

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: December 15, 2017

+ **W.P.(C) 1377/2014**

NATIONAL HYDRO ELECTRICITY POWER CORPORATION
OFFICERS ASSOCIATION Petitioner

Through: Mr. Rakesh K. Khanna, Senior
Advocate with Mr. Pramod D. Gupta, Ms.
Kreeti Joshi & Ms. Mannat Sandhu, Advocates

Versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Vivek Goyal, CGSC,
Mr. Harsh Pandit & Mr. Rajeev Ranjan Shani,
Advocates for respondents No.1,3 & 4 with Mr.
S.S. Rawat, Under Secretary for UOI
Mr. Ajit Puddusary & Mr. A.S Verma,
Advocates for respondent No.2
Mr. Bharat Sanghal, Ms. Anandita, Ms. Isha
Gupta, Advocates for respondent No.5
Mr. Rajesh Chhetri, Mr. Pawan Upadhyay &
Ms. Meenakshi Rawat, Advocates for
respondent No.6
Mr. R.K. Joshi & Mr. Jyotinder Kumar,
Advocate for respondent No.7

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

ORAL

1. In this petition, quashing of Office Order of 11/17/2009-NHPC/Vol-III issued by first respondent on 27th December, 2013 is sought. In addition, uniform implementation of guidelines issued by

Department of Public Enterprise (DPE) in the year 1997 and 2007 in terms of guidelines of 1992, is also sought by petitioner- Association. Infact, petitioner- Association seeks parity of its employees with those of CPSEs like NTPC, PGCIL, PFC etc.

2. The aforesaid Office Order already stands quashed by High Court of Uttarakhand in W.P.(SB) 11/2014 *THDC Diploma Engineers Association and Ors. Vs. Union of India & Ors.*, rendered on 22nd July, 2016 with direction to remove the anomalies in pay scales in tune with their counterparts in NTPC etc.

3. Learned counsel for first respondent submits that in pursuance to the directions issued by High Court of Uttarakhand, fresh Office Order of 11th August, 2017 has been issued by Ministry of Power directing compliance of guidelines/ instruction-of DPE and Presidential Directives issued by this Ministry from time to time while fixing the pay scales for its employees.

4. Learned senior counsel for petitioner submits that fresh Office Order of 11th August, 2017 is not in conformity with paragraph No.17 of Uttarakhand High Court decision in *THDC Diploma Engineers Association (supra)*. It is pointed on behalf of petitioner-Association that this very Office Order of 27th December, 2013 has been already quashed by High Court of Meghalaya in W.P.(C) 185/2014, *The Joint Action Committee & Ors. Vs. The Union of India & Ors.*, rendered on 2nd September, 2016 with direction to respondents herein to properly consider the matter and take decision in three months. It is also pointed out that the Special Leave Petition [No. 9188/2017 by respondent No.1] against the decision of High Court of Uttarakhand has been already

dismissed.

5. Upon hearing and on perusal of record of this case, I find that challenge to the Office Order of 27th December, 2013, no longer survives, as it has been superseded by Office Order of 11th August, 2017 in pursuance to orders passed in case of *THDC Diploma Engineers Association (Supra)*. First respondent has passed an order on 28th June, 2017 (*Annexure R-2A*) and this Court is of the opinion that the fresh Office Order of 11th August, 2017 has to be implemented by second respondent in the light of observations made in Paragraphs No. 4.2 & 4.3 of order of 28th June, 2017 (*Annexure R-2A*).

6. With aforesaid directions, this petition is disposed of.

**SUNIL GAUR
(JUDGE)**

DECEMBER 15, 2017

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