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

+ LPA 44/2018 & CM Nos. 4338/2018 (stay) & 13946/2018 (delay)

NATIONAL HYDROELECTRIC POWER CORPORATION

OFFICERS ASSOCIATION

..... Appellant

Through Mr. Nidhesh Gupta, Mr. Sameer Kumar, Mr. Prateek Singh Chaudhary and Mr. Aditya Shankar, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr. Ajit Pudussery and Mr. Ajeet Singh Verma, Advocates for respondent No. 2.

Mr. Vivek Goyal, CGSC along with Mr. Harsh Pandit, Advocates for respondent Nos. 3 and 4/UOI.

Mr. Vikas Mehta, Advocate for Mr. Sanjay Rawat, Advocate for respondent No. 5.

Mr. Rajeev Chhetri, Mr. Pawan Upadhyay, Mr. Rajesh Chhetri and Ms. Meenakshi Rawat, Advocates for respondent No. 6.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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18.05.2018

Having heard learned counsel appearing on behalf of the parties and in terms of the decision of a Division Bench of the Uttarakhand High Court dated 22nd July, 2016, in Writ Petition (SB) No. 11/2014, titled as “*THDC Diploma Engineers Association and Others vs. Union of India and Others*”,

which has not been interfered with, by the Hon'ble Supreme Court of India in the order dated 8th May, 2017, passed in SLP (C)...CC No. 9188/2017, titled as "*Union of India vs. THDC Diploma Engineers Association and Ors.*"; the impugned Order No.11/17/2009-NHPC/Vol.III, dated 27th December, 2013, issued by the Ministry of Power, Government of India, insofar as, it relates to the respondent No. 2/Corporation, is set aside and quashed.

It is further directed that in view of the circumstance that the subsequent Letter No. 2/1/2014-H.I-Vol-III (Pt) dated 28th June, 2017, Office Order No. 2/2/2014-H.I (Pt) dated 30th June, 2017 & Letter No. 6/3/2015-NHPC (PLI) dated 11th August, 2017, issued by the Ministry of Power, Government of India, were not the subject matter of challenge before the learned Single Judge, the observations and directions contained in the impugned order dated 15th December, 2017, in this behalf, shall not come in the way of the appellants assailing their correctness, in accordance with law.

The impugned order dated 15th December, 2017, is accordingly set aside and quashed *qua* the respondent No. 2/Corporation, in similar terms.

With the above directions, the appeal is disposed of. Pending applications also stand disposed of.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

MAY 18, 2018
RS