

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

LPA No.1418 of 2016 (O&M)
Date of Decision: March 09, 2022

State of Haryana & others

....Appellants

VERSUS

Er.Suchita Choudhary

....Respondent

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr.Hitesh Pandit, Advocate, for the appellants.

Ms.Palika Monga, DAG, Haryana.

Mr.Shiv Kumar Sharma, Advocate, for the respondent.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. SANDHAWALIA, J(Oral).

Counsel for the appellants submits that respondent Nos.2 & 3-
Nigam are the proper appellants and State of Haryana has been wrongly
arrayed. Let name of appellant No.1 be struck off from the array of parties.

It is pointed out that an understanding has been reached with the
respondent-writ petitioner and she has furnished the requisite affidavit dated
18.08.2020, whereby she has undertaken not to claim the benefit of the past
service with HVPNL for the period 24.12.2007 to 16.08.2010. Same reads as
under:

“I, Suchita Choudhary D/o Shri Satyapal Singh Saharan employed
as Assistant Engineer/Electrical and presently posted in the O/o
Superintending Engineer/NCR Planning HVPNL Gurugram do
hereby solemnly affirm and state as under:

1. Earlier the deponent has worked as AE/Electrical in HPGCL during the period 24.12.2007 to 16.08.2010.
2. Now, the deponent working as Assistant Engineer/ Electrical in the O/o Superintending Engineer/NCR Planning HVPNL Gurugram.
3. The deponent while working in HPGCL has appeared in Departmental Accounts examination of Engineering officers and passed the Departmental Accounts examination of Engineering officers and passed the Departmental Accounts Examination of Engineering officers during the year 2009.
4. Deponent hereby undertakes that on the basis of exemption being granted for appearing again in the Departmental Accounts Examination of Engineering officers, due increment, time scale and promotion may be granted to the deponent as per the service rendered in HVPNL, however this will be subject to that I will not claim the benefits of my past service.
5. Deponent hereby undertakes that I will withdraw the legal remedy opted by me.

Place: Panchkula

Deponent

Date: 18.08.2020”

Accordingly, order dated 09.09.2020 has been passed wherein it has been noted that the respondent-writ petitioner would withdraw the legal remedy opted by her. Relevant portion reads as under:

“In response thereof, Ms. Suchita Chaudhary, AE submitted an undertaking expressing her willingness to opt for the first option granted by the Board of Directors, HVPNL, specifically stating that she will withdraw the legal remedy opted by her and will also not claim past service benefits for the services rendered by her in HPGCL.

Accordingly, after considering the service record of Ms. Suchita Chaudhary, AE and the exemption granted to her from

qualifying the prescribed Departmental Accounts Examination for Engineering officers (as she had already cleared the same while in service in HPGCL), Ms. Suchita Chaudhary, AE is hereby granted deemed date of promotion to the post of Assistant Executive Engineer/Electrical (AEE/Electrical) on regular basis w.e.f. 04.07.2017 i.e. the date from which her junior namely Sh. Sunny Kumar has been promoted as AEE/Electrical. Consequentially, she would be entitled notional pay fixation w.e.f. dated 04.07.2017 and actual pay from the date of her joining as AEE/Electrical.

The annual increments of the officer w.e.f. 01.07.2017 which were otherwise stopped due to non-passing of DAE in HVPNL is also hereby released.

Further, Regular Satisfactory Service Certificate for 5 years Cadre Specific Assured Career Progression Scheme/Time scale is also issued in favour of Ms. Suchita Chaudhary, AE w.e.f. 21.08.2015.

The above benefits are subject to the fulfilment of conditions as expressed by her in her undertaking.

Note:-

1. Smt. Suchita Chaudhary, AE/Electrical on promotion as AEE/Electrical will continue to work at her present station of posting till further orders.
2. Smt. Suchita Chaudhary, AE/Electrical promoted as AEE/Electrical shall have no claim of seniority over those who are otherwise senior to her and whose cases could not finalized due to pending disciplinary proceedings or any other reasons whatsoever. She will be liable for reversion without any notice to avail posts for her seniors, if need be.
3. Smt. Suchita Chaudhary, AE/Electrical promoted as AEE/Electrical on regular basis would continue to officiate as AE but for her promotion as AEE/Electrical.
4. The above promotion has been made subject to the assessment and integrity in the ACR not on record being good.

5. The above promotion is without prejudice to the outcome of any pending civil writ petitions/ Civil suits regarding seniority of Assistant Engineer/Electrical.

The above promotion/other financial benefits have been granted subject to the submission of undertaking by Ms. Suchita Chaudhary, AE to the effect that she will withdraw the legal remedy opted by her against the Nigam.

This issues with the approval of Managing Director, HVPNL, Panchkula accorded in E-office File No.2509.”

Counsel for the respondent submits that he has necessary instructions to withdraw the writ petition keeping in view the benefits granted vide the aforesaid office order dated 09.09.2020 and therefore, CWP-21363-2013 may be permitted to be dismissed as withdrawn.

Accordingly, in view of the above on the writ petition being withdrawn, the present appeal has been rendered infructuous and is disposed of as such.

Copy of this order be placed in the record of other connected cases.

(G. S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

March 09, 2022
sailesh

Whether speaking/reasoned	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>