



## 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. 111/LB-2(1)

Dated: 28/12/2022

**Subject: CWP No.128 of 2016(O&M) titled as Rameshwar Dass Vs. UHBVNL & Ors.**

Attention is drawn to judgment dated 15.09.2022 passed in subject cited case vide which the Hon'ble High Court dismissed the aforesaid Writ Petition vide order dated 15.09.2022. The operative part of judgment dated 15.09.2022 is given here under: -

*"The petitioner was working as a Junior Engineer when the aforesaid unfortunate incident took place resulting in the death of a Lineman. FIR under Section 304/34 IPC had been registered against the petitioner. The petitioner, however, was acquitted at the conclusion of the trial. The respondents after examining the material on record and including the acquittal of the petitioner had by order dated 17.06.2013 issued him a warning to be careful in future. The period of his suspension has been treated as leave of the kind due. Rule 7.3 of the Punjab Civil Service Rules Volume I Part I prescribes the pay and allowances for the period of absence from duty on account of suspension. Sub Rule (2) stipulates that in those cases where the authority is of the opinion that the Government employee has been fully exonerated or the suspension was wholly unjustified, he would be entitled to the full pay and allowances. In the aforesaid facts and circumstances, it could not be said that the suspension of the petitioner on account of his involvement in the FIR and other allegations of negligence was wholly unjustified for the petitioner to be entitled to the full pay and allowances.*

*Consequently, I do not find any infirmity in the impugned order treating the period of the petitioner's suspension as leave of the kind due.*

*The petition stands dismissed."*

It is an important judgment on the issue that on account of involvement in the FIR, his suspension period was not directly attributed to Nigam account as such aforesaid period was treated as leave of kind due instead of duty period. The above judgement be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 15.09.2022 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 15.09.2022 on the website of concerned Power Utility. A complete copy of judgment dated 15.09.2022 is enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As Above

Legal Officer,  
HPU, Panchkula.

CC:-

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