

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN. NO.	134	OF 1995
TRANSFER APPLN. NO.		OF 1995
CONT EMPT APPLN. NO.		OF 1995 (IN OA NO. )
REVIEW APPLN. NO.		OF 1995 (IN OA NO. )
MISC. PETN. NO.		OF 1995 (IN OA NO. )

.....Birwayit Chandhury APPLICANT(S)

.....Union of India RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. N. Dhar  
MR. P. B. Mazumdar  
MR.  
MR.

FOR THE RESPONDENTS

...MR. S. Ali, & casl.

OFFICE NOTE	DATE	ORDER
<p>this application is in form and within time. E. F. of Rs. 50/- deposited vide IPO/BD No. 8852/95 Dated 25.7.1995</p> <p><i>Reb. 25.7.95</i> <i>BB</i></p>	13.7.95	<p>Learned counsel Mr N. Dhar is present for the applicant and moves this application. Learned Sr.C.G.S.C Mr S. Ali has received copy of the application and seeks to appear for the respondents.</p> <p>Issue notice on the respondents to show cause as to why the application should not be admitted and relief sought be not granted.</p> <p>Listed on 25.8.1995 for show cause and consideration of admission.</p>
<p>Requisites are ready on 18.7.95 &amp; (contd) No. av. 3183-87 &amp; 2475 pg 19/7.</p>	8.9.95	<p>Show cause has not been submitted. Neither Mr S. Ali, Sr.C.G.S.C nor Mr N. Dhar counsel for the applicant is present. Mr P. B. Mazumdar submits for adjournment to the month of November/95.</p> <p>List on 3.11.95 for consideration of admission. In the meantime the respondents may submit the show cause called for.</p>
<p>Notice send on R.m. 134.</p> <p><i>BB</i></p>		<p><i>60</i> Member</p>

Show Cause has not  
been filed.

BB

pg *BB*

*60*  
Member

10.11.95

None for the applicant.

Show cause has not been submitted.

Learned Sr.C.G.S.C Mr S.Ali prays for further two weeks time for submitting show cause. Prayer allowed.

List on 24.11.95 for consideration of show cause and admission.

Show Cause is not  
been filed

23/11

*ba*  
Member

pg

24.11.95

Learned Sr.C.G.S.C Mr S.Ali for the respondents.

Adjourned to 1.12.95 for consideration of admission in presence of Mr N.Dhar learned counsel for the applicant.

*ba*  
Member

*27/11/95*  
pg

1.12.95

Learned counsel Mr N.Dhar for the applicant. Learned Sr.C.G.S.C Mr S.Ali for the ~~applicants~~ respondents. Show cause has not been submitted. Mr Dhar submitted that on the basis of the offer given by the respondents for option the applicant has got a legitimate expectation to be considered. Perused the statement of grievance and relief sought for in this application. Application is admitted. Issue notice on the respondents under Registered Post.

*ba*  
List on 19.1.96 for ~~written statement~~ <sup>hearing as agreed</sup> and ~~further orders~~ <sup>by both sides</sup>. Respondents are allowed to submit the written statement in the meantime with copy to the counsel of the applicant.

*ba*  
Member

*Copy of application  
already sent*

*Notice issued  
no. 52103-23 S. 7-195*

*ba*

*Notice issued on  
A.m. 1, 2, 4 & 5.*

*ba*  
pg

OA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

OA/TA/CP/RA/MP. No. of 19

OFFICE NOTE

DATE

ORDER

16.1.96

19.1.96

w/s *Submitted*  
by the Respondent No. 5.

pg

Learned counsel Mr P.B.Mazumdar  
seeks adjournment for one month.

Hearing adjourned to 23.2.96.

*60*  
Member

23.2.96

Learned counsel Mr N. Dhar for  
the applicant.

Learned Sr. C.G.S.C., Mr S. Ali,  
alongwith Shree Pal, Executive Engineer,  
N.E.R.E.B/C.E.A., Shillong, for the respondents.

Written statements have been  
submitted by all the respondents. Mr Dhar  
submits in support of the contentions of the  
applicant. Mr Ali has replied in support of  
the contentions of the respondents. Hearing  
concluded. Judgment reserved.

*60*  
Member

nkm

8-3996

**Judgment**

Learned Sr.C.G.S.C. Mr.S.Ali  
is present. Judgment pronounced. Appli-  
cation is disposed of in terms of direc-  
tion in order. No order as to costs.

*60*  
Member

lm

16/2/96  
Copy of final  
order issued to  
the parties vide  
D. No. 2043 to 2048  
D- 11.7.96

*John*  
1077

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::: GUWAHATI-5.

D.A. NO. 134 of 1995  
T.A. NO.

DATE OF DECISION 8<sup>th</sup> March, 1996

Shri Biswajit Choudhury,

(PETITIONER(S))

Mr. N.Dhar.

ADVOCATE FOR THE  
PETITIONER (S)

Mr. P.B.Mazumdar

VERSUS

Union of India & Ors.

RESPONDENT (S)

Mr. S.Ali, Sr.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (A).

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ? : *yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

*no*

Judgment delivered by Hon'ble Member (A)

*Sanjyine*  
8/3/96

4

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 134 of 1995.

Date of decision : This the 8<sup>th</sup> day of March, 1996.

**Hon'ble Shri G.L.Sanglyine, Member (A).**

Shri Biswajit Choudhury  
S/o late Bhupati Choudhury,  
Basan Cottage,  
Nongrim Road,  
Laitumkhrah.  
Shillong-3, Meghalaya. .... Applicant

By Advocate Mr. N. Dhar.

-versus-

1. Union of India  
(Represented by the Secretary to the Govt. of India,  
Ministry of Power,  
Shramshakti Bhawan,  
New Delhi-1).
2. The Chairman,  
Central Electricity Authority,  
Government of India,  
Sewa Bhawan,  
R.K.Puram,  
New Delhi-110 066
3. The Secretary,  
Central Electricity Authority,  
Government of India,  
Sewa Bhavan,  
R.K.Puram.  
New Delhi-110 066
4. The Member-Secretary,  
North Eastern Regional Electricity Board,  
Central Electricity Authority,  
Government of India,  
Rosolina Building,  
Nongrimbah Road,  
Laitumkhrah,  
Shillong-3.
5. The Chairman-cum-Managing Director,  
Power Grid Corporation of India Ltd.,  
Nehru Place,  
New Delhi .. Respondents

By Advocate Mr. S.Ali, Sr. C.G.S.C.

... Contd...

ORDER

SANGLYINE, G.L., MEMBER (A).

The applicant, Sri Biswajit Choudhury, is working as an Upper Division Clerk in the office of the Member Secretary, North Eastern Regional Electricity Board, Central Electricity Authority, Government of India, Rosolina Building, Nongrimbah Road, Laitumkhrah, Shillong-3 Meghalaya. The Government of India, Ministry of Power had decided to transfer the five Regional Load Despatch Centres (RLDCs for short) in a phased manner to the Power Grid Corporation of India Limited (Corporation for short) and, consequently, the personnel posted in the RLDCs were to be absorbed on permanent basis by the Corporation. For this purpose all officers and members of the staff of NEREB were asked on 20.12.1993 to exercise their options for absorption on permanent basis in the Power Grid Corporation of India Limited in case they desire to be so absorbed. In the Office Memorandum dated 20.12.1993 Annexure-1 to this application, by which such options were called for, NERLDC, Shillong has been included as one of the units subjected to such transfer as stated above. The applicant had exercised his option for his transfer and permanent absorption in the Corporation and his option was forwarded by the local authorities to the Secretary, Central Electricity Authority, New Delhi vide fax message dated 9.10.1993 (Annexure-2). This authority had not however sent the option of the applicant to the Power Grid Corporation of India Limited, New Delhi. Thereupon the applicant made representation on 29.12.1994 for reconsideration of his case. He was informed, "in this connection it is mentioned that there is only one post of UDC and the same is

..... sanctioned

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4.3.96

sanctioned for NEREB and not for NERLDC. Thus the request of Shri B. Choudhury, UDC to permit him to join Power Grid cannot be acceded to." The applicant has therefore submitted this application under Section 19 of the Administrative Tribunals Act, 1985. According to Mr Dhar main prayers of the applicant in this application are for quashing the letter dated 27.3.1995 conveying the aforesaid decision and to direct respondent No.2 and No.5 to accommodate him in the Power Grid Corporation of India Limited in place of Sri Sudarsan Singh, LDC, or such other employees who had since requested for withdrawals of their options. Mr N. Dhar, learned Counsel for the applicant, submitted that the prayers are justified for, firstly, the legitimate expectation of the applicant had been shattered by the refusal. The respondents had called for the options and the applicant had exercised his option which was final and irrevocable according to the terms of the offer. The respondents cannot therefore be justified in their denial of better service prospects of the applicant in the Corporation. He further submitted that the ground for rejection is untenable and are therefore liable to be rejected. Secondly, he submitted that there are vacancies in the Corporation against which the applicant can be accommodated.

2. Mr S. Ali, Sr. C.G.S.C., alongwith Sri Shree Pal, Executive Engineer, NEREB, Shillong appeared on behalf of the respondents. Mr Ali supported the contention of the respondents and pointed out that the Corporation could not have considered the case of the applicant when his case was not placed before it and that the respondents No.1 to 3 had not forwarded the case of the applicant to the Corporation as it was found that it was not possible for them to do so in the facts of the case.

8.3.96

3. When the application was moved for admission on 13.7.1995, it was not straightaway admitted as there was some doubt about the jurisdiction of this Tribunal in this case. A notice was issued for the respondents to Show Cause why this application should not be admitted. There was no reply however and the application had to be admitted without Show Cause reply having been received from them on 1.12.1995. Respondent No.5, The Chairman-cum-Managing Director, Power Grid Corporation of India Ltd., Nehru Place, New Delhi is apparently for a Public Undertaking which is outside the jurisdiction of this Tribunal. At any rate, no action had been taken by the Corporation in respect of the case of the applicant neither was it required to do anything with the case of the applicant at the relevant time. As such, no order is required to be passed against it. As regards the prayer of the applicant to direct the Corporation to accommodate him in service, it is for the other respondents under whom the applicant is serving to take up the matter with the Corporation. In short, no order is passed against Respondent No.5. The remaining respondents did not object to the claim of the applicant that this application is within the jurisdiction of this Tribunal. Instead at para 1 of their written statement dated 27.11.1995, since submitted by the learned Counsel, it has been submitted that they have no comment on the same. Order in this application is therefore passed in respect of respondents No.1 to 4 only.

4. According to the impugned letter dated 27.3.1995 the ground for refusal to allow the applicant to join Power Grid is because the post of UDC was sanctioned for NEREB and not for NERLDC. This letter (Annexure-6) does not

.....clarify

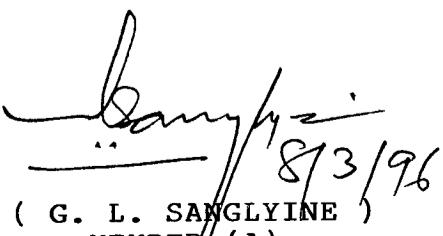
8.3.96

-5-

clarify whether the said post of UDC is the post occupied by the applicant. But even if it is, this reason given in support of the refusal is not in consonance with the intention of the respondents No. 3 and 4 while issuing the Office Memorandum dated 20.12.1993. It is seen from this Memorandum that it ws not any particular post of NEREB that was to be transferred to and absorbed in th Corporation ~~but~~ only the officers or staff who were willing to be absorbed in the Power Grid Corporation of India Limited after tendering technical resignation. Although the absorption was with regard to the personnel posted in the NERLDC yet this Office Memorandum was circulated to all officers and staff of NEREB as indicated in the Memorandum itself. This is understandable as according to Para 4 thereof there could be amongst the personnel of the NERLDC who were not willing to be absorbed in the Corporation after the NERLDC ~~was~~ taken over by the Corporation. The applicant was a member of the staff of NEREB and had submitted his option in accordance with this Office Memorandum and the intention of the respondents No. 3 and 4. The refusal as conveyed by the impugned letter dated 27.3.1995 (Annexure-6) is therefore whimsical and arbitrary. Now in their written statement Respondents No. 1 to 4 have made an attempt to explain away their refusal to forward the option of the applicant to the Corporation by stating that, in no case, employees of the REBs are to be transferred to the Power Grid as the same will continue to function under Respondent No. 1,2 and 3. But this is so unconvincing as the letter dated 27.3.1995 (Annexure-6) does not say so and the Memorandum dated 20.12.1993 was circulated to all officers and staff of NEREB. In fact, it is the pointed contention of the applicant in this

application that the letter dated 31.12.1994 (Annexure-4) includes therein names of officers and staff working in the NEREB whose options were forwarded by Respondent No.3 to Respondent No.5 for their absorption in the Corporation. The respondents No.1 to 4 have no reply to this contention of the applicant in their written statement except claiming that such contention is not maintainable. Since this is the position, their refusal has also become discriminatory. There is no doubt that the respondents No.3 and 4 had created hope in the mind of the applicant for better service prospect, according to him, by circulating the Office Memorandum dated 20.12.1993 to the applicant and obtaining his option for absorption in the Corporation. This hope had been frustrated by the refusal of Respondent No.3 to forward the option of the applicant to the Corporation. In the light of the discussion in this paragraph hereinabove it is hereby held that the reason in support of the refusal to forward the case of the applicant to the Corporation is unsustainable. Accordingly, the impugned letter dated 27.3.1995 in-so-far as it relates to the applicant is set aside and quashed. It is hereby directed that Respondent No.2 and 3 shall on receipt of this order expeditiously reconsider the appeal of the applicant for forwarding his option to the Power Grid Corporation of India Limited. It is expected that such action would be completed within two months from the date of receipt by this order by these respondents. As already stated above there will however be no order against Respondent No.5. The applicant is at liberty to pursue the matter with the respondents.

5. Other contentions are not necessary to be considered. Application is disposed of as above. No order as to costs.

  
873/96  
( G. L. SANGLYINE )  
MEMBER (A)

1  
C.A. 134/85

Central Administrative Tribunal  
সেন্ট্রাল প্রশাসনিক ট্রিভুনাল

12 JUN 1995  
323  
Guwahati Bench  
গুৱাহাটী বেঞ্চ

AN APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNAL ACT, 1985

For Use in the Tribunal Office

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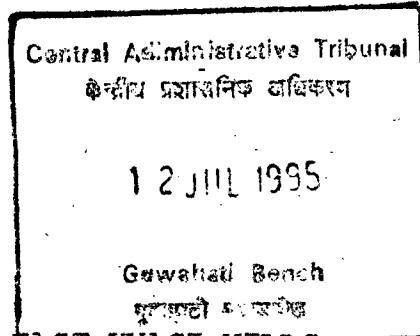
or

Date of receipt by post :

Registration :

Signature

R E G I S T R A R



DISTRICT:- EAST KHASI HILLS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH  
GUWAHATI

O.A. No. 134 of 1995

Between :

Shri Biswajit Choudhury .... APPLICANT

AND

Union of India & another - - - Respondents

**1. Particulars of the applicant :-**

(i) Name of the Applicant :- Shri Biswajit Choudhury

(ii) Name of the Father :- Late Bhupati Choudhury

(iii) Designation & office :- Upper Division Clerk.

in which employed. Office of the Member  
Secretary, North  
Eastern Regional  
Electricity Board,  
Central Electricity  
Authority, Govt. of  
India, Rosolina  
Building, Nongrimbah  
Road, Laitumukhrah,  
Shillong-3, Meghalaya.

(iv) Office Address :-

(v) Address-----

(v) Address of service :- Shri Biswajit Choudhury,  
of all Notices. S/o late Bhupati Choudhury,  
Basan Cottage, Nongrim  
Raod, Laitumukhrah,  
Shillong-3, Meghalaya.

2. Particulars of the Respondents :-

i) Name and/or :- 1) Union of India  
designation of the (Represented by the  
Respondents. Secretary to the Govt.  
of India, Ministry of  
Power, Shramshakti  
Bhawan, New Delhi-1).

*to send* //

2) The Chairman,  
Central Electricity  
Authority, Govt. of  
India, Sewa Bhawan,  
R.K.Puram, New Delhi -  
110 066.

//

3) The Secretary,  
Central Electricity  
Authority, Govt. of  
India, Sewa Bhavan,  
R.K.Puram,  
New Delhi-110 066.

//

4) The -----

-page 3.-

*Govt. of India*

4) The Member-Secretary,  
North Eastern Regional  
Electricity Board, Central  
Electricity Authority,  
Govt. of India, Rosolina  
Building, Nongrimbah Road,  
Laitumukhrah, Shillong-3.

*To accept*

5) The Chairman-cum-Managing  
Director, Power Grid  
Corporation of India Ltd.,  
Nehru Place, New Delhi.

— RESPONDENTS

ii) Office Address :- As above.  
of the Respondents.

iii) Address for :- As above.  
services of all  
Notices.

3. Particulars of the :- The application is  
Order against which  
the application is  
made. against the following  
order.

i) Order Number :- Letter No. 1/5/94-Adm IV (CEA)

ii) Date :- 27-3-95

iii) Passed-----

-page 4.-

iii) Passed by :- The Under Secretary to the Govt. of India, Central Electricity Authority, Sewa Bhavan, R.K.Puram, New Delhi-110 066.

iv) Subject :- Refusal to the applicant to join the Power Grid Corporation of India Ltd., on transfer and permanent absorption there, as per the irrevocable option obtain in this regard from the applicant in this regard.

4. Jurisdiction of the Tribunal :-

The applicant states that the subject matter of the orders against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation :-

The applicant states that present original application before this Hon'ble Tribunal is within time.

6. Facts of the case :-

The facts of the case are as follows :-

i) That -----

I) That the applicant is an employee and staff of the North Eastern Regional Electricity Board (N.E.R.E.B.) in Shillong. He is working as the Upper Division Clerk in the said establishment under the Respondent No.4 since 18.7.84. The aforesaid North Eastern Regional Electricity Board (N.E.R.E.B.) is an organisation under the Central Electricity Authority (C.E.A.) of the Govt. of India, Ministry of Power, New Delhi-1.

II) That on 20.12.93, the Secretary, Central Electricity Authority (C.E.A.), Govt. of India, New Delhi-66, had circulated an Office Memorandum No.1/9/93-ADM.IV dated 20.12.93 amongst all the Officers, employees and staffs of the North Eastern Regional Electricity Board (N.E.R.E.B.), Shillong, beside all other Regional Electricity Board in the country under the Central Electricity Authority(C.E.A.) directing them to exercise their option for transfer and absorption in the Power Grid Corporation of India Ltd. It was directed that the employee/staff should furnish their written option together with relevant particulars in the proforma enclosed to the respective Member-Secretary of the Regional Electricity Board, Assam, positively by 27.12.93 and once the option is exercised it shall be final.

-page 6.-

A copy of the aforesaid office Memorandum dated 20.12.93 issued by the Secretary, Central Electricity Authority (C.E.A.), Govt. of India, is annexed hereto as Annexure-1 of this application.

III) That, it may be mentioned here that the exercise of option for transfer and absorption of the employees/staff of the Regional Electricity Board/Regional Load Despatch Centre of the Central Electricity Authority (C.E.A.), Govt. of India, had become essential as in the meantime the Govt. of India had decided to transfer all such units from the Central Electricity Authority (C.E.A.) to the newly constituted Power Grid Corporation of India Ltd., in a phased manner. The applicant in response to the aforesaid office Memorandum No. 1/9/93-Adm IV dated 20.12.93 issued by the Secretary, Central Electricity Authority (C.E.A.), had accordingly exercised his final written option in this regard before the Member-Secretary, North Eastern Regional Electricity Board, Central Electricity Authority (C.E.A.), Govt. of India, Shillong-3, for his transfer and absorption in the Power Grid Corporation of India Ltd. as has been stated above. The Executive Engineer, N.E.R.E.B./C.E.A., Shillong-3, accordingly as per his Memo No. 1/7/93-NEREB dated 7.10.93 was pleased to forward the particulars of the Officers/employees of the said establishment, including that of the applicant, who had -----

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had exercised their option to the Power Grid Corporation of India Ltd. to the Under Secretary(P), Central Electricity Authority, Govt. of India, New Delhi for his information and necessary action in this regard.

A copy of the aforesaid Memo No. 1/7/93-N.E.R.E.B. dated 7.10.93 alongwith its enclosure is annexed hereto as Annexure-2 of this application.

IV) That the Member Secretary, North Eastern Regional Electricity Board (N.E.R.E.B.)/ Central Electricity Authority (C.E.A.), Govt. of India, Shillong-3, thereafter as per his Fax message dated 27.12.93 address to the Secretary, Central Electricity Authority (C.E.A.), Govt. of India, New Delhi, was pleased to confirm the options exercised by the applicant for his absorption in the regular service of the Power Grid Corporation of India Ltd. as has been stated above.

A copy of the aforesaid Fax Message dated 27.12.93 issued by the Member Secretary, North Eastern Regional Electricity Board, Central Electricity Authority, Govt. of India, Shillong -3, is annexed hereto as Annexure-3 of this application.

V) That -----

V) That the Secretary, Central Electricity Authority (C.E.A.), Govt. of India, thereafter, as per his letter dated 21.12.94 had forwarded a list of the Officers and employees who had opted for to join the Power Grid Corporation of India Ltd. on transfer, to the Chairman and Managing Director of the Power Grid Corporation of India Ltd., New Delhi, for his information and necessary action in this regard. However, in doing so the Secretary, Central Electricity Authority, Govt. of India (Respondent No. 3) had dropped the name of the applicant from the said list and included those candidates in the list who had requested for withdrawal of their option of such transfer to the Power Grid Corporation of India Ltd.

A copy of the aforesaid letter dated 21.12.94 issued by the Secretary, Central Electricity Authority, Govt. of India, alongwith the list is annexed hereto as Annexure-4 of this application.

VI) That the applicant, in the meantime on the basis of the irrevocable option he had exercised for his transfer and absorption in the Power Grid Corporation of India Ltd. was legitimately expecting that he would be transferred to the said organisation shortly. The prospect of service of the applicant was also better in the Power Grid Corporation of

-page 9--

India Ltd. than his existing service under the Central Electricity Authority/ North Eastern Regional Electricity Board. The applicant was accordingly expecting his transfer to the Power Grid Corporation of India Ltd. which would facilitate his future settlement outside Shillong and preferably in Calcutta. He had accordingly mobilised all his resources for his future settlement in Calcutta. There are also vacancy in this regard in the office of the Power Grid Corporation of India in Calcutta. However, the aforesaid letter dated 21.12.94 (Annexure-4) issued by the Secretary, Central Electricity Authority, Govt. of India, had shattered all the legitimate expectation of the applicant of his aspiration and better service prospect in the Power Grid Corporation of India and the applicant was at dismay. The applicant accordingly submitted an appeal/representation dated 28.12.94 in this regard before the Chairman, Central Electricity Authority, Govt. of India, New Delhi (Respondent No.2), praying, interalia, to release the applicant from his present service on transfer to the Power Grid Corporation of India for his permanent absorption therewith reference to the irrevocable option exercised by the applicant in this regard as has been stated above.

A copy of the aforesaid appeal/representation dated 28.12.94 submitted by the applicant is annexed hereto as Annexure-5 of this application.

VII) That-----

VII) That it is known to the applicant as to whether the personal attention of the Chairman, Central Electricity Authority, Govt. of India, New Delhi (Respondent No.2) was drawn to the aforesaid appeal to the representation dated 26.12.94 submitted by the applicant. However, the Under Secretary (P), Central Electricity Authority, Govt. of India, New Delhi, as per the impugned letter No.1/5/94-Adm. IV (C.E.A.) dated 27.3.95 addressed to the Member Secretary, North Eastern Regional Electricity Board/ Central Electricity Authority, Shillong, had informed that the request of the applicant to permit him to join the Power Grid Corporation of India cannot be acceded to on grounds which are self contradictory, discriminatory in nature and are not sustainable under the facts and circumstances of the case.

A copy of the aforesaid impugned letter No. 1/5/94-Adm. IV (C.E.A.) dated 27.3.95 issued by the Under Secretary (P), Central Electricity Authority, Govt. of India, New Delhi, is annexed hereto as Annexure-6 of this application.

7. Reliefs claimed :-

In view of the facts mentioned above, the applicant prays for the following reliefs :-

(i) For -----

(i) For a direction to the Respondent No.2 to release the applicant from his present serving working as the Upper Division Clerk in the office of the Respondent No.4 on transfer to the Power Grid Corporation of India for his permanent absorption there in the said organisation with reference to the option exercised and obtained from the applicant earlier in this regard.

(ii) For a direction to the Respondent No.2 and the respondent No.5 to accommodate the applicant in the Power Grid Corporation of India Ltd. in place of Shri Sudarsan Singh (at serial No.14 of the list annexed to Annexure-4) or such other employees who had since requested for withdrawal of their option for their transfer and permanent absorption in the Power Grid Corporation of India.

(iii) For a direction to the Respondent No. 2 and 4 to release the applicant from the sanction post of Upper Division Clerk in the North Eastern Regional Electricity Board, Shillong, on transfer to the Power Grid Corporation of India and to fill up the vacant post of the applicant so released from the North Eastern Regional Electricity Board by appointment to the said post from amongst the employees working in the said office who have since requested for withdrawal of their options for transfer to the Power Grid Corporation of India.

(iv) For -----

(iv) For a direction to the Respondent No.3 for alteration, modification and/or cancellation of the impugned letter No.1/5/94-Adm. IV (C.E.A.) dated 27.3.95 in so far as it relates to the applicant.

(v) For such further or other reliefs as are deemed fit and proper to this Hon'ble Tribunal under the facts and circumstances of the case in the interest of justice.

The aforesaid reliefs are prayed for amongst other on the following grounds :

GROUNDS

A) For that the impugned letter dated 27.3.95 is self contradictory and discriminatory in nature in as much as it indicates on one hand that the permanent absorption in the Power Grid Corporation of India Ltd. in respect of the applicant cannot be acceded to as he is holding a sanction post for North Eastern Regional Electricity Board (N.E.R.E.B.) and not for any North Eastern Regional Load Despatch centre (N.E.R.L.D.C.) and on the other hand it indicates that the employees of both N.E.R.E.B. and N.E.R.L.D.C. are allowed to join the Power Grid Corporation of India on the basis of their seniority for their permanent absorption in the said Corporation.

B) For -----

B) For that the reasons shown in the impugned letter dated 27.3.95 (Annexure-6) for declining to release the applicant from his present service in the N.E.R.E.B. on transfer for his permanent absorption in the Power Grid Corporation of India is discriminatory in as much as the list dated 21.12.94 (Annexure-4) itself indicates that the names of many of the officers/employees working in the N.E.R.E.B. were included in the said list for their transfer and permanent absorption in the Power Grid Corporation of India Ltd.

C) For that the impugned letter dated 27.3.95 (Annexure-6) in declining to release the applicant on transfer for permanent absorption in the Power Grid Corporation of India who had exercised an option in this regard on one hand and on the other hand to forwarding the names of the employees, who had requested for withdrawal of their option in this regard, as per the list dated 21.12.94 (Annexure-4) are absolutely without rational and violative of principles of natural justice and administrative fair play.

D) For that the impugned letter dated 27.3.95 (Annexure-6) is devoid of rational and discriminatory in as much as the names of many of the employees holding sanction posts in the N.E.R.E.B. in which the applicant is working were forwarded for transfer and permanent -----

permanent absorption in the Power Grid Corporation of India as per the list dated 20.12.94 (Annexure-4).

E) For that the impugned letter dated 27.3.95 (Annexure-6) issued in declining to transfer the applicant having exercised an option in this regard for his permanent absorption in the Power Grid Corporation of India on one hand and on the other hand forwarding the names of such employees for their transfer and absorption in the Power Grid Corporation of India, who have requested for withdrawal of their options in this regard, are violative of the principles of natural justice and promissory estoppel.

F) For that, the impugned letter dated 27.3.95 is (Annexure-6) entirely perversed and is not born out by the records and the facts and circumstances of the case.

G) For that, any view of the matter the impugned letter dated 27.3.95 (Annexure-6) is otherwise bad in law and accordingly it is not sustainable.

8. Interim order prayed for :-

Not applicable in the instant case.

9. Applicant-----

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9. Applicant declares that he had availed the remedies available to him in the department including representation dated 28.12.94 before Respondent No.2, who was competent to pass orders therein in accordance with the law.

10. Matters not pending in any other Court :-

The applicant declares that the matter is not pending in any other law or any other Bench of the Tribunal.

11. Particulars of the postal Order in respect of the application form :-

- 1) Number of the I.P.O. :- 03 885786
- 2) Name of the issuing P.O. :- Gauhati Head Post Office, Gauhati-1
- 3) Date of Issue :- 5-7-95
- 4) Post office to which Payable :- Head Post office Gauhati-1

12. Details of Index :-

An index in duplicate containing details of the documents to be relied is enclosed.

13. Details of enclosures :-

- 1) Letter No.1/9/93-Adm IV dated 20.12.93 (Annexure-1)
- 2) Memo No.1/7/93-N.E.R.E.B. dated 7.12.93 (Annexure-2)
- 3) Fax -----

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-page 16.-

- 3) Fax Message dated 27.12.93 (Annexure-3)
- 4) Letter No.1/5/94-Adm.IV(C.E.A.) dated 21.12.94 (Annexure-4)
- 5) Appeal/Representation dated 28.12.94 (Annexure-5)
- 6) Impugned letter No.1/5/94-Adm.IV (C.E.A.) dated 27.3.95 (Annexure-6)

VERIFICATION

I, Shri Biswajit Choudhury, son of late Bhupati Choudhury, resident of Basan Cottage, Nongrim Road, Laitumukhrah, Shillong-3, Meghalaya, aged about 43 years, do hereby verify that the contents of this original application as are averred in the above paragraphs are true to my knowledge and that I have not suppressed any material facts.

*Biswajit Choudhury*

MOST IMMEDIATE

Government of India  
Central Electricity Authority  
Sewa Bhavan, R.K.Puram  
New Delhi-110066

No. 1/9/93-Adm. IV

Dated 20th December, 1993

OFFICE MEMORANDUM

The Government of India, Ministry of Power have decided to transfer the five Regional Load Despatch Centres (RLDCs) in a phased manner beginning 31.12.1993 (A/N) to the Power Grid Corporation of India Limited (POWERGRID) as per the programme given below :-

SRLDC, Bangalore	31.12.1993
ERLDC, Calcutta & NERLDC, Shillong on	31.12.1994
NRLDC, New Delhi & WRLDC, Bombay on	31.12.95

*Application was only  
for NEREB  
not RLDC.  
Load absorbed  
as a branch of NEREB*

2. Accordingly it has been decided that POWERGRID would absorb the personnel posted in the RLDCs w.e.f. the actual date of transfer of the respective RLDCs with their grade-fitment and pay fixation determined on the basis of their status in the CEA as on 31.12.1993, and as per the guidelines contained in the approach paper of the Ministry of Power (copy enclosed).
- ✓ 3. You are hereby given notice to exercise option in the enclosed proforma not later than 27.12.1993 for your absorption in POWERGRID as per the terms and conditions outlined in the above mentioned approach paper. A copy of the "Employees Hand Book" containing salient aspects of personnel policies and rules regulating the terms and conditions of employment in the POWERGRID is also enclosed, for your information to facilitate the exercise of your unconditional and irrevocable option to get absorbed permanently in POWERGRID.
4. In case you desire to be absorbed in POWERGRID, you may please furnish your written option together with the relevant particulars in the enclosed proforma to your Member Secretary positively by 27.12.93. Option once exercised shall be final. No representation or request for further clarifications regarding terms and conditions of absorption beyond what is stated in the enclosures or on any matter connected therewith shall be entertained.

Encl: Option Form  
Employee Handbook.  
Ministry of Power approach paper.

Sd/-V.V.R.K.Rao  
Secretary. 20/12/93

To  
1. All Officers and staff NREB/WREB/SREB/EREB/NEREB  
2. Copy for information and necessary action to all the Member Secretaries with the request to transmit the options received to the undersigned immediately.

Sd/-V.V.R.K.Rao  
20/12/93  
Secretary

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ANNE XURE

BY SPEED POST  
MOST IMMEDIATE

NEREB/CEA  
SHILLONG

Sub : Proposal regarding transfer of Regional  
Load Despatch Centres to the Power Grid  
Corporation of India Ltd.

With reference to CEA Fax Message No.1/9/93-Adm.  
IV (CEA) dt. 4.10.93 on the subjected cited above,  
requisite information in the prescribed proforma in  
respect of Officers and staff working in NERLDC/NEREB,  
Shillong is forwarded herewith. :

Encl: As above

Sd/- P.Patel  
Executive Engineer(A)

Shri M.R.Rajoria, Under Secretary(P), Central Electricity  
Authority, Sewa Bhawan, RK Puram, New Delhi-110 066

-----  
No. 1/7/93-NEREB/

Dt. the 7th October, 1993

*Amritpal Singh*

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FAX MSG  
27.12.93

ANNEXURE-3

To

The Secretary, CEA  
Sewa Bhavan, R.K.Puram,  
New Delhi-66

Sub : Option for absorption in the regular  
service of Powergrid.

This is with reference to your office Memorandum  
No. 1/9/93-Adm. IV dt. 20.12.93 received in this office on  
24th evening wherein it has been desired to exercise the  
the option in the proforma enclosed with your office  
memorandum latest by 27.12.93 for absorption the the  
powergrid. The following officers/staff are on leave :-

1. Sri P.P.Bandyopadhyay, Ex.Engineer
2. Sri P.K.Murthy, A.D.-II
3. Sri A.K.Sinha, A.D.-II
4. Sri M.Hussain, A.D.-II
5. Sri V.Kapur, J.E.
6. Sri N.Bhagat, A.D.-II
7. Sri H.Singh, D/man-II
8. Smti C.Nongrum, LDC

The options for absorption in the regular service  
in Power grid in respect of the following officers/staff  
have since been received by me on 27.12.93. However, the  
options in original will be sent tomorrow i.e. on 28.12.  
93 as desired in your above office memorandum by Speedpost.

1. Sri M.C.Sahu, E.E.
2. Sri V.Kaikhochin, E.E.
3. Sri Amresh Ghosh, J.E.
4. Sri S.C.Dey, T.O.
5. Sri B.Choudhury, UDC
6. Smti S.Pyngrope, Steno. Gr.III
7. Sri H.J.Palit, LDC
8. Sri S.Singh, LDC
9. Sri L.Nongdhar, LDC
10. Smti T.Tyngsong, LDC
11. Sri U.C.Nath, Daftary
12. Sri Bhabesh Das, LDC
13. Sri S.P.Roy, Attendant
14. Sri K.Thakur, Peon
15. Sri S.Dey, Steno Gr.III
16. Sri Ram Naresh Roy, Casual Labour
17. Sri J.Rajak, Attendant
18. Sri R.K.Deb, Peon
19. Sri Avdesh Kumar Roy, Casual Labour
20. Sri Ram Sajan Roy, Chowkidar.

*Revised*  
*R-4*  
Sd/-N.M.Kumar  
Member Secretary  
North Eastern Regional Electricity  
Board/Central Electricity Authority  
Shillong-3

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ANNEXURE-3

No. 1/5/94-Adm. IV (CEA)  
Government of India  
Central Electricity Authority  
Sewa Bhawan, R.K.Puram  
New Delhi-110066

Dated the 21st Dec/94

To

The Chairman & Managing Director  
Power Grid Corp. of India Ltd  
Nehru Place  
New Delhi

R-S

Sir,

As per the time schedule decided by the Ministry of Power, ERLDC, Calcutta and NERLDC, Shillong are to be transferred to the Powergrid w.e.f. 1.1.1995. Accordingly, a list each of the officers and staff of ERLDC, Calcutta and NERLDC, Shillong, who have opted to join Powergrid is sent herewith for further necessary action. Some original optees have since applied for withdrawal of their options. This is indicated in the list enclosed, wherever applicable. Details of their service particulars will be sent in due course.

Thanking you,

Yours faithfully,

Sd/-R.B.Mathur 21/12/94  
Secretary, CEA

Copy with enclosures forwarded to :-

1. Joint Secretary (Admn), M/o power, New Delhi
2. Joint Secretary (IPC), M/o Power, New Delhi
3. Member Secretary, EREB, Calcutta
4. Member Secretary, NEREE, Shillong

Sd/-R.B.Mathur 21/12/94  
Secretary, CEA

*Amritpal Singh*  
~~Amritpal Singh~~

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List of the officials opted for absorption in P.G.C.I. from NERLDC, Shillong.

<u>Sl.No.</u>	<u>Name S/Shri</u>	<u>Designation</u>	<u>Remarks</u>
1.	V.Kaikhochin	Ex-Engineer	
2.	A.H.Kulkarni	-do-	Opted from WREB as AEE by transferred to NEREB on promotion <del>WEE</del> w.e.f. 25.10.94 as Ex Engr/Dy. Director.
3.	Abhay Kumar Sinha	Asstt.Ex. Engineer	
4.	S.Majumdar	-do-	
5.	Rajib Sutradhar	-do-	Option received on 6.12.94
6.	Musarrof Hussain	Asstt.Director-II	
7.	P.Krishna Murthy	-do-	
8.	Samar Chandra De	Tech.Officer	
9.	Amaresh Ghosh <i>NERED</i>	Junior Engineer	
10.	Ram Bihar Singh	Steno.Gr.II	
11.	Shyam Dey	Steno.Gr.III	
12.	Hirak Jyoti Palit	L.D.C.	
13.	Smt.Therasia Tynsong	L.D.C.	Requested for withdrawal.
14.	Sudarshan Singh <i>NERED</i>	L.D.C.	-do- <i>not finalised</i>
15.	Lursahai Nongdwrr	L.D.C.	-do-
16.	Bhamesh Chandra Das	L.D.C.	
17.	Smt.Calista Nongrim	L.D.C.	Requested for withdrawal.
18.	Upendra Chandra Nath	Daftry	
19.	Kameshwar Thakur <i>NERED</i>	Peon	
20.	Gopal Thapa	Driver	
21.	Joginder Rajak	Attendant	
22.	Ram Sajjan Roy	Chowkidar	

28/12/94

ANNEXURE-5

BY REGD POST

To  
The Chairman,  
Central Electricity Authority,  
Sewa Bhavan, R.K.Puram,  
New Delhi-110066

(Through Proper channel)

Sub : Option exercised vide letter of CEA's OM No.  
1/9/93-Adm.IV dt.20.12.93 - release for  
absorption - Reg.

Sir,

I beg to submit the following for favour of your  
kind consideration:

1. That final option (for absorption in Power Grid by 1st January, 1995) was exercised by me vide CEA's office Memorandum No.1/9/93-Adm.IV dated 20.12.93.
2. That the option was despatched to Delhi vide this office Fax Message on 27.12.93 and vide letter NEREB/4796 dated 28.12.93, wherein my name stands at Sl.5 in the list.
3. No further correspondance there after was made in this regard either from me or by the Office, thereby ensuring my release from CEA, Shillong on 31.12.94 and joining Power Grid on 1.1.95 as per guarantee and unalienable conditions contained in the Office Memorandum dt.20.12.1993.
4. That this guarantee made me to mobilise all my resources and spend for my future settlement with the provisions I am sure to get after joining the Power Grid Corporation after January, 1995.
5. That the Fax dated 22.12.94 from Headquarters Delhi asking for the particulars of 22 persons only to be relieved does not contain my name, on enquiry at Delhi it is known that I have been decided to be retained.
6. That this decision of my retention is violative of all the conditions laid down so far and is as good as assassinating me from behind, unalert, threatening a perilous condition by shattering all my future hope and dislocating me from my scheme of future settlement by damaging all the resources I arranged on the surety enshrined in the Memorandum dated 20.12.1993.
7. At this juncture, I fall back upon the authority to save this helpless self by releasing me by 31.12.94 as per CEA's letter and thus save me from being embroiled into any cumbrus situation whatsoever.

dt. 28.12.94

Yours faithfully,  
Sd/-B.Choudhury 28/XII/94

Copy to:

The General Manager, PGCIL, Motinagar, Shillong for  
kind information & favourable action please

Sd/-B.Choudhury  
U.D.E.  
NETEB/CEA, Shillong.

Advance copy sent.

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ANNEXURE-6

**FAX**

Government of India  
Central Electricity Authority  
Sewa Bhawan : R.K.Puram  
New Delhi - 110066

No. 1/5/94-Adm. IV (CEA)

Dated the 27th March, 1995

To,

The Member Secretary,  
NEREB, Shillong.

Subject :- Representation of Shri B.Choudhury, UDC and Smt. S.Pyngope, Steno. Gr. II - regarding.

Sir,

I am to refer to the representations forwarded by you of Shri B.Choudhury, UDC and Smt. S.Pyngope, Steno. Gr. II regarding their permanent absorption in Power Grid Corporation of India Ltd. In this connection, it is mentioned that there is only one post of UDC and the same is sanctioned for NEREB and not for NERLDC. Thus the request of Shri Choudhury, UDC to permit him to join Power Grid can not be acceded to. Regarding the case of Smt. S.Pyngope, Steno. Gr. II it is mentioned that one post each of Steno Gr. II is sanctioned for NEREB and NERLDC and Shri R.B.Singh, Steno Gr. II posted in NERLDC was allowed to join Power Grid being senior to Smt. S.Pyngope. Therefore, the request of Smt. Pyngope, Steno. Gr. II to allow her to join Power Grid can not be acceded to.

The concerned officials may be informed accordingly.

Yours faithfully,  
Sd/- M.R.Rajoria  
Under Secretary (P)

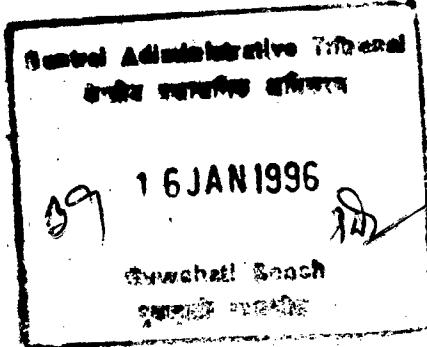
Central Electricity Authority  
NEREB, Shillong

No. 8/12/95-NEREB,  
Copy for information to :  
1. Smt. Suklin Pyngope, Steno Gr. II  
2. Sri B.Choudhury, UDC

Dated 28th March/95

Sd/- Shree Pal  
Ex.Engineer (Admn)

*Shree Pal*



24  
Filed by  
Shankar  
32  
16/1/96  
Central Govt. Standing Committee  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI:

In the matter of :-

O.A. No. 134/95

Shri B. Choudhury

-Vs-

Union of India and others

-And-

In the matter of :-

Written statements submitted by the  
Respondent No.5.

WRITTEN STATEMENTS:

The humble Respondent submits his  
written statements as follows :-

That before submitting Parawise replies to  
the Original application, the Respondent raises prelimina-  
-ry objection against the application.

That Power Grid has absorbed employees working  
under the Regional Electricity Boards ~~number~~ working  
under Central Electricity Authority(C.E.A.) including  
the North Eastern Regional Electricity Board(N.E.R.E.B.)  
whose names were forwarded for absorption pursuant to  
their exercising option for the same and the question of  
absorbing in Powergrid of the employee working under

2 ✓ 30

the Regional Electricity Board whose name have not been forwarded by the Central Electricity Authority does not arise. In the present case name of the applicant working under the N.E.R.E.B. (North Eastern Regional Electricity Board) at Shillong was not forwarded by the Central Electricity Authority for transfer and absorption in Powergrid and so the question of absorption of the applicant in Powergrid does not arise. In fact the petition is not maintainable in law and as such the application is liable to be dismissed.

1. That the applicant has not availed all the Departmental remedies and as such the petition is not maintainable and hence liable to be dismissed.
2. That with regard to statements made in paragraphs 1 to 5 of the application, the Respondent has no comments on them.
3. That with regard to statements made in paragraph 6.I of the application, the Respondent begs to state that he has no comments on them as the same is relates to the employment of the applicant in NEREB under the CEA.
4. That with regard to statements made in paragfaph 6.II of the application, the Respondent begs to state that he has no comments on them, the same being matters of record. The Respondent however begs to state that Power Grid Corporation of India Ltd. has absorbed only those employees from the Regional Electricity Board including

the North Eastern Regional Electricity Board (N.E.R.E.B.), whose names were forwarded for transfer and absorption pursuanct to their exercising option for the same. The question of absorption of any employee in Power Grid Corporation of India Ltd. (hereinafter referred as "Powergrid") from North Eastern Regional Electricity Board does not arise, whose names have not been forwarded for transfer and absorption in "Powergrid". In this regard it is further categorically stated that the name of the applicant Sri Biswajeet Chaudhury was not forwarded ~~was~~ by the North Eastern Regional Electricity Board for transfer and absorption in Powergrid and so the question of transfer and absorption of the applicant in Powwrgrid does not arise.

5. That with regard to statements made in paragraphs 6.III & 6.IV of the application, the Respondent begs to state that he has no comments as the same relates to other Respondents.

6. That with regard to statements made in paragraph 6.V of the application, the Respondent begs to state that the contents of the letter dtd. 21.12.94 are not denied and in this context it is stated that~~s~~ only those employees working under Central Electricity Authority (C.E.A.)/North Eastern Regional Electricity Board (NEREB) here absorbed in Powergrid whose names were forwarded for transfer and absorption in Powergrid.

7. That with regard to statements made in paragraphs 6.VI & 6.VII of the application, the Respondent begs to state that he has no comments, the same relates to other Respondents.

8. That with regard to statements made in paragraph 7, regarding Reliefs sought for, the Respondent begs to state that the applicant is not entitled to any of the reliefs sought for and as such the application is liable to be dismissed.

9. That with regard to grounds of the application for relief sought for, the Respondent begs to state that none of the ground is maintainable in law as well as in facts and as such the same is liable to be dismissed.

10. That with regard to statements made in paragraphs 8 to 13 of the application, the Respondent has no comments on them.

11. That the Respondent submits that the application has no merit and as such the same is liable to be dismissed.

- Verification -

I, V. KAIKHOCIN, Dy. Manager, I/c. Administration N.E.R.L.D.C., Power Grid Corporation of India Ltd. Shillong as authorised do hereby solemnly declare that the statements made above are true to my knowledge, belief and information.

And I sign this verification on this 12 th day of JANUARY, 1996 at Guwahati.

*VM*  
(V. Kaikhocin)  
DECLARENT:

Filed by:

*Choudhury*  
(MD. SHAUKAT ALI) 27/1/95 -  
Mr. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.

IN THE MATTER OF :-

O.A. No.134 of 1995

Shri B. Choudhury

-Vs-

Union of India & others.

-And -

IN THE MATTER OF :-

Written statements submitted by  
the Respondent No.1 to 4.

WRITTEN STATEMENTS :

The humble Respondents submit their written statements as follows :-

1. That with regard to statements made in paragraphs 1 to 5 of the application, the Respondents have no comments on them.
2. That with regard to statements made in paragraph 6.1 of the application, the Respondents have no comments on them.
3. That with regard to statements made in paragraphs 6-II and 6-III of the application, the Respondents beg to state that consequent on the decision of Govt. of India to transfer all the five Regional Load Despatch Centres viz. SRLDC w.e.f. 1.1.94, NERLDC & ERLDC w.e.f. 1.1.95 and NRLDC & WRLDC w.e.f. 1.1.96 to Power Grid Corporation of

India (Power Grid) alongwith their employees, the Office Memorandum No.1/9/93-Adm.IV, dated 2.12.93 was circulated amongst all the Officers and staff of all five Regional Load Despatch Centres which are the part of Regional Electricity Boards and are subordinate Offices of CEA under M/O Power to exercise their unconditional and irrevocable options for transfer to the Power Grid on permanent absorption basis. The aforesaid Office Memorandum was not a binding force to any employee of REBs/RLDCs to exercise his option for transfer to the Power Grid rather it was optional to all the employees of the RLDCs (Annexure-I). The options once exercised by the employees of Regional Load Despatch Centres was irrevocable and final. However, Respondents 2&3 are not bound to accept the options received in excess of the sanctioned strength of a particular RLDC. The Respondent No.3 forwarded the options received from office and staff of NERLDC, Shillong to Power Grid for issue of appointment to them strictly as per the sanctioned strength of NERLDC.

4. That with regard to statements made in paragraphs 6.IV and 6.V of the application, the Respondents beg to state that the Respondent No.4 had forwarded the options exercised by the employees of NERLDC, Shillong for transfer to PGCIL on permanent absorption basis to the Respondent No.3 by Fax dated 27.12.93 being time bound nature. The options were sorted out as per the sanctioned strength of NERLDC, Shillong categorywise by the Respondent No.3. The name of the applicant was not forwarded to the Power Grid as the post against which he is working is the only post sanctioned for NEREB, Shillong. The applicant was informed accordingly vide Respondent No.3, letter No.1/5/94-Adm.IV, dated 27.3.95 through this deponent (Annexure-II).

*See Annexure 2  
to DA  
to NERLDC/NEREB*

5. That with regard to statements made in paragraphs 6.VI and 6.VII of the application, the Respondent beg to state that as mentioned in Para 6.III, the transfer of RLDC employees to the Power Grid was subject to the sanctioned strength of a particular RLDC. In no case, employees of the REBs (in fact) are to be transferred to the Power Grid as the REBs will continue to function under Respondent No.1,2 & 3. Further it had never been the intention of the Respondents to hinder legitimate expectations of any of its employee. The Respondents are bound to materialise the decision of the Govt.of India to transfer the RLDCs alongwith the personnel in accordance with the guidelines and instructions received from time to time. Hence, the allegations made by the applicant in the application are wrong and unjustified.

6. That with regard to statements made in paragraph 7 of the application, the Respondents beg to state that the applicant is not entitled to any of the reliefs sought for and as such the application is liable to be dismissed.

7. That with regard to Grounds No.A) to G) of the application, the Respondents beg to state that none of the grounds is maintainable in law as well as in facts and as such the application is liable to be dismissed.

8. That with regard to statements made in paragraph 8, regarding Interim Order prayed for, the Respondents beg to state that in view of the facts and circumstances narrated above, the Interim Order prayed for by applicant is liable to be dismissed.

9. That with regard to statements made in paragraphs 9 to 13 of the application, the Respondents have no comments on them.

10. That the Respondents submit that the application is devoid of merit and as such the application is liable to be dismissed.

Verification

I, Shri Shree Pal, Ex. Engineer (Admn.), Govt.of India, Central Electricity Authority, N.E.R.E.B., Shillong-3 being authorised do hereby solemnly declare that the statements made above are true to my knowledge, belief and information and I sign this verification on this 27/11 day of November, 1995 at Guwahati.

  
27.11.95  
DECLARANT :

Government of India  
Central Electricity Authority  
Sewa Bhawan, R.K. Puram  
New Delhi-110066  
\*\*\*

ANNEXURE - I

No. 1/9/93-ADM. IV

Dated 20th December, 1993

OFFICE MEMORANDUM

The Government of India, Ministry of Power have decided to transfer the five Regional Load Despatch Centres (RLDCs) in a phased manner beginning 31-12-1993 (A/N) to the Power Grid Corporation of India Limited (POWERGRID) as per the programme given below:-

SRLDC, Bangalore on 31-12-1993

ERLDC, Calcutta & NERLDC, Shillong on 31-12-1994

NRLDC, New Delhi & WRLDC, Bombay on 31-12-1995

2. Accordingly it has been decided that POWERGRID would absorb the personnel posted in the RLDCs w.e.f. the actual date of transfer of the respective RLDCs with their grade-fitment and pay fixation determined on the basis of their status in the CEA as on 31.12.1993, and as per the guidelines contained in the approach paper of the Ministry of Power (copy enclosed).

3. You are hereby given notice to exercise option in the enclosed proforma not later than 27-12-1993 for your absorption in POWERGRID as per the terms and conditions outlined in the above-mentioned approach paper. A copy of the "Employees Hand Book" containing salient aspects of personnel policies and rules regulating the terms and conditions of employment in the POWERGRID is also enclosed, for your information to facilitate the exercise of your unconditional and irrevocable option to get absorbed permanently in POWERGRID.

4. In case you desire to be absorbed in POWERGRID, you may please furnish your written option together with the relevant particulars in the enclosed proforma to your Member Secretary positively by 27.12.93. Option once exercised shall be final. No representation or request for further clarifications regarding terms and conditions of absorption beyond what is stated in the enclosures or on any matter connected therewith shall be entertained.

V.V.R.K. RAO  
(V.V.R.K. RAO) 20/12/93  
SECRETARY

Encl: Option Form  
Employee Handbook  
Ministry of Power approach paper.

To.

1. All Officers and staff NREB/WREB/SREB/EREB/NERLB
2. Copy for information and necessary action to all the Member Secretaries with the request to transmit the options received to the undersigned immediately.

*Accepted*  
*27.11.93*  
EX-Engineer (Adm.)  
N.E.R.E.B., Shillong

V.V.R.K. RAO  
(V.V.R.K. RAO) 20/12/93  
SECRETARY

6  
5 :  
December, 1993

To

The Secretary  
Central Electricity Authority,  
NEW DELHI

Subject:- Option for absorption in the regular service of  
POWERGRID.

Dear Sir,

With reference to the C.E.A. Office Memorandum No. 1/9/93-Adm. IV dated 20.12.1993 on the above subject I have read and understood the terms and conditions of absorption in the service of POWERGRID based on the status obtaining in CEA/REB as on 01-01-1994 and hereby exercise my unconditional option for absorption on the corresponding/equivalent post on transfer from RLDCs. I further understand that this option once exercised shall be final and binding.

As my absorption in POWERGRID service will be subject to my technical resignation from the Government service, this letter may please be treated as my technical resignation from the C.E.A. service with effect from the actual date of transfer of the respective RLDCs \*(NRLDC/ERLDC/WRLDC/NERLDC) with the terminal/retiral benefits as per terms and conditions laid by the Government of India under relevant rules.

Thanking you,

Yours faithfully,

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

Office \_\_\_\_\_

Date \_\_\_\_\_

\* Strike out whichever is not applicable.

Okend  
S.R.  
21.11.93  
Ex. Engineer (Adm)  
N.E.R.E.B., Shillong

FAX

7  
 Government of India  
 Central Electricity Authority  
 Sewa Bhawan, R. K. Puram  
 New Delhi - 110066.

No. 1/5/94- Adm IV (CEA)

Dated the 27th March, 1995

To,

The Member Secretary,  
 NEREB, Shillong.

Subject:- Representation of Shri B. Choudhury, UDC and Smt. S. Pyngope, Steno, Gr. II - regarding.

Sir,

I am to refer to the representations forwarded by you of Shri B. Choudhury, UDC and Smt. S. Pyngope, Steno, Gr. II regarding their permanent absorption in Power Grid Corporation of India Ltd. In this connection, it is mentioned that there is only one post of UDC and the same is sanctioned for NEREB and not for NERLDC. Thus the request of Shri Choudhury, UDC to permit him to join Power Grid can not be acceded to. Regarding the case of Smt. S. Pyngope, Steno, Gr. II it is mentioned that one post each of Steno Gr. II is sanctioned for NEREB and NERLDC and Shri R.B. Singh, Steno Gr. II posted in NERLDC was allowed to join Power Grid being senior to Smt. S. Pyngope. Therefore, the request of Smt. Pyngope, Steno Gr. II to allow him to join Power Grid can not be acceded to.

The concerned officials may be informed accordingly.

Yours faithfully,

*[Signature]*  
 ( M. R. RAJORIA )  
 UNDER SECRETARY

Copy of it endorsed to Shri B. Choudhury, UDC  
 and Smt. S. Pyngope, Steno Gr. II dated 27/3/95  
 vide 31/3/95 NEREB/

*[Signature]*  
 27/3/95

*[Signature]*  
 allowed

*[Signature]*  
 27.3.95  
 Ex. Engineer (Adm.)  
 NEREB, Shillong