



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 Fax No. 0172-5022432



From

Chief Engineer/Admn.,
HPGCL, Panchkula.

To

1. All Chief Engineers in HPGCL.
2. Controller of Finance, HPGCL, Panchkula.
3. Controller of Accounts, HPGCL, Panchkula.
4. All Financial Advisors & CAO in HPGCL.
5. SE/FTPS, HPGCL, Faridabad.
6. All Dy. Secretaries/Under Secretaries in HPGCL.

Memo No. 168 /Ch.65/HPGC/Court Case/HPU/2021

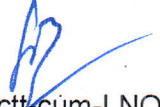
Dated: 16/06/2021.

Subject: - CWP No. 9828 of 2021 titled as Joginder Singh & Others Vs State of Haryana & Others.

Kindly refer to the subject noted above.

In this context, enclosed please find herewith a copy of Memo No. 39/LB-2 (45) dated 04.06.2021 received from the office of LR/HPU, Panchkula for information and further necessary action in the matter please.

DA/As above


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


Endst. No. Ch.65/HPGC/Court Case/HPU/2021/168

Dated: 16/06/2021

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 host the judgement dated 17.05.2021(copy enclosed) on the official website of HPGCL please.

DA/As above.


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

CC:-

PS to Chief Engineer/Admn, HPGCL, Panchkula.

(64)

HARYANA VIDYUT PRASARAN NIGAM LTD.

(Govt. of Haryana undertaking)

O/o Legal Remembrancer

Shakti Bhawan, Sector-6, Panchkula

Phone: 0172-2560769, 2571841 Fax: 0172-2560769

E-mail: lr@hvpn.org.in

To

1. The CE/Admn., HVPNL, Panchkula
2. The CGM/Admn., UHBVN, Panchkula
3. The CE/Admn., HPGCL, Panchkula
4. The CGM/Admn. & HR, DHBVN, Hisar

Memo No. 39/LB-2(45)

Dated: 04.06.2021

Subject: CWP No. 9828 of 2021 titled as Joginder Singh & Others Vs State of Haryana & Others. (PTS)

Attention is drawn to judgment dated 17.05.2021 passed in subject cited case vide which the Hon'ble High Court decided the case in favour of Nigam.

The operative part of judgment dated 17.05.2021 is given here under:-

Firstly, in this case, the petitioners are aggrieved by non grant of interest free advance of Rs.20,000/- to them for the purpose of purchase of wheat on the basis of instructions (Annexure P-1). I do not find that any fundamental/legal right of the petitioners has been violated by such action of respondents, which might have called for interference by this Court by exercising writ jurisdiction.

Secondly, such instructions were to remain in operation upto 16.05.2021 and that date has since elapsed. Therefore, no reason is there to pass any order after expiry of the stipulated date.

Thirdly, as per policy of the Govt., the advance is not admissible to work charged, contractual and daily wages employees. The petitioners by their own admission are not regular employees but working on part time basis. Therefore, they are not eligible for grant of advance.

Fourthly, in the garb of filing the present writ petition, the petitioners want to get a declaration that they should be treated as regular employees and such type of declaration cannot be granted to them in these proceedings.

Accordingly, the writ petition is found to be without any merit and is dismissed accordingly.

Diary No. 170 XEN/Rectt.
Dated 15/06/21

Memo No. 3552
Dated 14/06/21
DS/Estt.
US/NGE
DS/General
DS/T&M
XEN HR&TRG
XEN/Rectt.

CE/Admn.

15/6

15/6/2021

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(Govt. of Haryana undertaking)

O/o Legal Remembrancer

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E-mail: lr@hvpn.org.in

It is an important judgment on non grant of advance for the purpose of purchase of wheat as the same is not admissible to the part time work charged, contractual and daily wages employees. The above judgement be circulated to offices under your control for praying dismissal of similar case by placing reliance on the judgment dated 17.05.2021 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 17.05.2021 on the website of concerned Power Utility. A complete copy of judgment dated 17.05.2021 is enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As Above

Manu Mann
Legal Officer,
HPU, Panchkula.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-9828-2021 (O&M)

Date of decision: 17.05.2021

Joginder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. B.S. Dhillon, Advocate for the petitioners.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioners Joginder Singh and 07 others working as part time Malis/Sweepers with Haryana Vidyut Prasaran Nigam Limited (for short 'HVPNL) under the supervision of Executive Engineer, T.S. Division, HVPNL, Kaithal under Transmission System Circle, HVPNL, Karnal have brought the instant civil writ petition under Articles 226/227 of the Constitution of India for issuance of directions to respondent No.3- Executive Engineer, Transmission System Division, HVPNL, Kaithal to sanction interest free advance of Rs.20,000/- for the purchase of wheat for their families during the year 2021-22 in view of instructions issued by Haryana Govt., vide letter No.46/1/2011/WM(6)/188 dated 16.04.2021 (Annexure P1) adopted by HVPNL. According to the petitioners, respondent No.3 has refused to sanction such interest free advance to them.

I have heard learned counsel for the petitioners besides going through the record and I find that the present writ petition is doomed for failure.

Firstly, in this case, the petitioners are aggrieved by non grant of interest free advance of Rs.20,000/- to them for the purpose of purchase of wheat on the basis of instructions (Annexure P-1). I do not find that any fundamental/legal right of the petitioners has been violated by such action of respondents, which might have called for interference by this Court by exercising writ jurisdiction.

Secondly, such instructions were to remain in operation upto 16.05.2021 and that date has since elapsed. Therefore, no reason is there to pass any order after expiry of the stipulated date.

Thirdly, as per policy of the Govt., the advance is not admissible to work charged, contractual and daily wages employees. The petitioners by their own admission are not regular employees but working on part time basis. Therefore, they are not eligible for grant of advance.

Fourthly, in the garb of filing the present writ petition, the petitioners want to get a declaration that they should be treated as regular employees and such type of declaration cannot be granted to them in these proceedings.

Accordingly, the writ petition is found to be without any merit and is dismissed accordingly.

17.05.2021

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(H.S. MADAAN)
JUDGE

| | | |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable : | Yes | No |