



OFFICE ORDER NO. 30 /HPSEBL(SECTT.)//2022-

Dated:- 05⁰⁵/₂₀₂₂

Subject:- Approval for appointment of Shri Prem Dutt As Junior T/Mate on Contract basis.

92

In pursuance of the judgement dated 29th November, 2021 passed by the Hon'ble High Court Shimla against CWP No. 1406 of 2021 read with order dated 27th day of April, 2022 passed in Civil Original Petition contempt No. 04 of 2022 titled Shri Prem Dutt VS HPSEBL, and on the recommendations of the Departmental Selection / Screening Committee constituted for making the appointments to the posts of Junior T/Mate (Class-IV posts), approval is hereby conveyed for the appointment of 01 Nos. candidate as Junior T/Mate (Class.-IV post) purely on Contract basis in the pre-revised pay band of Rs. 4900-10680+1300 Grade pay as per R&P Regulations notified by the HPSEBL. However, he will be paid monthly fixed Contractual Emoluments of Rs. 8150/- per month(i.e. Min. PB + GP +an amount equal to

150% Grade Pay) as per policy of GoHP adopted by HPSEBL, falling in the share of OBC (BPL/ANT) in accordance with model roster notified by the Govt. of H. P. and further adopted by the HPSEBL against the vacant post of T/Mate in the office of the Sr. Executive Engineer, ED, Parwanoo under administrative control of the Superintending Engineer, Operation Circle, HPSEBL, Solan /Chief Engineer(OP) South, HPSEBL, Shimla as per the terms and conditions mentioned below:-

Sr. No.	S.N. of Concerned CE	NAME	FATHER/MOTHER NAME	Date of Birth	ADDRESS	DISTRICT	Category	TOTAL MARKS	Cadre controlling authority	Place of posting
1.	RSZT 8081	PREM DUTT	HUKMI RAM	12-01-1997	Village : Borar P.O. Koti Bounch Tehsil Rohnot	Sirmour	OBC(BPL/ANT)	75.60	ED, Parwanoo	ED, Parwanoo

91/ The Petitioner shall be entitled to seniority from the date persons junior to him has been appointed in the concerned Division.

The appointment order shall be issued by the respective cadre control authority strictly as per the eligibility criteria prescribed in the R&P Regulations in vogue for the category of Petitioner (**Specimen Performa of Appointment Memo attached at Annexure-“A” and Contract agreement attached at annexure-“B”**) as per allocation made in the column

No. 11 of said list. **The appointment orders shall be issued immediately on receipt of this approval.** The appointing authority is also directed to complete all the codal formalities to maintain the service records of candidate in case he joins the service. The terms and conditions as notified vide this office notification No. HPSEBL (SECTT.)/R&E/ 106-10/2006-86012-213 dated 07-12-2007, dated 22-05-2012, dated 21-06-2013, 23-04-2014 and 01-07-2015 for contractual appointments shall be followed strictly. It will be the responsibility of the Appointing Authority to check/ verify the related certificates i.e. Caste / Academic / Technical qualification certificates and DOB etc. as per R&P Regulations notified by the HPSEBL before accepting their joining and to ensure that other terms and conditions are fulfilled as per instructions. The cadre-controlling authority will maintain the category wise roster of the candidates at their own level.

It is further ordered that the petitioner if accept the offer of appointment, may be posted directly in the concerned Electrical Section in the Electrical Division under the administrative control of the Operation Wing where the acute shortage of staff is being faced.

The other terms and conditions appearing in the above referred order shall be remained unchanged.

The above appointment /posting of the Petitioner shall be subject to final outcome of LPA filed in the Hon'ble High Court titled HPSEBL VS Prem Dutt.


 (MANOJ KUMAR)(HAS)
 Executive Director (Pers.)
 HPSEBL, Vidyut Bhawan,
 Shimla-4. At Trusts

NO. HPSEBL(SECTT.)/HRD/2-12/2021-10344-53 Dated:-05/05/2022

Copy forwarded for information and necessary action to:-

- 1 The Chief Engineer(OP) South , HPSEBL, Shimla .
- 2 The Chief Accounts Officer HPSEBL Shimla.
- 3 The Resident Audit Officer, HPSEBL Shimla.
- 4 The Superintending Engineer, Operation Circle, HPSEBL, Solan
- 5 The Superintending Engineer(IT) for uploading the same in the official website of HPSEBL.
- 6 The Sr. Executive Engineer, ED, HPSEBL, Parwanoo for taking necessary action , however photo copy of judgement dated 29th November, 2021 passed by the Hon'ble High Court Shimla against CWP No. 1406 of 2021 and order dated 27th day of April, 2022 passed in Civil Original Petition contempt No. 04 of 2022 titled Shri Prem Dutt VS HPSEBL are enclosed for taking necessary action.
- 7 The Under Secretary(FTE) and Section Officer(FTE) in the Board Secretariat.
- 8 Guard file in this office.


 (MANOJ KUMAR)(HAS)
 Executive Director (Pers.)
 HPSEBL, Vidyut Bhawan,
 Shimla-4. At Trusts

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ANNEXURE-"A"

 HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED	
(A State Government Undertaking)	
Registered Office	: Vidyut Bhawan, HPSEBL, Shimla-171004. (H.P).
Corporate Identity Number (CIN)	: U40109HP2009SGC031255
Telephone No	: 0177-2803600, 2801675(Office), 2813563(Fax)
Website Address	: www.hpseb.in
E-mail	: cmd@hpseb.in & directorfa@hpseb.in

MEMORANDUM

In pursuance of the judgement dated 29th November, 2021 passed by the Hon'ble High Court Shimla in CWP No. 1406 of 2021 and order dated 27th day of April, 2022 passed in Civil Original Petition contempt No. 04 of 2022 titled Shri Prem Dutt VS HPSEBL and another the Executive Director (Pers.) Vidyut Bhawan, Shimla-4 office order No. _____ dated _____ further endorsement No. _____ dated _____ Dated:- _____, the petitioner of Shri Prem Dutt (Ref. No. _____) is hereby offered appointment as **Junior T/Mate** (Class-IV) post in the share of OBC(BPL/ANT) quota purely on Contract Basis in HPSEBL in the Pay Band-AI CPB-4900-10680+1300 grade pay **+an amount equal to 150 % of grade pay** with fixed Contractual Emoluments of Rs.8150/- per month strictly as per the provisions of R & P rules and in accordance with model roster notified by the H.P. Govt. and adopted by HPSEBL on the following terms & conditions.

1. He will be paid consolidated monthly emoluments @ **Rs.8150/-** (indicate basic pay of initial; pay scale of the post) i.e. Rs.4900+10680 +1300 GP **+an amount equal to 150 % of grade pay** with consequently benefits as per order passed by the Hon'ble High Court. He /She shall not be entitled for any other allowance whatsoever to the employee of the State Govt. / Board from time to time.
2. The appointment shall be purely on contractual basis for a period of one year from the date of joining the post.
3. His age should be between 18 to 30 years as on **01-04-2020**. Upper age limit is relaxable by five years for candidates belonging to Scheduled caste, Scheduled Tribe and Other Backward Classes and Children /Grand Children of Freedom Fighters of Himachal Pradesh and Economically Weaker Sections. The Upper age relaxation is also available to Ex-servicemen candidates of H.P. as per provision of relevant rules / instructions of H.P. Govt.
4. His appointment will be subject to the production of medical certificate of fitness from the **Chief Medical Officer** of the Govt. Hospital.
5. The appointment shall further be subject to terms & conditions of attached form of Contract/ agreement bond (**Annexure-"B"**) which are to be executed between the candidate and HPSEBL (Appointing Authority) on stamp paper valuing Rs. 5/- only duly attested.
6. He should give a declaration that he/ she got one living wife / husband or is bachelor.
7. He is required to produce antecedent verification certificate to the satisfaction of the department from the 1st class Magistrate or two Gazetted Officers known to him at least from the last three years.
8. He is required to produce all original certificates viz qualification certificate / Technical qualification certificate/ Hamachi Bonafide certificate / Scheduled castes certificate /Scheduled Tribe certificate (in case of scheduled Caste/Tribe candidate) etc. in support of his/ her qualification , age and if

he belongs to any reserved class and Identity proof i.e. Adhar card etc. at the time of joining to the post.

9. He will be required to take oath / affirm on the following form.
10. The above appointment /posting shall be subject to final outcome of LPA filled before the Hon'ble High Court titled HPSEBL VS Prem Dutt .

I _____do swear/ solemnly affirm that I will be faithful and bear true allegiance to the Constitution of India as by laws established and that I shall carry out the duties of my office with loyalty, honestly and with impartiality.

If he accept the offer on the terms and conditions given above, he/ she should report for execution of agreement as well as far duty in the office of the Assistant Engineer _____ (Section _____) immediately but not later than _____.

Sr. Executive Engineer/SE(ES),
ED/ES Circle, HPSEBL,

(Appointing Authority)

Sh. Ms. _____

No. _____ dated _____

Copy to all concerned.

Sr. Executive Engineer/SE(ES),
ED/ES Circle, HPSEBL,

(Appointing Authority)

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ANNEXURE-"B"

FORM OF CONTRACT/ AGREEMENT TO BE EXECUTED BETWEEN THEAND THE H.P STATE
ELECTRICITY BOARD Limited.

This agreement is made on this _____ day of _____ in the year _____ between Smt./Shri
_____ S/O/D/O Shri _____ resident of _____

**Contract appointee (here in after called the FIRST PARTY) and the H.P State Electricity Board Limited
(herein after SECOND PARTY).**

WHEREAS, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY
has agree to serve ason contract basis on the following terms and conditions:-

1. THAT the FIRST PARTY shall remain in the service of the SECOND PARTY
as.....for as period of I year commencing on day ofand ending
on the day ofIt is specifically mentioned and agreed upon the both the
parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso- facto stand terminated
on the last working day i.e. onand information notice shall not be necessary.
2. Contract appointees shall be paid fixed emoluments of Rs.8150 /- per month as Basis Pay + Grade
Pay of the post or as prescribed by the Board from time to time.
3. Contract appointee so selected under their rules will not have any right to claim regularization or
permanent absorption in HPSEBL.
4. The appointment is liable to be terminated in case the performance/ conduct of the contract
appointee is not found good.
5. Contract appointee will be entitled for one day Casual Leave after putting one month service. This
leave can be accumulated up to one year. No leave of any other kind as admissible to the contract
appointee, He/ She shall not be entitled for Medical Reimbursement & LTC etc. only Maternity leave
will be given as per rules.
6. Un- authorized absence from the duties without the approval of the controlling officer shall
automatically lead to the termination of the contract. Contract appointee shall not be entitled for
wages for the period of absence from duty.
7. Transfer of contract appointee will not be permitted from one Division to another Division, as it is a
divisional cadre post except on administrative grounds subject to forfeited on seniority.
8. Selected candidate will have to submit a certificate to his/ her fitness from a Govt/ registered Medical
Practitioner, Woman candidate, pregnant beyond 12 weeks will be considered temporarily unfit till the
confinement is over. The woman candidates will be re- examined for the fitness by an authorized
Medical Officer/ Practitioner.
9. Contract appointee will be entitled to TA/DA if required to go on tour on connection with his / her
officials duties at the same rate as applicable to regular staff members.

Signature of Contract Appointee.

(FIRST PARTY)

Signature of employer
(SECOND PARTY)

Witnesses

1.....

2.....



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA
ON THE 27th DAY OF APRIL, 2022.

BEFORE
HON'BLE MR. JUSTICE SATYEN VAIDYA

CIVIL ORIGINAL PETITION CONTEMPT No. 4 of 2022.

Between:-

PREM DUTT S/O SH.HUKMI RAM R/O
BORAR (177), KOTIBUNCH, SIRMAUR,
HIMACHAL PRADESH-173027.

....PETITIONER.

(BY MR. PRAVEEN CHANDEL,
ADVOCATE)

AND

MANOJ KUMAR, EXECUTIVE DIRECTOR
(PERSONNEL), HIMACHAL PRADESH STATE
ELECTRICITY BOARD LTD., VIDYUT BHAWAN,
SHIMLA-171004.

....RESPONDENT.

(BY MR. VIKRANT THAKUR,
ADVOCATE)

*This petition coming on for orders this day, the
Court passed the following:-*

...2...

ORDER

In pursuance to order dated 24th March, 2022, Mr. Manoj Kumar, Executive Director, HPSEBL is present. He undertakes that the judgment dated 29th November, 2021 passed in CWP No. 1406 of 2021 shall positively be implemented within one week from today.

2. Learned counsel for the respondent submits that the respondent has already filed Letter Patent Appeal against the judgment dated 29th November, 2021 passed in CWP No. 1406 of 2021, but the same has not been listed.

3. Needless to say that the implementation of the aforesaid judgment as undertaken by Mr. Manoj Kumar, Executive Director, HPSEBL will be subject to final outcome of the LPA, if any.

List for compliance on 6th May, 2022.

(Satyen Vaidya)
Judge

27th April, 2022.
(jai)

JUDICIAL OFFICE
HIGH COURT OF HIMACHAL PRADESH
(JALANDHAR)

Copy of Order/ Judgment/ Statement/ passed/ delivered/ recorded
on 20-10-2021 by the Single Bench consisting of
Hon'ble Mr. Justice ANIL MOHAN GOEL Judge,
In CWP 11406/2021 titled:-

Prem Dutt s/o Sh. Hukmi Ram r/o Borar (177), Kotibhunch,
Sirmaur, Himachal Pradesh – 173027.

.....Petitioner

Versus

1. Himachal Pradesh State Electiricyt Board Ltd, Vidyut Bhawan, Shimla 171004 through its Executive Director (Personnel)
2. Himachal Pradesh State Electricity Board, Nahan through its Superintending Engineer, Circle Nahan, Nahan , Himachal Pradesh
3. Ashok, s/o Mela ram, r/o Village Sidhoti, PO Panog, Tehsil Shillai, District Sirmour, H.P

.....Respondents

**COPY OF ORDER/ JUDGMENT/ STATEMENT(S) RECORDED/ ISSUES
IN THE HIGH COURT OF HIMACHAL PRADESH.**

ATTESTED

SECRETARY, HIGH COURT OF HIMACHAL PRADESH
(JALANDHAR)

CWP No. 1406 of 2021

Between:-

PREM DUTT S/O SH, HUKMI RAM R/O
BORAR (177), KOTIBHUNCH,
SIRMAUR, HIMACHAL PRADESH-
173027.

.....PETITIONER

(BY MR. PRAVEEN CHANDEL, ADVOCATE)

AND

1. HIMACHAL PRADESH STATE
ELECTRICITY BOARD LTD.
VIDYUT BHAWAN, SHIMLA 171004
THROUGH ITS EXECUTIVE
DIRECTOR (PERSONNEL)
2. HIMACHAL PRADESH STATE
ELECTRICITY BOARD, NAHAN
THROUGH ITS SUPERINTENDING
ENGINEER, CIRCLE NAHAN,
NAHAN, HIMACHAL PRADESH.
3. ASHOK, S/O MELA RAM, R/O
VILLAGE SIDHOTI, PO PANOG,
TEHSIL SHILLAI, DISTRICT
SIRMOUR, H.P.

.....RESPONDENTS

(MR. VIKRANT THAKUR, ADVOCATE FOR R-1
AND 2;
MR. AJAY SHANDIL, ADVOCATE FOR R-3)

Whether approved for reporting: No

This petition coming on for HEARING this day, the
Court passed the following:-

O R D E R

As common facts and issues are involved in these writ
petitions, they are being disposed of by a common judgment.

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 29th DAY OF NOVEMBER, 2021

BEFORE

HON'BLE MR. JUSTICE AJAY MOHAN GOEL

CIVIL WRIT PETITIONS No.1405 and 1406 of 2021

CWP No. 1405 of 2021

Between:-

ANIL KUMAR S/O SH. RAMESH
KUMAR R/O VILLAGE CHANDNI, P.O.
BHAROG BANERI, TEHSIL KAMROO,
DISTRICT SIRMOUR H.P.-173022.

.....PETITIONER

(BY MR. PRAVEEN CHANDEL, ADVOCATE)

AND

1. HIMACHAL PRADESH STATE
ELECTRICITY BOARD LTD.
VIDYUT BHAWAN, SHIMLA 171004
THROUGH ITS EXECUTIVE
DIRECTOR (PERSONNEL)
2. HIMACHAL PRADESH STATE
ELECTRICITY BOARD, NAHAN
THROUGH ITS SUPERINTENDING
ENGINEER, CIRCLE NAHAN,
NAHAN, HIMACHAL PRADESH.
3. GAURAV CHAUHAN, S/O SH
VINOD KUMAR, R/O VILLAGE
TOKA NAGLA, PO JAMNIWALA,
TEHSIL POANTA SAHIB, DISTRICT
SIRMOUR, H.P.

.....RESPONDENTS

(MR. VIKRANT THAKUR, ADVOCATE FOR R-1
AND 2;
MR. SHYAM SINGH CHAUHAN, ADVOCATE
FOR R-3)

AT 11/11/21

2. Respondent-Board advertised posts of Junior T/Mates vide advertisement dated 04.06.2020 (Annexure P-1 appended with CWP No. 1405 of 2021). This included 145 posts under the category of EWS(UR) and 47 posts under the category OBC (BPL/ANT). Petitioner Anil Kumar applied for a post falling under the category reserved for EWS(UR). Similarly, petitioner Prem Dutt applied for the post reserved under category OBC (BPL/ANT). There was an earlier round of litigation between the petitioners and the respondent-Board, as a result of late receipt of the applications of the petitioners by the respondent-Board. Their writ petitions, vide which they had challenged the act of the respondent-Board of not considering their candidature on account of late receipt of their applications, i.e. beyond the cut of date, were allowed by this Court and the petitioners were permitted to participate in the documentation/interview to be held by the respondent-Board on 10th December, 2020, for the post of junior T/Mate. The order so passed by the Court is dated 9th December, 2020. Whereas petitioner Anil Kumar had filed CWP No. 5674 of 2020, petitioner Prem Dutt filed CWP No. 5673 of 2020. As thereafter the results of the petitioners were not declared by the respondent-Board, they filed these writ petitions *inter alia* praying for the following substantive reliefs:-

"In CWP No. 1405 of 2021

AT

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(i) Declare the result of the petitioner if not declared as per his merit.

(ii) Petition be allowed and Petitioner be appointed to the post of T-Mate in the respondent department in the interest of justice & fair play.

(iii) Quash the appointment of Respondent No. 3 being lower in merit."

In CWP No. 1406 of 2021.

"(i) Declare the result of the petitioner if not declared as per his merit.

(ii) Petition be allowed and Petitioner be appointed to the post of T-Mate in the respondent department in the interest of justice & fair play.

(iii) Quash the appointment of Respondent No. 3 being lower in merit."

3. During the course of hearing of these petitions, the Court had directed the respondent-Board to produce the result of the petitioners. The same was done, and in this background, on 23.07.2021, the following order was passed:-

"In terms of the previous order passed by the Court, record pertaining to the result of the petitioners stands produced by the respondent-Board, perusal whereof demonstrates that the petitioners are higher in merit than the last selected candidates.

NOTED
ST. JUDGE (J) 1
10/08/2021

To elaborate, petitioner-Anil Kumar has secured 70.71 marks as per the respondent-Board, whereas the last selected candidate in his category, i.e. EWS(UR) has secured 69.36 marks. Similarly, petitioner Prem Dutt, who belongs to OBC(BPL) category has secured 75.60 marks, whereas the last candidate selected in this category has secured 71.60 marks.

Let post admission dasti notices, as prayed for, be issued to the private respondents in both the petitions, returnable for 11th August, 2021. Steps for dasti service be taken by 24th July, 2021 and thereafter, dasti notices be handed over to learned counsel for the petitioners by 26th July, 2021.

List on 11th August, 2021. Pleadings be completed in the meanwhile."

4. Thereafter, when the case was taken up for consideration by this Court on 09.11.2021, the following order was passed:-

"Heard. It is evident as is also borne out from order dated 23.07.2021, passed by this Court that the private respondents who stand appointed as Junior T-mate were meritorious in the selection process which was undertaken by the respondent-Board as compared to the petitioners.

At this stage learned counsel for the petitioners by referring to the documents appended with the rejoinder

ATTESTED
SECTION OFFICER (Judicial)
JUDICIAL OFFICER

states that as there are vacancies of Junior T-mate available with the respondents-Board, it will be in the interest of justice in case the respondent-Board is directed to offer appointment to the petitioners against the available vacancies rather than dispensing with the services of the private respondents who are less meritorious than the petitioners and by further granting correct position to the petitioners in the seniority list on the basis of their merit.

Learned counsel for the private respondents submit that they are not averse to the same.

Accordingly, Mr. Vikrant Thakur, learned counsel appearing for the respondent-Board is directed to have instructions as to whether the petitioners can be adjusted against the available vacancies. For this purpose, the case now is ordered to be listed on 23.11.2021."

5. Today, Mr. Vikrant Thakur, learned Counsel for the respondent-Board has informed the Court that he has instructions to state that in case the petitioners are offered appointed against the post of T/Mate in their respective categories, the private respondents can also be adjusted as there are posts available in the respective categories. He further states that this Court may observe that this concession is being given in the peculiar facts of this case and the same shall not be treated as a precedent.

6. Taking into consideration the fair stand, which has been taken by learned Counsel for the respondent-Board, these

[Handwritten signature]
 23.11.2021

writ petitions are allowed/disposed of with the direction that the petitioners be offered appointment against the post of Junior T/Mate in their respective categories as from the date when persons similarly situated as them were offered appointment. Seniority be conferred upon them in terms of their merit in their respective categories. As from that date the benefits recurring to them shall be deemed to be notional uptill the date the petitioners are offered appointment which should not be later than 15 days from today. The direction issued by this Court of granting appointment to the petitioners shall not be construed as if a direction has been passed by this Court to set aside the appointment of the private respondent. In terms of the statement, which has been made on behalf of the respondent-Board by learned Counsel, said respondents be adjusted in their respective categories and concession given by the Board in this particular case is ordered not to be treated as a precedent.

The petitions stand disposed of in above terms, so also pending miscellaneous application(s), if any.

(**Ajay Mohan Goel**)
Judge

November 29, 2021
(narendar)

Handwritten signature
9/11/2021

1. No. of application... 19259
2. Name of Applicant... M/s Shrinani Shankar & Co
3. Dt. Of presentation of application... 30-11-21
4. Probable date of delivery of copy... 7-12-21
5. Date of requisition of record... 20-11-21
6. Date of receipt of record... 9-12-21
7. Copy prepared by... Sh. Dinesh Kishor
8. Copy compared by... Sh. Jai Singh
9. By photostate... [initials]
10. Date of preparation... 9-12-21
11. Date of comparison... 9-12-21
12. Date of attestation... [initials]
13. No. of words... 210
14. Copy Fee... 16/-
15. Urgent Fee... 5/-
16. Agency Fee Rs. 1/-
17. Total Rs. 22-50
18. Date of Delivery... 09-12-2021

Certified to be true copy

SECTION OFFICER (Judicial)
HIGH COURT OF HIMACHAL PRADESH
Authorised under section 76 of
Indian Evidence Act, 1872

9/12/21