

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.3753 of 2019
Decided on: 19.09.2026

Sudhir Kumar Negi

...Petitioner

Versus

H.P. State Electricity Board

...Respondent

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner:

Ms. Harshita Dogra, Advocate vice
Ms. Sugandh Verma, Advocate.

For the respondent:

Mr. Virender Singh Kanwar,
Advocate.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has
prayed for the following substantive reliefs:-

- “i) That this Hon’ble Tribunal may declare the applicant to be deemed to have been appointed as Jr. Engineer (Electrical) w.e.f. the year 1987 or in the alternative the applicant should be deemed to have been appointed as Jr. Engineer (Electrical) instead of Sub-Station Assistant in the year 1996;*
- ii) That the respondent Board may be directed to consider the applicant for promotion to the post*

¹ Whether reporters of Local Papers may be allowed to see the judgment?

of Jr. Engineer (Electrical) as per Recruitment & Promotion Regulations w.e.f. the date persons possessing the same qualification were considered on regular basis;

iii) That the respondent Board may be directed to strictly adhere to batch-wise appointments as per the norms laid down by the State Government; "

2. Shorn of unnecessary details, the key facts of the case are that the petitioner, who belongs to Scheduled Tribe category was appointed as Foreman in the year 1987 with the respondent-Board, which post is otherwise a promotional post to be filled up 100% by promotion and not by direct recruitment. The petitioner had completed Diploma in Electrical Engineering in the year 1987, when the respondent-Board had deployed him as a daily waged Foreman, to provide him employment avenue.

3. It has been averred that the services of the petitioner were regularized as Sub-Station Attendant in the year 1996. The respondent-Board had engaged about 45 Junior Engineers (Electrical) on contract basis on 08.12.1997. The petitioner though was fully eligible and qualified to be appointed as Junior Engineer (Electrical) and had been serving the respondent-Board since 1987, but he

was not appointed as Junior Engineer (Electrical) on contract basis. As per the Recruitment and Promotion Regulations, the post of Junior Engineer (Electrical) is classified as Class-III and the total cadre strength is 1524 or to be determined by the Board from time to time. The Junior Engineer (Electrical) constitutes a State wise cadre and as per method of recruitment, 80% appointments are to be made by way of direct recruitment and 20% by promotion from feeder category. The petitioner was legitimately expecting that on the basis of his educational qualification and experience gained by him, his service would be regularized initially in the year 1996 as a Foreman or subsequently as Junior Engineer (Electrical), but to the contrary, the respondent-Board has regularized the services of 40 Junior Engineer (Electrical), who were appointed on contract basis in the year 1997, without considering the case of petitioner for regularization.

4. It has further been averred that the services of five persons belonging to Scheduled Tribe category, who were also appointed as Junior Engineers (Electrical) in the year 1997 on contract basis, were also regularized. Non considering of the candidature of the petitioner is illegal,

arbitrary, discriminatory, unjustified, unreasonable, unconstitutional as well as in violation of Articles 14 and 16 of the Constitution of India and as such prayed for a direction to the respondent-Board to declare him to be deemed to have been appointed as Junior Engineer (Electrical) w.e.f. the year 1987 instead of Sub-Station Assistant in the year 1996 or he may be promoted to the post of Junior Engineer (Electrical) as per the Recruitment and Promotion Regulations.

5. The respondent-Board filed reply to the petition and averred that the petitioner was initially engaged as a daily waged Foreman, which is a 100% promotional post and not a direct recruitment post w.e.f. 1987 to 24.11.1995, with interruption/breaks in service. The petitioner had completed his Diploma in Electrical Engineering in 1987, when the respondent-Board had deployed him as a daily waged Foreman to help him by way of providing employment avenue. It has been averred that there had been a continuous ban on direct recruitment by the Government of Himachal Pradesh since long and merely qualifying an academic/professional or technical qualification does not entitle a person to be appointed expressly or directly in the

Government/Board/Corporation. Whenever the direct recruitment has been made by the respondent-Board, it has followed the policy of batchwise appointment as laid down by the Himachal Pradesh Government in letter and spirit. The services of the petitioner were regularized as Sub-Station Attendant pursuant to the direction given by this Court in CWP No.100 of 1988, titled, ***Ram Krishan and others vs. HPSEB*** vide memorandum dated 06.03.1996 (pages 35-37). The petitioner had accepted the offer of appointment with all the terms and conditions laid down therein. The petitioner has misled the learned erstwhile Himachal Pradesh Administrative Tribunal (in short 'the Tribunal'), since the present petition was instituted before the Tribunal, by concealing many material facts, just to gain undue pecuniary/monetary benefits and as such his petition is not maintainable. It has further been averred that the respondent-Board had engaged 49 Junior Engineer (Electrical) during December 1997 on contract basis by advertising these posts in press and electronic media and all the persons had appeared in the interview and figured in the merit list and subsequently their services were regularized as Junior Engineer (Electrical). The petitioner is staking his

claim regarding regularizing his services as Junior Engineer, who had already been regularized as Sub-Station Attendant in March 1996 prior to the appointment/ regularization date of the Junior Engineers. The post/category of Sub-Station Attendant is a feeder category of the promotional post of Foreman (S/Station) / JE S/Station). The applicant will be promoted as Foreman (S/Station) J.E. (S/Station) as and when his turn comes as per seniority list of Sub-Station Attendants and as such prayed for dismissal of the petition.

6. The petitioner did not file rejoinder to the reply and thus, admitted the averments made in the reply.

7. I have heard the learned counsel for the parties and also perused the record carefully.

8. It has not been denied by the petitioner that his services came to be regularized in pursuance of the directions given by this Court in the judgment referred to above vide office memorandum dated 06.03.1996. If the petitioner was aggrieved by the regularization of his services or offering him the post of Sub-Station Attendant in the pay scale of Rs. 1365-45-1500-50-2000-60-2060-70-2410/-, he could have come to the Court during the year 1996. However, the petitioner did not approach the Tribunal

immediately and filed the original application in the year 2001, which has now been registered as present petition after abolition of the Tribunal.

9. Learned counsel for the petitioner has vehemently argued that since the respondent-Board had engaged the Junior Engineers (Electrical) on contract basis on 08.12.1997 and the petitioner being eligible and qualified to be appointed as Junior Engineer (Electrical) has not been considered, the action on the part of the respondent-Board is arbitrary and discriminatory. However, the said contention cannot be accepted in view of the fact that the said persons were appointed to the post of Junior Engineer (Electrical) after the post was duly advertised in the press and electronic media and thereafter appointment was offered to them pursuant to their recommendation for appointment in the year 1997. The petitioner, who was otherwise eligible could have participated in the said selection process independently, but once he did not do so, he cannot stake claim for his appointment to the post of Junior Engineer (Electrical).

10. Learned counsel representing the respondent-Board argued that as per the reply filed by the respondent-

Board, the category of Sub-Station Attendant is a feeder category of the promotional post of Foreman (S/Station)/J.E.S/Station. The petitioner once having accepted appointment as Sub-Station Attendant, he had to be considered for promotion as per Recruitment and Promotion, Rules. Since the petitioner did not file any rejoinder to controvert the said facts as narrated in the reply, no illegality has been committed by the respondent-Board, when it has appointed the persons as Junior Engineers (Electrical) after the posts were duly advertised and thereafter as per the recommendations, appointments were given to those persons in accordance with the rules.

11. In view of the above, I do not find any merit in the present petition and the same is accordingly dismissed. However, there shall be no order as to costs. Pending applications, if any, also stand disposed of.

19th September, 2026

(Anurag)

**(Jiya Lal Bhardwaj)
Judge**