



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, uslegal@hvpn.org.in

Telephone No. - 0172-2560769, 0172-2571841

To

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

Memo No. 457/LB-2(98)

Dated: 10.07.2025

Subject:-

CWP No. 2316 of 2020 titled as Suresh Pal Vs Uttar Haryana Bijli Vitran Nigam Ltd. & Ors. and 37 other connected cases.

This is with reference to the subject cited above, in this context as you are well aware that in the above bunch of cases, the Hon'ble High Court on dated 15.10.2024 categorized the cases as follows:-

Category-A The punishment order and appellate order are passed by the administrative officer/subordinate officer by stating that they have been passed with the approval of the punishing/appellate authority.

Category-B The punishment order and appellate order are passed by the administrative officer/subordinate officer by stating that they have been passed with the approval of the punishing/appellate authority wherein authority/subordinate authority who passed the punishment/appellate order is the same.

Category-C Punishment order is passed by Under Secretary with the approval of the punishing authority and the appellate order is passed by the punishing authority with the approval of appellate authority.

Category-D Punishment order is passed by the Under Secretary with the approval of the punishing authority i.e. Chief Engineer and the appellate order is passed by Chief Engineer.

Category-E Punishment order is passed by the Under Secretary with the approval of the punishing authority i.e. Chief Engineer and the appellate order is passed by Chief Engineer. Apart from the above there is no order passed by the appellate authority except for mentioning that the same is being rejected.

Category-F Order of the competent/appellate authority not communicated to the petitioner/employee but only informed by the lower administrative staff and therefore no reasons are conveyed.

Category-G The punishment order and appellate order are passed by the administrative officer/subordinate officer by stating that they have been passed with the approval of the punishing/appellate authority. Appellate authority has passed a non-speaking order, hence, no reason assigned at all.

Category-H Order on the Representation/Legal notices decided by lower administrative staff stated to be with the approval of the competent authority but no order of competent authority supplied.

Category-I One person who is Lower administrative authority passes both the punishment/appellate order stating that the decision has been taken by the appellate/punishing authority.

That on dated 28.10.2024, the Hon'ble High Court also framed the following 3 number issues for consideration:-

1. Many times the orders which are passed by the Administrative Authorities or the quasi-judicial authorities pertaining to the employees affecting the rights of the employees are communicated and passed by some subordinate authorities which are not the competent authorities by stating that the decision has been taken with the approval of the competent authority but the actual orders passed by the competent authority, if any, are never communicated to the employees with the result that they are not even able to make effective grounds of appeal and they do not come to know the reasons or the orders passed pertaining to them. Whether a subordinate officer, apart from merely forwarding the order passed by the competent authority, substitute his own order with the order issued by competent authority and in case the same has been done then what is the effect of the same.

2. The respondents-power utilities and many other public sector undertakings do not have robust legal assistance system in their organizations. Replies which have been filed are neither properly worded nor there is due application of mind. In order to reduce the litigation arising from the aforementioned reasons, it is necessary that each and every organization should have robust legal department to advise the competent authorities before passing the orders, if required.

3. There exists a "let the Court decide syndrome" amongst Public Sector Undertakings, Boards and Corporations wherein the executive authorities abdicate their responsibilities and duties by preferring to pass adverse orders against the employees so as to evade their own responsibilities and leave it for the Courts to decide which has also led to increase in litigation. This is a big syndrome which is prevailing and needs to be rectified with the assistance of the learned counsels.

The Hon'ble High Court vide order dated 04.03.2025 has answered the issues category wise which is as under:-

Category-A Where the punishment order and appellate order are passed by the administrative officer/subordinate officer by stating that they have been passed with the approval of the punishing/appellate authority.

It is impermissible for any authority to pass any order whereby that authority is not competent to pass such order under the respective Service Rules or any authority of law. If an order is passed by any administrative officer /subordinate officer by stating that the order has been passed with the approval of the punishing /appellate authority, the same is impermissible, a nullity and coram non-judice being without the authority of law. In other words, any quasi-judicial or administrative order which is required to be passed can only

	be passed by the competent authority under the law and not by any subordinate authority by simply stating that the competent authority has approved the same.
Category-B Where the punishment order and appellate order are passed by the administrative officer/subordinate officer by stating that they have been passed with the approval of the punishing/appellate authority wherein authority/subordinate authority who passed the punishment /appellate order is the same.	In some cases, punishment and appellate authority orders are passed by an administrative officer/subordinate officer by stating that it is passed with the approval of the punishing/appellate authority and the aforesaid administrative officer/subordinate officer is the same in both the orders i.e. the punishment order and the appellate order. Such kind of orders are impermissible under the law and a nullity, apart from being hit by the doctrine of bias because one officer being an administrative officer passes an order on behalf of both punishing authority and appellate authority.
Category-C Where punishment order is passed by Under Secretary with the approval of the punishing authority and the appellate order is passed by the punishing authority with the approval of the appellate authority.	In those cases where punishment order is passed by the Under Secretary by stating that it is with the approval of the punishing authority and thereafter the aforesaid punishing authority passes an order on behalf of the appellate authority by stating that it is with the approval of the appellate authority, the same is impermissible and is a nullity in law.
Category-D Where punishment order is passed by the Under Secretary with the approval of the punishing authority i.e. Chief Engineer and the appellate order is passed by Chief Engineer.	When an officer subordinate to the punishing authority passes an order with the approval of the punishing authority and thereafter the appellate order is passed by the same punishing authority, the same is impermissible and is a nullity.
Category-E Where punishment order is passed by the Under Secretary with the approval of the punishing authority i.e. Chief Engineer and the appellate order is passed by Chief Engineer. Apart from the above there is no order passed by the appellate authority except for mentioning that the same is being rejected.	This category overlaps with category-A and D with an extension that when the appellate authority does not pass any order except for mentioning in noting that the appeal is being rejected. Simple rejection of appeal by use of one word or a line without backed by reasons is impermissible under the law and is violative of the principles of natural justice and is also violative of Article 14 of the Constitution of India being arbitrary.
Category-F Where orders of the competent/appellate authority are not communicated to the petitioner/employee but only informed	When an administrative staff of a department communicates to a delinquent employee regarding approval or non-approval of his

<p>by the lower administrative staff and therefore no reasons are conveyed.</p>	<p>grievance /appeal then the same is not permissible under the law unless the actual order which has been passed by the competent/punishing/appellate authority is communicated to the employee. In other words when the competent /punishing/appellate authority passes an order, the same has to be communicated to the concerned employee which can be done by way of attaching the order alongwith the forwarding letter. In this way an employee will be able to know the reasons behind the orders passed. Conveying of such orders must be done within reasonable time. In case the actual order is not conveyed to the employee, the same will be deemed to have not been communicated.</p>
<p>Category-G Where the punishment order and appellate order are passed by the administrative officer/subordinate officer by stating that they have been passed with the approval of the punishing/appellate authority. Appellate authority has passed a non-speaking order, hence, no reason assigned at all.</p>	<p>In some cases, the administrative officer/subordinate officer conveys to the employee that the orders have been passed with the approval of the punishing/appellate authority but the orders of the competent /punishing/appellate authority are non-speaking orders passed without assigning any reason and therefore, the same is also not permissible under the law.</p>
<p>Category-H Where order on the Representation/Legal notices decided by lower administrative staff stated to be with the approval of the competent authority but no order of competent authority supplied.</p>	<p>When representation/legal notices/demand justice notices are served upon the competent authorities and in case the lower administrative staff conveys to the employee that his representation/legal notice has been rejected and the aforesaid letter by which the same is conveyed states that it is with the approval of the competent authority but in fact there is no order of the competent authority supplied to the employee, then the same is impermissible under the law and such a communication by which the administrative staff conveys to the employee without supplying the actual order is impermissible and therefore deemed to be not communicated.</p>
<p>Category-I Where one person who is Lower administrative authority passes both the punishment and appellate order stating that the decision has been taken by the appellate/punishing authority.</p>	<p>When a lower administrative authority passes both the punishment and appellate order by stating that the decision has been taken by the punishing/appellate authority, then it is clearly impermissible and violative of doctrine of bias.</p>

So far as the additional issues framed by the Hon'ble Court are concerned, three additional issues were framed by this Court vide order dated 28.10.2024. The first issue has already been dealt with in the aforesaid categories. The remaining two issues are answered as follows:-

Issue No.2. The respondents-power utilities and many other public sector undertakings do not have robust legal assistance system in their organizations. Replies which have been filed are neither properly worded nor there is due application of mind. In order to reduce the litigation arising from the aforementioned reasons, it is necessary that each and every organization should have robust legal department to advise the competent authorities before passing the orders, if required.

"It has been noticed that the respondent-Power Utilities and many other Public Sector Undertakings do not have any robust legal support system in their respective organizations. Replies are filed in a routine mechanical manner without due application of mind and sometimes the same are not even properly worded and the same not only wastes the time of the Court but also affects the rights of the petitioners who being aggrieved by the action of the State Agencies have preferred to knock the doors of the Court. Sometimes replies are filed in a mechanical manner especially by taking routine preliminary objections with a result that even in those cases where the relief claimed is either covered by various judicial precedents like in pensionary matters etc. or can be addressed by the administrative departments themselves, gets perpetuated once replies are filed without application of mind. Therefore, in order to reduce the litigation arising out of the aforesaid reasons it is imperative that each and every organization should have a robust legal department to advise the competent authorities before filing replies particularly on the position of law.

Issue No.3. There exists a "let the Court decide" syndrome amongst Public Sector Undertakings, Boards and Corporations wherein the executive authorities abdicate their responsibilities and duties by preferring to pass adverse orders against the employees so as to evade their own responsibilities and leave it for the Courts to decide which has also led to increase in litigation. This is a big syndrome which is prevailing and needs to be rectified with the assistance of the learned counsels.

"Let the Court decide syndrome" has cropped up amongst the Public Sector Undertakings, Boards and Corporations. The administrative authorities abdicate their responsibilities and duties and prefer to pass adverse orders against the employees in order to evade their responsibility and leave it for the Courts to decide. This syndrome has led to increase in avoidable litigation. It is high time that the Public Sector Undertakings, Boards and Corporations etc. and all administrative authorities of the State realize that abdication of their responsibilities not only has adverse effects on their own employees but it also leads to increase in litigation. The maxim "interest republicae ut sit finis litium" which means that it is in the interest of the State to reduce litigation and not to perpetuate it should aptly be applied. These Public Sector Undertakings etc.

are instrumentalities of the State and therefore, it is their duty to redress the grievances of their employees in accordance with law and not to become a cause for increasing litigation. The inbuilt robust legal support system in their organizations can be one of the methods for achieving the aforesaid objectives. Additionally, education, training and accountability can also curb this menace considerably.

Therefore, the law as settled by the Hon'ble Court and said directions contained in order dated 04.03.2025 be complied with by the concerned officer/offices in its true letter and spirit to avoid any adverse orders in future/contempt petition.

A complete copy of order dated 04.03.2025 is enclosed herewith. Order dated 04.03.2025 be also circulated to offices concerned for meticulous compliance.

Encl.:- As above

Vishal Sharma
10/07/25

(Vishal Sharma)
Assistant Law Officer
For L.R. HPUs, Panchkula

CC:-

1. The CE/IT, HVPNL, Panchkula for hosting on the website.
2. The SE/IT, HPGCL, Panchkula for hosting on the website.
3. The CE/IT, UHBVN, Panchkula for hosting on the website.
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