

Himachal Pradesh  
Public works Department

No.PWE-82-I-Apptt.(Seniority Clerk)/ESI- 18765-885 Dated:- 5-12-2024

From

Engineer-in-Chief,

To

The Engineer-in-Chief (Projects)  
All the Chief Engineer/Architects in HPPWD  
All the Superintending Engineer in HPPWD  
All the Executive Engineer in HPPWD  
All the land acquisition Officers in HPPWD  
All the branch Incharge in this office

Subject: Tentative seniority list of Clerks as it stood on 31.12.2018 in HPPWD by Virtue of the decision of the Hon'ble High Court in CWPOA No. 7242 of 2020-Ravi Kant Vs. State of HP.

In this regard, it is intimated that Sh. Ravi Kant who was appointed as Clerk on contract basis in the Public Works Department vide order dated 14.09.2012 and his services have been regularized upon completion of 4 years of services but he has raised objections with respects to the promotion of Jr. Asstt. made by the Engineer-in-Chief vide order dated 26.09.2017. Through OA No. 6765/2017 in Tribunal and prayed that the services rendered by him on contractual basis may be counted for the purposed of seniority and all other benefits. The OA was disposed off by the erstwhile Tribunal vide order dated 09.01.2018 with directions to the respondents to consider the claim of the petitioner on the basis of judgment passed in Narender Naik vs. State of HP.

In compliance to the directions of the Hon'ble Tribunal, the claim of the petitioner was decided through detailed speaking order dated 10.09.2018 and the same was rejected.

Therefore in the year 2020, the aforesaid official again filed the OA NO. 2029/2019 before the Tribunal claimed by challenging the order dated 10.09.2018 passed by the Engineer-in-Chief (PWD) whereby his claim was rejected. The erstwhile Tribunal was abolished by the Govt., therefore, the original application was transferred to the Hon'ble High Court for disposal.

The original application was thereafter registered as CWOPA NO. 7242/2020 and has been disposed off on the basis of relied upon judgment passed in Taj Mohammad Vs State of HP CWP 2004/2017. The Court has directed to file the compliance. This office has taken up this matter with the Govt. for obtaining the advice of the Law Deptt. And after examination, the advise was conveyed that "the case of the

petitioner is similar situated to the relied upon case of Taj Mohammad and the judgment has attained finality and has been implemented by the Government, then in that eventuality. The department is advised to extend similar benefits to the petitioner. It was further advised to extent to the case of the petitioner is not similar to the case of Taj Mohammad, then the department may assail the impugned judgment by filling SLP before the Hon'ble Apex Court.

Upon receipt of the advice of the law department the matter was examined in this office and it was observed that the issue in both the case was same. In the relied upon case of Taj Mohammad, the services rendered by them on contract basis was counted for the purpose of seniority and other benefits. In the present case also the petitioner is claiming benefits of contractual services rendered by him for the purpose of seniority and other benefits. Thus the issue in both the cases is same. Accordingly vide letter dated 14.08.2024, the matter was again referred to the Govt. for giving clear advice as to whether the judgment is challenged by way of SLP or not.


Whereas, the Secretary (PW) to the Govt. of HP vide <sup>letter</sup> dated 21.09.2024 advised to implement the decision of the High Court immediately subject to outcomes of the court cases and consequential impact on other persons may also be mentioned in the same order.

Keeping in view the facts as stated initially seniority benefit is to be granted to him by uplifting his name in the existing Seniority list as under:-

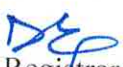
Sr. No.	Name /with Sr. No. in the existing list up to 31.12.2018	Date of Birth / date of Appointment	Proposed seniority as clerk as per direction of Hon'ble Court in CWPOA No. 7242/2020		Letter No. & Date of Seniority circulated
1	Sh. Ravi Kant, Jr. Asstt. Appearing in Sr. No. at 524	23.01.1985 14.09.2012 10+2 / B.Sc	Date	31.12.2018	
			Seniority No. 524	180 (a) instead of Sr. No. 524	
			Below Shri Amarender Rawat above Shri Nand Lal		No. PWE-82-1-Seniority list clerks/ESI-4533-4633 dated 23.07.2020 seniority as on 31.12.2018

Now, in view of above position the final seniority circulated vide earlier dated 31.12.2018 is to be revised as order passed by the Hon'ble Court in the case of Shri Ravi Kant Vs State of HP and the same is being circulated for inviting objections of all concerned within 10 days from the date of issue of revise seniority. No. objection after stipulated date shall be entertained. Amended seniority list could be download from the departmental website i.e. [www. Hppwd.gov.in](http://www.Hppwd.gov.in).

It is therefore requested that the proposed seniority list may be circulated amongst the concerned official ~~and~~ for information & further action, so that it could be finalized and case of Sh. Ravi Kant to accord benefit may be processed further to avoid any litigation in future.

  
Engineer-in-Chief,  
HP PWD Shimla-02.

1. Executive Engineer, IT in this office for uploading copy on departmental website.
2. Guard file.

  
Registrar,  
HP PWD Shimla-02.

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