

**Himachal Pradesh
Public Works Department**

NO:PWE-126-Seniority/ES-III-7749-7848 Dated:- 14-8-2017
From:

Engineer-in-chief,
HP.PWD., Shimla-2.

To

All the Chief Engineers,
Superintending Engineers,
Executive Engineers in HP.PWD
(Except Electrical/ Mechanical)

Subject:- Tentative Seniority list of Junior Engineer(Civil) upon dismissal of SLP's No. 7064 & 7063/2014.

Whereas contract appointments in category of Junior Engineer (Civil) was made by the P.W.department during 95-96. On 19.2.2004 the 22(1/2) % quota from direct recruitment was also provided by amending R & P Rules of 1979. On 27.2.2004 the services of these contract appointee were also regularized on completing of 7 years or more years of service. Accordingly till now these contract appointees have been treated as regular and also assigned seniority on regular basis only w.e.f 27.2.2004.

And whereas one Shri Narinder Naik 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 treated as CWP(T)6785/2008 . This was decided on 14.9.2010, whereby entire contract period has been held to be counted towards regular service. Similarly Sh. Chhawinder Kumar filed CWP 497/2013 which was decided and also allowed on 14-05-2013 as per Narinder Naik decision. In both cases SLP No. 7064 and 7063/2014 titled State of HP Vs Chhawinder & State of HP Vs. Narinder Naik were finally decided and dismissed by Hon'ble Apex Court on 26-04-2017.

And whereas upon dismissal of both the SLP titled State of Himachal Pradesh V/S Narinder Naik and State of Himachal Pradesh V/S Chhawinder on dated 26-04-2017, the judgment passed by Hon'ble High Court dated 14-09-2010 & 14-05-2013 respectively have attained finality. Therefore their contract service is now to be treated as regular service for the


purpose of seniority from date of initial appointment on contract basis.

Now therefore, in order to appropriately assign the seniority to both these incumbents the final seniority list circulated vide letter No.481-582 dated 18-04-2017 has been revised and made as tentative . Accordingly as per direction passed by Hon"ble High Court and thereafter by Hon"ble Supreme Court in Narinder Naik case and in Chhawinder Kumar case , the earlier final seniority list circulated on 18-04-2017 is hereby withdrawn and in its place tentative Seniority list of Junior Engineer(Civil) with appropriate place to these two contract appointees has been proposed which is as under :-

Previous Seniority Position in the Final seniority list of junior Engineers (Civil) possessing Diploma/ITI Certificate /AMIE/B.E./B.Tech./M.E./M.Tech. etc at the time of appointment in service/joining the service/during the service up to 31.12.20-16 as issued vide this office letter No. PWE-126-79-Seniority List JE(Civil)/ES-III-431-582 dated 18.4.2017			
Sr. No.	Name	Seniority NO.	Proposed Seniority No.
1.	Shri Narender Singh Naik	717	552(A)
2.	Shri Chhawinder Kumar	751	558(A)

Now in view of above position this tentative seniority list in continuation to earlier seniority list of dated 18-04-2017, which now is to be treated as tentative seniority along with above stated two incumbents seniority position 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 objection after stipulated date shall be entertained. This may also be downloaded by incumbents from the department website i.e www.hppwd.gov.in.

Hence all incumbents are requested to take further n/action if any required, regarding any discrepancy found in this tentative seniority for its consideration by the appointing authority by 14-09-2017.


Engineer-in-Chief,
HP.PWD., shimla-2

Copy is forwarded to the followings for information and necessary action:-

1. The Addl.Chief Secretary (PW) to the Govt. of HP Shimla-2.
2. The Advocate General, Himachal Pradesh High Court Shimla.
3. The Director, Rural Development Department Shimla-9.
4. The Director, Urban Development Department Shimla-9.
5. The Joint Director (Prosecution) in this office.
6. The Superintendent Establishment Section-II in this office.
7. Guard File.

o/p
g Engineer-in-Chief,
HP.PWD., shimla-2