

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17643 of 2021

Jyoti Kumar S/o Late Rajendra Prasad Sharma, Resident of Flat No. 604, R.D. Palace, Near Pani Tanki More, Boring Road, P.O.- Patliputra, P.S.- Srikrishnapuri, District - Patna, Bihar, Pin - 800013, Employee No. 007001, Sr. Manager, Grade -E6, Department - Maintenance Planning (MTP), Nabinagar Power Generating Company Limited (NPGCL), office at, Nabinagar Super Thermal Power Project (NSTPP), P.O.- NPGCL Aditi Nagar SO, P.S.- Narari Kala Khurd, Dist.- Aurangabad, Bihar, Pin - 824304.

... .. Petitioner/s

Versus

1. The Union of India through The Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi- 100001.
2. The Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi- 100001.
3. NTPC Limited, through its Chairman and Managing Director (CMD), NTPC Bhawan, Core - 7, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi- 110003.
4. The Chairman and Managing Director (CMD), NTPC Limited, Office at - 6th Floor, NTPC Bhawan, Core- 7, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi- 110003.
5. The Director (HR), NTPC Limited, Office at - 5th Floor, NTPC Bhawan, Core- 7, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi- 110003.
6. The Regional Executive Director (RED), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt.- Patna, Bihar, Pin - 800001.
7. The Regional Head of Human Resource (Eastern Region- I), NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O- GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin - 800001.
8. The Head of Project (HOP), Barh Super Thermal Power Project, NTPC Limited, P.O. and P.S. - NTPC Barh, Distt. - Patna, Bihar, Pin- 803215.
9. The Chief Executive Officer (CEO), Nabinagar Power Generating Company Limited (NPGCL), office at, Nabinagar Super Thermal Power Project (NSTPP), P.O. - NPGCL, Aditi Nagar SO, P.S.- Narari Kala Khurd, Distt. - Aurangabad, Bihar Pin- 824304.
10. Sh. Surinder Raina, Employee No. - 003570, Ex- DGM (P and S), CC and M department, Office at, 6th Floor, Engineering Office Complex, Sector - 24, Noida, Distt.- Gautum Budha Nagar, Uttar Pradesh, Pin - 201301, Ex- Executive Director (Renewable Energy Group), NTPC Limited, Office at, A- Block, 7th Floor, Engineering Office Complex, Sector- 24, Noida, Distt.- Gautum Budha Nagar, Uttar Pradesh, Pin- 201301.



11. Sh. Dilip Kumar Choudhary, Employee No.- 010001 Ex- Chief Executive Officer (CEO), NTPC SAIL Power Company Private Limited (NSPCL), Office at - 4th Floor, NBCC Tower, 15, Bhikaji Cama Palace, New Delhi- 110066.
12. Sh. Sharat Kumar Acharaya, Employee No. - 011542, Ex- Additional General Manager (Human Resource), NTPC SAIL Power Company Private Limited (NSPCL), Office at - 4th Floor, NBCC Tower, 15, Bhikaji Cama Palace, New Delhi- 110066.
13. Smt. Urmila Mukherjee, Employee No.- 002974 Ex- Deputy General Manager (Human Resource), NTPC SAIL Power Company Private Limited (NSPCL), Office at- 4th Floor, NBCC Tower, 15, Bhikaji Cama Palace, New Delhi- 110066.
14. Sh. Karan Singh Garbyal, Employee No.- 011040, Ex-Executive Director (ED), Barh Super Thermal Power Project, NTPC Limited, P.O. and P.S.- NTPC Barh, Distt.- Patna, Bihar, Pin- 803215, Ex- Regional Executive Director (RED), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt.- Patna, Bihar, Pin- 800001.
15. Sh. Umesh Prasad Pani, Employee No.- 020056. Ex- Director (HR), NTPC Limited, Office at - 5th Floor, NTPC Bhawan, Core- 7, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi- 110003, Ex Regional Executive Director (RED), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin- 800001.
16. Sh. Murari Prasad Sinha, Employee No.- 001326, Ex Regional Executive Director (RED), Eastern Region- I, NTPC Limited, Office at 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt.- Patna, Bihar, Pin - 800001, Ex-Chief Executive Officer (CEO), Nabinagar Power Generating Company Limited (NPGCL), Office at - Nabinagar Super Thermal Power Project (NSTPP), P.O.- NPGCL Aditi Nagar SO, P.S.- Narari Kala Khurd, Distt - Aurangabad, Bihar, Pin- 824304.
17. Sh. S. Narendra Employee No.- 001623, Ex- Regional Executive Director (RED), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O. - GPO Patna, P.S.- Kotwali, Distt.- Patna, Bihar, Pin- 800001.
18. Sh. Asit Kumar Mukharjee, Employee No.- 002306, Ex- Regional Executive Director (RED), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin- 800001.
19. Sh. Rakesh Prasad, Employee No.- 002938, Ex Regional Head of Human Resource (RHOHR), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt.- Patna, Bihar, Pin- 800001, presently posted as



Executive Director, Corporate Social Responsibility, Engineering Office Complex, Sector- 24, Noida, Distt.- Gautum Budha Nagar, Uttar Pradesh, Pin - 201301.

20. Sh. Arun Kumar, Employee No.- 078613, Ex Regional Head of Human Resource (RHOHR), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt.- Patna, Bihar, Pin - 800001.
21. Sh. Akhil Garg, Employee No. - 004302, Ex General Manager (GM), Department- Safety, Ash Utilization and Environment Management Group (SAE), Eastern Region- I, NTPC Limited, Office at 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin- 800001, presently posted as General Manager (GM), Jetsar Solar Power Project, Distt.- Ganganagar, Rajasthan, Pin - 335702.
22. Sh. Bodanki Srinivas Rao, Employee No. - 004454, Ex General Manager (GM), Department - Safety Ash Utilization and Environment monitoring Group (SAE), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O. - GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin - 800001, presently posted as Group General Manager (O and M), National Capital Power Station, Dadri, P.O. - Vidyut Nagar, Distt. - Gautum Budh Nagar, Uttar Pradesh, Pin- 201008.
23. Sh. A Venkata Seshagiri Rao, Employee No. - 020359, General Manager (GM), Department - O and M and Safety, Ash Utilization and Environment Monitoring Group (SAE), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin - 800001.
24. Sh. Tufail Ahmad, Employee No.- 047318, PMS Officer (CPC- 2015, CPC- 2018), Eastern Region- I, NTPC Limited, Office at 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O. - GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin - 800001, presently posted as Senior Manager (HR), Eastern Region- II Headquarter, Office at 3rd and 4th Floor OLIC Building, N- 17/2, Nayapalli Unit- 8, Bhubaneswar, Orissa, Pin - 751012.
25. Smt. Pallavi, Employee No.- 101229, PMS Officer (CPC- 2019 and 2020), Eastern Region- I, NTPC Limited, Office at - 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin - 800001.
26. Sh. Gaur Chandra Sarkar, Employee No. - 041429, PMS Officer (CPC- 2021), Eastern Region - I, NTPC Limited, Office at 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt. - Patna, Bihar, Pin - 800001.
27. Appellate Authority, NTPC Limited, Office at- Engineering Office Complex, R and D Building, Room No. 134 (Cabin No. 209), Sector - 24, Noida, Distt. - Gautum Budha Nagar, Uttar Pradesh, Pin - 201301.



28. Central Public Information Officer (CPIO), NTPC Limited, Office at - Engineering Office Complex, R and D Building, Room No. 25, Sector - 24, Noida, Distt. - Gautum Budha Nagar, Uttar Pradesh, Pin - 201301.
29. Sh. M.S.D. Bhattamisra, Employee No. - 001896, Ex- Appellate Authority, NTPC Limited, presently posted as Executive Director (HR), Office at - 2nd Floor, NTPC Bhawan, Core- 7, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi- 110003.
30. Sh. Shantimoy Nandan, Employee No.- 006227, Central Public Information Officer (CPIO), Office at - Engineering Office Complex, R and D Building, Room No. 25, Sector - 24, Noida, Distt. - Gautum Budha Nagar, Uttar Pradesh, Pin - 201301.
31. Sh. Vijai Singh, Employee No. - 003784, Chief Executive Officer (CEO), Nabinagar Power Generating Company Limited (NPGCL), Office at - Nabinagar Super Thermal Power Project (NSTPP), P.O.- NPGCL Aditi Nagar SO, P.S.- Narari Kala Khurd, Distt. - Aurangabad, Bihar, Pin- 824304.
32. Sh. Praveen Saxena, Employee No.- 003860, Director - NPGCL cum Regional Executive Director (Eastern Region- I), NTPC Limited, Office at - Eastern Region- I Headquarter, NTPC Limited, 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO Patna, P.S.- Kotwali, Distt.- Patna, Bihar, Pin - 800001.
33. Sh. Ramesh Babu V, Employee No. - 004761, Chairman- NPGCL cum Director (Operation), NTPC Limited, Office at - 5th Floor, NTPC Bhawan, Core- 7, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi- 110003.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Binod Kumar Singh, Advocate Ms. Vagisha Pragya Vacaknavi, Advocate
For the Respondent NTPC	:	Mr. Tuhin Shankar, Advocate Mr. Gopal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 03-04-2026

Heard Mr. Binod Kumar Singh, learned Advocate for the petitioner and Mr. Gopal Kumar, learned Advocate for the N.T.P.C.

2. This writ petition has been filed by the petitioner



seeking a direction to the respondents to give promotion to the petitioner from retrospective date, i.e., 01.10.2017 from his present post of Senior Manager (Grade E6) to the post of Deputy General Manager (Grade E7) with effect from 01.10.2017 [now w.e.f. 01.06.2018 old Grade E6 is termed as Grade E7 and old Grade E7 is termed as Grade E8, therefore, the petitioner be given promotion in Grade E8].

3. Also prayed for by the petitioner is that he be given difference of amount of salary and all consequential monetary benefits of promotional post like Performance Related Pay (PRP) and different allowances which he could not get due to malafide withholding of his due promotions from time to time, i.e., in CPC-2006, CPC-2010, CPC-2015, CPC-2016, CPC-2017, CPC-2018, CPC-2019, CPC-2020 and CPC-2021 respectively till the date of actual payment with interest of 18% per annum.

4. Learned Advocate for the petitioner has submitted that for promotion of the petitioner, as prayed for and highlighted hereinabove is regulated by “statement of company policy regarding promotion of the Executives” (Annexure P/1) and Corporate HR Circular No. 522/2004 dated 28.05.2004 (Annexure P/2). Accordingly, the learned Advocate for the



petitioner has submitted that the petitioner is entitled to be considered for promotion under the aforesaid policy for promotion of Executives and the circular applicable.

5. Though counter affidavits have been filed by the respondents, the counsel appearing for the respondent-NTPC has failed to point out before this Court that the petitioner is not entitled to be considered for promotion under the aforementioned policy regarding promotion of Executives and the circular mentioned, except to make a submission by Mr. Gopal Kumar, learned Advocate for the NTPC that the present case would be argued by his Senior.

6. Since the matter relates to promotion of the petitioner from Senior Manager (Grade E6) to the post of Deputy General Manager (Grade E7) (now Grade E7 to Grade E8) as discussed hereinabove and in view of the policy regarding the promotion of Executives applicable to the petitioner having been pointed out by the learned Advocate for the petitioner, this writ petition shall stand disposed of with a direction to the respondent-NTPC to consider the case of the petitioner for promotion from Senior Manager (Grade E6) to the post of Deputy General Manager (Grade E7) (now Grade E7 to Grade E8) as highlighted hereinabove in accordance with the “statement of the company



policy regarding promotion of the Executives” (Annexure P/1) and Corporate HR Circular No. 522/2004 dated 28.05.2004 (Annexure P/2) if the same is applicable to the petitioner and/or any other applicable Rules, policy, scheme or circular for promotion that may be applicable to the petitioner, as expeditiously as possible and in any case not later than four weeks from the date of receipt of certified copy of the order.

7. The writ petition is disposed of with the above directions.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.04.2026
Transmission Date	

