
 <p>HPGCL AN ISO: 9001, ISO: 14001 &amp; 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: <a href="http://www.hpgcl.gov.in">www.hpgcl.gov.in</a> Telephone No. 0172-5023407 Fax No. 0172-5022432</p>	 <p>HARYANA SWARNA UTSAV TRANSPORTING HARANA - PROGRESSING HARANA</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. 570 /Ch.144HPGC/Court Case/HPU/2022

Dated: 20 /12/2022.

**Subject: -**


1. CWP No. 23539 of 2015 titled as Suresh Kumar V/s DHBVN.
2. CWP No. 25906 of 2015 titled as Ms. Neetu V/s State of Haryana & Ors.

Kindly refer to the subject noted above.

In this context, enclosed please find herewith a copies of Memo No. 109/LB-2 (103) dated 25.11.2022 and Memo No. 23/LB-2 (52) dated 08.12.2022 alongwith copies of judgments dated 30.09.2022 & 10.01.2018 respectively, passed by Hon'ble High Court, Chandigarh in the subject cited cases, received from the office of LR/HPU, Panchkula for praying dismissal of similar court cases by placing reliance on the ibid judgments.

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

DA/As above

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

570 | Ch-144 |  
Endst. No. / HPGC/Court Case/HPU/2022

Dated: 20 /12/2022

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 judgments dated 30.09.2022 & 10.01.2018 alongwith office memos dated 25.11.2022& 08.12.2022 (copies enclosed) on the official website of HPGCL, please.

DA/As above.

sd-  
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.hvsn.org.in](http://www.hvsn.org.in), E-mail: [companysecy@hvsn.org.in](mailto:companysecy@hvsn.org.in)  
 Correspondence E-mail - [lr@hvsn.org.in](mailto:lr@hvsn.org.in), [legalofficerdhvsn1@gmail.com](mailto:legalofficerdhvsn1@gmail.com)  
 Telephone No. - 0172-2560769, 0172-2571841

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. 109/US-2(103)

Dated: 25.11.2022

**Subject: CWP No. 23539 of 2015 titled as Suresh Kumar Vs. DHBVN.**

Attention is drawn to judgment dated 30.09.2022 passed in subject cited case vide which the Hon'ble High Court has dismissed the petition filed (Part time worker) for regularization of his service. The operative part of judgment dated 30.09.2022 is given here under: -

*"Insofar as the contention of the learned counsel for the petitioner that two juniors namely Rampal and Ansuuya Parshad had been regularised by ignoring the claim of the petitioner is concerned, it has been stated by the respondents that the two persons were continuing service w.e.f 1993 while they had continuous service of 10 years which was mandatory for regularization in terms of the 2003 policy while the petitioner had been absent from duty for about 4 months and had put in continuous service w.e.f. 01.08.1997.*

*Consequently, I do not find any infirmity in the impugned order denying the claim of the petitioner for regularization at this stage. The petition stands dismissed. It is, however, clarified that in the event of the policy issued in 2014 being operational or the respondents formulate any other policy henceforth the case of the petitioner for regularization would be considered thereunder."*

Memo No. 8219  
 Dated: 1/12/22  
 DS/Estt.  
 US/NGE  
 DS/General  
 DS/T&M  
 XEN/HR&TRG  
 XEN/Rect.

CE/Admn.,

*Subst. 1/12/22*  
*1/12/22*  
*1/12/22*

Diary No. 1390 Xen/Rectt.  
 Dated: 1/12/22


It is an important judgment on the issue that in the event several breaks in the service it cannot be treated as continues service thus there is no entitlement of regularization in terms of the 2003 Policy which requires continuous service of 10 years. The above judgment be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 30.09.2022 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated



30.09.2022 on the website of concerned Power Utility. A complete copy of judgment dated 30.09.2022 is enclosed herewith for ready reference

This issue with the approval of L.R.

DA/As above

  
Legal Officer,  
HPU, Panchkula.

CC:-

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





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Correspondence E-mail - [hr@hvsn.org.in](mailto:hr@hvsn.org.in), [legalofficerdhvsn1@gmail.com](mailto:legalofficerdhvsn1@gmail.com)  
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To

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

XEN/Rectd  
13/12/22

Memo No. 23/LB-2 (52) Dated: 8.12.2022

Subject: CWP No. 25906 of 2015 titled as Ms. Neetu Vs. State of Haryana & Ors.

Attention is drawn to judgment dated 10.01.2018 passed in subject cited case vide which the Hon'ble High Court has dismissed the petition filed for appointment to the post of LDC according to her education qualification of B.Com in place of the offer which had been made to her of ALM. The operative part of judgment dated 10.01.2018 is given here under: -

*"It is a matter of record that the petitioner was shown in the list of eligible candidates for admission to the ITI and she was also enrolled, accordingly. As per the policy decision, a stipend was to be paid to the students of ITI of Rs.6580/- per month plus dearness allowance @ 90%, to be borne by APCPL. The offer of appointment was, thus, conditional and rather, vide letter dated 31.01.2014 (Annexure P-2), it was specified that if she was not able to complete the course within the specified time-frame, she was to be considered for employment for the post of peon/helper in Class IV category. The concession, thus, which was given on account of the acquisition of land was on the basis that the respondents were requiring a person with technical qualifications who were residing in the nearby vicinity. The petitioner had, at the initial stage, taken admission.*

*A perusal of Annexure P-1 would also go on to show that 83 land oustees out of 104 had taken admission with the ITI and 21 did not take admission due to unwillingness, qualifications and age issue. The expense for the education was also, thus, to be paid by the APCPL apart from the stipend which was to be given. The offer of appointment was, thus, conditional and it was not at the will of the petitioner, as such, to switch lines and claim for any post merely on the fact that she possessed B.Com degree. The petitioner has no such vested legal right whereby she can claim public employment and choose the post that she wishes to be appointed against. The offer was a mere concession which was given as per the terms of the announcement of the Chief Minister and as per the policy framed. Once the petitioner herself violated the terms of the offer, she cannot claim any such legal vested right for appointment to a different post, as per the terms of her qualifications which she acquired. In such circumstances, the order which has been passed by the respondents, rejecting her representation, does not suffer from any legal infirmity which*

No. 8448 PA/CE/Admn.  
Date 13/12/22

AEE/AE/Rect.  
2  
Jyoti Singh  
15/12

Diary No. 1442 Xen/Rectd.

Dated.....14/12/22.....



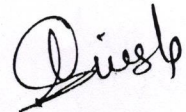
*would warrant interference by this Court under Article 226 of the Constitution of India. Resultantly, finding no merit in the present writ petition, the same is hereby, dismissed."*

It is an important judgment on the issue that regular appointment to the land oustees who were Matriculate or 10+2, was to be given with the condition that the services would be regularized after completing ITI training course, to be sponsored by APCPL. The name of the petitioner had been shown in the list whereby she was entitled for employment after doing the ITI course. She had been admitted in August, 2013 and was, accordingly, given an assurance letter dated 31.01.2014 (Annexure P-2) in compliance of the policy. The offer was a mere concession which was given as per the terms of the announcement of the Chief Minister and as per the policy framed now she cannot claim any such legal vested right for appointment to a different post, as per the qualifications which she acquired.

The above judgment be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 10.01.2018 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 10.01.2018 on the website of concerned Power Utility. A complete copy of judgment dated 10.01.2018 is enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As above



Legal Officer,  
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 Circle, DHBVN, Hisar.

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

**CWP No.25906 of 2015  
Reserved on :20.12.2017  
Date of decision:10.01.2018**

Neetu ...Petitioner  
Versus  
State of Haryana & others ...Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr.Suresh Ahlawat, Advocate, for the petitioner.  
Mr.Harish Rathee, Sr.DAG, Haryana.  
Mr.Kirpal Singh, Advocate, for  
Mr.Abhilaksh Grover, Advocate, for respondents No.2 & 3.

**G.S. SANDHAWALIA, J.**

Petitioner seeks quashing of the order dated 23.11.2015 (Annexure P-9) whereby her representation dated 07.07.2014 (Annexure P-7) for appointment to the post of Clerk was rejected. She, accordingly, seeks direction to grant her appointment to the post of Lower Division Clerk, according to her educational qualification of B.Com, in terms of the policy decision, in place of the offer which had been made to her of Assistant Linesman.

The reasons given for rejecting her representation by the respondents is that her name was shown in the list of candidates who were eligible for admission to ITI and assurance letter dated 31.01.2014 for the post of Assistant Linesman was given to her, on the ground that she would successfully complete her course. She did not complete her ITI course for the reasons attributable to her and therefore, her enrollment in B.Com was at her own instance and therefore, she was not held entitled for appointment to the post of Clerk.

Counsel for the petitioner has vehemently submitted that the petitioner having qualified to the post of Clerk having done her graduation, should have been considered for appointment to the said post. She was entitled for appointment on the strength of the fact that more than 2 acres of the agriculture land of the family of the petitioner was acquired and therefore, on that strength, the claim was based for appointment against a particular post.

It is not disputed that the acquisition of the land was done and in view of the policy framed by the Government to provide employment to the family members, the legal right, as such, accrued. It is the case of the respondents that Aravali Power Company Private Ltd. (APCPL) had executed the work of the power Plant at Jharli, District Jhajjar, where the land of the petitioner's family had been acquired. However, as per the terms and conditions of offer, regular appointment to the land oustees who were Matriculate or 10+2, was to be given with the condition that the services would be regularized after completing ITI training course, to be sponsored by APCPL.

The requirement of the ITI was specific need based arrangement which was to be made in nearby ITI located at Matanhail, Jhajjar and remaining 50-60 persons who were Graduates and for whom APCPL was having no suitable jobs, they were to be provided employment by other Haryana Power Utilities. The list had, thus, been divided into 2 categories, i.e., persons entitled for employment and persons entitled to employment after doing ITI course. The name of the



petitioner had been shown in the list whereby she was entitled for employment after doing the ITI course. She had been admitted in August, 2013 and was, accordingly, given an assurance letter dated 31.01.2014 (Annexure P-2) in compliance of the policy.

It was, in such circumstances, it is argued by counsel for the respondents that the offer was conditional and therefore, the claim for appointment to the post of Clerk in place of Assistant Linesman, could not be acceded to.

It is a matter of record that the petitioner was shown in the list of eligible candidates for admission to the ITI and she was also enrolled, accordingly. As per the policy decision, a stipend was to be paid to the students of ITI of Rs.6580/- per month plus dearness allowance @ 90%, to be borne by APCPL. The offer of appointment was, thus, conditional and rather, vide letter dated 31.01.2014 (Annexure P-2), it was specified that if she was not able to complete the course within the specified time-frame, she was to be considered for employment for the post of peon/helper in Class IV category. The concession, thus, which was given on account of the acquisition of land was on the basis that the respondents were requiring a person with technical qualifications who were residing in the nearby vicinity. The petitioner had, at the initial stage, taken admission.

A perusal of Annexure P-1 would also go on to show that 83 land oustees out of 104 had taken admission with the ITI and 21 did not take admission due to unwillingness, qualifications and age issue. The



expense for the education was also, thus, to be paid by the APCPL apart from the stipend which was to be given. The offer of appointment was, thus, conditional and it was not at the will of the petitioner, as such, to switch lines and claim for any post merely on the fact that she possessed B.Com degree. The petitioner has no such vested legal right whereby she can claim public employment and choose the post that she wishes to be appointed against. The offer was a mere concession which was given as per the terms of the announcement of the Chief Minister and as per the policy framed. Once the petitioner herself violated the terms of the offer, she cannot claim any such legal vested right for appointment to a different post, as per the terms of her qualifications which she acquired. In such circumstances, the order which has been passed by the respondents, rejecting her representation, does not suffer from any legal infirmity which would warrant interference by this Court under Article 226 of the Constitution of India.

Resultantly, finding no merit in the present writ petition, the same is hereby, dismissed.

10.01.2018  
*Sailesh*

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:* Yes/No

*Whether Reportable:* Yes/No

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23539-2015

DATE OF PRONOUNCEMENT: 30.09.2022

SURESH KUMAR

... Petitioner(s)

*Versus*

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. AND ORS.

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr.Vivek Khatri, Advocate for the petitioner.

Ms.Anupama Sharma, Advocate for the respondents.

\*\*\*\*

**ANUPINDER SINGH GREWAL, J.**

The petitioner has impugned the order dated 28.10.2015 (Annexure P-17) whereby his claim for regularization of his services has been rejected.

Learned counsel for the petitioner submits that the petitioner was appointed as a part-time Chowkidar on 01.10.1993 and he had been continuing on that post till 01.03.2001 whereon his services were illegally terminated by the respondents. He had preferred a demand notice under Section 2-A of the Industrial Disputes Act, 1947 and by the Award of the Labour Court dated 17.01.2006, he had been reinstated in service along with 50% back wages. The petitioner had represented to the respondents for regularization of his services as two similarly situated persons namely Rampal and Ansuiya Parshad, who were junior to the petitioner had been regularized. He also submits that the petitioner is entitled to regularization in terms of the Policy issued by the respondents.



Learned counsel for the respondents, however, submits that there were several breaks in the services of the petitioner and therefore, he was not found entitled to regularization in terms of the 2003 Policy which requires continuous service of 10 years. The respondents had formulated policy of regularization in the year 2014 but the same has been kept in abeyance. He also submits that the Division Bench of this Court in **CWP No.17206 of 2014** titled as **Yogesh Tyagi and another Vs. State of Haryana and others** decided on **31.05.2018**, had held that policies dated 16.06.2014, 18.06.2014 and 07.07.2014 for regularization of services of employees on *ad hoc*/contract/work charge/daily wages have been framed in violation of the Supreme Court judgment and were quashed. The State government had challenged the judgment by preferring the **SLP (Civil), Dairy No.33265 of 2018** titled **State of Haryana and others Vs. Yogesh Tyagi and another** and the Supreme Court by the order dated 26.11.2018 had directed the parties to maintain *status quo*.

Heard.

The petitioner is stated to have joined as a part-time Chowkidar. He is stated to have been absent from duty for about 4 months from 01.03.1997 to 31.07.1997. His services had been terminated on 01.03.2001 but he had been reinstated in service by the Award of the Labour Court vide order dated 24.01.2006.

A part time worker, who had completed at least 10 years of continuous service on the date of issuance of the policy, was entitled to regularization in terms of the policy of Government of Haryana issued on 05.05.2015 and duly adopted by the respondents on 30.05.2015. The petitioner had a break in service of about 4 months and therefore, he had not

completed the requisite period of 10 years to be entitled for regularization. The respondents have framed other policies including the policy issued on 16.06.2014 but it has been kept in abeyance. The Supreme Court had also directed the parties to maintain *status quo*.

Insofar as the contention of the learned counsel for the petitioner that two juniors namely Rampal and Ansuiya Parshad had been regularised by ignoring the claim of the petitioner is concerned, it has been stated by the respondents that the two persons were continuing service w.e.f 1993 while they had continuous service of 10 years which was mandatory for regularization in terms of the 2003 policy while the petitioner had been absent from duty for about 4 months and had put in continuous service w.e.f. 01.08.1997.

Consequently, I do not find any infirmity in the impugned order denying the claim of the petitioner for regularization at this stage. The petition stands dismissed. It is, however, clarified that in the event of the policy issued in 2014 being operational or the respondents formulate any other policy henceforth the case of the petitioner for regularization would be considered thereunder.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**30.09.2022**

*SwarnjitS*

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No