

**Most Urgent  
Time bound**



**HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED**

Registered office  
Number (CIN)  
GST No.  
Telephone Number  
Website address

*(A State Govt. undertaking)*  
Vidyut Bhawan, HPSEBL, Shimla-171004(H.P)  
U40109HP2009SGC031255  
HPSEBL 02 AACCH4894EHZB  
0177-2803600, 2801675 (Office), 2658984(Fax)  
[www.hpseb.com](http://www.hpseb.com) Email [cmd@hpseb.in](mailto:cmd@hpseb.in)

No.HPSEBL (SECTT) /R&E/ Govt.Instt./2024-25- 61179-335 Dated:- 18/12/24  
To

All the Chief Engineer's(i/c) M.D, BVPCL.  
Working in HPSEBL.


**Subject: - Proceeding of the meeting held under the Chairmanship of the Chief Secretary to the Government of Himachal Pradesh 3.10.2024 to discuss the issue of counting of contract service for the purpose of seniority and other consequent benefits etc. arising out of various judgment delivered by the Hon'ble Courts.**

In connection with the above please find enclosed herewith the copy of letter received in this office from Special Secretary (Power) to the GoHP, vide letter No. MPP-F (10)-16/2024 dated 23.11.2024 together with a copy of letter No. PER (AP)-C-E (3)-21/2023 dated 5.10.2024 and a copy of the proceedings of the meeting held on 3.10.2024 under the Chairmanship of Chief Secretary to the GoHP, copy of legal opinion/advised tendered by the Law Department to the Govt. of HP for taking further necessary action at your end please.

You are, therefore, requested, to take further necessary action and comply with the instructions contained in the meeting held on 3.10.2024 under the Chairmanship of Chief Secretary to the GoHP adhered to in its letter and spirit. Failure to comply with these instructions shall be viewed very seriously by the Management of the Board & would entail disciplinary action. It is also intimated that copies of above orders have been uploaded on the Board's web site.

Please treat it most urgent.


DA:- As above

  
Executive Director (Pers.)  
HPSEBL, Vidyut Bhawan,  
Shimla-4.

Contd.P-2

Copy forwarded to the following for information and taking similar necessary action please:-

1. All the Superintending Engineers in HPSEB Ltd.
2. The Superintending Engineer (IT) HPSEB Ltd., Shimla for uploading the above orders on the HPSEB Ltd.web site.
3. All the Sr. Executive Engineer/Resident Engineer in HPSEB Ltd.
4. The Chief Accounts Officer/Chief Auditor, F&A wing, HPSEB Ltd., Shimla-4.
5. All the Dy /Under Secretaries in Board Secretariat HPSEBL, Shimla-4.
6. Guard file of this office.

  
**Executive Director (Pers.),  
HPSEBL, Vidyut Bhawan,  
Shimla-4.**

No. MPP-F(10)-16/2024  
Government of Himachal Pradesh  
Department of MPP & Power

E-Mail

From

The Secretary (Power) to the,  
Government of Himachal Pradesh.

To

1. The Director (Energy),  
Multistorey Parking, Second floor, Tutikandi, Shimla-05
12. The Managing Director,  
HPSEBL, Vidyut Bhawan, Shimla-04.
3. The Managing Director,  
HP Power Corporation Ltd., Himfed Building, BCS,  
New Shimla.
4. The Managing Director,  
HP Power Transmission Corporation Ltd.,  
Himfed Building, Panjri near old MLA Quarters,  
Tutikandi, Shimla.
- The Chief Electrical Inspector,  
Block No. 29, SDA Complex, Kasumpti, Shimla-09.
- The Secretary,  
HPERC, Vidyut Aayog Bhawan,  
Block No. 37, SDA Complex, Kasumpti, Shimla-09.

Dated, Shimla-2 the

23 November, 2024

Subject:

Proceedings of the meeting held under the Chairmanship of the Chief Secretary to the Government of Himachal Pradesh on 03-10-2024 to discuss the issue of counting of contract service for the purpose of seniority and other consequent benefits etc. arising out of various judgments delivered by the Hon'ble Courts.

Sir,

I am directed to enclose herewith a copy of letter No. PER (AP)-C-E(3)-21/2023 dated 05-10-2024 alongwith its enclosure received from the Under Secretary (Personnel) to the Government of Himachal Pradesh on the subject cited above and to request you to look into the matter and take further necessary action accordingly.

Yours faithfully,

(Arindam Chaudhary)  
Special Secretary (Power) to the  
Government of Himachal Pradesh.

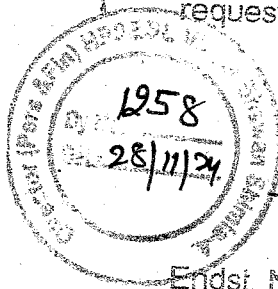
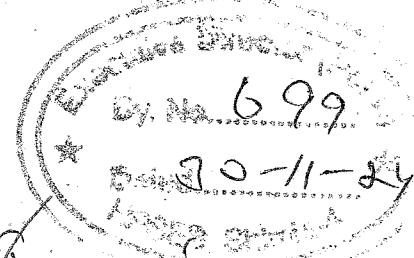
November, 2024

Copy is forwarded to the Under Secretary (Personnel) to the Government of Himachal Pradesh w.r.t. his letter mentioned as above for information, please.

(Arindam Chaudhary)  
Special Secretary (Power) to the  
Government of Himachal Pradesh

R & E Dairy No.

Dated



By Secy  
I. Secy (NG)  
D.O. (NG)

30/11/24  
Copy forwarded to  
Secy, Dept. of Power  
for info on file

S-I/11/14 IV

No.PER(AP)-C-E(3)-21/2023  
Government of Himachal Pradesh  
Department of Personnel (AP-III)

From

The Secretary (Personnel) to the  
Government of Himachal Pradesh

To

1. Shri Kamlesh Kumar Pant, IAS  
Additional Chief Secretary (Forest) to the  
Government of Himachal Pradesh
2. Shri Onkar Chand Sharma, IAS  
Additional Chief Secretary (Tribal Development, Revenue, Jal  
Shakti Vibhag, Home & Vigilance) to the Government of  
Himachal Pradesh
3. Shri R. D. Nazeem, IAS  
Principal Secretary (Food Civil Supplies & Consumer Affairs,  
Transport, Industries) to the Government of Himachal  
Pradesh
4. Shri Devesh Kumar, IAS  
Principal Secretary (Urban Development, Town & Country  
Planning, Tourism & Civil Aviation, Housing, Finance  
Planning, Economics & Statistics, State Taxes & Finance,  
General Administration) to the Government of Himachal  
Pradesh
5. Ms. Nandita Gupta, IAS  
Chief Electoral Officer-cum-Secretary, (Election)
6. Dr. Abhishek Jain, IAS  
Secretary (Digital Technologies and Governance, Public  
Works, Finance, Planning, Economics & Statistics) to the  
Government of Himachal Pradesh
7. Ms. M. Sudha Devi, IAS  
Secretary (Health & Family Welfare, Personnel)  
to the Government of Himachal Pradesh
8. Ms. Priyanka Basu Ingty, IAS  
Secretary (Labour & Employment, Printing & Stationery,  
Fisheries, Youth Services & Sports) to the Government of  
Himachal Pradesh
9. Shri C Paulrasu, IAS  
Secretary (Administrative Reforms, Training & Foreign  
Assignment, Redressal of Public Grievances, Co-operation,  
Horticulture, Agriculture) to the Government of Himachal  
Pradesh
10. Shri Rakesh Kanwar, IAS  
Secretary (Chief Minister) Secretary (Education, Language  
Art & Culture, Animal Husbandry, Information & Public  
Relations, Secretariat Administration, Sainik Welfare, Multi  
Purpose Projects and Power, Non Conventional Energy  
Sources) to the Government of Himachal Pradesh

20.11.24

2. Anil

11. Shri Kadam Sandeep Vasant, IAS  
Secretary (Technical Education)  
to the Government of Himachal Pradesh
12. Shri Ashish Singhmar, IAS  
Secretary (Social Justice & Empowerment)  
to the Government of Himachal Pradesh
13. Shri Rajesh Sharma, IAS  
Secretary (Rural Development, Panchayati Raj)  
to the Government of Himachal Pradesh
14. Ms. Rakhil Kahlon, IAS  
Secretary (Ayush)  
to the Government of Himachal Pradesh
15. Shri Sharad Kumar Lagwal  
Legal Remembrance-cum-Secretary (Law)

Dated: Shimla-171002, the 5<sup>th</sup> October, 2024

Subject: - Proceedings of the meeting held under the Chairmanship of the Chief Secretary to the Government of Himachal Pradesh on 03.10.2024 to discuss the issue of counting of contract service for the purpose of seniority and other consequent benefits etc. arising out of various judgments delivered by the Hon'ble Courts.

Madam/Sir,

I am directed to enclose herewith a copy of proceedings of the meeting held on 03.10.2024 under the Chairmanship of Chief Secretary to the Government of Himachal Pradesh to discuss the issue of counting of contract service for the purpose of seniority and other consequent benefits etc. arising out of various judgments delivered by the Hon'ble Courts for information and necessary action please. A copy of advice dated 28.09.2024 tendered by the Law Department to the Food, Civil Supplies and Consumer Affairs Department in the matter is also enclosed for ready reference.

Yours faithfully,

*Ans*

(Sant Raj Puharta)  
Under Secretary (Personnel) to the  
Government of Himachal Pradesh  
Tel.: 0177-2628479  
October, 2024

Endst.No.PER(AP)-C-E(3)-21/2023 Dated: Shimla-2

A copy is forwarded to the Senior Private Secretary to the Chief Secretary to the Government of Himachal Pradesh, H.P. Secretariat, Shimla for information of the Worthy Chief Secretary.

Under Secretary (Personnel) to the  
Government of Himachal Pradesh.

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Proceedings of the meeting held under the Chairmanship of the Chief Secretary to the Government of Himachal Pradesh on 03.10.2024 to discuss the issue of counting of contract service for the purpose of seniority and other consequent benefits etc. arising out of various judgments delivered by the Hon'ble Courts.

The list of participants is at Annexure-A.

At the outset, the Chief Secretary welcomed the participants of the meeting and apprised the purpose of the meeting. It was apprised that legal challenges have emerged due to various orders passed by the Hon'ble Apex Court and Hon'ble High Court of Himachal Pradesh. The Hon'ble Courts in the matter of Contract employees has rendered their judgments for counting of contract services for seniority, increment, pension and other service benefits from the date of appointment.

It was deliberated that in majority of cases, the Hon'ble Courts are relied upon the judgment delivered on 03.08.2023 in the CWP No.2004 of 2017-titled as Taj Mohammad and others versus State of Himachal Pradesh & Ors. a/w CWP No.629 of 2018-titled as State of Himachal Pradesh and another versus Lekh Ram and others.

It was apprised that the judgment, dated 03.08.2023, was assailed before the Hon'ble Supreme Court of India by filing SLP No.25641-25642/2023-titled as State of H.P. and Others versus Lekh Ram and others, which was dismissed. Thereafter, a Review Petition was filed before the Hon'ble High Court of Himachal Pradesh which has also been dismissed vide order dated 05.09.2024. The Food, Civil Supplies & Consumer Affairs Department has taken-up the matter with the Law Department for opinion on the issue as to whether any legal remedy is available with them.

The LR-cum-Secretary (Law) to the Government of Himachal Pradesh has apprised that the SLP filed by the A.D. was dismissed by the Hon'ble Supreme Court of India in *limine*, i.e. without any speaking order, hence, the A.D. filed a Review Petition before the Himachal Pradesh High Court (HHC) which has also been dismissed. It was further added that a detailed advice has been tendered on the A.D.'s file and the A.D. has been advised to file SLP against the impugned judgments dated 03.08.2023 and

(131)

05.09.2024, given that the Review Petition was dismissed vide judgment dated 05.09.2024 primarily on the grounds of inordinate delay and the A.D. must clearly specify the merits of the case and explain the reason for the delay.

The Administrative Secretaries present in the meeting also briefed about the status of similar cases in their departments and revealed that in some cases the judgments have partially been implemented.

It has been decided that the cases relating to counting of contract services for seniority, promotion, increment and other service benefits from the date of appointment, relied upon the judgment delivered on 03.08.2023 in the CWP No.2004 of 2017-titled as Taj Mohammad and others versus State of Himachal Pradesh & Ors. a/w CWP No.629 of 2018-titled as State of Himachal Pradesh and another versus Lekh Ram and others or otherwise may be assailed on the analogy of case being pursued by the Food, Civil Supplies & Consumer Affairs Department.

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## Annexure-A.

1. **Shri Onkar Chand Sharma, IAS**  
Additional Chief Secretary (Tribal Development, Revenue, Jal Saniti Vibhag, Home & Vigilance) to the Government of Himachal Pradesh
2. **Shri R. D. Nazeem, IAS**  
Principal Secretary (Food Civil Supplies & Consumer Affairs, Transport, Industries) to the Government of Himachal Pradesh
3. **Shri Devesh Kumar, IAS**  
Principal Secretary (Urban Development, Town & Country Planning, Tourism & Civil Aviation, Housing, Finance, Planning, Economics & Statistics, State Taxes & Excise, General Administration, Government of Himachal Pradesh
4. **Dr. Abhishek Jain, IAS**  
Secretary (Digital Technologies and Governance, Public Works, Finance, Planning, Economics & Statistics) to the Government of Himachal Pradesh
5. **Ms. M. Sudha Devi, IAS**  
Secretary (Health & Family Welfare, Personnel) to the Government of Himachal Pradesh
6. **Shri Rakesh Kanwar, IAS**  
Secretary (Chief Minister) Secretary (Education, Language, Culture, Animal Husbandry, Information & Public Relations, Secretariat Administration, Sainik Welfare, Multi Purpose Projects and Power, Non Conventional Energy Sources) to the Government of Himachal Pradesh
7. **Shri Ashish Singhmar, IAS**  
Secretary (Social Justice & Empowerment) to the Government of Himachal Pradesh
8. **Shri Rajesh Sharma, IAS**  
Secretary (Rural Development, Panchayati Raj) to the Government of Himachal Pradesh
9. **Shri Sharad Kumar Lagwal**  
Legal Remembrance-cum-Secretary (Law)

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N/53 (ante):

54- "Examined in the Law Department. This department has gone through the proposition raised by the AD at Ns./15-53 (ante). The matter in hand is regarding counting of contractual service for the purpose of seniority and other consequential benefits.

55- The facts of the case are that during 2010 and 2011, 23 Inspectors Gr.-1 were recruited on a contract basis in the Department of Food Civil Supplies and Consumer Affairs and were regularized after completing five years of service. In 2010, the Recruitment and Promotion (R&P) Rules for the said post were amended, wherein 25% of the positions were earmarked for promotion from the clerical cadre and 75% for direct recruitment. A seniority list of Inspectors Gr.-1 was circulated on December 31, 2015, placing promotee Inspectors above those appointed through direct recruitment on a contract basis, as the direct recruits had not been regularized at that time. The direct recruits filed O.A. No. 3337/2017, titled Lekh Ram and Others vs. State of H.P. and Another, requesting that their seniority be granted above the promotee incumbents.

56- The learned Tribunal decided the case in favor of the applicants. The judgment of the learned Tribunal was challenged by the respondent State before the Himachal High Court (HHC) in CWP No. 629/2018, titled State of H.P. v. Lekh Ram & Ors. The promotee Inspector also filed CWP No. 2004/2017, titled Taj Mohammad v. State of H.P. and Ors. Both petitions, CWP No. 2004/2017 (Taj Mohammad v. State of H.P. and Ors.) and CWP No. 629/2018 (State of H.P. v. Lekh Ram & Ors.), were decided by the HHC through a common judgment dated August 3, 2023 based on the ruling in the case of Narender Singh Naik. The record indicates that the AD did not implement the judgment delivered in Narender Singh Naik's case: instead, it rejected the claim of petitioner Sh. Narender Singh Naik through detailed speaking orders dated April 6, 2018. Narender Singh Naik's case was based on the judgment of the Hon'ble Apex Court rendered in the Direct Recruit's case. The AD found that both cases were quite different. Considering such finding, this department advised the AD to file a Special Leave Petition (SLP) before the Hon'ble Supreme Court against the impugned judgment dated August 3, 2023. Accordingly, the AD filed SLP No. 25641-25642/2023, titled State of H.P. and Ors. v. Lekh Ram and Others. Such SLP was dismissed by the Hon'ble Supreme Court in *limine*, i.e., without any speaking order, hence, the AD filed a Review Petition before the Himachal Pradesh High Court (HHC).

# हिमाचल प्रदेश सरकार

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The AD has now stated that the review petition has been dismissed. Consequently, the AD has referred the matter for opinion of this department on the issue as to what legal remedy is now available with them.

In this context it is pertinent to mention here that the judgment delivered by Hon'ble Apex Court in S.Narahari & Ors. v. S.R.Kumar & Ors. is relevant in the instant case which has been referred to larger Bench for the issue of "whether review lies in the Hon'ble High Court when the SLP is dismissed in *limine*"

In view of the above backdrop, it is crystal clear that the option of filing a subsequent SLP would still persist even after the matter has been referred to a larger bench of the Hon'ble Apex Court. Since the judgment delivered in the aforementioned case suffers from infirmities, the AD may file the SLP against the impugned judgments dated August 3, 2023, and September 5, 2024, by entrusting the case to a senior advocate of the Supreme Court with extensive experience in service matters. Given that the Review Petition was dismissed (vide judgment dated September 5, 2024) primarily on the grounds of inordinate delay, the AD, while filing the SLP, must clearly specify the merits of the case and explain the reasons for the delay.

This has the approval of Legal Remembrancer

JLR-cum-Joint Secy. (Law) to the  
Government of Himachal Pradesh

Pr. Secretary (FCS & CA)

28/09/24

SO (FCS & CA)

LS (FCS & CA)

03/10/24

SO (FCS & CA)

Sh. Khimod

01/10/24

03/10/24

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