

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-3880-1999 (O&M)

Date of Decision:-04.04.2018.

Bihari Lal Gandhi

.....Appellant

Versus

Haryana State Electricity Board, Panchkula and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rahul Makkar, Advocate for
Mr. L.M. Gulati, Advocate for the appellant.

Mr. G.S. Wasu, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

Pursuant to the previous orders, Sh. Vineet Garg, Managing Director, HPGCL is present in the Court.

2.) Short question for consideration in the present appeal is whether appellant is entitled to claim any benefit in the Generation Cadre consisting of Thermal/Hydel/BBMB etc. For the purpose of claiming any service benefits in the Generation Cadre appellant has to fulfill the requisite qualification prescribed by the amendments to the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to the HSEB) (for short 'the 1965 Regulations') by which Sub-Regulation (g) of Regulation 2 (i) and (ii) has been incorporated. From the inception of Haryana State Electricity Board till 1985, there were common cadre of Junior Engineers etc. Respondent-HSEB took a policy decision to bifurcate the Engineering Section like for General Cadre (Transmission and

Distribution) and for Generation Cadre consisting of Thermal/Hydel/BBMB etc. Undisputedly, while working with the HSEB appellant was on deputation to BBMB on 01.08.1974. Having regard to the qualification prescribed for General Cadre read with the appellant's service, he would fit into General Cadre and not Generation Cadre consisting of Thermal/Hydel/BBMB for the reasons that Engineering subordinate means Junior Engineers (Thermal) controllers; Master Foreman and Senior Supervisor having at least 3 years Diploma in Electrical/Mechanical or Electronics Engineering. Whereas, appellant do not fulfill one of the requisite qualification to the extent that he is not holding the post of Junior Engineer in Thermal. In other words, he was in Field/Sub-Station/Test/Career. He has also not questioned the amendment dated 19.2.1988 while contending that Junior Engineers who were working in Thermal alone are entitled to be accommodated in the Generation Cadre. Therefore, as long as amendment to Sub-Regulation (g) of Regulation 2 of the 1965 Regulations is in tact, appellant is not entitled to claim any benefit like incorporating his name in the Generation Cadre for the reasons that Sub-Regulation (g) of Regulation 2 (ii) there is a specific provision that Junior Engineers must be working in Thermal so as to accommodate them in the Generation Cadre. In view of these facts and circumstances, appellant has not made out a case.

3.) Accordingly, appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

April 04, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.