



HARYANA VIDYUT PRASARAN NIGAM LIMITED

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To

1. The CE/Admn. HVPNL, Panchkula
2. The CE/Admn. UHBVNL, Panchkula.
3. The CE/Admn., DHBVN, Hisar.
4. The CE/Admn., HPGCL, Panchkula

Memo No. 1157-UB-2 (13)

Dated: 20.06.2023

Subject: RSA No.2217 of 2017(O&M) titled as HPGCL & Ors. Vs. Neerja Bhatia & RSA No.1293 of 2019 (O&M) titled as HPGCL Vs. Promila Mehta & Ors.

Attention is drawn to judgment dated 16.05.2023 passed in subject cited case vide which the Hon'ble High Court dismissed the aforesaid RSAs vide common order dated 16.05.2023. The Hon'ble Court considered the following question of law:-

'The question of law raised in the present appeal is whether an employee will continue to get the benefit of ACP even after forgoing the promotion or the department was well within its right to withdraw the said benefit keeping in view 1998 Rules which regulate the grant of benefit of ACP.'

The operative part of the judgment wherein above question of law is answered is reproduced hereinunder:-


In the present case, it is a conceded position that after the grant of benefit of 1st and 2nd ACP the employee i.e. plaintiff in both the regular second appeals chose to forgo the promotion. That being so, Rule 11 will come into operation and the benefit of ACP already extended to them was liable to be withdrawn and the respondents-plaintiffs were only entitled to be granted pay as per functional pay scale. The said action has been taken by the respondent-department against the plaintiff in view of the conceded fact that both the employees have for-gone their promotion, when offered. That being so, the findings recorded by

the Courts below are perverse to the Rule 11 of the 1998 Rules governing the service for the grant of benefit of ACP and are perverse to Rule 11 of 1998 Rules and hence, cannot be sustained in the eyes of law.

It is an important judgment in respect of the question of law. The above judgement may be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 16.05.2023 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 16.05.2023 on the website of concerned Power Utility. A complete copy of judgment dated 16.05.2023 is enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As Above


Legal Consultant
HPU, Panchkula.

CC:

1. The Deputy Secretary/Technical, UHBVN, Panchkula and DHBVN, Hisar, HVPNL, Panchkula for hosting on website.
2. The SE/IT, HPGCL, Panchkula
3. The CE OP Circle, UHBVN, Panchkula & Rohtak.
4. The CE OP, DHBVN, Hisar.