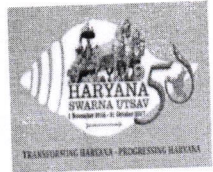
 <p>HPGCL AN ISO: 9001, ISO: 14001 & OHSAS : 18001 CERTIFIED COMPANY</p>	<p>HARYANA POWER GENERATION CORPORATION LIMITED</p> <p>Regd. Office: C-7, Urja Bhawan, Sector-6, Panchkula Corporate Identity Number: U45207HR1997SGC033517 Website: www.hpgcl.gov.in Telephone No. 0172-5023407 Fax No. 0172-5022432</p>	 <p>HARYANA SWARNA UTSAV TRANSFORMING HARYANA - PROGRESSING HARYANA</p>
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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. **317** /Ch.128/HPGC/Court Case/HPU/2021


Dated: **06 /10/2021**.

Subject: - CWP No. 18223 of 2021 titled as Narender Singh, LDC Vs HVPNL.

Kindly refer to the subject noted above.

In this context, enclosed please find herewith a copy of Memo No. 27/LB-2 (84) dated 29.09.2021 alongwith judgment dated 14.09.2021 passed by Hon'ble High Court, Chandigarh in the subject cited case, received from the office of LR/HPU, Panchkula for taking further necessary action in the matter please.

DA/As above


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


Endst. No. **Ch.128** / HPGC/Court Case/HPU/2021 **317**

Dated: **06 /10/2021**

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 14.09.2021(**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.



HARYANA VIDYUT PRASARAN NIGAM LIMITED

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

Corporate Identity Number : U40101HR1997SGC033683

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

Correspondence E-mail - lr@hvpn.org.in, hvpnlegalofficer2@gmail.com

Telephone No. - 0172-2560769, 0172-2571841

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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. 27 /LB-2(84)

Dated: 29.09.2021

Subject: CWP No. 18223 of 2021 titled as Sh. Narender Singh LDC VS HVPNL.

Attention is drawn to judgment dated 14.09.2021 passed in subject cited case vide which the Hon'ble High Court dismissed the present writ petition in favour of Nigam.

The operative part of judgment dated 14.09.2021 is given here under:-

Case taken up through video conferencing.

Feeling aggrieved by his transfer from Karnal to Dhulkote, vide order dated 06.09.2021, petitioner Narender Singh, working as LDC (Field) with the respondents, has filed the present writ petition seeking quashing of the impugned transfer order, alleging that his such transfer is not in routine but due to mala fide on the part of officers of HVPNL, who are annoyed with him for filing RTI applications and raising the issue of irregularities in the house allotment.

After hearing counsel for the petitioner and going through the record, I find that the present writ petition is doomed for failure for the reason that petitioner has been transferred after a stay of more than 04 years at Karnal. Transfer is incidence of service and is not a punishment. The employer is well within his rights to post an employee at a place where services of such employee are found to be required. Though, the petitioner has pointed out that superintending Engineer, TS Circle, HVPNL, Karnal had written a letter to S.E./Admin-II, HVPNL, Panchkula dated 26.08.2021 (Annexure P-1) requesting for transfer of petitioner for committing gross indiscipline by way of filing RTI applications, submitting complaints against senior officers and filing CM Window complaints through his wife, thereby blackmailing the officers on one pretext or the other but such letter does not show any mala fide on the part of officers of respondents. The petitioner being an employee of the respondents is supposed to discharge his duties with full devotion and dedication instead of indulging in uncalled for and objectionable

activities, causing harassment to his superiors. There is no such mention in the impugned order that he was being transferred for indulging in objectionable and nefarious activities and furthermore he has been transferred after a long stay of 04 years at Karnal. Therefore, no ground is there to interfere with such order by way of accepting the writ petition, since, such interference is to be done in very exceptional circumstances in rare cases and not in routine.

Accordingly, the instant writ petition stands dismissed.

Memo No. 6337
Dated: 01/10/21
DS/Estt
US/NGE
DS/General
DS/T&M
XEN/HR&TRG
XEN/Rectt.

CE/Admn.

Diary No. 872 XEN/Rectt.

Dated 01/10/21



HARYANA VIDYUT PRASARAN NIGAM LIMITED

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

Corporate Identity Number : U40101HR1997SGC033683

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Correspondence E-mail - lr@hvpn.org.in, hvpnlegalofficer2@gmail.com

Telephone No. - 0172-2560769, 0172-2571841

It is an important judgment for denial of the transfer as transfer is an incidence of service and is not a punishment. The employer is well within his rights to post an employee at a place where services of such employee are found to be required. The above judgement be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 14.09.2021 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 14.09.2021 on the website of concerned Power Utility. A complete copy of judgment dated 14.09.2021 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-18223 of 2021 (O&M)
Date of decision: 14.09.2021

Narender Singh

...Petitioner

Versus

Haryana Vidyut Prasaran Nigam Ltd. and others

...Respondents

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

Present: Mr. Navmohit Singh, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Feeling aggrieved by his transfer from Karnal to Dhulkote, vide order dated 06.09.2021, petitioner Narender Singh, working as LDC (Field) with the respondents, has filed the present writ petition seeking quashing of the impugned transfer order, alleging that his such transfer is not in routine but due to *mala fide* on the part of officers of HVPNL, who are annoyed with him for filing RTI applications and raising the issue of irregularities in the house allotment.

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petitioner has pointed out that Superintending Engineer, TS Circle, HVPNL, Karnal had written a letter to S.E./Admin-II, HVPNL, Panchkula dated 26.08.2021 (Annexure P-1) requesting for transfer of petitioner for committing gross indiscipline by way of filing RTI applications, submitting complaints against senior officers and filing CM Window complaints through his wife, thereby blackmailing the officers on one pretext or the other but such letter does not show any *mala fide* on the part of officers of respondents. The petitioner being an employee of the respondents is supposed to discharge his duties with full devotion and dedication instead of indulging in uncalled for and objectionable activities, causing harassment to his superiors. There is no such mention in the impugned order that he was being transferred for indulging in objectionable and nefarious activities and furthermore he has been transferred after a long stay of 04 years at Karnal. Therefore, no ground is there to interfere with such order by way of accepting the writ petition, since, such interference is to be done in very exceptional circumstances in rare cases and not in routine.

Accordingly, the instant writ petition stands dismissed.

14.09.2021

sumit.k

(H.S. MADAAN)
JUDGE

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