

Chief Engineer 'OP'  
Zone-I, UHBVN, Panchkula.

Memo No. SPr.1  
Dated: 01-08-16

Subject:- Tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

This is with reference to M.D., HPGCL, Panchkula office memo No. Ch-46/HPG/Geni-119/Loose, dated 22.07.16 vide which tentative seniority list of J.E's of 1989 batch onward upto 14.08.1998 has been circulated.

In this context, it is submitted that the name of undersigned does not appear in the seniority list. The undersigned has joined as J.E. /Field in the office of the then C.E./Commercial, HSEB, Panchkula on dated 14.05.1993 in compliance to the Engineer-in-Chief 'OP' Zone-III, HSEB, Hisar office Memo No. Ch-5/30/3454/CRA-131, dated 11.05.1993 (copy enclosed).

It is further submitted that I am working as AEE/Comm., in the office of CGM/Commercial, UHBVN, Panchkula (since 1<sup>ST</sup> July, 2005 date of promotion from J.E. to AE)

In view of above, it is requested that the name of undersigned be added in the final seniority list after due consideration, so that I may submit my grievances / comments.

Thanking you,

Yours faithfully

Diary No.	6521
C.E.	<i>[Signature]</i>
A.S.	<i>[Signature]</i>
Date	- 2 AUG 2016
Subst. (W)	
C.D.M.	
P.A.	

*[Signature]*  
(R.K. Mutreja)  
AEE, Commercial  
O/o CGM/Comm.  
UHBVN, Panchkula.

REC:- SPS to Managing Director, UHBVN, Panchkula for kind information of M.D. please.

*[Handwritten notes]*  
D.S. M/11/16  
Gen  
Man

(2)

To

CE 'OP' Zone

UHBVN, Panchkula.

22/20

Sub:- Tentative Seniority list of JE's.

R/Sir

With due request I want to say that I had join the wrest while HSEB as JE in 1993 but my name is not included in the seniority list circulated by worthy M.D. HPGCL, Panchkula vide Ch-46/HPG/Gent-119/oose dt.22/7/2016. My particular is as under:-

Name - Anil Kumar

Father Name- Sh. Parhlad Singh

D.O.B.- 23/9/1967

D.O.J.- 27/4/1993

So I request you to include my name in the seniority list.

Thanking you.

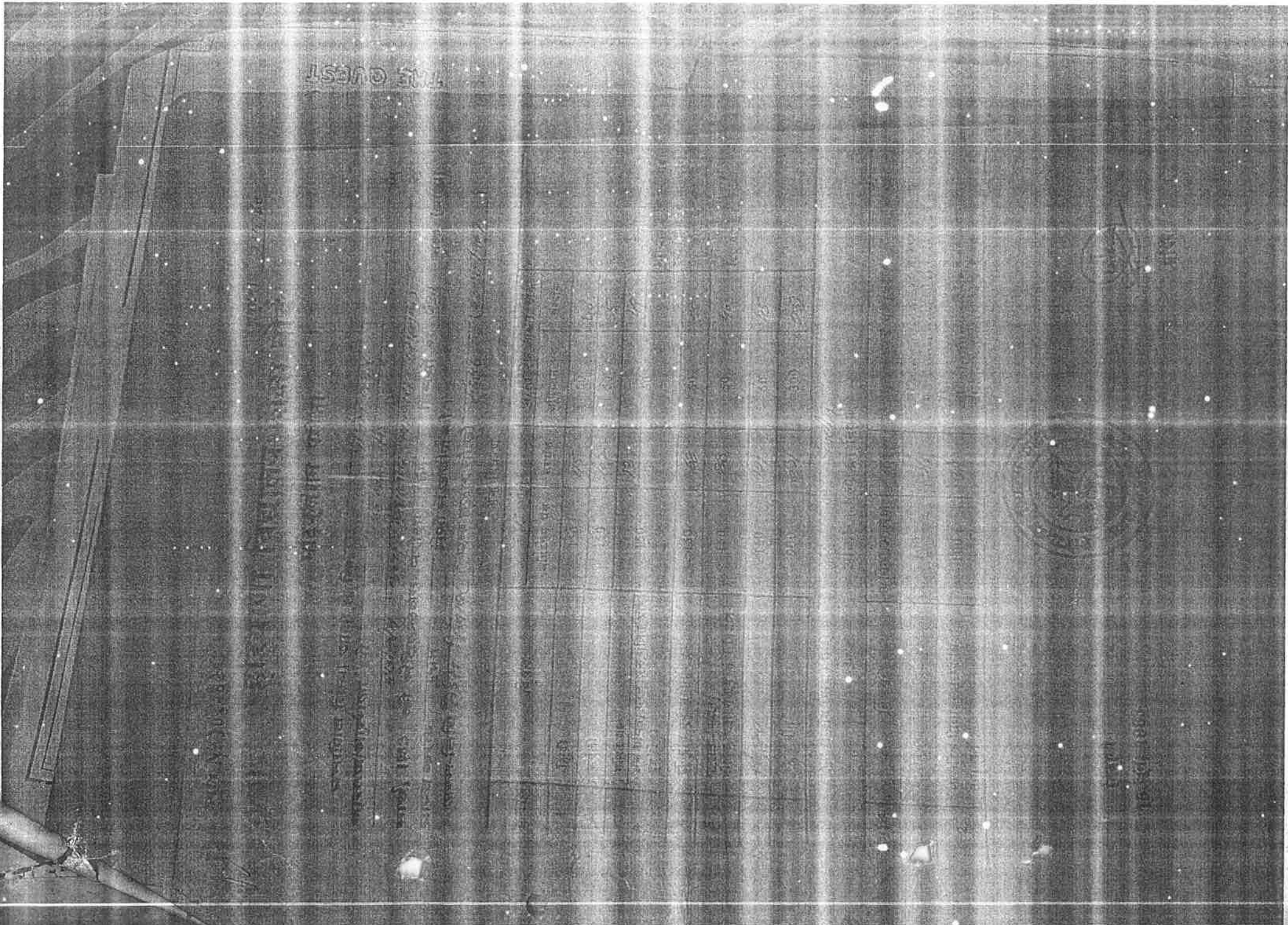
Your sincerely

  
Anil Kumar(AEE)

O/o SDO S/U S/Divn.UHBVN Bahadurgarh

22/20-A

-44-



-54-

To

CE 'OP' Zone

UHBVN, Panchkula.

Sub:- Tentative Seniority list of JE's.

R/Sir

With due request I want to say that I had join the <sup>post</sup> ~~post~~ while HSEB as JE in 1993 but my name is not included in the seniority list circulated by worthy M.D. HPGCL, Panchkula vide Ch-46/HPG/Genl-119/loose dt.22/7/2016. My particular is as under:-

Name --	Suresh Kumar
Father Name-	Sh. Maha Singh
D.O.B.-	20/9/1969
D.O.J.-	23/4/1993

So I request you to include my name in the seniority list .

Thanking you.

Dated :- 6/8/16 .

Your sincerely

  
6/8/2016

Suresh Kumar(AEE)

O/o Xen Enforcement .UHBVN Rohtak

4-945

-46-



**Fwd: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).**

Virender singh <virendersingh2410@gmail.com>  
To: acspowerhy@gmail.com

Mon, Aug 8, 2016 at 8:38 AM

Sir,

PFA.

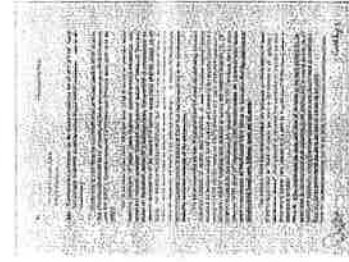
Regards,

Dr. Virender Singh ABE

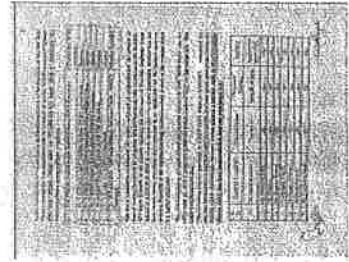
ABE OP Sub-division No. 2 CE/ Admin

UHBVN Kurukshetra

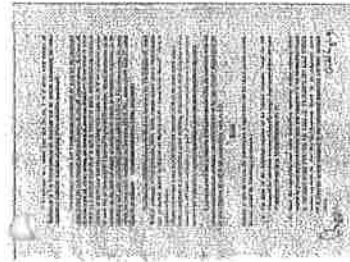
4 attachments



Objection HPGCL\_ Virender Singh (1).JPG  
884K



Objection HPGCL\_ Virender Singh (2).JPG  
856K



Objection HPGCL\_ Virender Singh (3).JPG  
861K

MD/HPGCL  
Memo No. 75109 Date 2/8/16  
Dir/Tech.  
Dir/Gen.  
Dir/Fin.

OSD/Tech.  
SE/Tech.  
PA

ACS (Power) - O.L.  
8-8-16  
20  
8/8/16

- W/MD-UPBUNC  
- W/MD-HPGCL

No. 10528 / Admn.  
Date 08/08/2016  
SE/Admn.

CE/Admn. 2/8/16

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Rectt.  
Xen.HR/TRE

SE/Admn.  
Date [Signature]

To

Via Email/By Hand

The Chief Engineer Admn.  
HPGCL Panchkula

Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by your office has curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at the relevant time.

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/IE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBYN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof" duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU headed by LR HPU at Page-30 page 135/136 Para-k which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:- The above instruction may be got noted from the concerned employee accordingly.



Contd Page 2



In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Chairperson of the committee
2.	Sh. R. K. Bansal, Chief Engineer/Admin., HPGCL, Panchkula	Member
3.	Sh. R. R. Goel, Chief General Manager/Admin. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admin., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE, Admn.-I, HVPNL Panchkula	Member
6.	Sh. V. K. Jain, SE, UHBVN Panchkula	Member Secretary
7.	Sh. R. K. Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & authenticated the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record.

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

"The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period."

Sr. No.	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar	Trainee JE	Offg. JE (Field)	Against the post of JE
2	Sh. Pawan Kataria	-do-	-do-	-do-
3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suresh Parkash	-do-	-do-	-do-
8	Sh. Virender Singh	-do-	-do-	-do-

11/10  


Handwritten signature/initials at the top right of the page.

It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (E), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (E) was from the date of joining in the cadre i.e. JE(E) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject. In this connection it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no. CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no. 329.

#### Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 109 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority No. 15
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.

*[Signature]*  
27/3/16

*[Signature]*  
C. S. D. Singh



4

Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC-409,418,120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

DA: As above.



Er. Vinender Singh ABE  
AEE 'OP' Sub-division No.2  
UHBVN Kurukshetra

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVN, Panchkula.
4. SPS to MD for kind information of MD, DHBYN, Hisar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. LR HPU Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

To

Via Email/By Hand

The Chief Engineer Admn.  
HPGCL, Panchkula

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**Para -4:- The above instruction may be got noted from the concerned employee according to**



Ca. Adl. Page 2

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

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3.	Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL-Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
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4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suraj Parkash	-do-	-do-	-do-
8	Sh. Virender Singh	-do-	-do-	-do-

26/8/16

Contd Page-3

It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

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*[Handwritten signature]*

*Contd. Page - A.*



Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409,418,120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

DA: As above.



Er. Vinender Singh AEE  
AEE 'OP' Sub-division No.2  
UHBVN Kurukshetra

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hisar.
5. SPS to MD for kind information of MD; HPGCL, Panchkula.
6. LR HPU Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

UTTAR HARYANA BIJLI VITRAN NIGAM LTD

OFFICE OF THE CHIEF ENGINEER (OP), UHBVN

SCO NO. 89, SECTOR-5, PANCHKULA

E-mail: ceopubvnpanchkula@gmail.com

Tel: 0172-2562404 Fax No. 0172-2580419

9

To

The Chief Engineer / Admn.,  
HPGCL, Panchkula.

Memo No. Ch- 20 / BPF 2084

Dated:- 25/7 /2016

**Subject:**

Request for implementation of clarification notified by Secretary HSEB Panchkula vide his memo No. Ch-92/REG-137 dated 11.02.1991 and Ch-96/REG-137 dated 27.03.1991 and grant of revised seniority of JE (F) to the JEs recruited against advertisement no, CRA-104 dated 13.08.1988.

Please refer to the subject cited above.

Enclosed please find herewith the representation of Sh. Virender Singh Mor, AEE (OP) S/Divn. No.-II, UHBVN, Kurukshetra for taking necessary action at your end please.

This issues with the approval of C.E./OP UHBVN, Panchkula.

DA/ As Above.

*Indes*

Administrative Officer,  
For Chief Engineer 'OP'  
UHBVN, Panchkula

No. 10020 /Admn.  
Date 29/7/16  
SE/Admn. *[Signature]*

U.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Recit.  
Xen.HRT/RE  
SE/Admn. *[Signature]*  
Date: 29/7/16

*5623/0130*  
*1/8/16*

Exdrr. No. : CHSS/ HPGIG end Rec-119/L  
Dtd. : 03-08-16

Matter relates to the ~~several~~ representation of JEs's Sky list for which committee has been constituted and working under the chairmanship of U.R.H.P.U. may be directed to ~~attend~~ attend to the committee for n.a.p.h.

*[Signature]*  
2.10/16

*[Signature]*  
02/08/16

ce II, CE/Admn, HPGCL, PNL for kind r/f. please  
2. SE/Admn, *[Signature]*

-56-

Diary No. 4709

C.E.

P.O.

DATE **01 JUN 2016**

From, (W)

**Chief Engineer**

UHBVN Panchkula

To

*Advt of 19*

*Examination*

*16/16*

*216*

*216*

*216*

**Sub: Request for implementation of clarification notified by Secretary HSEB Panchkula vide his memo no. Ch-92/REG-137 dated 11.02.1991 and Ch-96/REG-137 dated 27.03.1991 and grant of revised seniority of JE (F) to the JEs recruited against advertisement no. CRA-104 dated 13.08.1988, being the cadre controlling authority.**

Most respectfully, the applicant is aggrieved due to non-implementation of the subject cited clarifications therefore applicant wants to bring to your kind notice the following true facts along with documents for your kind consideration please.

1. That to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Chairperson of the committee
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4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula.	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The subject cited clarification Ch-96/REG-137 dated 27.03.91 duly accepted by the committee in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 page-136 which is reproduced below.

"Further, it is a matter of record that HSEB vide its clarification memo no. Ch-96/REG-137 dated 27.03.91, clarified that after considering all pros and cons of the case, it has been decided that the period spent by the trainees of all categories on training shall be treated as duty for all intent and purposes: i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre. The above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training."

2. That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics undersigned appeared before the selection committee on 03.02.1989 against roll No.1386 for recruitment of trainee JE Electrical in compliance of Secretary, HSEB Panchkula

interview letter No.Ch-52/CRA-G-83 dated 19.01.1989 further 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.

3. That CE (OP) North HSEB Hisar engaged the under signed as trainee JE vide his memo no. Ch-2 dated 12.09.1989 on the following terms and conditions which is reproduced below.

“That you will have to undergo a training for one year on different works in HSEB at a fixed pay of Rs. 1400/- per month. After completion of the above said training you shall be considered for the appointment to the post of Junior Engineer on the basis of your work and conduct during the training period.”

Note: The trainee JEs are not covered under the sanctioned cadre posts.

4. That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs.

The order is reproduced below:

“The following trainees appointed by Chief Engineer/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period.”

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar Ahuja	Trainee JE	Offg. JE (Field)	Against the post of JE.
2	Sh. Pawan Kataira now XEN	-do-	-do-	-do-
3	Sh. Rampal now AEE	-do-	-do-	-do-
4	Sh. Sanjeev Kumar now XEN	-do-	-do-	-do-
5	Sh. Parkash Chand Saini now XEN	-do-	-do-	-do-
6	Sh. Rajeev Mishra now XEN	-do-	-do-	-do-
7	Sh. Suraj Parkash now AEE	-do-	-do-	-do-
8	Sh. Virender Singh (Applicant) now AEE	-do-	-do-	-do-

It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical.

5. That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as



amendment of thermal staff –  
“Recruitment and promotion policy in respect of thermal staff – amendment thereof” which is reproduced below:

“Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject.

2. In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

-sd-

Under Secretary/C&R  
For Secretary HSEB Panchkula”

6. That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as “Grant of regular pay scale to the trainees of all categories – clarification thereof”, duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU, headed by LR HPU at Flag-30 page 135/136 Para-k, which is reproduced as below:

“Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:- The above instruction may be got noted from the concerned employee accordingly.

-sd-

Secretary HSEB Panchkula”

7. That Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required therein vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 addressed to SE/Adm. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBVN, CE ‘OP’ UHBVN Panchkula/Rohtak and others duly accepted by CE ‘OP’ Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 which is reproduced below:

Sr. no.	Name of the JE (F)	Date of Joining trainee JE	Old seniority number as JE (F)	Revised Seniority number as trainee JE
1	Sh. Virender Singh (Electrical)	18.09.89	1625	109
2	Sh. Rampal (Mech)	20.09.89	1664	84
3	Sh. Balwan Singh (Mech)	22.09.89	1666	85
4	Sh. Sanjeev Kumar (Mech)	26.09.89	1667	88
5	Sh. Pawan Kataria (Mech)	21.09.89	1668	89
6	Sh. Pawan Narula (Mech)	25.09.89	1672	92

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of trainee(s) JE Electrical/Mechanical/ Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes infructuous, as the appointing and cadre controlling authority orders referred in Para-4 above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

8. That MD UHBVN Panchkula vide his memo no. Ch-27/REG-99/UH/GA dated 14.01.2003 circulated the revised recruitment and promotion policy for non-gazetted technical staff by amalgamating the cadres of junior engineers and JE/Test vide notification no. 7/REG-99/UH/GA dated 14.01.2003 read with notification no. 3/REG-99/UH/GA dated 23.10.2002 vide which cadre of JE (Sub-station) was amalgamated with JE (F) which after amalgamation is called as Junior Engineers and their inter-seniority shall be determined on the basis of their date of joining as JEs in their respective cadres.

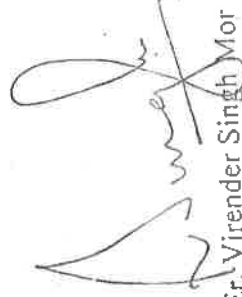
#### Prayer

Since the appointing and cadre controlling authority orders referred in Para-4 above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further upheld by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred in Para-1 above. Kindly intervene in the light of justice and ADO may be requested to process the case and to grant revised seniority to the applicant accordingly as the matter is already over-delayed.

Hoping for sympathetic consideration please.

Dated: 30.05.2016

DA: As above.



Er. Virender Singh Mor  
AEE 'OP' Sub-division No.2  
UHBVN Kurukshetra

Memo No Ch-5/EOM/ET-1419 dated 14.09.1989 (Appointment of Junior Engineer/Thermal Tranees), & Judgement dated 07.01.2013 passed by Hon'ble Supreme Court in SLP No.100 of 2013 titled HPGCL & Others Vs Harkesh Chand & Others. A perusal of CWFs, written statements filed, which were disposed off along with CWP 16330 of 2005 of in terms of bid CWFs reveals that the above averments were neither pleaded before the Hon'ble High Court in above cases nor in Rajender Singh Redhu's matter, therefore, no cognizance can be taken at this stage. It is however, worthwhile to point here that Memo No. Ch-96/REG-137 dated 27.03.1991, Memo No Ch-138/REG-137 dated 02.01.1992, Memo No Ch-147/REG-137 dated 20.01.1992, Memo No Ch-5/EOM/ET-1419 dated 14.09.1989 were not quashed by the Hon'ble Supreme Court in Judgement dated 07.01.2013. Therefore, reliance on this judgement for the purpose of non-counting of training period as regular service is misplaced, as such, the Judgment quoted by them is distinguishable of facts and circumstances of present case. Further, it is also a matter of record that HSEB vide its clarification Memo No Ch-96/REG-137 dated 27.03.1991 [Flag-30] clarified that after considering the pros and cons of the case, it has been decided that the period spent by the trainees(s) of all categories on training shall be treated as duty for all intents and purposes i.e grant of increment in accordance with the provisions as contained in the policy, leave & seniority i.e from the date of joining in the cadre. The above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on Training.

i) The joint Sub-Committee on dated 06.06.2014 submitted spade work relating to year wise quota position of AEs w.e.f. 01.01.1988 to 14.08.1998, as per sanctioned strength, by taking into consideration officers who were given deemed date promotion in the particular year in which the deemed date promotion was granted. It is a matter of record that all the quotas of all categories i.e. 65% meant for direct recruitment, 22.5% meant for Diploma Holders & 12.5% meant for AMIE/BE, have exceeded from time to time. However, exceeding of direct quota posts does not hamper the rights of promotees, because the promotee quota posts do not get occupied by direct recruits in the above preposition. Thus, it does not hamper rights of an official promoted as AE.

The officials who were initially promoted as AE/Adhoc (whose names are appearing at Sr no. 17 to 31 as respondents in CWP No. 657 of 1993) against direct quota posts and subsequently regularized as AE from the year 1991 to 1993 on availability of quota posts are now required to be re-adjusted on the basis of revised ranking list subject to availability of quota posts.

Vide office order no. 330/HPG/GE-623 dated 15.09.2005, the only exercise which was carried out was replacement of respondents at Sr. no. 17 to 31 with Sr. no. 1 to 16 without any re-calculation/disturbance of quota. The next exercise which is required is placement of respondents appearing at sr no. 17 to 31 as per their position in revised ranking list subject to availability of quota posts, which has been worked out as per details depicted at [Flag-78]. It indicates that 10 no. officials whose names are appearing at sr no. 17 to 31 (except Sr No 24, 26, 27, 28 & 31) as performa respondents in LPAs no. 657 of

						
Member Secretary	Member-cum- GM/Admn. URBW	Member-cum- GM/URBWN	SE/Admn-1, HVPNL	Member-cum- CE/Admn, DHEVNL	Member- CE/Admn., HPGCL	Member-cum- CE/Admn., HPGCL

Duplicate (4)

Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

From: Virender Singh <virendersingh2410@gmail.com>

Date: Mon, Aug 08, 2016 7:50 am

To: Chairman PU <chairmanpu@gmail.com>, mdubvyn@gmail.com, md@hpgcl.gov.in, Chief Engineer Opration <ce@hvbvnpanchkula@gmail.com>, "General Manager/ Admn UHBVN" <GMA dmnuHBYN@gmail.com>, hr@hvpn.gov.in

Attach: Objection HPGCL\_ Virender Singh (1).JPG  
Objection HPGCL\_ Virender Singh (2).JPG  
Objection HPGCL\_ Virender Singh (3).JPG  
Objection HPGCL\_ Virender Singh (4).JPG

Sir,

PFA.

Regards,

Er. Virender Singh AEE

AEE 'OP' Sub-division No.2

UHBVN Kurukshetra

MD/HPGCL-5689 8/8/16  
Memo No.....Date.....  
Dir/Tech.  
Dir/Gen. *ed, dlm*  
Dir/Fin. *ed, dlm*  
OSD/Tech *ed, dlm*  
SE/Tech. *ed, dlm*

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*Urgent*

No. 10463 /Admin.

Date 8/8/16

SE/Admin.

*CE Admn. 8/8/16*

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Recst.  
Xen.HR/TRE

SE/Admn. *V*  
Date 8/8/16



Via-Email/By Hand

✓ To

The Chief Engineer Admn.  
HPGCL Panchkula

**Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).**

Kindly refer to your memo no. Ch-50/HPG/Gentl-119/Loose dated 02-08-16 where by your office has curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD, HPGCL. Panchkula memo no. Ch-46/HPG/Gentl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at the relevant time.

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn, UHBYN Panchkula duly endorsed 'o worthy MD UHBYN/DHBYN, CE 'OP' UHBYN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof", duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU headed by LR HPU at Flag-30 page 135/136 Para-k, which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:- The above instruction may be got noted from the concerned employee accordingly.



Contd page 2

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Chairperson of the committee
2.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3.	Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-I, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & authenticated the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record.

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

"The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period."

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar	Trainee JE	Offg.JE (Field)	Against the post of JE
2	Sh. Pawan Kataria	-do-	-do-	-do-
3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suraj Parkash	-do-	-do-	-do-
8	Sh. Virender Singh	-do-	-do-	-do-

*[Signature]*

*Contd. Page 3*



It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainees JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject. In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no 329.

#### Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 109 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority No. 15
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-95/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.

*Contd. Page No. 4*

Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409,418,120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

DA: As above.



Er. Vilender Singh AEE  
AEE 'OP' Sub-division No.2  
UHBVN Kurukshetra

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hisar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. LR HPU Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

To  
The Chief Engineer Admn.  
HPGCL Panchkula

**Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).**

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at that time

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required thereincirculated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBVN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

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**Para -4:- The above instruction may be got noted from the concerned employee accordingly.**



In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. PoonamBhasin, Legal Remembrancer, HPUs Panchkula	Chairperson of the committee
2.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3.	Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandou, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & approved/accepted the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

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7	Sh. Suraj Parkash	-do-	-do-	-do-
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It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject.

In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no 329

**Keeping in view the above, the undersigned is aggrieved with the above seniority list and submit the following grievances i.e.**

1. The name of the Applicant appears at the Special Seniority Serial No. 158 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority No. above 50
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.

Kindly intervene in the light of justice and committee may be directed to rectify the Special Seniority No. list in accordance with the instructions at the relevant time failing which undersigned will

to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials

Hoping for sympathetic consideration please.

Dated: 07.08.2016

DA: As above.

Er. Mehtab Singh

ABE'OP'Sub-division

UHBVN Kurukshetra

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power)
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hisar
5. SPS to MD for kind information of MD, HPGCL, Panchkula
6. Chief Engineer Operation, Panchkula



S / Panchkula

To

The Chief Engineer Admn.  
HPGCL Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at that time

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBNVN Panchkula duly endorsed to worthy MD UHBNVN/DHBNVN, CE 'OP' UHBNVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof", duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU, headed by LR HPU at Flag-30 page 135/136 Para-k, which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:- The above instruction may be got noted from the concerned employee accordingly.

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Recdt.  
Xen.HR/TRE

-71-

Urgent

No. 10469/Admn.

Date 8/8/16

SE/Admn.

SE/Admn. V  
Date 8/8/16

SE/Admn. 8/8/16



In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Chairperson of the committee
2.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3.	Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & approved/accepted the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

“The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period.”

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar	Trainee JE	Offg.JE (Field)	Against the post of JE
2	Sh. Pawan Kataria	-do-	-do-	-do-
3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suraj Parkash	-do-	-do-	-do-
8	Sh. Virender Singh	-do-	-do-	-do-

Approved

3

It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB:PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject.

In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no 329

Keeping in view the above, the undersigned is aggrieved with the above seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 158 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority No. above 50
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.

Kindly intervene in the light of justice and committee may be directed to rectify the Special Seniority No. list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained

It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/ Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fruituous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:  
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Kindly intervene in the light of justice and committee may be directed to rectify the Special Seniority No. list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained

to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials\*.

Hoping for sympathetic consideration please.

Dated: 07.08.2016

DA: As above.

  
Er. Mehtab Singh  
AEE'OP'Sub-divisionNo.1  
UHBVN Kurukshetra

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hisar
5. SPS to MD for kind information of MD, HPGCL, Panchkula
6. Chief Engineer Operation, Panchkula



6

Subject: [FWD: Representation\_Grievances on the tentative seniority list of JE's]

From: "CE/Admn., HPGCL" <vk.sethi@hpgcl.gov.in>

Date: Mon Aug 08, 2016 5:00 pm

To: vk.mirzapuri@hpgcl.gov.in

Attach: Representation\_Grievances on the tentative seniority list of JE's.PDF

Forwarded for information & further necessary action.

Chief Engineer/ Admn.  
HPGCL, Urja Bhawan  
Panchkula

----- Original Message -----

Subject: Representation\_Grievances on the tentative seniority list of JE's

From: "XEN, \"Operations\", SU-II, Rohtak UHBVN"

<xenopuhbvynsu2rohtak@gmail.com>

Date: Mon, August 08, 2016 4:56 pm

To: vk.sethi@hpgcl.gov.in

Cc: chairman@hvpn.gov.in, md@hvpn.gov.in, md.uhbvnpkl@gmail.com,

mddhbvn10@gmail.com, jr@hvpn.gov.in, CE OP UHBVN Rohtak

<ceopuhbvynrohtak@gmail.com>

see attached please.....

XEN, OP' Sub-Urban Division No.2,  
UHBVN,Rohtak. PIN-124001  
Telephone: 01262-279465  
Mobile : 093354726568

*Urgent*

No. 10527 /Admn.

Date 08/08/2016

SE/Admn.

*vk.sethi*  
~~CE/Admn. sethi~~

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Recit.  
Xen.HR/TRE

SE/Admn.  
Date

*9/8/16*

-75-

-86-

To

Via Email/By Hand

The Chief Engineer Admn.  
HPGCL Panchkula

Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by your office has curtailed the period of inviting legitimate grievances upto 08-08-16 followed with MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at the relevant time.

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/E-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admin. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBVN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof", duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU, headed by LR HPU at Page-30 page 135/136 Para-k, which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:- The above instruction may be not noted from the concerned employee accordingly.

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

Sr. No.	Name of the Member	Chairperson of the committee
1.	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Member
2.	Sh. R.K. Bansal, Chief Engineer/Admin., HPGCL, Panchkula	Member
3.	Sh. R.R. Goel, Chief General Manager/Admin. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-I, HVPNL Panchkula	Member
6.	Sh. V.K. Jain, SE, UHBVN Panchkula	Member Secretary
7.	Sh. R.K. Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & authenticated the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record.

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

"The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period."

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar	Trainee JE	Offg. JE (Field)	Against the post of JE
2	Sh. Pawan Kataria	-do-	-do-	-do-
3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suraj Parkash	-do-	-do-	-do-
8	Sh. Baljit Singh Malik	-do-	-do-	-do-



It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPI in its report.

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"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject. In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is further noted that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no. 329.

#### Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 128 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number before 50.
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.



Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time falling which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409, 413, 120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

DA: As above.

Er. Baljit Singh Malik XEN  
XEN S/U Divn, No. II  
UHBVN Rohtak

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Wogny ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
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5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. LR HPU Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

-75-

To

Via Email/By Hand

The Chief Engineer Admin.  
HPGCL Panchkula

Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

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It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBYN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

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Para -4:- The above instruction may be got noted from the concerned employee accordingly.



In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

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1.	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Member
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4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
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7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	

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 "The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period."

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3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh.Parkash Chand	-do-	-do-	-do-
6	Sh.Rajeev Mishra	-do-	-do-	-do-
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8	Sh. Baljit Singh Malik	-do-	-do-	-do-



It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be void, which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject. In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no. 329.

#### Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 128 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number before 50.
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.



Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409, 418, 120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

DA: As above.

  
Er. Baljit Singh  
XEN S/U Divn, No. II  
UHBYN Rohtak

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVFNL, Panchkula.
3. SPS to MD for kind information of MD, UHBYN, Panchkula.
4. SPS to MD for kind information of MD, DHBYN, Hisar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. LR HPU Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

7

Subject: Representation on the tentative seniority list of JE's of 1989 batch  
 From: "S.S. Malik Uhbvn" <xenopuhbvnncitysonapat@gmail.com>  
 Date: Mon, Aug 08, 2016 3:45 pm  
 To: Managing Director <md.uhbvnpkl@gmail.com>, md@hpgcl.gov.in, md@hvpnl.gov.in,  
 <ces.powerhry@gmail.com>, Chief Engineer Opration <ceopuhbvnpanchikula@gmail.com>, lr@hvpnl.gov.in  
 Attach: scan0004.pdf



From  
 XEN 'OP' City Division  
 UHBVN Sonapat

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CE/Admin

MD/HPGCC  
 Memo No. 15196  
 Dir/Tech.  
 Dir/Gen.  
 Dir/Fin.  
 OSD/Tech.  
 SE/Tech.  
 PA

Date: 8/8/16

*Urbans*

D.S/Estt.  
 D.S./General  
 D.S./TSM  
 U.S./Estt.  
 U.S./Recft.  
 Xen.HR/TRE

No. 10541 /Admn.

Date 2/8/16

SE/Admn.

*Sette*  
 CE/Admn. 8/8/16

*SE/Admn*  
 8/8/16



To

Via Email/By Hand

The Chief Engineer Admn.  
HPGCL Panchkula

Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. fill the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by your office has curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at the relevant time.

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBVN, CE 'OP' UHBVN Panchkula/Rohtrak and others duly accepted by CE 'OP' Panchkula vide his office Diarv no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof", duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU, headed by LR HPU at Flag-30 page 135/136 Para-k, which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:- The above instruction may be got noted from the concerned employee accordingly.

-25-

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. PoonamBhasin, Legal Remembrancer, HPU's Panchkula	Chairperson of the committee
2.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3.	Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & authenticated the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in his reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has no. been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record.

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

"The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period."

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar	Trainee JE	Offg. JE (Field)	Against the post of JE
2	Sh. Pawan Kataria	-do-	-do-	-do-
3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suraj Parkash	-do-	-do-	-do-
8	Sh. Sukhbir Malik	-do-	-do-	-do-



It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(T) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject. In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no. 329.

#### Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 129 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number before 50.
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.

4

Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409,418,120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

DA: As above.

  
Er. Sukhbir MalikXEN  
XEN City Division  
UHBYN Sonipat

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBYN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hisar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. LR HPU Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

AA



To

The Chief Engineer Admn.  
HPGCL Panchkula

Via Email/By Hand

Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by your office has curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13-08-88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics duly constituted selection committee completed the selection process of trainee JE Electr.ca, 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at the relevant time.

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBVN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof", duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU headed by LR HPU at Flag-30 page 135/136 Para-k, which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:-The above instruction may be got noted from the concerned employee accordingly.

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HP/G/CE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

		Chairperson of the committee
1.	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Member
2.	Sh. R.K.Bansal, Chief Engineer/Admin., HPGCL, Panchkula	Member
3.	Sh. R.R.Goel, Chief General Manager/Admin. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM/Admin., UHBVN Panchkula	Member
5.	Sh. Sukam Singh, SE Admin.-I, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member Secretary
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & authenticated the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record.

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (E) to the trainee JEs. The order is reproduced below:

"The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one-year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (E) from the date on which they have completed their one year training period."

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar	Trainee JE	Offg. JE (Field)	Against the post of JE
2	Sh. Pawan Kataria	-do-	-do-	-do-
3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suraj Parkash	-do-	-do-	-do-
8	Sh. Sukubir Misra	-do-	-do-	-do-



It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F)etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB P.K.L memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

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"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject. In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no. CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no. 329.

Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

- 1. The name of the Applicant appears at the Special Seniority Serial No. 129 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number before 50.
- 2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB P.K.L vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.

Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409,418,120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

DA: As above.

*WU*  
8/8/16

Er. Sukbir Malik  
XEN City Division  
UHBVN Sonapat

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hisar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. LR HPU Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

-92-

[FWD: Representation/grievances\_on\_the\_tentative\_seniority\_list\_of\_JE's\_of\_1989\_batch\_onward\_upto\_14.08.1998\_i.e.\_ti\_ll\_the\_unbundling\_of\_HSEB\_(without\_prejudice\_to\_the\_court\_ca\_ses).]

From: "CE/Admn., HPGCL" <vk.sethi@hpgcl.gov.in>

Date: Mon, Aug 08, 2016 4:50 pm

To: vk.mirzapuri@hpgcl.gov.in

Attach: Pankaj Dhawan.pdf

Forwarded for information & further necessary action.

Chief Engineer/ Admn.  
HPGCL, Urja Bhawan  
Panchkula

Urgent

No. 10526 /Admn.

Date 08/08/2016

SE/Admn.

Vk. Sethi

CE/Admn.

----- Original Message -----

Subject: Representation/grievances\_on\_the\_tentative\_seniority\_list\_of\_JE's\_of\_1989\_batch\_onward\_upto\_14.08.1998\_i.e.\_ti\_ll\_the\_unbundling\_of\_HSEB\_(without\_prejudice\_to\_the\_court\_ca\_ses).

From: XEN OP City Panipat <xenopcityubbynpanipat@gmail.com>

Date: Mon, August 08, 2016 4:47 pm

To: lr\_hvnpn@yahoo.co.in, lr@hvnpn.gov.in, Chief Engineer Opration <ceopuhbvnpanchkula@gmail.com>, spsmduh@gmail.com, md@hvnpn.gov.in, spsmddhbvn@gmail.com, rajangupta12@hotmail.com, guptark@hry.nic.in, vk.sethi@hpgcl.gov.in, md@hpgcl.gov.in

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Rectt.  
Xen.HR/TRE

SE/Admn.  
Date 8/8/16



To

Via Email/By Hand

The Chief Engineer Admn.  
HPGCL Panchkula

**Sub: Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).**

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by your office has curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Advt. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of those JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at the relevant time.

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-I after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBYN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

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**Para -4:- The above instruction may be got noted from the concerned employee accordingly.**

Via Email/By Hand

To

The Chief Engineer Admin.

HPGCL Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

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It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/JE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (F) ending 30.06.99 vide his memo no. Ch-3/CEN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBVN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof", duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman HPU, headed by LR HPU at Page-30 page 135/136 Para-k, which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.

Para -4:- The above instruction may be got noted from the concerned employee accordingly.

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In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all-power utilities:

	Smt. Poonam Bhasin, Legal Remembrancer, HPGUs Panchkula	Chairperson of the committee
1.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
2.	Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
3.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
4.	Sh. Sukarni Singh, SE Admn.-1, HVPNL Panchkula	Member
5.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
6.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member
7.		Member Secretary

The above committee considered the matter at length & authenticated the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record.

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/L.S dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

"The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period."

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
1	Sh. Satish Kumar	Trainee JE	Offg. JE (Field)	Against the post of JE
2	Sh. Pawan Kataria	-do-	-do-	-do-
3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
5	Sh. Parkash Chand	-do-	-do-	-do-
6	Sh. Rajeev Mishra	-do-	-do-	-do-
7	Sh. Suraj Parkash	-do-	-do-	-do-
8	Sh. Pankaj Dhawan	-do-	-do-	-do-



It is relevant to mention here that Sr. no. 1 to 4 above were trainee JE Mechanical & 5 to 8 were trainee JE Electrical and the criteria adopted by the cadre controlling authority was date of joining which cannot be questioned.

It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSEB and all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructuous, as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PIPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject.

In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no. 329.

#### Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 121 whereas if the said merit criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number before 50.
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.

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Para -4:- The above instruction may be got noted from the concerned employee accordingly.

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Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409, 418, 120-B.

Hoping for sympathetic consideration.

Dated: 08.08.2016

D.A. As above.

22/8/2016  
Er. Pankaj Dhawan X.E.N  
XEN City Division  
UHIBVN Panipat

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HMPNI, Panchkula.
3. SPS to MD for kind information of MD, UHIBVN, Panchkula.
4. SPS to MD for kind information of MD, DHIBVN, Hisar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. LR HPL Panchkula for information please.
7. Chief Engineer Operation, Panchkula for information please.

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To

Via Email/By Hand

The Chief Engineer Admn.

HPGCL Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to your memo no. Ch-50/HPG/Genl-119/Loose dated 02-08-16 where by your office has curtailed the period of inviting legitimate grievances up to 08-08-16 followed with MD. HPGCL. Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.16 on the subject

That in response to the Adv. CRA-104 dated 13.08.88 issued by erstwhile HSEB regarding recruitment of trainee Junior Engineers electrical/mechanical/electronics 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 for Electrical/Mechanical/Electronics then how can now merger of these JE trainees can be based upon the criteria of marks granted by the selection committee when the upper cut off marks were different resulting which trainee JE Mechanicals are now becoming seniors of trainee JE Electricals that too contrary to the clarifications issued by competent authority at the relevant time.

It is put on record that the then Engineer-in-Chief/OP, Hisar, the appointing and cadre controlling authority of JE/IE-1 after completing all usual formalities required therein circulated the tentative seniority list of technical staff containing the seniority list of JE (I) ending 30.06.99 vide his memo no. Ch-3/CFN/GEN/STY dated 01.09.2000 addressed to SE/Admn. UHBVN Panchkula duly endorsed to worthy MD UHBVN/DHBVN, CE 'OP' UHBVN Panchkula/Rohtak and others duly accepted by CE 'OP' Panchkula vide his office Diary no. 11777 dated 19<sup>th</sup> September, 2000 wherein trainee JE Electrical were shown senior to the trainee JE Mechanical which proves my contention that the selection was recommended based upon different upper cut-off marks

That Secretary HSEB Panchkula clarified vide his memo no. Ch-96/REG-137 dated 27.03.91 subject cited as "Grant of regular pay scale to the trainees of all categories - clarification thereof", duly admitted by the committee constituted by Principal Secretary Power-cum-Chairman JPU headed by LR HPU at Flag-30 page 135/136 Para-k, which is reproduced as below:

"Para-3:- After considering the pros and cons of the case, 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 purpose 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.  
Para-4:- The above instruction may be got noted from the concerned employee accordingly.

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In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. Poonam Bhasin, Legal Membraneer, HPUs Panchkula	Chairperson of the committee
2.	Sh. R.K. Bansal, Chief Engineer/Admin., HPGCL, Panchkula	Member
3.	Sh. R.R. Goel, Chief General Manager/Admin. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarn Singh, SE Admn.-I, HVPNL Panchkula	Member
6.	Sh. V.K. Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K. Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & authenticated the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REC-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable for the period spent on training. Page-136 of the report proves my contention duly hosted on the website which is a matter of record.

That after completing all usual formalities required therein CE (OP) HSEB Delhi vide his office order no. 187/LS dated 27.11.1990 allotted the cadre of JE (F) to the trainee JEs. The order is reproduced below:

"The following trainees appointed by CE/OP North Hisar on 12.09.89 have completed the one year training period and their work and conduct has been found satisfactory during the training period. Accordingly, they are hereby allowed a regular scale of JE (F) from the date on which they have completed their one year training period."

Sr. No	Name of Trainee JE	Present Posting	Proposed Posting	Remarks
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3	Sh. Rampal	-do-	-do-	-do-
4	Sh. Sanjeev Kumar	-do-	-do-	-do-
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It is relevant to mention here that the posts of trainee(s) JE were not the sanctioned posts rather the sanctioned/cadre posts were JE (F), JE (Sub-station), JE (Test), JE (Carrier) and JE (Gen) during the tenure of erstwhile HSB Band all trainee(s) JE joined HSEB w.e.f. 18.09.89 to 29.09.89 as such in view of the above admitted facts, the criteria of seniority of JE (F) was from the date of joining in the cadre i.e. JE(F) etc. instead of merger of merit list of trainee(s) JE Electrical/Mechanical/Electronics. Hence preparation of the seniority on the basis of merger of merit list of trainee JE becomes in fructious as the appointing and cadre controlling authority orders referred in Para above cannot be wrong which has been duly supported by Secretary HSEB PKL memo Ch-96/REG-137 dated 27.03.91 as well as by the committee headed by LR HPU in its report.

That Secretary HSEB Panchkula clarified vide his memo No. Ch-92/REG-137 dated 11.02.91 addressed to FA&CAO/MM, PTPP, HSEB, Panipat subject cited as "Recruitment and promotion policy in respect of thermal staff - amendment thereof" which is reproduced below:

"Please refer to your memo no. CH-323/Gen dated 07.12.90 on the above noted subject. In this connection, it is clarified that period of training of the trainees of all categories is to be counted for all intents and purpose i.e. grant of increment in accordance with the provisions as contained in the policy, leave and seniority i.e. from the date of joining in the cadre.

It is put on record that in response to advertisement no CRA 131 combined merit list of Mechanical/Electrical candidates was recommended for the post of junior engineers not for the post of trainee JE and the list appears from serial no. 329.

#### Prayer

Keeping in view the above, the undersigned is aggrieved with the above special seniority list and submit the following grievances i.e.

1. The name of the Applicant appears at the Special Seniority Serial No. 121 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number before 50.
2. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.



Kindly intervene in the light of justice and committee may please be directed to rectify the Special Seniority Number list in accordance with the prevailing instructions at the relevant time failing which undersigned will be constrained to seek the sanction of prosecution from worthy ACS power against the delinquent officers/officials under Section IPC 409, 418, 120-B.

Hoping for sympathetic consideration.

22/8/2016

Dated: 08.08.2016

DA: As above

Er. Pankaj Dhawan XEN  
XEN City Division  
UHBVN Panipat

Copy of the above is forwarded to the following for information and necessary action please:-

- 1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
- 2. SPS to MD for kind information of MD, HVPNL, Panchkula.
- 3. SPS to MD for kind information of MD, UHBVN, Panchkula.
- 4. SPS to MD for kind information of MD, DHBVN, Hisar.
- 5. SPS to MD for kind information of MD, HPGCL, Panchkula.
- 6. I R HPU Panchkula for information please.
- 7. Chief Engineer Operation, Panchkula for information please.



9<sup>1</sup>

To

The Chief Engineer  
OP' UHBVN Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.2016 vide which the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases) was hosted on the HPGCL website and sought legitimate grievances/ comments on the tentative seniority list.

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

	Smt. Poonam Bhasin, Legal Remembrancer, HPU's Panchkula	Chairperson of the committee
1.	Smt. Poonam Bhasin, Legal Remembrancer, HPU's Panchkula	Member
2.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3.	Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Secretary

The above committee considered the matter at length & approved/ accepted the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable.

Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred in Para-1 above. Kindly intervene in the light of justice and ADO may be requested to process the case and to grant revised seniority to the applicant accordingly as the matter is already over-delayed.

Keeping in view the above, the undersigned is aggrieved with the above seniority list and submit the following Grievances/Objections i.e.

1. 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 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13, the seniority should be prepared from the date of joining in the cadre
2. The name of the applicant appears at the Special Seniority Serial No. 383 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number ~~383~~ 353.
3. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.
4. Hoping for sympathetic consideration of the above grievances and in the mean while, office order no. 321 dated 12.04.2016 should be held in the ambiance please.

Dated: 08.08.2016

**DAJAs above.**



**Er. Sarjeev Kumar,  
AEE, M&P, Divn,  
UHBYN, Karnal.**

Copy of the above is forwarded to the following for information and necessary action please:-

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3. SPS to MD for kind information of MD, UHBYN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hissar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula
6. C.E. 'OP' UHBYN, Panchkula
7. LR, HVPN, Panchkula.

To

1

The Chief Engineer  
OP' UHBVN Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.2016 vide which the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases) was hosted on the HPGCL website and sought legitimate grievances/comments on the tentative seniority list.

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

	Smt. Poonam Bhasin, Legal Remembrancer, HPU's Panchkula	Chairperson of the committee
1.	Sh. R. K. Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
2.	Sh. R. R. Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
3.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
4.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
5.	Sh. V. K. Jain, SE, UHBVN Panchkula	Member
6.	Sh. R. K. Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member
7.		Secretary

The above committee considered the matter at length & approved/accepted the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable.

Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred in Para-1 above. Kindly intervene in the light of justice and ADO may be requested to process the case and to grant revised seniority to the applicant accordingly as the matter is already over-delayed.

Keeping in view the above, the undersigned is aggrieved with the above seniority list and submit the following Grievances/Objections i.e

-/04-

-/06-



1. 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 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13, the seniority should be prepared from the date of joining in the cadre
2. The name of the applicant appears at the Special Seniority Serial No. 383 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number ~~383~~ 353.
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Dated 08.08.2016

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6. C.E. OP UHBVN, Panchkula.
7. LR, HVPN, Panchkula.

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TO

The Chief Engineer  
OP: UHBVN Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

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In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

	Chairperson of the committee
1. Smt. Poonam Bhatnagar, Legal Remembrancer, HPUs Panchkula	Member
2. Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3. Sh. R.R.Goel, Chief General Manager/Admn. DHBVN, Hisar	Member
4. Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
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4. SPS to MD for kind information of MD, DHBVN, Hissar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. C.E. OP' UHBVN, Panchkula.
7. LR, HVPN, Panchkula.

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To

The Chief Engineer  
OP' UHBVN Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.2016 vide which the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases) was hosted on the HPGCL website and sought legitimate grievances/comments on the tentative seniority list.

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

1.	Smt. Poonam Bhasin, Legal Remembrancer, HPU's Panchkula	Chairperson of the committee
2.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3.	Sh. R.R. Goel, Chief General Manager/Admn, DHBVN, Hisar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
6.	Sh. V.K. Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & approved/accepted the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable.

Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HFU referred in Para-1 above. Kindly intervene in the light of justice and ADO may be requested to process the case and to grant revised seniority to the applicant accordingly as the matter is already over-delayed.

Keeping in view the above, the undersigned is aggrieved with the above seniority list and submit the following Grievances/Objections i.e.

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To

1

The Chief Engineer  
OP' UHBVN Panchkula

**Sub:** Representation/grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases).

Kindly refer to MD, HPGCL, Panchkula memo no. Ch-46/HPG/Genl-119/Loose dated 22.07.2016 vide which the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice to the court cases) was hosted on the HPGCL website and sought legitimate grievances/ comments on the tentative seniority list.

In this context, it is submitted that to facilitate compliance of the directions of Hon'ble High Court, a committee was constituted with the approval of worthy ACS Power-cum-Chairman HPU vide HPGCL office order no. 575/HPG/GE-623 dated 29.08.14 comprising the following officers amongst all power utilities:

	Smt. Poonam Bhasin, Legal Remembrancer, HPUs Panchkula	Chairperson of the committee
1.		
2.	Sh. R.K.Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3.	Sh. R.R.Goel, Chief General Manager/Admn. JHBVN, Hissar	Member
4.	Sh. Rajesh Khandelwal, GM Admn., UHBVN Panchkula	Member
5.	Sh. Sukarm Singh, SE Admn.-1, HVPNL Panchkula	Member
6.	Sh. V.K.Jain, SE, UHBVN Panchkula	Member
7.	Sh. R.K.Chandan, XEN-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary

The above committee considered the matter at length & approved/ accepted the criteria of date of joining circulated by secretary HSEB Panchkula vide clarification Ch-96/REG-137 dated 27.03.91 in its reports quoting the reference of Hon'ble Supreme Court judgment dated 07.01.2013 & clearly stated that the above mentioned circular has not been struck down, therefore, shall continue to be applicable.

Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. Ch-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred in Para-4 above. Kindly intervene in the light of justice and ADO may be requested to process the case and to grant revised seniority to the applicant accordingly as the matter is already over-delayed.

Keeping in view the above, the undersigned is aggrieved with the above seniority list and submit the following Grievances/Objections i.e.

1. 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 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13, the seniority should be prepared from the date of joining in the cadre
2. The name of the applicant appears at the Special Seniority Serial No. 333 whereas if the laid down criteria of date of joining is implemented then the name of applicant should be at Special Seniority Number ~~329~~ 329.
3. Since the appointing and cadre controlling authority orders referred above cannot be questioned as they have been duly supported in the clarification issued by Secretary HSEB PKL vide his memo no. CH-96/REG-137 dated 27.03.91 further up-held by the Hon'ble Supreme Court in its judgment dated 07.01.13 which is duly accepted by the committee headed by LR HPU referred above.
4. Hoping for sympathetic consideration of the above grievances and in the mean while, office order no. 321 dated 12.04.2016 should be held in the ambience please.

Dated, 08.08.2016

DA/As above.

Er. Ram Niwas,  
AEE, 'OP' S/Divn,  
UHBVN, Kundli.

Copy of the above is forwarded to the following for information and necessary action please:-

1. SPS to ACS (Power) for kind information of Worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVN, Panchkula.
4. SPS to MD for kind information of MD, DHBVN, Hissar.
5. SPS to MD for kind information of MD, HPGCL, Panchkula.
6. J.E. 'OP' UHBVN, Panchkula.
7. LR, HVPN, Panchkula.

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The GM/Admn.  
UHBVNL, Panchkula

Memo No. 1338

Dated: 08-08-2016

Subject: Representation/Grievances on tentative seniority list of JE's of 1989 batch onward upto 14-08-1998 in fill unbundling of HSEB (without prejudice to the court case).  
Ref. M.D. HPGCL, Panchkula office memo no. Ch-46/HPG/Genl-119/loose dated 22-07-2016.

Respected Sir,

1. Suraj Parkash, AEE office of SDO 'OP' S/Divn No.1 UHBVNL, Rohtak stated that Sh. Rampal, Sh. Rampal, Sh. Rampal, Sh. Balwan Singh, Sh. Sanjay Kumar, Sh. Pawan Kataria and Sh. S.K. Ahuja were junior to me as mention below :-

Sr No.	Name of Trainee JE	Date of Birth	Date of Joining Trainee JE	Old from beginning seniority number as JS F	INC Seniority number allotted by 6/Mon
1	Sh. Rampal	05-10-63	20-09-89	1664	84
2	Sh. Balwan Singh	10-06-64	22-09-89	1666	85
3	Sh. Sanjeev Kumar	14-11-66	26-09-89	1607	88
4	Sh. Pawan Kataria	1-05-67	21-09-89	1668	89
5	Sh. Satish Ahuja	2-6-60	29-09-89	1678A	80
6	Sh. Suraj Parkash	16-10-63	21-09-89	1624	107


Keeping in view above table Sr. No. 1-5 having old seniority number from beginning 1664 to 1678 A were junior to me (at S.No.6 having old seniority no. 1624) seniority no-107 in now allotted seniority list by committee.

Above manipulation was made by the Chief Engineer 'OP' Panchkula office during 2007 may be rectified now by committee constituted at present.

So yourself is requested please get rectified if after proper investigation and put their names in new seniority list on correct place.

Thanking you

Date: 08-08-2016

  
Suraj Parkash, AEE  
SDO 'OP' S/Divn No.1  
UHBVNL, Rohtak

Copy of the above is forwarded to the following for information and necessary action please :-

1. SPS to AGS (Power) for kind information of worthy ACS (Power).
2. SPS to MD for kind information of MD, HVPNL, Panchkula.
3. SPS to MD for kind information of MD, UHBVNL, Panchkula.
4. SPS to MD for kind information of MD, HPGCL, Panchkula.
5. Chief Engineer Operation, Panchkula.

06.08.2016

## SPEED POST

The Managing Director,  
HPGCL

Registered Office: C-7,

Urja Bhawan, Sector 6

Panchkula.

**Sub:** Objections against the tentative seniority list of JEs of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice) to the court cases issued vide memo No.CH-50/HPG/Genl.-119/loose dated 02.08.2016.

Sir,

It is submitted that I Sanwaria Girdhari Vats(S.G Vats) initially joined as ASSA in the erstwhile H.S.E.B on dated 19.04.1985 and further, I was appointed as Junior Engineer (Field/General) on 09.12.1990 by the chief engineer/operation, Zone-3, Hissar vide his office Memo No- Ch-5/Loose dated 06.12.1990. and thereafter promoted as an Assistant Engineer against vacancies of the direct recruitment quota by secretary, HSEB vide office order No. 3/EG-5/AMIE/BE dated 01.01.1993 and joined as A.E on dated 01.01.1993 and my name as A.E and figure in the Tentative seniority list of AEs (Electrical) working in UHBVN as it stood on 31.05.2006 at serial no-62 vide Memo no- Ch-2/UH/HR-IFEG-137 dated 28.08.2006 thereafter, I was promoted as Assistant Executive Engineer on 31.12.2006 and finally I was promoted as Executive Engineer in February 2013. It is submitted that earlier a tentative seniority list of JEs of 1989 batch onwards upto 14.08.1998 i.e. till the unbundling of HSEB without prejudice to the court cases from special seniority No.1 (Sh. Gulshan Kumar) to Special seniority No.702 (Sh. Bakshi Ram) (DC) was issued inviting objections within 30 days vide memo No.CH-46/HPG/Gen-119/Loose dated 22.07.2016 and my name does not find figure in the entire list from Sr.No.1 to Sr. No.702 despite the fact that I was appointed as a Junior Engineer (General/Field) by way of direct recruitment on 09.12.1990 from amongst the in service employees working on the Post of Technical Sub ordinates and the appointment was made by way of direct

08.08.2016 in view of the pending of the contempt petitions against the contemnors for 17.08.2016. In this view of the matter, I hereby submit as under:-

That I have gone through the entire tentative seniority list dated 22.07.2016 issued vide memo No.CH-46/HPG/Gen-119/Loose dated 22.07.2016 and my name does not find figure in the entire list from Sr.No.1 to Sr. No.702 despite the fact that I was appointed as a Junior Engineer (General/Field) by way of direct recruitment on 09.12.1990 from amongst the in service employees working on the Post of Technical Sub ordinates and the appointment was made by way of direct

S/Esit.

S./General

S./T&M

S./Esit.

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recruitment and against the quota meant for direct recruitment and thereafter, I was promoted as an Assistant Engineer w.e.f. 01.01.1993.

B. That on 06.09.1995 the then Board passed the reversion orders were passed against many employees including me on the ground that there was no out of turn promotion policy for the post of Junior Engineer from amongst the employees working on subordinate technical posts. The reversion orders were challenged by filing a joint Civil Writ Petition No.13541 of 1995 and the reversions were stayed. Ultimately the said writ petition was allowed vide order dated 04.12.2008. Thereafter, the then HSEB filed LPA No.353 of 2009 and the same was dismissed on 15.05.2009. Being aggrieved by the said order, the then HSEB filed SLP (Civil)No. 20211 of 2009, SLP No- 20087 of 2009 titled, "In the matter of UHBVN (Petitioners) V/S Sanwaria Girdhari Vats (Respondents)New Civil Appeal No.571 of 2010 and no stay is operative against the judgment passed by the Hon'ble High Court on 04.12.2008 as affirmed by the LPA Bench. The said SLP is still pending for final adjudication.

C. That despite the promotion order of Junior Employee, I was not given regular promotion on the post of Assistant Engineer and Executive Engineer and under the compelled circumstances, I had to file an I.A. No.3 & 4 of 2011 in Civil Appeal No.571 of 2010 and the said application was disposed of by the Hon'ble Supreme Court of India vide order dated 12.12.2011. Still the order was not implemented and I was again forced to file a Contempt Petition (C) No.327 of 2012 and after issuance of the contempt notice by the Hon'ble Supreme Court of India, the competent authority passed an office order No.790/HPG/GE-632 dated 21.12.2012 vide which I was given regular promotion on provisional basis to the post of Assistant Engineer on 01.01.1993 and also as an Executive Engineer w.e.f. 31-12-2006 and I was promoted as Executive Engineer in FEB 2013 and still continuing as executive engineer at UHBVN bahadurgarh.

D. That in the similar situated case that "Sh. Sangam Patel, XEN (DOB 04.05.1956) have been retired on attaining the age of superannuation on 31.05.2014 vide office order No.341/HPG/GE/623 dated 23.05.2014. The said order reads as under:-

"Sh. Sangam Patel, XEN (DOB 04.05.1956) posted in the O/o Chief Engineer/PTPS-I, HPGCL, Panipat, retires from the services of the Corporation on 31.05.2014 A.N. on attaining the age of superannuation viz 58 years without prejudice to the receipt of No Demand Certificates from concerned offices and subject to



(i) The final decision of Hon'ble Supreme Court of India in Civil appeal No.571 of 2010 arising out of SLP(c) No.20211 of 2009 and CWP No.13541 of 1995 and

(ii) The implementations of the decision passed by Hon'ble High Court of Punjab & Haryana in CWP No.16330 of 2005 and LPA (being filed) arising out of CWP No.7803 of 1993.

This issue with the approval of Chief Engineer/Admn., HPGCL.

Sd/-  
Dy. Secty./Estt(G)  
For Chief Engineer/Admn.,  
HPGCL, Panchkula

After retirement, all the retiral benefits have been released and now the Sangam Lal Patel is getting pension through State bank of Patiala, Thermal Colony, Panipat.

E. That thereafter, I came to know that in view of an order dated January 9, 2014 passed by a Division Bench of the Hon'ble High Court in CWP No.16330 of 2005 titled Parveen Arora and others Vs. HPGCL and others, seniority list of Junior Engineers is being revised and a common seniority list of Junior Engineers (General & Filed cadre and General Cadre) is being prepared retrospectively which has far reaching consequences and may adversely affect many serving as well as retired employees. Before I make submission on merits, it would be appropriate to first refer to the order passed by the Hon'ble High Court on January 9, 2014 which reads as under:-

"CORAM: Hon'ble Mr. Justice Jasbir Singh.  
Hon'ble Mr. Justice Harinder Singh Sidhu.

Present: Mr. Ashwani Talwar, Advocate  
for the petitioners (In Civil Writ Petition Nos.  
16330 of 2005, 13409 & 8431 of 2007).

Mr. R.K.Malik, Senior Advocate  
with Mr. Nikhil Sharma, Advocate  
for the petitioners (In Civil Writ Petition Nos.  
9175 and 11909 of 2006).

Mr. Anurag Goyal, Advocate  
for the petitioners (In Civil Writ Petition Nos.  
16883 & 16898 of 2006 and 5300 of 2007).

Mr. Rakesh Sobti, Advocate  
for the petitioners (In Civil Writ Petition No.  
12099 of 2006).

Mr. N.D.Kalra, Advocate  
for the petitioner (In Civil Writ Petition No.  
1523 of 2008).

Mr. Rajiv Atma Ram, Senior Advocate

with Mr. Aman Bahri, Advocate for respondents No.3 to 17 (In Civil Writ Petition No. 16330 of 2005).

Mr. Sanjay Singh, Advocate for Mr. Karanveer Singh Kehar, Advocate for respondents No. 34 to 36 (In Civil Writ Petition No. 16330 of 2005) and respondents No.4 to 6 (In Civil Writ Petition No. 13409 of 2007).

**Jasbir Singh, Judge (Oral)**

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 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 "Satyvir 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 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 Redu & 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 write 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 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.

(Jasbir Singh)  
Judge

(Harinder Singh Sidhu)  
Judge

January 9, 2014"

F. That thereafter, it was revealed that a committee was constituted to invite the objections and grant hearing to the adversely effected persons. In this regard it is stated that I was neither the petitioner nor the respondent in any of the said writ petition disposed of vide order dated January 9, 2014 reproduced above. Further neither I was given any notice to show cause nor any opportunity of hearing was afforded to me to put forth my point of view. It is submitted that on the basis of the objections filed by various employees for and against the framing of joint and common seniority list of Junior Engineers of General/Field Cadre & Generation Cadre. Seven members committee had prepared a report containing 137 pages on 20.11.2014.

1. That in view of the above directions, the entire matter relating to determination of seniority at the level of Junior Engineers belonging to General Cadre and Generation Cadre is open for consideration of authorities of various Nigams and Corporations which have come into being on division of erstwhile Haryana State Electricity Board. It is worthwhile to mention that erstwhile Haryana State Electricity Board was initially bifurcated into two Nigams on 14.08.1998 namely Haryana Vidyut Parsaran Nigam Ltd. (for short HVPNL) and Haryana Power General Corporation Ltd. (for short HPGCL) later on two more Nigams namely Uttar Haryana Bijli Vitran Nigam Ltd. (for short UHBVNL) and Dakshin Haryana Bijli Vitran Nigam Ltd. (for short DHBVNL) came to be formed on 01.07.1999.

The allocation of the staff was primarily carried out on the principle of "As is

where is basis". Thereafter representations were invited for change of allocation from the staff subject to fulfillment of certain conditions and the representations were decided accordingly. All the Nigams have separate and independent legal entity and the employees working under the said Nigams constitute a separate cadre.

2. That the employees of erstwhile Haryana State Electricity Board were governed by the Punjab State Electricity Board Service of Engineers (Electrical) Regulations, 1965 as adopted by the HSEB and amended from time to time. In order to determine the crucial issue of seniority of the Junior Engineers working in different cadres i.e. General Cadre and Generation Cadre, it would be appropriate to refer to the regulations governing the service. In this regard, I may invite your attention to the office order No.21/Reg-18 dated 19.02.1988 vide which the Haryana State Electricity Board in exercise of powers conferred under Section 79 of the Electricity (Supply) Act, 1948 and all other enabling powers in this behalf made certain amendments in the PSEB Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to HSEB). Thereafter, in order to implement the recruitment in promotion policy in the case of promotion to the post of Assistant Engineer from Engineering Subordinates possessing AMIE/BE qualifications in 12½ % quota, the directions were issued for preparing a ranking list of Engineering subordinates for their promotion to the post of Assistant Engineer. The said notification reads as under:-

" AMENDMENTS

- (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/ Carrier, who possesses at least 3 years Diploma in Electrical or Mechanical or Electronics Engineering.
- (ii) For Generation Cadre consisting of Thermals/ Hydel/ RBMB etc.
- "Engineering subordinate" means Junior Engineers (Thermal) Controllers; Master Foreman and Senior Supervisors having atleast 3 years Diploma in Electrical/ Mechanical or Electronics Engineering.

(B) Clause (i) of Sub-Regulation (c) of Regulation-6, shall be substituted as under:-

1. By promotion from amongst Assistant Executive Engineers as provided in Regulation-9.

(C) Clause (i) of Sub-Regulation (c) of Regulation-6, shall be substituted as under:-

1. By promotion from amongst Assistant 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 under:-  |       |  |
|     | (i) From amongst Engineering subordinates as defined for General Cadre under Regulation - 2 (g) (i) with 5 years service as Junior Engineer-I. | 22½ % | 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 possessing AMIE/ BE qualification and having 5 years service as such.              | 12½ % |  |
| (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 Controllers/ Master Foremen and Senior Supervisors. | 22½ % | Share quota of 35% of posts of AEs meant for Engineering subordinates in Generation Cadre shall be calculated on the sanctioned strength of posts of AEs in Generation Cadre viz. Thermals/ Hydel/ BBMB etc. |
| (ii) | From amongst Engineering subordinates of Generation Cadre possessing AMIE/ BE qualification and having 5 years service as such.   | 12½ % |  |

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

#### CLARIFICATION

- I. For General Cadre:-



- (i) The interse seniority of Junior Engineer Grade-I (Field), Junior Engineer Grade-I (Sub-Station), Junior Engineer Grade-I (Test) and Junior Engineer Grade-I (Carrier) for the purpose of promotion against 22½ % quota, shall be determined from the date of their continuous appointment in their respective cadres of Junior Engineers Grade-I (Field), Junior Engineers Grade-I (Sub-Station), Junior Engineers Grade-I (Test) and Junior Engineers Grade-I (Carrier).
- (ii) The eligibility for consideration for promotion for AMIE/BE against 12½ % quota, shall be determined from the date of qualifying such examination.

II. For Generation Cadre:-

- (i) The interse seniority of Controllers, Master Foremen and Senior Supervisors for the purpose of promotion against 22½ % quota shall be determined from the date of their continuous appointment in their respective Cadre of Controllers, Master Foremen and Sr. Supervisors.
- (ii) The eligibility for consideration for promotion from AMIE/BE against 12½ % quota shall be determined from the date of qualifying such examination.
- (iii) The Assistant Engineers promoted against 35% quota meant for Generation Cadre from Engineering Subordinates shall have no right for appointment and promotion in the General Cadre (Transmission and Distribution), as they have been promoted specifically for Generation Cadre.
- (iv) The promote Assistant Engineers from Engineering Subordinates meant for Generation Cadre shall be eligible for promotion to the higher ranks, provided they have qualifying service of 5 years at each stage.
- (2) Subject to the provision of Regulation-9 (1) above, an A.E. whether promoted from amongst Engineering Subordinates or directly recruited, will, hence forth be eligible for promotion to the post of A.E. Xen. and S.E. on seniority-cum-merit basis; provided that no Xen. so promoted shall be eligible for promotion to the rank of Superintending Engineer unless he holds a Degree in Electrical, Mechanical or Electronics Engineering or AMIE/ BE degree.
- (3) The scope of the Departmental Accounts Examination meant for Engineering Officers as contained in Appendix-1 (L) of the Electricity Branch Manual of Orders, is extended to the Engineering Subordinates who are eligible for promotion as Assistant Engineers against quota posts.

- (i) A Junior Engineering Subordinate, shall not be entitled to claim promotion over an Engineering Subordinate senior to him merely on the ground that he has passed the Departmental Accounts Examination prior to his senior or that the senior has not passed the said Examination.
2. This supersedes all the existing rules, regulations, instructions, orders etc. which are repugnant or contrary to the above Regulations.
3. The above amendments shall take effect from 10.02.1988.

Sd/-

Under Secretary/ C&R,  
for Secretary, HSEB, Panchkula."

3. That vide Notification dated 13.02.1991, the Board that Engineering Subordinate of General Cadre and Generation Cadre possessing AMIE/BE qualification would be entitled to be considered for promotion to the post of Assistant Engineer against 12½ % quota in the respective cadre. The Notification reads as under:-

**" HARYANA STATE ELECTRICITY BOARD**

**NOTIFICATION**

The 13th February, 1991

No. 89/REG-18/L-II, in exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board reviewed its decision dated 05.06.1990 in its meeting held on 16.01.1991 and hereby makes the following substitution in Regulation-9 of the P.S.E.B. Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to the HSEB) as amended vide O/O No. 21/REG-18, dated 19.02.1988:-

- (i) Sub-Regulation (1) (b) (ii) of Regulation-9 stands substituted as follows:-

"From amongst Engineering subordinates of General Cadre possessing AMIE/BE 12½% qualification and having 2 years service as such"

- (i) Sub-Regulation (1) (c) (ii) of Regulation-9 stands substituted as follows:-

"From amongst Engineering subordinates of General Cadre possessing AMIE/BE 12½% qualification and having 2 years service as such"

Sd/-

SECRETARY,  
HARYANA STATE ELEC. BOARD,  
PANCHKULA"

4. That later on again on 12.04.1991, amendments were carried out in the service regulations redefining the definition of Engineering Subordinates of Generation Cadre. However, no change was made in the General Cadre. The amendment read as under:-

**“ HARYANA STATE ELECTRICITY BOARD  
NOTIFICATION**

The 12th April, 1991

No. 89/REG-18/L, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments, substitutions in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988:-

AMENDMENT

i. Sub-Clause (ii) of Clause (g) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-

“For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc”

“Engineering Sub-ordinate” means Junior Engineers/ Thermal, Controllers, Master Foreman, Sr. Supervisors and Foremen Gr-I, having at least 3 years Diploma in Electrical/ Mechanical Electronics Engineering”.

ii. Sub-Clause (i) of Clause (c) of Sub-Regulation (1) of Regulation-9 stands substituted as read as follows:-

“From amongst Engineering subordinates of Generation Cadre as defined in Regulation-2 (g) (ii) with 5 years service as Controllers, Master Foremen, Sr. Supervisors and Foremen Gr-

Sd/-  
SECRETARY,  
HARYANA STATE ELECY. BOARD,  
PANCHKULA.”

5. That the HSEB issued another notification dated 21.05.1991 redefining the definition of Engineering Subordinate of Generation Cadre which reads as under:-

“ AMENDMENTS



1. Sub-Clause-(ii) of Clause (g) of Sub-Regulation (a) of Regulation-2 stands substituted and read as follows:-

For Generation Cadre consisting of Thermals/ Hyde// BBMB etc.

"Engineering subordinate" means JE's/ Thermal, Controllers, Boiler Controllers, Master Foreman, Sr. Supervisors and Foreman Gr-I having 3 years Diploma in Electrical/ Mechanical or Electronics Engineering".

2. Sub-Clause-(i) of Clause (c) of Sub-Regulation (1) of Regulation-9 stands substituted and read as follows:-

"For amongst Engineering subordinates of Generation Cadre as defined in Regulation 2 (g) (ii) Controllers, Master Foreman, Sr. Supervisors and Foreman Gr-I".

3. The following clarifications shall be added below Clarification No. 4 of Clarification on Generation side attached to the Regulation-9:

- (1) Boiler Controller, who has been promoted as AE, shall remain in Thermal for ever and he may not be posted outside the Generation Organisation. He will work on the Boilers only.
- (2) The post of AE, AEE on the Boiler side, be earmarked for Boiler Controllers, who possess minimum qualification of 3 years Diploma and BOE Certificate. The other BOE, who do not possess the minimum qualification of 3 years Diploma, shall not be considered for their promotion to the post of AE of Boiler side. These employees shall remain as Boiler Controllers on Boilers.
- (3) Those Boiler Controllers, who have already received advance promotion as JE-I/ Generation, if any, shall not be entitled to receive double benefit of seniority.

Sd/-  
SECRETARY,  
HARYANA STATE ELECY. BOARD,  
PANCHKULA."

6. That thereafter the Board issued Notification dated 5th March, 1992, 7th December, 1992, 12th October, 1993 in respect of Generation Cadre. Amendments issued are reproduced as under:-

" HARYANA STATE ELECTRICITY BOARD

NOTIFICATION

The 5th March, 1992

- 124 -

No. 135/REG-18, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments/ substitutions/ deletion in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 98/REG-18/L dated 12.04.1991 and No. 108/Reg-18 dated 21.05.1991 as under:-

**AMENDMENT**

i. Sub-Clause (ii) of Clause (g) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-

For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc."

"Engineering Sub-ordinate" means "Junior Engineers- I (Thermal), Boiler Controllers and Master Foreman having 3 years Diploma in Electrical/ Mechanical Electronics Engineering".

ii. Sub Clause- (i) of Clause- (C) of Sub-Regulation - (I) of Regulation - 9 stands substituted and read as follows:-

(i) "22½ % posts of AEs shall be filled -up by promotion from amongst the Engineering subordinates of Generation Cadre as defined in Regulation-2 (g) (ii) with 5 years service as under:-

a) Junior Engineer-I/ Thermal	70%
b) Boiler Controllers	20%
c) Master Foreman	10%

A Roster shall be maintained by reading the following ration:-

"In a block of 10 posts, 3rd will go to Boiler Controller, 6th will be reserved for Master Foreman and 9th for Boiler Controller. The rest of the post namely 1st, 2nd, 4th, 5th, 7th, 8th and 10th will go to JE-I (Thermal). This roster will continue to be repeated keeping in view the vacancy to be filled-up.

iii. Clarifications added below clarification \_\_\_\_\_ on Generation side attached to Regulation-9 vide Notification No 108/Reg-18, dated 21.05.1991, is hereby deleted.

2. The above issues in pursuance of the decision taken by the Board in its meeting held on 17.01.1992.
2. This will take effect from 05.03.1992 the date on which the original notification was issued.
3. The above issues in pursuance of decision taken by the Board, in its meeting held on 25.11.1992.

Sd/-  
SECRETARY,  
HARYANA STATE ELECY. BOARD,  
PANCHKULA.

### HARYANA STATE ELECTRICITY BOARD NOTIFICATION

The 7th December, 1992

"No. 150/REG-18/Vol-IV, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments/ substitutions/ deletion in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 135/REG-18 dated 05.03.1992 as under:-

#### AMENDMENT

- i. Sub-Clause (f) of Clause (g) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-
    - i) For Generation Cadre consisting of Thermals/ Hydel/ EBMB etc." "Engineering Sub-ordinate" means Junior Engineers/ Thermal Boiler Controllers having 3 years Diploma in Electrical/ Mechanical/Electronics Engineering.
    - ii) Sub Clause- (f) of Clause- (C) of Sub-Regulation - (f) of Regulation - 9 be substituted as under:-  
"22½ % posts of AEs shall be filled -up by promotion from amongst the Engineering subordinates of Generation Cadre as defined in Regulation-2 with 5 years service as under:-
 

d) Junior Engineer-I/ Thermal	80%
e) Boiler Controllers	20%
- A Roster shall be maintained by keeping the following ration:-

In a block of 10 posts/ 4th and 8th will go to Boiler Controllers and 1st and 3rd, 5th, 6th, 7th, 9th and 10th will go to



the J.E.-I/ Generation. This poster will continue to be repeated keeping in view the vacancy to be filled-up"

## HARYANA STATE ELECTRICITY BOARD

### NOTIFICATION

The 12th October, 1993

No. 167/REG-21/L-II, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board reviewed its decision dated 16.01.1991 in its meeting held on 27.09.1993 and hereby makes the following substitution in Regulation-9 of the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 89/REG-18/L-II dated 13.02.1991 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 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 JE-I Boiler Controllers. | 22½ % |
| ii) | From amongst Engineering subordinates of Generation Cadre possessing and having 5 years service as such.  | 12½ % |

Provided further that share quota posts of AEs 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.

Sd/-  
SECRETARY,  
HARYANA STATE ELECTRICITY BOARD,  
PANCHKULA

7. That in supersession of the Notification dated 27.02.1989 relating to preparation of ranking list of engineering subordinates, the Board issued an office order No 168 dated 20.10.1993 which reads as under:-

" HARYANA STATE ELECTRICITY BOARD

OFFICE ORDER No. 168/REG-21/L-II

Dated: 20.10.1993

In supersession of this office order No. 33/Reg-18, dated 27.02.1989, the Haryana State Electricity Board is pleased to issue guidelines in order to implement the Recruitment & Promotion Policy in case of promotion to the post of Assistant Engineer from Engineering Subordinates possessing AMIE/BE qualifications in 12½ % quota as contained in Regulation-9 (I) (b) (ii) and Regulation 9 (I) (c) (ii) of Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to HSEB) and notified vide O/o No. 21/Reg-18, dated 19.02.1988, read with notification No. 167/REG-21/L-II, dated 12.10.1993 as under:-

- i) The determination of the eligibility for promotion will be acquisition of qualification of AMIE/BE and completion of 5 years service in the cadre of Engineering Subordinates. The eligibility shall thus be determined on satisfying both the conditions i.e. passing of AMIE/BE examination and 5 years experience. The name(s) of the official will be entered in the ranking list from the date they complete both the conditions. If a candidate is recruited as Engineering sub-ordinate having qualification of AMIE/BE, his eligibility for promotion will also be considered after he attained experience of 5 years on the post.
- ii) The ranking list of Engineering subordinates for their promotion as AE, shall normally be prepared on 1st day of January of each year and duly notified to all concerned. The name(s) of the eligible candidate(s) in the ranking list will be entered strictly from the date the official fulfils both the conditions i.e. passing of AMIE/BE examination and completion of 5 years service of engineering subordinates. If two or more the same date, the name in the ranking list will be entered in accordance with their original seniority in the Engineering sub-ordinates.

This issues with the approval of the Board in its meeting held on  
27.09.1998.

Sd/-  
SECRETARY,  
HARYANA STATE ELEC. BOARD,  
PANCHKULA"

8. That from the above notification issued by the HSEB amending the service regulations from time to time, the following position is clearly emerged:
- i. The General Cadre comprises transmission and distribution and the Generation Cadre comprises Thermals/Hydel/BBMB
  - ii. Engineering Subordinate of General Cadre includes J.Es (field)/JEs Grade-II/Sub Station/Test/Carrier whereas the Engineering Subordinates of Generation Cadre includes JE Thermal, Controller, Master Foreman and Senior Supervisor.
  - iii. Regulation 9 provided different Recruitment Rules for General Cadre and Generation Cadre providing 65%. In both the Cadres recruitment to the post of Assistant Engineer is to be made 65% by promotion and 35% by Direct Recruitment and the promotion quota of 35% has been further bifurcated in the ratio of 22½% and 12½ %. Still further under regulation 9(1)(b) relating to General Cadre it has been provided that share quota of 35% of posts of AEs shall be calculated on the sanctioned strength of post of AEs in General Cadre of the Board excluding the post of AEs in Generation Cadre viz Thermals /Hydel/BBMB. Similarly under Regulation 9(1)(c) relating to recruitment, Generation Cadre it has been provided that share quota of 35% of posts of AEs meant for Engineering Subordinates in Generation Cadre shall be calculated on the sanctioned strength of posts of AEs in Generation Cadre viz Thermals/Hydel/BBMB etc.
  - iv. Still further the Notification dated 19.02.1988 has clarified the position for General Cadre and Generation Cadre and it would be seen that the various posts of General Cadre comprises the feeder cadre for promotion to the post of AE against 22½ % quota and similar is the position in the Generation Cadre. The posts of both the feeding cadres are separate and there is nothing common between the two.



v. Still further the Board vide Notification dated 12.04.1991, 21.05.1991, 05.03.1992 and 07.12.1992 have amended the service regulations and categorically clarified as to what comprises the Generation Cadre and clearly defined the meaning of Engineering Subordinate of Generation Cadre and which posts are including therein. Further clarified as to what comprises the Generation Cadre.

vi. From the perusal of the above provisions contained in the Notification dated 19.02.1988 and various others notifications issued from time to time hereinafter referred above, it is crystal clear and leaves no manner of doubt that the General Cadre and the Generation Cadre are two separate and independent.

9. That it is also worthwhile to mention that vide public advertisement No.CRA-104 of 1998 100 posts of JE (General/Field) and 160 posts of JE Generation (Thermal) were advertised and the appointments were made. This clearly shows that both the cadres were separate and independent and there is nothing common between the two and both the cadres are operating in their respective fields.

10. That at the relevant time a Junior Engineer having AMIE/BE Degree with two years service was entitled to be considered for promotion to the post of Assistant Engineer against 12½% quota in the general cadre as well as generation cadre. Since I was working as Junior Engineer (General/field) and therefore, I was promoted as Assistant Engineer (Field) on 01.01.1993.

11. That as stated earlier, on reorganization of the HSEB, different corporations were formed and I was allocated to UHBVN and later on my request, I was allocated to HPGCL in the year 2000 and with the intervention of the Hon'ble Supreme Court of India, I was given a regular promotion as Assistant Engineer and Executive Engineer from the due dates i.e. w.e.f. 01.01.1993 and 31.05.2007 respectively and I have retired as such on 31.05.2014.

12. That the very proposal put up before the Hon'ble High Court to frame a joint seniority list of General/Field and Generation/ Thermal Cadre of Junior Engineer is contrary to the regulations governing the service as both the cadres are distinct, independent and separate and therefore there was no occasion to make such a proposal which is against the regulations and not at all workable

and that too retrospectively. It is well settled position in law that the settled matters cannot be unsettled. The then HSEB had been maintaining the separate seniority list of JE General/field and JE Generation/Thermal being separate cadres with separate cadre controlling authorities and with the passage of considerable long time many people have been promoted 2-3 steps higher in rank and have retired and some have also died. Their rights have already been crystallized and thus the same cannot be reopened to the detriment of the rights of such employees. It is further stated that the merger of two cadres and framing of joint seniority list can only be prospective and cannot be made operative retrospectively and there is no just and valid reason for the same.

13. That according to the service regulations and the instructions issued from time to time, the ranking list of junior engineers/Engineering Sub ordinates for the purpose of promotion to the post of Assistant Engineer have to be prepared on the basis of fulfillment of two requisite conditions. Firstly the official should hold an AMIE/BE Degree and secondly he should possess 5 years/2 years service as such as the case may be and such ranking list is to be prepared as on first day of the year i.e. as on 1st January of every year. An official may be senior but would be added on acquiring the eligibility by fulfilling both the conditions. Thus the department has to keep in mind that while preparing the ranking list of Junior Engineers/Engineering Sub ordinates for promotion to the post of Assistant Engineer that a candidate must fulfill both the requisite conditions and only then his name should be included in the ranking list as on 1st of January of each year. It is worthwhile to mention that an official fulfilling both the requisite conditions on 2nd of January of the year would be edit in the ranking list to be prepared on the 1st January of the next year. Meaning thereby that an official fulfilling the eligibility conditions on 02.01.2001 would be included in the ranking list on 01.01.2002 and similar will be the position in the next years. So far as I am concern, I fulfilled both the requisite conditions prior to 01.01.1993 and therefore, I was entitled to for inclusion of my name in the ranking list as on 01.01.1993 and thus no fault can be founded with my promotion as an Assistant Engineer and further as Executive Engineer.

14. That it is also worthwhile to mention that the authorities of all the four Nigams have already taken a decision on 15.05.2012 in the chamber of Chairman,

Haryana Power Utility and by placing the same on record, you just got a handle for disposal of the pending writ petitions instead of getting the order on merits so that you may act illegally and arbitrarily and on whims and fancies. Though no opportunity was granted to me to make any representation and nor any show cause notice was given yet I would respectfully submit that the grant of opportunity to represent after the decision is already taken clearly constitutes a farce exercise and empty formality rather it is clearly an eye wash and amounts to post decisional hearing which is not permissible in law. In support of the above, I rely upon the following judgments:-

**I. H.L. Trehan vs. Union of India report in 1989 (1) SLR 7 SC -**

Para-13 of the judgment reads as under:

"13. The view that has been taken by this Court in the above observation is that once a decision has been taken, there is a tendency to uphold it and a representation may not yield any fruitful purpose. Thus, even if any hearing was given to the employees of CORIL after the issuance of the impugned circular, that would not be any compliance with the rules of natural justice or avoid the mischief of arbitrariness as contemplated by Article 14 of the Constitution. The High Court, in our opinion, was perfectly justified in quashing the impugned circular."

**II. Shekhar Ghosh vs. Union of India, reported in 2007 (1) SCT 86.**

Head Note 'B' reads as under:

"B. Post-decisional hearing - Sustainability - Held, despite arriving at a finding post decisional hearing was not called for as disciplinary authority had already made up its mind - such post decisional hearing is not contemplated in law and result of such hearing was a foregone conclusion."

15. That without prejudice to the above submission it is submitted that in the Special Leave Petition filed by the HSEB against the LPA Judgment referred above being Civil Appeal No.571 of 2010 arising out of SLP (Civil) No.20211 of 2009 and in the order dated 12.12.2011 the Hon'ble Supreme Court has categorically observed as under:-



"We have heard learned counsel for the applicants and learned counsel for the applicants in the civil appeal.

As per the impugned judgment of the High Court has reversion of the applicants from the cadre of Junior Engineer stands quashed and the contention of the applicants that they were appointed to the cadre of Junior engineer in 1990 by direct recruitment and not by promotion stands accepted. The operation of the impugned judgment of the High Court has not been stayed by this Court in the appeal. Consequently for the purpose of deciding seniority of the applicants and making promotions to the cadre of Assistant Engineers, the judgment of the High Court be the basis."

16. That in view of the above order, my seniority has to be considered and has actually been considered on the basis of a direct recruit as a Junior Engineer and the Civil Appeal is still pending for final adjudication and therefore, any order passed to my disadvantage or detriment to my interest in any manner whatsoever would be violative of the orders passed by the Hon'ble Supreme Court of India and it would amount to interference in the administration of justice.

In view of the submissions made above, I respectfully submit that the decision dated 15.05.2012 may kindly be reconsidered and the merger if any may be done prospectively without disturbing the existing positions which have already been crystallized and have attained finality. Moreover, even the Hon'ble High Court in its order dated January 9, 2014 has directed that when making that exercise, judgments passed in favour of respondents No.3 to 17 and similarly situated other persons be kept in mind and when making above said exercise the decision taken on 15.09.2005 shall not affect rights of the parties and thus the department/Nigams have to adopt a rationale approach which may stand scrutiny of law and it may not be violative of Article 14 and 16 of the Constitution of India and in gross violation of principles of natural justice."

That lastly, I submitted as under:

But for the reasons best known to the authorities neither any notice was served nor any opportunity of personal hearing was given and therefore, my defense stood seriously prejudiced.

H. That I may further invite your attention to the fact that at the time of my appointment as Junior Engineer, the Additional Secretary, HSEB vide memo No.CH-90/EG-5/Bio-data-III dated 23.04.19890 put up a proposal for elevation of technical subordinates working on below status post having passed B.E. Degree to the post of J.E. and in the memorandum put up before the whole time member the following conditions were incorporated:

- i. To appoint S/Sh. SangamLa, Sanwaria Girdhari and Rajinder Parshad as JE/Field and S/Sh. Ram Niwas, Anish Kumar and Anil Kumar as JE/Generation under G.M./PTPS, and alternatively to appoint them to the post of J.E./Field if there are no vacant post of JE/Generation.
- ii. The offers of appointment are to be issued by CE/OP (North) Hissar in case of JE/Field and by GM/Panipat respect of JE/Generation.
- iii. They may be treated as fresh recruits for all intents and purposes but permitted to carry forward their leave accounts and service rendered by them in low posts which shall qualify for pension benefits.
- v) Their seniority as JE shall be determined on the basis of their present status, length of service and they shall be placed at the tail end of seniority JE/Field/Generation respectively."

The above proposal was placed before the WTMs in their meeting held on 06.11.1990 and was approved and thereafter the Additional Secretary HSEB Panchkula issued a memo dated 09.11.1990 addressed to both the cadre controlling authorities i.e. the General Manager (Plants) PTPS Panipat, the Chief Engineer Operation (North), HSEB Hissar directing them to issue the appointment orders as per the terms and conditions approved by the Boards WTMs and accordingly the respective cadre controlling authorities issued the appointment orders and I was appointed by the Chief Engineer/Operation (North) HSEB Hissar to the post of JE (Field/General). It is submitted that the employees are governed by the terms and

conditions of the appointment order and those terms and conditions can not be altered retrospectively and that too without any notice. appointments were made way back in the year 1990 and the settled matters of seniority can not be unsettled at this stage after more than 25 years. It is not permissible either in law or on facts and just the authorities want to give undue benefits and advantage to their own favorites who are otherwise junior in the thermal cadre. It is also relevant to mention that in the above mentioned process as many as nine persons were appointed as Junior Engineer and I and one Sangam Lal Patel were allocated to General/Field Cadre and rest were appointed in the thermal cadre. Now one fails to understand as to how the decision taken by the then authorities of the Board can be reloked particularly with regard to seniority as it was clearly mentioned in the memorandum and approval thereof and also in the appointment order that the seniority will be in their respective cadre and therefore, by no stretch of imagination my seniority can be adversely effected to my disadvantage. It is well settled preposition in law that a conscious decision taken by the competent authority can not be reviewed/reopened by the successor without there being any source of power. In this regard I may refer to the following judgments:

- I. The General Manager Vs. Madan Lal Chopra" – 1971 (1) SLR 629 DH  
P&H.

Head Note of the judgment reads as under:

"Constitution of India, Article 16 – Natural justice – Benefit of higher grade given by Competent Authority – Benefit cannot be withdrawn by reviewing the matter subsequently by successor in office in absence of rules, AIR 1937 PC 27 relied."

**R.T. Rangachari Vs. Secretary of State, reported in AIR 1937 PC 27.**

In the said case it was held as under: -



"In a case in which after Government Officials, duly competent and duly authorized in that behalf, have arrived honestly at one decision, their successors in office, after the decision has been acted upon and is in effective operation, cannot purport to enter upon a reconsideration of the matter and to arrive at another and totally different decision."

That now the above mentioned tentative seniority list dated 22.07.2016 has been issued in which my name does not find mention anywhere and therefore, it is humble requested that my name may be inserted in the above seniority list of JE's circulated Vide Memo No- Ch- 46/HPG/Genl-119/Loose dated- 22.07.2016 at appropriate palace and after correction, the copy of the same may be supplied to me so that I may not be deprived from my legal right in any manner what so ever which has now been issued of seniority as JE's of 1989 batch onwards up to 14.08.1998

Thanking you,

DATE: 06.08.2016

Yours Sincerely,

*QUNAS*

(Sanwaria Girdhari Vats)

EXECUTIVE ENGINEER.  
OP DIVISION  
UHBVN BAHADURGARH

- 1 Copy of the above is forwarded to G.M Admin. UHBVN Panchkula
- 2 Copy of the above is forwarded to <sup>CE</sup>G.M Admin. HPGCL Panchkula
- 3 Copy of the above is forwarded to Ceopuhbvnpanchkula@gmail.com

12  
06.08.2016

**SPEED POST**

The Managing Director,  
HPGCL  
Registered Office: C-7,  
Urja Bhawan, Sector 6  
Panchkula.

Subj: Objections against the tentative seniority list of JEs of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice) to the court cases

and vide memo No. CH-50/HPG/Gen-119/loose dated 02.08.2016.

Sir,

It is submitted that I Sanwaria Girdhari Vats(S.G Vats) initially joined as AS&A in the erstwhile H.S.E.B on dated 19.04.1985 and further I was appointed as Junior Engineer (Field/General) on 09.12.1990 by the chief engineer/operation, Zone-3, Hissar vide his office Memo No- Ch-5/Loose dated 06.12.1990, and thereafter promoted as an Assistant Engineer against vacancies of the direct recruitment quota by secretary, HSEB vide office order No. 3/EG-5/AMIE/BE dated 01.01.1993 and joined as A.E on dated 01.01.1993 and my name as A.E find figure in the Tentative seniority list of AEs (Electrical) working in UHBVN as it stood on 31.05.2006 at serial no-62 vide Memo no- Ch-2/UH/HR-II/EG-137 dated 28.08.2006 thereafter, I was promoted as Assistant Executive Engineer on 31.12.2006 and finally I was promoted as Executive Engineer in February 2013. It is submitted that earlier a tentative seniority list of JEs of 1989 batch onwards upto 14.08.1998 i.e. till the unbundling of HSEB without prejudice to the court cases from special seniority No.1 (Sh. Gulshan Kumar) to Special seniority No.702 (Sh. Bakshi Ram) (DC) was issued inviting objections within 30 days i.e. upto 21.08.2016 and now all of a sudden vide memo under reference dated 02.08.2016 you have curtailed the period of 30 days to submit objections and invited objections upto 08.08.2016 in view of the pending of the contempt petitions against the contemnors for 17.08.2016. In this view of the matter, I hereby submit as under:-

A. That I have gone through the entire tentative seniority list dated 22.07.2016 issued vide memo No.CH-46/HPG./Gen-119/Loose dated 22.07.2016 and my name does not find figure in the entire list from Sr.No.1 to Sr. No.702 despite the fact that I was appointed as a Junior Engineer (General/Field) by way of direct recruitment on 09.12.1990 from amongst the in service employees working on the Post of Technical Sub ordinates and the appointment was made by way of direct

recruitment and against the quota meant for direct recruitment and thereafter, I was promoted as an Assistant Engineer w.e.f. 01.01.1993.

B. That on 06.09.1995 the then Board passed the reversion orders were passed against many employees including me on the ground that there was no out of turn promotion policy for the post of Junior Engineer from amongst the employees working on subordinate technical posts. The reversion orders were challenged by filing a joint Civil Writ Petition No.13541 of 1995 and the reversions were stayed. Ultimately the said writ petition was allowed vide order dated 04.12.2008. Thereafter, the then HSEB filed LPA No.353 of 2009 and the same was dismissed on 15.05.2009. Being aggrieved by the said order, the then HSEB filed SLP (Civil) No. 20211 of 2009, SLP No- 20087 of 2009 titled, "In the matter of UHBVN (Petitioners) V/S Sanwaria Giridhari Vais (Respondents) Now Civil Appeal No.571 of 2010 and no stay is operative against the judgment passed by the Hon'ble High Court on 04.12.2008 as affirmed by the LPA Bench. The said SLP is still pending for final adjudication.

C. That despite the promotion order of Junior Employee, I was not given regular promotion on the post of Assistant Engineer and Executive Engineer and under the compelled circumstances, I had to file an I.A. No.3 & 4 of 2011 in Civil Appeal No.571 of 2010 and the said application was disposed of by the Hon'ble Supreme Court of India vide order dated 12.12.2011. Still the order was not implemented and I was again forced to file a Contempt Petition (C) No.327 of 2012 and after issuance of the contempt notice by the Hon'ble Supreme Court of India, the competent authority passed an office order No.790/HPG/GE-632 dated 21.12.2012 vide which I was given regular promotion on provisional basis to the post of Assistant Engineer on 01.01.1993 and also as an Executive Engineer w.e.f. 31-12-2006 and I was promoted as Executive Engineer in FEB 2013 and still continuing as executive engineer at UHBVN bahadurgarh.

D. That in the similar situated case that "Sh. Sangam Patel, XEN (DOB 04.05.1956) have been retired on attaining the age of superannuation on 31.05.2014 vide office order No.341/HPG/GE/623 dated 23.05.2014. The said order reads as under:-

"Sh. Sangam Patel, XEN (DOB 04.05.1956) posted in the O/o Chief Engineer/PTPS-I, HPGCL, Panipat, retires from the services of the Corporation on 31.05.2014 A.N. on attaining the age of superannuation viz 58 years without prejudice to the receipt of No Demand Certificates from concerned offices and subject to



- (i) The final decision of Hon'ble Supreme Court of India in Civil appeal No.571 of 2010 arising out of SLP(c) No.20211 of 2009 and CWP No.13541 of 1995 and
- (ii) The implementations of the decision passed by Hon'ble High Court of Punjab & Haryana in CWP No.16330 of 2005 and LPA (being filed) arising out of CWP No.7803 of 1993.

This issue with the approval of Chief Engineer/Admn., HPGCL.

Sd/-  
Dy. Secty./Estt(G)  
For Chief Engineer/Admn.,  
HPGCL, Panchkula

After retirement, all the retiral benefits have been released and now the Sangam Lal Patel is getting pension through State bank of Patiala, Thermai Colony, Panipat.

That thereafter, I came to know that in view of an order dated January 9, 2014 passed by a Division Bench of the Hon'ble High Court in CWP No.16330 of 2005 titled Parveen Arora and others Vs. HPGCL and others, seniority list of Junior Engineers is being revised and a common seniority list of Junior Engineers (General & Filed cadre and General Cadre) is being prepared retrospectively which has far reaching consequences and may adversely affect many serving as well as retired employees. Before I make submission on merits, it would be appropriate to first refer to the order passed by the Hon'ble High Court on January 9, 2014 which reads as under:-

"CORAM: Hon'ble Mr. Justice Jasbir Singh,  
Hon'ble Mr. Justice Harinder Singh Sidhu,

Present: Mr. Ashwani Talwar Advocate  
for the petitioners (In Civil Writ Petition Nos.  
16330 of 2005, 13409 & 8431 of 2007).

Mr. R.K.Meik, Senior Advocate  
with Mr. Nikhil Sharma, Advocate  
for the petitioners (In Civil Writ Petition Nos.  
5175 and 11909 of 2005).

Mr. Anurag Goyal, Advocate  
for the petitioners (In Civil Writ Petition Nos.  
16883 & 16898 of 2006 and 5300 of 2007).

Mr. Rakesh Sobti, Advocate  
for the petitioners (In Civil Writ Petition No.  
12099 of 2006).

Mr. N.D.Kalra, Advocate  
for the petitioner (In Civil Writ Petition No.  
1593 of 2008).

Mr. Rajiv Atma Ram, Senior Advocate

with Mr. Aman Bahri, Advocate  
for respondents No.3 to 17 (In Civil Writ Petition  
No. 16330 of 2005).

Mr. Sanjay Singh, Advocate  
for Mr. Karanveer Singh Kehar, Advocate  
for respondents No. 34 to 36 (In Civil Writ Petition  
No. 16330 of 2005) and respondents No.4 to 6  
(In Civil Writ Petition No. 13409 of 2007).

**Jasbir Singh, Judge (Oral)**

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 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 9.6.2012 following order was passed by this Court:-

"Adjudication of the dispute in hand is likely to affect 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 Redu & 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 write 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 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.

(Jasbir Singh)  
Judge

(Harinder Singh Sidhu)  
Judge

January 9, 2014"

F. That thereafter, it was revealed that a committee was constituted to invite the objections and grant hearing to the adversely effected persons. In this regard it is stated that I was neither the petitioner nor the respondent in any of the said writ petition disposed of vide order dated January 9, 2014 reproduced above. Further neither I was given any notice to show cause nor any opportunity of hearing was afforded to me to put forth my point of view. It is submitted that on the basis of the objections filed by various employees for and against the framing of joint and common seniority list of Junior Engineers of General/Field Cadre & Generation Cadre. Seven members committee had prepared a report containing 137 pages on 20.11.2014.

1. That in view of the above directions, the entire matter relating to determination of seniority at the level of Junior Engineers belonging to General Cadre and Generation Cadre is open for consideration of authorities of various Nigams and Corporations which have come into being on division of erstwhile-Haryana State Electricity Board. It is worthwhile to mention that erstwhile Haryana State Electricity Board was initially bifurcated into two Nigams on 14.08.1998 namely Haryana Vidyut Parsaran Nigam Ltd. (for short HVPNL) and Haryana Power General Corporation Ltd. (for short HPGCL) later on two more Nigams namely Uttar Haryana Bijli Vitran Nigam Ltd. (for short UHBVNL) and Dakshin Haryana Bijli Vitran Nigam Ltd. (for short DHBVNL) came to be formed on 01.07.1999.

The allocation of the staff was primarily carried out on the principle of "As is

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where is basis". Thereafter representations were invited for change of allocation from the staff subject to fulfillment of certain conditions and the representations were decided accordingly. All the Nigams have separate and independent legal entity and the employees working under the said Nigams constitute a separate cadre.

2. That the employees of erstwhile Haryana State Electricity Board were governed by the Punjab State Electricity Board Service of Engineers (Electrical) Regulations, 1965 as adopted by the HSEB and amended from time to time. In order to determine the crucial issue of seniority of the Junior Engineers working in different cadres i.e. General Cadre and Generation Cadre, it would be appropriate to refer to the regulations governing the service. In this regard, I may invite your attention to the office order No.21/REG-18 dated 19.02.1988 vide which the Haryana State Electricity Board in exercise of powers conferred under Section 79 of the Electricity (Supply) Act, 1948 and all other enabling powers in this behalf made certain amendments in the PSEB Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to HSEB). Thereafter, in order to implement the recruitment in promotion policy in the case of promotion to the post of Assistant Engineer from Engineering Subordinates possessing AMIE/BE qualifications in 12½ % quota, the directions were issued for preparing a ranking list of Engineering subordinates for their promotion to the post of Assistant Engineer. The said notification reads as under:-

**AMENDMENTS**

- (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/ Carrier, who possesses at least 3 years Diploma in Electrical or Mechanical or Electronics Engineering.
- (ii) For Generation Cadre consisting of Thermals/ Hydel/ RBMB etc.

"Engineering subordinate" means Junior Engineers (Thermal) Controllers; Master Foreman and Senior Supervisors having atleast 3 years Diploma in Electrical/ Mechanical or Electronics Engineering.

(B) Clause (i) of Sub-Regulation (c) of Regulation-6, shall be substituted as under:-

1. By promotion from amongst Assistant Executive Engineers as provided in Regulation-9.

(C) Clause (i) of Sub-Regulation (c) of Regulation-6, shall be substituted as under:-

1. By promotion from amongst Assistant 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%   | 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 |
| (b) By promotion for General Cadre in the manner as under:-  |       |   |
| (i) From amongst Engineering subordinates as defined for General Cadre under Regulation - 2 (g) (i) with 5 years service as Junior Engineer-1. | 22½ % |   |
| (ii) From amongst Engineering subordinates of General Cadre possessing AMIE/ BE qualification and having 5 years service as such.              | 12½ % |   |

(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 Controllers/ Master Foremen and Senior Supervisors. | 22½ % | Share quota of 35% of posts of AEs meant for Engineering subordinates in Generation Cadre shall be calculated on the sanctioned strength of posts of AEs in Generation Cadre viz. Thermals/ Hydel/ BBMB etc. |
| (ii) From amongst Engineering subordinates of Generation Cadre possessing AMIE/ BE qualification and having 5 years service as such.  | 12½ % |  |

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

#### CLARIFICATION

- I. For General Cadre:-

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- (i) The interse seniority of Junior Engineer Grade-I (Field), Junior Engineer Grade-I (Sub-Station), Junior Engineer Grade-I (Test) and Junior Engineer Grade-I (Carrier) for the purpose of promotion against 22½ % quota, shall be determined from the date of their continuous appointment in their respective cadres of Junior Engineers Grade-I (Field), Junior Engineers Grade-I (Sub-Station), Junior Engineers Grade-I (Test) and Junior Engineers Grade-I (Carrier).
- (ii) The eligibility for consideration for promotion for AMIE/BE against 12½ % quota, shall be determined from the date of qualifying such examination.

II. For Generation Cadre:-

- (i) The interse seniority of Controllers, Master Foremen and Senior Supervisors for the purpose of promotion against 22½ % quota shall be determined from the date of their continuous appointment in their respective Cadre of Controllers, Master Foremen and Sr. Supervisors.
- (ii) The eligibility for consideration for promotion from AMIE/BE against 12½ % quota shall be determined from the date of qualifying such examination.
- (iii) The Assistant Engineers promoted against 35% quota meant for Generation Cadre from Engineering Subordinates shall have no right for appointment and promotion in the General Cadre (Transmission and Distribution), as they have been promoted specifically for Generation Cadre.
- (iv) The promote Assistant Engineers from Engineering Subordinates meant for Generation Cadre shall be eligible for promotion to the higher ranks, provided they have qualifying service of 5 years at each stage.
- (2) Subject to the provision of Regulation-9 (1) above, an A.E., whether promoted from amongst Engineering Subordinates or directly recruited, will, hence forth be eligible for promotion to the post of A.E.E., Xen. and S.E. on seniority-cum-merit basis; provided that no Xen. so promoted shall be eligible for promotion to the rank of Superintending Engineer unless he holds a Degree in Electrical, Mechanical or Electronics Engineering or AMIE/ BE degree.
- (3) The scope of the Departmental Accounts Examination meant for Engineering Officers as contained in Appendix-I (L) of the Electricity Branch Manual of Orders, is extended to the Engineering Subordinates who are eligible for promotion as Assistant Engineers against quota posts.



- (i) A Junior Engineering Subordinate, shall not be entitled to claim promotion over an Engineering Subordinate senior to him merely on the ground that he has passed the Departmental Accounts Examination prior to his senior or that the senior has not passed the said Examination.
2. This supersedes all the existing rules, regulations, instructions, orders etc. which are repugnant or contrary to the above Regulations.
3. The above amendments shall take effect from 10.02.1988.

Sd/-  
Under Secretary/ C&R,  
for Secretary, HSEB, Panchkula."

- 3 That vide Notification dated 13.02.1991, the Board that Engineering Subordinate of General Cadre and Generation Cadre possessing AMIE/BE qualification would be entitled to be considered for promotion to the post of Assistant Engineer against 12½ % quota in the respective cadre. The Notification reads as under:-

" HARYANA STATE ELECTRICITY BOARD

NOTIFICATION

The 13th February, 1991

No. 89/REG-18/L-II, in exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1946 and all the other enabling powers in this behalf, the Haryana State Electricity Board reviewed its decision dated 05.06.1990 in its meeting held on 16.01.1991 and hereby makes the following substitution in Regulation-9 of the P.S.E.B. Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to the HSEB) as amended vide O/O No. 21/REG-18, dated 19.02.1988:-

- (i) Sub-Regulation (1) (b) (ii) of Regulation-9 stands substituted as follows:-
- "From amongst Engineering subordinates of General Cadre possessing AMIE/BE 12½% qualification and having 2 years service as such"
- (j) Sub-Regulation (1) (c) (ii) of Regulation-9 stands substituted as follows:-
- "From amongst Engineering subordinates of General Cadre possessing AMIE/BE 12½% qualification and having 2 years service as such"

Sd/-  
SECRETARY,  
HARYANA STATE ELEC. BOARD,  
PANCHKULA"

4. That later on again on 12.04.1991, amendments were carried out in the service regulations redefining the definition of Engineering Subordinates of Generation Cadre. However, no change was made in the General Cadre. The amendment read as under:-

**" HARYANA STATE ELECTRICITY BOARD  
NOTIFICATION**

The 12th April, 1991

No. 89/REG-18/L, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments, substitutions in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988:-

**AMENDMENT**

i. Sub-Clause (ii) of Clause (g) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-

"For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc."

"Engineering Sub-ordinate" means Junior Engineers/ Thermal Controllers, Master Foreman, Sr. Supervisors and Foremen Gr-I having at least 3 years Diploma in Electrical/ Mechanical Electronics Engineering".

ii. Sub-Clause (i) of Clause (c) of Sub-Regulation (1) of Regulation-9 stands substituted as read as follows:-

"From amongst Engineering subordinates of Generation Cadre as defined in Regulation-2 (g) (ii) with 5 years service as Controllers, Master Foremen, Sr. Supervisors and Foremen Gr-I".

Sd/-  
SECRETARY,  
HARYANA STATE ELECY. BOARD,  
PANCHKULA."

5. That the HSEB issued another notification dated 21.05.1991 redefining the definition of Engineering Subordinate of Generation Cadre which reads as under:-

**AMENDMENTS**

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1. Sub-Clause-(ii) of Clause (g) of Sub-Regulation (a) of Regulation-2 stands substituted and read as follows:-

For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc.

"Engineering subordinate" means JE's/ Thermal, Controllers, Boiler Controllers, Master Foreman, Sr. Supervisors and Foreman Gr-I having 3 years Diploma in Electrical/ Mechanical or Electronics Engineering".

2. Sub-Clause-(i) of Clause (c) of Sub-Regulation (1) of Regulation-9 stands substituted and read as follows:-

"For amongst Engineering subordinates of Generation Cadre as defined in Regulation 2 (g) (ii) Controllers, Master Foreman, Sr Supervisors and Foreman Gr-I".

3. The following clarifications shall be added below Clarification No. 4 of Clarification on Generation side attached to the Regulation-9:

(1) Boiler Controller, who has been promoted as AE; shall remain in Thermal for ever and he may not be posted outside the Generation Organisation. He will work on the Boilers only.

(2). The post of AE, AEE on the Boiler side, be earmarked for Boiler Controllers, who possess minimum qualification of 3 years Diploma and BOE Certificate. The other BOE, who do not possess the minimum qualification of 3 years Diploma, shall not be considered for their promotion to the post of AE of Boiler side. These employees shall remain as Boiler Controllers on Boilers.

(3) Those Boiler Controllers, who have already received advance promotion as JE-I/ Generation, if any, shall not be entitled to receive double benefit of seniority.

Sd/-  
SECRETARY,  
HARYANA STATE ELECY. BOARD,  
PANCHKULA."

6. That thereafter the Board issued Notification dated 5th March, 1992, 7th December, 1992, 12th October, 1993 in respect of Generation Cadre. Amendments issued are reproduced as under:-

" HARYANA STATE ELECTRICITY BOARD

NOTIFICATION

The 5th March, 1992

No. 135/REG-18, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments/ substitutions/ deletion in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 98/REG-18/L dated 12.04.1991 and No. 108/Reg-18 dated 21.05.1991 as under:-

AMENDMENT

i. Sub-Clause (ii) of Clause (g) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-

For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc. "Engineering Sub-ordinate" means "Junior Engineers- (Thermal), Boiler Controllers and Master Foreman having 3 years Diploma in Electrical/ Mechanical Electronics Engineering"

ii. Sub Clause- (i) of Clause- (C) of Sub-Regulation - (I) of Regulation - 9 stands substituted and read as follows:-

(i) "22½ % posts of AEs shall be filled -up by promotion from amongst the Engineering subordinates of Generation Cadre as defined in Regulation-2 (g) (ii) with 5 years service as under:-

a) Junior Engineer-I/ Thermal	70%
b) Boiler Controllers	20%
c) Master Foreman	10%

A Roster shall be maintained by keeping the following ration:-

"In a block of 10 posts, 3rd will go to Boiler Controller, 6th will be reserved for Master Foreman and 9th for Boiler Controller. The rest of the post namely 1st, 2nd, 4th, 5th, 7th, 8th and 10th will go to JE-I (Thermal). This roster will continue to be repeated keeping in view the vacancy to be filled-up.

iii. Clarifications added below clarification \_\_\_\_\_ on Generation side attached to Regulation-9 vide Notification No 108/Reg-18, dated 21.05.1991, is hereby deleted.



2. The above issues in pursuance of the decision taken by the Board in its meeting held on 17.01.1992.
2. This will take effect from 05.03.1992 the date on which the original notification was issued.
3. The above issues in pursuance of decision taken by the Board, in its meeting held on 25.11.1992.

Sd/-  
SECRETARY,  
HARYANA STATE ELECTRICITY BOARD,  
PANCHKULA.

**HARYANA STATE ELECTRICITY BOARD  
NOTIFICATION**

The 7th December, 1992

"No. 150/REG-18/Vol-IV, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments/ substitutions/ deletion in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 135/REG-18 dated 05.03.1992 as under:-

**AMENDMENT**

- i) Sub-Clause (i) of Clause (g) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-
  - i) For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc."
- ii) Sub Clause- (i) of Clause- (C) of Sub-Regulation - (I) of Regulation -9 be substituted as under:-

"22½ % posts of AEs shall be filled -up by promotion from amongst the Engineering subordinates of Generation Cadre as defined in Regulation-2 with 5 years service as under:-

- |                              |     |
|------------------------------|-----|
| d) Junior Engineer-/ Thermal | 80% |
| e) Boiler Controllers        | 20% |

A Roster shall be maintained by keeping the following ration:-

In a block of 10 posts/ 4th and 8th will go to Boiler Controllers and 1st and 3rd, 5th, 6th, 7th, 9th and 10th will go to

the J.E.-I/ Generation. This poster will continue to be repeated keeping in view the vacancy to be filled-up"

## HARYANA STATE ELECTRICITY BOARD

### NOTIFICATION

The 12th October, 1993

No. 167/REG-21/L-II, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board reviewed its decision dated 16.01.1991 in its meeting held on 27.09.1993 and hereby makes the following substitution in Regulation-9 of the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 89/REG-18/L-II dated 13.02.1991 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

ii) From amongst Engineering subordinates of General Cadre 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 JE-I Boiler Controllers.

ii) From amongst Engineering subordinates of Generation Cadre possessing and having 5 years service as such.

Provided further that share quota posts of AEs 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.

Sd/-  
SECRETARY,  
HARYANA STATE ELEC. BOARD,  
PANCHKULA"

7. That in supersession of the Notification dated 27.02.1989 relating to preparation of ranking list of engineering subordinates, the Board issued an office order No.168 dated 20.10.1993 which reads as under:-

" HARYANA STATE ELECTRICITY BOARD

OFFICE ORDER No. 168/REG-21/L-II

Dated: 20.10.1993

In supersession of this office order No. 33/Reg-18, dated 27.02.1989, the Haryana State Electricity Board is pleased to issue guidelines in order to implement the Recruitment & Promotion Policy in case of promotion to the post of Assistant Engineer from Engineering Subordinates possessing AMIE/BE qualifications in 12½ % quota as contained in Regulation-9 (I) (b) (ii) and Regulation 9 (I) (c) (ii) of Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to HSEB) and notified vide O/o No. 21/Reg-18, dated 19.02.1988, read with notification No. 167/REG-21/L-II, dated 12.10.1993 as under:-

- i) The determination of the eligibility for promotion will be acquisition of qualification of AMIE/BE and completion of 5 years service in the cadre of Engineering Subordinates. The eligibility shall thus be determined on satisfying both the conditions i.e. passing of AMIE/BE examination and 5 years experience. The name(s) of the official will be entered in the ranking list from the date they complete both the conditions. If a candidate is recruited as Engineering sub-ordinate having qualification of AMIE/BE, his eligibility for promotion will also be considered after he attained experience of 5 years on the post.

- ii) The ranking list of Engineering subordinates for their promotion as AE shall normally be prepared on 1st day of January of each year and duly notified to all concerned. The name(s) of the eligible candidate(s) in the ranking list will be entered strictly from the date the official fulfils both the conditions i.e. passing of AMIE/BE examination and completion of 5 years service of engineering subordinates. If two or more the same date the name in the raking list will be entered in accordance with their original seniority in the Engineering sub-ordinates.

This issues with the approval of the Board in its meeting held on 27.09.1998.

Sd/-  
 SECRETARY,  
 HARYANA STATE ELEC. BOARD,  
 PANCHKULA"

8. That from the above notification issued by the HSEB amending the service regulations from time to time, the following position is clearly emerged.
  - i. The General Cadre comprises transmission and distribution and the Generation Cadre comprises Thermals/Hydel/BBMB
  - ii. Engineering Subordinate of General Cadre includes JEs (field/JEs Grade-I/Sub Station/Test/Carrier whereas the Engineering Subordinates of Generation Cadre includes JE Thermal, Controller, Master Foreman and Senior Supervisor.
  - iii. Regulation 9 provided different Recruitment Rules for General Cadre and Generation Cadre providing 65%. In both the Cadres recruitment to the post of Assistant Engineer is to be made 65% by promotion and 35% by Direct Recruitment and the promotion quota of 35% has been further bifurcated in the ratio of 22½% and 12½ %. Still further under regulation 9(1)(b) relating to General Cadre it has been provided that share quota of 35% of posts of AEs shall be calculated on the sanctioned strength of post of AEs in General Cadre of the Board excluding the post of AEs in Generation Cadre viz Thermals /Hydel/BBMB. Similarly under Regulation 9(1)(c) relating to recruitment, Generation Cadre it has been provided that share quota of 35% of posts of AEs meant for Engineering Subordinates in Generation Cadre shall be calculated on the sanctioned strength of posts of AEs in Generation Cadre viz Thermals/Hydel/BBMB etc.
  - iv. Still further the Notification dated 19.02.1988 has clarified the position for General Cadre and Generation Cadre and it would be seen that the various posts of General Cadre comprises the feeder cadre for promotion to the post of AE against 22½ % quota and similar is the position in the Generation Cadre. The posts of both the feeding cadres are separate and there is nothing common between the two.



- v. Still further the Board vide Notification dated 12.04.1991, 21.05.1991, 05.03.1992 and 07.12.1992 have amended the service regulations and categorically clarified as to what comprises the Generation Cadre and clearly defined the meaning of Engineering Subordinate of Generation Cadre and which posts are including therein. Further clarified as to what comprises the Generation Cadre.
- vi. From the perusal of the above provisions contained in the Notification dated 19.02.1988 and various others notifications issued from time to time hereinafter referred above, it is crystal clear and leaves no manner of doubt that the General Cadre and the Generation Cadre are two separate and independent.
9. That it is also worthwhile to mention that vide public advertisement No CRA-104 of 1998 100 posts of JE (General/Field) and 160 posts of JE Generation (Thermal) were advertised and the appointments were made. This clearly shows that both the cadres were separate and independent and there is nothing common between the two and both the cadres are operating in their respective fields.
10. That at the relevant time a Junior Engineer having AMIE/BE Degree with 10 years service was entitled to be considered for promotion to the post of Assistant Engineer against 12½% quota in the general cadre as well as generation cadre. Since I was working as Junior Engineer (General/field) and therefore, I was promoted as Assistant Engineer (Field) on 01.01.1993.
11. That as stated earlier, on reorganization of the HSEB, different corporations were formed and I was allocated to UHBVN and later on my request, I was allocated to HPGCL in the year 2000 and with the intervention of the Hon'ble Supreme Court of India, I was given a regular promotion as Assistant Engineer and Executive Engineer from the due dates i.e. w.e.f. 01.01.1993 and 31.05.2007 respectively and I have retired as such on 31.05.2014.
12. That the very proposal put up before the Hon'ble High Court to frame a joint seniority list of General/Field and Generation/ Thermal Cadre of Junior Engineer is contrary to the regulations governing the service as both the cadres are distinct, independent and separate and therefore there was no occasion to make such a proposal which is against the regulations and not at all workable

and that too retrospectively. It is well settled position in law that the settled matters cannot be unsettled. The then HSEB had been maintaining the separate seniority list of JE General/field and JE Generation/Thermal being separate cadres with separate cadre controlling authorities and with the passage of considerable long time many people have been promoted 2-3 steps higher in rank and have retired and some have also died. Their rights have already been crystallized and thus the same cannot be reopened to the detriment of the rights of such employees. It is further stated that the merger of two cadres and framing of joint seniority list can only be prospective and cannot be made operative retrospectively and there is no just and valid reason for the same.

13. That according to the service regulations and the instructions issued from time to time, the ranking list of junior engineers/Engineering Sub ordinates for the purpose of promotion to the post of Assistant Engineer have to be prepared on the basis of fulfillment of two requisite conditions. Firstly the official should hold an AMIE/BE Degree and secondly he should possess 5 years/2 years service as such as the case may be and such ranking list is to be prepared as on first day of the year i.e. as on 1st January of every year. An official may be senior but would be added on acquiring the eligibility by fulfilling both the conditions. Thus the department has to keep in mind that while preparing the ranking list of Junior Engineers/Engineering Sub ordinates for promotion to the post of Assistant Engineer that a candidate must fulfill both the requisite conditions and only then his name should be included in the ranking list as on 1st of January of each year. It is worthwhile to mention that an official fulfilling both the requisite conditions on 2nd of January of the year would be edit in the ranking list to be prepared on the 1st January of the next year. Meaning thereby that an official fulfilling the eligibility conditions on 02.01.2001 would be included in the ranking list on 01.01.2002 and similar will be the position in the next years. So far as I am concern, I fulfilled both the requisite conditions prior to 01.01.1993 and therefore, I was entitled to for inclusion of my name in the ranking list as on 01.01.1993 and thus no fault can be founded with my promotion as an Assistant Engineer and further as Executive Engineer.

14. That it is also worthwhile to mention that the authorities of all the four Nigams have already taken a decision on 15.05.2012 in the chamber of Chairman,

Haryana Power Utility and by placing the same on record, you just got a handle for disposal of the pending writ petitions instead of getting the order on merits so that you may act illegally and arbitrarily and on whims and fancies. Though no opportunity was granted to me to make any representation and nor any show cause notice was given yet I would respectfully submit that the grant of opportunity to represent after the decision is already taken clearly constitutes a farce exercise and empty formality rather it is clearly an eye wash and amounts to post decisional hearing which is not permissible in law. In support of the above, I rely upon the following judgments:-

**i. H.L. Trehan vs. Union of India reported in 1989 (1) SLR 7 SC -**

Para-13 of the judgment reads as under:

"13. The view that has been taken by this Court in the above observation is that once a decision has been taken, there is a tendency to uphold it and a representation may not yield any fruitful purpose. Thus, even if any hearing was given to the employees of CORIL after the issuance of the impugned circular, that would not be any compliance with the rules of natural justice or avoid the mischief of arbitrariness as contemplated by Article 14 of the Constitution. The High Court, in our opinion, was perfectly justified in quashing the impugned circular."

**ii. Shekhar Ghosh vs. Union of India, reported in 2007 (1) SCT 86.**

Head Note 'B' reads as under:

"B. Post-decisional hearing - Sustainability - Held, despite arriving at a finding post decisional hearing was not called for as disciplinary authority had already made up its mind - such post decisional hearing is not contemplated in law and result of such hearing was a foregone conclusion."

15. That without prejudice to the above submission it is submitted that in the Special Leave Petition filed by the HSEB against the LPA Judgment referred above being Civil Appeal No.571 of 2010 arising out of SLP (Civil) No.20211 of 2009 and in the order dated 12.12.2011 the Hon'ble Supreme Court has categorically observed as under:-

-156-

"We have heard learned counsel for the applicants and learned counsel for the applicants in the civil appeal.

As per the impugned judgment of the High Court has reversion of the applicants from the cadre of Junior Engineer stands quashed and the contention of the applicants that they were appointed to the cadre of Junior engineer in 1990 by direct recruitment and not by promotion stands accepted. The operation of the impugned judgment of the High Court has not been stayed by this Court in the appeal. Consequently for the purpose of deciding seniority of the applicants and making promotions to the cadre of Assistant Engineers, the judgment of the High Court be the basis."

16. That in view of the above order, my seniority has to be considered and has actually been considered on the basis of a direct recruit as a Junior Engineer and the Civil Appeal is still pending for final adjudication and therefore, any order passed to my disadvantage or deterrent to my interest in any manner whatsoever would be violative of the orders passed by the Hon'ble Supreme Court of India and it would amount to interference in the administration of justice.

In view of the submissions made above, I respectfully submit that the decision dated 15.05.2012 may kindly be reconsidered and the merger if any may be done prospectively without disturbing the existing positions which have already been crystallized and have attained finality. Moreover, even the Hon'ble High Court in its order dated January 9, 2014 has directed that when making that exercise, judgments passed in favour of respondents No.3 to 17 and similarly situated other persons be kept in mind and when making above said exercise the decision taken on 15.09.2005 shall not affect rights of the parties and thus the department/Nigams have to adopt a rationale approach which may stand scrutiny of law and it may not be violative of Article 14 and 16 of the Constitution of India and in gross violation of principles of natural justice."

That lastly, I submitted as under:

-157-



But for the reasons best known to the authorities neither any notice was served nor any opportunity of personal hearing was given and therefore, my defense stood seriously prejudiced.

H. That I may further invite your attention to the fact that at the time of my appointment as Junior Engineer, the Additional Secretary, HSEB vide memo No.CH-90/EG-5/Bio-data-III dated 23.04.19890 put up a proposal for elevation of technical subordinates working on below status post having passed B.E. Degree to the post of J.E. and in the memorandum put up before the whole time member the following conditions were incorporated:

- i. To appoint S/Sh. SangamLa, Sanwaria Girdhari and Rajinder. Parshad as JE/Field and S/Sh. Ram Niwas, Anish Kumar and Anil Kumar as JE/Generation under G.M./PTPS, and alternatively to appoint them to the post of J.E./Field if there are no vacant post of JE/Generation.
- ii. The offers of appointment are to be issued by CE/OP (North) Hissar in case of JE/Field and by GM/Panipat respect of JE/Generation.
- iii. They may be treated as fresh recruits for all intents and purposes but permitted to carry forward their leave accounts and service rendered by them in low posts which shall qualify for pension benefits.
- v) Their seniority as JE shall be determined on the basis of their present status, length of service and they shall be placed at the tail end of seniority JE/Field/Generation respectively."

The above proposal was placed before the WTMs in their meeting held on 06.11.1990 and was approved and thereafter the Additional Secretary HSEB Panchkula issued a memo dated 09.11.1990 addressed to both the cadre controlling authorities i.e. the General Manager (Plants) PTPS Panipat, the Chief Engineer Operation (North), HSEB Hissar directing them to issue the appointment orders as per the terms and conditions approved by the Boards WTMs and accordingly the respective cadre controlling authorities issued the appointment orders and I was appointed by the Chief Engineer/Operation (North) HSEB Hissar to the post of JE (Field/General). It is submitted that the employees are governed by the terms and

conditions of the appointment order and those terms and conditions can not be altered retrospectively and that too without any notice. appointments were made way back in the year 1990 and the settled matters of seniority can not be unsettled at this stage after more than 25 years. It is not permissible either in law or on facts and just the authorities want to give undue benefits and advantage to their own favorites who are otherwise junior in the thermal cadre. It is also relevant to mention that in the above mentioned process as many as nine persons were appointed as Junior Engineer and 1 and one Sangam Lal Patel were allocated to General/Field Cadre and rest were appointed in the thermal cadre. Now one fails to understand as to how the decision taken by the then authorities of the Board can be relooked particularly with regard to seniority as it was clearly mentioned in the memorandum and approval thereof and also in the appointment order that the seniority will be in their respective cadre and therefore, by no stretch of imagination my seniority can be adversely effected to my disadvantage. It is well settled preposition in law that a conscious decision taken by the competent authority can not be reviewed/reopened by the successor without there being any source of power. In this regard I may refer to the following judgments:

I. **The General Manager Vs. Madan Lal Chopra** – 1971 (1) SLR 629 DH  
P&H.

Head Note of the judgment reads as under:

Constitution of India, Article 16 – Natural justice – Benefit of higher grade given by Competent Authority – Benefit cannot be withdrawn by reviewing the matter subsequently by successor in office in absence of rules. AIR 1937 PC 27 relied.”

**R.T. Rangachari Vs. Secretary of State, reported in AIR 1937 PC 27.**

In the said case it was held as under: -

-159-

"In a case in which after Government Officials, duly competent and duly authorized in that behalf, have arrived honestly at one decision, their successors in office, after the decision has been acted upon and is in effective operation, cannot purport to enter upon a reconsideration of the matter and to arrive at another and totally different decision."

That now the above mentioned tentative seniority list dated 22.07.2016 has been issued in which my name does not find mention anywhere and therefore, it is humble requested that my name may be inserted in the above seniority list of JE's circulated Vide Memo No- Ch-46/HPG/Genl-119/Loose dated- 22.07.2016 at appropriate palace and after correction, the copy of the same may be supplied to me so that I may not be deprived from my legal right in any manner what so ever which has now been issued of seniority as JE's of 1989 batch onwards up to 14.08.1998

Thanking you,

DATE: 06.08.2016

Yours Sincerely,

*D.VATS*

(Sanwaria Girdhari Vats)  
EXECUTIVE ENGINEER  
OP DIVISION  
UHBVN BAHADURGARH

- 1 Copy of the above is forwarded to G.M Admin: UHBVN Panchkula
- 2 Copy of the above is forwarded to G.M Admin. HPGCL Panchkula
- 3 Copy of the above is forwarded to [Ceopuhbvnpanchkula@gmail.com](mailto:Ceopuhbvnpanchkula@gmail.com)

(B)

Representation with regard to seniority position in tentative seniority list of JE's circulated vide MD, HPGCL, Subject: memo No. Ch-46/HPG/Gen-119/Loose dated 22.07.2016.

rn.jain@hpgcl.gov.in  
hu, A : 04, 2016 3:33 pm

To: md@hpgcl.gov.in

Attach: Representation of Er. Ram Niwas Jain.docx

Respected Sir,

Enclosed please find herewith the request application of Sh. Ram Niwas Jain, XEN in respect of subject cited matter please.

XEN/AHP,  
DCRTPP, HPGCL,  
Yamuna Nagar.

MD/HPGCL

Memo No.....Date.....

Dir/Tech. *CL*

Dir/Gen. *CL*

Dir/Fin. *CL*

OSD/Tech. *CL*

SE/Tech. *CL*

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-161-



To

The Managing Director,

HPGCL, Urja Bhawan, Sector-6,

Panchkula, Haryana.

Subject: Representation with regard to seniority position in tentative seniority list of JE's circulated vide MD, HPGCL, memo No. Ch-46/HPG/Gen-119/Loose dated 22.07.2016.

Respected sir,

With due regards it is submitted that I was appointed as Junior Engineer in erstwhile HSEB along with six others namely Shri Vivek Kumar, Shri Rajender Kumar, Shri Anish Kumar, Shri Anil Kumar, Shri Sangam Lal and Shri Sanwaria Girdhari Vats vide Addl. Secy. Memo No.Ch. 88/NGE/P-195 dated 09.11.1990 in a single list.I joined as JE on 26.11.1990 where as Shri Sangam Lal and Shri Sanwaria Girdhari Joined as JE on 20.12.1990 and 31.12.1990 respectively. We all except Shri Rajender Kumar are respondents in CA No.20211 of 2010 Titled HSEB & Ors V/s Ram Niwas & Ors.in Honb'le Supreme Court of India and CWP No. 21695 of 2010 Titled Ram Niwas Jain & Ors V/s HPGCL & Ors filed In Honb'le High Court has been disposed of on 22.03.2015 with directions to consider me alongwith Shri Anish Kumar and Vivek Kumar at par with Shri Sangam Lal, who has been promoted to the post of AE from 01.01.1993, in spite of being Junior to me.

In view of the above your good self is requested to add the names of Shri Sangam Lal and Shri Sanwaria Girdhari in the seniority list of JEs.

Dated: 04.08.2016

Ram Niwas Jain, Xen

—162— Seniority No.269 as JE

Print | Close Window

Subject: representation with regard to seniority Anil Kumar AE Emp. Code-4012656

From: anil kumar <er.anirohilla@gmail.com>

Date: Thu, Aug 04, 2016 9:42 pm

To: a.d@hpgcl.gov.in

Attach: 01.jpg

02.jpg

R

Sir

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MD/HPSCL  
Memo No. \_\_\_\_\_ Date \_\_\_\_\_  
Dir/Tech.  
Dir/Gen.  
Dir/Fin.  
OSD/Tech.  
SE/Tech.  
PA

3

*CE/Admn*  
*Not to be considered by*  
*the Commission*  
*06/08/2016*  
*02/08/2016*

— 63 —

To

The Managing Director,  
HPGCL, Urja Bhawan, Sector-6,  
Fānchkula, Haryana.

Subject: Representation with regard to seniority position in tentative seniority list of JE's circulated vide MO, HPGCL, memo No. Ch-46/HPG/Gen-119/Loose dated 22.07.2016.

Respected sir,

With due regards it is submitted that I was appointed as Junior Engineer in erstwhile HSEB along with six others namely Shri Vivek Kumar, Anish Kumar, Shri Rajender Kumar, Shri Ram Niwas Jain, Shri Sangam Lal and Shri Sanwaria Girdhari Vats vide Addl. Secy. Memo No.Ch. 88/NGE/P-195 dated 09.11.1990 in a single list. I joined as JE on 22.11.1990 where as Shri Sangam Lal and Shri Sanwaria Girdhari Joined as JE on 20.12.1990 and 31.12.1990 respectively. We all except Shri Rajender Kumar are respondents in CA No.20211 of 2010 Titled HSEB & Ors V/s Ram Niwas & Ors.in Honb'le Supreme Court of India.

CWP No. 7803 of 1993 Titled Anil Kumar V/s HPGCL & Ors filed by me in Honb'le High Court wherein I have requested for parity with Shri Sangam Lal, who has been promoted to the post of AE from 01.01.1993, in spite of being Junior to me has been disposed of in my favour and LPA No. 977 OF 2014 filed in Honb'le High Court has been dismissed.

COCOP No.1104 of 2014 filed by me is under argument in the Honb'le High Court.

In view of the above it is quite clear that while re fixing the seniority of JEs the names of Sangam Lal and Sanwaria Girdhari has not been left out as a matter of accident but persons preparing the list are manipulating and distorted facts are being produced to the authority.

In view of the above your good self is requested to add the names of Shri Sangam Lal and Shri Sanwaria Girdhari in the seniority list of JEs and take necessary action against

the persons if found guilty after investigating the reasons for leaving the names of these officials

*Anil Kumar*

Anil Kumar Rohilla, AE

Seniority No.270 as JE



(15)

Subject: Representation/ grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998

From: Chanda Singh <chandasingh68@gmail.com>

Date: Mon, Aug 08, 2016 10:11 am.

To: m@hpgcl.gov.in

Cc: vk.chi@hpgcl.gov.in

Attach: personal documents 001.jpg

R/Sir

Kindly attached find herewith the subject cited grievances.

Regards  
Ravinder Singh  
AE/BMD-IV, PTPS, Panipat

MD/HPGCL  
Memo No. 10460 Date 8/8/16  
Dir/Tech.

Dir/Gen.

Dir/Fin.

OSD/Tech.

SE/Tech.

CE, GDR  
The undersigned  
is authorized to  
sign on behalf of  
the undersigned  
08/8/16  
[Signature]

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Urgent  
[Signature]

No. 10460 /Admn.

Date 8/8/16

SE/Admn. [Signature]

CE/Admn. 8/8/16

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Rectt.  
Xen. R/TRE

SE/Admn.

Date

8/8/16

MD/HPGCL  
Memo No.....Date.....  
Dir/Tech.  
Dir/Gen.  
Dir/Fin.  
OSD/Tech.  
SE/Tech.

The Managing Director/HPGCL

C-7, Urja Bhawan, Sector-6

Panchkula.

Subject:- Legitimate Grievances against Seniority list of JEs uploaded on HPGCL website.

R/Sir,

In this regard, the following grievances may be considered before finalization of seniority list of JEs circulated vide Memo No. Ch-50/HPG/Gent-119/Loose

Dt. 02.08.2016:-

- 1) The seniority list of JEs may be circulated till date in place of 14.08.1998 because no option was offered to us before the unbundling of HSEB.
- 2) The names of some JEs have not been mentioned in the seniority list e.g. Sh. Sangam Patel, Sh. S.G. Vats etc.
- 3) The ranking list of JEs having AMIE/BE qualifications may also be circulated alongwith seniority list.
- 4) The tentative seniority list of JE-1 & further promote AEs may also be incorporated accordingly to raise objections/ grievances if any.

Yours Faithfully,



Ravinder Singh  
AE/BMD-IV, PTPS  
Seniority No. 167

Subject: Representation/ grievances on the tentative seniority list of JE's of 1989 batch onward upto 14.08.1998

From: Chanda Singh <chandasingh68@gmail.com>

Date: Mon, Aug 08, 2016 10:15 am

To: md@hpgcl.gov.in

Cc: vk.sethi@hpgcl.gov.in

Attach: personal documents.jpg

MD/HPGCL  
Memo No... 5088 Date 8/8/16  
Dir/Tech.  
Dir/Genl  
Dir/Fin.  
OSD/Tech.  
SE/Tech.

Kindly attached find herewith the subject cited grievances.

Regards  
Chanda Singh  
AEE/GS PTPS, Panipat

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Urgent  
No. 16462 /Admn.  
Date 8/8/16  
SE/Admn. vk sethi  
CE/Admn. 8/8/16

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Rectt.  
Xen.HR/TRE

SE/Admn. vk  
Date 8/8/16

To

The Managing Director/HPGCL

C-7, Urja Bhawan, Sector-6

Panchkula.

**Subject:- Legitimate Grievances against Seniority list of JEs uploaded on HPGCL website.**

R/Sir,

In this regard , the following grievances may be considered before finalization of seniority list of JEs circulated vide Memo No. Ch-50/HPG/Gent-119/Loose Dt. 02.08.2016:-

- 1) The seniority list of JEs may be circulated till date in place of 14.08.1998 because no option was offered to us before the unbundling of HSEB.
- 2) The names of some JEs have not been mentioned in the seniority list e.g. Sh. Sangam Patel, Sh. S.G.Vats etc.
- 3) The ranking list of JEs having AMIE/BE qualifications may also be circulated alongwith seniority list.
- 4) The tentative seniority list of JE-1 & further promote AEs may also be incorporated accordingly to raise objections/ grievances if any.

Yours Faithfully,

Chanda Singh

AEE/GS Divn., PTPS

Seniority No. 9



57

MD/HPGCL  
Memo No... Date...  
Dir/Tech.  
Dir/Gen.  
Dir/Fin.  
OSD/Tech.  
SE/Tech.  
CE/Admn

To  
The Hon'ble Managing Director/HPGCL,  
C-7, Urja Bhawan, Sector-6,  
Panchkula.

**Subject: Representation regarding Tentative seniority list of JE's of 1989 batch onwards uploaded on official website of HPGCL.**


Respected Sir,

Please refer to your office Memo No.: Ch-46/HPG/Gen/119/Loose dated: 22.07.2016 vide which Tentative seniority list of JE's of 1989 batch onwards has been uploaded on official website of HPGCL. I want to draw your kind attention towards following discrepancy:

- 1) That vide Addl Secy, H.S.E.B, Panchkula Memo No.: Ch-88/NGE/G-195 dated: 09/11/1990, seven nos. of Technical Subordinates were elevated to the post of J.Es.
- 2) That the Tentative seniority list of JE's of 1989 batch onwards issued vide above memo no. contain name of four nos JE's elevated vide Addl secy, H.S.E.B, Panchkula Memo No.: Ch-88/NGE/G-195 dated: 09/11/1990 at S.No. 267, 268, 269, 270 respectively. But it does not contain names of following JE's (Field) elevated vide abovesaid Memo no.:  
 1) Sh. Sangam Patel, S/o Sh. Vishwa Nath. (D.O.B.-04.05.1956)  
 2) Sh. Sanwaria Girdhar S/o Sh. Shriman Narain ( D.O.B.-14.04.1964).

So you are requested to kindly look into the matter and issue necessary instructions to make necessary amendment in the above tentative list of JE's.

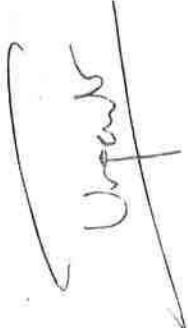
Thanking You,

Yours Sincerely,  
  
(Sandeep Kumar Bansal),  
A.E., Op. Gr. C-II,  
DCRTPP, HPGCL,  
Yamuna Nagar.

Dated: 04.08.2016.

D.S./Estt.  
D.S./General  
D.S./T&M  
U.S./Estt.  
U.S./Recit.  
Xen.HR/TRE

SE/Admn.  
Date



No. 10532-1Admn.  
Date 08/08/2016  
SE/Admn.

  
CE/Admn. 8/8/16

-170-

19/11/90

2-15  
Bihar State Electricity Corporation Limited, Patna, Bihar

To: The Chief Engineer, S/O  
H.S.P.O., Patna.

37

The General Manager/Manager  
P.P.P., H.O.B., Patna.

2. The Chief Engineer/S/O (North),  
H.S.P.O., Patna.

Memo No. Ch-88/NBR/VE/1/190

Dated: 09/11/90.

Subject: ELEVATION OF TECHNICAL SUBORDINATES TO THE POST OF J.Es WHO ARE PRESENTLY WORKING ON BELOW STATUS POSTS AND POSSESS THE QUALIFICATION OF A.N.I.E./B.E. DEGREE.

It has been decided that the following officials may be elevated to the post of Junior Engineers against the vacant posts of direct recruitment quota at the initial of the pay in the pay scale of Rs. 1640/2900 on account of their having passed A.N.I.E./B.E. Degree:-



1. Sh. Ajay Kumar S/O / Presently working as Assistant Chemist at the Thermal Project, Patna. Presently working as AFM in Suburban Sub Divn. Patna under OP. Divn., Patna.
2. Sh. Rajinder Prasad S/O Sh. Jaiya Ram (DOB-7.10.63).
3. Sh. Anish Kumar S/O / Presently working as Operator Grader at the Thermal Project, Patna. Presently working as AFM in Suburban Sub Divn. Patna under OP. Divn., Patna.
4. Sh. Ram Nivas Jain S/O Sh. Daulat Ram (DOB-25.5.63) -do-
5. Sh. Anil Kumar S/O / Presently working as Analyst at the Thermal Project, Patna. Presently working as ASMA in OP. Division Patna, Ballia.
6. Sh. Sagar Lal S/O / Presently working as ASMA in OP. Division Patna, Ballia.
7. Sh. Sanjay Kumar S/O Sh. Shraman Kumar (DOB-14.4.64).

(Contd. ...)

-17-

of J.Es and as follows:-

- i) The vacant posts presently vacant in the Thermal Project shall be absorbed in the Generation Cadre of J.Es while the officials presently working in the field organization shall be absorbed in the Field Organization.

ii) Appointment letters shall be issued to them by the respective Control Controlling Authority viz:- a) the G.M./Plants, Panipat in respect of J.Es/Generation and the Chief Engineer/OP. (North) Hisar in respect of J.Es/F.

iii) In case vacant posts of J.Es are not available in Generation Projects the officials mentioned at Sr.No.1,3,4 & 5 under preceding para shall be absorbed in the Field Organization and letters of appointments shall be issued to them by the Chief Engineer/OP.(North), Hisar.

iv) All these officials are to be treated as 'regular entrants into Board's service for all purposes and purposes but for the following:-

- a) May be permitted to carry forward their leave accounts.
- b) The service rendered by them in the past in regular capacity shall count towards service qualifying for Pension/Gratuity etc. as per rules.
- c) The pay last drawn by them in the lower scale shall be protected as per rules.
- v) Their seniority as J.Es shall be determined on the basis of their present status, length of service as per rules and they shall be placed at the tail end of seniority of J.Es/Field or Generation respectively.

vi) They should be asked to produce original degree for verification at the time of joining of duty, as J.E.

3- This issues with the approval of V.T.Ms in their meeting held on 6.11.90. Copies of Memorandum and decision thereon are enclosed. Further action in the matter for issuing them appointment letters by the respective offices on the conditions mentioned above and as contained in the Memorandum may be taken - order by 13.11.90 and compliance reported immediately to this office. G.Es files of the officials mentioned at Sr.No.1,3,4,5 (to General Manager, and respect of Sr.No.2 (Chief Engineer/OP:Hisar) are also returned herewith. The Q.R. files in respect of 6 & 7 are being sent to Chief Engineer/OP.(S), Delhi.

DA/As above,

11.11.90  
Additional Secretary  
H.S.B.R., Panipat

The Hon'ble Managing Director/HPGCL,  
C-7, Urja Bhawan, Sector-6,  
Panchkula.

MD/HPGCL  
Memo No. 518/16 Date 8/8/16  
Dir/Tech.  
Dir/Gen.  
Dir/Fin.  
OSD/Tech.  
SE/Tech. *CE Admin*

**Subject: Representation regarding Tentative seniority list of JE's of 1989 batch onwards  
uploaded on official website of HPGCL.**

Respected Sir,

Please refer to your office Memo No. : Ch-46/HPG/Gen/119/Loose dated: 22.07.2016 vide which  
Tentative seniority list of JE's of 1989 batch onwards has been uploaded on official website of  
HPGCL. I want to draw your kind attention towards following discrepancy:

- 1) That vide Addl Secy, H.S.E.B, Panchkula Memo No. : Ch-88/NGE/G-195 dated: 09/11/1990,  
seven nos. of Technical Subordinates were elevated to the post of J.Es.
- 2) That the Tentative seniority list of JE's of 1989 batch onwards issued vide above memo no.  
contain name of four nos JE's elevated vide Addl secy, H.S.E.B, Panchkula Memo No. :  
Ch-88/NGE/G-195 dated: 09/11/1990 at S.No. 267, 268, 269, 270 respectively. But it does not  
contain names of following JE's (Field) elevated vide abovesaid Memo no.:

- 1) Sh. Sangam<sup>Lat</sup> Patel, S/o Sh. Vishwa Nath. (D.O.B.-04.05.1956)
- 2) Sh. Sanwaria Girdhan S/o Sh. Shriman Narain ( D.O.B.-14.04.1964).

So you are requested to kindly look into the matter and issue necessary instructions to make  
necessary amendment in the above tentative list of JE's.

Thanking You,

Dated: 05.08.2016.

DA: Photo Copy of order dt 09.11.90

D.S./Esst.  
D.S./General  
D.S./T&M  
U.S./Esst.  
H.S./Rectt.  
Xen.HR/TRE

SE/Admn. *V. S. 16*  
Date *8/8/16*

*Urja*  
No. 10583 /Admn.  
Date 08/8/2016  
SE/Admn. *S. S. 16*

CE/Admn. *8/8/16*

Yours Sincerely,

*Ranbir Singh*  
5/8/16  
(Ranbir Singh),

A.E., Op. Gr. B-1,  
DCRTPP, HPGCL,  
Yamuna Nagar.

712-



Handwritten: 2-15, 1971  
HARYANA STATE ELECTRICITY BOARD, CHARTI, FARUKHULLA

From

The Additional Secretary,  
H.S.P., Panipat.

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To

The General Manager/Plants,  
H.E.P., HSEB, PANIPAT.

2. The Chief Engineer/OP. (North),  
H.S.P., Panipat.

Memo No. Ch-88/NCE/PT/145

Dated 07/11/90.

Subject: ELEVATION OF TECHNICAL SUBORDINATES TO THE POST OF J.E.S WHO ARE PRESENTLY WORKING ON BELOW STATUS POSSES AND POSSESS THE QUALIFICATION OF A.M.I.E./H.E. DEGREE.

It has been decided that the following officials may be elevated to the post of Junior Engineers against the vacant posts of direct recruitment quota at the initial of the pay in the pay scale of Rs.1640/2900 on account of their having passed A.M.I.E./B.E. Degree:-



1. Sh. Sivok Kumar S/O Sh. Dina Nath (DOB-7.10.63). Presently working as Assistant Chemist at the Thermal Project, Panipat.
2. Sh. Rajinder Parsad S/O Sh. Jaiya Ram (DOB-10.2.59). Presently working as AFM in Sub urban Sub Divn. Fatehabad under OP. Divn., Fatehabad.
3. Sh. Anish Kumar S/O Sh. Kirodi Mal (DOB-1.1.67). Presently working as Operator Grade-I at the Thermal Project, Panipat.
4. Sh. Ram Niwas Jain S/O Sh. Daulat Ram (DOB-25.5.63). Presently working as Analyst at the Thermal Project, Panipat.
5. Sh. Anil Kumar S/O Sh. R.C. Rohilla (DOB-7.10.65). Presently working as SSA in OP. Division HSD, Ballabgarh.
6. Sh. Sagar Lal S/O Sh. Vichwa Nath (DOB-4.5.56). Presently working as SSA in Repair Division.
7. Sh. Sanwari Girdhari S/O Sh. Shrinan Marain (DOB-14.4.64).

Handwritten: 1 EA 2 12/11

(Contd..2..)

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Other conditions of service in addition to the post.

of J.Es are as follows:-

1) The next officials presently working as Principal Thermal Project shall be absorbed in the Generation Cadre of J.Es while the officials presently working in the field organization shall be absorbed in the Field Organization.

ii) Appointment letters shall be issued to them by the respective Cadre Controlling Authority viz-ary, the G.M./Plants, Pimpri in respect of J.Es/Generation and the Chief Engineer/OP. (North) Hisar in respect of J.Es/F.

iii) In case vacant posts of J.Es are not available in Generation Projects the officials mentioned at Sr.No.1,3,4 & 5 under preceding para shall be absorbed in the Field Organization and letters of appointments shall be issued to them by the Chief Engineer/OP.(North), Hisar.

iv) All these officials are to be treated as fresh entrants into Board's service for all intents and purposes but for the following:-

- a) May be permitted to carry forward their leave accounts.
- b) The service rendered by them in the past in regular capacity shall count towards service qualifying for pension/gratuity etc. as per rules.
- c) The pay last drawn by them in the lower scale shall be protected as per rules.

v) Their seniority as J.Es shall be determined on the basis of their present status, length of service as per rules and they shall be placed at the tail end of seniority of J.Es/Field or Generation respectively.

vi) They should be asked to produce original degree for verification at the time of joining of duty, as J.E.

3- This issues with the approval of V.T.Ms in their meeting held on 6.11.90. Copies of Memorandum and decision

thereon are enclosed. Further action in the matter for issuing them appointment letters by the respective offices

on the conditions mentioned above and as contained in the Memorandum may be taken immediately by D.Y. 15.11.90 and compliance reported immediately to this office. G.Rs files of

the officials mentioned at Sr.No.1,3,4,5 (to General Manager) and respect of Sr.No.2 (Chief Engineer/OP.Hisar) are also

returned herewith. The G.R. files in respect of 6 & 7 are being sent to Chief Engineer/OP.(S), Delhi.

DA/As above.

Additional Secretary  
H.S.E.B., Panchna

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Subject: legal notice

From: Honey Jasrotia <honeyjasrotia@gmail.com>

Date: Sat, Aug 06, 2016 10:35 am

To: mnd@hpgcl.gov.in

Attach: Sangam Lal Patel.pdf

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MD/HPGCL/1984 Date 8/8/16  
Memo No. 1984  
Dir/Tech.  
Dir/Gen.  
Dir/Fin.  
OSD/Tech.  
SE/Tech.  
PA

~~CE/Admn~~  
To be reviewed by  
General  
AC/Spec  
OSD for info

Update

No. 10464 I/Admn.

Date 8/8/16

SE/Admn.

~~CE/Admn~~ 8/8/16

D.S./Estt  
D.S./General  
D.S./T&M  
U.S./Estt  
U.S./Recd  
Xen./HR/TRE

SE/Admn.   
Date 8/8/16

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06.08.2016

**SPEED POST**

The Managing Director,  
HPGCL  
Registered Office: C-7,  
Urja Bhawan, Sector 6  
Panchkula.

Sub: Objections against the tentative seniority list of JEs of 1989 batch onward upto 14.08.1998 i.e. till the unbundling of HSEB (without prejudice) to the court cases issued vide memo No.CH-50/HPG/Genl.-119/loose dated 02.08.2016.

Sir,

It is stated that I was appointed as Junior Engineer (Field/General) in the year 1990 and thereafter promoted as an Assistant Engineer and thereafter, I was promoted as Assistant Executive Engineer on 28.05.2003 and finally I was promoted as Executive Engineer on 31.05.2007 and retired as such on 31.05.2014 (Gen. EPPGCL PEPSS Panipat and I am drawing pension through State Bank of Patiala Thermal Colony, Panipat. It is submitted that earlier a tentative seniority list of JEs of 1989 batch onwards upto 14.08.1998 i.e. till the unbundling of HSEB without prejudice to the court cases from special seniority no.1 (Sh. Guisidan Kumar) to Special seniority No.702 (Sh. Bakshi Ram) (DC) was issued inviting objections within 30 days i.e. upto 21.08.2016 and now all of a sudden vide memo under reference dated 02.08.2016 you have curtailed the period of 30 days to submit objections and invited objections upto 08.08.2016 in view of the pending of the contempt petitions against the contemnors for 17.08.2016. In this view of the matter, I hereby submit as under:-

- A. That I have gone through the entire tentative seniority list dated 22.07.2016 issued vide memo No.CH-46/HPG./Gen-119/Loose

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dated 22.07.2016 and my name does not find figure in the entire list from Sr.No.1 to Sr. No.702 despite the fact that I was appointed as a Junior Engineer (General/Field) by way of direct recruitment on 06.12.1990 from amongst the in service employees working on the Post of Technical Sub ordinates and the appointment was made by way of direct recruitment and against the quota meant for direct recruitment and thereafter, I was promoted as an Assistant Engineer w.e.f. 01.01.1993. It is worthwhile to mention that at the time of appointment as Junior Engineer and also at the time of promotion as Assistant Engineer I was working in General/Field cadre.

B. That on 06.09.1995 the then Board passed the reversion orders were passed against many employees including me on the ground that there was no out of turn promotion policy for the post of Junior Engineer from amongst the employees working on subordinate technical posts. The reversion orders were challenged by filing a joint Civil Writ Petition No.13541 of 1995 and the reversions were stayed. Ultimately the said writ petition was allowed vide order dated 04.12.2008. Thereafter, the then HSEB filed LPA No.353 of 2009 and the same was dismissed on 15.05.2009. Being aggrieved by the said order, the then HSEB filed SLP (Civil)No. 20211 of 2009 Now Civil Appeal No.571 of 2010 and no stay is operative against the judgment passed by the Hon'ble High Court on 04.12.2008 as affirmed by the LPA Bench. The said SLP is still pending for final adjudication.

C. That despite the promotion order of Junior Employee, I was not given regular promotion on the post of Assistant Engineer and

Executive Engineer and under the compelled circumstances, I had to file an I.A. No.3 & 4 of 2011 in Civil Appeal No.571 of 2010 and the said application was disposed of by the Hon'ble Supreme Court of India vide order dated 12.12.2011. Still the order was not implemented and I was again forced to file a Contempt Petition (C) No.327 of 2012 and after issuance of the contempt notice by the Hon'ble Supreme Court of India, the competent authority passed an office order No.790/HPG/GE-632 dated 21.12.2012 vide which I was given regular promotion on provisional basis to the post of Assistant Engineer and also as an Executive Engineer w.e.f. 31.05.2007 i.e. the date from which Sh. Harshad Kumar Panchal immediate junior of Sh. Aniljeet Kumar Sharma who retired on 31.03.2007 was promoted as Executive Engineer in HPGCL.

D. That as stated earlier I have retired on attaining the age of superannuation on 31.05.2014 vide office order No.341/HPG/GE/623 dated 23.05.2014. The said order reads as under:-

"Sh. Sangam Patel, XEN (DOB 04.05.1956) posted in the O/o Chief Engineer/PTPS-I, HPGCL, Panipat, retires from the services of the Corporation on 31.05.2014 A.N. on attaining the age of superannuation viz 58 years without prejudice to the receipt of No Demand Certificates from concerned offices and subject to

(i) The final decision of Hon'ble Supreme Court of India in Civil appeal No.571 of 2010 arising out of SLP(c) No.20211 of 2009 and CWP No.13541 of 1995 and

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(ii) The implementations of the decision passed by Hon'ble High Court of Punjab & Haryana in CWP No.16330 of 2005 and LPA (being filed) arising out of CWP No.7803 of 1993.

This issue with the approval of Chief Engineer/Admn.,  
HPGCL.

Sd/-  
Dy. Secy./Estt(G)  
For Chief Engineer/Admn.  
HPGCL, Panchkula

After retirement, all the retiral benefits have been released and now I am getting pension through State bank of Patiala, Thermal Colony, Panipat.

E. That from the perusal of the above order, I came to know of filing of CWP No.16330 of 2005 and LPA being filed arising out of CWP No.7803 of 1993. In this regard, I had submitted a representation on 02.06.2014 after retirement for release of all the retiral benefits and it was submitted as under:-

"In this regard it is stated that so far as matter pending in the Hon'ble Supreme Court of India in Civil Appeal No.571 of 2011 is concerned, I am one of the respondent in the said appeal but in the cases mentioned in (ii), I am neither the petitioner nor the respondent and thus in my respectful submission, any decision taken by the corporation may not adversely effect the employees who have already retired and further the decision will be prospective and cannot applied retrospectively and nut shell the said decision may not be binding upon me."

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F. That after filing of the above representation, all the service benefits were released without any reservation.

G. That thereafter, I came to know that in view of an order dated January 9, 2014 passed by a Division Bench of the Hon'ble High Court in CWP No.16330 of 2005 titled Parveen Arora and others Vs. HPGCL and others, seniority list of Junior Engineers is being revised and a common seniority list of Junior Engineers (General & Filed cadre and General Cadre) is being prepared retrospectively which has far reaching consequences and may adversely affect many serving as well as retired employees. Before I make submission on merits, it would be appropriate to first refer to the order passed by the Hon'ble High Court on January 9, 2014 which reads as under:-

“CORAM: Hon'ble Mr. Justice Jasbir Singh,  
Hon'ble Mr. Justice Harinder Singh Sidhu”

“*Placed:- Mr. Ashwani Kumar, Advocate*  
for the petitioners (In Civil Writ Petition Nos. 16330 of 2005, 13409 & 8431 of 2007).”

“*Placed:- Mr. R.K.Malik, Senior Advocate*  
with Mr. Mahesh Sharma, Advocate  
for the petitioners (In Civil Writ Petition Nos. 9175 and 11909 of 2006).”

“*Placed:- Mr. Anurag Goyal, Advocate*  
for the petitioners (In Civil Writ Petition Nos. 16883 & 16898 of 2006 and 5300 of 2007).”

“*Placed:- Mr. Rakesh Sobti, Advocate*  
for the petitioners (In Civil Writ Petition No. 12099 of 2006).”

“*Placed:- Mr. N.D.Raina, Advocate*  
for the petitioner (In Civil Writ Petition No. 1593 of 2008).”

“*Placed:- Mr. Rajiv Atma Ram, Senior Advocate*  
with Mr. Aman Bahri, Advocate  
for respondents No.3 to 17 (In Civil Writ Petition No. 16330 of 2005).”



Mr. Sanjay Singh, Advocate  
for Mr. Karanveer Singh Kehar, Advocate  
for respondents No. 34 to 36 (In Civil Writ Petition  
No. 16330 of 2005) and respondents No.4 to 6  
(In Civil Writ Petition No. 13409 of 2007).

**Jasbir Singh, Judge (Oral)**

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  
Generation Corporation Limited and Others", No. 16898 of 2006  
titled as "Gagdish Pasrind 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. 10109 of 2007 titled as "Atul Pasrifa and Others v. Uttar  
Haryana Bijli Vitran Nigam Limited and Others" and No. 1593  
of 2008 titled as "Satyvir 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 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:-

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"Matter discussed today i.e. on 15.5.2012 in the presence of Chief Justice, Madhya Pradesh, Madhya Pradesh 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 Redu & 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 withdraw 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 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.

(Jasbir Singh)  
Judge

(Harinder Singh Sidhu)  
Judge

January 9, 2014"

H. That thereafter, it was revealed that a committee was constituted to invite the objections and grant hearing to the adversely effected persons. In this regard it is stated that I was neither the petitioner nor the respondent in any of the said writ petition disposed of vide order dated January 9, 2014 reproduced above. Further neither I was given any notice to show cause nor any opportunity of hearing was afforded to me to put forth my point of view. It is submitted that on the basis of the objections filed by various employees for and against the framing of joint and common seniority list of Junior Engineers of General/Field Cadre & Generation Cadre. Seven members



committee had prepared a report containing 100 pages on 20.11.2014. Thereafter the report remained under consideration of the authority. In this it is stated that I have retired way back on 31.05.2014 and the framing of the joint/common seniority list with retrospective effect may not adversely affect me as my rights are protected in the recommendation made against column 'g' at Page 134 and 135 which reads as under:-

"g) Merger of Merit list of JE/Generation & JE/Field entailed revised ranking list which is as brought out at Para 20, sub para C. The resultant effect of reversion/promotion as AE/AEE etc. has been worked out at Para-78. The perusal of this data reveals that out of 18 officials whose seniority and promotion had under gone a change, 12 have retired, 6 nos. are still in service.

In so far as retirees are concerned, they have worked against the post of AE/AEE etc. and have drawn the pay accordingly. As per provisions contained in Memo No. Ch-59/NGE - 153 dated 08.02.2008, containing Haryana Government Notification No.3/8/04-2 Pension dated 30.11.2007 read with Notification No. F. No.6/2/2013-Estt/(Pay-I) Ministry of Personnel Public Grievances & Pensions dated 10.12.2013 and Notification No. F. No.18/26/2011-Estt/(Pay-I) Ministry of Personnel Public Grievances & Pensions dated 06.02.2014 [Flag -79]. The pension is fixed on the basis of last pay drawn. In view of the statutory provision, there will be no impact on financial benefits drawn by them as pay/pension."

18/11

I. That in view of my retirement, I may not be adversely effected in any manner whatsoever by the drawing of the joint seniority list of Junior Engineers belonging to general/field cadre and general cadre yet as an abundant caution, I had submitted a detailed representation on 19.01.2015 which was sent by speed post and I made the following submissions:

1. That in view of the above directions, the entire matter relating to determination of seniority at the level of Junior Engineers belonging to General Cadre and Generation Cadre is open for consideration of authorities of various Nigams and Corporations which have come into being on division of erstwhile Haryana State Electricity Board. It is worthwhile to mention that erstwhile Haryana State Electricity Board was initially bifurcated into two Nigams on 14.08.1998 namely Haryana Vidyt Parsaran Nigam Ltd. (for short HVPNL) and Haryana Power General Corporation Ltd. (for short HPGCL) later on two more Nigams namely Uttar Haryana Bijli Vitran Nigam Ltd. (for short UHBVNL) and Dakshin Haryana Bijli Vitran Nigam Ltd. (for short DHBVNL) came to be formed on 01.07.1999. The allocation of the staff was primarily carried out on the principle of "As is where is basis". Thereafter representations were invited for change of allocation from the staff subject to fulfillment of certain conditions and the representations were decided accordingly. All the Nigams have separate and independent legal entity and the employees working in the Nigams constitute a separate cadre.

2. That the employees of erstwhile Haryana State Electricity Board were governed by the Punjab State Electricity Board Service of Engineers (Electrical) Regulations, 1965 as adopted by the HSEB and amended from time to time.

In order to determine the crucial issue of seniority of the Junior Engineers working in different cadres i.e. General Cadre and Generation Cadre, it would be appropriate to refer to the regulations governing the service. In this regard, I may invite your attention to the office order No.21/REG-18 dated 19.02.1988 vide which the Haryana State Electricity Board in exercise of powers conferred under Section 75 of the Electricity (Supply) Act, 1948 and all other enabling powers in this behalf made certain amendments in the PSEB Service of Engineers (Electrical) Recruitment Regulations, 1965 (as amended) as follows.

Thereafter, in order to implement the recruitment in promotion policy in the case of promotion to the post of Assistant Engineer from Engineering Subordinates possessing AMIE/BE qualifications in 12% % quota, the directions were issued for preparing a ranking list of Engineering subordinates for their promotion to the post of Assistant Engineer. The said notification reads as under:-

AMENDMENTS

- (A) Sub-Regulation (g) of Regulation-2 shall be substituted as under:-
- (g) (i) For General Cadre (Transmission and Distribution)

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"Engineering subordinate" means Junior Engineers, Field/Sub-Station/ Test/ Carrier or Junior Engineers Grade-I Field/Sub-Station/ Test/ Carrier, who possesses at least 3 years Diploma in Electrical or Mechanical or Electronics Engineering.

(iii) For Gendration Cadre consisting of ~~Hydel/EDMB etc~~

"Engineering subordinate" means Junior Engineers (Thermal) Controllers; Master Foreman and Senior Supervisors having atleast 3 years Diploma in Electrical/ Mechanical or Electronics Engineering.

(B) Clause (i) of Sub-Regulation (c) of Regulation-6, shall be substituted as under:-

1. By promotion from amongst Assistant Executive Engineers as provided in Regulation-9.

(C) Clause (i) of Sub-Regulation (c) of Regulation-6, shall be substituted as under:-

1. By promotion from amongst Assistant 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 under:-

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- (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 %
- 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/ Hydrel/ BMBB etc.

(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 Controllers/ Master Foremen and Senior Supervisors. 22½ %
- (ii) From amongst Engineering subordinates of Generation Cadre possessing AMIE/ BE qualification and having 5 years service as such. 12½ %
- Share quota of 35% of posts of AEs meant for Engineering subordinates in Generation Cadre shall be calculated on the sanctioned strength of posts of AEs in Generation Cadre viz. Thermals/ Hydrel/ BMBB etc.

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

#### CLARIFICATION

#### I. For General Cadre:-

(i) The interse seniority of Junior Engineer Grade-1 (Field), Junior Engineer Grade-1 (Sub-Station), Junior Engineer Grade-1 (Test) and Junior Engineer Grade-1 (Carrier) for the purpose of promotion against 22½ % quota, shall be determined from the date of their continuous appointment in their respective cadres of Junior Engineers Grade-1 (Field), Junior Engineers Grade-1 (Sub-Station), Junior Engineers Grade-1 (Test) and Junior Engineers Grade-1 (Carrier).

(ii) The eligibility for consideration for promotion for AMIE/BE against 12½ % quota, shall be determined from the date of qualifying such examination.

## **II. For Generation Cadre:-**

(i) The interse seniority of Controllers, Master Foremen and Senior Supervisors for the purpose of promotion against 22½ % quota shall be determined from the date of their continuous appointment in their respective Cadre of Controllers, Master Foremen and Sr. Supervisors.

(ii) The eligibility for consideration for promotion from AMIE/BE against 12½ % quota shall be determined from the date of qualifying such examination.

(iii) The Assistant Engineers promoted against 35% quota meant for Generation Cadre from Engineering Subordinates shall have no right for appointment and promotion in the General Cadre (Transmission and Distribution), as they have been promoted specifically for Generation Cadre.

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(iv) The promote Assistant Engineers from Engineering Subordinates meant for Generation Cadre shall be eligible for promotion to the higher ranks, provided they have qualifying service of 5 years at each stage.

(2) Subject to the provision of Regulation-9 (1) above, an A.E., whether promoted or directly recruited, Engineering Subordinates or directly recruited, will, hence forth be eligible for promotion to the post of A.E.E., Xen. and S.E. on seniority-cum-merit basis; provided that no Xen. so promoted shall be eligible for promotion to the rank of Superintending Engineer unless he holds a Degree in Electrical, Mechanical or Electronics Engineering or AMIE/ BE degree.

(3) The scope of the Departmental Assessment Examination meant for Engineering Officers as contained in Appendix-I (L) of the Electricity Branch Manual of Orders, is extended to the Engineering Subordinates who are eligible for promotion as Assistant Engineers against quota posts.

(i) A Junior Engineering Subordinate, shall not be entitled to claim promotion over an Engineering Subordinate senior to him merely on the ground that he has passed the Departmental Accounts Examination prior to his senior or that the senior has not passed the said Examination.

2. This supersedes all the existing rules, regulations, instructions, orders etc. which are repugnant or contrary to the above Regulations.

3. The above amendments shall take effect from 10.02.1988.

Sd/-  
Under Secretary/ C&R,  
for Secretary, HSEB, Panchkula."

3. That vide Notification dated 13.02.1991, the Board that Engineering Subordinate of General Cadre and Generation Cadre possessing AMIE/BE qualification would be entitled to be considered for promotion to the post of Assistant Engineer against 12½ % quota in the respective cadre. The Notification reads as under:-

**" HARYANA STATE ELECTRICITY BOARD**

**NOTIFICATION**

The 13th February, 1991

No. 89/REG-18/L-II, in exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board reviewed its decision dated 05.06.1990 in its meeting held on 16.01.1991 and hereby makes the following substitution in Regulation-9 of the P.S./E.E. Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to the HSEB) as amended vide O/O No. 21/REG-18, dated 19.02.1988:-

1. Sub-Regulation (i) (ii) of Regulation 9 stands substituted as follows:-

"From amongst Engineering subordinates of General Cadre possessing AMIE/BE 12½% qualification and having 2 years service as such"

2. Sub-Regulation (i) (ii) of Regulation 9 stands substituted as follows:-

"From amongst Engineering subordinates of General Cadre possessing AMIE/BE 12½% qualification and having 2 years service as such"

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Sd/-  
 SECRETARY,  
 HARYANA STATE ELEC. BOARD,  
 PANCHKULA"

4. That later on again on 12.04.1991, amendments were carried out in the service regulations redefining the definition of Engineering Subordinates of Generation Cadre. However, no change was made in the General Cadre. The amendment read as under:-

" HARYANA STATE ELECTRICITY BOARD  
 NOTIFICATION

The 12th April, 1991

No. 89/REG-18/L, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments, substitutions in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988:-

AMENDMENT

1. Sub-Clause (f) of Clause (g) of Sub-Regulation (A) of Regulation-2 stands substituted and read as follows:

"For Generation Cadre consisting of  
 Electrical Engineers:-

"Engineering Sub-ordinate" means Junior  
 Engineers/ Thermal Operators, Master  
 Foreman, Sr. Supervisors and Foreman Gr-I,  
 having at least 3 years Diploma in Electrical/  
 Mechanical/Electronics Engineering".

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- ii. Sub-Clause (j) of Clause (c) of Sub-Regulation (1) of Regulation-9 stands substituted as read as follows:-

“From amongst Engineering subordinates of Generation Cadre as defined in Regulation-2 (g) (iii) with 5 years service as Controllers, Master Foremen, Sr. Supervisors and Foremen Gr-I”.

Sd/-  
SECRETARY,  
HARYANA STATE ELECTRY. BOARD,  
PANQURUDA”

That the HSEB issued another notification dated 21.05.1991 redefining the definition of Engineering subordinates of Generation Cadre which reads as under:-

AMENDMENTS

1. Sub-Clause (j) of Clause (g) of Sub-Regulation (a) of Regulation-2 stands substituted and read as follows:-

For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc.

“Engineering subordinate” means JE's/ Thermal, Controllers, Boiler Controllers, Master Foreman, Sr. Supervisors and Foreman Gr-I having 3 years Diploma in Electrical/ Mechanical or Electronics Engineering”.

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2. Sub-Clause-5 of Clause (c) of Sub-Regulation (1) of Regulation-9 stands substituted and read as follows:-

“For amongst Engineering subordinates of Generation Cadre as defined in Regulation 2

(g) (ii) Controllers, Master Foreman, Sr. Supervisors and Foreman Gr-I”.

3. The following clarifications shall be added below Clarification No. 4 of Clarification on Generation side attached to the Regulation-9:

(1) Boiler Controller, who has been promoted as AE, shall remain in Thermal for ever and he may not be posted outside the Generation Organisation. He will work on the Boilers only.

(2) The post of AE, AEE on the Boiler side, be earmarked for Boiler Controllers, who possess minimum qualification of 3 years Diploma and BOE Certificate. The other BOE, who do not possess the minimum qualification of 3 years Diploma, shall not be considered for their promotion to the post of AE of Boiler side. These employees shall remain as Boiler Controllers on Boilers.

(3) Those Boiler Controllers, who have already received advance promotion as JE-I/ Generation, if any, shall not be entitled to receive double benefit of seniority.

Sd/-  
SECRETARY,  
HARYANA STATE ELECTCY. BOARD,  
PANCHKULA.”

6. That thereafter the Board issued Notification dated 5th March, 1992. 7th December, 1992, 12th October, 1993 in

respect of Generation Cadre. Amendments issued are reproduced as under:-

HARYANA STATE ELECTRICITY BOARD  
NOTIFICATION

Date: 5th March, 1992

No. 108/REG-18, In exercise of powers conferred under Clause (C) of Section 19 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments/ substitutions/ deletion in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 98/REG-18/L dated 12.04.1991 and No. 108/Reg-18 dated 21.05.1991 as under:-

AMENDMENT

- i. Sub-Clause (ii) of Clause (E) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-

For Generation Cadre consisting of Thermals/ Hydel/ BMB etc."

"Engineering Sub-ordinate" means "Junior Engineers- I (Thermal), Boiler Controllers and Master Foreman having 3 years Diploma in Electrical/ Mechanical Electronics Engineering".

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ii. Sub Clause- (j) of Clause- (C) of Sub-Regulation - (f) of Regulation - 9 stands substituted and read as follows:-

(j) "22½ % posts of AEs shall be filled -up by promotion from amongst the Engineering subordinates of Generation Cadre as defined in Regulation-2 (g) (ii) with 5 years service as under:-

a) Junior Engineer/ Technician	70%
b) Lower Conductors	20%
c) Master Foreman	10%

A Roster shall be maintained by keeping the following ratio:-

"In a block of 10 posts, 3rd will go to Boiler Controller, 6th will be reserved for Master Foreman and 9th for Boiler Controller. The rest of the post namely 1st, 2nd, 4th, 5th, 7th, 8th and 10th will go to JE-1 (Thermal). This roster will continue to be repeated keeping in view the vacancy to be filled-up.

iii. Clarifications added below clarification \_\_\_\_\_ on Generation side attached to Regulation-9 vide Notification No. 108/Reg-18, dated 21.05.1991, is hereby deleted.

2. The above issues in pursuance of the decision taken by the Board in its meeting held on 17.01.1992.

2. This will take effect from 05.03.1992 the date on which the original notification was issued.

3. The above issues in pursuance of decision taken by the Board, in its meeting held on 25.11.1992.

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Sd/-  
 SECRETARY,  
 HARYANA STATE ELECTRICITY BOARD,  
 PANCHKULA.

HARYANA STATE ELECTRICITY BOARD  
 NOTIFICATION

The 7th December, 1992

"No. 150/REG-18/Vol-IV, In exercise of powers conferred under Clause (C) of Section - 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board hereby makes the following amendments/ substitutions/ deletion in the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 135/REG-18 dated 05.03.1992 as under:-

**AMENDMENT**

- i. Sub-Clause (j) of Clause (g) of Sub Regulation (A) of Regulation-2 stands substituted and read as follows:-
  - i) For Generation Cadre consisting of Thermals/ Hydel/ BBMB etc."
 

"Engineering Sub-ordinate" means Junior Engineers/ Thermal, Boiler Controllers having 3 years Diploma in Electrical/Mechanical Electronics Engineering"
  - ii) Sub Clause- (j) of Clause- (C) of Sub-Regulation - (I) of Regulation - 9 be substituted as under:-
 

"22½ % posts of AEs shall be filled -up by promotion from amongst the Engineering subordinates of Generation Cadre as defined

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in Regulation-2 with 5 years service as under:-

d) Junior Engineer-1/ Thermal	80%
e) Boiler Controllers	20%

A Roster shall be maintained by keeping the following ration:-

In a block of 10 posts 1st, 4th and 8th will go to Boiler Controllers and 1st and 3rd, 5th, 6th, 7th, 9th and 10th will go to the J.E.-1/ Generation. This pattern will be repeated and repeated keeping in view the vacancy to be filled-up"

#### HARYANA STATE ELECTRICITY BOARD

##### NOTIFICATION

The 12th October, 1990

No. 157/REG-21/L-II. In exercise of powers conferred under Clause (C) of Section 79 of the Electricity (Supply) Act, 1948 and all the other enabling powers in this behalf, the Haryana State Electricity Board reviewed its decision dated 16.01.1991 in its meeting held on 27.09.1993 and hereby makes the following substitution in Regulation-9 of the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment, Regulations, 1965 (as applicable to the HSEB), notified vide office Order No. 21/REG-18, dated 19.02.1988 read with Notification No. 89/REG-18/L-II dated 13.02.1991 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%

1991

(b) By promotion for General Cadre in 35%  
the manner as under:-

i) From amongst Engineering 22½ %  
subordinates as defined for  
General Cadre under  
Regulation-2 (g) (i) with 5 years  
service as Junior Engineer-I

ii) From amongst Engineering 12½ %  
subordinates of General Cadre  
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 22½ %  
subordinates of Generation  
Cadre as defined in Regulation-  
2 (g) (ii) with 5 years service as  
JE-I Boiler Controllers.

ii) From amongst Engineering 12½ %  
subordinates of Generation  
Cadre possessing and having 5  
years service as such.

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

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

Sd/-

— 200 —



SECRETARY,  
HARYANA STATE ELECTCY. BOARD,  
PANCHKULA

7. That in supersession of the Notification dated 27.02.1989 relating to preparation of ranking list of engineering subordinates, the Board issued an office order No.168 dated 20.10.1993 which reads as under:-

" HARYANA STATE ELECTRICITY BOARD

OFFICE ORDER No. 168/REG-21/L-II      Dated: 20.10.1993

In supersession of this office order No. 33/Reg-18, dated 27.02.1989, the Haryana State Electricity Board is pleased to issue guidelines in order to implement the Recruitment & Promotion Policy in case of promotion to the post of Assistant Engineer from Engineering Subordinates possessing AMIE/BE qualifications in 12% % quota as contained in Regulation-9 (I) (b) (ii) and Regulation 9 (I) (c) (ii) of Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to HSEB) and notified vide O/o No. 21/Reg-18, dated 19.02.1988, read with notification No. 167/REG-21/L-II, dated 12.10.1993 as under:-

- i) The determination of the eligibility for promotion will be acquisition of qualification of AMIE/BE and completion of 5 years service in the cadre of Engineering Subordinates. The eligibility shall thus be determined on satisfying both the conditions i.e. passing of AMIE/BE examination and 5 years experience. The name(s) of the official will be entered in the ranking list from the date they complete both the conditions. If a candidate is recruited as Engineering sub-ordinate having qualification of AMIE/BE, his eligibility for promotion will also be considered after he attained experience of 5 years on the post.

19. The ranking list of Engineering subordinates for their promotion as AE, shall normally be prepared on 1st day of January of each year and duly notified to all concerned. The name(s) of the eligible candidate(s) in the ranking list will be entered strictly from the date the official fulfils both the conditions i.e. passing of AMIE/BE examination and completion of 5 years service of engineering subordinates. If two or more the same date, the name in the ranking list will be entered in accordance with their original seniority in the Engineering sub-ordinates.

This issues with the approval of the Board in its meeting held on 27.09.1998.

Sd/-  
SECRETARY,  
HARYANA STATE ELEC. BOARD,  
PANCHKULA"

8. That from the above notification issued by the HSEB amending the service regulations from time to time, the following position is clearly emerged:
- i. The General Cadre comprises transmission and distribution and the Generation Cadre comprises Thermals/Hydel/BBMB
  - ii. Engineering Subordinate of General Cadre includes J.Es (field)/JEs Grade-I/Sub Station/Test/Carrier whereas the Engineering Subordinates of Generation Cadre includes JE Thermal, Controller, Master Foreman and Senior Supervisor.
  - iii. Regulation 9 provided different Recruitment Rules for General Cadre and Generation Cadre providing

65%. In both the Cadres recruitment to the post of Assistant Engineer is to be made 65% by promotion and 35% by Direct Recruitment and the promotion quota of 35% has been further bifurcated in the ratio of 22½% and 12½ %. Still further under regulation 9(1)(b) relating to General Cadre it has been provided that share quota of 35% of posts of AEs shall be calculated on the sanctioned strength of post of AEs in General Cadre of the Board excluding the post of AEs in Generation Cadre viz Thermals /Hydel/BBMB. Similarly under Regulation 9(1)(c) relating to recruitment, Generation Cadre it has been provided that share quota of 35% of posts of AEs meant for Engineering Subordinates in Generation Cadre shall be calculated on the sanctioned strength of posts of AEs in Generation Cadre viz Thermals/Hydel/BBMB etc.

- iv. Still further the Notification dated 19.02.1988 has clarified the position for General Cadre and Generation Cadre and it would be seen that the various posts of General Cadre comprises the feeder cadre for promotion to the post of AE against 22½ % quota and similar is the position in the Generation Cadre. The posts of both the feeding cadres are separate and there is nothing common between the two.

v. Still further the Board vide Notification dated 12.04.1991, 21.05.1991, 05.03.1992 and 07.12.1992 have amended the service regulations and categorically clarified as to what comprises the Generation Cadre and clearly defined the meaning of Engineering Subordinate of Generation Cadre and which posts are including therein. Further clarified as to what comprises the Generation Cadre.

vi. From the perusal of the above provisions contained in the Notification dated 19.02.1988 and various others notifications issued from time to time hereinafter referred above, it is crystal clear and leaves no manner of doubt that the General Cadre and the Generation Cadre are two separate and independent.

9. That it is also worthwhile to mention that wide public advertisement No.CRA-104 of 1998 100 posts of JE (General/Field) and 160 posts of JE Generation (Thermal) were advertised and the appointments were made. This clearly shows that both the cadres were operated as independent and there is nothing common between the two and both the cadres are operating in their respective fields.

10. That at the relevant time a Junior Engineer having AMIE/BE Degree with two years service was entitled to be considered for promotion to the post of Assistant Engineer against 12½% quota in the general cadre as well as

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generation cadre. Since I was working as Junior Engineer (General/field) and therefore, I was promoted as Assistant Engineer (Field) on 01.01.1993.

11. That as stated earlier, on reorganization of the HSEB, different corporations were formed and I was allocated to UIIBVN and later on my request, I was allocated to HPGCL in the year 2000 and with the intervention of the Honble Supreme Court of India, I was given a regular promotion as Assistant Engineer and Executive Engineer from the due dates i.e. w.e.f. 01.01.1993 and 31.05.2007 respectively and I have retired as such on 31.05.2014.
12. That the very proposal put up before the Honble High Court to frame a joint seniority list of General/field and Generation/ Thermal Cadre of Junior Engineer is contrary to the regulations governing the service as both the cadres are distinct, independent and separate and therefore there was no occasion to make such a proposal which is against the regulations and not at all workable and that too retrospectively. It is well settled position in law that the settled matters cannot be unsettled. The then HSEB had been maintaining the separate seniority list of JE General/field and JE Generation/Thermal being separate cadres with separate cadre controlling authorities and with the passage of considerable long time many people have been promoted 2-3 steps higher in rank and have retired and some have also died. Their rights have already been crystallized and thus the same cannot be reopened to the detriment of the rights of such

employees. It is further stated that the merger of two cadres and framing of joint seniority list can only be prospective and cannot be made operative retrospectively and there is no just and valid reason for the same.

13. That according to the service regulations and the instructions issued from time to time, the ranking list of junior engineers/Engineering Sub ordinates for the purpose of promotion to the post of Assistant Engineer have to be prepared on the basis of fulfillment of two requisite conditions. Firstly the official should hold an AMIE/BE Degree and secondly he should possess 5 years/2 years service as such as the case may be and such ranking list is to be prepared as on first day of the year i.e. as on 1st January of every year. An official may be senior but would be ordered on acquiring the degree by fulfilling both the conditions. Thus the department has to keep in mind that while preparing the ranking list of Junior Engineers/Engineering Sub ordinates for promotion to the post of Assistant Engineer that a candidate must fulfill both the requisite conditions and only then his name should be included in the ranking list as on 1st of January of each year. It is worthwhile to mention that an official fulfilling both the requisite conditions on 2nd of January of the year would be edit in the ranking list to be prepared on the 1st January of the next year. Meaning thereby that an official fulfilling the eligibility conditions on 02.01.2001 would be included in the ranking list on 01.01.2002 and similar will be the

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position in the next years. So far as I am concern, I fulfilled both the requisite conditions prior to 01.01.1993 and therefore, I was entitled to for inclusion of my name in the ranking list as on 01.01.1993 and thus no fault can be founded with my promotion as an Assistant Engineer and further as Executive Engineer.

14. That it is also worthwhile to mention that the authorities of all the four Nigams have already taken a decision on 15.05.2012 in the chamber of Chairman, Haryana Power Utility and by placing the same on record, you just got a handle for disposal of the pending writ petitions instead of getting the order on merits so that you may act illegally and arbitrarily and on whims and fancies. Though no opportunity was granted to me to make any representation and nor any show cause notice was given yet I would respectfully submit that the grant of opportunity to represent after the decision is already taken clearly constitutes a fair exercise and amply formally rather it is clearly an eye wash and amounts to post decisional hearing which is not permissible in law. In support of the above I rely upon the following provisions:-

I Mr. Trehan vs. Union of India, 1997 (1) W.P. 1199/97  
AIR 1997 SC 1000

Para-13 of the judgment reads as follows:-

"13. The view that law must prevail in the decision of the above Commission is that once a decision has

been taken, there is a tendency to uphold it and a representation may not yield any fruitful purpose.

Thus, even if any hearing was given to the employees of CORIL after the issuance of the impugned circular, that would not be any compliance with the rules of natural justice or avoid the mischief of arbitrariness as contemplated by Article 14 of the Constitution. The High Court, in our opinion, was perfectly justified in quashing the impugned circular.

**II. Shekhar Ghosh vs. Union of India, reported in 2007 (1) SCT 86.**

Head Note 'B' reads as under:

"B. Post-decisional hearing – Sustainability – Held, despite arriving at a finding post decisional hearing was not called for as disciplinary authority had already made up its mind – such post decisional hearing is not contemplated in law and result of such hearing was a foregone conclusion."

15. That without prejudice to the above submission it is submitted that in the Special Leave Petition filed by the HSEB against the LPA Judgment referred above being Civil Appeal No.571 of 2010 arising out of SLP (Civil) No.20211 of 2009 and in the order dated 12.12.2011 the Hon'ble Supreme Court has categorically observed as under:-



"We have heard learned counsel for the respondents and learned counsel for the appellants in the case."

As per the impugned judgment of the High Court, the reversion of the applicants from the cadre of Junior Engineer stands quashed and the contention of the applicants that they were appointed to the cadre of Junior engineer in 1990 by direct recruitment and not by promotion stands accepted. The operation of the impugned judgment of the High Court has not been stayed by this Court in the appeal. Consequently, for the purpose of deciding seniority of the applicants and making promotions to the cadre of Assistant Engineers, the judgment of the High Court be the basis."

16. That in view of the above order, my seniority has to be considered and has actually been considered on the basis of a direct recruit as a Junior Engineer and the Civil Appeal is still pending for final adjudication and therefore, any order passed to my disadvantage or detriment to my interest in any manner whatsoever would be violative of the orders passed by the Hon'ble Supreme Court of India and it would amount to interference in the administration of justice.

In view of the submissions made above, I respectfully submit that the decision dated 15.05.2012 may kindly be reconsidered and the merger if any may be done prospectively without disturbing the existing positions which have already been crystallized and have attained finality. Moreover, even the Hon'ble High Court in its order dated January 9, 2014 has

directed that when making that exercise, judgments passed in favour of respondents No.3 to 17 and similarly situated other persons be kept in mind and when making above said exercise the decision taken on 15.09.2005 shall not affect rights of the parties and thus the department/Nigams have to adopt a rationale approach which may stand scrutiny of law and it may not be violative of Article 14 and 16 of the Constitution of India and in gross violation of principles of natural justice."

That lastly, I submitted as under:

"That though in the said representation dated 19.01.2015 sent by me by speed post booked from Panipat Thermal Project on 19.01.2015 itself I had desired to serve me a notice in case any adverse order effecting my right was to be passed to enable me to explain my position in detail by submitting written statement in defense and also explained my position in detail during the course of personal hearing."

J. But for the reasons best known to the authorities neither any notice was served nor any opportunity of personal hearing was given and therefore, my defense stood seriously prejudiced.

K. That I may further invite your attention to the fact that at the time of my appointment as Junior Engineer, the Additional Secretary, HSEB vide memo No.CH-90/EG-5/Eno-dara-III dated 23.04.19890 put up a proposal for elevation of technical subordinates working on below status post having passed B.E. Degree to the post of J.E. and in the memorandum put up before the whole time member the following conditions were incorporated:

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4. To appoint S/Sh. Sanganla, Sanwaria Girihari and Rajinder Parshad as JE/Field and S/Sh. Ram Niwas, Anish Kumar and Anil Kumar as JE/Generation under G.M./PTPS, and alternatively to appoint them to the post of J.E./Field if there are no vacant post of JE/Generation.
- i. The offers of appointment are to be issued by CE/OP (North) Hissar in case of JE/Field and by GM/Panipat respect of JE/Generation.
- ii. They may be treated as fresh recruits for all intents and purposes but permitted to carry forward their leave accounts and service rendered by them in low posts which shall qualify for pension benefits.
- v) Their seniority as JE shall be determined on the basis of their present status, length of service and they shall be placed at the tail end of seniority JE/Field/Generation respectively.”

The above proposal was placed before the WTMs in their meeting held on 06.11.1990 and was approved and thereafter the Additional Secretary HSEB Panchkula issued a memo dated 09.11.1990 addressed to both the cadre controlling authorities i.e. the General Manager (Plants) PTPS Panipat, the Chief Engineer Operation (North), HSEB Hissar directing them to issue the appointment orders as per the terms and conditions approved by the Board WTMs and accordingly the respective cadre controlling authorities issued the appointment orders and I was appointed by the Chief Engineer/Operation (North) HSEB Hissar to the post of JE (Field/General). It is submitted that the employees are governed by the terms and conditions of the

appointment order and those terms and conditions can not be altered retrospectively and that too without any notice. appointments were made way back in the year 1990 and the settled matters of seniority can not be unsettled at this stage after more than 25 years. It is not permissible either in law or on facts and just the authorities want to give undue benefits and advantage to their own favorites who are otherwise junior in the thermal cadre. It is also relevant to mention that in the above mentioned process as many as nine persons were appointed as Junior Engineer and 1 and one Sanwaria Giridhari were allocated to General/Field Cadre and rest were appointed in the thermal cadre. Now one fails to understand as to how the decision taken by the then authorities of the Board can be rebuffed particularly with regard to seniority as it was clearly mentioned in the memorandum and approval thereof and also in the appointment order that the seniority will be in their respective cadre and therefore, by no stretch of imagination my seniority can be adversely effected to my disadvantage. It is well settled proposition in law that a conscious decision taken by the competent authority can not be reviewed/reopened by the successor without there being any source of power. In this regard I may refer to the following judgments:

- I. **The General Manager Vs. Madan Lal Chopra" - 1971 (1) SLR 629 DH P&H.**

Head Note of the judgment reads as under:

"Constitution of India, Article 16 - Natural Justice -  
Benefit of higher grade given by Competent Authority -  
Benefit cannot be withdrawn by reviewing the matter

subsequently by successor in office in absence of rules,  
AIR 1937 PC 27 relied."

II. R.T. Rangachari Vs. Secretary of State, reported in  
AIR 1937 PC 27.

In the said case it was held as under: -

"In a case in which after Government Officials, duly competent and duly authorized in that behalf, have arrived honestly at one decision, their successors in office, after the decision has been acted upon and is in effective operation, cannot purport to enter upon a reconsideration of the matter and to arrive at another and totally different decision."

That now the above mentioned tentative seniority list dated 22.07.2016 has been issued in which my name does not find mention anywhere and therefore, it can be well construed that irrespective of the merit and demerits of framing of the seniority list, my rights are not going to be effected adversely in any manner whatsoever. Since my name does not figure anywhere in the tentative seniority list therefore, the question of raising any objection against the said tentative seniority list does not arise at all and there is no occasion to submit any objection against the said tentative seniority list.

That under the circumstances I draw a positive inference that my rights stand protected perhaps for the reason that I have already retired on 31.05.2014 and I am not going to be affected adversely by the said tentative seniority list in any manner whatsoever which has now been issued. I further submit that in case the authorities still make up any mind to



adversely affect my legal right in any manner whatsoever then I would earnestly request your goodself that I may kindly be issued a notice in writing at the given address and I may be given considerable reasonable time to put forth my defense in support of my case. It is also worthwhile to mention that persons like me who have retired from service are not expected to look to the notices placed on the website of HPGCL and therefore, in case of the retirees as in my case, a due and proper notice must be given with all details as to how and why the seniority of a retired employee is being adversely effected.

In view of the above, I most respectfully submit and reiterate that as my name does not find mention in the tentative seniority list in question thus there is no occasion to submit/file any objection whatsoever and I presume that the tentative seniority list of Junior Engineers in question will have no adverse effect on me in any manner whatsoever.

Thanking you,

Yours Sincerely,



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