



DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD

(A Power Distribution & Retail Supply Utility, Govt. of Haryana)

AN ISO 9001:2008 Compliant Utility, CIN:-U99999HR1999SGC034165

Regd. Office: Vidyut Sadan, Vidyut Nagar, Hisar-125 005 (Haryana)

☎-01662- 223439(O), (Fax) 01662-223108; www.dhbvn.com

Email- seadmdhbvn@gmail.com; usgadhbvn@gmail.com

Memo No.Ch-45 /SE/Admn./Gen-8 A/Vol-III

Dated: 31 .05.2018

To

1. All Chief Engineers in DHBVN.
2. Chief Financial Officer, DHBVN, Hisar.
3. Chief Technology Officer, DHBVN, Hisar.
4. All SEs 'OP' Circle in DHBVN.
5. SE/HR, DHBVN, Hisar.
6. Controller of Store, DHBVN, Hisar.
7. SE/Const. Circle/ M&P Circle in DHBVN.
8. CAO/Chief Auditor/FA (HQ)/FA&CAO (MM)/FA&CAO (PD), DHBVN, Hisar.
9. Chairman/CGRF, DHBVN, Hisar.
10. Company Secretary, DHBVN, Hisar.
11. Chief Communication Officer, DHBVN, Hisar.
12. All XENs in DHBVN.
13. All Under Secretaries in DHBVN.
14. All Sectional Head in Vidyut Sadan, DHBVN, Hisar.

Subject: - CWP No. 8352 of 2015 titled as XEN (OP) City Divin., DHBVN V/s The Presiding Officer & Jai Singh.

Please refer to the Memo No. 93/LB-2 (602) L-C dated 04.05.2018 issued from the office of Legal Remembrancer, HPUs, Panchkula regarding judgment dated 14.03.2018 passed by Hon'ble High Court in favour of Nigam in the CWP No. 8352 of 2015 as mentioned in the subject. A copy of the judgment is enclosed for reference.

It has been mentioned in the above said reference of L.R./HPUs that Petitioner of the above said CWP was deployed as meter reader through contractor as per contract agreement. He joined the duty on 04.02.2009 and his services were terminated w.e.f. 13.03.2013. Petitioner was seeking reinstatement from 13.03.2013. The plea of petitioner was turned down by Hon'ble Court as there was no employee and employer relationship between the petitioner and HESL because work force was engaged by HESL to carry out the work.

The relevant extract of judgment dated 14.03.2018, as mentioned in the reference of L.R./HPUs is given as under:-

“ Learned counsel for the parties submitted that matter is covered by decision rendered in CWP No.28315 of 2013 decided on 13.05.2015 titled as Rajvir Singh versus Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and others and CWP No. 6793 of 2015 decided on 13.05.2015 titled as Executive Engineer, Dakshin Haryana Bijli Vitran Nigam Ltd. Versus The Presiding Officer and others. Accordingly, present petition stands disposed on it terms of the aforesaid orders”

In reference to above judgment, it has been advised by L.R./HPUs that Hon'ble Court may be prayed for dismissal of similar cases of Nigam by placing reliance on the judgment dated 14.03.2018.

In this context, it is requested to go through the above said judgment as well as connected references and comply with the advice of L.R./HPUs, Panchkula, regarding reliance on the judgment dated 14.03.2018 while defending similar cases of Nigam.

This issue with the approval of CE/HR&Admn., DHBVN, Hisar.

DA: As Above


**S.E./Administration
DHBVN, Hisar**

Copy to:

1. Sr. PS to the Chairman-cum-Managing Director, DHBVN, Hisar.
2. Sr. PS to the Director/Projects, DHBVN, Hisar.
3. PS to the Director/Operations, DHBVN, Hisar.
4. The Chief Engineer/HR & Admn., DHBVN, Hisar.
5. L.R., HPUs, Panchkula.
6. SE/IT, DHBVN, Hisar. He is requested to upload the same on Nigam's website.

5-2 AIVOK LI

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HARYANA VIDYUT PRASARAN NIGAM LTD.
 (Govt. of Haryana undertaking)
 O/o Legal Remembrancer
 Shakti Bhawan, Sector-6, Panchkula
 Phone: 0172-2560769, 2571841 Fax: 0172-2560769
 E-mail: lr@hvpn.gov.in

From Legal Remembrancer,
 HPU, Panchkula

CE/HR & Admn.	<i>Awaj</i>
SE/Admn.	
SE/HR	
P.A.	
Asst. R.Y.I	

To The CGM/Admn.,
 JHBVN, Panchkula.

~~The CGM/Admn.,
 DHBVN, Hisar.~~

The CE/Admn.,
 HPGCL, Panchkula.

The SE/Admn.-I & II,
 HVPNL, Panchkula.

The SE/Admn.,
 DHBVN, Hisar.

- U.S./HR-I
- U.S./HR-II
- U.S./Gen.
- U.S./Legal
- XEN/T&M
- Supdt./RTI

1863
14-5-18

S.E./Admn. (OT)
M/14/05

Memo No. *93*/LB-2(602)L-C
 Dated: *04*.05.2018.

Subject: ~~CWP No. 8352 of 2015 titled as XEN OF City Divn.,~~
~~DHBVN w/s The Presiding Officer & Carriage.~~

Attention is drawn to judgment dated 14/03/2018 passed in subject cited case vide which the Hon'ble High Court decided the case in favour of Nigam. Petitioner was deployed as meter reader through contractor as per contract/agreement. He joined duty on 04/02/2009 and his service was terminated w.e.f. 13/03/2013. Petitioner was seeking reinstatement from/with 13.03.2013. The plea of petitioner was turned down by Hon'ble Court as there was no employee and employer relationship between the petitioner and respondent/Nigam as it was between the petitioner and HESL because work force was engaged by HESL to carry out the work.

The relevant extract of judgment dated 14/03/2018 is given here under:-

"Learned counsel for the parties submitted that matter is covered by decisions rendered in CWP No. 28315 of 2013 decided on 13.05.2015 titled as Rajvir Singh versus Presiding Officer, Industrial Tribunal-cum Labour Court, Hisar and others and CWP no.6793 of 2015 decided on 13.05.2015 titled as Executive Engineer, Dakshin Haryana Bijli Vitran Nigam Ltd. Versus. The

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circulate it

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Smt
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Presiding Officer and others. Accordingly, present petition stands disposed of in terms of the aforesaid orders."

It is an important judgment on the issue that there is no relationship of the employer and employee between the petitioners and the nigan as the petitioner deployed as per contract by contractor i.e. HESL. All the payments of the work executed by the HESL were made by the Nigan to HESL directly and it was HESL which used to pay salary to the work force employed by the HESL to carry out the contractual work. The above judgement be circulated to offices under your control for praying dismissal of similar case by placing reliance on the judgment dated 14/03/2018 passed by Hon'ble High Court it is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 14/03/2018 on the website of concerned Power Utility. A complete copy of judgment dated 14/03/2018 are enclosed herewith for ready reference.

This issue with the approval of L.R.

DA/As above

*Single
04/05/18*

Legal Officer,
HPU, Panchkula.

CC:-

1. The Deputy Secretary/Technical, HVPNL, HPGCL & UHBVN, Panchkula for hosting on website.
2. The Deputy Secretary/Technical, DHBVN, Hisar for hosting on website.
3. The CE OP Circle, UHBVN, Panchkula & Rohtak.
4. The CE OP Circle, DHBVN, Hisar.
5. The Legal Nodal Officer, UHBVN, Panchkula.

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CWP-8352-2015 (O&M)

Date of decision: 14.03.2018

Executive Engineer 'OP' City Division Dakshin Haryana Bijli Vitran Nigam
Ltd, Bhiwani

... Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and
others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Namit Kumar, Advocate for the petitioner.

Mr. Sunny Bhardwaj, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (ORAL)

Learned counsel for the parties submitted that matter is covered
by decisions rendered in CWP No. 28315 of 2013 decided on 13.05.2015
titled as *Rajvir Singh versus Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar and others* and CWP no.6793 of 2015 decided on
13.05.2015 titled as *Executive Engineer, Dakshin Haryana Bijli Vitran
Nigam Ltd. Versus The Presiding Officer and others*. Accordingly, present
petition stands disposed of in terms of the aforesaid orders.

14.03.2018

poorja saini

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No

HARYANA VIDYUT PRASARAN NIGAM LTD.

(Govt. of Haryana undertaking)

O/o Legal Remembrancer

Shakti Bhawan, Sector-6, Panchkula

Phone: 0172-2560769, 2571841 Fax: 0172-2560769

E-mail: lr@hvpn.gov.in

From

Legal Remembrancer,
HPU, Panchkula

To

The CGM/Admn.,
UHBVN, Panchkula.

The CGM/Admn.,
DHBVN, Hisar.

The CE/Admn.,
HPGCL, Panchkula.

The SE/Admn.-I & II,
HVPNL, Panchkula.

~~The SE/Admn.,
DHBVN, Hisar.~~

Memo No. ⁹³ /LB-2(602)L-C
Dated: 04.05.2018.

Subject: CWP No. 8352 of 2015 titled as XEN OP City Divn.,
DHBVN V/s The Presiding Officer & Jai Singh.

U.S./HR-I
U.S./HR-III
U.S./Genl ✓
U.S./Legal
XEN/T&M
Supdt./RTI

S.E./Admn. (or)

14/05

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14/05/18

92
No. 1091

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This issue with the approval of L.R.

DA/As above

Singh
04/05/18
Legal Officer,
HPU, Panchkula.

CC:-

1. The Deputy Secretary/Technical, HVPNL, HPGCL & UHBVN, Panchkula for hosting on website.
2. The Deputy Secretary/Technical, DHBVN, Hisar for hosting on website.
3. The CE OP Circle, UHBVN, Panchkula & Rohtak.
4. The CE OP Circle, DHBVN, Hisar.
5. The Legal Nodal Officer, UHBVN, Panchkula.

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CWP-8352-2015 (O&M)
Date of decision: 14.03.2018

Executive Engineer 'OP' City Division Dakshin Haryana Bijli Vitran Nigam
Ltd, Bhiwani Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and
others Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Namit Kumar, Advocate for the petitioner.

Mr. Sunny Bhardwaj, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (ORAL)

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Nigam Ltd. Versus The Presiding Officer and others*. Accordingly, present
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14.03.2018

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No