



Himachal Pradesh State Electricity Board Limited (A State Govt.undertaking)

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"ORDER"

WHEREAS, the petitioner namely **Sh.Nishant Kaundal** son **Sh.Ramesh Chand** presently working as **Jr.Helper(PHE)(Regular)** in **Bhaba Power House Division, HPSEBL, Bhabanagar** under (Gen)Circle, Bhabanagar had filed a **CWP No.5390 of 2020** in the Hon'ble High Court of HP Shimla and the aforesaid CWP came up for hearing before the Hon'ble High Court of HP Shimla on **24-11-2020**, when the following orders were passed:-

"Accordingly, we dispose of the petition with a direction to the petitioner to make a representation within one week from today clearly setting out five stations of his choice, out of which one station has essentially to be out of his home District. On receipt of such representation, respondent shall consider and decide the same and pass necessary orders of transfer within a further period of three weeks."

For compliance, list on 22-12-2020."

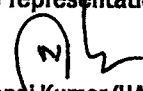
AND WHEREAS, the petitioner has submitted the certified copy of orders dated 24-11-2020 passed by the Hon'ble High Court of HP in CWP No-5390/2020 together with representation dated 25-11-2020 stated therein the stations of his choice as follows:-

- (i) Baner Power House Division, Jia
- (ii) Khaul Power House Division, Shahpur
- (iii) Gaj Power House Division, Gharoh
- (iv) Binwa Power House Division, Utrala
- (v) Bassi Power HOUSE Division, Jogindernagar

NOW THEREFORE, the undersigned taking into account the representations of the petitioner, orders passed by the Hon'ble Court proceeds to decide as follows:-

1) That as per R&P Regulations, applicable, the post of Jr.Helper (PHE) is a Circle level cadre post and the cadre/seniority of Jr.Helper (PHE) is maintained at Circle level, as such, Jr.Helper (PHE) can not be transferred out of his Circle. Moreover, the post of Jr.Helper (PHE) is filled up 100% by direct recruitment, as such, model roster of reservation is also affected in a particular Circle, if transfer of the Incumbent/petitioner from one Circle to another Circle of the HPSEBL is considered. The petitioner is borne on the cadre strength of (Gen) Circle, Bhabanagar. The station of choice tendered by the petitioner herein above are all out of the Generation Circle Bhabanagar and consequently the petitioner cannot be transferred and posted in another circle in as much as the dispute of seniority may arise, which may result into litigation. Hence, out of Circle transfer may not be legally feasible. However, the petitioner is holding the post of Jr.Helper (PHE) (on regular basis) in Bhaba Power House Division, HPSEBL, Bhabanagar under (Generation) Circle, Bhabanagar, as such, the petitioner is hereby

transferred from hard area i.e. Bhaba Power House Division, HPSEBL, Bhabanagar and posted in Ghanvi Power House Division, HPSEBL, Jeori under (Gen) Circle, Bhabanagar within the same Circle being the soft area against equivalent post with TTA/JT with immediate effect. The representation of the petitioner is disposed of in terms of above.


(Manoj Kumar (HAS)
Executive Director (Pers),
H.P. State Electricity Board Ltd.,
Kumar House, Shimla-4.

Registered;
Sh. Nishant Kaundal S/O Sh. Ramesh Chand,
Resident of Village-Sugnara, PO-Nagrota Surian,
Teh-Jawall Distt. Kangra (HP) presently
working as Jr. Helper (PHE) (on regular basis) under Bhaba PHD, Bhabanagar.

No. HPSEBL (SECTT) FTE-2/321-6(CWP No. 5390/2020)/2020- 55290-97 Dt. 21-12-2020
Copy forwarded to the following for favour of information and necessary action please:-

1. The Chief Engineer (Gen) HPSEBL, Sundernagar.
2. The Superintending Engineer (Gen) Circle, HPSEBL, Bhabanagar.
3. The Superintending Engineer (IT-Cell) in Board's Sectt. Shimla-4 for uploading the same on the website of HPSEBL.
4. The Resident Engineer Bhaba Power House Division, HPSEBL, Bhabanagar. *He is directed to intimate that it is your responsibility that the above petitioner may be informed accordingly well in time, as well as relieved from his duties immediately, being court matter.*
5. The PS/APS to the ED (Pers) in Board's Sectt. Shimla-4.
6. Sh. Lakshay Thakur, Advocate, SC-Cum-LA of HPSEBL in the Hon'ble High Court of HP at Shimla-1 w.r.t. above please.
7. Guard file/office order's file.


Executive Director (Pers),
H.P. State Electricity Board Ltd.,
Kumar House, Shimla