

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2269/2025

Reserved on: 25.11.2025

Pronounced on: 22.12.2026

Uploaded on: 22.12.2025

**Whether the operative part or full
judgment is pronounced - Full**

Rishi Kumar, Age 53 years,
Son of Sh. Sansar Chand,
R/o Nai Basti (Narrya),
P/O Khour, Tehsil Khour,
District Jammu.

.....Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Advocate, with
Ms Surbhi Gupta, Advocate

Vs.

1. Chenab Valley Power Projects Ltd.
A JV of NHPC (Govt. of India
Enterprise) and JKSPDC (Govt. of JK
Enterprise), Chenab Jal Shakti
Bhavan, Opposite Saraswati Dham,
Rail Head Complex, Jammu –180012.
Through its Chairman

2. Managing Director,
Chenab Valley Power Projects Ltd.
A JV of NHPC (Govt. of India
Enterprise) and JKSPDC (Govt. of JK
Enterprise), Chenab Jal Shakti
Bhavan, Opposite Saraswati Dham,
Rail Head Complex, Jammu –180012.

3. General Manager (HR),
Chenab Valley Power Projects Ltd.
Chenab Jal Shakti Bhavan,
Opposite Saraswati Dham,
Rail Head Complex, Jammu – 180012.

4. Assistant Manager (HR)
Chenab Valley Power Projects Ltd.
Chenab Jal Shakti Bhavan,
Opposite Saraswati Dham,
Rail Head Complex, Jammu – 180012

5. Equivalence Committee of
Chenab Valley Power Projects Ltd.
Through its Secretary.

6. Equivalence Committee of NHPC,
through its Secretary,
NHPC Office Complex, Sector-33,
Faridabad, 121003.

7. J&K State Power Development
Corporation, Jammu/Srinagar,
through its Managing Director.

..... Respondent(s)

Through: Mrs. Deepika Mahajan, Sr. Adv.,
with Mr. Atharv Mahajan, Adv., for
1 to 6.
Mr. Raman Sharma, Sr. AAG, with
Ms Saliqa Sheikh, Advocate, for
No.7.

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

JUDGMENT

1. The petitioner in the instant petition, filed under Article 226 of the Constitution, has implored for the following reliefs:

- a) *"An appropriate writ, order or direction in the nature of writ of certiorari quashing order in the shape of communication No.CVPPPL/HR/2022-23/1124 dated 14.08.2023 issued by respondent No.4 whereby the representations filed by the petitioner regarding determination of equivalent post (re-designation) of the petitioner from Dy. Manager to Manager, have been rejected.*
- b) *An appropriate writ, order or direction in the nature of writ of certiorari quashing inter office Memo IOM No. CVPPPL/CO/HR/2020-21/3822 dated 12.10.2020 issued by respondent No. 3 whereby the representation dated 04.09.2020 regarding determination of equivalent post (re-designation) of the petitioner from Dy. Manager to Manager, has been rejected.*
- c) *An appropriate writ, order or direction in the nature of writ of certiorari quashing communication dated 05.11.2024 whereby the claims of the petitioner have been rejected.*
- d) *An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to promote the petitioner as Manager w.e.f 30th July, 2020 when he completed experience of 08 years as Assistant Executive*

Engineer and grant him all benefits including monetary benefits till date along with interest.

- e) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to consider and promote the petitioner from Salary/Grade E-5 (Manager) to E-6 (Sr. Manager) in view of completion of three years' service by the petitioner on 30th July, 2023 with all retrospective consequential benefits.***
- f) Any other relief, which this Hon'ble Court, in the facts and circumstances of the case deems fit and proper. ”***

2. The facts, under the shade and cover of which the instant petition has been filed, are that the petitioner while serving as Incharge Assistant Executive Engineer (Degree Holder), in the Power Development Department, Survey Division, Jammu and after having rendered four years of service as such came to be transferred to respondent No.1-Company (hereinafter for short “CVPPL”) being a joint enterprise of Government of India and Government of Jammu and Kashmir, vide Government Order No.171-PDD of 2016 dated 06.10.2016.

3. It is being next stated that as per the rules in vogue in CVPPL, an employee of the rank of Assistant Executive Engineer (Degree Holder) sent on deputation from Power Development Department is entitled to be posted in Grade-E3, if such an employee is having experience of four years and in Grade-E4, if such employee has an experience of eight years as such.

4. It is being further stated that since the petitioner was holding the post of Incharge Assistant Executive Engineer with effect from 30.07.2012 while serving in the PDD and had joined the CVPPL when he had four years of experience to his credit, as such, was posted as Assistant Manager (Electrical) in Grade-E3 in terms of order dated 18.01.2017 issued in

continuation of order dated 13.12.2016, consequent to which the petitioner exercised his option to opt for CVPPL pay scale and allowances, being 27100-3%-540500, besides entitled to draw Dearness Allowance on IDA pattern as per the applicable rates plus Cafeteria Allowance subject to a maximum of 47% of basic pay HRA and other admissible allowances and, in lieu thereof, the allowances, which the petitioner was drawing in his parent Department like Compensatory Allowance, Charge Allowance and other admissible allowances along with grade pay were directed to be discontinued.

5. It is next stated by the petitioner that after acquiring the experience of 8 years in the CVPPL, the petitioner was entitled to be placed in Grade-E5 (Manager), which grade was revised by CVPPL vide order dated 03.01.2019 along with designation, and as the Grade-E3 was revised/re-designated as Grade-E4, i.e., from Assistant Manager to Deputy Manager, whereas Grade-E4 came to be revised to Grade-E5, i.e., from Deputy Manager to Manager and upon such revision and re-designation in terms of the said order dated 30.01.2019, Grade-E3 (Assistant Manager) carried the pay scale of 60,000-1,80,000; Grade-E4 (Deputy Manager) carried the pay scale of 70,000-2,00,000 and Grade-E5 (Manager) carried the grade of 80,000-2,20,000 and Grade-E6 (Senior Manager) carried the grade of 90,000-2,40,000.

6. It is also stated by the petitioner that since the petitioner was working as Assistant Manager on the date of issuance of revision/re-disgnation order dated 03.01.2019, the said post upon revision and re-designation became Grade-E4 (Deputy Manager) and, as such, the petitioner was deemed to have

been working in Grade-E4 (Deputy Manager) with effect from the date of issuance of order dated 03.01.2019 and, on the said basis, after completion of 8 years of service in the month of July 2020, moreso on the basis of Clause-4 of Promoter's Agreement dated 21.12.2010 entered into between CVPPL; the Government of India and the Power Development Department as well as PTC Ltd., the petitioner was required to be placed in the Grade-E5 (Manager), which the respondents, however, did not do, compelling the petitioner to submit a representation before CVPPL on 25.08.2020 with a request to consider him for placing in the Grade-E5 (Manager) on account of his having acquired eight years of experience.

7. It is further stated by the petitioner that the said representation of petitioner dated 25.08.2020 however came to be rejected by respondent No.1 vide memo dated 27.08.2020 on the grounds that the existing employees on the rolls of CVPPL were re-designated as one time exercise and the petitioner also came to be placed in the equivalent grade/designation of Deputy Manager from Assistant Manager and that there is no provision for considering the petitioner for higher grade/designation during the period the petitioner is on deputation.

8. It is next stated by the petitioner that after the rejection of his representation by the respondents vide memo dated 27.08.2020, he submitted yet another representation on 04.09.2020 for reconsideration of his case, which representation as well came to be rejected vide order dated 12.10.2020 by respondent No.3 on the ground that the claim of the petitioner

for placing him in Grade-E5 as Manager is not in consonance with Promoter's Agreement.

9. It is further stated by the petitioner that in addition to the Promoter's Agreement dated 21.12.2020, a supplementary Promoter's Agreement came to be executed on 21.11.2022 in regard to the service conditions of employees working in CVPPL including those who had been brought on deputation, whose services thereof had been protected and the petitioner as such, after coming into being of the said supplementary agreement submitted three more representations before respondent 1 on 21.03.2023, 20.04.2023 and 01.08.2023 which as well came to be rejected by respondent 1 on 14.08.2023 while relying upon earlier rejection orders informing therein the petitioner that he has been rightly placed in CVPPL as per the agreed equivalence criteria of the Promoter's Agreement and that since the petitioner is on deputation from Government of Jammu & Kashmir to CVPPL, as such, his promotion is governed by J&K Civil Service Regulations and not with CVPPL cadre employees rules.

10. Aggrieved of the aforesaid rejection of claim, the petitioner has maintained the instant petition while seeking the aforesaid reliefs, *inter alia*, on the premise that the impugned order dated 14.08.2023 issued by respondent 1 is totally illegal, arbitrary and contrary to the provisions of law and that so long the petitioner is working with respondent 1, he is fully entitled for his placement/re-designation in Grade-E5 (Manager), which however has been denied to him since July, 2020 after he acquired requisite experience of eight years and the effect of said denial in the process also

renders the petitioner incapable to the next promotion/upgradation to Grade-E6 (Senior Manager) on completion of three more years of service and that respondent 1 in this regard has overlooked the recommendations made by the parent department of petitioner, which recommendations vide letter dated 26.09.2024 called upon respondent 1 to extend the benefits of grades/re-designation to the petitioner and that the said recommendations dated 26.09.2024 as well have been summarily rejected by respondent 1 in terms of communication dated 05.11.2026, consequently rejecting the claim of petitioner and that respondent 1 has primarily rejected the claim of petitioner on the ground that the petitioner is not borne on the cadre of service of respondent 1 but is on deputation and was liable to be repatriated to his parent department, although the petitioner is entitled to avail the benefit of revision/re-designation during the period he was in service with respondent 1.

11. Objections to the petition have been filed by respondents 1 to 4, wherein the petition is being opposed and its dismissal is being sought on the ground that the petitioner is on deputation with respondent 1 which is temporary in nature, as he belongs to the Power Development Department of the Government of Jammu and Kashmir, while admitting that the petitioner joined respondent 1 in the year 2016, and that employees from various departments of the Government of J&K have different service conditions and pay scales and that upon their joining CVPPL on deputation, they are offered equivalent posts and pay scales as per the approved equivalence criteria and granting parity to the petitioner with the regular employees of

the CVPPL would disrupt the cadre hierarchy and internal equity and that upon being sent on deputation, the petitioner was designated as Assistant Manager (Electrical) upon exercising the option for adopting the designation, pay scale and allowances in accordance with the equivalence criteria of Promoter's Agreement dated 18.01.2017.

12. It is further stated in the objections that on approval of re-designation, order on 03.01.2019 was issued and the petitioner was re-designated as Deputy Manager (Electrical) without any change in the pay scale and allowances and that on completion of eight years of service as Assistant Executive Engineer (Degree Holder), the petitioner filed a representation with respondent 3 on 25.08.2020 for placing him in E5(Manager) for considering him equivalent to the post of Manager, which representation after being duly considered came to be rejected on 27.08.2020.

13. It is further stated that upon issuance of order dated 03.01.2019, admittedly the designation of Assistant Manager was re-designated as Deputy Manager, but as one time exercise without any change in pay, allowances and powers and that there has been no provision in CVPPL for considering an employee for higher designation during the period of deputation.

14. It is further stated that the representations dated 04.09.2020, 21.03.2023, 20.04.2023 and 01.08.2023 submitted by the petitioner were considered in terms of the original Promoter's Agreement as also supplementary Promoter's Agreement and, consequently, vide order dated 14.08.2023 the petitioner came to be informed that since he being on

deputation from Government of Jammu and Kashmir to the CVPPL, his promotion would be governed by the J&K Civil Service Regulations, 1956 and he could not be offered higher post in CVPPL and that since the petitioner had been working for more 8 years in CVPPL, exceeding the period of deputation, his reversion to his parent department is necessitated.

Heard learned counsel for the parties and perused the record.

15. Before proceeding to advert to the issues involved in the instant petition, it would be appropriate to refer to Clause 9.13 of the Promoter's Agreement dated 21.12.2010 and Supplementary Promoter's Agreement dated 21.11.2022 entered into between respondent 1-Company; the Government of India and the Power Development Department as well as PTC Ltd., relied upon by both the parties.

Clause 9.13 of the Promoters Agreement:-

"9.13 The parties shall provide or lend to the Company on deputation/lien services of their qualified employees on such terms and conditions as may be agreed between the concerned parties and the company. The employees whose services are so lent to the Company shall remain on deputation or retain lien in their parent Organization for a period up to five (5) years. During this period the employee may opt to revert to his parent Organization which shall take him back into employment with continuity of service. However, the terms and conditions of the services of the employees so lent to the company by the parties shall be in no way inferior to that of respective parent organization during the period of lien/deputation JVC shall adopt same designations for executives as prevalent in NPHC Criteria for determination of equivalent post of executives to be taken on deputation from JKSPDC/GoJK will be as per Annex-A."

Clause 9.13 of the Supplementary Promoters Agreement:-

"9.13 The parties shall provide or lend to the Company on Secondment/Transfer/deputation of their qualified employees on such terms and conditions as may be agreed upon between the concerned parties and the company. The employees whose services are so lent to

the Company shall remain on deputation or retain lien in their parent Organization for a period up to five (05) years. During this period, the employee may opt to revert to his parent Organization which shall take him back into employment with continuity of service. However, the terms and conditions of the services of the employees so lent to the Company by the parties shall be in no way inferior to that of respective parent organization during the period of lien/deputation. JVC shall adopt same designations for executives as prevalent in NHPC. The equivalence criteria of the officers/officials on deputation/transfer Secondment to the JV shall be based on the service rules in vogue in NHPC and JKSPDC/GoJK and shall be worked out by a Committee of two officers each from NHPC and JKSPDC Limited with a view to remove any disparity in the status and salary of the employees in JV from either of the promoters.”

16. A further reference to the office Order No.CVPP/CO/HR/2018-19 dated 03.01.2019 pertaining to the revision of grade and revision of designation is also extracted and reproduced hereinbelow:

“CVPP/CO/HR/2018-19 Order dated 03.01.2019

OFFICE ORDER

Sub:-Regarding designations in Executive Category.

1.0 In pursuance of Office Order No. CVPP/CO/HR/2018-19/2252 dated 08/11/2018 and CVPP/CO/HR/2018-19/2253 dated 08/11/2018 regarding pay revision of below board level executives in CVPPPL, the present designations are renamed as below:-

Pay Scale	Existing Grade	Existing Designations	Revised Grade	Revised Designation
30,000-120000	E0	-	E0	Jr. Executive
40000-140000	E1	Asstt. Engineer/ Asstt. Officer/ Trainee Engineer/Trainee Officer	E1	Asstt. Engineer/ Asstt. Officer/Trainee Engineer /Trainee Officer
50000-160000	E2	Engineer/Officer	E2	Engineer/Officer
60000-180000	E2A	Sr.Engineer/Sr. Officer	E3	Assistant Manager
70000-200000	E3	Asstt. Manager	E4	Dy. Manager
80000-220000	E4	Dy. Manager	E5	Manager
90000-240000	E5	Manager	E6	Sr. Manager
100000-260000	E6	Sr. Manager	E7	Deputy General Manager (DGM)
120000-280000	E7/E8	Chief/Chief Engineer/ General Manager	E8	General Manager (GM) Chief General Manager (CGM)

2.0 Consequent upon above mentioned renaming of designations in executive category, DOP, entitlements linked to existing designation and promotion shall remain same and changes, if any, shall be issued separately.

3.0 This issues with the approval of the Competent Authority.”

17. Keeping in mind the aforesaid and reverting back to the case-in-hand, it is not in dispute that the petitioner is the permanent employee of respondent 7 and had been sent on deputation to CVPPL while holding the post of Assistant Executive Engineer (Degree Holder) on 06.10.2016 having at that point of time to his credit four years of service as such, and upon being brought on deputation had been offered the equivalent designation of Assistant Manager in tune with the Promoters Agreement dated 21.12.2010, which post came to be re-designated as Deputy Manager by respondent 1 on 03.01.2019 and after rendering further four years of service with respondent 1 and upon having a total 8 years of service in the month of July, 2020 as Assistant Executive Engineer (Degree Holder), the petitioner indisputably ought to have been elevated as Manager from the post of Deputy Manager in terms of order dated 03.01.2019, in view of re-designation of similarly placed officer/Degree Holder Assistant Executive Engineer, namely, K.K. Khanna, as Manager by respondent 1, whose name appears in the recommendation letter dated 26.09.2024 addressed by respondent 7 to respondent 1, therefore, the rejection of petitioner's claim in disregard to the same as well as the Promoter's Agreement (supra) as well as order dated 03.01.2019, is misconceived, which order, *inter alia*, provided placement of an Assistant Executive Engineer level officer from the Government of Jammu and Kashmir, having four years of service, in the respondent 1 as

Deputy Manager and an Assistant Executive Engineer (Degree Holder) working with Government of Jammu & Kashmir, having 8 years of service, to be as Manager. Neither the Promoter's Agreement (supra) nor order dated 03.11.2019 provides that experience acquired by a deputationist in his parent department shall not be counted as experience for the purpose of determining equivalent designation in CVPPL and otherwise also the placement of such an officer in the appropriate grade and designation, based on experience in CVPPL, cannot be construed as an act of promotion, rather, would amount to proper placement of such officer in the relevant grade and position commensurate with his/her experience.

18. Besides, the ground of rejection urged by respondent 1 qua the claim of petitioner that he is on deputation and that any benefit relating to his placement in a particular grade with designation in CVPPL is unavailable to him and can be claimed only under the relevant service rules and Civil Service Regulations applicable to him in his parent department, seemingly is misconceived and palpably erroneous. Neither the service rules nor the Civil Service Regulations create any impediment to an employee seeking the benefit of an equivalent designation and grade in the borrowing department and in the instant case, such entitlement is further reinforced by the existence of the Promoters' Agreement (supra). Thus, the ground of rejection of petitioner's claim by respondent 1 appears to be unfair, unreasonable, inasmuch as discriminatory, which cannot be countenance in law.

19. Viewed thus, for what has been observed, considered and analyzed hereinabove, impugned Communication No.CVPPL/HR/2022-23/1124 dated 14.08.2023 issued by respondent 4 as well as Office Memo IOM No.CVPPL/CO/HR/2020-21 /3822 dated 12.10.2020 issued by respondent 3 are quashed and by issuance of a Writ of Mandamus, respondent 1 is commanded to accord effective consideration to the case of petitioner for his re-designation in Grade-E5 (Manager) with effect from 30.07.2020 for having acquired the experience of 8 years as Assistant Executive Engineer (Degree Holder) and extend him all benefits including the monetary benefits to which he became entitled thereto and also consider the case of petitioner for further re-designation as Senior Manager in Grade-E6 for having completed three years of service as such on 30.07.2023 in case the petitioner has the requisite experience thereof. The aforesaid consideration be accorded preferably within a period of six weeks from the date a copy of this order is produced by the petitioner before respondent 1.

Jammu:
22.12.2025
Anil Sanhotra

(Javed Iqbal Wani)
Judge

Whether the judgement is speaking?	Yes/No
Whether the judgement is reportable?	Yes/No