

- Subject:**
- I. Minutes of 5<sup>th</sup> meeting dated 2.8.2016 of the Committee constituted vide O/O No. 654/HPG/GE-623 dated 30.6.16-report thereof
  - II. Tentative seniority list of JEs of 1989 batch onward upto 14.8.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases) in compliance of Hon'ble High Court orders- Final Seniority thereof.

As per directions of the Committee vide order dated 30.6.16, a Sub Committee comprising of officers/officials from all Power Utilities was constituted to do the spade work for framing of combined tentative seniority list of JEs of 1989 batch and onwards upto 14.8.98. A report of the spadework done by the Sub Committee has already been submitted to the Main Committee on dated 5.7.16 & 10.07.2016.

Further, as per minutes of the Main Committee in its meeting held on 2.8.16 it was observed that Sub-Committee had not worked out the impact of the O/o 220/HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016 in the entirety and it was directed as follows:-

1. To work out the impact of implementation of Office Order dated 12.4.16 i.e. how the effected officers would be placed upto 1998 and thereafter upto date by individual Company to whom they stood allocated as per applicable rules in vogue at the time of reconsideration.
2. As the joint exercise with respect to implementation is required to be carried out on 14.8.1998 therefore the sub committees were jointly directed to complete this work by 3.8.16. Thereafter the exercise by the individual company with respect to officers/officials allocated be completed in respect to all the litigants.

After scrutiny of office order No. 220/HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016, it has been revealed that a total 93 Nos. AEs were shown working excess as on 14.8.98 who were promoted by the Erstwhile HSEB before unbundling of HSEB. The detail of 93 nos. excess AEs shown working as on 14.8.98 allocated to all powers utilities at the time of unbundling is as under:-

Name of Nigam	No. of excess AEs.	Diploma Honder	Degree Holder
HPGCL	33	25	8
HVPNL	13	4	9
UHBVN	27	8	19
DHBVN	20	11	9

In order to consider the implication of office order No. 220/ HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016, 93 no. AEs who were working as excess as on 14.8.1998 were allocated to different utilities as mentioned above as per their status at the time of unbundling. However, as a consequence of exercise carried out in pursuant to above mentioned order they are now required to be treated as JE/JE-I as the case may be at the time of allocation.

In this context, it is stated that Committees have been constituted by the all utilities for fixing/revising the seniority of AEs after 14.8.98 on wards. The members of the committee constituted by the utilities have worked out the impact of the office order No.

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220/HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016  
upto date utilities wise to whom they stood allocated which is as under:-

Sr.No.	Name of Nigam	Implication of Office order No. 220/HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016
1.	HPGCL	<ol style="list-style-type: none"> <li>List of AEs shown excess as per office order No. 220/HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016(<b>Annexure-I</b>)</li> <li>Impact of promotion in respect of JEs appointed during 1989 (<b>Annexure-II</b>)</li> <li>The impact/position of respondents and petitioners (<b>Annexure-III</b>)</li> </ol>
2.	HVPNL	<ol style="list-style-type: none"> <li>List of AEs shown excess as office order No. 220/HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016(<b>Annexure-IV</b>)</li> <li>Impact of promotion in respect of JEs appointed during 1989 (<b>Annexure-V</b>)</li> <li>The impact/position of respondents and petitioners (<b>Annexure-VI</b>)</li> </ol>
3.	UHBVN	<ol style="list-style-type: none"> <li>List of AEs shown excess as per office order No. 220/HPG/GE-623 dated 24.3.2015 read with O/o No. 321/HPG/GE-623 dated 12.4.2016 (<b>Annexure-VII</b>)</li> <li>Impact of promotion in respect of JEs appointed during 1989 (<b>Annexure-VIII</b>)</li> <li>The impact/position of respondents and petitioners (<b>Annexure-IX</b>)</li> </ol>
4.	DHBVN	<ol style="list-style-type: none"> <li>List of AEs shown excess as per O/O No. 220 dt. 12.4.16 (<b>Annexure-X</b>)</li> <li>Impact of promotion in respect of JEs appointed during 1989 (<b>Annexure-XI</b>)</li> <li>There is no petitioner/respondent. <i>Amal Kumar</i></li> </ol>

**II. Tentative seniority list of JEs of 1989 batch onward upto 14.8.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases) in compliance of Hon'ble High Court.**

Tentative seniority list of JEs of 1989 batch onwards up to 14.08.1998 till the unbundling of erstwhile HSEB was uploaded on official website of the four companies i.e. HPGCL, DHBVNL, UHBVN, HVPNL, starting with Sh. Gulshan Kumar (Spl. Seniority No.1) and ending with Sh. Bakshi Ram (BC) (Spl. Seniority No.702) was circulated vide Memo No.Ch.46/HPG/Genl.-199/loose dated 22.07.2016, wherein it was mentioned that in case any officer/official/retiree has any legitimate grievances that his seniority position has not been assigned correctly then he/she may file a representation to the respective utility, within 30 days from the date of issue of this Tentative Seniority list, clearly mentioning the reasons, alongwith documentary evidences(s) indicating the deviations from the principles, otherwise representation would be liable to be rejected. In case no representation is made by the concerned officer/official/retiree, within the stipulated period of 30 days, it will be presumed that he/she has accepted the seniority position assigned to him/her as correct. Any representation received thereafter shall not be considered.

Further, the period for inviting legitimate grievances on the tentative seniority

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list of JE's circulated vide letter dated 22.07.2016 was curtailed from 30 days (from the date of issue i.e. upto 21.08.2016) to 08.08.2016 vide Memo No.Ch.50/HPG/Genl.-199/loose dated 02.08.2016 as per approval of Competent Authority, also uploaded on official website.

Accordingly, 64 nos. representations (**Annexure-XII**) which were received from the officers/officials working in the Haryana Power Utilities upto 8.8.2016 have been taken into consideration. After due consideration and available record the position of the representations alongwith the observation of the committee mentioned against each representation are enumerated & representation having similar facts have been clubbed and dealt together as under:-

Sr. No	Name of the officer & date of representation	Grievances	Observation of the Sub Committee
1	Sh. R.K. Mutreja AEE O/o CGM/Commercial, Panchkula (1.8.2016)	Regarding including his name in the sty list of JE who were selected in the Year 1993	The official was selected as JE during the year, 1993. As per the merit list his name is required to be inserted above Sh. Jai Singh Beniwal (Spl Sty. No. 369). The request of the official is feasible for acceptance to the extent to include his name in the common tentative seniority list of JE. Hence, the name of the official has been inserted at <b>Spl. Sty. No. 368/A.</b>
2	Sh. Anil Kumar AEE, S/U S/Div, UHBVN, Bahadurgarh (received on 08.08.2016)	Regarding including his name in the sty list of JE who were selected in the Year 1993	The official was selected as JE during the year, 1993. As per the merit list his name is required to be inserted above Sh. Mohmad Hussain (Spl Sty. No. 332). The request of the official is feasible for acceptance to the extent to include his name in the common tentative seniority list of JE. Hence, the name of the official has been inserted at <b>Spl. Sty. No. 331/A.</b>
3	Sh. Suresh Hooda, SDO O/o XEN/Enforcement UHBVN, Rohtak (6.8.2016)	Regarding including his name in the sty list of JE who were selected in the Year 1993.	The official was selected as JE during the year, 1993. As per the merit list his name is required to be inserted above Sh. Ranbir Singh (Spl Sty. No. 347). The request of the official is feasible for acceptance to the extent including his name in the common tentative seniority list of JE. Hence, the name of the official has been inserted at <b>Spl. Sty. No. 346/A.</b>
4	Sh. V.S. Mor, AEE No-II, UHBVN, Kurukshetra. (8.8.2016)	They have stated that the Secretary HSEB clarified vide his memo No. Ch-96 dated 27.3.91 duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU	Sh. V.S. Mor, Sh. Mehtab Singh, Sh. Baljit Malik, Sh. Sukhbir Malik & Sh. Pankaj Dhawan were selected as JE in the year 1989 against CRA No. 104 and Sh. Sanjeev Kumar and Sh.

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5	Sh. Mehtab Singh, AEE (OP) Sub-Division No.1, UHBVN, Kurukshetra. (7.8.2016)	headed by LR, HPU at page 135/136 vide which it has been decided that the period spent by the trainee(s) of all categories on the training shall be treated as duty for all intents and purposes i.e. Grant of increment in accordance with the provision as contained in the policy, leave and seniority i.e. from the date of joining in the cadre. They have prayed that their name appears at the Special Seniority Serial No. 109, 158, 128, 129 & 121 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special seniority No. 15 & before-50, respectively. They have also prayed that the seniority list has been prepared on the basis of marks obtained in the interview whereas as per ibid clarification 27.03.1991 further upheld by the Hon'ble Supreme Court in its judgement dated 07.01.2013, the seniority should be prepared from the date of joining in the cadre.	Ram Niwas were selected as JE in the Year 1993 against CRA No-131. Their seniority alongwith other selected candidates have been prepared after taking into considerations marks awarded to them as depicted in the selection/merit list in compliance of judgement dated 17.12.14 passed in in LPA No.657 of 1997 & LPA No.641 of 1997. The policy notified by the Chief Secretary of Government of Haryana vide notification dated 03.07.1998 regarding seniorities, the principles laid down 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, <b>the order of merit determined by the commission shall not be disturbed in fixing the seniority:</b>  In view of the above statutory rules, the committee is of the view that the request of the officers is not feasible for acceptance being direct recruits seniority framed on the basis of merit cannot be disturbed.
6	Sh. Baljit Singh Malik, XEN/OP S/U Divn. No-II, UHBVN, Rohtak (8.8.2016)		
7	Sh. Sukhbir Malik, XEN/OP City Divn., UHBVN, Panipat (8.8.2016)		
8	Sh. PankajDhawan, XEN City Division, UHBVN, Panipat (8.8.2016)		
9	Sh. Sanjeev Kumar, AEE M&P, UHBVN, Karnal (8.8.2016)		
10	Sh. Ram Niwas, AEE/OP S/Divn., UHBVN, Kundli. (8.8.2016)		
11	Sh. SurajParkash, AEE (OP) S/Divn No-1, UHBVN, Rohtak (8.8.2016)	However, Sh. SurajParkash has stated that to put his name in new seniority list on correct place i.e. above the names of his juniors i.e. S/Sh. Ram Pal, Balwan Singh, Sanjeev Kumar, PawanKataria and S.K. Ahuja as per old seniority list.	
12	S.G. Vats, XEN (Provisional) (OP) Division, UHBVN, Bahdurgarh. (6.8.2016)	He has stated that his name does not find mention anywhere in the tentative seniority list dated 22.7.16 and requested that his name may be inserted in the seniority list of JE as he initially joined as ASSA in the Erstwhile HSEB on dated 19.4.85 and further appointed as JE (Field/General) on 9.12.90.	It is stated that Sh. S.G. Vats and other-7 officials who were working as ASSA/LM etc.etc. in the Erstwhile HSEB and acquired Diploma/Degree were considered by the Erstwhile HSEB during the year 1990 and elevated to the post of JE against the vacant post of direct recruitment quota. Subsequently, one Sh. Siri Pal,
13	Ram Niwas Jain (Sty.No.269 as		



	JE) <b>(4.8.2016)</b>		
14	Anil Kumar Rohilla, AE (Sty.No.270 of JE) <b>(4.8.2016)</b>		Lineman having qualification of AMIE also represented to promote him on the analogy of above persons which was not found feasible of acceptance on the grounds that the benefit of out of turn promotion was withdrawn by the Board. He filed a writ in the Hon'ble High Court and thereafter SLP in the Hon'ble Supreme Court. In this petition stand was taken by the erstwhile HSEB that no out of turn promotion on the basis of instructions of 1980 have been made and if made would be recalled. Sh. S.G.Vats and other official were reverted to the original post as per the affidavit filed by the HSEB in the SLP filed by Sh. Siri Pal. All the officials got stay against their reversion and presently case regarding fixation of seniority is pending in the Supreme Court. Sh. S.G. Vats & Sangam Patel were promoted as AE (Provisional), AEE (Provisional) and Xen (Provisional) in compliance of interim orders of Hon'ble Supreme Court. Hence, <i>the committee is of the view that the name of Sh. S.G. Vats &amp; Sangam Patel has been inserted as JE (Provisional) in the seniority list circulated on dated 22.7.16 as the court case regarding fixation of seniority is subjudice in Hon'ble Supreme Court whereas other namely Ram Niwas Jain, Anil Kumar Rohilla, Ravinder Singh, Chanda Singh, Sandeep Kumar Bansal &amp; Ranbir Singh have not represented for any individual benefits therefore no action is required to be taken and representation qua them does not need consideration.</i>
15	Ravinder Singh, AE <b>(6.8.2016)</b>		
16	Chanda Singh, AEE, PTPS, Panipat <b>(5.8.2016)</b>		
17	Sandeep Kumar Bansal, AE, DCRTTP, Yamunanagar <b>(04.08.2016)</b>		
18	Ranbir Singh, AE, DCRTTP, Yamunanagar <b>(5.8.2016)</b>		
19	Sangam Patel, Xen/retired, PTPS, Panipat <b>(6.8.2016)</b>		
20	Sh. Rajiv Mishra, Xen, HPPC, Panchkula, <b>(6.8.2016)</b>	They have stated that the Secretary HSEB clarified vide his memo No. Ch-96 dated 27.3.91 duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU headed by LR, HPU at page 135/136 vide which it has been decided that the period spent by the trainee(s) of all categories on the training shall be treated as duty for all intents and purposes i.e. Grant of increment in accordance with the provision as contained in the policy, leave and	All the representatives are selected as JE in the year 1989 against CRA No. 104 and their seniority alongwith other selected candidates has been prepared after taking into considerations marks awarded to them as depicted in the selection/merit list in compliance of judgement dated 17.12.2004 passed in case of Rajinder Singh Redhu. All these applicants were parties to the aforesaid litigation and did not challenge the judgement passed
21	Sh. B.S. Kamboj, Xen., <b>(6.8.2016)</b>		
22	Sh. P.C.Saini, Xen. (OP) Division, UHBVN,		



<p>Kaithal. (8.8.2016)</p>	<p>seniority i.e. from the date of joining in the cadre. They have aggrieved with the seniority list and submit the following grievances:-</p> <p>1. The joint seniority list (generation + field) cadre has been prepared after 26 years which cannot be accepted at this state as at the time of appointment as JE trainee the cadres were different and requested that separate seniority be maintained as it was followed before 1989.</p> <p>2. The seniority list has been prepared in haste as two employees who are known to him had been selected in the year 1993 as JE namely Sh. R.K. Mutreja is presently working as AEE, their name do not find.</p> <p>3. As the seniority list of JEs is still not finalized then how the office order No. 321 dt. 12.4.16 is issued.</p>	<p>in in LPA No.657 of 1997 &amp; LPA No.641 of 1997. Thus, it has achieved finality qua parties and they cannot raised the issues of separate seniority of JE/Generation &amp; JE/Field. Moreover, principles laid down in the policy notified by the Chief Secretary of Government of Haryana vide notification dated 03.07.1998. However, Instructions cannot supplement rules/policies. Hence, the committee is of the view that the request of the officers is not feasible of acceptance.</p> <p>The names of Sh. R.K. Mutreja and Sh. Suresh Hooda now have been placed in the seniority list of JE at Sty. No. 368/A &amp; 346/A respectively.</p> <p>Although, interse seniority list of 1989 batch stood prepared, but for intra batch placement, it was necessary to work out the impact of placement of promotees as AE in term of available quota posts as any excess promote could be reverted as JE/JE-I etc. as the case may be, which in turn had bearing on common seniority list of JEs to be framed for implementation of judgment dated 29.07.1997 passed in CWP No.6557 of 1993 and judgment dated 17.12.2004 passed in LPA No.657 of 1997 &amp; LPA No.641 of 1997. As it evident now, the person who have found surplus are to be reverted as JE/JE-I etc. ant consequently their placement as JE would relate back to the year when they were promoted from Engineering subordinates to AE, which is prior to 1989 batch. Thus, they would have prior right of consideration for promotion as AE onwards than 1989 batch as per availability of the quota post.</p>
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		4. Aggrieved by the Office order passed on the Judgement dt. 9.1.2014 of CWP No. 16330 of 2005 case has been filed by Sh. P.C. Saini, Xen vide CWP No. 14108 of 2016 challenging the said Office Order/Judgement and the Hon'ble High Court stayed the same on 25.7.16. As per the stay granted in the above said case utility cannot change the seniority of AEs and as well as JEs.	<i>Hon'ble High Court vide its order dated 25.7.2016 in CWP No. 14108 of 2016 titled Sh. P.C. Saini and others has stayed the reversion instead of seniority.</i>
23	Sh. Anil Kumar Gupta, XEN (8.8.2016)	He has stated that he was appointed as JE (T) against CRA-95 in the year 1988 and posted in thermal power project. The options were obtained in the year 1988 from all the JEs working as on 1987 but no option was obtained from him. He has acquired AMIE on 06.10.91 and his services were regularized as AE w.e.f 11.10.93. He has further stated that seniority circulated as JE of common cadre on 1989 to 98 considering the common cadre upto 14.8.98, but seniority from 01.5.67 to 1988 has not been circulated. He has requested to consider his representation for assignment of seniority before the batch of JEs appointed in 1989 in the common seniority of JEs.	The applicants neither represented prior to 1.12.2014 nor filed any petition thus they are estopped by their own conduct to challenge their posting as JE/Field or JE/Generation due to efflux of time.
24	Prem Kumar, Xen/Fuel O/o CE/Fuel, HPGCL, Panchkula (4.8.2016)		
25	I.D. Aggrawal, AE O/o Controller of Accounts, HPGCL, Panchkula (3.8.2016)		
26	Ved Pal, AE O/o Xen/BMD-I, RGTPP, Hisar (4.8.2016)		
27	PhoolKanwar Dahiya, AE O/o Xen/EMD-VI, Unit-8, PTPS-2, Panipat (3.8.2016)		
28	Raj Kumar Pruthi, AE O/o COA, Panchkula (3.8.2016)		
29	Des Raj, AE O/o Xen/Stores, PTPS Panipat (3.8.2016)		
30	Harmesh Kant, AEE o/o Xen H/M, PTPS-2, Panipat (3.8.2016)		
31	Paramjit Singh, AE o/o CE/DCRTPP, Yamuna Nagar (3.8.2016)		
32	Sundar Lal, AE O/o CE/DCRTPP,		



	Yamuna Nagar (3.8.2016)		
33	Ved Pal, AE O/o CE/RGTPP, Hisar (3.8.2016)		
34	Jagdish Chand er, AE O/o SCE/OP Group-D-5, Panipat (3.8.2016)		
35	Jitender Singh, AE O/o SCE/Group-B- 1 PTPS Panipat (3.8.2016)		
36	Balwinder Singh, AE O/o SCE/OP Group-C Unit- 8, PTPS-2, Panipat (3.8.2016)		
37	Jai Kumar Narang, AE O/o SCE/Group-B- 1 DCRTTP Yamuna Nagar (4.8.2016)		
38	Kapil Sharma, AE O/o CE/PTPS-II, Panipat (5.8.2016)		
39	Vijender Sangwan (CWP- 11909/2006 (4.8.2016)	They have stated that as per rule 5(5) of Rules 1999, "the common cadre personnel could make representations, as provided in clause 9 of the Transfer scheme, in relation to finalization of absorption of the Common Cadre Personnel. But at that time they were not considered a part of the common cadre and no such opportunity was afforded to the Junior Engineers posted in Generation Wing to exercise their option to choose the power utility of their choice. They have further stated that HPGCL is self admitting at page No.07 of the speaking order passed by it vide order dated 12.4.2016 that the erstwhile HSEB floated an advertisement for recruitment of Engineering Subordinates for the post of JE/Trainee in the General Cadre (Field Cadre) against CRA 104/1988. Thus allocating us to the Generation cadre HPGCL)	<i>As per para-8, all personnel shall be transferred on "as is where is basis" unless specified otherwise, to the Discom concerned or shall be retained by HVPNL, as provided in the Transfer Scheme without any further act or thing to be done by the State Government, HVPN, the Discom concerned or personnel, as the case may be. The expression transferred on as is where is basis and/or place where they are posted on the effective date and accordingly, will become employees of the concerned transferee and shall discharge the same duties that they were discharging at the same place till further instructions from such transferee in terms of the transfer scheme. As per para-9 of the transfer Scheme notified vide notification dated 14.8.98 opportunity to all was given in terms of clause 9</i>
40	Ashutosh Mahajan (CWP- 11909/2006 (4.8.2016)		
41	O.P. Kharab, Raj Kumar Sehgal, Ranjeet Singh Lathwal&Chan derShekar, Petitioner of CWP No.10195/199 3 & 798/2007 (04.08.2016)		
42	Ram Mehar, JE-I O/o CE/PTPS-II, Panipat (5.8.2016)		

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43	Avinash Kumar, JE-I O/o CE/PTPS-II, Panipat <b>(5.8.2016)</b>	without giving any option was not the violation of the right of equality as well as rule 5(5) of rules 1999? Now setting the cut off date as on 14.8.98 is not again the repetition of same atrocity on us.	<p>of 2<sup>nd</sup> Transfer Scheme to get allocation changed, the same is reproduced as under:-  <i>"Not later than 15 days from the Effective date, a committee comprising of the Managing Director of HVPN, HPGC, Discom-I Discom-II and a representative of the State Government being an officer of a rank not junior than a Joint Secretary, shall be constituted (herein referred to as "the Committee") to receive and consider representations from the Common Cadre Personnel and the Deputies in relation to (i) finalization of absorption of the Common Cadre Personnel under the First Transfer Scheme and the Second Transfer Scheme; and (ii) the allocation and transfer of the Deputies. The Common Cadre Personnel shall be entitled to make representations to the committee within 90 days of the Effective Date and the Deputies shall be entitled to make representations to the committee within 90 days of the notification of the decision of the Committee under clause 8(3)(c). The Committee shall consider the representations and within a reasonable period, take a decision thereon and communicate the same to the persons making the representation. The committee shall record reasons for its decision.</i></p> <p>As per para -4, 5 &amp; 6 of 1st Transfer Scheme notified vide notification dated 14.8.1998, -  <i>"The personnel classified in scheduled C shall stand transfer to GENCO on as is where is basis, namely that they will serve in the place where they are posted on the effected date and will become employee of GENCO.</i>  <i>The personnel classified in scheduled D shall stand transfer to Transco on as is where is basis, namely that they will serve in the place where they are posted on the effective date and will become an employee of Transco.</i>  <i>The personnel classified in scheduled E &amp; F shall be</i></p>
44	SantLal, JE-I, Petitioner of CWP no. 10195 of 1993 <b>(5.8.2016)</b>	They have requested to implement the decision of court in the right sprit without setting 14.8.98 as a cut off date for common seniority and framing it till date (date of decision 9.1.2014).	
45	Ravinder Kumar Malik, AE, Petitioner of CWP no. 10195 of 1993 <b>(5.8.2016)</b>		
46	Varinder Pal, JE-I, Petitioner of CWP no. 10195 of 1993 <b>(8.08.2016)</b>		
47	S.S. Khatkar, JE-I, Petitioner of CWP no. 10195 of 1993 <b>(8.08.2016)</b>		
48	Dharambir Singh&Vivek Jyoti, JE-I Petitioner of CWP no. 10195 of 1993 <b>(4.08.2016)</b>		
49	Brij Mohan, BC,PTPS, Panipat <b>(5.8.2016)</b>		
50	H.K. Malhotra, JE-I, Panchkula <b>(4.8.2016)</b>		



			<p>assigned to the service of GENCO or Transco, on as is where is basis, namely that they will serve in the place where they are posted on the effective date.</p> <p>As per the record available they did not availed the option for change of allocation.</p>
51	Anish Kumar Gupta. AEE O/o FTPS Faridabad (4.8.2016)	<p>He has stated that the promotions from amongst Boiler Controllers were carried out vide ER No.249/EG-5 dated 11.5.88 and No.289/EG-5/GEN/DH dated 10.6.1988 by maintaining common seniority with JE-I but HSEB vide memo no.8/EOM/G-281 dated 19.7.1990 circulated separate seniority list of JE-I and Boiler Controller and in the absence of any regulation/policy, the Boiler Controllers were not considered for promotion to the post of Assistant Engineer till the notification dated 5.3.1992, however, as many as 30 No. JE-I were promoted to the post of Assistant Engineer during this period ignoring the claim of those Boiler Controllers, who were otherwise senior in common seniority list of JE-I and boiler controllers. The decision of the HPGCL to allow notification dated 5.3.1992 from 14.8.98 instead of 5.3.1992 has deprived the category of Boiler Controller from promotion since 197.90 to 14.8.98 which will benefit the other category under 22.5% quota. In view of the above to reconsider the implementation of notification vide order dated 5.3.1992 read with O/o dated 7.12.92 and implement the order from 5.3.1992.</p>	<p>The grievance of the applicant does not come under the purview of sub-committee as he is representing against the office order No.220/HPG/GE-623 dated 24.3.2015 read with office order No.321/HPG/GE-623 dated 12.4.2016.</p> <p>Therefore, committee is of the view that the representation of the applicant may be sent to Admn. Wing of concerned utilities.</p>
52	Angrej Singh, Xen (legal Notice) (18.7.2016)	<p>His seniority may not be disturbed from the position taken by erstwhile HSEB vide order dated 26.4.91.</p>	<p>The grievance of the applicant does not come under the purview of sub-committee as he is representing against the office order No.220/HPG/GE-623 dated 24.3.2015 read with office order No.321/HPG/GE-623 dated 12.4.2016.</p> <p>Therefore, committee is of the view that the representation of the applicant may be sent to Admn. Wing of concerned utilities</p>
53	Randhir Singh, JE-I, O/o CE/PTPS-II, Panipat (5.8.2016)	<p>Wrongly mentioned DOJ</p>	<p>The date of joining of the official has been corrected as 26.9.89 instead of 29.1.90.</p>

54	Raj Kumar Sharma, JE-I O/o CHM-III, PTPS, Panipat (5.8.2016)	Particulars has been left blank at Sr. no. 66	The particulars of the official have been corrected at Sr.No.66 of the seniority list.
55	Surender Kumar, JE-I, PTPS, Panipat (5.8.2016)	Wrongly mentioned DOJ	The date of joining in the Board has already been corrected as 29.9.89 at Sr.No.133 of the seniority list.
56	Divesh Kumar, JE O/o CE/PTPS-II, Panipat (8.8.2016)	They have stated that they were appointed on the post of Operator-I during the year 1988-89 and promoted on the post of JE on 31.03.1999. Further, they have mentioned that there was no provision of JE under direct recruitment in Generation Cadre even today as the post of JE/Generation is a promotional post. Similarly, they have mentioned that their seniority on the post of Operator-I is subjudice before the Hon'ble Punjab and Haryana High Court in CWP No.25240 of 2015 titled as Hari Om Mudgil and others Vs State of Haryana and finally requested to give them personal hearing in the matter before finalization the seniority list of JEs as appointment of JEs in year 1989 in huge numbers in thermal projects and their promotion avenues have been totally blocked.	As per the direction of the main committee the spade work for framing of combined tentative seniority list of JEs of 1989 batch onward to 14.8.98 was done. Whereas Sh. Divesh Kumar and J.C. Sharma was appointed as Operator Grade-I during the year 1988-89. <i>As such, the request of the officials does not relate to issue under consideration, therefore these may be sent back to competent administrative authorities.</i>
57	J.C. Sharma, AE & Raj Kumar Dhingra, BC/PTPS, Panipat (8.8.2016)		
58	Navin Kumar Sharma, AE O/o Xen/Training PTPS Panipat (5.8.2016)	He has stated that he was appointed on the post of JE on 23.10.1991 and his service was regularized on the said post w.e.f. 23.10.1991 in terms of memo No.Ch.56/EOM/ET-2203 dated 28.02.2005 issued by CE/O&M/TDLTPS, Panipat and requested that his name in the seniority list of JE be placed between Rajiv Kumar (Sr.No.275) and Sh. ShoriLal (Sr.No.276) and also requested for personal hearing before taking final decision.	The date of joining of the official has been corrected as 23.10.1991 instead of 22.10.1992. Further, he has been placed at special seniority no. 275/A instead of 309.
59	Bhoop Singh, JE/Retired, PTPS, Panipat (9.8.2016)	He has requested to insert his name at Sr. No.420 i.e. above the name of Sh. JagdishChander in terms of Office order No.482 dated 30.03.2016 in the seniority list of JEs.	The official has been granted deemed date of appointment as Operator Grade-I w.e.f.9.9.89 and Junior Engineer in compliance of order dated 23.03.2010 passed by Hon'ble Pb. & Haryana High Court, Chandigarh. <i>As such, the request of the officials does not relate to issue under consideration, therefore these may be sent back to competent administrative authorities.</i>



60	N.K.Makkar, XEN/Shift SLDC, HVPN, Panipat (8.8.2016)	1. The seniority list of JEs has been prepared w.e.f 1989 batch to 14.8.1998 only whereas, it should be w.e.f the 01.05.1967 to till date.	The common seniority list of JEs Generation/ General Cadre has been prepared w.e.f 1989 to 14.8.1998 in compliance of the decision of Hon'ble High Court in Rajender Singh Redhu and others. The contention regarding preparation of common seniority list of JEs w.e.f 1.5.1967 to till date is not feasible for acceptance as there is no dispute of the same under the garb of these directives settled things cannot be unsettled.
61	Sh. Narinder Jaglan , SDO/M&P, Rohtak (8.8.2016)		
62	Sh. Manoj Kumar, Xen. (8.8.2016)	2. The seniority list has been prepared on the basis of marks obtained in the interview whereas, as per secretary HSEB, Panchkula vide his memo No. Ch-96/REG-137 dated 27.03.1991 further up-held by the Hon'ble Supreme Court in its Judgment dated 07.01.2013, the seniority should be prepared from the date of joining in the cadre.  3. That in response to the Advt. CRA-104 dated 13.08.1988 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers Electrical /Mechanical/ Electronics undersigned appeared before the Selection committee for recruitment as trainee JE Electrical in compliance of Secretary, HSEB Panchkula duly constituted selection committee completed the selection process of trainee JE Electrical, trainee JE mechanical, trainee JE Electronics during February-1989 & recommended the selection separately for all the categories of trainees based upon different upper cut off marks as such the	The policy notified by the Chief Secretary of Government of Haryana vide notification dated 03.07.1998 regarding seniorities, the principles laid down 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: In view of the statutory provision the tentative seniority list of JE has been prepared and circulated. Hence, the request of the official is not feasible for acceptance being direct recruittee. The judgment dated 07.01.2013 is distinguishable of facts and circumstances.  As the cadre of Junior Engineer is single cadre involving different trades i.e. Electrical /Mechanical/ Electronics etc. As such, single seniority list of Junior Engineer has been prepared after taking into consideration marks awarded to them as depicted in the selection/merit list in compliance of judgement dated 17.12.2004 passed in Rajinder Singh Redhu.



		<p>candidate in the 3 different trade were having different cut offs as such the person securing more marks in Electrical trade cannot be equated with the candidate from Electronic or Mechanical. The combined tentative senior list so prepared smacks of arbitrariness as the candidate from Mechanical trade who had obtained less marks in interview have been made to sit over my head.</p>	
		<p>4 That by circulating the tentative seniority list after a period of 27 years it amounts to undoing what has been done meaning thereby that earlier orders are being sought to be reviewed are not permissible under the service jurisprudence. The seniority list has been prepared in haste as two employees who are known to me and had been selected in the year 1993 as Junior Engineer namely Sh. R.K. Mutreja who was appointed on 14.05.1993 and is presently working as AEE(Commercial) at Panchkula his name do not find mention in the seniority list and the undersigned feels that many more persons who had been selected their names might be missing meaning thereby that the tentative seniority list has been prepared in haste and suffers from arbitrariness. Moreover when the selection criteria for 3 trades i.e Electrical, Electronics, Mechanical was different. Thus the tentative seniority by combining the entire cadre is unknown to law as the candidates with unequal numbers and less merit are sought to be placed over and above the persons who though have secured more marks at the time of selection.</p>	<p>The common seniority was prepared in compliance of the decision of Hon'ble High Court in LPA No.657 of 1997 &amp; LPA No.641 of 1997. The name of Sh. R.K.Mutreja and others were left inadvertently and their names have been inserted in the seniority list and they have assigned seniority in the final seniority list.</p>
		<p>5. Seniority list of JE-I and ranking list for promotion to the post of Assistant Engineer has not been prepared, circulated and no comments sought.</p>	<p>The common ranking list of engineering subordinates have already been circulated vide office order No.220/HPG/GE-610 dated 24.03.2015.</p>



		<p>6. Worthy ACS(Power) issued office order No.321 dated 12.04.2016 in compliance to the CWP No. 16330 of 2005 decided on 9.1.2014 vide which the seniority list of JEs has been finalized up to 14.8.1998.</p> <p>As the seniority list of JEs is still not finalized then how the office order No.321 dated 12.4.2016 is issued. The office order No. 321 dated 12.4.2016 becomes infractions and null and void.</p> <p>Hoping for sympathetic consideration and with the request that after 27 years no seniority can be recast and office order No. 321 dated 12.4.2016 should be held in the ambience please</p>	<p>Although, interse seniority list of 1989 batch stood prepared, but for intra batch placement, it was necessary to work out the impact of placement of promotees as AE in term of available quota posts as any excess promote could be reverted as JE/JE-I etc. as the case may be, which in turn had bearing on common seniority list of JEs to be framed for implementation of judgment dated 29.07.1997 passed in CWP No.6557 of 1993 and judgment dated 17.12.2004 passed in LPA No.657 of 1997 &amp; LPA No.641 of 1997. As it evident now, the person who have found surplus are to be reverted as JE/JE-I etc. ant consequently their placement as JE would relate back to the year when they were promoted from Engineering subordinates to AE, which is prior to 1989 batch. Thus, they would have prior right of consideration for promotion as AE onwards than 1989 batch as per availability of the quota post.</p>
63	Sh. K.K.Malik, Xen/SSW, HVPNL, Panipat (8.8.2016)	<p>1. The seniority list of JEs has been prepared w.e.f 1989 batch to 14.8.1998 only whereas, it should be w.e.f the 01.05.1967 to till date.</p>	<p>As per para-8, all personnel shall be transferred on "as is where is basis " unless specified otherwise, to the Discom concerned or shall be retained by HVPNL, as provided in the Transfer Scheme without any further act or thing to be done by the State Government, HVPNL, the Discom concerned or personnel, as the case may be .</p> <p>The expression transferred on as is where is basis and/or place where they are posted on the effective date and accordingly, will become employees of the concerned transferee and shall discharge the same duties that they were discharging at the same place till further instructions from such transferee in terms of the transfer scheme.</p> <p>As per para-9 of the transfer Scheme notified vide notification dated 14.8.98 opportunity to all was given in terms of clause 9 of 2<sup>nd</sup> Transfer Scheme to get allocation changed, the same is reproduced as under:-</p> <p>"Not later than 15 days from the Effective date, a committee comprising of the Managing</p>

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Director of HVPN, HPGC, Discom-I Discom-II and a representative of the State Government being an officer of a rank not junior than a Joint Secretary, shall be constituted (herein referred to as "the Committee") to receive and consider representations from the Common Cadre Personnel and the Deputies in relation to (i) finalization of absorption of the Common Cadre Personnel under the First Transfer Scheme and the Second Transfer Scheme; and (ii) the allocation and transfer of the Deputies. The Common Cadre Personnel shall be entitled to make representations to the committee within 90 days of the Effective Date and the Deputies shall be entitled to make representations to the committee within 90 days of the notification of the decision of the Committee under clause 8(3)(c). The Committee shall consider the representations and within a reasonable period, take a decision thereon and communicate the same to the persons making the representation. The committee shall record reasons for its decision.

As per para -4, 5 & 6 of 1st Transfer Scheme notified vide notification dated 14.8.1998, - "The personnel classified in scheduled C shall stand transfer to GENCO on as is where is basis, namely that they will serve in the place where they are posted on the effected date and will become employee of GENCO.

The personnel classified in scheduled D shall stand transfer to Transco on as is where is basis, namely that they will serve in the place where they are posted on the effective date and will become an employee of Transco.

The personnel classified in scheduled E & F shall be assigned to the service of GENCO or Transco, on as is where is basis, namely that they will serve in the place where they are posted on the effective date.

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		As per the record available they did not availed the option for change of allocation.
	<p>2. That in response to the Advt. CRA-104 dated 13.08.1988 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers Electrical /Mechanical/ Electronics undersigned appeared before the Selection committee for recruitment as trainee JE Electrical in compliance of Secretary, HSEB Panchkula duly constituted selection committee completed the selection process of trainee JE Electrical, trainee JE mechanical, trainee JE Electronics during February-1989 &amp; recommended the selection separately for all the categories of trainees based upon different upper cut off marks as such the candidate in the 3 different trade were having different cut offs as such the person securing more marks in Electrical trade cannot be equated with the candidate from Electronic or Mechanical. The combined tentative senior list so prepared smacks of arbitrariness as the candidate from Mechanical trade who had obtained less marks in interview have been made to sit over my head.</p>	<p>As the cadre of Junior Engineer is single cadre involving different trades i.e. Electrical /Mechanical/ Electronics etc. As such, single seniority list of Junior Engineer has been prepared after taking into consideration marks awarded to them as depicted in the selection/merit list in compliance of judgement dated 17.12.14 passed in in LPA No.657 of 1997 &amp; LPA No.641 of 1997.</p>
	<p>3. That by circulating the tentative seniority list after a period of 27 years it amounts to undoing what has been done meaning thereby that earlier orders are being sought to be reviewed are not permissible under the service jurisprudence. The undersigned feels that many more persons who had been selected their names might be missing meaning thereby that the tentative seniority list has been prepared in haste and suffers from arbitrariness. Moreover, when the selection criteria for trades i.e. Electrical, Electronic and Mechanical was different.</p>	<p>The common seniority was prepared in compliance of the decision of Hon'ble High Court in LPA No.657 of 1997 &amp; LPA No.641 of 1997.</p>
	<p>4. It has been observed in the seniority list that the name of undersigned has been mentioned two times at Sr. No.116 &amp; 280, which is totally wrong at Sr. No. 280. Similarly, the name of other employees has also been mentioned two times. Sh. Ram</p>	<p>The name of Sh. Krishan Kumar (DOB-15.03.1963) inadvertently inserted in the seniority list of JEs at Sty. No.280 has been deleted in the seniority list of JE. Further, Sh. Ram Pal, Balwan Singh, Sanjeev Kumar, PawanKataria and S.K.Ahuja</p>





		Pal, Balwan Singh, Sanjeev Kumar, PawanKataria& others mentioned at Sr. No.84, 85, 88, 89 were junior to me in the list earlier circulated but in the current list they have been mentioned as senior to me.	were placed at Sty. No.84, 85, 88 & 89 respectively as per the merit of direct batch selected during the year 1989. The above officers have obtained higher marks from Sh. K.K. Malik.
		5. Seniority list of JE-I and ranking list for promotion to the post of Assistant Engineer has not been prepared, circulated and no comments sought.	The common ranking list of engineering subordinates have already been circulated vide office order No.220/HPG/GE-610 dated 24.03.2015.
		6. Worthy ACS(Power) issued office order No.321 dated 12.04.2016 in compliance to the CWP No. 16330 of 2005 decided on 9.1.2014 vide which the seniority list of JEs has been finalized up to 14.8.1998. As the seniority list of JEs is still not finalized then how the office order No.321 dated 12.4.2016 is issued. The office order No. 321 dated 12.4.2016 becomes infractions and null and void. Hoping for sympathetic consideration and with the request that after 27 years no seniority can be recast and office order No. 321 dated 12.4.2016 should be held in the ambiance please	<i>Although, interse seniority list of 1989 batch stood prepared, but for intra batch placement, it was necessary to work out the impact of placement of promotees as AE in term of available quota posts as any excess promote could be reverted as JE/JE-I etc. as the case may be, which in turn had bearing on common seniority list of JEs to be framed for implementation of judgment dated 29.07.1997 passed in CWP No.6557 of 1993 and judgment dated 17.12.2004 passed in LPA No.657 of 1997 &amp; LPA No.641 of 1997. As it evident now, the person who have found surplus are to be reverted as JE/JE-I etc. ant consequently their placement as JE would relate back to the year when they were promoted from Engineering subordinates to AE, which is prior to 1989 batch. Thus, they would have prior right of consideration for promotion as AE onwards than 1989 batch as per availability of the quota post.</i>
64	Legal Notice received from Advocate Rajesh Kumar on behalf of Sh. H.C. Goyal, AE/Retd. (28.7.2016)	Wherein the retiree is claiming stepping up/at par with his immediate junior i.e. Sh. Jasbir Singh and Sh. Ish Kumar	The grievance raised by the officer does not pertain to the common seniority list of JEs. Therefore, committee is of the view that the representation of the applicant may be sent to Admn. Wing of concerned utilities

In view of the above, after considering all contentions made by the representee in their representations, the necessary corrections wherever necessary have been made in the common Tentative Seniority List of JEs of 1989 batch onwards up to 14.08.1998 till the unbundling of erstwhile HSEB (without prejudice of Court Cases) starting with Sh. Gulshan Kumar (Spl. Seniority No.1) and ending with Sh. Bakshi Ram (BC) (Spl. Seniority No.702) circulated vide Memo No.Ch.46/HPG/Genl.-199/loose dated 22.07.2016.

*[Handwritten signatures in blue ink]*

Accordingly, final Seniority List of JEs of 1989 batch onwards up to 14.08.1998 till the unbundling of erstwhile HSEB (without prejudice of Court Cases) starting with Sh. Gulshan Kumar (Spl. Seniority No.1) and ending with Sh. Bakshi Ram (BC) (Spl. Seniority No.702) has been prepared and placed at **Annexure-XIII**. However, this is subject to the approval of administrative wing of respective utilities.

In view of the above, the above position is submitted for consideration of the Main Committee please.



Dinesh  
Kumar,  
DHBVN  
Member



Suresh  
Kumar,  
HPGCL,  
Member



Harmel Singh, HVPN  
Member



Jarnail Singh,  
HVPN, Member



Vikas Tiwari,  
DHBVN,  
Member



Yogesh  
Kaushal,  
HVPNL,  
Member



Mohit  
Bhatnagar,  
UHBVN,  
Member



Satbir Singh,  
DHBVN, Member



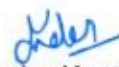
Raj  
Kumar/HPGCL  
Member



Parveen  
Kumar,HPGCL,  
Member Secy.



Dalip Kumar,  
UHBVN, Member



Inder Kumar,  
UHBVN,  
Chairman