



## HARYANA VIDYUT PRASARAN NIGAM LIMITED

Regd. Office : Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula 134109  
Corporate Identity Number : U40101HR1997SGC033683  
Website : [www.hvsn.org.in](http://www.hvsn.org.in), E-mail: [companysecy@hvsn.org.in](mailto:companysecy@hvsn.org.in)  
Correspondence E-mail - [lr@hvsn.org.in](mailto:lr@hvsn.org.in), [legalofficerdhbvn1@gmail.com](mailto:legalofficerdhbvn1@gmail.com)  
Telephone No. - 0172-2560769, 0172-2571841

To

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

Memo No. 329 /LB-2( GGN )

Dated: 29.05.2023

**Subject: RSA No. 4301 of 2013 titled as DHBVN & others Vs Azad Ali.**

Attention is drawn to judgment dated 06.02.2023 passed in subject cited case vide which the Hon'ble High Court allowed the writ petition filed by Nigam.

The operative part of judgment dated 06.02.2023 is given here under:-

*"Learned counsel for the respondent/plaintiff further relies upon the judgment of the Division bench of this Court in CWP-3528-2005 titled as Ramesh Dahiya vs. Uttar Haryana Bijli Vitran Nigam Limited decided on 04.04.2008.*

*The said judgment cannot be made applicable in the facts and circumstances of the present case as concededly, the respondent/plaintiff was not eligible even to hold the post of Upper Division Clerk in substantive capacity from the date when the relief of 1st ACP as well as promotion is being claimed and has been granted by the lower Appellate Court vide impugned judgment.*

*Keeping in view the above, once it has been held that prior to the passing of the departmental examination, an Upper Division Clerk cannot be treated as confirmed, the question for the grant of promotion to an unconfirmed employee and also the grant of benefit of 1st ACP on completion of 10 years of service to the said unconfirmed employee does not arise.*

*Keeping in view the above, judgment and decree of the Lower Appellate Court dated 23.03.2013 is set aside being perverse to the facts and rules governing the service and judgment and decree of the trial Court dated 21.12.2011 is restored and the present regular appeal is accordingly Application is also allowed".*

Libary No. 840 Xen/Rectt.  
Dated 23/6/23

Memo No. 4231  
Dated 23/06/23  
DS/Estt.  
US/NGE  
DS/General  
DS/T&M  
XEN/HR&TRG  
XEN/Rectt.

CE/Admn.

23/6  
Aradh

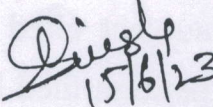
26/6/23



It is an important judgement on the issue that unless and until UDC (direct recruitee) do not clear the the departmental examination he can not be treated as substantive appointee in the said cadre therefore the question of the promotion and the benefit of 1<sup>st</sup> ACP on completion of 10 years of service to the said unconfirmed employee does not arise.

The above judgement be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 06.02.2023 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 06.02.2023 on the website of concerned Power Utility. A complete copy of judgment dated 06.02.2023 is enclosed herewith for ready reference.

This issue with the approval of L.R.

  
15/6/23

Legal Officer,  
HPU, Panchkula.

CC:-

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