IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.1838 of 2020

Decided on: 02nd November, 2026

Govind Singh **...Petitioner**

Versus

The H.P. State Electricity Board Ltd. and Anr.
...Respondents

Coram
Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge
Whether approved for reporting? [1]

For the petitioner:	Mr. Neeraj Sharma, Senior Advocate with Mr. Vidush Chauhan, Advocate.
For the respondents:	Mr. B.N. Misra, Senior Advocate with Ms. Mansi Sharma, Advocate.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has prayed for the following substantive reliefs:

> *"(i) That the impugned order dated 26.10.2017 (Annexure A-7) may kindly be quashed and set aside.*
> *(ii) That the respondents may kindly be directed to pay the salary of Assistant lineman/Lineman w.e.f. July 2007 on the principal of "equal pay for equal work" till date.*
> *(iii) That the respondents may kindly be directed to give seniority as Assistant Lineman/Lineman w.e.f. July 2007 and promotion accordingly with all consequential benefits."*

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[1] *Whether reporters of Local Papers may be allowed to see the judgment?*

2. Shorn of unnecessary details, the key facts of the case are that the petitioner was initially engaged as daily paid Beldar in respondent No.1-Board and thereafter asked to work as T-Mate during November 2002 in HPSEBL Sub-Division, Rohru, where he worked till the year 2005. Thereafter, he was transferred and posted at Chirgaon during December 2005.

3. The claim of the petitioner, as put forth in the petition is that though he was appointed as regular T-Mate, but he has been performing the duties of Assistant Lineman (in short "ALM")/Lineman (in short "LM") under respondent No.1-Board in Electrical Section, Jangla w.e.f. July 2007 till date and has been assigned the duties of ALM/LM except for the period w.e.f. October 2012 to November 2013. Since the petitioner had though been designated as T-Mate, but discharging the duties on the post of ALM/LM, had approached the Himachal Pradesh Administrative Tribunal by way of ***OA No. 2564 of 2017***, titled, ***Govind Singh vs. HPSEB Ltd. and another***, which was disposed of on 30.06.2017 with a direction to the respondents/competent authority to consider and decide the representation dated 05.12.2016 made by the petitioner in accordance with rules/law.

4. Consequent upon the decision of the Tribunal, respondent No.1-Board passed an order on 26.10.2017 (Annexure A-7), whereby the claim of the petitioner came to be rejected, holding that the petitioner could not put any evidence that how he is performing the duties of ALM/LM. Further, there is no written order issued by the competent authority directing him to carry out the specific duties of ALM/LM, besides the fact that the post of T-Mate is a skilled post and the petitioner is basically a skilled workman to help the Foreman/LM/ALM in discharging their duties.

5. The petitioner feeling aggrieved by the order of rejection on his representation, has approached this Court *inter alia* on the ground that he has been performing the duties of ALM/LM since July 2007 continuously till date and is also eligible as per the Rules for promotion to the post of ALM/LM and as such is legally entitled for seniority and promotion w.e.f. July 2007 to the post of ALM/LM. It has been averred that the competent authority has wrongly enumerated/explained the duties without looking into the original Rules with regard to the duties of T-Mate/ Foreman/ALM/LM and as such, prayed for quashing the order dated 26.10.2017and sought direction to respondent No.1-Board to pay him the salary of ALM/LM w.e.f. July 2007

on the principle of ‘equal pay for equal work’ till date and further assign him seniority as ALM/LM w.e.f. July 2007 and promote him accordingly with all consequential benefits.

6. Respondent No.1-Board filed reply to the petition and in preliminary submissions averred that the petitioner was appointed on daily wage basis to the post of T-Mate (work-charged) in the pay scale of Rs.2720-4300/- (revised to Rs.5100-10680 + Rs.1700/- Grade Pay) w.e.f. 01.01.2006 by the Senior Executive Engineer, Electrical Division, Rohru, vide memorandum dated 12.11.2002 (Annexure RA-1), who joined his duties on 12.11.2002. The services of the petitioner have been regularized on the post of T-Mate w.e.f. 20.01.2010 as per order dated 19.03.2010 (Annexure RA-3). As per the Recruitment and Promotion Regulations of field technical staff, including the staff notified by respondent No.1-Board, vide Notification dated 07.08.1991, the next promotional channel of T-Mate is the post of ALM and then LM etc., on fulfilling the eligibility criteria, as prescribed therein for promotion, subject to availability of promotional quota posts in the respective grade and seniority is the main factor considered for promotion. The petitioner being very junior in the grade of T-Mate is not yet falling in the zone of consideration for promotion to the post

of ALM in Electrical Division, Rohru. As per the final seniority list of T-Mate, as it stood on 01.01.2017 in Electrical Division, Rohru, name of the petitioner is appearing at Sr. No.48 (Annexure RA-5). It has specifically been mentioned that respondent No.1-Board has never put the petitioner to specific duty of ALM/LM etc., save and except his own duties being assigned by the Junior Engineer Incharge, from time to time, including other T-Mates working under the same Electrical Section. T-Mate is basically a skilled workman to help the Foreman/LM/ALM in discharging their duties and even T-Mate can be deployed independently to discharge the nature of duties after observing all safety measures by the Junior Engineer Incharge. The petitioner cannot claim for the salary and post of ALM/LM, merely on the basis of deputing him to watch and maintain power supply system in the allotted transformers and HT/LT lines. The petitioner will be considered for promotion to the post of ALM on his turn as per the seniority. The petitioner has no legal or vested right, which has been infringed and violated.

7. On merits, it has been averred that the representation made by the petitioner has been considered and decided by the competent authority. He cannot claim for the salary and post of ALM/LM merely on the basis of

deputing him to watch and maintain the power supply system in the allotted transformers and HT/LT lines. Since the petitioner is junior in the grade of T-Mate and is not falling in the zone of consideration for promotion to the post of ALM in Electrical Division, Rohru, he cannot be promoted to the said post and as such, prayed for dismissal of the petition.

8. The petitioner filed rejoinder to the reply filed by respondent No.1-Board and controverted the averments made therein. He has also placed on record the documents, whereby he has been deputed to look after the sub-station/transformer and surrounding areas to maintain LT and HT lines.

9. I have heard the learned senior counsel representing the parties and also perused the record carefully.

10. The petitioner has not placed on record any document to show that he was ever assigned the duties to perform the functions of ALM/LM. The plea raised by the learned senior counsel representing the petitioner is that the petitioner was deputed temporarily to look after the sub-station/transformer and surrounding area of village Thali i.e. public camp at LT and HT lines along with 63 KVA

sub-station/transformer with immediate effect, which is the job to be performed by the ALM and since he has performed the duties and functions of the post of ALM/LM, he is entitled to the pay and salary of the post of ALM/Lineman. However, on the basis of assigning the duties to look after the sub-station/transformer, it cannot be said that the petitioner has actually discharged the duties of the post of ALM/LM. The claim of the petitioner for granting him the salary of the post of ALM/LM would have been accepted, if respondent No.1-Board had given in writing to him to perform the duties of the post of ALM/LM and thus, the plea raised by the petitioner, is without any substance and is hereby rejected.

11. Learned senior counsel for the petitioner has argued that while rejecting the claim of the petitioner, vide order dated 26.10.2017 (Annexure A-7), it has wrongly been taken note of the fact that the duties performed by the petitioner were not of the post of ALM/LM, as per the job specification prescribed as per office order dated 06.09.1989 issued by respondent No.1-Board. The said plea cannot be accepted simply for the reason that the petitioner has not placed on record any document to show that he was ever assigned the duty of the post of ALM/LM. Simply by

posting a T-Mate to discharge the duties in the sub-station/transformer, it cannot be construed that he has discharged the duties of the post of ALM/LM and thus, respondent No.1-Board has rightly rejected the representation made by the petitioner, specifically taking note of the fact that the petitioner could not put any evidence that how he has performed the duties of ALM/LM.

12. Learned senior counsel for the petitioner has also placed reliance upon the judgment passed by this Court in CWPOA No.1392 of 2019, titled, ***Rita Kumari and others vs. State of Himachal Pradesh and another***, to canvas that since the petitioner has discharged the duties of the post of ALM/LM, on the principle of 'equal pay for equal work', he is entitled to the pay of the post of ALM/LM. However, the judgment cited by the learned senior counsel is not applicable to the facts of the present case for the simple reason that the petitioner has not placed on record any document worth credence to lead inference that he has ever worked on the post of ALM/LM and thus, the aforesaid judgment is not attracted to the case of the petitioner.

13. The claim of the parties can be adjudicated only on the basis of documents and orders passed by the competent authority. Since the petitioner has not placed on

record any document, which can lead to the inference that he has ever discharged the duties of ALM/LM, the plea taken by the petitioner is based on assumptions and presumptions and the same cannot be accepted and hence rejected.

14. Respondent No.1-Board has clearly mentioned in the reply that as per the final seniority list of T-Mates (Annexure RA-5) as it stood on 01.01.2017, in Electrical Division, Rohru, the name of the petitioner figures at serial No.48 and the promotion to the post of ALM can be made only on the basis of the Recruitment and Promotion Rules/Regulations issued by respondent No.1-Board and since the petitioner has not disputed his seniority position, he cannot be promoted dehors the Recruitment and Promotion Rules/Regulations and ignoring the claim of the persons, who are senior to him. Thus, the relief claimed by the petitioner cannot be countenanced and hence rejected.

15. Resultantly, in view of the discussion made hereinabove, I do not find any merit in the present petition, and the same is accordingly dismissed. However, there shall be no order as to costs. Pending application(s), if any, shall also stand disposed of.

02nd November, 2026 **(Jiya Lal Bhardwaj)**
(ankit) **Judge**