

GAHC040015182025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/427/2025

Kuldeep Raj
Son of Late Roop Ram Sharma, permanent resident of F 203, Aditya Doonshire
Apartment, Sai Lok-2, GMS Road, Dehradun 248001 Uttarakhand, presently posted
at Etalin Hydro Electric Project, Village Azuli, Etalin Maliney Road, Etalin Circle,
PO and PS Anini, Dibang Valley District, Arunachal Pradesh 792101

VERSUS

The Union of India and 8 Ors
represented by the Secretary to the Ministry of Power, Govt of India, Shram Shakti
Bhawan, Rafi Marg, New Delhi 01 2:The State of AP
Age: 0
Occupation :
represented by the Chief Secretary
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar 791111

3:The Secretary
Age: 0
Occupation :
Department of Power
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar 791111

4:SJVN Limited
Age: 0
Occupation :
through its Chairman cum Managing Director
Corporate Headquarters Shakti Sadan
Shanan
Shimla

Himachal Pradesh 171006

5:The Chairman cum Managing Director

Age: 0

Occupation :

SJVN Limited

Corporate Headquarters Shakti Sadan

Shanan

Shimla

Himachal Pradesh 171006

6:The General Manager (HR)

Age: 0

Occupation :

Human Resource Department

Shakti Sadan

Shanan

Shimla

Himachal Pradesh 171006

7:The Director (Personnel)

Age: 0

Occupation :

SJVN Limited

Corporate Headquarters

Shakti Sadan

Shanan

Shimla

Himachal Pradesh 171006

8:The Director (Project)

Age: 0

Occupation :

SJVN Limited

Corporate Headquarters Shakti Sadan

Shanan

Shimla

Himachal Pradesh 171006

9:The Director (Finance)

Age: 0

Occupation :

SJVN Limited

Corporate Headquarters Shakti Sadan

Shanan

Shimla

Himachal Pradesh 17100

Advocate for the Petitioner : Mustafa Maniruzzaman, Parimal Deka,S Medhi

Advocate for the Respondent : Marto Kato, SC(Power),Lissing Perme,GA (AP),DSGI

**BEFORE
HONBLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

05.09.2025

Heard Mr. MM Zaman, learned counsel for the petitioner. Also heard Mr. M Ete, learned counsel appears on behalf of Mr. M. Kato, learned DSGI for the respondent No. 1; Mr. S Yirang, learned counsel for the respondent No. 3 and Ms. P Sangeeta, learned counsel for the respondent No. 2.

2. The petitioner is before this Court who is employed in a Public Sector Undertaking by the name of SJVN limited which was earlier known as Satluj Jal Vidyut Nigam Limited. This company is a Public Sector Undertaking by virtue of a memorandum of agreement signed between the Government of Arunachal Pradesh on 12.08.2023 for erection of Hydro Power Projects in the capacity of 5097 MW in the State of Arunachal Pradesh.

3. The petitioner at the relevant point in time was serving as a Deputy General Manager(HR). By virtue of a scheme of special incentive for employees posted in Arunachal Pradesh and Assam whereunder promotion to the next higher grade was initiated for employees posted in Arunachal Pradesh Project, the petitioner and other eligible persons came to be promoted to the next higher post of Assistant General Manager (HR)/E8(c) by official order dated 15.11.2023. Subsequent thereafter the petitioner was given a further promotion to the post of General Manager (HR)/E8(a).

4. Being thus situated there was a subsequent change in the corporate policy

by Corporate HR circular No. 950/2025 dated 01.07.2025 whereby the earlier scheme notified dated 12.10.2023 stood withdrawn with effect from 29.05.2025. Subsequent thereto, the petitioner was placed in his original post which is Deputy General Manager (HR)/E7 by impugned order dated 11.07.2025. This order is a common order in respect of other employees situated like the writ petitioner.

5. The learned counsel for the petitioner submits that this impugned order came to be issued without prior notice. No opportunity was granted to the petitioner and accordingly, the impugned order being violative of basic principles of natural justice should be interfered with and set aside and during the pendency of the writ petition, the operation of the impugned order should be suspended.

6. The learned counsel appearing for the State submits that they have no instructions. However, these orders were issued by the company namely SJVN Limited and it appears that the petitioner's primary grievance is against the company and not against the State of Arunachal Pradesh or Power Department.

7. Having heard the learned counsel for the parties and upon careful perusal of the papers, it is seen that the company had announced a scheme vide Corporate HR circular No. 886/2023 dated 12.10.2023 whereby "Scheme of Special Incentive for Employees posted in Arunachal Pradesh and Assam" was announced. Under the said scheme at Clause 3, the employees posted in Arunachal Pradesh Project sites namely, Etalin HEP, Attunli HEP, Emini HEP, Amulin HEP and Mihumdon HEP etc are to be given special promotion to the next higher grade immediately on assumption of duty in Arunachal Projects. The petitioner having been posted in Etalin HEP was thereafter given the promotion in terms of the circular by a common order dated 15.11.2023 and promoted to

the next higher post of AGM(HR)/E8(c). Subsequently, after the petitioner along with two others who have promoted to the post of AGM, the post of AGM came to be re-designated as General Manager (HR)/E8(a) and the place of posting of the petitioner was shown as Etalin HEP. While the petitioner was serving in his capacity in the said post, by another Corporate HR Circular No. 950/2025 dated 1/07/2025, the earlier scheme of special incentive for employees posted in Arunachal Pradesh and Assam notified by CHRC No 886/2023 dated 12.10.2023 stood withdrawn with effect from 29.05.2025. By the said scheme besides the earlier scheme being withdrawn, certain benefits were extended to the employees posted in Arunachal Pradesh and other Northeastern States.

8. Pursuant to the withdrawal of the earlier scheme by the new scheme, the petitioner and other similarly situated employees were placed in their original grade or level by the impugned order dated 11.07.2025. The effect of this order is that the petitioner stood downgraded to the post of Deputy General Manager (HR)/E7 from the post of General Manager(HR)/E8.

9. A perusal of both the schemes reveal that by the earlier scheme dated 12.10.2023, there is a specific special incentive for promotion to the next higher grade for employees posted in Arunachal Project sites including Etalin HEP where the petitioner was promoted and consequent thereto the petitioner was promoted to the next higher post. By the subsequent circular dated 01.07.2025 the earlier scheme stood withdrawn and it was mentioned specifically that it stood withdrawn with effect from 29.05.2025.

10. From the documents available before this Court, it is seen that the petitioner's promotion to the next higher post of Assistant General Manager was effected on 15.11.2023 and the re-designation of the post of AGM to GM was effected on 17.01.2024. Therefore it is quite clear that prior to the subsequent

Circular No. 950/2025 dated 01.07.2025 withdrawing the earlier circular, the petitioner stood promoted. The subsequent scheme also does not specify anywhere that the incentive which were granted during the currency of the earlier scheme will also be withdrawn in respect of employees who had availed off all were given the benefit of this scheme.

11. Under such circumstances, prima facie, this Court is of the view that the impugned order dated 11.07.2025 appears to have been issued on an incorrect understanding of the subsequent circular dated 01.07.2025 and the effect thereof.

12. Accordingly since none represents the company namely the respondents No. 4 to 9, at this stage let Notice be issued, Returnable in four weeks.

13. Since the learned counsel accepts notice on behalf of respondents No. 1 to 3 by the respective counsel, notices are waived. However extra copies be furnished within three working days.

14. Steps on respondents No. 4 to 9 be taken by registered post with A/D as well as usual course within two weeks from today.

15. Matter be listed again on 27.10.2025.

16. Till the next date fixed, the impugned order dated 11.07.2025 shall not be given effect to in so far as the writ petitioner is concerned.

JUDGE

Comparing Assistant