



HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED

(A State Govt. undertaking)

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

Vidyut Bhawan, HPSEBL, Shimla-171004(H.P.)
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'ORDER'

WHEREAS, following officers were appointed as Assistant Engineers (Electrical) against the vacancies reserved for Ex-servicemen during the year 1989 & 1998:

Sr. No	Name & designation of the officer:	Date of joining as Assistant Engineer:
1	Er.Balwant Singh Dadhwal(DOB:14.12.49) Sr.Executive Engineer (Elect.) (Retd.)	27.7.1989
2	Er.Sushil Kumar(DOB:7.8.53) Superintending Engineer (Elect.) (Retd.)	11.8.89
3	Er.Jeevan Lal Jamwal(DOB:17.01.59) Chief Engineer (Elect.) (Retd.)	5.7.89
4	Er.Des Raj (DOB:1.455) Chief Engineer (Elect.) (Retd.)	29.7.89
5	Er.Suresh Kumar Thakur(DOB:1.1.62) Chief Engineer (Elect.)	30.6.98
6	Er.Rajesh Kumar(DOB:16.5.65) Superintending Engineer (Elect.)	22.6.98

AND WHEREAS, their seniorities were fixed after counting the military service under the provisions of Ex-servicemen (Reservation of vacancies in the H.P.Technical services) Rules-1985 and seniority was assigned against the quota of ex-servicemen vide order dated 25.8.2000 & office order dated 23.5.2001.

AND WHEREAS, after feeling aggrieved by above orders Sh. Vinod Kumar Bist, who was working as Sr. Executive Engineer at that point of time filed OA No.3686/2000 praying therein for the quashing of seniority given to ex-servicemen vide Annexure-P-5 dated 25.8.2000 (which is Annexure-P-4 in CWP No.132/2010). The said OA was ultimately transferred to the Hon'ble High Court of HP at Shimla as CWP(T) No. 7035/2008 wherein the similar orders were passed on 20.10.2010 as were passed in the case of Baljeet Singh & another Vs HPSEB & others. It is further clarified that Sh. Baljeet Singh & another, who were non-Ex-servicemen and were appointed as Assistant Engineers in the HPSEB, had also filed CWP No. 132 of 2010 praying therein to struck down the provisions of Rule-5(1) of the Ex-Servicemen (Reservation of Vacancies in Himachal Pradesh Technical Services) Rules, 1985 as notified vide Notification dated 19.9.1986 and adopted by HPSEBL vide Notification dated 27.9.1986 and quashing of seniority assigned vide order dated 25.8.2000(Annexure-P-4) and order dated 23.5.2001(Annexure-P-5). While deciding on this issue the Hon'ble High Court was pleased to pass directions to HPSEBL to take appropriate action, subject to the outcome of the matter, pending adjudication before the Hon'ble Supreme Court vide SLP No.8710 of 2009 titled as R.K.Barwal & others Vs State of HP & others. After that, the SLP No.8710 of 2009 titled as R.K.Barwal & others Vs State of HP & others filed by the Ex-Servicemen was dismissed by the Hon'ble Apex Court thereby upholding the judgement dated 29.12.2008 passed by the Hon'ble High Court HP Shimla in CWP No. 488/2001 titled as V.K.Behal & Ors. Vs State of H.P. & Ors. Consequently, the ratio of the said judgement is also applicable in CWP No. 132/2010 titled as Baljeet Singh & another Vs HPSEB & Ors. as was agreed upon by both the parties on 30.12.2010 in CWP No. 488 of 2001 titled as V.K.Behl & others Vs State of HP & others.

AND WHEREAS, the-then Petitioner, Sh. Baljeet Singh & another had also filed an Execution Petition No. 66/2018 before the Hon'ble High Court, HP, Shimla for the enforcement and execution of the judgement dated 30.12.2010. In compliance to the Court orders, the HPSEBL has withdrawn the impugned orders contained in Annexure-P-4 & P-5 to the petition vide order dated 28.09.2018 and fixed the seniority of the Ex-Servicemen vide office order No.356 dated 6.10.2018 at appropriate places.

AND WHEREAS, feeling aggrieved with the orders No.356 dated 6.10.2018, following officers filed OA before the erstwhile H.P.Administrative Tribunal:

- a) Er.Suresh Kumar Thakur filed an OA No.6159/2018 titled as Suresh Kumar Thakur Versus State of HP & Ors in HPAT against the aforesaid order & HPAT passed the following orders on dated 10.01.2019 as under:
".....14 vide para 5 of order dated 11.10.2018 in the main matter (OA No.6159 of 2018), the following interim direction was issued:-

5. "However, in the meanwhile, the impugned office order dated 6.10.18, Annexure-A-12, shall stand stayed qua the applicant(Sr.No.5) till further orders."

15. As per the impugned office order dated 6.10.2018, Annexure A-12, seniority of the applicant has been downgraded as under:-

Sr. No	Name & Designation	Seniority position in the seniority list
5.	Suresh Kumar Thakur (DOB:1.1.62) CE (E)	At serial No.181, below Er. Manoj Kumar (DOB:15.10.66) appearing at Sr. No.180 and above Er. Rajinder Kumar Kharwal (DOB:25.3.61) appearing at Sr. No.182 as per inter-seniority of AE circulated vide letter dated 12.6.2000 referred to above.

16. Being aggrieved, the applicant is before this Tribunal laying challenge against downgrading of his seniority as above and the matter is under adjudication and shall be subject to the final outcome of the original application.
17. In such circumstances, status quo qua the applicant as Chief Engineer (Electrical) shall be maintained till further orders, meaning thereby that he shall not be reverted in terms of the impugned office order dated 06.10.2018, Annexure A-12, till further orders.
18. However, at the same time, he will not be considered for any further promotion/appointment, if any, in HPSEB Limited on the basis of his seniority prior to issuance of the impugned office order dated 06.10.2018, Annexure A-12, or against any other post solely on the basis of his earlier seniority, till further orders."

- b) Also, Er.Rajesh Kumar filed an OA No. 206 of 2019 titled as Rajesh Kumar versus State of HP & Others in HPAT against the aforesaid orders & HPAT passed the following orders on dated 10.01.2019 as under:

5. "However, in the meanwhile, the status quo the applicant as Superintending Engineer(Electrical) shall be maintained till further orders, meaning thereby that he shall not be reverted in terms of the impugned office order dated 6.10.18, Annexure-A-14, till further orders."
6. However, at the same time, he will not be considered for any further promotion/appointment, if any, in HPSEBL on the basis of his seniority prior to issuance of the impugned office order dated 6.10.201, Annexure-A-14, or against any other post solely on the basis of his earlier seniority, till further orders."

AND WHEREAS, the OA No. 206/2019 came up for hearing on 06.03.2019 when Id. counsel of Er.Rajesh Kumar made a statement before the Id. Tribunal that the impugned instructions dated 30.1.2018 issued by the GOHP has since been withdrawn vide letter dated 25.2.2019 and consequently the OA has been rendered infructuous and accordingly the OA aforesaid was disposed of and subsequently OA No.6159/2018 was withdrawn unconditionally and without reserving any liberty and OA was accordingly disposed of vide order dated 8.5.2019.

AND WHEREAS, one Sh.Rajeev Sood filed an OA No.1271/2019 against HPSEBL & Sh.Rajesh Kumar before the erstwhile HP Administrative Tribunal, Shimla praying therein for the following reliefs:

"i) That the Respondent Board may be directed to take the order dated 06.10.2018, Annexure-A-13, to its logical end and the applicant may be held entitled to consideration for promotion from time to time by holding review DPC(s) for the post of Sr. Executive Engineer and next higher post(s) on the basis of seniority now assigned to him above Respondent No.2, as per Annexure-A-13, with all consequential benefits; etc.etc."

Subsequently, the then Hon'ble H.P. Administrative Tribunal further passed the following orders/ directions on 09.07.2019:

"The representation dated 26.2.2019, Annexure-A-19, of Respondent No.2 for redressal of his grievances is pending consideration with the Respondent No.1.

Consequently the Respondent No.1, in the interim, is directed to consider and decide the said representation in accordance with law, by 20.7.2019 and thereafter hold DPC for further promotions...."

AND WHEREAS, a decision was taken by the Competent Authority on the representation of Sh.Rajesh Kumar and his prayers were not accepted/acceded to being devoid of merits and based upon above court orders.

AND WHEREAS, in view of the orders No.356 dated 6.10.2018 and subsequent decision on the representation of Sh.Rajesh Kumar decided on 29.11.2019, the DPCs in respect of Chief Engineers(Electrical)/Superintending Engineers(Electrical)/Senior Executive Engineers(Electrical) in which above ex-servicemen were promoted were reviewed to place ex-servicemen at appropriate places/positions.

AND WHEREAS, the Class-I DPC considered the reviewal of all DPCs in respect of the officers appearing in order No.356 dated 6.10.2018 for their reversion to lower posts and thereafter, further promotions to various post(s) on regular basis from the date(s) and vide DPCs through which their immediate juniors were promoted.

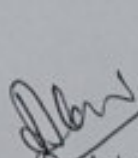
After reviewal of all such DPCs & on the recommendation of Departmental Promotion Committee dated 4.12.2019, the following officers are placed at positions/posts shown below:

Sr. No	Name	Current position of the officers(ex-servicemen) after reversion as Assistant Engineer & subsequent promotion:
1	Er.Balwant Singh Dadhwal	1. Er.Balwant Singh Dadhwal (DOB:14.12.49), Sr.XEN(Electrical) Retired, is hereby reverted to the post of Assistant Engineer(Elect.) & promoted to the post of Sr.XEN against the quota of Degree holders on adhoc basis w.e.f 17.10.2006 i.e the date of promotion of his immediate junior Er.Inderjit Chopra (DOB:11.12.51) vide office order No.307 dated 17.10.2006. 2. Since, the officer has already been retired from HPSEBL on 31.12.07, therefore, his name for further promotion of Sr.XEN on regular basis couldnot be considered.
2	Er.Sushil Kumar	1. Er.Sushil Kumar (DOB: 7.8.53), SE (Electrical) Retired, is hereby reverted to the post of Assistant Engineer(Elect.) & promoted to the post of Sr.XEN against the quota of Degree holders on adhoc basis w.e.f 25.11.2006 i.e the date of promotion of his immediate junior Er.Imtiaz Ahmed Khana(DOB:15.7.57) vide office order No.355 dated 25.11.2006. 2. Er.Sushil Kumar promoted to the post of Sr.XEN against the quota of Degree holders on regular basis w.e.f. 7.11.2008 i.e. the date of promotion of his immediate junior

		Er.Imtiaz Ahmed Khana(DOB:15.7.57) vide office order No.497 dated 7.11.2008. He is assigned seniority position in the grade of Sr.XEN Degree Holders below Er.Ajay Parkash Mahajan(DOB:19.10.57) and above Sh.Imtiaz Ahmad Khan(DOB:15.7.57) vide this office order No.497 dated 7.11.08 in seniority list of Sr.XEN as stood on 1.2.2009 circulated vide letter No.101-21/08-1794-1993 dated 16.4.2009. 3. Since, the officer has already been retired from HPSEBL on 31.8.11, therefore, his name for further promotion of SE couldnot be considered whereas his immediate senior Er.Pankaj Singh Kishtwaria(DOB:15.6.63) was promoted vide office order 121 dated 23.4.2015.
3	Er.Jeevan Lal Jamwal	1. Er.Jeevan Lal Jamwal(DOB:17.1.59), CE(Electrical) Retired, is hereby reverted to the post of Assistant Engineer(Elect.) & promoted to the post of Sr.XEN against the quota of Degree holders on adhoc basis w.e.f.25.6.2007 i.e. the date of promotion of his immediate junior Er.Sudesh Kumar(DOB:13.4.62) vide office order No.210 dated 25.6.2007. 2. Er.Jeevan Lal Jamwal promoted to the post of Sr.XEN against the quota of Degree holders on regular basis w.e.f. 7.11.2008 i.e.the date of promotion of his immediate junior Er.Sudesh Kumar (DOB: 13.4.62) vide office order 497 dated 7.11.2008. He is assigned seniority position in the grade of Sr.XEN Degree Holders below Er.Dinesh Kumar(DOB:2.10.63) and above Sh. Sudesh Kumar (DOB:13.4.62) vide office order No.497 dated 7.11.08 in seniority list of Sr.XEN as stood on 1.2.2009 circulated vide letter No.101-21/08-1794-1993 dated 16.4.2009 3. Er.Jeevan Lal Jamwal promoted to the post of SE on regular basis w.e.f 18.11.2015 i.e.the date of promotion of his immediate junior Er.Sudesh Kumar (DOB: 13.4.62) vide office order No.414 dated 18.11.2015. He is assigned seniority position in the grade of SE Degree Holders below Er.Dinesh Kumar(DOB:2.10.63) and above Sh. Sudesh Kumar (DOB:13.4.62) in seniority list of SE as stood on 1.4.2016 circulated vide letter No.49929-50009 dated 27.9.16. 4. Since, the officer has already been retired on 31.1.17 from HPSEBL, therefore his name for further promotion of CE couldnot be considered whereas his immediate senior Er.Dinesh Kumar Gupta (DOB: 2.10.63) is still working as SE(Elect.) on date.
4	Er.Des Raj	1. Er.Des Raj(DOB:1.4.55),CE(Electrical) Retired, is hereby reverted to the post of Assistant Engineer(Elect.) & promoted to the post of Sr.XEN against the quota of Degree holders on adhoc basis w.e.f. 8.2.2008 i.e. the date of promotion of his immediate junior Er.Satish Kumar Verma (DOB: 23.12.63) vide office order No.46 dated 8.2.2008. 2. Er.Des Raj promoted to the post of Sr.XEN against the quota of Degree holders on regular basis w.e.f.7.11.2008 i.e.the date of promotion of his immediate junior Er.Satish Kumar Verma(DOB:23.12.63) vide office order 497 dated 7.11.2008.He is assigned seniority position in the grade of Sr.XEN(Elect.)Degree Holders below Er.Rajinder Kumar(DEOB:21.4.61 and above Er.Satish Kumar Verma(DOB:23.12.63) vide office order No.497 dated 7.11.08 in seniority list of Sr.XEN as stood on 1.2.2009 circulated vide letter No.101-21/08-1794-1993 dated 16.4.2009 3. Since, the officer has already been retired on 30.4.13 from HPSEBL, therefore his name for further promotion of SE couldnot be considered whereas his immediate

		junior Er.Satish Kumar Verma(DOB:23.12.63) was promoted as SE vide office order 191 dated 10.5.16.
5	Er.Suresh Kumar	Er.Suresh Kumar(DOB:1.1.62), CE(Electrical) presently working in CGRF, Shimla is hereby reverted to the post of Assistant Engineer(Elect.) & promoted to the post of Sr.XEN against the quota of Degree holders on regular basis w.e.f.1.9.2012 i.e.the date of promotion of his immediate junior Er.Manoj Kumar, Sr.XEN (DOB:15.10.66) vide office order 377 dated 1.9.2012. He is assigned seniority position in the grade of Sr.XEN(Elect.)Degree Holders below Er.Anup Ram(DOB:19.2.75) and above Sh. Manoj Kumar (DOB:15.10.66) vide office order 377 dated 1.9.2012 in seniority list of Sr.XEN as stood on 1.2.2014 circulated vide letter No.101-21/14-89603-23 dated 20.3.2014.
6	Er.Rajesh Kumar	Er.Rajesh Kumar(DOB:16.5.65), SE(Electrical) presently working in Operation Circle, Kullu, is hereby reverted to the post of Assistant Engineer(Elect.) & promoted to the post of Sr.XEN against the quota of Degree holders on regular basis from the date of promotion of his immediate junior Er.Pankaj Sharma Sr.XEN (DOB:6.3.75) vide office order 377 dated 1.9.2012. He is assigned seniority position in the grade of Sr.XEN Degree Holders below Er.Rajinder Kumar Kharwal (DOB:25.3.61) and above Sh. Pankaj Sharma(DOB:6.3.75) vide office order 377 dated 1.9.2012 in seniority list of Sr.XEN as stood on 1.2.2014 circulated vide letter No.101-21/14-89603-23 dated 20.3.2014..

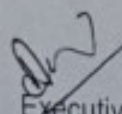
The position as indicated above be effected in all the respective seniority lists. Also, as per the recommendations of the DPC dated 4.12.2019 also agreed to extend the benefits of past services rendered in the armed forces towards pay fixation as per notification No.PER(AP)-C-B(12)-1/2013 dated 25.02.2019 in respect of above Ex-servicemen.


12/12/19
(Dr. Ashwani Kumar Sharma),
Executive Director (Pers.),
H.P.State Electy. Board Ltd.,
Vidyut Bhawan Shimla-4.

No. HPSEBL(Sectt)/101-23/Part file Vol-IV/2019- 62758-87 Dated: 12-12-2019
Copy of above is forwarded to the following for favour of information and necessary action please:

- 1) All the Chief Engineers in HPSEBL.
- 2) The Chief Accounts Officer, HPSEBL, Shimla.
- 3) Sh. Tara Singh Chauhan, Advocate, Id. SC-cum-LA HPSEB Ltd. C-1, MC Car Parking, Near HP High Court, Shimla-171001.
- 4) The above named officer/Personal file/SO(Confid)/S-I in GE Section/Guard file/Board's website.

Note: The further posting order as Sr.Executive Engineer(Electrical) of above officers will be issued separately.


12/12/19
Executive Director (Pers.),
H.P.State Electy. Board Ltd.,
Vidyut Bhawan Shimla-4.