

/244904/2023



Himachal Pradesh Power Corporation Limited

(A State Government Undertaking)

Himfed Building, BCS, New Shimla-171009.

Phone: 0177-2670633, Fax: 0177-2671589.

ORDER

WHEREAS, the Himachal Pradesh Power Corporation Limited issued advertisement No.1/08 dated 11.06.2008, whereby, applications were invited for filling up of 13 categories of posts including the posts of Junior Officers (F&A) Supervisory Trainee on contract basis.

WHEREAS, in reference to the aforesaid advertisement, the following candidates after undergoing due selection procedure were appointed to the post of Junior Officer (F&A) on Contract basis in HPPCL:-

S.N.	Name	Date of appointment on contract basis
1.	Sh. Rajneesh Chauhan	03.11.2008
2.	Sh. Sandeep Kumar	12.11.2008
3.	Sh. Mohan Sharma	05.11.2008
4.	Sh. Sanjay Thakur	31.01.2009
5.	Sh. Pawan Kumar	14.11.2008
6.	Sh. Sandeep Sharma	11.11.2008
7.	Sh. Lalit Kumar Bhardwaj	17.11.2008
8.	Smt. Monika	07.11.2008

WHEREAS, with the opening up of the power sector for private investment, competition for engaging and retaining manpower had increased, posing a serious challenge of retainability of qualified and experienced manpower. In consideration of the fact that insecurity of job & uncertainty was prevailing among the employees those appointed on contract basis; as a result of which they were leaving the organization, therefore, a proposal regarding regularization of contractual employees working with HPPCL was placed before the Competent Authority i.e. BOD meeting dated 20.01.2009 vide Item No. 14.11. The proposal along-with other categories *inter-alia* included the category of Junior Officers (F&A) as well.

WHEREAS, the Board of Directors of HPPCL on dated 20.01.2009 in its 14th meeting decided to regularize only 97 persons of different categories. However, 03 categories, Junior Officers (R&R), Computer Operators and Junior Officer (F&A) were not considered for regularization. The decision of the BOD taken vide item No.14.11 was circulated for implementation vide HPPCL Circular No.13 dated 02.03.2009.

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WHEREAS, proposal for regularization of the category of the Junior Officers (F&A), Junior Officer(R&R) and Computer Operator was again placed before the Service Committee of HPPCL dated 04.08.2010, 15.10.2010, 31st meeting of the BOD dated 29.07.2011 and 32nd meeting of BOD dated 28.10.2011. However, the proposal for regularization of these categories was not agreed to by the Competent Authority.

WHEREAS, feeling aggrieved, the categories left out from regularization i.e. Computer Operators, Junior Officers (F&A) and Junior Officers (R&R) approached the Hon'ble High Court vide CWP No.11590 of 2011, 11591 of 2011 & 3050 of 2012 with following relief(s):-

1. The respondents may be directed to regularize the services of the petitioners from the date from which regularization has been given by the respondents to employees of 13 categories of contract employees as mentioned in Circular No.13 dated 02.03.2009 issued on the basis of decision of Board of Directors of HPPCL of Respondent No.1.
2. After granting the benefit of regularization as prayed for in prayer (i), the pay of the petitioners may be re-fixed at appropriate stage after granting them due increments;
3. The respondents may be directed to pay difference of salary arrears payable to the petitioners along-with interest at the rate of 12% p.a.
4. Any other relief deemed fit and proper in the facts and circumstances of the case may also be granted to the petitioners.
5. Costs of the petition may also be awarded.

WHEREAS, the above case was listed before the Hon'ble High Court of Himachal Pradesh on 30.08.2012 and the Hon'ble Court passed the following order:-



“As such, respondent no. 2 (i.e Managing Director, HPPCL) is directed to place the matter before the Service Committee of respondent No. 1 organization (i.e. HPPCL) for a favourable consideration. The ultimate decision so taken by the respondent no. 1 shall be placed on record with a period of three weeks from today:”

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WHEREAS, in compliance to the orders dated 30.08.2012 of the Hon'ble Court, the case of regularization of the left out categories was placed before the Service Committee meeting held on 05.09.2012 vide Agenda Item No. 13. The Service Committee on the said item opined as under:

"Discussing the issue at length and after careful examination, the Service Committee was of the considered view that the Board of Directors had taken a decision to regularize certain categories of employees in view of their professional expertise and necessity of Corporation at that point of time. The committee further opined that the previous regularization of employees was made as an exception to the rule. Such exceptions cannot be allowed to become the rule so as to regularize the present incumbents. It was further observed that one time deviation in the interest of the Corporation cannot become a precedent for all cases, which otherwise will defeat the whole purpose of the regularization policy and will lead to multiplicity of litigation in other Government Departments, Corporations and Boards etc. In case of their regularization, it may further contravene the Govt. Policy. As such this exception needs to be avoided. Hence, the Service Committee did not agree to the proposal given in the Memorandum and opined that Govt. Policy regarding regularization of contractual employees should be followed in letter and spirit."

AND WHEREAS, CWPOA No. 4123 of 2019 (in TA No. 5371/2015 in CWP 11590/2011 titled as Manish Saklani & Ors.Vs. State of HP & Ors.), CWPOA No. 3941 of 2019 (in TA No. 5175/2015 in CWP 11591/2011 titled as Rajneesh Chauhan & Ors. Vs. State of H.P. & Ors.) and CWPOA No. 3114 of 2019 (in TA No. 3992/2015 in CWP No. 3050/2012 titled as Dr. Kewal Krishan & Ors. Vs. State of HP & Ors.) were listed on 17.08.2023 before the Hon'ble High Court of Himachal Pradesh. The Hon'ble High Court disposed of the petition *by directing the Respondent Corporation (i.e. HPPCL) to regularize the services of all the petitioners from the dates, employees of other 14 categories were regularized with all consequential benefits, incidental thereto.*

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AND NOW THEREFORE, in compliance of the Orders of the Hon'ble High Court of HP in CWPOA No. 4123 of 2019 (in TA No. 5371/2015 in CWP 11590/2011 titled as Manish Saklani & Ors.Vs.State of HP & Ors.) CWPOA No. 3941 of 2019 (in TA No. 5175/2015 in CWP 11591/2011 titled as Rajneesh Chauhan & Ors. Vs. State of H.P. & Ors.) and CWPOA No. 3114 of 2019 (in TA No. 3992/2015 in CWP No. 3050/2012 titled as Dr. Kewal Krishan & Ors. Vs. State of HP & Ors.) dated 17.08.2023, the services of the following employees are hereby ordered to be regularized after completion of one (1) year of contract service in terms of HPPCL Circular No.13 dated 02.03.2009:-

1. Sh. Rajneesh Chauhan S/o Late Sh. B.S. Chauhan, Dhiraj Apartment, below HIMFED Building, BCS, New Shimla.
2. Sh. Sandeep Kumar S/o Sh. Pritam Chand Bhardwaj, Pritam Niwas, Near DAV School, Sector-4, Shimla.
3. Sh. Mohan Sharma S/o Sh. Ram Niwas Sharma O/o GM, HPPCL, Sawra-Kuddu HEP, Tehsil Rohru, Distt. Shimla.
4. Sh. Sanjay Thakur S/o Sh. Mohan Singh Thakur, Village Matholi, Taradevi, Tehsil & Distt. Shimla.
5. Sh.Pawan Kumar S/o Late Sh. Nagnuram, Village Devdhar, P.O. Talyahar, Tehsil Sadar, Distt. Mandi.
6. Sh. Sandeep Sharma S/o Sh. Surender Pal Sharma, Near Cricket Stadium, Tehsil Sadar, PO Bilaspur, Distt. Bilaspur.
7. Sh.Lalit Kumar Bhardwaj S/o Sh. Durga Dass Bhardwaj,VPO Beri, Tehsil Bilaspur, Distt. Bilaspur.
8. Ms. Monika D/o Sh. Jagdish Ram, Ward No. 2, Tehsil Palampur, Distt.Kangra.

As far as consequential benefits, incidental thereto are concerned, the concerned establishments of HPPCL shall process and put up the cases separately to the Competent Authority.

By order and on behalf of
Competent Authority

(Shivam Pratap Singh, IAS)
Director (Personnel),
HPPCL, Shimla-9

No. HPPCL/P&A/Policy/Court Case/2023- 11146-65 Dated: 16/09/23

Copy forwarded to the following for information/necessary action:-

1. The Spl. Private Secretary to the Managing Director, HPPCL, Shimla.
2. All HOPs, HPPCL.
3. The AGM (Finance), HPPCL, Shimla.
4. The Sr. Manager (EE), HPPCL, Shimla.
5. The Sr. Manager (S&W), HPPCL, Shimla.

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6. The AO (Law), HPPCL, Shimla.
7. Sh. Rajneesh Chauhan S/o Late Sh. B.S. Chauhan, Dhiraj Apartment, below HIMFED Building, BCS, New Shimla.
8. Sh. Sandeep Kumar S/o Sh. Pritam Chand Bhardwaj, Pritam Niwas, Near DAV School, Sector-4, Shimla.
9. Sh. Mohan Sharma S/o Sh. Ram Niwas Sharma O/o GM, HPPCL, Sawra-Kuddu HEP, Tehsil Rohru, Distt. Shimla.
10. Sh. Sanjay Thakur S/o Sh. Mohan Singh Thakur, Village Matholi, Taradevi, Tehsil & Distt. Shimla.
11. Pawan Kumar S/o Late Sh. Nagnuram, Village Devdhar, P.O. Talyahar, Tehsil Sadar, Distt. Mandi.
12. Sh. Sandeep Sharma S/o Sh. Surender Pal Sharma, Near Cricket Stadium, Tehsil Sadar, PO Bilaspur, Distt. Bilaspur.
13. Lalit Kumar Bhardwaj S/o Sh. Durga Dass Bhardwaj, VPO Beri, Tehsil Bilaspur, Distt. Bilaspur.
14. Ms. Monika D/o Sh. Jagdish Ram, Ward No. 2, Tehsil Palampur, Distt. Kangra
15. P/File of the above named officer(s).

(Shivam Pratap Singh, IAS)
Director (Personnel),
HPPCL, Shimla-9