

HIMACHAL PRADESH

IPH DEPARTMENT

No:-IPH-ES-III-J.Es./ Sr.List/(Civil) -Vol-XIV/17-2937-3037

Dated:- 11⁰⁹
2017

From:-

Engineer-in-Chief,
IPH Department Shimla- I.

To

All the Chief Engineers/
Superintending Engineers/
Executive Engineers in I&PH Department
H.P.

Subject:-

Tentative Seniority list of Junior Engineer (Civil) in compliance of the orders/judgement passed by Hon'ble High Court of H.P on 21.11.2014 in CWP No.11411 of 2011 Praveen Gupta V/S State of H.P, subject to the final outcome of LPA No.20075/15 filed by the Department in the Hon'ble High Court H.P.

Whereas contract appointments in category of Junior Engineer (Civil) was made by the I&PH Department during 1995,1996 &1997. On 05.06.2004 21 % quota from direct recruitment was also provided by amending R&P Rules of 1979, 1997 & 2002 for appointment from amongst the candidates who were/are appointed on contract basis by the Department by adopting proper procedure and who possesses requisite professional qualification from recognized Technical Institutions having 7 years of continuous contract service in H.P IPH Department, if their performance and conduct during service is found satisfactory. During the year 2004 the services of these contract appointee were regularized on completing of 7 years or more years of service. Accordingly these contract appointees have been treated as regular and also assigned seniority on regular basis only w.e.f. 19.06.2004, i.e their date of regularization as per R & P Rules.

And whereas one Shri Narinder Naik of HP PWD sought counting of contract period so rendered by him since 1995 in O.A. 2496/2000. This was transferred to Hon'ble High Court and registered as CWP(T)6785/2008. This was decided on 14.09.2010, whereby entire contract period has been held to be counted towards regular service. Similarly Sh. Chhawinder Kumar of HP PWD also filed CWP 497/2013 which was decided and allowed on 14.05.2013 as per Narinder Naik's decision. In both cases State of H.P through Secretary PW Department filed SLP's bearing No.7064 and 7063/2014 titled State of H.P. Vs Chhawinder & State of H.P. Vs Narinder Naik, which were finally decided and dismissed by Hon'ble Apex Court vide its order dt:- 26.04.2017.

And whereas upon dismissal of both the SLP's titled State of Himachal Pradesh V/S Narinder Naik and State of Himachal Pradesh V/S Chhawinder Kumar on dated. 26.04.2017, the judgment passed by Hon'ble by Hon'ble High Court dated. 14.09.2010 & 14.05.2013 respectively attained finality. Accordingly, Engineer-in-Chief H.P PWD Shimla-2, vide his letter No:-PWE-126-Seniority/ES-III-7749-

7848-dated:-14.08.2017 has granted them seniority and issued Tentative seniority list for inviting objections.


And whereas Sh.Parveen Gupta of this department had filed CWP No.11411 of 2011 titled Praveen Gupta V/S State of H.P in Hon'ble High Court of H.P, which was decided vide its orders dated:-21.11.2014, whereby, the respondent department was directed to consider the case of the petitioner for counting the period he has worked on contract basis w.e.f 27.10.1995 till his regularization with all consequential benefits, in view of the principles laid down in the Judgement of Hon'ble Supreme Court in Direct Recruit Class II Engineering Officers' Association V/S State of Maharashtra and others (1990) 2 SCC 715, within a period of ten weeks. Against this judgement of Hon'ble High Court of H.P in CWP No:-11411 of 2011, this department filed LPA No.20075/15 in the Hon'ble High Court of H.P and the same is pending adjudication before the Hon'ble High Court, but the stay against the operation of the judgement dt. 21.11.2014 passed in CWP No.11411 of 2011 has not been granted by the Hon'ble High Court till date. However, Sh.Parveen Gupta have filed a contempt petition COPC No.217 of 2017 in the Hon'ble High Court of H.P for implementation of the judgement/orders passed by Hon'ble High Court of H.P on 21.11.2014 in CWP No. 11411 of 2011 and the Hon'ble High Court H.P, vide orders dt. 04.09.2017 has directed to implement the above Judgement within a period of three weeks positively.

Now therefore, in order to implement the judgement/orders passed by Hon'ble High Court of H.P on 21.11.2014 in CWP No. 11411 of 2011 Praveen Gupta V/S State of H.P, the final seniority list circulated vide this office letter No:-1496-1595-dated:-19.05.2017 has been revised and made as tentative to appropriately assign the seniority to Sh.Parveen Gupta, subject to the decision/outcome of LPA No.20075/15 filed in the Hon'ble High Court of H.P by the department, and accordingly, the earlier final seniority list circulated on 19.05.2017 is hereby withdrawn and in its place tentative Seniority list of Junior Engineer (Civil) with appropriate place to above petitioner is proposed as under:-

Previous Seniority Position in the Final seniority list of Junior Engineers (Civil) as on 31.12.2016 as issued vide this office letter No:-IPH-ES-III-J.Es./Sr. List/(Civil)-Vol-XIV/17-1496-1595-dated:-19.05.17			
Sr. No.	Name of Junior Engineer	Seniority No.	Proposed Seniority No.
1	Sh.Parveen Gupta	327	215 (A)


In view of above position this tentative seniority list assigning seniority position to Sh.Parveen Gupta subject to the decision/outcome of LPA No.20075/15 filed in the Hon'ble High Court of H.P by the department, has been prepared and the same is circulated for inviting objections of all concerned within 30 days from the date of issue of this seniority. No objections received after stipulated date shall be entertained. This may also be downloaded by incumbents from the department website i.e www.hpiph.org.

Hence, all incumbents are requested to take further necessary action if any required, regarding any discrepancy found in this tentative seniority for its consideration by the appointing authority by 11.10.2017.


g Engineer-in-Chief
IPH Deptt. Shimla-1
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Copy forwarded for information and necessary action to the following: -

- 1.Ld. Advocate General, Himachal Pradesh High Court Shimla.
- 2.Principal Secretary (IPH) to the Govt. of H.P.Shimla-2, with reference to their letter No:-IPH-A-E(3)225/2017-dated:-08.09.2017 for kind information please.
- 3.Director, Rural Development Department, HP, Shimla-9.
- 4.Director Urban Development Department, Shimla-9.
- 5.Engineer-in-Chief (Project) Shahnehar Fatehpur.
- 6.Commissioner, Municipal Corporation, Shimla-1.
- 7.Superintending Engineer South/P&I-I & II.
- 8.Executive Engineer HP PWD Divn. Killar & Dodra Kawar.
- 9.Deputy Director (Legal) IPH Department Shimla-1.
- 10.Sr.Hydrogeologist, GWO IPH Deptt. Una.
- 11.Superintendent Establishment Section-II IPH Department Shimla-1.
- 12.President / General Secretary of Junior Engineers Association / Gr.JEs. Association/AMIE JEs.Association./All the Sections in Head Office..
- 13.P.S to the Engineer-in-Chief (IPH)/ P.A. to Registrar (IPH) Shimla-1
- 14.Guard file.


g Engineer-in-Chief
IPH Deptt. Shimla-1
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