

CWP-24097-2025 and connected matters

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257+262+130(21cases)

Date of decision:08.04.2026

1. CWP-24097-2025

JASWINDER SINGH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

2. CWP-24885-2025

SURESH KUMAR AND OTHERS

....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

3. CWP-24886-2025

ANANT RAM AND OTHERS

....PETITIONERS

VERSUS

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...RESPONDENTS

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4. CWP-24891-2025

SANDEEP AND OTHERS
...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS
...RESPONDENTS

5. CWP-24902-2025

DHARAMVEER SINGH AND OTHERS
...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS
...RESPONDENTS

6. CWP-24904-2025

VINOD KUMAR AND OTHERS
...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS
...RESPONDENTS

7. CWP-27709-2025

IMRAN KHAN AND OTHERS

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...PETITIONERS

VERSUS

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8.

CWP-27711-2025

DHARMENDER SINGH AND ANOTHER

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

9.

CWP-27917-2025

DIVIJ MOHAN AND OTHERS

...PETITIONERS

VERSUS

STATE OF HARYANA OTHERS

...RESPONDENTS

10.

CWP-30124-2025

PARAMJEET

....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

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11.

CWP-36279-2025
- DEEPAK AND OTHERS

....PETITIONERS
- VERSUS
- STATE OF HARYANA AND OTHERS

...RESPONDENTS
12.

CWP-36162-2025
- YASHVEER

....PETITIONER
- VERSUS
- STATE OF HARYANA AND OTHERS

...RESPONDENTS
13.

CWP-37350-2025
- DAYANAND

....PETITIONER
- VERSUS
- THE STATE OF HARYANA AND ORS

...RESPONDENTS
14.

CWP-5510-2026
- AJIT SINGH AND OTHERS

....PETITIONERS

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VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

15.

CWP-4126-2026

SURESH KUMAR AND OTHERS

....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHER

...RESPONDENTS

16.

CWP-8679-2026

MANDEEP SINGH AND OTHERS

....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHER

...RESPONDENTS

17.

CWP-9123-2026

URMILA AND OTHERS

....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

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18. CWP-38377-2025

SANDEEP AND ANOTHER
....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS
...RESPONDENTS

19. CWP-38505-2025

SANDEEP KUMAR AND OTHERS
....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHER
...RESPONDENTS

20. CWP-9962-2026

ASHISH GODARA AND OTHERS
....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS
...RESPONDENTS

21. CWP-10657-2026

Vikash and others
....PETITIONERS

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STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Ravinder Singh Dhull with Mr. Navnit Sharma, Advocates for the petitioners in CWP-24097-2025.

Mr. Rajesh Sethi, Mr. Krishan Kumar with Mr. Anshuman Sethi, Advocate for the petitioner(s) in CWP-30124-2025 & Mr. Ram Darshan Yadav, Advocate for the petitioner(s).

Mr. Amit Khatkar, Advocate for the petitioner in CWP-9962-2026.

Ms. Monika Jangra, Advocate for the petitioner(s) in CWP-37350-2025.

Mr. Jasbir Mor, Advocate for the petitioner(s) in CWP-38377-2025.

Mr. B.K. Bagri, Advocate for the petitioner(s) in CWP-5510-2026.

Mr. I.P.S. Kohli, Advocate Mr. Sidharth Maini, Advocate Mr. Dhruv Khanna, Advocate Mr. Sarabjeet Singh, Advocate for the petitioner(s) in remaining cases.

Mr. Vikrant Pamboo, Advocate for respondent No.2 (in CWP-24891-2025; CWP-24902-2025; CWP-24904-2025; CWP-30124-2025 & CWP-24097-2025) and for respondents No.2 & 3 (in CWP-27709-2025, 36162 & 36279-2025, CWP-27711-2025, CWP-37350-2025, CWP-9962 & 9123 of 2026) for respondents No.2 to 4 in CWP-5510-2026.

Mr. Prince Singh, Advocate for respondent No.3 (in CWP-24097-2025).

Mr. Sukhdeep Singh Parmar, Advocate for respondents No.2 & 3 (in CWP-27917-2025) and for respondent-UHBN in CWP-24904, 29304 and 36279-2025 and for respondent NO.3 in CWP-18675-2026.

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Mr. Piyush Khanna, Advocate for respondent No.2 in CWP-8675-2026.

Mr. Sanjeev Kaushik, Advocate, Ms. Manreet Kaur, Advocate and Mr. Divyanshu Kaushik, Advocate for the respondent(s)-UHBVN (in CWP-24885-2025; CWP-24886-2025; CWP-24891-2025; CWP-24902-2025 & CWP-24904-2025).

Ms. Anupama Sharma, Advocate with Ms. Nikita Goel, Advocates for respondents No.2 to 4.

Mr. Pravindra Singh Chauhan/AG Haryana/Sr. Advocate with Mr. Prince Singh, Mr. Sanjeev Kaushik, Advocate and Mr. Divyanshu Kaushik, Addl. AG Haryana. Ms. Amisha Rana, Advocate in (in CWP-24885, 24886, 24902, 37350, 24891, 27711, 38377, 38505 of 2025).

HARPREET SINGH BRAR, J. (Oral)

1. This order shall dispose of the above-mentioned writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from **CWP-24097-2025**.

2. The petitioners have approached this Court by filing the present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned speaking order dated 08.07.2025 (Annexure P-3) whereby the request of inter utility transfer of petitioners No.2 to 4 have been denied by the respondentNo.2. Further, praying for issuance of a writ in the nature of *mandamus* directing respondents No.2 and 3 to allow inter utility transfer of petitioners.

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3. Mr. Rajesh Sethi, Advocate has filed Power of Attorney on behalf of the petitioner in CWP-30124-2025 in court today. The same is ordered to be taken on record. Registry is directed to place the same at an appropriate place in the paperbook.

4. On 02.12.2025, the following order was passed:-

Learned counsel for the petitioner(s) inter alia contends that the petitioners are employees of DHBVNL/UHBVNL. There has been a past practice permitting the inter-utility transfer in time of some executive instructions issued time to time from the year 2006 onwards. Identically circumstanced employees approached this Court seeking quashing of the orders, whereby, the prayer for inter-utility transfer of the petitioners, have been rejected and this Court allowed the bunch of petitions along with CWP No.25668 of 2017 titled as 'Kashmeer Singh and others Vs. State of Haryana and others'. This Court while issuing directions to the respondent-Corporations has observed that the employees who are willing to forego their seniority and the fact that for the recruits of 2019, a policy of inter-utility transfer dated 26.07.2019 has already been promulgated and certain other employees selected in terms of advertisement No.08 of 2006 were also transferred. In light of the past practice, this Court disposed of the writ petition in Kashmeer Singh's case (supra) with a direction to the Managing Director of UHBVNL and DHBVNL to consider the case of the petitioner(s) therein subject to terms and conditions of the instructions issued from time to time.

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The respondent-Corporations challenged the order passed by the Coordinate Bench of this Court by filing LPA No.58 of 2021 which was disposed of on 08.11.2023 by modifying the judgment rendered by the Coordinate Bench to the extent of directing the Managing Director of both the power utilities to consider the case of the employees for grant of benefit of inter-utility transfer as was given to the candidates for the selection years of 2006, 2009, 2011 and subsequently, in the year 2023 as well. In compliance thereof, UHBVNL passed a speaking order rejecting the claim of the identically circumstanced employees seeking inter-utility transfer. The petitioner(s) in Kashmeer Singh's case (supra) and petitioner in other connected writ petitions filed COCP No.1887 of 2024 (Annexure P-15) and during the pendency of the contempt petition on 27.09.2024, the request of Kashmeer Singh and 15 other employees, who were the petitioner(s) in the Kashmeer Singh's case (supra) and a bunch of petitions, were granted inter-utility transfer.

Learned counsel for the petitioner(s) relied upon yet another bunch decided on 19.02.2025 titled as 'Vinod Kumar and others Vs. State of Haryana and others' and petitioner(s) again approached this Court by filing CWP No.2311 of 2025 along with another 11 bunch of cases which was disposed of on 19.02.2025 with a direction to consider the case of the petitioner(s) within a period of three months from the date of filing of the application subject to certain conditions.

In purported compliance, the respondent-Corporation passed a speaking order dated 08.07.2025 (Annexure P-23). The petitioner(s) also preferred a COCP

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No.3037 of 2025 which was disposed of 28.07.2025 (Annexure P-24).

Learned counsel for the petitioner(s) further emphasized that the case of the petitioner(s) is identical to that of the petitioner(s) in Kashmeer Singh's case (supra) and the respondent-Corporation has granted the inter-utility transfer to the petitioner(s) therein in terms of the order passed by the Division Bench of this Court in 08.11.2023 in LPA No.58 of 2021. As such, the applicability of the judgment of the Division Bench dated 08.11.2023 with the facts of the present case is not in question.

Per contra, learned counsel for the respondent-Corporation submits that in the earlier round of litigation when the petitioner(s) approached this Court by filing CWP No.2311 of 2025 (Annexures P-17 to P-22) which was disposed of by filing on 19.02.2025, the order which is available at Page No.189 of the paper book, and submits that the aforementioned writ petitions were filed by the petitioner(s) earlier were disposed of with the consent of both the parties. A direction was issued to consider the case of the petitioner(s) for transfer to another power utility to three conditions:-

- (i) subject to availability of posts.*
- (ii) their consent to be tagged at the bottom of the seniority and*
- (iii) availability of the similar post in order to comply with the minimum qualification of the posts.*

and learned counsel for the petitioner(s) has given his consent for transfer subject to availability of post and

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compliance of prescribed minimum qualification and adjustment at the bottom of the seniority list. In terms of the directions issued by this Court on 19.02.2025 in CWP No.2311 of 2025 and other connected matter, a speaking order dated 08.07.2025 was passed.

At this stage, Mr. Vikrant Pamboo, Advocate seeks a short accommodation to have complete instructions in order to resolve this controversy with regard to inter-utility transfers.

List on 08.12.2025.”

5. On 08.12.2025, the following order was passed:-

At the outset, learned counsel for the respondent(s)- UHBVNL submits that the present bunch of cases may be referred to an appropriate State-level or District-level Grievance Redressal Committee.

However, this submission cannot be accepted as the simmering issue necessarily requires a policy decision. The controversy in the abovementioned bunch of writ petitions pertains to inter-utility transfer of personnel. Evidently, the stand of the respondent-Corporation has been inconsistent since the creation of UHBVNL and DHBVNL. For nearly two decades, inter-utility transfers have been effected at the whims and fancies of the officers in charge, dehors any uniform or codified policy, as noted in order dated 02.12.2025. However, a transfer policy dated 26.07.2019 (Annexure P-6) was subsequently promulgated, the benefits of which were made available to Group C recruits of the year 2019. While it is settled law that transfer is not a vested right, it is equally imperative that once a policy is framed to regulate transfers, it

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must be transparent, fair and reasonable. After its formulation, such a policy must be implemented in its entirety, leaving no scope for selective application as any deviation would fall foul of the mandate of Article 14 of the Constitution of India.

The arbitrary approach adopted by the respondent-Corporation regarding transfer of personnel has resulted in this Court being faced with an ever-increasing inflow of transfer-related matters, thereby contributing substantially to the existing pendency. A fair, reasonable and comprehensive policy to govern such transfers would not only reduce avoidable litigation but also shield employees from unwarranted harassment. As a public employer, the respondent-Corporation is duty-bound to function in a manner that upholds public interest and adheres to our constitutional values. However, the pattern that emerges reveals persistent administrative shortcomings which have remained unaddressed for a considerable period. It is also noteworthy that the petitioners have already undertaken to forgo their seniority for the purposes of inter-utility movement, yet their proposed transfers continue to face resistance.

In these circumstances, it is imperative that the respondent-Corporation formulates a coherent and comprehensive policy, which either prohibits inter-utility transfers altogether or one that clearly defines the objectives, parameters and conditions governing such transfers. Accordingly, the concerned Additional Chief Secretary to the State of Haryana is directed to file an affidavit before this Court, specifically addressing the issues highlighted

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hereinabove and setting out the steps proposed for resolving the same.

List on 22.12.2025.”

6. On 22.12.2025, the following order was passed:-

In compliance with the order dated 08.12.2025 passed by this Court, the affidavit of Sh. Shyamal Misra, the Principal Secretary, Energy Department, Government of Haryana, has been filed in the Court today, which is ordered to be taken on record. Registry is directed to place the same at an appropriate place. Copy thereof has been supplied to the learned counsel for the petitioners.

Learned State Counsel refers to the said affidavit and submits that in consultation with respective stakes holders of power utilities. It has been decided that a policy will be formulated prohibiting inter-utility transfers between UHBVNL and DHBVNL. The Boards of Directors of the respective power utilities i.e. UHBVNL & DHBVNL being autonomous entities are competent to frame such regulations/policies for their proper functioning. However, after a thorough examination of the issue in question, a draft policy on prohibition of inter-utility transfers has been framed and submitted to the State Government for concurrence. Once the concurrence of State Government is received, the approval of the respective Boards of Directors will be sought for its due implementation.

Learned State counsel has assured this Court that, while framing the policy, an exception would only be created for deputation of employees on administrative grounds.

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List for further consideration on 02.04.2026.

In the meantime, status report be filed with the Registry before the next date of hearing.

The needful regarding implementation of the said policy be done within a period of three months of receipt of a certified copy of this order.

7. On 02.04.2026, the following order was passed:-

Two separate short replies have been filed on behalf of respondents No.1 and 2 in CWP-30124-2025 & CWP-5510-2026 respectively in Court today. The same are taken on record. Copies thereof have been supplied to the learned opposite counsel.

Neither any status report has been filed nor the decision taken by the State Government has been placed on record regarding approval of the draft policy on prohibition of inter-utility transfers. A copy of the order was supplied to the learned State counsel.

Learned State counsel seeks last opportunity to do the needful.

List on 08.04.2026.

In case, the order dated 22.12.2025 is not complied with, the Principal Secretary, Energy Department, Government of Haryana, shall remain present in Court on the next date of hearing to explain the reasons for non-compliance of the order.

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8. In compliance of order dated 22.12.2025, a status report by way of an affidavit dated 08.04.2026 of Mukesh Chauhan, Chief Engineer/Administration, UHBVN, Panchkula has been filed in Court today. The same is ordered to be taken on record. Registry is directed to place the same at an appropriate place in the paperbook.

9. Learned counsel for respondent No.2-UHBVN submits that respondent No.2-UHBVN has formulated and notified a comprehensive policy dated 07.04.2026 (Annexure R-2/1) whereby inter-utility transfers have been prohibited. The said policy (Annexure R-2/1) stands issued subject to the ex-post facto approval from the respective Board of Directors in terms of Article 67 of the Articles of Association of respondent-UHBVN, which is similar to DHBVN. As such, the request of the petitioners for inter-utility transfer cannot be acceded to.

10. In rebuttal, learned counsel for petitioner submits that the policy dated 07.04.2026 (Annexure R-2/1) has been made applicable to only Group C and D employees working for UHBVN and DHBVN. A perusal of the policy dated 07.04.2026 (Annexure R-2/1) would indicate that the objective behind proscribing inter-utility transfers was to “*avoid administrative complexities, potential misuse of discretionary powers, disruptions in service delivery, and challenges in maintaining balanced workforce distribution.*” However, by limiting its scope to only Group C and D employees, the respondent-UHBVN has made an arbitrary and

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unreasonable classification *sans* any intelligible differentia to justify the same. It is clear that the convenience of higher ranking officers has been prioritised while remaining unconcerned with the plight of employees of Group C and D. As such, the policy dated 07.04.2026 (Annexure R-2/1) is violative of fundamental rights of the petitioners, as enshrined in Articles 14 and 21 of the Constitution of India. Further still, the petitioners had requested for inter-utility transfer prior to the notification of the policy dated 07.04.2026 (Annexure R-2/1). Thus, the said policy cannot be applied retrospectively to deny the benefit of inter-utility transfer to the petitioners, in view of the judgment rendered by this Court in *Kashmeer Singh and others vs. State of Haryana* in *CWP No.25688 of 2017*.

OBSERVATIONS AND ANALYSIS

11. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the present controversy pertains to inter-utility transfer of personnel between UHBVN and DHBVN.

• SCOPE OF JUDICIAL INTERVENTION IN TRANSFERS

12. Tritely, transfer is an incident of service. As such, the decisions in this regard must also be taken by the relevant departments based on considerations like administrative exigencies, organizational needs as well as the cause of efficiency. Since the employer has comprehensive knowledge regarding all aspects of the organisation's functioning, it alone is

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best suited to assess where the services of an employee are most needed and process transfers accordingly. Further, while accepting appointment, an employee inherently agrees to the service conditions thereof as well and therefore, in a transferrable job, an employee cannot seek or deny transfer as a matter of right. A two-Judge bench of the Hon'ble Supreme Court in ***Union of India vs. S.L. Abbas (1993) 4 SCC 357***, speaking through Justice B.P. Jeevan Reddy made the following observations in this regard:

“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to this transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right.”

13. Since such matters involve internal management and policy decisions particular to the employer, the scope of judicial review in this respect is fairly limited. Substituting the decision of the relevant authority with its own when the former is better placed to assess the requirements of the department would be manifestly unjust. Reliance in this regard can also be placed on the judgments rendered by the Hon'ble Supreme Court in ***Union of India vs. N.P. Thomas (1993) 6 Supp (1) SCC 704, N.K. Singh***

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vs. Union of India (1994) 6 SCC 98 and Pubi Lombi vs. State of Arunachal Pradesh and others 2024 SCC OnLine SC 279.

14. In that vein, this Court is of the considered opinion that where the scope of judicial intervention in transfers within the same organisation is rather limited, it would be out of question to interfere in matters pertaining to inter-utility transfers. While UHBVN and DHBVN perform similar functions, they are in fact distinct entities with separate Boards of Directors managing their respective affairs. Therefore, the petitioners have no vested right of inter-utility transfer between UHBVN and DHBVN and thus, this Court cannot exercise its writ jurisdiction in the present case.

• **SCOPE OF POLICY DATED 07.04.2026**

15. Be that as it may, being autonomous entities, duly registered under Companies Act, 1956, UHBVN and DHBVN are fully competent to make policy decisions regulating its internal affairs. In exercise of this power, the respondent-UHBVN has formulated a comprehensive policy dated 07.04.2026 (Annexure R-2/1) on Prohibition of Inter-Utility Transfers between UHBVN and DHBVN. The relevant part thereof is reproduced below:

“ *Whereas, UHBVN and DHBVN are separate and independent distribution utilities established under the Haryana Electricity Reform Act, 1997, to manage power distribution in the northern and southern regions of Haryana, respectively;*

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Whereas, the primary objective of maintaining distinct utilities is to ensure operational efficiency, accountability, regional focus, and equitable resource allocation tailored to the specific needs of each geographic area;

Whereas, inter-utility transfers of employees have historically led to administrative complexities, potential misuse of discretionary powers, disruptions in service delivery, and challenges in maintaining balanced workforce distribution, as observed in various judicial observations and administrative reviews;

Whereas, the Hon'ble Punjab and Haryana High Court has emphasized the need for a coherent policy to address arbitrary transfers, recommending either strict regulation or outright prohibition to uphold transparency and fairness;

And whereas, it is deemed necessary to reconsider the policy of inter- utility transfers to preserve the integrity, independence, and operational autonomy of UHBVN and DHBVN;

Therefore, in exercise of the powers conferred by section 179 of Companies Act, 2013 and Article 67 of the Articles of Association of Uttar Haryana Bijli Vitran Nigam Limited (hereinafter the Nigam) and all other enabling powers in this behalf, Uttar Haryana Bijli Vitran Nigam hereby notifies the comprehensive Policy on Prohibition of Inter-Utility Transfers between Uttar Haryana Bijli Vitran Nigam (UHBVN) and Dakshin Haryana Bijli Vitran Nigam (DHBVN):

Section 1: Definitions

For the purposes of this policy, unless the context otherwise requires:

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- i Inter-Utility Transfer means any transfer, movement, reassignment, absorption, or exchange of Employees from one utility to the other on a permanent basis.*
- ii UHBVN refers to Uttar Haryana Bijli Vitran Nigam Limited.*
- iii DHBVN refers to Dakshin Haryana Bijli Vitran Nigam Limited.*
- iv Employee includes all Groups C & D categories of personnel, whether permanent, temporary, contractual, employed by either utility.*
- v Competent Authority means the Managing Director of the concerned utility, or any officer designated by the Government of Haryana for enforcement of this policy.*
- vi Exceptional Circumstances shall be limited to those defined in Section 4 of this policy.*

Section 2: Scope and Applicability

This policy applies to all Group C & D employees under the control of UHBVN and DHBVN.

Section 3: Prohibition of Inter-Utility Transfers

No inter-utility transfer of employees shall be permitted between UHBVN and DHBVN under any circumstances, except as explicitly provided in Section 4.

All pending applications or requests for inter-utility transfers as of effective date of this policy stand rejected forthwith.

Any attempt to initiate, process of execute an inter-utility transfer shall be deemed a violation of this policy and subject to disciplinary action.

The utilities shall not entertain or forward any requests for inter-utility transfers to higher authorities, including the

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Government of Haryana, unless falling under the exceptions outlined in Section 4.

Section 4: Exceptions

To ensure the policy's strict enforcement while addressing unavoidable scenarios, exceptions shall be limited to the following, subject to approval by a high- level committee:

National Emergencies or Force Majeure: Transfers may be allowed temporarily (not exceeding 6 months) in cases of natural disasters, pandemics, or other emergencies requiring cross-utility support, upon recommendation by the State Disaster Management Authority and approval by the Government of Haryana.

Court Orders: Compliance with specific directions from a court of competent jurisdiction, provided such orders are not appealable or have been upheld on appeal.

Deputation on foreign service terms on the basis of mutual request of employees holding the same posts. Such deputation shall be on a vice-versa basis and strictly governed by the provisions of deputation/foreign service as laid down in Haryana Civil Services (General) Rules, 2016.

Regulatory Directives: Directives from HERC or the Central Electricity Authority (CEA) for operational necessities, such as grid stability or infrastructure projects spanning both utilities.

All exceptions must be approved by a High Level Committee comprising representatives from UHBVN, DHBVN, and the Department of Power, Government of Haryana. The committee shall document reasons in writing, ensuring transparency and preventing arbitrariness in implementation.

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Employees who are on probation shall not be eligible for deputation.”

(Emphasis supplied)

16. A perusal of Section 3 of the policy (*supra*) makes it abundantly clear that not only are inter-utility transfers prohibited, but the pending applications for the same, as on the date of implementation of this policy, shall also stand rejected. As such, the petitioners cannot claim that the policy was only supposed to have prospective application.

17. However, Section 2 of the policy (*supra*) limits its application to employees of Group C and D. In doing so, the respondents have denied them a benefit which has been kept open to higher ranking officers i.e. employees falling under Group A and B. *Prima facie*, respondent-UHBVN has created two classes within the same set of employees. However, it is unclear what purpose is served by this status-based discrimination, especially considering that the objective of the policy (*supra*) has essentially been to promote administrative efficiency and accountability. Thus, this Court is of the considered opinion that denying the opportunity of inter-utility transfer, in such strict terms, only to the Group C and D is arbitrary and unreasonable as it bears no rational nexus to the objective of the policy (*supra*).

18. The State and its instrumentalities, being model employers, are held up to higher standards and therefore, bear an additional responsibility to ensure that their actions are not perceived as arbitrary or violative of the

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constitutional philosophy. The Hon'ble Supreme Court in ***Maneka Gandhi vs. Union of India and another 1978(1) SCC 248*** has held that Article 21 confers a fundamental right on every citizen to not be deprived of his life or liberty except in accordance with the procedure established by law and that such procedure must be '*just, reasonable and fair*'. Further, in ***L.I.C. of India vs. Consumer Education & Research Centre 1995(4) SCT 678***, the Hon'ble Supreme Court further clarified that the duty to act fairly is a part of the procedure envisaged under Articles 14 and 21 of the Constitution of India. As such, any approach, especially that of a public employer, that exhibits any signs of arbitrariness would necessarily be in conflict with Articles 14 and 21 of the Constitution of India.

19. Reliance may also be placed on the judgment rendered by a Constitution Bench of the Hon'ble Supreme Court in ***Ajay Hasia vs. Khalid Mujib Sehravardi (1981) 1 SCC 722***, wherein speaking through Justice P.N. Bhagwati, the following observations were made:

*"16. ...This vital and dynamic aspect which was till then lying latent and submerged in the few simple but pregnant words of Article 14 was explored and brought to light in Royappa's case and it was reaffirmed and elaborated by this Court in **Maneka Gandhi v. Union of India, (1978) 2 SCR 621**, where this Court again speaking through one of us (Bhagwati, J.) observed :-*

"Now the question immediately arises as to what is the requirement of Article 14 : what is the content and reach of the great equalising principle enunciated in this article, There can be no doubt that it is a founding faith of the Constitution. It is indeed the pillar on which rests securely the foundation of our democratic republic. And, therefore, it must not be subjected to a narrow, pedantic or lexicographic approach. No attempt should be made to truncate its all-embracing scope and

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*meaning for, to do so would be to violate its activist magnitude. Equality is a dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits**Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness pervades Article 14 like a brooding omnipresence**"*

CONCLUSION

20. In view of the discussion above, the aforementioned writ petitions are disposed of in the following manner:

- i. In view of policy dated 07.04.2026 (Annexure R-2/1), no inter-utility transfers shall be permitted between UHBVN and DHBVN, except those covered by Section 4 of the policy (supra).
- ii. Section 2 of the policy dated 07.04.2026 (Annexure R-2/1) is held to be violative of Article 14 of the Constitution of India as it creates an unreasonable classification between employees that bears no reasonable nexus to the objective of the policy.
- iii. The policy dated 07.04.2026 (Annexure R-2/1) shall apply uniformly to all employees of UHBVN and DHBVN and, not exclusively to employees falling under the ambit of Group C and D.

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2026:PHHC:054927



21. In the event UHBVN or DHBVN are found to be entertaining transfer requests by any employee, irrespective of their group or category, the petitioners shall retain the liberty to initiate contempt proceedings against erring Nigam under Article 215 of the Constitution of India.
22. Registry is directed to place a photocopy of this order on the paper-books of the connected matters.
23. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

08.04.2026
Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No