

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

LPA-153-2022 (O&M)
Date of decision:- 08.11.2023

Uttar Haryana Bijli Vitran Nigam, Panchkula and another

...Appellant(s)

Versus

Suraj Pal Rana and another

...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 respondent No. 1.

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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 petitioner (respondent No. 1 herein) directing the Managing Director of Uttar Haryana Bijli Vitran Nigam (UHBVN) and Dakshin Haryana Bijli Vitran Nigam (DHBVN) to hear the respondent and consider his case 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 respondent No. 1 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 respondent No. 1 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 respondent No. 1 is ready to forego his seniority, if he is transferred.

This Court is, therefore, modifying the impugned judgement by giving directions to the Managing Director, UHBVN and DHBVN to consider the case of respondent No. 1 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 in either of the Departments and passing a speaking order after giving opportunity of hearing to respondent No. 1. The Managing Director will also consider the respondent No. 1’s case for giving up his 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