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**HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED**

(A State Government Undertaking)  
Head Office, Vidyut Bhawan, Shimla-171004.

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**'ORDER'**

**WHEREAS** the Petitioner –Er. Ankur Sharma S/O Sh. Hari Om Sharma, resident of Village & PO Sunhi, Tehsil Baroh, Distt. Kangra HP and presently working as Sr. Executive Engineer, Elect. Division, HPSEB Ltd. Jawali, Distt. Kangra HP had filed writ petition bearing CWP No. 5771 of 2020 before the Hon'ble High Court of HP at Shimla praying therein for the following reliefs:

**"That the impugned transfer dated 11.12.2020, Annexure-P-2, may kindly be quashed and set aside and Respondent No.1 may kindly be directed to allow the petitioner to discharge his duties as Sr.Executive Engineer, Elect. Division, HPSEB Ltd. Jawali, Distt. Kangra,HP etc.etc."**

**AND WHEREAS** the Writ Petition aforesaid came up for hearing before the Division Bench of the Hon'ble High Court of HP at Shimla on 22.4.2021, when the following orders/directions came to be passed:

**"A reading of scribed instructions placed on record by learned counsel for Respondent No.1 discloses that the apposite display in the transfer order, is not a**

IT C-1 HPSEB LTD. Shimla-4

S. P. Singh (P-1)

S. P. Singh (P-2)

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sheer typographical mistake, rather is correctly scribed. The sequel of the afore scribed instructions, placed on record by the learned counsel, for the respondent Board, is, that the precedent(s) and Rule(s) governing the placing of employees of HPSEBL on a secondment basis in the Directorate of Energy, do enjoins, that, the employee(s) concerned consenting for the afore purpose to the employer concerned. However, there is no wrangle amongst the learned counsel for the contesting litigants, that the apposite consent was neither asked for nor was granted to the petitioner by the HPSEBL or to the Directorate of Energy. Consequently, the impugned order is quashed and set aside.

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2. The learned counsel for the petitioner, prays that the respondent Board be directed to post the petitioner against the vacant post of M&T Division Kangra. Thereupon, the respondent Board is directed to consider, within a week, the posting of the petitioner, at M&T Division, Kangra. The Respondent Board is further directed to forthwith release all outstanding liability(s) appertaining to undisbursed salary of Respondent No.2, to, the latter. All pending applications stand disposed of accordingly."

**AND WHEREAS** pursuant to the orders/ directions aforesaid passed by the Hon'ble High Court of HP at Shimla the Respondent Board is to consider the posting of the petitioner-Sh. Ankur Sharma in M&T Division Kangra.

**NOW, THEREFORE,** the competent authority taking into account the averments made out by the petitioner in his writ petition, the directions dated 22.4.2021 passed by the Hon'ble High Court of HP at Shimla in CWP No. 5771 of 2020, as also the oral submissions made by the petitioner during the course of hearing before the Hon'ble Court as also the other attendant reasons and circumstances of the case, proceeds to decide as follows:

1. That according to the petitioner he was appointed as Assistant Engineer by the Board and joined as such in the year of 2012 and served at various places. The petitioner further contended that on his promotion as Sr. Executive Engineer, vide order dated 8.3.2019, the petitioner was posted in Elect. Division, HPSEB Ltd. Jawali. The petitioner further contended that the private Respondent No.2 namely Er. Sandip Sanyal was promoted as Sr. Executive Engineer vide order dated 6.7.2020 and was posted in the office of Director, Directorate of Energy, to the Govt. of HP Shimla on secondment basis. The Petitioner further contended that private Respondent No.2 is permanent resident of Jawali and as per the transfer policy

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being adopted by the Respondent Board the Asstt. Executive Engineer or above cannot be posted in their home Divisions. It was also contended by the Petitioner that the transfer of the Petitioner has been made on the basis of D.O. note of MLA Jawali. Not only the petitioner also pleaded that despite ban on transfers the petitioner has been transferred and posted in the Directorate of Energy on secondment basis without obtaining his consent for the purpose. The petitioner also pleaded that he has been transferred after the short span of one year eight months only.

2. On behalf of Respondent-HPSEB Ltd. it was contended before the Hon'ble Court that the Directorate of Energy is an office/ Department, which is functioning under the administrative control of MPP & Power Department to the Govt. of HP. However, the Directorate of Energy requires staff members, who are technically qualified/trained and experienced in the field of Engineering, therefore, the HPSEB Ltd. ever since the inception of the Directorate of Energy, consequent upon the abolition of the Private Sector Projects Cell in HPSEB Ltd. has been posting incumbents from the Engineering cadre in the Directorate of Energy on secondment basis. It was also contended that it has been a precedent qua posting of personnel in the Engineering cadre from the HPSEB Ltd. being a Govt. Company and its staff being well versed in the field

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of Electrical Engineering as also the functions of the Directorate of Energy. It was also contended that the impugned transfer orders has been considered and made by the competent authority in the exigencies of service being within the ambit and province of the competent authority.

3. The records of the case have been perused. The Hon'ble High Court vide its order/directions dated 22.4.2021 has since quashed the impugned order of transfer of the Petitioner from Elect. Division, HPSEB Ltd. Jawali to Directorate of Energy, Govt. of HP at Shimla-9. The Hon'ble Court has further directed the HPSEB Ltd. to consider the posting of the petitioner in M&T Division, HPSEB Ltd. Kangra, HP. On careful consideration of the matter, the competent authority observed that 220 KV Elect. System Division Jassure being an interstate mode is of utmost importance for the organization for the purpose of maintaining the power supply in Distt. Kangra and Chamba as also for the purpose of evacuation of power from various SHEPs of Chamba and Bharmour areas through 132 KV EHV network Kandrori, Fatehpur and Dehra in Kangra Distt. And Bathri Kurthla in Chamba Distt. It has also been noted by the competent authority that a post of Sr. Executive Engineer (Electrical) is lying vacant in 220 KV Elect. System Jassure, therefore, it has been considered prudent to post the petitioner in



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the aforesaid Division i.e. 220 KV Elect. System Division, Jassure, being a qualified and experienced engineer to man the said post in the exigencies of service in public interest than his posting in M&T Division Kangra, HP which has limited impact on the power supply inasmuch as his services are more required in 220 KV ES Division Jassure in the exigencies of Board's work than in M&T Division Kangra.

4. **IN VIEW OF ABOVE,** and consequent upon quashing of his transfer and posting order dt. 11.12.2020 to the Directorate of Energy, Govt. of HP Shimla-9, it has been decided to re-post Er. Ankur Sharma, Sr. Executive Engineer in 220 KV Elect. System Division, Jassure in the exigencies of work in public interest with immediate effect. He should consider himself relieved from Elect. Division, HPSEB Ltd. Jawali on and w.e.f. 30.4.2021 after proper handing over of the charge to the Respondent No.2-Er. Sandip Sanyal, Sr. Executive Engineer.

Ordered accordingly.

Er. Ankur Sharma, Sr. Xen,  
Elect. Division, HPSEBL, Jawali.

  
Executive Director (Pers),  
HPSEB Ltd. Shimla-171004

No. HPSEBL(Sectt)/GE/Court Case/CWPNo.5771/2020- 7265-84  
Ankur Sharma Vs HPSEB Ltd. & another/2021-

Dated: 29-4-21

Copy of above is forwarded to the following for favour of information and necessary action please:

- 1) The Director, Directorate of Energy, Govt. of HP, Shimla-9.
- 2) The Chief Engineer (Op) North, HPSEB Ltd. Dharamshala.
- 3) The Chief Engineer, (ES) HPSEB Ltd. Hamirpur
- 4) The Superintending Engineer (Op) Circle, HPSEB, Dalhousie
- 5) The Superintending Engineer (ES) Circle, HPSEB Ltd. Hamirpur.
- 6) The Chief Accounts Officer, HPSEB Ltd. Shimla-171004.
- 7) The Sr. Executive Engineer, Elect. Division, HPSEB Ltd. Jawali.
- 8) The Sr. Executive Engineer, 220KV ES Divn., HPSEB Ltd. Jassure.
- 9) The Personal file of the officers. ~~Board's website.~~

Executive Director(Pers),  
HPSEB Ltd. Shimla-171004