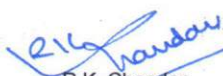

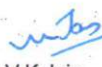




	<p>Engineering degree and BCC 1st class, was further promoted to the post of Asstt. Engg. on 19.03.1991 on the basis of his position in the ranking list of AMIE/BE engineering subordinates of Generation Cadre.</p> <p>5. The petitioner has not passed the AMIE/BE Degree examination and he was having the qualification of 3 years diploma in Electrical trade. Therefore, the case of the petitioner cannot be compared to the case of Sh. G.S. Bawa.</p>																				
	It was therefore, contended that petition may be dismissed.																				
	<p>Written submission of the petitioner in Personal Hearing:- Shri Dharambir attended Personal Hearing on dated 19.08.2014 and requested for grant of more time for written submission till 28.08.2014. The perusal of record reveals that Shri Dharambir has not submitted his written submission.</p>																				
	<p>Written submission of the private respondents in Personal Hearing:- No one was impleaded as private respondent.</p>																				
	<p>Crux of the above mentioned pleadings:- The petitioner was appointed as Assistant linemen in erstwhile HSEB on 30.09.1969. He was promoted as linemen on 12/09/1970. He was further promoted as Line Superintendent (Now JE Field) on 04/07/1973. The petitioner was re-designated as JE Thermal on 28/11/1988. The petitioner was promoted as JE-I on 21/10/2005. The petitioner is claiming seniority as has been granted to Sh. J.S. Bawa, who was appointed as JE Thermal in Generation Cadre. Sh. J. S. Bawa was promoted as JE-I on 01/07/1988. He was further promoted as AE on 19/03/1991 and thereafter as AEE on 28/05/2003.</p> <p>After perusal of the record, it reveals that a screening committee was constituted by PTPS, Panipat on 26/12/1989 to screen General suitability of JE's for their absorption/retention in Generation Cadre. The petitioner gave his conditional option on 05/02/1988 to be absorbed in Generation Cadre and same was rejected by the screening Committee. Thereafter petitioner gave his unconditional option and the same was considered and accepted. He was taken to be in Generation Cadre from the date of his acceptance in Generation Cadre.</p> <p>He is claiming parity and promoting at par with Sh. G.S. Bawa. It is a matter of record, that Sh. G.S. Bawa was already working as JE/Thermal and was promoted as JE-I on 01/07/1988 i.e. prior to re-absorption of the petitioner in Generation cadre.</p> <p>Therefore, the petitioner can be considered for further promotion as JE-I/AE after 28.11.1988 i.e. date of his acceptance in Generation Cadre.</p> <p>It is again matter of record that official senior to present petitioner diploma holders JEs/JE-I could not be promoted as AE against 22.5% quota due to non availability of quota posts in Erstwhile HSEB. His case for further promotion can only be considered by concerned Utility to which he is allocated after unbundling of Erstwhile HSEB in terms of seniority assigned.</p>																				
	<p>Recommendations of the Committee:- It is clear that petitioner of CWP No. 17721 of 2006 Dharambir was working as ALM and further promoted as JE/AE in erstwhile HSEB, may it be Hydrel/Thermal, his option was called and he was absorbed in Generation/Field Cadre as per his suitability based upon his option received. He is estopped by his own conduct to challenge his allocation due to efflux of time. As such, no merger of cadre is required to be made and this case is distinct from the facts contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997.</p> <p>After due consideration of factual and legal position in this regard, the committee is of the view that the contentions made in CWP No. 17721 of 2006 by the petitioner Sh. Dharambir is not feasible of acceptance.</p>																				
F	CWP No. & Title :- CWP No. 10195/1993 titled as Jaswant Singh Brar & Ors. Vs. HSEB and Others. [Flag-11]																				
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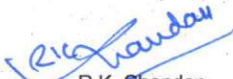

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9.	Ashok Saini	10.	Sube Singh Payal
11.	Bhajan Lal Kamboj	12.	Abhey Singh
13.	Raj Bir Singh	14.	Rajbir Singh
15.	Desh Raj	16.	Sant Lal Singh
17.	Dinesh Kumar	18.	Kartar Singh Nail
19.	Mahi Pal Sheoran	20.	Om Parkash
21.	Ravinder Singh	22.	Ranbir Singh
23.	Nand Kishor	24.	Kashik Mann
25.	Dilbagh Singh	26.	Dalbir Singh Karwan
27.	Ramesh Kumar	28.	Dharm Vir Singh
29.	Avinash Kumar	30.	Charan Jit
31.	Randhir Singh Malik	32.	Inder Singh Ranga
33.	Satbir Singh	34.	Ranjiv Kumar Garg
35.	Ravinder Kumar	36.	Dharam Pal
37.	Surender Kumar	38.	Vivek Jyoti
39.	Ramesh Kumar	40.	Virender Pal Singh
41.	Raj Kumar	42.	Mahabir Singh
43.	Surinder Kumar	44.	Jitender Singh
45.	Virender	46.	Satya Dev Phogwat
47.	Ram Mehar Sarohi	48.	Jai Dev Gulia
49.	Ashok Kumar	50.	Surat Singh
51.	B.S. Rangi	52.	Vijander Kumar Sharma
53.	Jai Singh Lohan	54.	Ranbir Singh
55.	Chander Shekhar	56.	Kailash Chander Solanki
57.	Krishan Kumar	58.	Satya Vir Singh Yadav
59.	Ravinder Malik	60.	Hakumddin
61.	Ram Pal Yadav	62.	Rakesh Kumar Tewatia
Name of respondents			
No one was impleaded as private respondent.			
Prayer of the Petitioner in CWP:-			
1. For quashing the decision dated 07.08.1992 and for modifying orders dated 24.06.1993 to extent that the representations (Annexure-P3) and (Annexure-P3A) may be directed to be accepted in toto so far as they relate to the demand of option for change in cadre or for constituting a common seniority list for the purposes of promotional avenues.			
2. To allow the petitioners to exercise their option for allocation to a particular cadre strictly as per the order of merit prepared at the time of their selection.			
3. To prepare a common seniority list of the Junior Engineers selected in pursuance to the advertisement NO. CRA-104 on the basis of their inter-se merit and to further promote them strictly as per seniority-cum-merit as and when promotional vacancy is available in either of the cadre.			
4. To provide equal promotional opportunities to the Junior Engineers allocated to the Generation Cadre as have been provided to the Junior Engineers of the Field Cadre and not to discriminate with the petitioners in this regard.			
5. To frame a rational policy for allocating the Junior Engineers to a particular cadre as per their option and willingness and to follow such policy strictly in respect of the aforesaid subject.			
Main thrust of Utility to CWP:-			
Reply of Nigam not available in record.			
It was therefore, contended that petition may be dismissed.			
Written submission of the petitioners in Personal Hearing:-			
1. The seniority of the JE's selected in the year 13.08.1988 should be determined as per the decision rendered in LPA No. 657 of 1997 and CWP No. 16330 of 2005 and seniority of the JE's appointed in the year 13.08.1988 should be governed by the selection/seniority cum merit list irrespective of their placement in generation or field.			
2. The Hon'ble High Court has clearly directed to implement the decision as per LPA no. 657 of 1997 decided on 17.12.2004 and CWP-16330 of 2005 decided			



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	<p>on 09-01-2014, in our case also.</p> <p>3. In the decision dated 17.12.2004, Hon'ble High Court directed that seniority of JE's selected and appointed against advt. no. CRA 104 dated 13.08.1988 in Power Department in the year 1989 will be governed by Selection/Seniority-cum-Merit list, declared by the selection board irrespective of placement of JE's in different wings of the power department.</p> <p>4. The department must screen the Selection/Seniority-cum-Merit list of the year 1989 of JE's selected and appointed in erstwhile H.S.E.B. and ensure that senior is not victimized.</p> <p>No option has ever been given to them (1989 batch of JE's) to till date to choose the Company/ Corporation as the HPGCL/GENCO was not considering them in common cadre.</p>																				
	<p>Written submission of the private respondents in Personal Hearing:- No one was impleaded as private respondent.</p>																				
	<p>Crux of the above mentioned pleadings:- They were selected as JE w.r.t. Advertisement No.CRA-104 in the year 1989. They fall under 22.5% quota meant for Diploma Holder for their further promotion as JE-I/AE. They have requested that their seniority may be determined in the manner as the seniority of other batch-mates of directly recruited JEs during 1989 has been re-determined in pursuance to in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997.</p> <p>The perusal of record reveals that officials senior to petitioners as JE/JE-I were yet to be promoted as AE against 22.5% quota upto 14.08.1998 i.e unbundling of erstwhile HSEB into HVPNL & HPGCL due to non availability of quota. Therefore, further promotion of petitioners as AE against their respective quota is required to be considered by the Utility to which they were allocated in terms of assigned seniority & availability of quota.</p>																				
	<p>Recommendations of the Committee:- The petitioners were appointed as Junior Engineers in the year September-1989 against advertisement No. CRA-104. 254 no. Trainee Junior Engineers were recruited and were posted in Generation Cadre & Field Cadre. As such, merger of seniority list of Junior Engineers (Diploma Holder) from amongst Generation & Field Cadre has been made as per Para-20 sub-para-B) which is in terms of seniority of other batch-mates of directly recruited JEs during 1989 re-determined in pursuance to Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997.</p> <p>For implementation of Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, respectively, 3 pronged action are required to be taken i.e. :-</p> <ol style="list-style-type: none"> Merger of JE/Generation & JE/Field as it was a cadre of JEs. Thereafter, placement in the ranking list. Consideration of promotion as AE in terms of revised ranking list subject to availability of quota and as per relevant regulations in vogue. <p>All the above exercises have been carried out, as is evident from Para-20. This ensure the directions contained in judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, readwith directions dated 09.01.2014 passed in CWP no. 16330 of 2005.</p> <p>After due consideration of factual and legal position in this regard, the committee is of the view that the contentions made by the petitioners of CWP No. 10195 of 1993 is feasible of acceptance to the extent of merger of JE/Generation & JE/Field by taking it to be a common cadre of JEs. In so far as their further promotion as JE-I/AE is concerned, that will be considered in terms of relevant regulation and seniority assigned to them in the concerned Utility.</p>																				
G	<p>CWP No. & Title :- CWP No. 11909 of 2006 titled as Sh. Vijender Sangwan & others V/s Haryana Power Generation Corporation Limited & others. [Flag-13]</p>																				
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5.	Mahender Pal Jain	5.	Bhagirath
6.	Ind Raj	6.	M.S. Hooda
7.	Balwan Singh	7.	Suresh Singh Rana
8.	Bhim Singh	8.	Dula Ram Verma
9.	Randhir Singh	9.	Jagbir Singh
10.	Raj Kumar Sharma	10.	R.K. Gambhir
11.	Ramesh Kumar Chawla		
12.	Deepak Mittal		
13.	Madan Lal		
14.	Naveen Kapoor		
15.	Ram Chand Mongia		
16.	Brij Mohan		
17.	Ajab Singh		
18.	Mahesh Chand		
19.	Kanwal Nain Malhotra		
20.	Pappo Singh		
21.	H.K. Malhotra		
22.	Surinder Sharma		
23.	Baldev Raj Kamboj		
Prayer of the Petitioner in CWP:-			
<ol style="list-style-type: none"> 1. For quashing the impugned order dated 05.04.2006 by which the claim of the petitioners have been rejected. 2. To reassign the seniority to the petitioners in the same manner as other batch mates even some of them lower in merit has been assigned. 3. To consider the claim of the petitioners for promotion as Junior Engineer Grade-I/Assistant Engineer from the date juniors have been promoted and the petitioners be granted all consequential benefits. 			
Main thrust of the Utility to CWP:-			
<ol style="list-style-type: none"> 1. A Common advertisement dated 13/08/1988 was issued for the post of Junior Engineer (Trainee) in Field as well Generation Cadre. The petitioners applied for the post of Junior Engineers (Trainee) and were selected for the same. In the said advertisement it was clearly laid down that successful completion of trainee they will be observe in HSEB as JE and they can either be posted in any Thermal/Generation project within the jurisdiction of HSEB including BBMB/BCB or outside Haryana State or in the Field Cadre at the discretion of the board. 2. On 19.02.1988 the erstwhile HSEB framed a policy dated 19.02.1988 wherein both the cadres (General Cadre and Generation Cadre) were separated and inter-se seniority in the General Cadre of JE Grade-1 (Field), JE Grade-1 (Sub-Station), JE Grade-1 (Test) and JE Grade-1 (Carrier) for the purpose of promotion as Asstt. Engg. against 221/2% quota, to be counted from the date of their continuous appointment in their respective cadres of JE Grade-1 (Field), JE Grade-1 (Sub-Station), JE Grade-1 (Test) and JE Grade-1 (Carrier) were fixed separately. 3. In the year 1991 posts of Assistant Engineers fell vacant in the Field Cadre whereas no vacancy of Assistant Engineer was available in Generation Cadre and the persons working in Field Cadre were promoted as Assistant Engineer. Employees working in the Generation Cadre made a representation to the Department with respect to the said anomaly. 4. Sh. Rajinder Singh Redhu & others who were selected against the advertisement dated 13/08/1988 filed CWP No. 6557 of 1993 for their deemed date promotion on the ground that they are senior but working in Generation Cadre. The CWP No. 6557 of 1993 was allowed and L.P.A. No. 657 of 1997 preferred by the erstwhile H.S.E.B. was dismissed. The decision was implemented vide office order dated 15/09/2005 which was challenged by Sh. Parveen Arora & others vide CWP No. 16330 of 2005 and the implementation of the order dated 15/09/2005 was stayed. 5. As far as the decision of the High Court in CWP No. 6557 of 1993 and L.P.A. 657 of 1997 is concerned, the same is not applicable in the present case as the petitioner were neither party in CWP No. 6557 of 1993 and now they were respondent in L.P.A. No. 657 of 1997. 			

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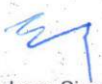
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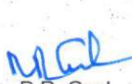
<p>It was therefore contended that petition may be dismissed.</p>
<p>Written submission of the petitioners in Personal Hearing:-</p> <p>i) Vide advertisement no. CRA-104 dated 06-08-1988 the HSEB advertised some posts of Junior Engineers. We were also found suitable and selected as Junior Engineers.</p> <p>ii) Under the Generation Wing Policy there is no provision of direct recruitment to the post of JE. Rather the post of JE is a promotional post from operator-I after completion of 4 years of satisfactory service. Some of the JE's of 89 batch were posted to Field services irrationally by pick & choose method having the lower merit / seniority. Candidates having higher merit and seniority were posted at Generation Wing without asking any option. "The candidates having lower merit and seniority who were offered posting in field were promoted as AE since 2003 whereas those with higher merit and seniority are still working as JEs."</p> <p>We filed a CWP No. 11909 of 2006 in Honorable Punjab & Haryana High court. Being the similar case our CWP No. 11909 of 2006 was attached with CWP No. 16330 of 2005. Making common seniority of all HPU's as there was no fixed cadre for any particular utility and Honorable Punjab & Haryana High Court has agreed in the decision of LPA 657 of 2005 at Page No. 12 "Admittedly the services of the Junior Engineers is governed by the 1952 Rules and the perusal of the same would clearly indicate that the Junior Engineers Constituted one cadre. Even if it be taken that any amendment was brought about in the regulations whereby the cadre of the Junior Engineers was bifurcated. Nothing has been shown to this court by producing any notification or otherwise." Similarly at page no. 13 "Miscellaneous application No. 6353 of 1997 clearly depict that the posts of the Junior Engineers were inter-transferable, which in other words further shows that all the Junior Engineers constituted a common cadre." And at Page No.15 "It is an uncontroversial fact that the posts of Junior Engineers as well as Assistant Engineers were inter-transferable and no order bifurcating that cadre was issued by the competent authority."</p> <p>CWP No. 16330 of 2005 was disposed of with the decision on dated 09.01.2014 by Hon'ble Punjab & Haryana High Court "In view of above facts, the above writ petitions are disposed of. The authorities are directed to act in terms of the decision taken on 15.05.2012 which was placed on record of this court on 17.05.2012. In terms of decision, let fresh exercise be done to settle right of the parties. When making that exercise, judgements, passed in favour of respondents No: 3 to 17 and similarly situated other persons be kept in mind. When making above said exercise, the decision taken on 15.09.2005 (Annexure P1) shall not affect rights of the parties. The exercise shall be done within 5 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."</p> <p>It was only 1989 batch which was not offered any option (field/generation). Whereas, the previous batches were given option on 19.02.1988. Hence, common seniority/ranking list should be prepared exclusively for 1989 batch.</p> <p>While making the common seniority of JE,s of HPU's the share quota (65% direct+ 35% promotee's) and further 35 % = 12.5 % (Degree) + 22.5% (Diploma) be kept in mind. We, the petitioners being similar situated to respondents no. 3 to 17 of CWP no. 16330 of 2005, having degree be promoted as AE against 12.5 % and diploma be promoted against 22.5% share quota.</p>
<p>Written submission of the private Respondents in Personal Hearing:- None of the private respondent submitted written submission.</p>
<p>Crux of the above mentioned pleadings:-</p> <p>They were selected as JE w.r.t. Advertisement No.CRA-104 in the year 1989. Their qualification at the time of appointment of JE was 3 years diploma in Mechanical/ Electrical/ Electronics Engineering, thus they fall in 22.5% quota meant for Diploma Holder for their further promotion as JE-I/AE. They have represented that their seniority and consequent promotion may be re-determined in the light of Order dated 17.12.2004 of the Hon'ble High Court in LPA No. 657 of 1997 & LPA no. 641 of 1997.</p> <p>The perusal of records reveals that the senior diploma holders posted as JEs/JE-I</p>



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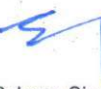

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<p>could not be promoted as AE against 22.5% quota due to non availability of quota post of AE till 14.08.1998. Their cases for further promotion can only be considered by concerned Utilities to which they were allocated after unbundling of Erstwhile HSEB in terms of seniority assigned.</p>							
<p>Recommendations of the Committee:- The petitioners were directly appointed as Junior Engineers in the year September-1989 against advertisement No. CRA-104. All the petitioners were diploma holders at the time of appointment. Thus, Regulation-9 of PSEB Engineers Recruitment Regulation-1965 promotional quota further amended vide office order No. 21/REG-18 dated 19.02.1988 was applicable for further consideration as AE. In terms of directions contained in LPA No. 657 of 1997, JE/Generation & JE/Field appointed in the year 1989 have been merged by taking it to be a cadre of JE., as mentioned in Para-20 sub-para-D of this report. This ensures compliance of directions contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997.</p> <p>For implementation of Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, respectively, 3 pronged action are required to be taken i.e. :-</p> <ol style="list-style-type: none"> Merger of JE/Generation & JE/Field as it was a cadre of JEs. Thereafter, placement in the ranking list. Consideration of promotion as AE in terms of revised ranking list subject to availability of quota and as per relevant regulations in vogue. <p>All the above exercises have been carried out, as is evident from Para-20. This ensure the directions contained in judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, readwith directions dated 09.01.2014 passed in CWP no. 16330 of 2005.</p> <p>Now coming to the other contention raised by them that their juniors have been promoted as AE by ignoring them is concerned, it is relevant to refer to Regulation-9 of PSEB Engineers Recruitment Regulation-1965 promotional quota further amended vide office order No. 21/REG-18 dated 19.02.1988. The petitioners as per their qualification are to be considered for further promotion as AE in 22.5% quota meant for diploma holders, while they are seeking parity and are staking a better claim against JE-1/AEs who were promoted by other Power Utilities after unbundling of Erstwhile HSEB. It is a matter of record that no Junior to the petitioner has been promoted as JE-I/AE by HPGCL, to which the petitioners are allocated.</p> <p>After due consideration of factual and legal position in this regard, the committee is of the view that the contentions made by the petitioners in CWP No. 11909 of 2006 is feasible of acceptance to the extent of merger of JE/Generation & JE/Field by taking it to be a cadre of JEs. In so far as their further promotion as JE-I/AE is concerned, that will be considered in terms of relevant regulations and seniority assigned in the concerned Utility.</p>							
<p>H CWP No. & Title :- CWP No. 12099 of 2006 titled as Sh. Raj Kumar Sharma & Others V/s HPGCL & others. [Flag-14]</p>							
	<table border="1"> <thead> <tr> <th>Name of petitioners</th> <th>Name of respondents</th> </tr> </thead> <tbody> <tr> <td>1. Raj Kumar Sharma</td> <td>No one was impleaded as private respondent.</td> </tr> <tr> <td>2. Bhuvnesh Vashisht</td> <td></td> </tr> </tbody> </table>	Name of petitioners	Name of respondents	1. Raj Kumar Sharma	No one was impleaded as private respondent.	2. Bhuvnesh Vashisht	
Name of petitioners	Name of respondents						
1. Raj Kumar Sharma	No one was impleaded as private respondent.						
2. Bhuvnesh Vashisht							
<p>Prayer of the Petitioner in CWP:-</p> <ol style="list-style-type: none"> For quashing the order dated 05.04.2006 (Annex. P-7) passed by respondent no. 5 on the ground that same runs counter to the judgment of Hon'ble Single Bench and LPA Bench (Annex. P-3 and P-3A) specially when the same has already been implemented by the respondents in case of the petitioners of that writ where as they are discriminating the present petitioners only because they happened to be non petitioners in the decided cases and on the grounds taken in the writ petition and the law laid down by the Hon'ble High Court and Hon'ble Supreme Court of India in the matter of State of Karnataka Vs C. Lalitha 2006 (2) SCC. To frame seniority list keeping in view the merit determined by the selection 							



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	<p>committee in view of decision given by Single Bench and LPA Bench which has been implemented in respect of those petitioners only and then consider cases of the petitioners for promotion to the post of Asstt. Engg. (JE Grade-I) from the dates persons junior to them have been promoted and not on the basis of place of posting as the same has been declared arbitrary, discriminatory and violative of the Articles 14 and 16 of the constitutions of India in the judicial pronouncement.</p> <p>3. The respondents may kindly be restrained from making further promotion of persons to the posts of SDO/JE-I who happen to be junior to the petitioners during the pendency of writ petition.</p>
	<p>Main thrust of the Utility to CWP:-</p> <ol style="list-style-type: none"> 1. The petitioners were selected for the post of JE (Trainee) and were appointed as such in the erstwhile HSEB against advt. No. CRA-104 dated 13.08.1988. It was clearly mentioned in the advt. that on their selection as JE they can either be posted in any thermal/Generation with the jurisdiction of HSEB including BBMB/BCB or outside Haryana State or in the Field Cadre at the discretion of the Board. 2. The ranking list of engineering subordinates for promotion to the post of Asstt. Engg. against 12 ½% quota posts as provided in the erstwhile HSEB office order No. 21/REG-18 dated 19.02.1988 is prepared on the basis of the date of passing of the AMIE/BE. The Engineering Subordinates are promoted to the post of AE on fulfillment of laid conditions i.e. passing of examination and having 5 years. 3. Sh. Rajinder Singh Redhu and others had filed CWP no. 6557 of 1993 in this Hon'ble High Court and the orders dated 29.07.1997 passed by Single Bench judge was challenged by the respondents board through LPA no. 657 of 1997 and in compliance of the following orders dated 17.12.2004 of this Hon'ble High Court Sh. Rajinder Singh Redhu and others were given deemed date of promotion to the post of AE after re-assigning the seniority vide order no. 330/HPG/GE-623 dated 15.09.2005. 4. The promotion and seniority assigned to Sh. Rajinder Singh Redhu and others was challenged by Sh. Parveen Arora, AEE and Others through CWP no. 16330 of 2005 and the Hon'ble High Court has now stayed the seniority dated 15.09.2005 of Sh. Rajinder Singh Redhu and others vide its interim orders dated 23.10.2006. 5. The ranking list of Engineering Subordinates for promotion to the post of Asstt. Engg. against 12½% quota posts as provided in the erstwhile HSEB office order no. 21/REG-18 dated 19.02.1988 is prepared on the basis of the date of passing of the AMIE/BE and 5 years service as Engineering subordinate. The post of AE falling in the share quota of 22½% which was to be filled up from amongst JE-1 was also filled up according to the seniority list of JE-I being maintained in HPGCL. The engineering Subordinates are promoted to the post of AE accordingly and no injustice has been made to the petitioners.
	<p>It was therefore, contended that petition may be dismissed.</p>
	<p>Written submission of the petitioners in Personal Hearing:-</p> <ol style="list-style-type: none"> 1. Erstwhile HSEB vide its advertisement no CRA -104 dated 06-08-1988 invited applications for the post of JEs. The selection of JEs were made on the basis of interview and a list came into existence on the basis of marks obtained by the individual candidates. 2. The list so prepared did not mention the place of posting, yet in an arbitrary manner the candidates higher in merit were given posting at thermal plants whereas those who were lower in merit were posted in the Field. Undersigned being place higher in merit were posted at thermal power plant without allowing to exercise any option. 3. Undersigned (at Sr no. 1), despite finding higher place in the initial selection merit list is still working as JE -1, whereas his juniors in the Field have been promoted as AE long ago, as would be evident by going through the joint seniority /ranking list prepared by the committee. 4. Undersigned (at Sr no. 2) has passed AMIE in oct 1993 (10-10-93) and became eligible for promotion in the same year (with 2 years experience as JE) and further became eligible in 1994 (as 2 years experience policy changed to 5



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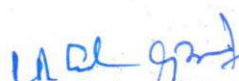
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<p>years) All of his juniors also, posted in the Field having higher qualification have been promoted long ago. This fact can also be verified from the joint seniority /ranking list prepared by the committee.</p> <p>5. At the time of trifurcation of erstwhile HSEB no option for adopting field cadre or thermal cadre was made available to us.</p> <p>6. In the light of honorable high Court Judgement in reference to CWP no 16330 of 2005, it is sincerely requested that rather from adopting a pick and choose policy favoring only some a comprehensive seniority/ranking list of 1989 batch J.Es (working in Plants and Field) may be prepared and promotion be given accordingly. We feel it pertinent mention that as per the aforesaid judgement, we find ourselves in the category of "Similarly situated other persons" as respondents no. 3 to 17.</p>
<p>Written submission of the private respondents in Personal Hearing:- No one was impleaded as private respondent.</p>
<p>Crux of the above mentioned pleadings:- They were selected as JE w.r.t. Advertisement No.CRA-104 in the year 1989. They have prayed that the Junior Engineers who were posted in Field were promoted to the post of JE Grade-I without considering the persons who were higher in merit. The cadre of Assistant Engineer is one and the persons appointed in the Generation wing or in the Field are inter-transferable.</p> <p>The perusal of record reveals:</p> <p>i) Sh. Raj Kumar Sharma, (DOB-02.02.1966) falls under the category of 22.5% Diploma Holder quota.</p> <p>ii) Sh. Bhuvnest Vashist (DOB-24.12.1966) had 3 years diploma in Engineering at the time of appointment of JE, further, he acquired AMIE on dated 10.10.1993. Thus, his name for further promotion can be considered in both categories i.e 22.5% meant for diploma holders & 12.5 % meant for AMIE/BE.</p> <p>The perusal of records reveals that the senior diploma holders JEs/JE-I could not be promoted as AE against 22.5% quota due to non availability of quota posts. Their cases for further promotion can only be considered by concerned Utilities to which they are allocated after unbundling of Erstwhile HSEB in terms of seniority assigned.</p>
<p>Recommendations of the Committee:- The petitioners were directly appointed as Junior Engineers in the year September-1989 against advertisement No. CRA-104. All the petitioners were diploma holders at the time of appointment. In terms of directions contained in Order dated 17.12.2004 of the Hon'ble High Court in LPA No. 657 of 1997, JE/Generation & JE/Field appointed in the year 1989 have been merged by taking it to be a cadre of JE., as mentioned in Para-20 sub-para-B of this report. This ensures compliance of directions contained in Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997.</p> <p>Now coming to the other contention raised by them that their junior have been promoted as AE by ignoring them, is concerned, it is relevant to refer to regulations referred in Para-19. The petitioners as per their qualification are to be considered for further promotion as AE in 22.5% quota meant for diploma holders, while they are seeking parity and are staking a better claim against JE-1/AEs who were promoted by other Power Utilities after unbundling of Erstwhile HSEB. It is a matter of record that no Junior to the petitioners has been promoted as JE-I/AE by HPGCL, to which the petitioners are allocated.</p> <p>For implementation of Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, respectively, 3 pronged action is required to be taken i.e. :-</p> <p>i. Merger of JE/Generation & JE/Field as it was a cadre of JEs.</p> <p>ii. Thereafter, placement in the ranking list.</p> <p>iii. Consideration of promotion as AE in terms of revised ranking list as per relevant regulations in vogue.</p> <p>All the above exercises have been carried out, as is evident from Para-20. This ensure the directions contained in judgement dated 17.12.2004 passed in LPAs no.</p>



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657 & 641 of 1997, readwith directions dated 09.01.2014 passed in CWP no. 16330 of 2005.			
After due consideration of factual and legal position in this regard, the committee is of the view that the contentions made by the petitioners in CWP No. 11909 of 2006 is feasible of acceptance to the extent of merger of JE/Generation & JE/Field by taking it to be a cadre of JEs. In so far as their further promotion as JE-I/AE is concerned, that will be considered in terms of relevant regulation and seniority assigned in the concerned Utility.			
I CWP No. & Title :- CWP No. 10168/2006 Titled as Raj Kumar & others Vs HPGCL & others. [Flag-16]			
	Name of petitioners		Name of respondents
1	Raj Kumar		No one was impleaded as private respondent.
2	Devinder Kumar		
3	Inderjit Singh Virk		
4	Sanjay Budhiraja		
Prayer of the Petitioner in CWP:-			
<ol style="list-style-type: none"> 1. For quashing the order dated 25.05.2006. 2. For directing the respondents to reassign the seniority to the petitioners in the same manner as other batch mates have been assigned and further directing them to consider the claim of the petitioners for promotion as Assistant Engineer from the dates juniors to them have been promoted and petitioners be granted all the consequential benefits. 3. The action of the respondents be deprecated to implement the decision qua those person only who had approached the Court. 			
Main thrust of the Utility to CWP:-			
<ol style="list-style-type: none"> 1. The erstwhile HSEB advertised the posts of JEs (trainee) (Electrical, Mechanical and Electronics) vide advt. no. CRA-104 dated 13.08.1988 and the petitioners applied for the post of JE against the said advt. It was clearly mentioned in the advt. that on their selection as JE they can either be posted in any Thermal Generation Project with the jurisdiction of HSEB including BBMB/BCB or outside Haryana State or in the Field Cadre. 2. On Selection of the petitioners and other selected candidates in pursuance to the advt. dated 13.08.1988, they were offered the post of JE in the Generation Cadre and Field Cadre as per the requirement of the erstwhile HSEB and as per the option given by them, which was never objected by the petitioners and other selected candidates. 3. The Erstwhile HSEB vide O/o dated 19.02.1988 made two separate Cadre of JEs i.e. Generation Cadre and Field Cadre and Generation Cadre consisting of Thermals/Hydel/BBMB etc. defining the specific criteria for promotion to the post of Asstt. Engg. from amongst the engineering subordinates. 4. As per sub para-C (ii) of Regulations-9, the petitioners working in Generation Cadre becomes eligible for the promotion to the post of AE from the date of passing AMIE/BE examination and their ranking position was assigned to them in the ranking list of AMIE/BE engineering subordinates prepared for generation cadre against the 12^{1/2}% quota posts of AE subject to the condition they have also 5 years service as JE. Similarly, the Engineering Subordinates working in General Cadre (field cadre) having AMIE/BE qualification with 5 years service experience are also eligible for promotion to the post of AE against 12 ½% share quota in field cadre as per their position in the ranking list of AMIE/BE Engineering Subordinates. 5. The petitioners have qualified the AMIE/BE examination on 06.10.1991 and no junior engineering subordinates possessing AMIE/BE qualification has been promoted to the post of Asstt. Engg. against 12 1/2% quota posts of AE. 6. The plea of the petitioners that the judgment dated 17.12.2004 of this Hon'ble High Court has to be applied on all other similarly situated incumbents as that of Rajinder Singh Redhu and others (petitioners in CWP no. 6557 of 1993) is wrong and not sustainable as the present petitioners are not similarly situated 			


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	<p>because they acquired the AMIE/BE qualification much later than Sh. Rajinder Singh Redhu and others (who were petitioners in CWP no. 6557 of 1993) and they are also junior in the ranking list of AMIE/BE qualified engineering subordinates.</p> <p>7. Parveen Arora, AEE and others filed CWP no. 16330 of 2005 in this Hon'ble High Court, Challenging the deemed dated of promotion orders of Rajinder Singh Redhu and others issued vide office order dated 15.09.2005. The Hon'ble High Court vide its interim order dated 23.10.2006 stayed the implementation of the seniority list dated 15.09.2005 qua the respondents i.e. the office order 15.09.2005 vide which Rajinder Singh Redhu and others were re-assigned seniority and given deemed date promotions to the post of AE in compliance with its orders dated 17.12.2004 passed in LPA no. 657 of 1993 and also ordered to tag the records of LPA no. 657 of 1997 and CWP no. 6557 of 1993 with the CWP no. 16330 of 2005.</p>
	<p>It was therefore, contended that petition may be dismissed.</p>
	<p>Written submission of the petitioners in Personal Hearing:- In reference to Memo. No. Ch-15/HPG/General/218-B/PH/Vol.-II /22.09.2014, we would like to state that the decision of court case 10168 of 2006 by Hon'ble Punjab & Haryana High Court on the basis of LPAS No. 657 of 1997 & CWP No. 16330 of 2005 is applicable on us because of the following: -</p> <ol style="list-style-type: none"> 1. We applied for the post of JE(T) against same advertisement no. CRA-104 dated 13.08.1988. 2. We were selected by the same Selection Board. 3. A common selection list was circulated after the final selection. 4. We were placed higher in the selection list than those posted in the Field cadre. 5. We were posted in the Generation cadre as per the orders and decision of erstwhile HSEB and not as per our choice or option despite having placed higher in the selection/Merit list.
	<p>Written submission of the private respondents in Personal Hearing:- No one was impleaded as private respondent.</p>
	<p>Crux of the above mentioned pleadings:- They were selected as JE w.r.t. Advertisement No.CRA-104 in the year 1989. The date of acquiring of AMIE is as below: Raj Kumar = 06.10.1991 AMIE Devinder Kumar = 06.10.1991 AMIE Inderjit Singh Virk= 06.10.1991 AMIE Sanjay Budhiraja = 06.10.1991 AMIE The perusal of record reveals that they acquired AMIE on dated 06.10.1991. They joined as JE pursuant to their selection with respect to Advt. no. CRA-104. Thus, their case is to be considered in the light of directions contained in Judgement dated 17.12.2004 of LPAs No. 657 of 1997 and 641 of 1997.</p>
	<p>Recommendations of the Committee:- For implementation of Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, respectively, 3 pronged action is required to be taken i.e. :- i. Merger of JE/Generation & JE/Field as it was a cadre of JEs. ii. Thereafter, placement in the ranking list. iii. Consideration of promotion as AE in terms of revised ranking list as per relevant regulations in vogue. All the above exercises have been carried out, as is evident from Para-20. This ensure the directions contained in judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997, readwith directions dated 09.01.2014 passed in CWP no. 16330 of 2005. After due consideration of factual and legal position in this regard, the committee is of the view that the contentions made by petitioners in CWP No. 10168 of 2006 is feasible of acceptance and their case is to be considered in the light of Judgement dated 17.12.2004 passed in LPAs no. 657 & 641 of 1997.</p>



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