



HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED

(A State Govt. undertaking)

Registered office: Vidyat, Bhawan, HPSEBL, Shimla-4(H.P)

Number (CIN): U40109HP2009SGC0312SS

GST No. : HPSEBL 02 AACCH4894EHZB

Telephone Number : 0177-2803600, 2801675 (Office), 2658984 (Fax)

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No. HPSEBL(Sectt.)LS/Gen. Vol. No. IX/2019-20 / - 1319-1469 Dated: 25/11/2019.
To

1. All The Chief Engineer(s) in HPSEBL.
2. All the Superintending Engineer(s) in HPSEBL.
3. All the Sr. Executive Engineer(s) in HPSEBL.

Sub: Orders passed by the Hon'ble High Court HP in COPC No. 162/2019 titled as Rajinder Kumar Vs. Jagdish Chander.

Sir,

In connection with above, enclosed please find a copy of letter bearing No. MPP-F(10)-2/ 2019 dated 08-11-2019 received from the Special Secretary(Power) to the Govt. of HP together with the copy of letter dated 17-10-2019 received from Under Secretary (PW) to the Govt. of HP and also the copy of orders dated 03-10-2019 passed by Hon'ble High Court of HP, for favour of your reference, record and ensuring strict compliance thereof please .

Ends:- As above.

Yours faithfully,

(Dr. AK Sharma)
Executive Director (Pers.),
HPSEBL, Shimla-4

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

1. The Managing Director, Beas Valley Power Corporation Ltd. Jogindernagar, HP.
2. The Special P.S./ Sr. P.S./ P.S. / to the MD/ Director(s)/ Executive Director(Pers.) , HPSEBL, Shimla-4.
3. All the Dy. Secretaries/ Under Secretaries in the Board Secretariat.
4. The Dy. Director (PR)/ IR/ PO, HPSEBL, Shimla-4.
- ✓ 5. The Superintending Engineer (IT), HPSEBL, Shimla-4 for uploading the same in the website of HPSEBL.

Ends:- As above.

(Dr. AK Sharma)
Executive Director (Pers.),
HPSEBL, Shimla-4

COURT MATTER

File No: MPP-F(10)-2/2019
Government of Himachal Pradesh,
Department of MPP & Power

From

The Principal Secretary (Power) to the
Government of Himachal Pradesh

To

1. The Director of Energy,
Shanti Bhawan, Phase-III, Sector-6,
New Shimla, Shimla-171009.
2. The Managing Director,
H.P. State Electricity Board Limited,
Vidyut Bhawan, Shimla-171004
3. The Managing Director,
H.P. Power Transmission Corporation Limited,
Near old MLA Quarters,
Tutikandi, Shimla-171005.
4. The Managing Director,
H.P. Power Corporation Limited,
Himfed Building, BCS,
New- Shimla, Shimla-171009
5. The Secretary,
H.P. Electricity Regulatory Commission,
SDA Complex,
Kasumpti, Shimla-171009.
6. The Chief Electrical Inspector,
Block No. 29, SDA Complex,
Dated : Shimla-2, the

02-11-2019

Subject:

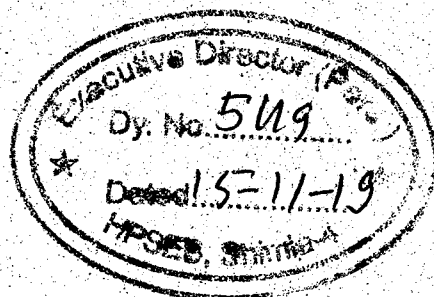
Orders passed by the Hon'ble High Court, H.P in COPC No. 162/2019
titled as Rajinder Kumar Vs. Jagdish Chander.

Madam/Sir,

I am directed to invite your attention towards letter No. PBW-A-E(1)-123/2019 dated 17/10/2019 (copy enclosed alongwith enclosures) addressed to this department as well as to you amongst others received from o/o Under Secretary(PW) to the Government of Himachal Pradesh on the subject cited above and to request you to strictly comply with the orders passed by the Hon'ble High Court on 03/10/2019 in COPC No. 162/2019.

Yours faithfully,

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



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24-10-2019

COURT MATTER

No. PBW-A-E(1)-123/2019
Government of Himachal Pradesh
Public Works Department

From

The Chief Secretary to the
Govt. of Himachal Pradesh.

To

SSC (M/H/2000) ✓
22/10/19

So(P)
23/10/19

1. All the Administrative Secretaries,
Himachal Pradesh.
2. All the Head of Departments,
Himachal Pradesh.
3. All the Div. Commissioners in HP.
4. All the Deputy Commissioners in HP.

Dated Shimla-2, the 17th October, 2019.

Subject: Orders passed by the Hon'ble High Court, HP in COPC No. 162/2019 filed as Rajinder Kumar Vs. Jagdish Chander.

Sir,

I am directed to refer to the subject cited above and to say that it has come to the notice of the Government that irrespective of attaining finality, the Court judgments/orders are not being implemented by the departments resulting driving the beneficiary of such judgment to another round of litigation by resorting to file either an execution petition or contempt petition. The Hon'ble High Court has taken serious view of this fact and has passed orders on 3rd October, 2019 in COPC No. 162/2019 titled as Rajinder Kumar Vs. Jagdish Chander that litigants are not compelled and forced to resort to another round of litigation, copy of which is enclosed herewith for your information.

You are, therefore, requested to ensure compliance of the orders passed by the Hon'ble Court in letter and spirit.

This may be given PERSONAL ATTENTION.

Yours faithfully,

Encl. As above.

(Balbir Singh)

Under Secretary (PW) to the
Government of Himachal Pradesh

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Smt + DT

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COPC No. 162 of 2019.

03.10.2019. Present: Ms. Salochna Rana, Advocate, for the petitioner.

Mr. Vinod Thakur, Additional Advocate General with
Mr. Bhupinder Thakur, Deputy Advocate General, for
the respondent.

This case reflects a sordid state of affairs that is
existing in the State of Himachal Pradesh with regard to
implementation of the orders passed by the Courts that have
attained finality right up to the Hon'ble Supreme Court.

2. The petitioner, initially, approached the erstwhile
Tribunal with regard to his grievances and on closure
thereupon, his petition was transferred to this Court and
registered as CWP(T) No. 11484/2008 and the same was
allowed on 21.03.2012 in the following terms:

*"Consequently, the petition is allowed to the limited
extent that the petitioner shall be entitled to salary of
Clerk w.e.f. 1st December, 1997 to 28th February, 2004.
The difference between the salary received by the
petitioner and salary payable to the Clerk shall also be
paid to him latest by 31st July, 2012, failing which the
State shall be liable to pay interest at the rate of 9% per
annum right from the year 1997 till date."*

3. The aforesaid judgment was challenged by the
State by filing LPA No. 516 of 2012, however, the same came
to be dismissed vide judgment dated 26.11.2013. The State
thereafter assailed the judgment passed in LPA by filing SLP
before the Hon'ble Supreme Court, however, the same was
dismissed with certain observations vide judgment dated
13.05.2015.

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4. There can be no doubt that in case aggrieved the State is well within its right to assail the judgments passed by the Courts. But, once the *lis* has attained finality right up to the Hon'ble Supreme Court, then, I see no reason why the State should not graciously implement the same, rather than driving the beneficiary of such judgment to another round of litigation by resorting to filing either an execution petition or by filing contempt petition.

5. As observed above, the SLP was dismissed by the Hon'ble Supreme Court on 13.05.2015, however, the same has not been implemented till date.

6. Non-implementation of the orders makes a mockery of the process of law and the effect whereof erodes the faith and respect of the general public in the orders/directions of the Courts.

7. The perception of "the law" as Mr. Bumble (in *Oliver Twist-Charles Dickens*) said "the law is a ass- a idiot" will be cemented if those entrusted and duty bound to obey the orders, fail to comply with the same. This will lead to complete anarchy and result in complete break down of law and order.

8. The respondent prays for and is granted two weeks' further time to implement the same, failing which, the respondent shall personally appear before this Court to answer the charges that may be framed against him.

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E/C

9. Let a copy of this order be sent to the Chief Secretary to the Government of Himachal Pradesh for onwards circulation to all the concerned, so that the litigants are not compelled and forced to resort to another round of litigation.

10. It is made clear that this otherwise is a fit case where exemplary cost needs to be imposed on the State, but with great reluctance, this Court refrains from doing so.

11. List on 17.10.2019.

3rd October 2019.
(krt)

(Tarlok Singh Chauhan)
Judge