

HARYANA VIDYUT PRASARAN NIGAM LIMITED

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To

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

Memo No. 311LB-2(3-2)

Dated: 14.06.2023

Subject: CWP No. 19658 of 2014 titled as Randhir Singh V/s State of Haryana & Ors.

With reference to the subject cited matter, it is stated that the petitioner has filed the writ petition to count the services rendered by the petitioner in Bhakra Beas Management Board from 10.07.1981 to 05.05.1988 for the purpose of pensionary benefits.


The Hon'ble High Court vide judgment dated 24.04.2023 has dismissed the petition. The operative part of judgment dated 24.04.2023 is given here under:-

" [5]. At the time of appointment of the petitioner in the HSEB, it was a fresh appointment after his resignation was accepted by the previous organisation i.e. the BBMB, therefore, question of foregoing employer share of CPF with interest in the old organisation does not arise at all.

[6]. In view of aforesaid factual position of the case, no interference is called for in the present writ petition. The same is accordingly dismissed "

It is an important judgment on the point that when an employee resigned from his previous employer and joined the Nigam/HSEB, he would be considered as fresh entrant; therefore benefit of past service is not admissible. The above judgment be circulated to offices under your control for praying dismissal of similar cases wherein benefit of previous service has been claimed, by placing reliance on the judgment dated 24.04.2023 passed by Hon'ble High Court. A complete copy of judgment dated 24.04.2023 is enclosed herewith for ready reference.

DA/As above


Law Officer,
HPU, Panchkula.

CC:-

1. The XEN/IT, Deputy Secretary/IT/Technical, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to host the judgment dated 24.04.2023 (copy enclosed) on the website of their utility.

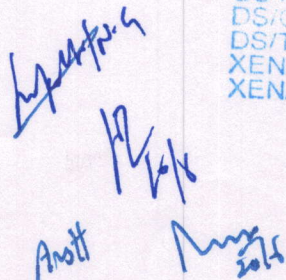
DA: As above

Memo No. 4112
Dated: 20/06/23
DS/Esit
US/NGE
DS/General
DS/T&M
XEN/HR&TRG
XEN/Rect

Diary No. 821 Xen/Rectt.

Dated: 20/06/23


CE/Admn.,


Anshu
20/6/23

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

CWP No.19658 of 2014 (O&M)
Date of Decision: 24.04.2023

RANDHIR SINGH

.....Petitioner

Vs

STATE OF HARYANA AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arun Singla, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, D.A.G., Haryana.

Mr. Padamkant Dwivedi, Advocate
for the respondents No.2 and 3.

Mr. Sanjeev Roy, Advocate for
Mr. IPS Doabia, Advocate
for the respondent No.4.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner was working in a non-pensionable organisation from where he had retired on 01.05.1988 and joined the erstwhile Haryana State Electricity Board (for short 'the HSEB') on 05.05.1988. The experience certificate dated 01.05.1988 issued by the Executive Engineer, Power Central Division, Bhakra Beas Mananagment Board, Chandigarh (for short 'the BBMB') would show that the petitioner had worked as

AFM(WC) from 10.07.1981 to 31.10.1983 and 01.11.1983 to 07.08.1986. The petitioner had worked as BBMB regular AFM since 08.08.1986 till the date of his resignation. Even the resignation tendered by the petitioner on 01.05.1988 would show that he had tendered his resignation on being selected as GTA in the HSEB.

[2]. Admittedly, the service tenure of the petitioner in the previous organisation i.e. BBMB was non-pensionable and even regular service in the said organisation could not have been counted towards pensionary benefits.

[3]. The petitioner had himself executed an affidavit on 16.03.2001 wherein he had mentioned that his case be reviewed at the age of 55 years for retention in the service as he had entered into in erstwhile HSEB after attaining the age of 35 years and his case was covered under 3.23(ii)(b) of the Civil Service Rules for reviewing the case after attaining the age of 55 years. The petitioner had joined the erstwhile HSEB on 05.08.1988. The date of birth of the petitioner was 01.02.1950 and he had entered the government service on attaining the age of 35 years.

[4]. The petitioner also gave undertaking to the effect that he will not claim any past service benefit rendered in the BBMB in case his case for retention in service is reviewed only after

attaining the age of 55 years (instead of 50 years) as per Civil Service Rules.

[5]. At the time of appointment of the petitioner in the HSEB, it was a fresh appointment after his resignation was accepted by the previous organisation i.e. the BBMB, therefore, question of foregoing employer share of CPF with interest in the old organisation does not arise at all.

[6]. In view of aforesaid factual position of the case, no interference is called for in the present writ petition. The same is accordingly dismissed.

April 24, 2023

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No