

HP STATE ELECTRICITY BOARD LIMITED

(A State Government Undertaking)

Head Office: Vidyut Bhawan, Shimla-71004.

Phone No. : 0177-2801706 email id:

md@hpseb.in**“O R D E R”**

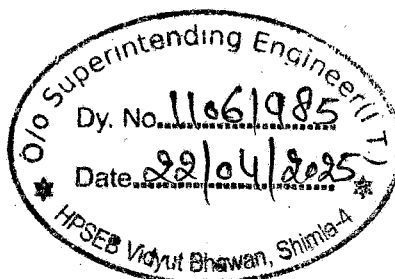
WHEREAS the Petitioner namely Sh. Sewak Ram S/O Late Sh. Nokhu Ram, R/O Village & Post Office Barsu, Tehsil Balh, Distt. Mandi, HP presently working as Sr. Assistant has filed CWP No. 2516 of 2025 before the Hon'ble High Court of HP at Shimla, praying therein for the following reliefs:

“a) That writ in the nature of certiorari may kindly be issued and impugned transfer order (Annexure-P-1) dated 06.02.2025 may kindly be quashed and set aside qua petitioner.

b) That writ in the nature of Mandamus may kindly be

Forma-pl.
Sr. Asst-1
16/04/25

GT2014
Sr. Asst-1 (37)



issued directing the Respondents to allow the Petitioner to work as a Sr. Assistant in the office of Chief Engineer (Gen) Himachal Pradesh State Electricity Board Limited, Sundernagar, Distt. Mandi HP etc.etc.”

AND WHEREAS the Writ Petition aforesaid came up for hearing before the Hon’ble High Court of HP at Shimla on 21.2.2025 when the Hon’ble Court has been pleased stay the operation of the impugned order, the operative part whereof reads as under:

“Accordingly the operation of impugned order dated 06.02.2025 (Annexure-P-1) transferring the petitioner as Sr. Assistant from O/O Chief Engineer (Gen) HPSEB Ltd. Sundernagar to O/O F & A Wing HPSEBL Shimla shall remain

stayed, qua the petitioner, till the next date of hearing.”

AND WHEREAS the Writ Petition aforesaid again came up for hearing before the Hon’ble High Court of HP at Shimla on 18.03.2025 when on the basis of instructions filed in the matter CWP No. 2270 of 2025, the Hon’ble Court has been pleased to pass the following orders /directions:

“Learned counsel for the Respondents submits that in view of instructions dated 06.03.2025, which were placed on record of CWP No. 2270 of 2025 that the Respondents-HPSEBL is willing to consider the case of the Petitioner for his adjustment as per these instructions.

Let the Petitioner submit representations to Respondent No.1 within two days, where-after, the same be examined by Respondent

No.2/ competent authority within a week.

List these matters on 22.03.2025 when fresh status report shall be filed by the respondents.

Interim orders to continue till next date of hearing.”

AND WHEREAS the Petitioner was under a direction to submit the representation vide order dated 18.3.2025 but the Petitioner has not tendered any representation in pursuance of the aforesaid orders/directions passed by the Hon'ble High Court of HP at Shimla in his writ petition.

AND WHEREAS the Writ Petition aforesaid again came up for hearing before the Hon'ble High Court of HP at Shimla on 22.03.2025 when the Hon'ble Court has been pleased to pass the following orders /directions:

“Learned counsel for the respondents states that the

representation of the petitioner has not been received by them as yet.

Learned counsel for the petitioner submits that the petitioner had represented through proper channel within the time indicated in the previous order.

Hence, list the matter after ten days in terms of order dated 18.03.2025.

Interim order to continue till the next date"

AND WHEREAS the Petitioner has since tendered his representation in pursuance of the aforesaid orders/directions dated 18.03.2025 passed by the Hon'ble High Court of HP at Shimla in his writ petition.

NOW, THEREFORE, the competent authority taking into account the averments made by the Petitioner in his writ petition and taking

into account the orders/directions dated 18.3.2025 proceeds to decide as follows:

1. That according to the Petitioner he has been working in the office of Chief Engineer (Gen), HPSEBL Sundernagar since 20.4.2022 and has been transferred vide impugned order dated 6.2.2025 to the Finance and Accounts Wing of the HPSEB Ltd. at Shimla without allowing him to complete his normal tenure of posting at Sundernagar. The Petitioner has further contended that impugned order of transfer has been passed with mala-fide intention just to harass the petitioner and his family and that the impugned transfer order has been issued in an arbitrary and discriminatory manner in as much as according to the Petitioner there are some officials on same post as petitioner who are at one place since beginning and has longer stay but these incumbents has not been transferred despite the fact that they have overstay at one place. The Petitioner has also contended that his

transfer has been ordered when there is complete ban on transfer vide notification dated 02.08.2024 and as per the said notification, if any transfer has to be made, that can be only done with the prior approval of the Hon'ble Chief Minister and that the impugned order has been issued without any approval of the Hon'ble Chief Minister. Petitioner further states that his mother is 88 years old and is suffering from chronic disease. In his representation dated 29.03.2025, the Petitioner has stated that he is willing for his adjustment in the O/o Sr. Executive Engineer, Electrical Division, HPSEBL, Sundernagar or in the O/o Sr. Executive Engineer, Electrical Division, HPESBL, Mandi.

2. The matter has been considered by the competent authority. It is noted here that the statutory regulatory authority namely HP Electricity Regulatory Commission in its Tariff Orders has rendered various directives for curtailment of the employee cost which

ultimately affects the fixation of the tariff in as much as per HPIERC the employee cost in the HPSEB Ltd. is one of the highest in the country. In para No. 10.3.17 of the MYT Order for 5th Control Period (FY 2025-29) the Id. Commission have identified some of the offices/ Units of the HPSEB Ltd. that have become redundant in view of the technological advancements and or the services of which can be easily outsourced. The Id. Commission pointed out that many HPSEB Ltd. office namely Design, PLCC, M&T, P&T, S&I etc. have become redundant in today's time and the HPSEB Ltd. must come up with a road map for reducing its high employee cost. It was also stressed by the Id. Commission that in case suitable actions are not taken by the HPSEB Ltd. to reduce this cost, the Commission shall be constrained to cap it based on its own analyses and benchmarking from the next year. It was also decided by the Commission that from FY 2023-24 onwards,

the part of the cost of the offices/ Units namely Design, PLCC, M&T, P&T, S&I etc. shall not be allowed in the Annual Revenue Requirement (ARR). The HPSEB Ltd. was also directed to record the cost of these Units/ Offices separately in its Accounts and to furnish proper justification for these offices/ Units. It is also directed by the Id. Commission that it shall allow the cost after doing proper prudence check in respect of these Units/ Offices from FY 2023-24 onwards. In para-12.2.6 of the MYT Order for 5th Control Period (FY-25-29) the Id. Commission directed the HPSEB Ltd. to submit a road map for reduction in employee cost within one month from the issuance of Tariff Order. Hence the HPSEB Ltd. have to initiate the process of re-organisation/ restructuring/ rationalization of staff strength/ posts in its existing Units aimed at reducing the employees cost. In the first phase, the proposal for the restructuring of Civil Wing of the HPSEB Ltd was placed

before the Whole Time Directors of the HPSEB Ltd. for consideration and decision in its 127th meeting held on 10th August, 2023 and in pursuance of the approval having been accorded by the competent authority the HPSEB Ltd has already issued orders for abolishment of 286 posts under the Civil Wing. Further, a High Power Committee was also constituted vide Office Order No. 35 dated 13.12.2024, with a partial modification on 16.12.2024 to rationalise the existing yardsticks and staff norms for the offices of ESD/Division/Circles and CEs under the Operation Wing. The main objective was to enhance efficiency, improve productivity and deliverance of low-cost power to the consumers. The said committee have convened many meetings for the purpose and developed revised yardsticks and staffing norms for the Sub-Division, Division, Circles and CEs offices. In response to the directives of Id. HPERC, the

CE (Gen) has submitted a report, identifying 589 posts across various categories as surplus. Additionally a proposal was submitted for the transfer of 135 surplus incumbents from the Generation Wing to Units in need within HPSIB Ltd. Further an additional requirement for 163 posts was identified, which is to be met through diversion or rationalisation within the existing units under the Generation Wing. A separate proposal was also submitted for the transfer of 76 incumbents from Small Power Houses to Large Power Houses within the Zone under the Generation Wing. The matter was also placed before the Board of Directors (BoDs) of HPSIBL in its 73rd meeting against Agenda Item No. 73.21 wherein the proposal for rationalisation of manpower under the Generation Wing was approved. In compliance to the approval of the Board of Directors and after obtaining the approval of the competent authority in the Govt. necessary orders were issued vide

Notification No. 43 dated 06.02.2025 (Annexure-1), vide which certain existing units under Generation Wing were closed/merged and clubbed. As per the aforesaid decision 589 posts across various offices/Units under the Generation Wing have been declared surplus and transferred to the surplus pool of the Board Sectt. where they shall remain in abeyance. It is further noted here that the employer has inherent right to re-organise its business and manpower requirement in the exigencies of service in public interest. The process of rationalisation has been initiated aimed at reducing the employee cost so that the electricity tariff also gets reduced and the people also get the electric supply on the low prices in as much as employee cost is one of the factor in the determination of the tariff. In this process the impugned order bearing No. 200 dated 06.02.2025 (Annexure-P-1) has been issued. The Petitioner was posted in the office of Chief

Engineer (Gen) HPSIBL, at Sundernagar, in which office there were 9 No posts of Sr. Assistant sanctioned out of which 4 No posts of Sr. Assistant have since been abolished. The Petitioner herein has since completed a period of 3 years at the present place of posting and thus has completed the normal tenure of posting. The Petitioner has been posted at Shimla where there is State level Medical College and Hospital located and the Petitioner can get his ailing mother treated in a better way. It is further noted here that since the Petitioner in accordance with law has to be shifted from the present place of posting i.e. Sundernagar due to rationalisation of the posts in order to reduce its employee cost as per the directive of the Id. HPERC, therefore, instead of serving the notice to the Petitioner in accordance with law that his services are no longer required, the petitioner has been adjusted in F&A Wing where his services are needed in view of the fact that 33 posts of Sr.Asstt. are lying

vacant in F&A Wing and the work is suffering badly. Thus his services can be utilised in a gainful manner in the exigencies of service and in the interest of Board's work in F&A Wing. The Petitioner herein is having long service tenure and have completed the normal tenure of posting at Sundernagar. Moreover, as per the agreed terms and conditions of service, the Petitioner has undertaken to serve the organisation of the Respondents-IIPSEB Ltd. anywhere in the State of IIP or where the Respondent-IIPSEB Ltd. is having its organisational interests. The petitioner cannot seek his adjustment at the place of his choice as a matter of right. 'Who should be posted where' is within the ambit and domain of the employer and since the petitioner has to be shifted vide impugned order consequent upon the rationalisation and abolition of the posts of Sr. Assistant in the office of CE (Gen), IIPSEB Ltd Sundernagar for which the approval of the

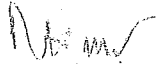
competent authority in the Govt. stood obtained, therefore, the action of the Respondents-HPSEB Ltd. is perfectly legal, intra-vires, bona-fide one in the facts and circumstances stated herein above. Moreover, the rationalisation of other Wings is also under consideration of the competent authority and hence the Petitioner has been adjusted in F&A Wing taking into account the work requirement in the said office. Therefore, the request of the Petitioner for his adjustment in the office of Sr. Executive Engineer, Elect. Division, HPSEBL, Mandi or Sr. Executive Engineer, Elect. Division, HPSEBL, Sundernagar cannot be acceded to for the present.

However, the claim of the petitioner has been considered by the competent authority taking into account the entire facts and circumstances that has emerged and noted herein above and hence it has been considered prudent not to post and or adjust any Sr. Assistant in the

office(s) of (OP) Wing at Mandi and
Sundernagar for the present.

The representation of the petitioner is
disposed of accordingly.

By order and on behalf of,
Competent authority.


Under Secretary (NGE),
IIPSEBL, Shimla-17104.

(Registered/Speed Post)


To

Sh. Sewak Ram, Sr. Asstt.
R/O VPO Barsu, Tehsil Balh,
Distt. Mandi, IIP.

No. IIPSEBL(Sectt)/NGE/6-114/2025-2936-63 Dated: 11-4-25

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

- 1) The Chief Engineer (Gen), IIPSEBL,
Sundernagar.
- 2) The Chief Accounts Officer, F&A Wing,
IIPSEBL, Shimla.
- ✓ 3) The Superintending Engineer (IT),
IIPSEBL, Shimla.
- 4) PS to MD/Director (Pers.)/ED (P) Shimla-4.
- 5) Office Order/ Guard file.


Under Secretary (NGE),
IIPSEBL, Shimla-17104.

IT Cell HPSEBL, V.B. Shimla-4

Sr. EE/ASE (IT-I)

Sr. EE/ASE (IT-II)

APS/Steno