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and ISO:45001
Certified Company

HARYANA POWER GENERATION CORPORATION LTD

Regd. Office: C-7, Urja Bhawan, Sector-6, Panchkula
Corporate Identity Number : U45207HR1997SGC033517
Website: www.hpgcl.org.in
E-mail id: xen.rect@hpgcl.org.in

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. 441 /Ch.104 /HPGC/ENG/HPU/C-2025

Dated: 30 /09/2025.

Subject: - Important judgement passed by Hon'ble courts.

Kindly refer to the subject noted above.

In this context, enclosed please find herewith a copy of judgements (**list overleaf as Annexure-I**) 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/ LNO,
For Chief Engineer/Admn.,
HPGCL, Panchkula

Endst. No. 441 /Ch-104 /HPGC/ENG/HPU/C-2025

Dated: 30 /09/2025

A copy of the same is forwarded to XEN/IT, HPGCL, Panchkula with a request to upload the along-with office memos (**copies enclosed**) on the official website of HPGCL, please.

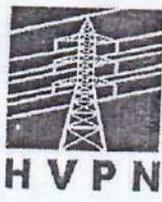
DA/As above.

XEN/ LNO,
For Chief Engineer/Admn.,
HPGCL, Panchkula

CC:-

PS to Chief Engineer/Admn, HPGCL, Panchkula.

Sr. No.	Subject	Judgements dated	Memo No.
1.	CWP No. 9668 of 2025 titled as Baldev Raj Vs Presiding Officer Industrial Tribunal, Ambala & Ors.	07.07.2025	No. 24/LB-2(1119)L-C dated 21.08.2025
2.	CWP No. 4775 of 2025 titled as Jitender Kumar Vs SoH & Ors.	07.07.2025	No. 33/LB-2(22) dated 13.08.2025
3.	CWP No. 4155 of 2000 titled as M/s Shankar Rice & General Mills Vs UHBVN & Ors.	11.07.2025	No. Spl-1/LB-2(29) dated 02.09.2025
4.	CWP No. 25929 of 2025 titled as Omvati Vs UHBVN & Ors.	02.09.2025	No. 19/LB-2(155) dated 10.09.2025
5.	CWP No. 20779 of 2025 titled as Mohit Dahiya Vs State of Haryana & Ors.	08.08.2025	No. 37/LB-2(165) dated 11.09.2025



HARYANA VIDYUT PRASARAN NIGAM LIMITED
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 Telephone No. - 0172-2560769, 0172-2571841

To

1. The CE/Admn., HVPNL, Panchkula.
2. The CE/TS, HVPNL, Panchkula.
3. The CE/TS, HVPNL, Hisar.
4. The CE/TS, HVPNL, Gurugram.
5. The CE/Op. DHBVN, Hisar.
6. The CE/Op. DHBVN, Delhi.
7. The CE/Admn., DHSVN, Hisar.
8. The CE/Op., UHBVN, Panchkula.
9. The CE/Op. UHBVN, Rohtak.
10. The CE/Admn., UHBVN, Panchkula.
11. The CE/Admn., HPGCL, Panchkula.

Diary No. 1485 /dt. 01/09/25
 AEE-G
 AEE-R
 AEE/AE-NG
 Supdt.
 All Officers
 LDC
 LH
 XEN/LNO

Memo No: 24/LR-2(1119)LC Dated: 21.08.2025

Subject: **CWP No. 9668 of 2025 titled as BALDEV RAJ V/s PRESIDING OFFICER INDUSTRIAL TRIBUNAL, AMBALA AND OTHERS.**

The aforesaid case came up for hearing on 07.07.2025 challenging the award dated 16.10.2024 of the Labour Court by which, the claim of the petitioners that their services have been terminated in violation of the provisions of the Industrial Disputes Act, 1947 has not been accepted and their claims have been rejected. The Hon'ble High Court vide judgment dated 07.07.2025 has dismissed the same. The operative part of the judgment dated 07.07.2025 is reproduced here under:-

"13. I have heard learned counsel for the petitioners and have gone through the case files with his able assistance.

14. Learned counsel for the petitioner submits that appointment order or termination order was issued in favour of the petitioners. Once, there is no appointment order brought on record by the petitioners and there is no order of termination, thus, as per the law settled by the Hon'ble Supreme Court of India, unless there is a specific appointment order issued in writing in favour of the petitioners or there is documentary evidence substantiating the same, such as salary slip, no master and servant relation can be claimed.

15. As per the judgment of the Hon'ble Supreme Court of India in Special Leave Petition (civil) No. 19648 of 2023 titled as The Joint Secretary, Central Board of Secondary Education and another vs. Rai Kumar Mishara and others, decided on 17.03.2025 merely working under the supervision and control of the department does not mean there exists a master and servant relationship between the department and an employee. The relevant paragraph No. 6 is as under:-

"6. Having considered the facts and circumstances of the cases) and submissions of learned counsel for the parties, we find 3 substance in the contentions of learned counsel for the appellants. The issue whether the private respondents were employees of the appellants, is the crux of the matter. Whatever material has been placed and even the best point which was argued by the learned Senior Counsel for the private respondents before this Court was that since there was supervisory and jurisdictional control over the private respondents by the appellants, ipso facto, they would become employees of the appellants is noted only to be rejected. "

18. Further, the appointment of the petitioner was a tenured one which is clear from the requisition sent by the Administrative Department to respondent No.5 which is the outsourcing agency. A bare perusal of the same would show that the requisition was made for a period of three

Memo No. 5682
 Dated... 28/08/25
 DS/Estt
 DS/General
 US/NGE
 US/Factt
 DS/T&M
 XEN/HR&TRG
 XEN/LNO
 C. Admin.

months starting from 18.07.2011 till 17.10.2011. Once, there is a specific appointment for a specific period of time, and there is no order terminating the service, the same has to be seen whether it will amount to retrenchment or not.

19. Section 2 (oo) (bb) of 1947 Act is as under :

"2 (OO) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include-[(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under the stipulation in that behalf contained therein; or]"

20. A bare perusal of the above would show that where there is a tenured appointment in favour of the petitioners and the appointment come to an end due to non-extension of the same, therefore, the same cannot be treated as retrenchment. Hence, in the case of the petitioners, the tenured appointment came to an end and hence, the same cannot be treated as retrenchment so as to grant retrenchment compensation to the petitioners)- workmen. In the present case, no retrenchment compensation was required to be given to the petitioners)-workmen hence, it cannot be said that the termination of the services of the petitioners were in violation of 1947 Act.

21. Keeping in view the totality of facts and circumstances and law laid by Supreme Court, as the petitioner has not been able to prove that the award passed by the Labour Court is perverse to the facts or the evidence or the 1947 Act, hence, no ground is made out to interfere in the same and the present petitions are dismissed.

It is important judgment on issue that a specific appointment for a specific period of time, and there is no order terminating the service, the same has to be seen whether it will amount to retrenchment or not. It is therefore, requested to circulate the judgment amongst the subordinate offices under your control for disposal of similarly situated case by placing reliance on the aforesaid judgment. A copy of judgment dated 07.07.2025 is enclosed herewith for ready reference.

DA/As above

Rabin
ALO,

For L.R. HPU, Panchkula

CC:-

1. The S.E./XEN/IT, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to upload the judgment dated 22.05.2025 on the website of their utility.
2. The CE/DCRTPP, HPGCL, Yamuna Nagar
3. The Joint Secy./Legal, HVPNL, Panchkula.
4. The Under Secy./Legal, HVPNL, Panchkula.
5. Dy. District Attorney-I, HVPNL, Panchkula.
6. Dy. District Attorney-II, HVPNL, Panchkula
7. Aman Dhiman, Legal Consultant, UHBVN, Panchkula.
8. Legal Consultant, HVPNL, Panchkula.
9. Legal Consultant, HPGCL, Panchkula
10. Law Officer, HVPNL, Panchkula.
11. Law Officer, DHBVNL, Panchkula.
12. Law Officer, UHBVNL, Panchkula
13. Legal Officer, UHBVN, Panchkula.
14. ALO-1 UHBVN, Panchkula.
15. ALO-2, UHBVN, Panchkula.
16. ALO-3, UHBVN, Panchkula.
17. ALO, DHBVN, Panchkula.
18. ALO, HVPNL, Panchkula.



HARYANA VIDYUT PRASARAN NIGAM LTD

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Diary No. 1435 /dt. 22/8/25
AEE-G
AEE-R
AEE/AE-NG
Supdt.
All Officers
VSI
XEN/LNO

To

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

Memo No.:33/LB-2(22)

Dated: 13.08.2025

Subject: CWP No. 4775/2025 titled as Jitender Kumar Vs. State of Haryana & Ors.

Attention is drawn to judgment dated 07.07.2025 passed in subject cited writ petition by the Hon'ble High Court whereby Hon'ble High Court dismissed the Writ petition. The operative part order dated 07.07.2025 is reproduced here under:-

"Sub-Regulation (5) of Regulation 5 provides that order of suspension made or deemed to have been made shall continue to remain in force unless it is modified or revoked by competent authority. Sub Regulation (7) provides that order of suspension made at any time be modified or revoked by the authority. Sub-Regulations (5) & (7) of Regulation 5 make it clear that once a suspension order is passed, it shall continue to remain in force until it is modified or revoked by competent authority. Sub-Regulations (5) & (7) would become otiose if it is held that in every case, on the expiry of 90 days, if departmental proceedings are not initiated, the entire proceedings would vitiate.

In the wake of above discussion and findings, this Court is of the considered opinion that the petitioner is not entitled to the benefit of proviso below clause (c) of Sub-Regulation (1) of Regulation 5 of 2019 Regulations. The petition deserves to be dismissed and accordingly dismissed."

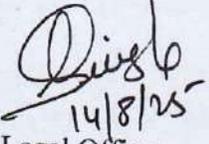
Memo No. 5560
Dated. 22/8/25
DS/Estt.
DS/General
US/NGE
US/Rectt.
DS/T&M
XEN/HR&TRG
XEN/LNO
CE/Admn.

It is an important judgment on the issue: the petitioner is claiming that charge sheet was issued beyond 90 days from the date of suspension, thus, entire proceedings emanating from the charge-sheet are bad in the eye of law. Period of 90 days prescribed by Regulation 5 of 2019 Regulations for initiating proceedings is mandatory and sacrosanct. There is no question of deviating from the said period and it is quite clear from the provision that period of 90 days is applicable where an employee is suspended on account of contemplated disciplinary proceedings. It is not even applicable where proceedings are pending.

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It is therefore requested to circulate the judgment amongst the subordinate under your control to decide the similar cases by placing reliance on the judgment dated 07.07.2025 passed by Hon'ble High Court. It is also requested to direct the concerned CE/IT and SE/IT DHBVN to host the judgment dated 07.07.2025 on the website of concerned Power Utility. A complete copy of judgment dated 07.07.2025 is enclosed herewith for ready reference.

DA/As above


14/8/25

Legal Officer,
For LR, HPU, Panchkula.

CC:

1. The S.E./XEN/IT, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to upload the judgment dated 07.07.2025 on the website of their utility.
2. The Joint Secy./Legal, HVPNL, Panchkula.
3. The Under Secy./Legal, HVPNL, Panchkula.
4. Dy. District Attorney-I, HVPNL, Panchkula.
5. Dy. District Attorney-II, HVPNL, Panchkula.
6. Sh. Aman Dhiman, Legal Consultant, UHBVN, Panchkula.
7. Legal Consultant, HVPNL, Panchkula.
8. Legal Consultant, HPGCL, Panchkula.
9. Law Officer, HVPNL, Panchkula.
10. Law Officer, DHBVNL, Panchkula.
11. Law Officer, UHBVNL, Panchkula.
12. Legal Officer, UHBVN, Panchkula.
13. ALO-1 UHBVN, Panchkula.
14. ALO-2, UHBVN, Panchkula.
15. ALO-3, UHBVN, Panchkula.
16. ALO, DHBVN, Panchkula.
17. ALO, HVPNL, Panchkula.



CWP-4775-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-4775-2025

Date of Decision: 07.07.2025

Jitender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Ankur Lal, Advocate for the petitioner

Ms. Rajni Gupta, Additional Advocate General, Haryana

Mr. Prince Singh, Advocate for respondent Nos.2 and 3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondent to withdraw suspension order dated 30.10.2024 (Annexure P-1).
2. The petitioner joined Dakshin Haryana Bijli Vitran Nigam Limited as Lower Divisional Clerk on 25.03.1997. He was promoted as Upper Divisional Clerk in 2000. He was further promoted to the post of Commercial Assistant in 2008 and as Deputy Superintendent in January 2018. He came to be implicated in FIR No.557 dated 30.11.2018 under Sections 406, 420, 467, 468, 471 & 409 of Indian Penal Code, 1860 and Sections 13(1)(d) of Prevention of Corruption Act, 1988 registered at Police Station Sector 40, Gurugram. He was called for interrogation on 25.10.2024 by Assistant Commissioner of Police, Gurugram. He was arrested on the same day. On account of his arrest, he was placed under suspension w.e.f.

25.10.2024 vide order dated 30.10.2024. Thereafter, a charge-sheet was issued to him on 30.01.2025 as per Dakshin Haryana Bijl. Vitran Nigam Employees (Punishment and Appeal) Regulations, 2019 (for short '2019 Regulations').

3. Mr. Ankur Lal Gupta, Advocate submits that petitioner was suspended vide order dated 30.10.2024 and as per Regulations 5 of Haryana Civil Services (Punishment and Appeal) Rules, 2016 read with Rule 5 of 2019 Regulations, order of suspension cannot remain in force beyond 90 days unless it is extended. A period of 90 days from the date of passing impugned suspension order had already lapsed prior to issuance of the charge-sheet.

4. *Per contra*, Mr. Prince Singh, Advocate for respondent Nos.2 and 3 submits that clauses (a) (b) and (c) of Regulation 5(1) of 2019 Regulations are independent from each other. Each clause addresses different factual scenario and is applicable to different situation. Proviso after clause (c) of Regulation 5(1) is applicable to clause (a) and (c) whereas case of the petitioner is covered by clause (b), thus, period of 90 days to initiate departmental proceedings from the date of suspension is not applicable.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. The undisputed facts are that the petitioner joined respondent as Lower Divisional Clerk on 25.03.1997. He came to be implicated in FIR No.557 dated 30.11.2018. Though he was not arrested immediately upon



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-3-

registration of the FIR, however, he was eventually arrested on 25.10.2024. Pursuant to his arrest, the respondent placed him under suspension vide order dated 30.10.2024. A period of 90 days from the date of suspension expired on 26.01.2025 and the respondent issued charge-sheet to him on 30.01.2025.

7. The petitioner is claiming that charge sheet was issued beyond 90 days from the date of suspension, thus, entire proceedings emanating from the charge-sheet are bad in the eye of law. Period of 90 days prescribed by Regulation 5 of 2019 Regulations for initiating proceedings is mandatory and sacrosanct. There is no question of deviating from the said period. The authorities were duty bound to issue charge-sheet within 90 days of the suspension order, which they failed to do. As departmental proceedings were not initiated within 90 days from the date of suspension, entire proceedings have become null and void and deserve to be set aside.

8. The dispute between the parties revolves around interpretation of Regulation 5 of 2019 Regulations, thus, for the ready reference, the said Regulation is reproduced as under: -

"5. Suspension and withholding of emoluments.-

(1) The appointing authority or any other authority to which it is subordinate or the punishing authority or any other authority empowered in that behalf by the Nigam, by general or special order, may place a Nigam employee under suspension where-

- (a) a disciplinary proceeding against him contemplated or is pending, or is*
- (b) a case against him in respect of any criminal offence is under investigation, inquiry or trial;*

Provided that the suspended employee, shall be bound to mark his presence on all working days in the office where his headquarter during the period of his suspension, is fixed and in not doing so, would be an act of misconduct; or

- (c) *in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the Nigam:*

Provided that where a Nigam employee against whom disciplinary proceedings are contemplated is suspended, such suspension shall not be valid, where the disciplinary proceedings are not initiated against him before the expiry of a period of ninety days from the date from which the employee was suspended:

Provided further that the competent authority in the matter may, at any time before the expiry of the said period of ninety days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing and after seeking the approval of next higher authority allow continuance of the suspension beyond ninety days but not beyond one hundred eighty days without the disciplinary proceedings being initiated;

Note 1.- *The order of suspension shall stand revoked, being invalid, unless the punishing authority obtains the approval of next higher authority and informs the Nigam employee under suspension the specific period of extension of suspension before the expiry of period of ninety days or extended period of another ninety days, as the case may be.*

Note 2.- *Where the order of suspension, is made by an authority lower than the appointing*



CWP-4775-2025

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authority or any other authority empowered in that behalf by the Nigam, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

- (2) *A Nigam employee shall be deemed to have been placed under suspension by an order of the appointing authority-*
- (a) *with effect from the date of his detention, if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours:*
- (b) *with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.*

Explanation.- *The period of forty-eight hours referred to in Clause (b) of this sub-regulation shall be computed from the commencement of imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.*

- (3) *Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Nigam employee under suspension is set aside on appeal or review under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.*
- (4) *Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Nigam*

employee is set aside or declared or rendered void in consequence of or by a decision of a Court of law, and the punishing authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Nigam employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

- (5) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the competent authority.
- (6) Where a Nigam employee is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by it in writing, direct that the Nigam employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (7) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.



CWP-4775-2025

-7-

(8) *When a Nigam employee is suspected of being concerned in the embezzlement of Nigam money and is placed under suspension, the authority competent to order his dismissal may direct, that unless he furnishes security for the reimbursement of the said money to the satisfaction of his immediate superiors, the payment of any sum due to him by the Nigam on the date of his suspension, shall be deferred until such time as the said authority passes final orders on the charges framed against him;*

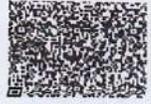
Provided that Nigam employee shall be entitled to the payment of a subsistence allowance in respect of the period for which the admissible emoluments, if any, are withheld."

9. From the perusal of above quoted Regulation, it is evident that Regulation 5(1) of 2019 Regulations contemplates three situations, each requiring an order to be passed by the competent authority. Sub-Regulation (2) contemplates two situations. There is no need to pass order under Sub-Regulation (2). An employee is deemed to be placed under suspension upon the occurrence of contemplated situation.

10. In the case in hand, an order was passed under Regulation 5(1) of 2019 Regulations. The petitioner was suspended on account of his arrest by police authorities. His case squarely falls under clause (b) of Regulation 5(1). There is proviso after clause (b) which requires that suspended employee shall be bound to mark his presence on all working days in the office where his headquarter is fixed. There is another proviso below clause (c). The petitioner is trying to claim that said proviso is applicable to all three clauses. It is true that said proviso is below clause (c) and is applicable to all the clauses, however, there is need to examine whether requirement of

90 days is applicable to all the situations contemplated by Regulation 5 or it is applicable to a particular situation.

Clause (a) is applicable where disciplinary proceedings are contemplated or pending. Clause (b) is applicable where a criminal offence is under investigation, inquiry or trial against an employee. Clause (c) is applicable where competent authority is of the opinion that employee is engaged in the activities which are prejudicial to interest of the organization. The proviso after clause (c) categorically provides that where disciplinary proceedings are contemplated and employee is suspended, the department shall be bound to initiate proceedings within 90 days from the date of suspension. From the reading of proviso, it is quite clear that period of 90 days is applicable where an employee is suspended on account of contemplated disciplinary proceedings. It is not even applicable where proceedings are pending. It is applicable only where disciplinary proceedings are contemplated. There is logic and reason for prescribing 90 days period where proceedings are contemplated. Contemplation of proceedings means the competent authority may or may not initiate the proceedings. Contemplation is a mere thought process which may or may not entail departmental proceedings. Suspension on account of criminal proceedings is an independent event for placing a Government Employee under suspension. The conclusion of criminal proceedings is not in the hands of the appointing authority. The proviso has protected employees from misuse of power of suspension in the name of contemplated departmental proceedings.



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11. Sub-Regulation (5) of Regulation 5 provides that order of suspension made or deemed to have been made shall continue to remain in force unless it is modified or revoked by competent authority. Sub-Regulation (7) provides that order of suspension made at any time be modified or revoked by the authority. Sub-Regulations (5) & (7) of Regulation 5 make it clear that once a suspension order is passed, it shall continue to remain in force until it is modified or revoked by competent authority. Sub-Regulations (5) & (7) would become otiose if it is held that in every case, on the expiry of 90 days, if departmental proceedings are not initiated, the entire proceedings would vitiate.

12. In the wake of above discussion and findings, this Court is of the considered opinion that the petitioner is not entitled to the benefit of proviso below clause (c) of Sub-Regulation (1) of Regulation 5 of 2019 Regulations. The petition deserves to be dismissed and accordingly dismissed.

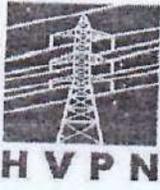
(JAGMOHAN BANSAL)
JUDGE

07.07.2025

Mohit Kumar

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

3



HARYANA VIDYUT PRASARAN NIGAM LIMITED

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Correspondence E-mail: lr@hvprn.org.in, Legalretainer@hvprn.org.in
Telephone No. - 0172-2560769, 0172-2571841

102

To

1. The CE/Admn. & IT, HVPNL, Panchkula.
2. The CE/TS, HVPNL, Panchkula.
3. The CE/TS, HVPNL, Hisar.
4. The CE/TS, HVPNL, Gurugram.
5. The CE/Op. DHBVN, Hisar.
6. The CE/Op. DHBVN, Delhi.
7. The CE/Admn., DHBVN, Hisar.
8. The CE/Op., UHBVN, Panchkula.
9. The CE/Op. UHBVN, Rohtak.
10. The CE/Admn., UHBVN, Panchkula.
11. The CE/Admn., HPGCL, Panchkula.

Memo No: SPL-1/LB-2(29)

Dated: 02.09.2025

Subject: CWP No. 4155 of 2000 titled as M/s Shankar Rice & General Mills V/s UHBVN and Ors.

The aforesaid case came up for hearing on 11.07.2025 and the Hon'ble High Court vide judgment dated 11.07.2025 dismissed the same on the premise that service charges are required to be paid in case where the existing system cannot take up the additional load, and needs augmentation, and extension will be allowed only when the applicant declaring the unauthorized load come forward to bear the cost of augmentation of system on deposit of service connection charges as applicable. Judgment dated 11.07.2025 is reproduced here under:

"6. This Court has heard learned counsel for the parties, and find that there is no merit in the instant petition and the same is amenable to be dismissed for the hereinafter extracted reasons:

1. That the initial sale circular No.7 of 1999, was modified twice. Firstly, vide sale circular No.10 of 1999, and secondly, vide sale circular No.11 of 1999. It is not in dispute that the sale circular No.10 is not under challenge before this Court. The condition No.3, as mentioned in circular No.10 of 1999, clearly spells out that the service charges are required to be paid in case where the existing system cannot take up the additional load, and needs augmentation, and extension will be allowed only when the applicant declaring the unauthorized load come forward to bear the cost of augmentation of system on deposit of service connection charges as applicable. The relevant portion is hereinafter extracted below.

Diary No. 1596 /dt. 11/09/25
AEE-G
AEE-R
AEE/AE-NG
Supdt.
All Officers

XEN/LNO

Memo No. 5960
Dated... 11/09/25
DS/Estt.
DS/General
US/NGE
US/Rectt
DS/T&M
XEN/HR&TRG
XEN/LNO
CE/Admin.

S.No.	Issue	Comments
1&2	Xx	Xx
3	Will the service connection charges be leviable on the declared extended load	a) The extension of declared connected load will be allowed only if the existing system permits the connection of additional load and no service connection will be payable particularly in the case of industrial consumers. b) In such cases where the existing system cannot take up additional load and needs augmentation, the extension will be allowed only when the applicants declaring the unauthorized load comes forward to bear the cost of augmentation of system or deposit service connection charges, as applicable. c) xxx
4 to 8	Xx	Xx



MAHYANA VIDYUT PRASARAN NIGAMI LIMITED

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2. In the instant case, the petitioner applied for extension of load from 160.505 KW to 225.505 KW, under voluntarily disclosure scheme. The petitioner has failed to produce any material on record to substantiate that such a huge extension of load would not require any augmentation.

3. Further, the plea of the petitioner that the respondent distribution licensee cannot give retrospective effect to the circular (supra), also finds no merits as it is not the case of giving effect to any new circular from the previous date, rather it is only a modification/clarification in the existing circular.

4. The circular No.10 of 1999 is not under challenge before this Court, and the petitioner, in pursuance of the said circular, is required to pay the service charges, and same is the stand of the respondent-distribution licensee, which is clear from the written statement, that augmentation is required, may be subsequently, for granting extension of such a huge load.

7. In summa, the instant petition is dismissed being bereft of any merits."

It is important judgment on the issue that service charges are required to be paid in case where the existing system cannot take up the additional load, and needs augmentation, and extension will be allowed only when the applicant declaring the unauthorized load come forward to bear the cost of augmentation of system on deposit of service connection charges as applicable. It is therefore, requested to circulate the judgment amongst the subordinate offices under your control for disposal of similarly situated case by placing reliance on the aforesaid judgment. A copy of judgment dated 11.07.2025 is enclosed herewith for ready reference.

DA/As above

Vishal Sharma

Assistant Law Officer,
For L.R. HPU, Panchkula

CC: -

1. The S.E./XEN/IT, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to upload the judgment dated 11.07.2025 on the website of their utility.
2. The XEN/OP S/U Divn., UHBVN, Jagadhari.
3. The Joint Secy./Legal, HVPNL, Panchkula.
4. The Under Secy./Legal, HVPNL, Panchkula.
5. Dy. District Attorney-I, HVPNL, Panchkula.
6. Dy. District Attorney-II, HVPNL, Panchkula.
7. Aman Dhiman, Legal Consultant, UHBVN, Panchkula.
8. Legal Consultant, HVPNL, Panchkula.
9. Legal Consultant, HPGCL, Panchkula.
10. Law Officer, HVPNL, Panchkula.
11. Law Officer, DHBVNL, Panchkula.
12. Law Officer, UHBVNL, Panchkula.
13. Legal Officer, UHBVN, Panchkula.
14. ALO-1 UHBVN, Panchkula.
15. ALO-2, UHBVN, Panchkula.
16. ALO-3, UHBVN, Panchkula.
17. ALO, DHBVN, Panchkula.
18. ALO, HVPNL, Panchkula.



CWP-4155-2000

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2025:PHHC:093615



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4155-2000

Date of decision: 11.07.2025

M/s Shiv Shankar Rice & General Mills

.... Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam (HSEB) and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Sarita, Advocate, for
Mr. Abhilaksh Grover, Advocate,
for the petitioner.

Mr. Vinod Kumar Kaushal, Advocate,
for the respondents.

KULDEEP TIWARI, J (Oral)

1. The respondent-distribution licensee, come up with a Voluntary Disclosure Scheme through a circular NO.7/99 dated 27.9.1999. The scheme was launched for voluntary disclosure of unauthorized load for all categories of consumer, and a simplified procedure was to be followed. As per the circular (supra), and as per the previous practice, the load shall be regularized on the date of consumer making disclosure of extended load and pay A.C.D. charges. Further, no checking of premises will be carried out during the period of scheme.

2. The circular was further amended by issuance of sale circular No.10 of 1999, and some new conditions were inserted, like the extension of declared connected load will be allowed only if the existing system permits the connection of additional load, and no service connection charges will be payable particularly in the case of industrial consumer. Further, second condition was imposed that in such cases, where the existing system cannot



take up the additional load and needs augmentation, the extension will be allowed only when the applicant declaring the unauthorized load, and comes forward to bear the cost of augmentation of system, or deposit service connection charges as applicable.] This circular was further modified vide sale circular No.11 of 1999, dated 29.11.199, wherethrough, it was decided that service connection charges wherever applicable, shall be charged from those consumers who have come forward/availed the said scheme as per the existing norms. Concerning those consumers who have already availed the said scheme, these charges shall be recovered in five equal installments along with the current energy bills.

3. The petitioner availed the voluntary disclosure scheme, and applied for extension from 160.505 KW to 225.505 KW. In view of the sale circular No.11 of 1999 (supra), the distribution licensee served a notice dated 19.01.2000, upon the petitioners to deposit Rs.57,750/- as service connection charges. The said notice has caused grievance to the petitioner and propelled it to institute the instant petition under Article 226 of the Constitution of India, wherethrough, a challenge is thrown to the demand notice dated 19.01.2000, and also to the sale circular No.11 of 1999.

4. The challenge is thrown to the sale circular (supra) on the ground that it cannot be made effective from retrospectively, and there is no justification for asking for a service connection charges especially when there is no requirement of any augmentation of system. Learned counsel for the petitioner submits that initially only ACD charges were required to be paid, but now an addition of service connection charges by modification of the earlier notifications is purely unjustifiable. He further submits that the petitioner has already installed its own transformer, and therefore, its



CWP-4155-2000

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2025:PHHC:093615



existing infrastructure including transformer and wires could bear the extended load, as sought by the petitioner, and no augmentation of system is required so as to call for deposit of service connection charges.

5. The petition was opposed by filing a detailed written statement by the respondent which voices about the extension of unauthorized load, having effect on the existing system, which necessarily require augmentation, may be subsequently. Even otherwise, the service connection charges are being charged from the new consumers, as well as for extension of load. Though initially it was decided to charge only ACD charges, but subsequently, when it was realized that the extension of unauthorized load would effect the existing system, and the same would require augmentation, may be subsequently, therefore, vide impugned circular No.11 of 1999, the service connection charges were levied even from those consumers who had voluntarily disclosed their unauthorized load and requested for regularization.

6. This Court has heard learned counsel for the parties, and find that there is no merit in the instant petition and the same is amenable to be dismissed for the hereinafter extracted reasons:

1. That the initial sale circular No.7 of 1999, was modified twice. Firstly, vide sale circular No.10 of 1999, and secondly, vide sale circular No.11 of 1999. It is not in dispute that the sale circular No.10 is not under challenge before this Court. The condition No.3, as mentioned in circular No.10 of 1999, clearly spells out that the service charges are required to be paid in case where the existing system cannot take up the additional load, and needs augmentation, and extension will be allowed



only when the applicant declaring the unauthorized load come forward to bear the cost of augmentation of system on deposit of service connection charges as applicable.] The relevant portion is hereinafter extracted below.

S.No.	Issue	Comments
1 & 2	Xx	Xx
3	Will the service connection charges be leviable on the declared extended load	a) The extension of declared connected load will be allowed only if the existing system permits the connection of additional load and no service connection will be payable particularly in the case of industrial consumers. b) In such cases where the existing system cannot take up additional load and needs augmentation, the extension will be allowed only when the applicants declaring the unauthorized load comes forward to bear the cost of augmentation of system or deposit service connection charges, as applicable. c) xxxxx
4 to 8	Xx	xx

2. In the instant case, the petitioner applied for extension of load from 160.505 KW to 225.505 KW, under voluntarily disclosure scheme. The petitioner has failed to produce any material on record to substantiate that such a huge extension of load would not require any augmentation.

3. Further, the plea of the petitioner that the respondent-distribution licensee cannot give retrospective effect to the circular (supra), also finds no merits as it is not the case of giving effect to any new circular from the previous date, rather it is only a modification/clarification in the existing circular.

4. The circular No.10 of 1999 is not under challenge before this Court, and the petitioner, in pursuance of the said circular, is required to pay the service charges, and same is the stand of the respondent-distribution licensee, which is clear from the



CWP-4155-2000

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2025:PHHC:093615



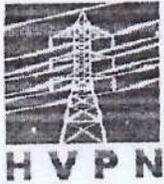
written statement, that augmentation is required, may be subsequently, for granting extension of such a huge load.

7. In summa, the instant petition is dismissed being bereft of any merits.

(KULDEEP TIWARI)
JUDGE

11.07.2025
deepak

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



HARYANA VIDYUT PRASARAN NIGAM LIMITED

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To

1. The CE/Admn. & IT, HVPNL, Panchkula.
2. The CE/TS, HVPNL, Panchkula.
3. The CE/TS, HVPNL, Hisar.
4. The CE/TS, HVPNL, Gurugram.
5. The CE/Op. DHBVN, Hisar.
6. The CE/Op. DHBVN, Delhi.
7. The CE/Admn., DHBVN, Hisar.
8. The CE/Op., UHBVN, Panchkula.
9. The CE/Op. UHBVN, Rohtak.
10. The CE/Admn., UHBVN, Panchkula.
11. The CE/Admn., HPGCL, Panchkula.

Memo No. 6094
Dated. 19/09/25
DS/Estt.
DS/General
US/NGE
US/Rectt.
DS/T&M
XEN/HR&TRG
XEN/LNO

CE/Admin.

Memo No: 19/LB-2(155)

Dated: 10.09.2025

Subject: CWP No. 25929 of 2025 titled as Omvati V/s UHBVN and Ors.

The aforesaid case came up for hearing on 02.09.2025 and the Hon'ble High Court vide judgment dated 02.09.2025 dismissed the same on the premise that the claim of the petitioner for refixation of pension of her deceased husband cannot be considered after 17 years as the claim made by the petitioner suffers from delay and laches and merely by filing representations, the claim of the petitioner cannot be revived again. Judgment dated 02.09.2025 is reproduced here under: -

"5. I have heard learned counsel for the parties and perused the record with their able assistance. The claim of the petitioner admittedly arose in the year 2009. However, the learned counsel for the petitioner has failed to offer any plausible or satisfactory explanation for the inordinate delay of more than 17 years in approaching this Court. In the absence of any justification for such delay, the writ petition is liable to be dismissed on the ground of delay and laches alone.

Diary No. 1667 dt 24/09/25

AEE-G

AEE-R

AEE/AE-NG

Supdt.

All Officers

6. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel petitioner has failed to specify any compelling or extenuating circumstance which prevented her from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a Three-Judge Bench of the Hon'ble Supreme Court in *Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal (2021) 13 SCC 225*, wherein, the following was held:

16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who



have slept over wrongs and allowed illegalities to fester. Fencesitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced.

In SS Balu v. State of Kerala, this Court observed thus:

"17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment." (emphasis added)

7. Further, in *Mrinmoy Maity vs. Chhanda Koley and others* 2024 AIR SC 2717, the Hon'ble Supreme Court has categorically observed that the High Courts must factor in the delay, while exercising its discretionary powers under Article 226 of the Constitution of India. It was further opined that undue and unexplained delay may be reason enough to dismiss a petition as indolent litigants ought not to be encouraged by writ Courts. In *State of Uttaranchal v. Shiv Charan Singh Bhandari*, (2013) 12 SCC 179, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, a Two-Judge Bench of the Hon'ble Supreme Court opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India, in a situation of that nature, will not be attracted as it is well settled that law leans in favour of those who are alert and vigilant.

9. Moreover, with regards to issues regarding fixation of pay, the position of law has been settled by a two-Judge Bench Hon'ble Supreme Court in *M.R. Gupta v. Union of India*, (1995) 5 SCC 628 and has been reaffirmed by a full bench decision of this Court in *Saroj Kumari v. State of Punjab*, 1998(3) SCT 664. Accordingly, so long as an employee is in service, a petition claiming re-fixation of pay is not barred by limitation or the doctrine of laches, as the denial of benefit occurs every month when the salary is paid, thereby giving rise to a fresh cause of action, based on continuing wrong. Such a case is not a case of one time action like the case of termination or dismissal from service. However, payment of arrears can be restricted to a reasonable period. Three years and two months has been considered to be a reasonable period as that is the period for which a person can ask for the payment of arrears before a Civil Court.

10. Indubitably, once an employee ceases to be in service, the wrong fixation of pay can no longer be treated as a continuing wrong.



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Telephone No. - 0172-2560769, 0172-2571844

Consequently, a petition seeking such fixation, if instituted after cessation of service and with substantial delay, is liable to be dismissed on the ground of delay and laches. Reliance can be placed on the judgement of the co-ordinate bench of this Court in **Prem Nath v. State of Punjab, 2018(2) SCT 687**, wherein the petitioners approached this Court seeking correct fixation of pay much subsequent to their superannuation. While dismissing the petition on the ground of delay and laches, the Court held as follows:

“10. The reliance placed by counsel upon the judgment in Saroj Kumar's case, is wholly misplaced. The observations and aspect of delay in Saroj Kumar's case, were in the light of the judgment of the Supreme Court in **M.R. Gupta v. Union of India and others, 1996(1) S.C.T 8 : 1995(4) RSJ 502**. In M.R. Gupta's case (supra), it had been categorically held that so long as an employee "is in service" a fresh cause of action arises every month when he is getting his monthly salary on the basis of a wrong calculation made contrary to rules. It was further held that the claim to be awarded the correct salary on the basis of a proper pay fixation "is a right which subsists during the entire tenure of service"

11. In the present case, however, the petitioners choose not to agitate their claim while in service. It is much subsequent to their superannuation that they have woken up and seek to gain impetus from certain decisions that may have been rendered in the case of similarly situated employees.” (emphasis supplied)

11. In the present case, the Petitioner has approached this Court after a considerable lapse of time from the date of her husband's retirement. Repeated representations made will not keep the issues alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

12. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.”

It is important judgment on the issue that the claim of the petitioner for re-fixation of pension of her deceased husband cannot be considered after 17 years as the claim made by the petitioner suffers from delay and laches and merely by filing representations, the claim of the petitioner cannot be revived again. It is therefore, requested to circulate the judgment amongst the subordinate offices under your control for disposal of similarly situated case by placing reliance on the aforesaid judgment. A copy of judgment dated 02.09.2025 is enclosed herewith for ready reference.

DA/As above

Vishal Sharma
Assistant Law Officer,
For L.R. HPU, Panchkula

CC: -

1. The S.E./XEN/IT, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to upload the judgment dated 02.09.2025 on the website of their utility.

(18)



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2. The XEN/OP Divn., UHBVN, Bahadurgarh.
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4. The Under Secy./Legal, HVPNL, Panchkula.
5. Dy. District Attorney-I, HVPNL, Panchkula.
6. Dy. District Attorney-II, HVPNL, Panchkula
7. Aman Dhiman, Legal Consultant, UHBVN, Panchkula.
8. Legal Consultant, HVPNL, Panchkula.
9. Legal Consultant, HPGCL, Panchkula
10. Law Officer, HVPNL, Panchkula.
11. Law Officer, DHBVNL, Panchkula.
12. Law Officer, UHBVNL, Panchkula
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15. ALO-2, UHBVN, Panchkula.
16. ALO-3, UHBVN, Panchkula.
17. ALO, DHBVN, Panchkula.
18. ALO, HVPNL, Panchkula.



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

114

**CWP-25929-2025 (O&M)
Date of decision: 02.09.2025**

Omvati

....Petitioner

Versus

Managing Director, Uttar Haryana Bijli Vitran Nigam Limited and
others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Thakan, Advocate
for the petitioner.

Mr. Sukhdeep Singh Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to re-fix the pension of the petitioner by granting the husband of the petitioner annual increment in his last year of retirement as he, in his last retiring year and before his retirement, has completed requisite one year of service as required by the Revised Pay Rules, 2008 dated 30.12.2008 (Annexure P-1), for grant of annual increment with all consequential benefits of arrears, etc., along with interest.

CONTENTIONS

2. Learned counsel for the petitioner submits that the petitioner's husband has put in more than 20 years of service and in



terms of Rule 10 of Haryana Civil Services (Revised Pay) Rules, 2008 (in short 'H.C.S. (Revised Pay) Rules, 2008') the deceased husband of the petitioner was entitled for annual increments on completion of service of one year as discernible from the Notification dated 30.12.2008 (Annexure P-1), however, the annual increments of the deceased husband of the petitioner has not been granted. The husband of the petitioner prior to his death had made several representations, however, all these representations remained unheeded. The petitioner has served a legal notice on 01.04.2025, upon the respondents claiming relief in terms of Rule 10 of H.C.S. (Revised Pay) Rules, 2008 and the State being the model employer should have extended the benefit in terms of the applicable Rules and the case of the petitioner is squarely covered by the judgment of Hon'ble Supreme Court in *S.K. Mastan Bee vs The General Manager, South Central Railway, 2003(1) SCC 184* and *Umesh Kumar Nagpal vs State of Haryana, 1994(3) SCT 174*.

3. Notice of motion.

4. Mr. Sukhdeep Singh Parmar, Advocate, on advance notice, has put in appearance on behalf of the respondents/Corporation and submits that the husband of the petitioner had retired on 31.07.2008, on attaining the age of superannuation and he unfortunately expired on 19.07.2009. The petitioner is getting family pension on account of the death of her husband. The claim of the petitioner for re-fixation of pension of her deceased husband cannot be considered after 17 years as the claim made by the petitioner suffers from delay and laches and



merely by filing representations, the claim of the petitioner cannot be revived again.

OBSERVATION & ANALYSIS

5. I have heard learned counsel for the parties and perused the record with their able assistance. The claim of the petitioner admittedly arose in the year 2009. However, the learned counsel for the petitioner has failed to offer any plausible or satisfactory explanation for the inordinate delay of more than 17 years in approaching this Court. In the absence of any justification for such delay, the writ petition is liable to be dismissed on the ground of delay and laches alone.

6. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel petitioner has failed to specify any compelling or extenuating circumstance which prevented her from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a Three-Judge Bench of the Hon'ble Supreme Court in *Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal (2021) 13 SCC 225*, wherein, the following was held:

“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts



naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In *SS Balu v. State of Kerala*, this Court observed thus:

"17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment." (emphasis added)

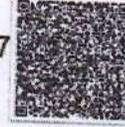
7. Further, in *Mrinmoy Maity vs. Chhanda Koley and others* 2024 AIR SC 2717, the Hon'ble Supreme Court has categorically observed that the High Courts must factor in the delay, while exercising its discretionary powers under Article 226 of the Constitution of India. It was further opined that undue and unexplained delay may be reason enough to dismiss a petition as indolent litigants ought not to be encouraged by writ Courts. In *State of Uttaranchal v. Shiv Charan Singh Bhandari*, (2013) 12 SCC 179, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, a Two-Judge Bench of the Hon'ble Supreme Court opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be



decided with reference to original cause of action and not with reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India, in a situation of that nature, will not be attracted as it is well settled that law leans in favour of those who are alert and vigilant.

9. Moreover, with regards to issues regarding fixation of pay, the position of law has been settled by a two-Judge Bench Hon'ble Supreme Court in *M.R. Gupta v. Union of India*, (1995) 5 SCC 628 and has been reaffirmed by a full bench decision of this Court in *Saroj Kumari v. State of Punjab*, 1998(3) SCT 664. Accordingly, so long as an employee *is in service*, a petition claiming re-fixation of pay is not barred by limitation or the doctrine of laches, as the denial of benefit occurs every month when the salary is paid, thereby giving rise to a fresh cause of action, based on continuing wrong. Such a case is not a case of one time action like the case of termination or dismissal from service. However, payment of arrears can be restricted to a reasonable period. Three years and two months has been considered to be a reasonable period as that is the period for which a person can ask for the payment of arrears before a Civil Court.

10. Indubitably, once an employee *ceases to be in service*, the wrong fixation of pay can no longer be treated as a continuing wrong. Consequently, a petition seeking such fixation, if instituted after cessation of service and with substantial delay, is liable to be dismissed



on the ground of delay and laches. Reliance can be placed on the judgement of the co-ordinate bench of this Court in *Prem Nath v. State of Punjab, 2018(2) SCT 687*, wherein the petitioners approached this Court seeking correct fixation of pay much subsequent to their superannuation. While dismissing the petition on the ground of delay and laches, the Court held as follows:

“10. The reliance placed by counsel upon the judgment in Saroj Kumar's case, is wholly misplaced. The observations and aspect of delay in Saroj Kumar's case, were in the light of the judgment of the Supreme Court in M.R. Gupta v. Union of India and others, 1996(1) S.C.T 8 : 1995(4) RSJ 502. In M.R. Gupta's case (supra), it had been categorically held that so long as an employee "is in service" a fresh cause of action arises every month when he is getting his monthly salary on the basis of a wrong calculation made contrary to rules. It was further held that the claim to be awarded the correct salary on the basis of a proper pay fixation "is a right which subsists during the entire tenure of service"

11. In the present case, however, the petitioners choose not to agitate their claim while in service. It is much subsequent to their superannuation that they have woken up and seek to gain impetus from certain decisions that may have been rendered in the case of similarly situated employees.” (emphasis supplied)

11. In the present case, the Petitioner has approached this Court after a considerable lapse of time from the date of her husband's retirement. Repeated representations made will not keep the issues alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

12. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article



226 of the Constitution of India. Accordingly, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

02.09.2025

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No



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, E-mail: companysecy@hvsn.org.in
Correspondence E-mail: lr@hvsn.org.in, Legalretainer@hvsn.org.in
Telephone No. - 0172-2560769, 0172-2571841

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To

1. The CE/Admn. & IT, HVPNL, Panchkula.
2. The CE/TS, HVPNL, Panchkula.
3. The CE/TS, HVPNL, Hisar.
4. The CE/TS, HVPNL, Gurugram.
5. The CE/Op. DHBVN, Hisar.
6. The CE/Op. DHBVN, Delhi.
7. The CE/Admn., DHBVN, Hisar.
8. The CE/Op., UHBVN, Panchkula.
9. The CE/Op. UHBVN, Rohtak.
10. The CE/Admn., UHBVN, Panchkula.
11. The CE/Admn., HPGCL, Panchkula.

Diary No. 1666 dt. 24/09/25

AEE-G

AEE-R

AEE/AE-NG

Supdt.

All Officers

W.C.

XEN/LNO

Memo No: 37/LB-2(165)

Dated: 15.09.2025

Subject: CWP No. 20779 of 2025 titled as Mohit Dahiya V/s State of Haryana & Ors.

The aforesaid case came up for hearing on 08.08.2025 and the Hon'ble High Court vide judgment dated 08.08.2025 dismissed the same on the premise that since the respondent Nigam is an autonomous body, it may prescribe a different criterion for implementation of the UHBVNL transfer policy, 2025 than the Modal transfer policy issued by the state. The operative part of order dated 08.08.2025 is reproduced here under: -

"17. In view of the discussion above, the question framed above is answered in the positive. Since the respondent-Nigam is an autonomous body, it may prescribe a different criteria for implementation of the UHBVNL Transfer Policy, 2025 (Annexure P-12) than the Model Transfer Policy (Annexure P-11). Further, the Model Online Transfer Policy (Annexure P-11) and UHBVNL Transfer Policy, 2025 (Annexure P-12) also allow the competent authority i.e. the Managing Director, to stipulate 'prescribed' and 'minimum' tenure as well as a qualifying date.

18. Accordingly, the present petition is dismissed, as this Court does not find any instances of mala fide or arbitrary violation of norms prescribed under the policy of the respondent-Nigam.

19. All the pending miscellaneous application(s), if any, shall stand disposed of."

It is important judgment on the issue that the respondent Nigam is a duly incorporated company and an autonomous body, competent to frame its own policies and make changes to adopted policies. It is therefore, requested to circulate the judgment amongst the subordinate offices under your control for disposal of similarly situated case by placing reliance on the aforesaid judgment. A copy of judgment dated 08.08.2025 is enclosed herewith for ready reference.

DA/As above

Anshuman
11/9/25

Assistant Law Officer,
For L.R. HPU, Panchkula

CC: -

Memo No. 6096
Dated: 18/09/25
DS/Estt.
DS/General
US/NGE
US/Rectt.
DS/T&M
XEN/HR&TRG
XEN/LNO

CE/Admin.

18



HARYANA VIDYUT PRASARAN NIGAM LIMITED

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

Corporate Identity Number : U40101HR1997SGC033683

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

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Telephone No. - 0172-2560769, 0172-2571841

1. The S.E./XEN/IT, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to upload the judgment dated 08.08.2025 on the website of their utility.
2. The US/GA., UHBVN, Panchkula.
3. The Joint Secy./Legal, HVPNL, Panchkula.
4. The Under Secy./Legal, HVPNL, Panchkula.
5. Dy. District Attorney-I, HVPNL, Panchkula.
6. Dy. District Attorney-II, HVPNL, Panchkula
7. Aman Dhiman, Legal Consultant, UHBVN, Panchkula.
8. Legal Consultant, HVPNL, Panchkula.
9. Legal Consultant, HPGCL, Panchkula
10. Law Officer, HVPNL, Panchkula.
11. Law Officer, DHBVNL, Panchkula.
12. Law Officer, UHBVNL, Panchkula
13. Legal Officer, UHBVN, Panchkula.
14. ALO-1 UHBVN, Panchkula.
15. ALO-2, UHBVN, Panchkula.
16. ALO-3, UHBVN, Panchkula.
17. ALO, DHBVN, Panchkula.
18. ALO, HVPNL, Panchkula.



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20779-2025 (O&M)
Date of decision: 08.08.2025

Mohit Dahiya and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Mor, Advocate
for the petitioners.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Sanjeev Kaushik, Advocate,
Mr. Divyanshu Kaushik, Advocate,
Ms. Simran Sharma, Advocate,
Ms. Anisha Rana, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J.

CM-11308-2025

1. This application has been filed under Section 151 of the Civil Procedure Code, 1908 for placing on record Annexures A-5 to A-7 and for grant of exemption from filing certified and typed copies thereof.
2. In view of the averments made in the application, same is allowed



and Annexures A-5 to A-7 are taken on record.

CWP-20779-2025

3. Present civil writ petition has been preferred under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to allow participation of the petitioners under 'Notional Category' in the online transfer drive as per Clauses 5(viii) & 8 of the Model Online Transfer Policy, 2025 issued by respondent No.1 and notified vide notification dated 23.05.2025 (Annexure P-11) as well as Clauses 3(xiv)(d) & 8 of UHBVNL Transfer Policy, 2025 issued by respondent No.2, notified vide notification dated 07.07.2025 (Annexure P-12).

FACTUAL BACKGROUND

4. Briefly, the facts, as alleged are that the petitioners were appointed as Assistant Engineers/Sub Divisional Officers with respondent No.2-Nigam and based on seniority, they were promoted to the post of Executive Engineer. Upon promotion, the petitioners joined the office at Panchkula. Further, as per policy dated 19.11.2020 (Annexure P-8), Executive Engineers cannot be transferred to their home district. However, to mitigate their hardship, the State Government formulated a policy, which was adopted by the respondent-Nigam, as discernible from circular letter dated 14.06.2021 (Annexure P-9). Subsequently, the respondent-Nigam revised the policy (Annexure P-9) to the Performance Linked Online Transfer Policy (Annexure P-10). Further, vide notification dated 23.05.2025 (Annexure P-11), the Model Online Transfer



Policy was framed by respondent No.1, which allows employees to participate in the online transfer drive in spite of not completing the required tenure. On similar lines, the respondent-Nigam framed the UHBVNL Transfer Policy, 2025 vide notification dated 07.07.2025 (Annexure P-12).

5. On 10.07.2025, respondent No.3 initiated the online transfer drive in respondent No.2-Nigam. After receiving the requisite information and thereafter, deciding the objections, respondent No.3 issued a list of 15 Executive Engineers eligible for participation in the online transfer drive, vide letter dated 20.07.2025 (Annexure P-17).

CONTENTIONS

6. Learned counsel for the petitioners, *inter alia*, contends that the respondent-Nigam is one of four power utilities of respondent No.1-State. The respondent-Nigam has adopted the Model Transfer Policy (Annexure P-11) *in toto*, therefore, is bound by it. He further submits that as per minutes of the meeting of M.D., Coordination, held on 01.07.2025 (Annexure A-5), the cut off date for the purpose of implementation of the Online Transfer Drive was fixed as 31.12.2024 for the current year and 31.12.2023 for the previous year. The Model Online Transfer Policy (Annexure P-11) was framed by respondent No.1-Chief Secretary to Government of Haryana and the Human Resources Department and as per Clause 3(iii) of Model Online Transfer Policy (Annexure P-11), any clarification is ought to be issued by the competent authority i.e. Administrative Secretary of the concerned Department. However,



perusal of minutes of meeting dated 01.07.2025 (Annexure A-5) indicates that the Board of Directors of the respective utilities were given the authority to make any changes, it deem fit. As such, the respondent-Nigam has fallen into grave error by amending the policy to prescribe a qualification date since permission of the Chief Secretary to the Government of Haryana and Human Resource Department of the respondent-Nigam was not sought.

7. Learned counsel for the petitioners further contends that Clause 3.0(x) of the Haryana Vidyut Prasaran Nigam Ltd. (HVPNL), a sister concern of the respondent-Nigam and another utility under respondent No.1-State has also notified the transfer policy of its own i.e. HPVNL Transfer Policy, 2025 vide notification dated 03.07.2025 (Annexure A-6), on the same pattern as Model Online Transfer Policy, 2025 (Annexure P-11). The HPVNL Transfer Policy, 2025 (Annexure A-6) prescribes the cut off date for the purpose of calculation of merit point and, minimum and prescribed tenure as 31st December of the previous year. During recent promotions of GSOs to the post of Junior Engineers in HVPNL, an order dated 07.07.2025 (Annexure A-7) was passed, wherein a note was added stating that the officials so promoted shall fall under "Notional Category" and will be compulsorily required to participate in the upcoming transfer drive.

8. Furthermore, the petitioners received their promotion from the year 2023 onwards and the present drive, initiated on 10.07.2025, is the first drive for the Executive Engineers since the year 2021. A perusal of letter dated



20.07.2025 (Annexure P-17) would show that only three categories i.e. Voluntary, Protected and Deemed categories, have been considered for transfer drive while 'Notional Category,' has been skipped, which is in violation of Clauses 3(xiv)(d) & 8 of the UHBVNL Transfer Policy, 2025 (Annexure P-12). No reasonable cause or justification has been presented by the respondent-Nigam to exclude the Notional Category. The petitioners have submitted representations (Annexures P-18 to P-21) to the respondent-Nigam jointly and individually, regarding violation of the UHBVNL Transfer Policy, 2025 (Annexure P-12). Learned counsel further submits that out of the total cadre strength of 66 Executive Engineers, only 15 have been granted the option to participate in the transfer drive. The petitioners are eligible to apply under the Notional Category, in line with the approach adopted by HPVNL, however, due to non-availability of the said option, significant hardship has been caused to them. As such, it is prayed that they be allowed to participate in the online transfer drive under the said category.

9. *Per contra*, learned counsel for respondents No.2 & 3 has filed the written statement on behalf of respondents No.2 & 3 in the Court today, which is taken on record. He submits that the respondent-Nigam is a duly incorporated company and an autonomous body, which is competent to frame its own regulations, policies, guidelines and instructions as well as carry out changes in any adopted policy. The day to day business of the respondent-Nigam is managed by its Managing Director, who is also the competent



authority as per Clause 3.0(iii) of the UHBVNL Transfer Policy, 2025 (Annexure P-12). The UHBVNL Transfer Policy, 2025 was issued after revising and amending the previous policy, in terms of the Model Online Transfer Policy dated 23.05.2025 (Annexure P-11) issued by respondent No.1-State. One such amendment is to 'Qualifying Date', which was defined as 31st December of previous years for calculation of prescribed and minimum tenure. The new policy was notified vide notification dated 07.07.2025 (Annexure P-12), after *ex post facto* approval of the Board of Directors. Additionally, Clause 2(iv) of the Model Transfer Policy (Annexure P-11) allows the competent authority to decide prescribed and minimum tenures in terms of the said policy. In the present case, the competent authority is the Managing Director and the said tenures stand decided, as reflected in Annexure II to the UHBVNL Transfer Policy, 2025 (Annexure P-12). Further, as per minutes of meeting dated 01.07.2025 (Annexure A-5), the Boards of Directors of the respective power utilities of respondent No.1-State possess the authority to make any changes to the policy adopted by them, as may be deemed fit.

10. Further, Annexure II (A) of UHBVNL Transfer Policy, 2025 (Annexure P-12) clearly provides that in order to be eligible for participation in the online transfer process, an Executive Engineer must have a minimum tenure of 02 years while the prescribed tenure is 03 years. Since the petitioners were promoted as Executive Engineers in 2023-2024 and 2024-2025, the prescribed criteria for consideration for transfer remains unsatisfied.



Furthermore, as far as participation under 'Notional Category' is concerned, in terms of the definition provided in Clauses 3(xiv)(d) & 8 of the UHBVNL Transfer Policy, 2025 (Annexure P-12), the petitioners will only be considered under the same after completion of the transfer drive, as they were freshly posted to their units post promotion. Further still, no *mala fide* can be attributed to the respondent-Nigam, as the transfer process is being conducted strictly in accordance with the applicable rules and regulations. Learned counsel places reliance on *B. Varadha Rao Vs. State of Karnataka, (1986) 4 SCC 13*, *National Hydroelectric Power Coprn. Ltd. Vs. Shri Bhagwan, (2001) 8 SCC 574*, *Gujarat Electricity Board Vs. Atmaram Sungomal Poshani, 1989 (2) SCC 602*, *Kendriya Vidyalaya Sangathan Vs. Damodar Prasad Pandey, 2004 (12) SCC 299* and *Amar Pal Singh Vs. Vice Chancellor, Punjab Agricultural University, (P&H) (DB) 2007(7) SCT 1984*.

OBSERVATIONS AND ANALYSIS

11. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the controversy involved in the present case revolves around the issue regarding deviation of UHBVNL from the Model Online Transfer Policy (Annexure P-11). Accordingly, the following question is framed:

“Can the respondent-Nigam deviate from the Model Online Transfer Policy of the State Government and prescribe a different criteria in UHBVNL Transfer Policy, 2025?”



12. The transfers of employees of the respondent-Nigam is governed by the UHBVNL Transfer Policy issued vide notification dated 07.07.2025 (Annexure P-12). Clause 2(iv) of Model Transfer Policy (Annexure P-11) and relevant provisions of UHBVNL Transfer Policy, 2025 (Annexure P-12) are reproduced below:

Model Transfer Policy

“2.0 Application

xxx

xxx

xxx

(iv) On notification, this policy shall be applicable to all the departments initially, within 15 days of notification, **each department shall publish the list of cadres that are covered under this policy along with the “Prescribed Tenure”, “Minimum tenure” and “Unit” for each cadre as decided by the competent authority.** Thereafter, this list along with aforementioned variables **may be revised by the competent authority from time to time, as per administrative requirements, after approval from Human Resource Department (HRD) only.** For each cadre, the detail as mentioned herein, as decided by competent authority, shall be read as part of this Model Online Transfer Policy for that cadre.

UHBVNL Transfer Policy, 2025

3.0 Definitions:

In this policy, unless there be anything repugnant in the subject or context;

xxx

xxx

xxx

(viii) **‘Prescribed Tenure’ means the maximum period of stay of an employee at one given unit, for a period, as decided by the competent authority.** While calculating the prescribed tenure of an employee at one unit on the qualifying date,

xxx

xxx

xxx



(xiv) '**Vacant Post for transfer**' means posts available after rationalization to employees participating in a transfer drive and will include post from amongst:

- a) a post not occupied by any employee shall be called an **actual vacancy**;
- b) a post presently occupied by an employee for the prescribed tenure or by way of temporary transfer or by a contractual employee shall called a **deemed vacancy**;
- c) a post occupied by an employee, who has completed the minimum tenure at a unit and has exercised her/ his option to participate in the general transfer drive under this policy shall be called a **voluntary vacancy**;
- d) a post occupied by an employee on initial appointment, promotion, reinstatement after suspension or repatriation from deputation from another Department/Organisation other authority, after the preceding online transfer drive shall be called a **notional vacancy**;

6.0 Other Provisions:

xxx

xxx

xxx

ix. Instructions issued by the state government with regard to transfer/ posting Government employees in Home District, from time to time, shall be read as part of this policy.

x. The competent authority shall ensure that timelines prescribed under this policy for completion of various stages shall be strictly adhered to. However, if due to any administrative or technical reasons, the said timelines could not be adhered to, the competent authority under intimation to Human Resource Department (HRD) may extend the said timeline maximum by one month (in total) after recording the reasons in writing.

8.0 Appointment by promotion/ direct recruitment:

Employees taken in a cadre through initial appointment, promotion, reinstatement after suspension or repatriation



from deputation from another Department/Organisation other authority **will be posted in the unit and/or posts of eligibility and availability. Thereafter, they will fall under "Notional category" and will have to compulsorily participate in the upcoming transfer drive for the said cadre.**

Xxx

xxx

xxx

11.0 Savings & Repeal:

i) UHBVNL's Transfer Policies issued vide Notification No. 86/UH/GA-60/Reg. dated 13.09.2012, Notification No.164/UH/GA-60/Reg./Vol-I dated 22.10.2020 & Notification No.166/UH/GA-60/Reg./Vol-I dated 12.10.2021 and **all other existing transfer policies are hereby repealed/withdrawn from the date of issuance of this policy.**

ii) Anything done or any action taken by the competent authority under this policy shall be deemed to have been validly done or taken under this policy.

iii) Any transfer drive initiated prior to the notification of this policy may be completed and concluded in terms of the earlier policy.

Annexure II

A) For Operation of Transfer Drive through Online Mode

i) The regular officers/officials of following twenty nine (29) cadre(s) irrespective of cadre strength and cadres with sanctioned strength of 15 & above would be considered for posting through Online Transfer against sanctioned/working vacant post or in any office as deemed fit by the competent authority:

Sr. No.	Designation	Tenure	
		Prescribed	Minimum
xxx	xxx	xxx	xxx
2.	Executive Engineer/ Electrical	3 years	2 years



13. Clause 2(iv) of the Model Transfer Policy (Annexure P-11) as well as Clause 3(vi) of the UHBVNL Transfer Policy (Annexure P-12) clearly bestow the competent authority i.e. the Managing Director of the respondent-Nigam in the present case (as per Clause 3(iii)) of the UHBVNL Transfer Policy), with the power to decide the 'prescribed tenure,' 'minimum tenure' as well as 'unit' with respect to transfer of any cadres. Further, the list, so created, can be revised as per administrative requirements by the Human Resource Department on its own. Admittedly, the petitioners were promoted to the post of Executive Engineers between the years 2023 and 2025, as discernible from Annexures P-1 to P-7. The term 'prescribed tenure' has been defined under Clause 3(vii) of the said policy and has been decided to be 03 years in matters pertaining to the post of Executive Engineer, as discernible from Annexure II(A). Since the qualifying date is 31.12.2024 in terms of Clause 3.0(x) of the UHBVNL Transfer Policy, 2025 (Annexure P-12), clearly, they do not meet the pre-requisites for consideration for transfer in terms of prescribed and minimum tenure. Further still, Clause 8 of UHBVNL Transfer Policy, 2025 (Annexure P-12) clearly states that an employee can only be considered for transfer, if he has served the prescribed tenure at the unit allocated to him/her after getting promotion. Further, use of the word- 'thereafter' in Clause 8 of UHBVNL Transfer Policy, 2025 (Annexure P-12) makes it rather unambiguous that the option to be considered under the 'Notional Category' will only be made available in the next round of transfers, as the employees are required to



serve at their allotted unit for the prescribed tenure.

14. Furthermore, the respondent-Nigam being an autonomous instrumentality of the State, is capable of framing its own rules and regulations and therefore, it is also entitled to adopt policies after making certain revisions. As such, the respondent-Nigam has committed no wrong in laying down a Qualifying date, prescribed tenure and minimum tenure. Moreover, the possibility of transfer is essentially interwoven in the service agreement, if not stated otherwise. As such, the decisions in this regard must also be taken by the relevant departments based on considerations like administrative exigencies, organizational needs as well as the cause of efficiency. Since such matters involve internal management and policy decisions particular to the employer, the scope of judicial review in this respect is fairly limited. Unless it is proved that the process was vitiated by *mala fide* or the same was conducted in violation of the applicable rules and regulations or the relevant order was passed by an incompetent authority, the Courts ought not to interfere with it. Substituting the decision of the relevant authority with its own when the former is better placed to assess the requirements of the department, would be manifestly unjust. A two-Judge Bench of the Hon'ble Supreme Court in ***Union of India Vs. S.L. Abbas, (1993) 4 SCC 357***, speaking through Justice B.P. Jeevan Reddy, made the following observations in this regard:

"7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory



provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to this transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right."

15. This approach was reiterated by a two-Judge Bench of the Hon'ble Supreme Court in *State of U.P. and others Vs. Gobardhan Lal, (2004)11 SCC 402*, wherein, speaking through Justice D. Raju, the following was opined:

"7. It is too late in the day for any Government Servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of



transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.

8. *A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surprises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.*

(emphasis added)

16. Reliance in this regard can also be placed on the judgments rendered by the Hon'ble Supreme Court in *Union of India Vs. N.P. Thomas, (1993) 6 Supp (1) SCC 704, N.K. Singh Vs. Union of India, (1994) 6 SCC 98* and *Pubi Lombi Vs. State of Arunachal Pradesh and others, 2024 SCC OnLine SC 279*.

CONCLUSION

17. In view of the discussion above, the question framed above is answered in the positive. Since the respondent-Nigam is an autonomous body, it may prescribe a different criteria for implementation of the UHBVNL Transfer Policy, 2025 (Annexure P-12) than the Model Transfer Policy



(Annexure P-11). Further, the Model Online Transfer Policy (Annexure P-11) and UHBVNL Transfer Policy, 2025 (Annexure P-12) also allow the competent authority i.e. the Managing Director, to stipulate 'prescribed' and 'minimum' tenure as well as a qualifying date.

18. Accordingly, the present petition is dismissed, as this Court does not find any instances of *mala fide* or arbitrary violation of norms prescribed under the policy of the respondent-Nigam.

19. All the pending miscellaneous application(s), if any, shall stand disposed of.

08.08.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No