

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 291/96

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 291/96

... Bishnupratim Chandra Guha Applicant(s)
- Versus -

... Union of India &c. Respondent(s)

Mr. R.N. Dhar, D. Bhattacharya, B. Singh Advocates for Applicant(s)

Mr. S. Ali, Sr. C.G.S.C. Advocates for Respondent(s)

Office Notes Date Court's Orders
31-12-96 Learned counsel Mr. N. Dhar

This application is in
form and within time

C. F. of Rs. 50/-

deposited vide

IPO/BD No 34950/

Dated 14/12/96

1/2/97
U.P. Registrar

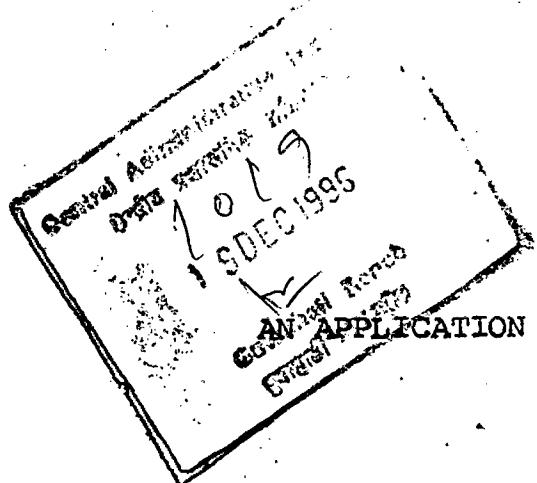
for the applicant. Mr. S. Ali, Sr. C.G.S.C. for the respondents.

In this application the applicant seeks for a direction to respondent No.5 to absorb him on permanent basis in the Power Grid Corporation of India Ltd. and to issue necessary appointment order to the applicant in this regard in terms of letter No.1/5/94.P.P(CEA) dated 15-5-96(Annexure 3) issued by the Central Electricity Authority, New Delhi. This letter is in pursuance of the order dated 8-3-96 passed in O.A.No.134/95. Respondent No.5 in this application, the Chairman-Cum-Managing Director, Power Grid Corporation of India, Ltd., New Delhi was also the respondent No.5 in O.A.No.134/95. In the order dated 8-3-96 itself it was already held that the respondent No.5 is outside the jurisdiction of this Tribunal. Therefore, this present application seeking directions to the respondent No.5 cannot be entertained in this Tribunal as there is no jurisdiction over the Power Grid Corporation of India Ltd., being a public undertaking. The application is therefore, dismissed. The applicant is at liberty to approach the appropriate forum for seeking redressal of his grievances.

6/1/97

Copy of the order has
been issued to the
Advocates of the parties
vide O.A. 153 & 154
Dated - 7-1-97.

Member



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

For use in the Tribunal Office :-

Date of Filing : 17-12-96

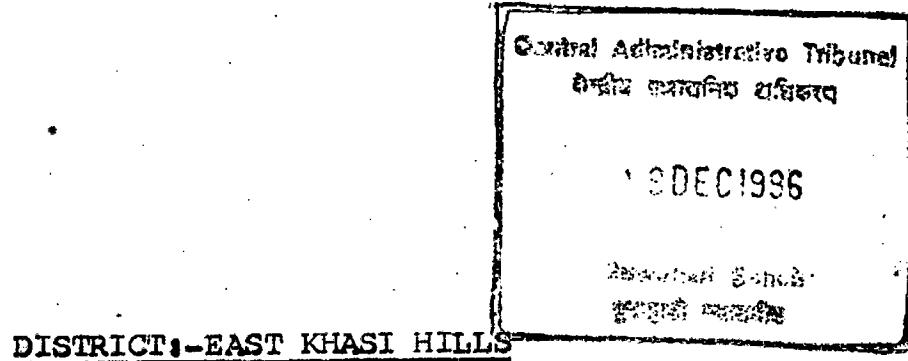
Or

Date of receipt by post :

Registration : OA 291/96

Signature

Registrar



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH

GUWAHATI

Original Application No. 29/ of 1996.

Shri Biswajit Choudhury

.....

APPLICANT

AND

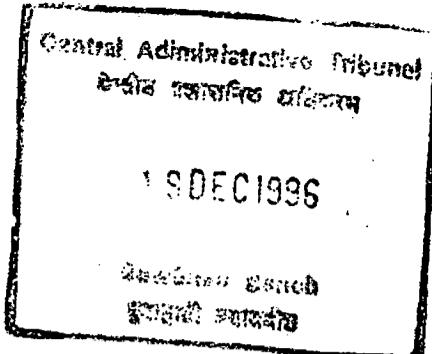
Union of India and others

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Filed by

Dibakar Bhattacharyya,
Advocate 17.12.96



Filed by the
Filing Agent
Applicant
through
the Clerk of the Court
11.12.01
✓

DISTRICT:- EAST KHASI HILLS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GAUHATI BENCH

GUWAHATI

O.A. No. 291 of 1996.

Between

Shri Biswajit Choudhury APPLICANT

AND

Union of India & Ors. RESPONDENTS

1. Particulars of the Applicant :-

i) Name of the Applicant :- Shri Biswajit Choudhury

ii) Name of the Father :- Late Bhupati Choudhury

iii) Designation and office:- Upper Division Clerk,
in which employed Office of the Member
Secretary, North Eastern
Regional Electricity Board,
Central Electricity
Authority, Govt. of India,
Bosaline Building,
Nongrimbah Road,
Laitumukhrah, Shillong-3,
Meghalaya.

iv) Office address :- -do-

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

19 DEC 1996

General Bench
मुख्य व्याख्याली

-page 2.-

D. Particulars of the Respondents :-

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

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 Bhawan,
R.K.Puram, New Delhi -
110 066

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

5. -----

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9 DEC 1996

नियंत्रित निवाय
केन्द्रीय नियंत्रित

-page 3.-

5. The Chairman-cum-Managing
Director, Power Grid
Corporation of India Ltd,
Nehru Place, 89, Hemkunt
Chambers, 10th Floor,
New Delhi.

----- RESPONDENTS

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

iii) Address for services:- As above.
of are notices

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

i) Order Numbers :- Letter No. 1/5/94- PP(CEA)

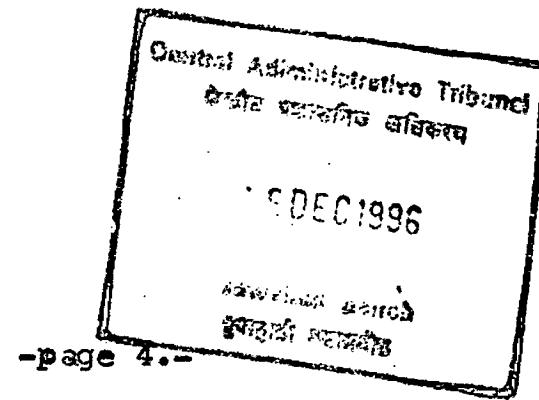
ii) Date :- 15.5.96

iii) Passed by :- The Director(ADM-1) Central
Electricity Authority, Suwa
Bhavan, R.K.Puram, New Delhi
-110 066.

iv) Subject :- Failures in part of the
power Grid Corporation of
India Ltd to provide for a
permanent absorption of the
applicant in the said

establishment-----

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establishment with reference the aforesaid letter dated 15.5.96 issued by the Director (ADM-1) CEA New Delhi and other representation submitted by the applicant.

4. Jurisdiction of :- 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 follow:

1) That the applicant had earlier filed original application of 134 of 1995 before this Hon'ble Tribunal praying, inter alia, for a direction to the Respondents No.2 to release the applicant from the office of the Respondent No.4 on transfer to the Power Grid Corporation of India Ltd. for his permanent absorption there with reference to the option exercised by the applicant with directives from the authority concerned and for a further direction to the Respondent No.5 to accommodate the applicant accordingly in the Power Grid Corporation of India Ltd.

ii) That-----

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ii) That the present Respondent No.5 i.e. the Chairman-cum-Managing Director, Power Grid Corporation of India Ltd. was also the party/Respondent No.5 in the aforesaid original application. The present Respondent No.5 had earlier filed written statement in the aforesaid original application, stating inter alia that only those employees working under the Central Electricity Authority (CEA)/North Eastern Regional Electricity Board (NEREB) were absorbed in Power Grid whose names were forwarded for transfer and absorption in Power Grid. It was stated that in the instant case the applicant working in the North Eastern Electricity Board (NEREB) at Shillong was not forwarded by Central Electricity Authority (CEA) for transfer and absorption in the Power Grid and as such he could not be absorbed in the Power Grid Corporation of India Ltd.

A copy of the written statement filed by present Respondent No.5 in the aforesaid original application 134 of 1995 is annexed hereto as Annexure-1 of this application.

iii) That accordingly this Hon'ble Tribunal as per order dated 8.3.96 passed in the aforesaid original application 134 of 1995 was pleased to direct Respondent Nos. 2 and 3 to consider the appeal/representation filed by the applicant for forwarding his option to the Power Grid Corporation of India Ltd. for his absorption there. It was directed in the aforesaid order dated 8.3.96 that the Respondents would take

(R) action-----

19 DEC 1996

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action in this regard within two months from the date of receipt of the aforesaid order dated 8.3.96 passed by the Hon'ble Tribunal. There was no separate order against the Respondent No.5 and the applicant was given liberty to pursue the matter with the Respondents.

A copy of the aforesaid order dated 8.3.96 passed by this Hon'ble Tribunal in original application 134 of 1995 is annexed hereto as Annexure-2 of this application.

iv) That the Respondents No. 2 and 3 i.e. the Central Electricity Authority accordingly on receipt of the aforesaid order dated 8.3.96 (Annexure-2) passed by this Hon'ble Tribunal was pleased to forward the service particulars of the applicant to the Respondent No.5 for permanent absorption of the applicant in the Power Grid Corporation of India Ltd. as per letter 1/5/94 - PP(CEA) dated 15.5.96 issued by the Director (ADM-1), Central Electricity Authority, New Delhi.

A copy of the aforesaid letter dated 15.5.96 issued by the Director(ADM-1) Central Electricity Authority (CEA) New Delhi is annexed hereto as Annexure-3 of this application.

v) That-----

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Central Administrative
Tribunal, New Delhi
1996

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v) That the Central Electricity Authority (CEA) as per the aforesaid letter dated 15.5.96 requested the Respondent No.5 to offer appointment to the applicant at the earliest under intimation to the Central Electricity Authority (CEA). However, the Respondent No.5, on receipt of aforesaid letter dated 15.5.96 (Annexure-3) issued by the Central Electricity Authority did not do anything for permanent absorption of the applicant in the Power Grid Corporation of India Ltd. The Respondent No.5 did not issue the offer of appointment to the applicant in the Power Grid Corporation of India Ltd. with reference to the aforesaid letter dated 15.5.96 as has been stated above. The applicant ~~had~~ accordingly had filed a representation dated 14.6.96 before the Respondent No.5 praying, inter alia to issue offer of appointment to the applicant to the Power Grid Corporation of India Ltd. with reference to the aforesaid letter dated 15.5.96 (Annexure-3) issued by the Central Electricity Authority and the order dated 8.3.96 (Annexure-2) passed by this Hon'ble Tribunal.

A copy of the aforesaid representation dated 14.6.96 submitted by the applicant is annexed hereto as Annexure-4 of this application.

vi) That -----

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General Board
संकेतिक न्यायालय

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vi) That the Respondent No.5 had failed to dispose aforesaid Representation dated 14.6.96 submitted by the applicant till to this date. The applicant was accordingly subjected to discrimination his legitimate expectation for permanent absorption in the Power Grid Corporation of India Ltd. was jeopardised due to negligence, malfeasance and nonfeasance of the Respondent No.5. The applicant accordingly finding no other alternative had issued pleaders notice dated 16.9.96 served on the Respondent No.5 by registered post. The Respondent No.5 was accordingly requested as per aforesaid Notice dated 16.9.96 to take necessary action for permanent absorption of the applicant in the Power Grid Corporation of India and to issue the necessary appointment order to the applicant in this regard in terms of the letter dated 15.5.96 (Annexure-3) and order issued by the Central Electricity Authority and with reference to the order dated 8.3.96 (Annexure-2) passed by this Hon'ble Tribunal. The Respondent No.5 on receipt of this Pleaders Notice dated 16.9.96 had failed to comply with the said Notice till this date which has resulted to the failures of justice.

A copy of the aforesaid Pleader's Notice dated 16.9.96 is annexed hereto as Annexure-5 of this application.

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Constituted Bench
संस्थापित बैठक

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7. Reliefs claimed :-

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

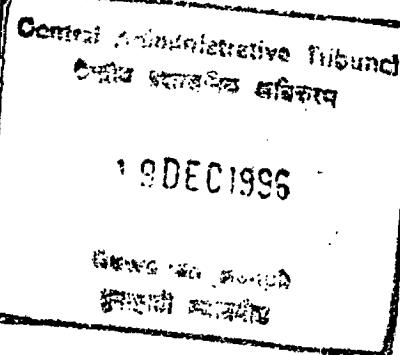
- i) for a direction to Respondent No.5 to take action for permanent absorption of the applicant in the Power Grid Corporation of India and to issue the necessary appointment order to applicant in this regard forthwith in terms of the letter dated 15.5.96 (Annexure-3) issued by Central Electricity Authority in this regard.
- ii) 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.

8. The aforesaid reliefs are prayed amongst other on the following grounds :-

G R O U N D S

A) For that the instant case the failure of the Respondent No.5 to provide for permanent absorption of the applicant in the Power Grid Corporation of India and failure to issue appointment letter to the applicant are illegal, arbitrary and violative of the principles of promissory estoppel and legitimate expectation of the applicant and accordingly Respondent No.5 has made himself liable to be directed by this Hon'ble Tribunal to act -----

(Signature)



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to act in terms of the letter dated 15.5.96 (Annexure-3) issued by the Central Electricity Authority and to provide for the appointment and permanent absorption of the applicant in the Power Grid Corporation of India.

B) For that once the Central Electricity Authority as per their letter dated 15.5.96 (Annexure-3) had forwarded the name and service particulars of the applicant to Respondent No.5 for his permanent absorption in the Power Grid Corporation of India with the appointment request to issue appointment order to the applicant and once the Respondent No.5 had stated in his written statement (Annexure-2) that the applicant could not be permanently absorbed in the Power Grid Corporation of India as his name was not forwarded by the Central Electricity Authority and accordingly the Respondents are bound by it and there is no impediment now for permanent absorption of the applicant in the Power Grid Corporation of India Ltd.

C) For that the impugned activities of the Respondent No.5 is against the spirit of the written statement (Annexure-1) filed by the Respondent No.5 earlier in the case in as much as it was stated in the said written statement that the applicant could not be permanently absorbed in the Power Grid Corporation of India as his name was not forwarded to it by the Central Electricity Authority and accordingly now,

after -----

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19 DEC 1996

Guwahati Bench
Assam High Court

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after the name and service particulars of the applicant was forwarded to the Respondent No.5 for permanent absorption of the applicant in the Power Grid Corporation of India as per letter dated 15.5.96 (Annexure-3) issued by the authority concerned, there can not be any impediment for the Respondent No.5 to act in terms of the letter dated 15.5.96 (Annexure-3) issued by the authority concerned.

D) For that in any view of the matter the impugned activities of the Respondent No.5 are not in accordance with law and accordingly the Respondent No.5 is liable to be directed by this Hon'ble Tribunal to act in accordance with law and to provide for permanent absorption of the applicant in the Power Grid Corporation of India and to issue the appointment letter to the applicant in terms of the letter dated 15.5.96 (Annexure-3) issued by the authority concerned and in the interest of justice.

8. Interim Order prayed for :- Nil

9. Declaration :- The applicant declares that he had availed the remedies available to him in a department including the Representation dated 14.6.96, notice dated 16.9.96 submitted before the Respondent No.5 as has been stated above.

10. Matters -----

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General Branch
जनरल ब्रॅन्च

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10. Matters not pending in any other court :-

The applicant declares that the matter is not pending in any other court of 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. :- 809 349501
2. Name of the issuing Post Office :- Ulubari P.O
Guwahati
3. Date of Issue :- 14.12.96
4. Post office to which payable :-

12. Details of Index :-

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

13. Details of Enclosures :-

1. Written statement submitted by the Respondent No. 5 in the original application No. 134 of 1995 before this Hon'ble Tribunal (Annexure-1).
2. Order dated 8.3.96 passed by this Hon'ble Tribunal in original application No.134/95 (Annexure-1).
3. Letter No. 1/5/94 - PP(CEA) dated 15.5.96 issued by Director (ADM-1) of Central Electricity Authority (Annexure-1).

R 4. Copy -----

Central Administration File No.
State Government of Meghalaya

10 DEC 1996

General Bench
Court Room

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4. Copy of the Representation dated 14.6.96 submitted by the applicant. (Annexure-4)

5. Copy of the Pleader's Notice dated 16.9.96 (Annexure-5).

VERIFICATION

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

Guwahati

17.12.96

Biswajit Choudhury

ANNEXURE-1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH AT GUWAHATI.

IN THE MATTER OF:-

O.A. NO. 134/95

Sri 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 preliminary objection
against the application.

That Power Grid has absorbed employees working under
the Regional Electricity Boards under working under Central
Electricity Authority (CEA) including the North Eastern
Regional Electricity Board (NEREB) 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 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 NEREB (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.

*Mukul
Sharma
Schnell
17.12.96.*

-2-

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 6.1 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 paragraph 6.11 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 Powergrid Corporation of India Ltd. has absorbed only those employees from the Regional Electricity Board including the North Eastern Regional Electricity Board (NEREB), whose names were forwarded for transfer and absorption pursuant to their exercising option for the same. The question of absorption of any employee in Powergrid 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 Choudhury was not forwarded 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 Powergrid does not arise.
5. That with regard to statements made in paragraphs 6.111 & 6.IV of the application, the respondent begs to state that he has no comments as the same relates to other respondents.

-3-

6. That with regard to statements made in paragraphs 6.V of the application, the respondent begs to state that the contents of the letter dt.31.12.94 are not denied and in this content it is stated that only those employees working under Central Electricity Authority (CEA)/North Eastern Regional Electricity Board(NEREB) were absorbed in Powergrid whose names were forwarded for transfer and absorption in Powergrid.

7. That with regard to statements made in paragraphs 6.VI & 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 regards 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 respondents 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.Kaikhochin, Dy. Manager, I/C Administration N.E.R.L.D.C. Powergrid 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 12th day of January, 1996 at Guwahati.

Sd/-V.Kaikhochin
Declarant.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 134 of 1995.

Date of decision : This the 8th 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 Bhawan,
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...

*Subd
Abinash
Adhikari
17.12.96*

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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

✓ 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.

3. When the application was moved for admission 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

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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 was not any particular post of NEREB that was to be transferred to and absorbed in the 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

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... application

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.

Sd/- MEMBER (ADMIN)

TRUE COPY

Section Officer (Judicial)
Central Administrative Tribunal
Guwahati, Guwahati

10/12

Government of India
Central Electricity Authority, Swa Bhawan
R.K.Puram, New Delhi 110066

No. 1/5/94-P.P(CEA) Dated the 15th May 1996

The Chairman-CumManaging Director,
Powergrid Corporation of India Ltd.,
89, Hemkunt Chambers, 10th Floor, Nehru Place,
New Delhi.

(Personal Attn :- A.K.Jain, DGM(HRM))

Sir,

I am to say that Hon'ble Central Administrative Tribunal, Bench Guwahati, has delivered its judgement in the case of Shri B.Choudhury Vs Union of India(OA No.134 of 1995) in the favour of the applicant. Accordingly, as per the direction of the Hon'ble Central Administrative Tribunal, service particulars of Shri B. Choudhury, UDC of NEREB Shillong are sent herewith for permanent absorption of in Power Grid Corporation of India Ltd.

It is requested that offer of appointment may please be issued to him at the earliest, under intimation to this office.

Yours faithfully,

Enclos: As above

Sd/-K.R.Bhagwan
Director(ADM-1)

Copy forwarded to MS, NEREB, Shillong for favour of information please.

Service particulars of Shri Biswajit Choudhury, UDC

Basic pay as on 1.1.1994	: 1470-00
Present Basic pay	: 1530-00
Date of joining in the present grade	: 15.10.1985
Next date of increment	- 1.10.1996

*Attached
A.S.
Adm.
17.12.96*

ANNEXURE-4

To
 The Chairman-cum-Managing Director
 Powergrid Corporation of India Ltd.,
 89, Hemkunt Chambers, 10th Floor, Nehru Place,
 New Delhi-110019

(Through Proper Channel)

Personal Attn:Sri A.K.Jain,DGM(HRM)

Sub: Request for offer of appointment in respect of Sri
 B.Choudhury, UDC, NEREB, Shillong.

Ref: CEA's letter No.1/5/94-P.P. (CEA) dated 15.5.96.

Sir,

In craving your attention to the letter No. referred to above and subject in captioned.1, Sri Biswajit Choudhury, UDC of NEREB, CEA, Shillong beg, with due esteem, to submit as under.

I filed a case in the Honourable Central Administrative Tribunal, Guwahati Bench against the decision of my department not to forward my particulars in the Powergrid Corporation of India Ltd. Though final option for absorption in Powergrid on 1st January, 1995 was exercised by me as per Ministry's memorandum No.1/9/93-Adm. IV dt. 20.12.93.

It may be pertinent to mention here that in reply to the notice served upon your Corporation, an affidavit stating that the Corporation was ready to accept the candidature of the undersigned, provided he is relieved by the Central Electricity Authority, was filed on behalf of the Corporation before the Honourable Tribunal. The Honourable Tribunal while adjudicating the matter had taken note of the aforesaid affidavit and also the affidavit filed on behalf of the Central Electricity Authority and finally decided the case directing the respondents to relieve the undersigned within the given time.

The Hon'ble Central Administrative Tribunal, Bench Guwahati, had delivered its judgement of the case (a certified copy of which is enclosed for your ready reference and perusal). As per the direction of the court, the Director (Admn-1), CEA, New Delhi had forwarded my service particulars to you with a request to

*Attested
 Biswajit
 Choudhury
 17.12.96*

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to issue offer of appointment in favour of me vide CEA's ~~xxx~~ letter of even no. dated 15.5.96, as referred to above. But till date my offer of appointment letter for permanent absorption in Powergrid Corporation of India Ltd. has not been issued in my favour.

At this juncture, I fall back upon the authority to save the helpless self by offering appointment letter as per court orders, please.

Thanking ~~you~~ you,

Encls:as above

Yours faithfully

DT. 14-6-96

Sd/- B.Choudhury, UDC
NEREB, CEA, Rosalina,
Nongrimbah Road, Laitumkhrah
Shillong-793003

Nirankar

Registered Post

ANNEXURE-5Nishithendu Dhar
Advocate, Gauhati High Court

Ref No. OA 134/95

Date 16.9.96

NOTICE

To

The Chairman-cum-Managing Director,
Power Grid Corporation Of India Limited,
89, Hemkunt Chambers, 10th Floor,
Nehru Place, New Delhi-19

Dear Sir,

Under instructions from and on behalf of my client Shri Biswajit Choudhury, son of late Bhupati Choudhury, Basan Cottage, Nongrimba Road, Laitumukhrah, Shillong-3, Meghalaya, I gave you this notice to inform you that my said client who is working as the Upper Division clerk in the office of the Member, Secretary, North Eastern Regional Electricity Board, Central Electricity Authority, Government of India, Rosolina building, Nongrimba Road, Laitumukhrah, Shillong-3, Meghalaya, had filed original application No.134 of 1995 in the Guwahati Bench of the Central Administrative Tribunal in Guwahati praying, interalia, for direction to the authority concerned for his release on transfer for permanent absorption in the Power Grid Corporation of India Ltd on the basis of the option exercised by him in this regard.

2. That you were impleaded as the respondent No.5 in the said original application No.134 of 1995 and you have filed your written statement in the case stating, interalia, that the Power Grid Corporation of India has absorbed employees working under the Regional Electricity Board under the Central Electricity Authority including the North Eastern Regional Electricity Board whose names were forwarded for absorption pursuant to their exercising option for the same. It was also stated in the present case the name of the applicant working under the North Eastern Regional Electricity Board at Shillong was not forwarded by the Central Electricity

Nirankar
Advocate
Dibrugarh
17.12.96

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authority for transfer and absorption in Power Grid and so the question of absorption of the applicant in Power Grid does not arise. It was also reiterated in the written statement filed by you that Power Grid Corporation of India has absorbed those employees from the Regional Electricity Board including the North Eastern Regional Electricity Board whose name was forwarded for transfer and absorption in pursuance to their exercising option for the same. It was stated that in the instant case the name of the applicant Shri Biswajit Choudhury was not forwarded by the North Eastern Regional Electricity Board for his transfer and absorption in the Power Grid and so the question of his transfer and absorption in Power Grid does not arise.

3. That accordingly the Hon'ble Central Administrative Tribunal in Guwahati after hearing the parties as per order dated 8.3.96 passed in the original application No.134 of 1995 was pleased to hold that the reason in support of the refusal to forward the case of the applicant to the Power Grid Corporation was unsustainable. The Respondent No.2 i.e., the Chairman, Central Electricity Authority, Government of India, New Delhi, and the Respondent No.3, in the Secretary Central Electricity Authority, Government of India, New Delhi, were accordingly directed to reconsider the appeal of the applicant for ~~forwarding~~ forwarding his option to the Power Grid Corporation of India Limited within a period of 2(two) months from the date of receipt of the aforesaid order dated 8.3.96 passed by the Hon'ble Tribunal as has been stated above.

4. That in pursuance to the aforesaid order dated 8.3.96 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, in original application No. 134 of 1995, the Director (ADM-1) Central Electricity Authority, New Delhi, as per his letter dated 15.5.96 addressed to you was pleased to send the service particulars of the

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of the applicant to you for his permanent absorption in the Power Grid Corporation of India Limited with a request that the offer of appointment be issued to the applicant at the earliest. However, you on receipt of the aforesaid letter dated 15.5.96 issued on behalf of the Central Electricity Authority, New Delhi, did not take any action on it which do not appear to be in conformity of the written statement filed by you in the above case and it is resulting into the failures of justice.

Under the aforesaid facts and circumstances of the case I would request you to take necessary action in this regard for permanent absorption of the applicant in the Power Grid Corporation of India Limited and to ~~xxxxxx~~ issue the necessary appointment order to the applicant in this regard within a period of 2(two) months from the date of receipt of this Notice by you, failing which my instructions are to institute legal proceeding against you in a court of competent jurisdiction and in that case you will be held liable for all legal costs and consequences thereof.

with regard,

Yours faithfully,

Dated Guwahati,
the 16th Sept/96

Sd/- N.Dhar,
16/9/96
Advocate.