

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-58-2021 (O&M)
Date of decision:- 08.11.2023

Uttar Haryana Bijli Vitran Nigam, Panchkula and another

...Appellant(s)

Versus

Kashmeer Singh and others

...Respondent(s)

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE**
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Deepak Balyan, Advocate,
for the appellants.

Mr. Kanwaljit Singh, Senior Advocate,
with Mr. I.P.S. Kohli, Advocate,
for the respondents.

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RITU BAHRI, A.C.J. (ORAL)

This appeal is directed against the judgement and order dated 18.10.2019 passed by the learned Single Judge disposing of the writ petition filed by the petitioners (respondents herein) directing the Managing Director of Uttar Haryana Bijli Vitran Nigam (UHBVN) and Dakshin Haryana Bijli Vitran Nigam (DHBVN) to hear them and consider their cases by framing a policy or exercise again the jurisdiction for transfer after calling options from the employees subject to terms and consideration of policy of 2011 and other policies issued from time to time after recruitment process of 2007-2008 was over, particularly, foregoing of the seniority.

Learned counsel for the appellants states that the selection in the present case was made in the year 2010 qua Advertisement No. 13/2007 and 4/2008 for the post of Assistant Lineman.

A perusal of the impugned judgement shows that even for the selection process 2007-2008, there was a provision for inter utility transfer.

Learned senior counsel for the respondents states that even recently in the year 2023 selection process, there is a provision of inter utility transfer. A copy has been handed over to learned counsel for the appellants and the learned Single Judge had only given directions to the appellants to consider the case of the respondents by framing a policy. He further states that it is not the case of the policy, but a case of every recruitment process where this

facility is provided to the candidates. He further states that the respondents are ready to forego their seniority, if they are transferred.

This Court is, therefore, modifying the impugned judgement by giving directions to the Managing Director, UHBVN and DHBVN to consider the case of the respondents for grant of the benefit of inter utility transfer as was given to the candidates for the selection years 2006, 2009, 2011 and subsequently recently in 2023 as well. The consideration can be done by the Managing Director, UHBVN and DHBVN by keeping in view the availability of the post(s) in either of the Departments and passing a speaking order after giving opportunity of hearing to the respondents. The Managing Director will also consider the respondents’ case for giving up their seniority.

The appeal stands disposed of in the terms aforesaid.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

08.11.2023
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No