



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. 23/LB-2 (52)

Dated: 8.12.2022

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

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

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

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


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

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

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

This issue with the approval of L.R.

DA/As above


Legal Officer,
HPU, Panchkula.

CC:-

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