Punjab and Haryana, at Chandigarh.

Hon'ble High Court has passed its judgment on 09.01.2014 regarding above mentioned civil writ petitions. The conclusion of the said decision is reproduced as under:-

> "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 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 the Court."

In this regard, some important facts are brought to your kind notice as under:-

1. That I was appointed as Junior Engineer by the erstwhile HSEB against Advertisement No. CRA 95 dated 20.12.86 for the post of JE/Field and my placement was made in Faridabad Thermal Power Station by the Board at its discretion vide C.E./Thermal, Faridabad office Memo No.Ch-6/TC/Misc-1097-A/Vol-II dt 27.11.87.
2. That looking to my rank in the seniority list of AMIE/BE. Engineering subordinates I was promoted to the post of Assistant Engineer/Adhoc in regular scale vide Secretary HSEB Office order No.65/EG-5/GEN/AMIE dt. 4.02.91 read with Office order No. 231/EG-5/GEN/AMIE dt. 26.04.91. along with my other batch mates. Further I was shown to have been regularized as AE with w.e.f. 31.01.94 vide Office Order No.217/EG-5/AMIE dt. 04.06.97 as per detail given below. Copy of above Office Orders attached Annexure B, C and D.

Sr. No. In office Order No. 65 & 231	Name	D.O.J. As J.E	D.O. Passing AMIE	D.O. Promotion As AE Adhoc	D.O. Regularization As AE O/o No.217	Present Posting	Deemed Date Promotion as a AE O/o No.380/UH
3	Prabhu Dayal	11.12.87	16.11.87	4.02.91	31.01.94	HPGCL	-
4	Rajiv Anand	30.12.87	20.04.88	4.02.91	31.01.94	UHBVN	18.12.91
5	Jagdish Chander Sharma	7.12.87	20.04.89	4.02.91	31.01.94	UHBVN	18.12.91
7	Surinder Kumar Makkar	12.1.88	3/90	4.02.91	31.01.94	UHBVN	18.12.91

3. That number of JE's posted in the field who were junior to me in each respect were made AE (Regular) much earlier than me. I made several representation to the board for considering me AE (Regular) w.e.f. 4.02.91 itself. but to no avail. I had to file CWP No. 7662/1998 in the Honourable Punjab & Haryana High Court Chandigarh. The Court directed the board to decide our representation in the CWP No. 7662 of 1998. The Chief Engineer/Admn./HVPN Panchkula vide Office Order No.54/EG-5/AMIE/BE dated 29.01.99 rejected the representation stating that there were two separate cadres of Generation and General and their promotion channels were different.
4. In the LPA No. 657 of 1997 & 641 of 1998, the Hon'ble High Court vide its

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order has struck down the separate cadres of JE and AE's. In compliance to orders of Hon'ble High Court the 16 numbers JE's of 1989 batch working in HPGCL were given deemed date promotion over Sh. Kashmir Singh Sh. Rajiv Mishra. AE w.e.f. 18.12.91 and 19.02.92 vide C.E./Admn., HGPCL Panchkula Office Order No. 330/HPG/GE-623 dt. 15.09.05. A copy of above Office Order is enclosed as annexure 'A' for ready reference please.

5. It is brought to your kind notice that other Corporations have also regularized the promotion of AE adhoc from the deemed date e.g. UHBVN vide its office order no. 380/UH/HR-II/EBG-2636/L dt. 21.06.06 has regularized the period of AE adhoc of 3 Nos. AE's namely Sh. Rajiv Anand, Sh. Jagdish Chander Sharma & Sh. Surinder Kumar Makkar. All these AE's are also junior to me as shown in para. 2 (table Sr. No. 4, 5 & 7). These deemed date promotion have been given to them on the basis of decision of Hon'ble High Court being similar case as explained in para. 4 and have been put above the name of Sh. Kashmir Singh i.e. w.e.f. 18.12.91, keeping in view their date of passing of AMIE. A copy of above Office Order is enclosed as Annexure 'E' for ready reference please.
6. I have been representing since long on the similar lines for assigning me seniority over those who were junior to me and were regularized as AE before date of my regularization, but no decision has been taken in this regard so far.
7. Sir I had been working as AE, designated as AE and had drawn the scale of AE since 04.02.91 but seniority was assigned to me w.e.f. 31.01.94 only. In view of deemed date promotion of 16 numbers JE's of 1989 batch and deemed date promotion of 3 Nos. AE's of 1987 batch JE's (i.e. my batch of generation wing). i.e all junior to me have made me further junior to my juniors. It is further mentioned that the 16 nos. JE's promoted vide Office Order No. 330/HPG/GE-623 dt. 15.09.05. were not even eligible for promotion to the post of AE (as they had not completed two yrs required service) as on 1.01.91 when ranking list was prepared.

On the basis of judgment of Hon'ble High Court dated 17.12.2004. UHBVNL vide O/o 542/UH/HR-11/RBG-2636 dated 12.09.2006 had also given deemed date promotion w.e.f. 11.10.1993 to Sh. Anil Kumar Gupta (HPGCL cadre now in UHBVNL). The date of joining of Sh. Anil Kumar Gupta is 07.01.1988 & date of passing AMIE is 06.10.1991 who is also junior to me.

Similarly, HVPNL vide O/o No. 213/EBG-2940 dated 15.09.2008 had also considered the matter and deemed date promotion w.e.f. 11.10.1993 was given to Sh. Rakesh Singla (HPGCL cadre now in HVPNL). The date of joining of Sh. Rakesh Singla is 13.08.1988 & date of passing AMIE is 06.10.1991 who is junior to me.

It is further brought to your kind notice that Sh. Sangam Patel has also given deemed date seniority w.e.f. 01.01.1993 vide HPGCL 0/0 No. 790/HPG/GE-623 dated 21.12.2012. The date of joining of Sh. Sangam Patel is 20.12.1990 and date of passing B.E. is 27.07.1989. As per the promotion policy notified in 1991, Sh. Sangam Patel becomes eligible to the promotion of AE on 20.12.1992. Sh. Sangam Patel is also quite junior to me.

It is submitted that in compliance of decision of Hon'ble High Court dated 09.01.2014, seniority Hsi HSEB as a whole is to be prepared/got prepared for re-assignment of seniority of the officers (having qualification AMIE/B.E.) and who were eligible for the promotion of AE in 1991 & onwards as decided by Hon'ble High Court that "Let fresh exercise be done to settle right of the parties. When making that exercise, judgments, passed in favour of respondents and similarly situated other persons be kept in mind."

In view of the facts explained as above, it is requested to consider my name for re-assignment of seniority and deemed date promotion w.e.f. 04.02.91 or earlier which was given to my junior persons explained in foregoing paras as I am senior to already promoted persons Further, Dy. Secy./Estt.(G)-cum-Member Secretary, HPGCL. Panchkula vide Me: o No. Ch-66/HPG/GE-218/L dated 16.07.2014 has issued "Personal Hearing Notice" to all concerned Petitioners & Respondents of all CWPs mentioned in Para 2, it is also my humble request to provide an opportunity to me to appear before the committee for presenting my case of right for Seniority and deemed date promotion, please.

R.K. Chandan Member Secretary	Rajesh Khandelwal Member-cum-GM/Admn, UHBVN	V.K.Jain Member-cum-GM/UHBVNL	Sukarm Singh Member-cum-SE/Admn.-I, HVPNL	R.R. Goel Member-cum-CE/Admn, DHBVNL	R.K.Bansal Member-CE/Admn., HPGCL	Pooham Bhasin Chairperson-cum-LR/HPUs.