



HPGCL
AN ISO: 9001, ISO:
14001 & OHSAS: 18001
CERTIFIED COMPANY

HARYANA POWER GENERATION CORPORATION LIMITED

Regd. Office: C-7, Urja Bhawan, Sector-6, Panchkula
Corporate Identity Number: U45207HR1997SGC033517

Website: www.hpgcl.gov.in

Telephone No. 0172-5023407

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From

Chief Engineer/Admn.,
HPGCL, Panchkula.

To

1. All Chief Engineers in HPGCL.
2. All Financial Advisors & CAO in HPGCL.
3. SE/FTPS, HPGCL, Faridabad.

Memo No. 192 /Ch. 16/HPGC/ENG/HPU/C-2024

Dated: 26/04.2024.

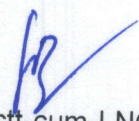
Subject: - CWP No. 35743 of 2019 titled as Yashpal Vs HVPNL & Anr.

Kindly refer to the subject noted above.

In this context, enclosed please find herewith a copy of Memo No. 57/LB-2(90) dated 09.04.2024 alongwith copy of judgment dated 19.02.2024 respectively, passed by Hon'ble High Court, Chandigarh in the subject cited case, received from the office of LR/HPU, Panchkula for praying dismissal of similar court cases by placing reliance on the ibid judgment.

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

DA/As above


Xen/Rectt-cum-LNO,
For Chief Engineer/Admn.,
HPGCL, Panchkula

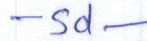
Endst. No. 16 / HPGC/ENG/HPU/C-2024/192

Dated: 26/04.2024

A copy of the same is forwarded to the following for information and further necessary action:-

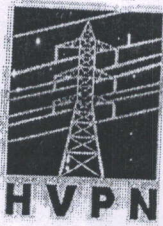
1. Xen/IT, HPGCL, Panchkula with a request to upload the judgment dated 19.02.2024 alongwith office memo dated 09.04.2024 (**copies enclosed**) on the official website of HPGCL, please.

DA/As above.


Xen/Rectt-cum-LNO,
For Chief Engineer/Admn.,
HPGCL, Panchkula

CC:

Ps to CE/Admin., HPGCL, Panchkula.



HARYANA VIDYUT PRASARAN NIGAM LIMITED

Regd. Office : Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula 134109

Corporate Identity Number : U40101HR1997SGC033683

Website : www.hvprn.org.in, E-mail: companysecy@hvprn.org.in

Correspondence E-mail - lr@hvprn.org.in, hvprnlegalofficer2@gmail.com

Telephone No. - 0172-2560769, 0172-2571841

To

1. The CE/Admn. & IT, HVPNL, Panchkula.
2. The CE/PD&C, HVPNL, Panchkula.
3. The CE SO & Comml., HVPNL, Panchkula.
4. The CE/Financial Officer, HVPNL, Panchkula.
5. The CAO, HVPNL, Panchkula.
6. CE/P&M, HVPNL, Panchkula.
7. CE/IT, HVPNL, Panchkula.
8. The CE/MM, DHBVN, Hisar.
9. The CE/PD&C, DHBVN, Hisar.
10. The CE/Comml., DHBVN, Hisar.
11. The CE/Op. DHBVN, Hisar.
12. The CE/Op. DHBVN, Delhi.
13. The CE/Admn., DHBVN, Hisar.
14. The CE/MM, UHBVN, Panchkula.
15. The CE/PD&C, UHBVN, Panchkula.
16. The CE/Comml., UHBVN, Panchkula.
17. The CE/Op., UHBVN, Panchkula.
18. The CE/Op. UHBVN, Rohtak.
19. The CE/Admn., UHBVN, Panchkula.
20. The CE/Admn., HPGCL, Panchkula
21. The CE/RGTPP, HPGCL, Khedar
22. The CE/PTPS, I & II, HPGCL, Panipat
23. The CE/ DCRTTP, HPGCL, Yamunanagar
24. The CE/FTPS, HPGCL, Faridabad
25. The CE/Projects, HPGCL, Panchkula
26. The CE/REO, HPGCL, Panchkula

Diary No. 848 Xen/Rectt.

Dated. 25.04.24

Memo No. 2699
Dated. 24/04/24
DS/Estt.
US/NGE
DS/General
DS/T&M
XEN/HR&TRG
XEN/Rectt.

CE/Admn. 23/4/24

Memo No. 57/LB-2(90)

Dated: 09.04.2024

Subject: CWP No. 35743 of 2019 titled as Yashpal Vs. HVPNL & Anr.

Attention is drawn to judgment dated 19.02.2024 passed in subject cited case vide which Hon'ble High Court dismissed the writ petition.

The relevant part of judgment dated 19.02.2024 is reproduced hereunder:-

(32). While taking cognizance of the fact that the candidates should not stand deprived of the status which they were enjoying as on the day of the judgment in Orissa Lift Irrigation Corporation Ltd. provided the candidates could prove their worth and ability, the Supreme Court in Ashok Kumar and others's case (supra) further held that if, a candidate had not attained any particular status, as on the date when the judgment was passed, the width of the directions was not to confer any additional advantage which was not even enjoyed as on the date. The Supreme Court cautioned that it was not the idea to hold the candidates to be entitled to certain additional benefits which the candidates were, as a matter of fact, not even enjoying on

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- the date of the judgment and held that if the degrees stood restored in terms of the directions in the Judgment and the Order, the candidates would certainly be eligible to such entitlements as are available in accordance with law, but "restoration" would only be of those benefits, which they were enjoying as on the date of the judgment. In short, the intent was to restore status quo ante and not to confer any additional advantage by the judgment and the order.
- (33). In the present case, the Ranking List of Engineering Subordinates possessing AMIE/BE/B.Tech qualification in Electrical Engineer as it stood on 28.02.2009, for promotion to the post of Assistant Engineer, was prepared. In the said List, the name of the petitioners were not entered as their Engineering Degrees were not considered to be valid. Their degrees stood validated during December, 2018 in compliance to Supreme Court directions in Orissa Lift Irrigation Corporation Ltd.'s (supra). It is crystal clear that as on the date of judgment/clarification in Orissa Lift Irrigation Corporation Ltd.'s (supra), there was no benefit/advantage which can be said to have been taken away from the petitioners. Albeit, the claim of the petitioners for promotion arose only after the passing of the Special Test in December, 2018 which validated their Degrees for being considered for further promotion.
- (34). The directions issued by the Supreme court, referred to above, were never directed to confer such advantages which the candidates were otherwise not enjoying, 'on the date when the Judgment and clarificatory Order' were passed. If the promotion was not granted and was not being enjoyed as on the day when the judgment was passed, there was no violation of any direction issued by the Supreme Court by the respondent-Nigam. (35). In view of the foregoing reasons and observations made, this writ petition is devoid of any merit and hence dismissed.

In this case, petitioner invoked the writ jurisdiction of the Hon'ble High Court for seeking directions to the respondents to grant him promotion and other consequential benefits by re-fixing the seniority list under 12.5% quota for the post of AE from the date of obtaining the B-Tech degree from Janardhan Rai Nagar Rajasthan Vidyapeeth University, Udaipur, Rajasthan in the year, 2008 which gained validation after the petitioner successfully qualified by passing special examination conducted during December, 16 to 19, 2018.


The Hon'ble High Court has held that the degree of the petitioner were validated during December, 2018 in compliance to directions of Hon'ble Supreme Court in Orissa Lift Irrigation Corporation Ltd.'s. The claim of petitioner for promotion arose only after passing of said test which validate the degree for being considered for promotion.

The above judgment be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 19.02.2024 passed by Hon'ble High Court. It is also requested to host the Judgment dated 19.02.2024 on the website of concerned Power Utility. A complete copy of judgment dated 19.02.2024 is enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As Above

Emailed


Deputy District Attorney,
HPU, Panchkula.