C/CP/RTI/2015/01

Smt. Ramabharti
C/o Shri P.K. Sharma, Engineer (CS)
Power Grid Corporation of India Limited
400/220 KV Kishenpur Sub Staion
VIA Dansal, Jammu-181224


Dear Madam,

This has reference to your Online RTI request dated 4th April, 2015 seeking information under RTI Act, 2005.

The information sought is attached at Annex-A.

Details of Appellate Authority, as per the provisions of RTI Act, 2005 is as under:

Shri B. Mishra
Executive Director (CP & IT) & Appellate Authority,
Corporate Centre, Power Grid Corporation of India Limited,
"Saudamini", Plot No. 2, Sector-29 Gurgaon – 122007, Haryana.

Thanking You,

[Signature]

MahaPrabandhak (Ex-officio) & Asst. Secy.
Annex-A

1. Interview proceedings of 2000 for the executive cadre of E1 in which her husband (Sh. P.K. Sharma, Emp. No. 50890) cleared the written test but was not promoted to E1.

2. Interview proceedings of 2002 for the executive cadre of E1 in which her husband (Sh. P.K. Sharma, Emp. No. 50890) cleared the written test but was not promoted to E1.

Reply. Interview (DPC) proceedings are not being provided to the appellant because they are confidential in nature and contain personal information thereof. The appellant being third party, information cannot be disclosed under Section 8(1)(j) of the RTI Act. This has been been clearly mentioned in the C/C order dtld. 19.09.2013 (Attached at Annex-I) and 15.07.2013 (Attached at Annex-II).


Reply. Attached at Annex- III

4. & 5. Attached at Annex- IV & V.

6. Promotion policy with regard to written examination & interview from supervisory cadre to executive till promotion of her husband (upto 2007) & present promotion policy. As per present policy, does a candidate have to reappear for written examination if he is not promoted to E1 cadre.

Reply. Promotion policy upto 2007 attached at Annex-VI.
Present promotion policy attached as Annex-VII.
Decision No.CIC/VS/A/2012/001469/04824
Appeal No.CIC/VS/A/2012/001469
Dated: 19.09.2013

Appellant: Shri Amit Choudhary,
R/o Chamber No.122, Collectorate,
Behind Post Office, Meerut-250 001.

Respondent: Public Information Officer,
State Bank of Bikaner & Jaipur,
Head Office, Tilak Marg, Post Box No.154,
Jaipur-302 005.

Date of Hearing: 19.09.2013

ORDER

RTI application:

1. The appellant filed an RTI application on 12.12.2011 seeking information pertaining to particulars and other details of officers called for interview from scale 3 to scale 4 in a certain format.


Hearing:

3. The respondent participated in the hearing through video conferencing.
4. The respondent explained that the appellant had sought information about the promotions during 2011 from scale-3 to scale-4 in context of which there was an interview. The respondent explained that the appellant had sought information through his RTI application of 12.12.2011 seeking the particulars of the various candidates and the marks obtained.

5. The respondent explained that the CPIO had replied to the appellant on 19.12.2011 in which it was stated that this was third party information and also confidential in nature, hence the information was denied under the exemption from disclosure clauses of the RTI Act.

6. The respondent explained that there was an appeal lodged by the appellant on 10.01.2012 in which the first appellate authority on 27.01.2012 upheld the CPIO's response.

7. The appellant did not participate in the hearing.

8. The approach taken by the respondent is in conformity with the RTI Act.

Decision:

9. The orders of the respondent are upheld.

The appeal is disposed of. Copy of decision be given free of cost to the parties.

- (Vijai Sharma)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer
CENTRAL INFORMATION COMMISSION  
Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/BS/C/2012/000240
File No.CIC/BS/C/2012/000384
File No.CIC/BS/C/2012/000428
File No.CIC/BS/C/2013/000074
File No.CIC/BS/C/2013/000075
File No.CIC/BS/C/2013/000091
File No.CIC/BS/A/2012/000641
File No.CIC/BS/A/2013/001421
File No.CIC/BS/A/2013/001459
File No.CIC/BS/A/2013/000077
File No.CIC/BS/C/2012/000470
File No.CIC/BS/C/2012/000533
File No.CIC/BS/C/2013/000067
File No.CIC/BS/C/2013/000099
File No.CIC/BS/A/2012/000597

Complainant
Shri H.K. Bansal

Public Authority
BSNL

Dates of hearing
15.07.2013

Date of decision
15.07.2013

Facts :-

The above cited 15 appeals have been filed by the appellant herein. These are being disposed off through a common order that follows. The appellant is not present in today's hearing. BSNL is being represented by the following :-

1. Shri S.K. Bhardwaj, Superintending Engineer(CPIO);
2. Shri H.S. Bisht, S.E., Rohtak;
3. Shri R.K. Verma, Executive Engineer, Ambala;
4. Shri D.K. Jha, DO(Vig.); and
5. Shri P.K. Bhatla, ASC.

2. The Department of Telecommunications is represented by Shri N.K. Singh, Director.

3. The case-wise position is as follows :-

File No.CIC/BS/C/2012/000240 :-

4. The background of the matter is that the appellant, a retired Superintending Engineer of BSNL, in the RTI application dated 7.6.2010, had sought huge personal information relating to one Shyam Lal, TO(A). The response, if any, given by the CPIO is not available in the Commission's file. I have carefully gone through the RTI application and find that the appellant has sought personal information about third party. It is pertinent to mention that the Supreme Court of India in its judgment dated 3.10.2012 in Girish Ramchandra
Deshpande had held that personal information is not liable to be disclosed unless the appellant establishes a larger public interest. Paras 12 & 13 of the order are extracted here-in-below:

"12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is whether the abovementioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

13. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."

5. As noted above, the appellant is not present before the Commission to convass his case. Nor do I find any material on record to establish larger public interest. In the light of Supreme Court ruling extracted above, personal information regarding third party cannot be disclosed to the appellant. The appeal is, therefore, dismissed.

File No.CIC/BS/C/2012/000428 :-

6. In the RTI application dated 10.10.2011, the appellant had sought information regarding charge sheet purported to have been issued to one Tikam Singh, SE(Civil), BSNL, Rohtak. This appeal is also liable to be dismissed for the reasons cited in the preceding case.

File No.CIC/BS/C/2012/000384
File No.CIC/BS/C/2013/000074 :-

7. In the RTI application dated 6.4.2012, the appellant had mentioned that all the dak meant for SE(C), Rohtak, was being received by Ms. Durgesh and had sought a copy of the appointment order of Ms. Durgesh along with her attested specimen signatures. Besides, he had also sought to have a copy of the work distribution order authorizing Ms Durgesh to
receive the dak etc. During the hearing, Shri Bisht submits that vide letter dated 21.9.2011, the appellant was informed that the office of Additional CE(Civil), Rohtak, had not appointed any Ms. Durgesh to receive the dak. Besides, the appellant was also informed that no specific order had been issued for work distribution among the staff etc. It is, thus, Shri Bisht’s contention that the requisite information has been supplied to the appellant.

8. I am broadly satisfied with the response of the CPIO. The matter, therefore, is being closed. This disposes of both the matters.

File No.CIC/BS/C/2013/000075 :-

9. In the RTI application dated 2.10.2011, the appellant had sought certain informations regarding the Show Cause Notice issued to him “for causing wrongful and abnormal delay in settlement of arbitration cases”. Shri Bhardwaj submits that parawise information was provided vide letter dated 3.12.2011. He also submits that the appellant has been given inspection of the entire records on 25.6.2012. As noted above, the appellant is not present before the Commission to contest this fact. In the premises, the matter is being closed.

File No.CIC/BS/C/2013/000091 :-

10. In the RTI application dated 8.8.2012, the appellant had sought copies of the minutes of the DPC proceedings concerning Shri P.K. Panigrahi and Ramanandan K.P. and the matters related there-with. This was responded to by Shri N.K. Singh, Director, vide letter dated 12.12.2012. During the hearing, Shri Singh submits that the appellant has sought third party information which cannot be disclosed under section 8(1)(j) of the RTI Act. He also relies on the Supreme Court judgment in Girish Ramachandra Deshpande case.

11. I accept Shri Singh’s contention. The appellant cannot be given copy of the DPC proceedings regarding third party. The appeal is misconceived. Dismissed.

File No.CIC/BS/A/2012/000641:-

12. It is noticed that in the RTI application dated 9.11.2011, the appellant had sought information on multiple issues. This was duly responded to by Shri N.K. Singh, Director, vide letter dated 13.12.2011. During the hearing, Shri Singh submits that the appellant had also been given inspection of the relevant records. In view of the above, I am broadly satisfied that the requirement of the law has been satisfied by the CPIO. The matter is, therefore, being closed.

File No.CIC/BS/A/2013/001421:-

13. In the RTI application dated 6.3.2013, the appellant had sought copy of the file notings regarding the disposal of communications sent by him. Shri Singh submits that the appellant was given requisite information. Besides, he was also given inspection of the relevant records. In view of this, the matter is being closed.
14. On a careful perusal of the RTI applications in the above mentioned appeals, it is noticed that the appellant has raised essentially and substantially the same issues as have been dealt with in the preceding matters. His non-appearance before the Commission to buttress his case demonstrates his apparent disinterest in these matters. I am, therefore, constrained to dismiss these appeals.

Sd/-

( M.L. Sharma )
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

( K.L. Das )
Deputy Registrar

Address of parties :-

1. The Supdt. Engineer(Civil) & CPIO, BSNL, BSNL Civil Circle, Main T.E. Building, Rohtak-124001.

2. The CPIO, BSNL, CGMT Haryana Office, 107, The Mall, Ambala Cantt-133001.

3. The CPIO, Min. of Communications & IT, Deptt. of Telecommunications, 1110, Sanchar Bhawan, Ashoka Road, New Delhi-110001.

4. The CPIO, Min. of Communications & IT, Deptt. of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.

5. Shri H.K. Bansal, Kanta Niwas, 1011/24, Jagdish Colony, Rohtak-124001.
C/HR/APP/50890

Dated: 23.12.2005

Shri P.K. Sharma
Junior Engineer (SG)
Emp.No.50890, NR-II

Through: DGM (HR)

Dear Sir,

This has reference to your application dated 15.10.2005. We wish to inform you that the interview proceedings of 2001 considering your candidature for promotion to the executive cadre at E1 level was kept under sealed cover and since you were later awarded minor penalty of censure the said cover was not opened, as per rules.

Further, we may inform you that there is no provision to allow a candidate to look into his answer sheet. We have however re-counted the marks awarded to you and found the grand total in order.

Thanking you,

Your’s faithfully,

(V.K. Peshin) 27/1/10
Dy. Manager (HR)
Dated: 15.10.2005

(Through proper channel)

To
The Executive Director,
POWERGRID,
Northern Region-II,
Jammu.

Sub. Promotion to Executive cadre at E-1 level-Interview thereof.

Reference: My earlier letter dated 06.09.2005. (Copy enclosed)

Sir,

In inviting kind reference to the subject cited above, it is to inform that no reply has since been received for my above stated letter. Since I have cleared both written as well as interview for the DPC 2001 but was not promoted due to vigilance case for which I was finally "Censured" by competent authority which is not a barrier for promotion. I may kindly be considered for my promotion from retrospective date.

I further request you to provide me an opportunity to review my answer script so that mistakes committed in this examination may not be reoccurred in my future examinations.

Encl: as above

Thanking you,

Yours faithfully,

(P.K. Sharma)
JE(SG)-50890,
Kishenpur, Manwal.

No - N2-KP/HR/05/3067
Dt - 17-10-2005.
STATEMENT OF COMPANY POLICY REGARDING PROMOTION OF EMPLOYEES IN SUPERVISORY CATEGORY

1.0 OBJECTIVE

The objective of the Company's Promotion Policy for employees in the supervisory categories is to provide, keeping in view the organisational requirement, adequate growth opportunity consistent with merit and suitability.

2.0 GENERAL PRINCIPLES

The following factors will be taken into account in promotion from one grade to the next higher grade:

2.1 Promotions will be effected only against vacant sanctioned posts.

2.2 Channel of Promotion: All the functional areas/disciplines will be suitably grouped into well-defined channels of promotion taking into account the nature of duties and other relevant considerations; and the promotions will be effected strictly in accordance with the channels so laid down. The channel of promotion charts will also indicate the test interview and minimum qualification and relevant experience, if any which will be required for promotion to a certain grade.

2.3 Eligibility Period: The eligibility period for promotion in various grades to available posts in respective next higher grades will be three years. However, Supervisors in S4 Grade not meeting the prescribed qualification for promotion to Executive grade, will eligible for consideration for promotion to Selection Grade on completion of 4 years of service in S4 Grade.

2.3.1 Meeting of the Departmental Promotion Committee for promotion of supervisors will be held once in a year.

2.3.2 Supervisors who are found suitable for promotion by the Departmental Promotion Committee will be considered for promotion effective from the dates as mentioned below:

i) Supervisors who complete the eligibility period together with the grace period as on 31st July will be considered for promotion w.e.f. 1st January of the following year.

ii) Supervisors who complete the eligibility period together with the grace period as on 30th April will be considered for promotion w.e.f 1st April of that year.

2.3.3 E.O.L. on account of illness or for prosecution of higher scientific and technical/professional studies duly supported by a medical certificate from an authorised medical officer of the Company in case of illness, and by a certificate from the Head of Region that the higher scientific and technical/professional studies are in interest of Company's work in case of leave for prosecution of such higher studies, will count for the purposes of computing the period of eligibility for the purpose of promotion.
E.O.L. taken on account of reasons other than illness or prosecution of higher academic and technical/professional studies will also count for computing the period of eligibility for the purpose of promotion provided it is for less than 3 months.

2.3.4 Where the employee placed under suspension pending enquiry, is held guilty by the disciplinary authority, the period spent under suspension shall not be treated as duty service. However, where the employee concerned is exonerated unconditionally, the period of suspension will also be treated as duty/service.

Consequently, in all such cases where the employee is not exonerated, the period of suspension shall not be treated as duty/service and will be excluded while working out the minimum eligibility period required to be put in by such employee in service or duty under the promotion policy for being considered eligible for promotion to the next higher grade/scale of pay.

2.3.5 In case of both inter-unit and intra-unit transfers (irrespective of whether the transfer is inter-departmental or intra-departments of employees) the employees will be allowed credit for the entire period of service put in by them in a grade if the transfer is effected at the initiative of management. In case the transfer is due to an employee’s own initiative, full credit for the entire period of service put in by him or in a grade will be allowed subject, however, to the condition that at least one year's service in the unit/post to which he is transferred will be necessary before he is considered for promotion.

2.4 Seniority: The seniority lists of the employees in various grades/channels will be prepared and updated from time to time by the concerned Human Resource Department in accordance with the rules framed for this purpose.

2.5 Confidential/Merit Rating Reports: Confidential Forms/Merit Rating Reports in respect of each employee will be maintained on the prescribed forms, to be written at the end of every calendar year. Such reports may, however, also be asked for any time other than the annual reports mentioned above at the discretion of the management. These reports will be kept in the custody of the concerned Human Resource Department.

2.6 Test/Interview Qualification Bar: In addition to fulfilling the other eligibility conditions, an employee must possess the requisite qualifications prescribed, if any, for the next higher post against which he is to be considered for promotion. Similarly, he must qualify in the test(s) and interview if any, laid down for consideration for promotion to the next higher post.

2.7 Reservation for SC/ST: The directives of the Central Government/company with regard to the reservation of posts for Scheduled Caste/Scheduled Tribe candidates in the matter of promotion, issued from time to time, will also be kept in view while effecting the promotions of the employees.
2.8 Debarring

2.8.1 No employee whose latest confidential/merit rating report whether annual or special is adjudged as "Adverse" will be considered for Promotion.

2.8.2 No employee under suspension or against whom decision has been taken to charge-sheet, or where the charge-sheet has been issued or where a criminal case is pending against him shall be promoted until he is unconditionally reinstated or exonerated. In case of unconditional reinstatement or exoneration, he will be allowed promotion with retrospective effect, but the financial benefit accruing due to promotion will be allowed with effect from the date his promotion order is issued and no arrears will be payable on this account unless specifically mentioned otherwise in the promotion order. However, in respect of those employees who have been recommended for promotion by DPC and in whose case decision to issue charge-sheet has not been taken by the Competent Authority, order of promotion be issued in normal course.

The cases of employees against whom disciplinary proceedings are pending or contemplated but are otherwise eligible for consideration for promotion shall also be considered by the DPC (Department Promotion Committee) along with all other cases. The recommendations of the DPC, including "unfit for Promotion" will be kept in a sealed cover. The cover will be so superscribed findings regarding suitability for promotion to the grade/post of .......... in respect of Shri ...................... not to be opened till the conclusion of the disciplinary case/criminal prosecution against Shri .................... The proceedings of the DPC need only contain the note, "The findings are contained in the attached sealed cover". The same procedure will be followed by the subsequent DPCs convened till the disciplinary case/criminal prosecution pending against the employee concerned is finally concluded.

In the event of delay in the conclusion of the disciplinary proceedings/criminal prosecution, the delay not being attributable to the charged employee, and the disciplinary proceedings/criminal prosecution against the employee concerned are not concluded even after the expiry of two annual DPCs from the date of the meeting of the first DPC which kept its findings in respect of the employee in the sealed cover, the Appointing Authority may review the case of employee, provided he is not under suspension, and consider and order promotion of employee on adhoc basis, provided his case was recommended by DPC keeping in view the totality of the case, the availability of vacancy etc. The order of promotion should make it clear that the promotion is purely on adhoc basis, till further orders and it confers no right on the employee for regular promotion and that the Competent Authority reserves the right to cancel/revoke the adhoc promotion or to revert, at any time the employee to the post from which he was promoted on adhoc basis, without any formal proceedings.

2.8.3 On conclusion of disciplinary cases/criminal prosecution etc., the promotion of the employee will be regulated as under:

(i) If the employee concerned is finally acquitted and is fully exonerated, the sealed cover recommendation shall be opened and in the event the employee was recommended for promotion by the Committee, the promotion shall be made effective.
from the date as would otherwise have been announced as if there were no proceedings against him. The financial benefits accruing due to promotion will be allowed with effect from the date promotion order is issued and no arrear will be payable on this account, unless specifically mentioned otherwise in the promotion order.

(ii) If any penalty is imposed as a result of the disciplinary proceedings or if he is tried and convicted in the criminal prosecution against him, the findings of the sealed cover are not to be considered. His case for promotion may be considered by the next Departmental Promotion Committee in the normal course and having regard to the penalty imposed on him. Such employee shall, however, not receive promotion during currency of the punishment where adhoc promotion has been given as at 2.8.2 above will be cancelled.

3.0 PROCEDURE

3.1 Written Test/Trade-Test/Interview, wherever prescribed, for the candidates fulfilling all eligibility conditions as mentioned hereinbefore, will be conducted once in a year in the same order. The number of eligible candidates to be trade-tested will be limited to three times the number of anticipated vacancies and all those who qualify in the test will be allowed to appear for an interview before the Departmental Promotion Committee. The test will be conducted by a Committee comprising of Executive Director’s nominee, representative of the Head of the Department where the vacancy exists/likely to occur, officer of the Training Department and Personnel Officer/Senior Personnel Officer nominated by the concerned Head of Human - Resource.

Where, in addition to Trade-Test and Interview, the candidates are required to appear in Written Test also, the number of eligible candidates to be called for the written test should be limited to four/five times the number of anticipated vacancies. Out of those who qualify in the Written Test, the number of candidates to be called for Trade-Test and/or Interview will be limited to three times the number of anticipated vacancies.

3.2 Departmental Promotion Committees for selecting candidates for promotion to various grades/posts will be constituted by the authority competent to approve the selection panels (Executive Director).

3.3 The promotion will generally be based on seniority-cum-merit and the relative weightage for different factors will be as follows:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Weightage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seniority</td>
<td>30 marks</td>
</tr>
<tr>
<td>Appraisal Report/Merit Rating</td>
<td>30 marks</td>
</tr>
<tr>
<td>Test, Trade Test &amp; Interview</td>
<td>40 marks</td>
</tr>
<tr>
<td>Total</td>
<td>100 marks</td>
</tr>
</tbody>
</table>

In cases where no test and/or interview is involved, the total maximum marks will be 60.

The merit rating reports for the last three consecutive years will be taken into account for the above purpose.
Based on the seniority position, the merit rating/Appraisal Reports and results of the test/ interview, the position of the candidates will be arranged in order of merit by the committee. The qualifying marks will be 50% in each of the items in respect of which the candidates are evaluated. However, the qualifying marks for SC/ST candidates will be 40% in each of the items assessed.

Based on the above mentioned criteria, the panel of the successful candidates will be drawn up by the committee on which every member of the Committee will affix his signature. Thereafter the panel will be put up for the approval of the competent authority who will be the Executive Director of the concerned project/Unit in all cases of promotions to non-executive posts. The panel thus approved will be valid for a period of six months which can be renewed by the Executive Director for a period not exceeding six months.

The approved panel as well as the connected papers/documents will be kept in the custody of the concerned Human Resource Department, and the promotion orders in respect of the successful candidates will be issued by the concerned Human Resource Department as per the vacancies. The promoted employees will be placed on probation for a period of six months, which may be extended wherever necessary.

If the performance of an employee during such probation, including extended period is not found satisfactory, he shall be reverted to the lower post and he shall not be considered for promotion for one year from the date of his reversion.

APPEAL

An employee aggrieved due to his non-promotion may take recourse to the prescribed Grievance Procedure for redressal of the same.

GENERAL

The Management reserves the right to modify, cancel, add or amend any of these rules at any time.
INTER OFFICE MEMO

TO: All Heads (RTS/RLDC) ALL HOPs (RTS/RLDC) HODs-CC DGM(HR-Estt).CC DGM(HRD/ADMN).CC GM(HR(APP&Rec)) CM(HR)-KS

Certification regarding Seniority Weightage of, Promotion of Supervisors to Selection Grade and to the Executive Category

Reference of clause 7.0 of Corporate HR Circular No.128/01 dated 15.05.01 effective as date of issue of order and in continuation of IOM dated 05.11.2001, the guidelines in respect of seniority weightage to be known as per the above Corporate HR Circular, a one-time dispensation of one year seniority weightage in the eligibility period for promotion within the Supervisory category, who are on rolls as on 15.5.2001, has been allowed.

Supervisors with two years of service in the grade will be eligible for consideration for promotion, after allowing one year seniority weightage and Grade Seniority, while reckoning the eligibility period.

Supervisors with three years or more service will be provided one time grade service seniority and one year seniority weightage in the promoted grade. The office order on promotion will specify that the seniority weightage is admissible in the promoted grade.

Promotion of Supervisors to Executive Cadre(E-1)

Supervisors who have put in one year of service in the S4 grade or are eligible for seniority weightage of one year in terms of clause 3 above will be considered for promotion to E1 grade. As per amended Rules, Supervisors in the S3 grade will not be considered for promotion to E1.

The effective date for implementation of the provisions for special dispensation of seniority weightage of one year to Supervisor Category employees will be after the issuance of Corp. HR Circular No.128/01 dated 15.05.01. To clarify it further, Supervisors at S3 level with 3 years of service will be considered for promotion to S4 level by DPC 2002 at CC and Regions and thereafter those Supervisors (S4) fulfilling the qualification criteria will be allowed seniority weightage of one year so as to make them eligible for consideration for promotion to E1 level by DPC 2002 at Corporate Centre, subject to other conditions of eligibility.
Promotion of Supervisors to Selection Grade:

(i) Supervisors in S4 grade who have completed 4 years or more service and do not possess the requisite qualifications for consideration for promotion to Executive cadre will be considered for promotion to the Selection Grade. The standard date of promotion of S4 to Selection Grade will be Jan./April every year from DPC 2002.

(ii) Supervisors in the grade of S4 with 3 years of service in the grade would also be considered for promotion to selection grade after allowing them seniority weightage of one year provided the seniority weightage of one year was not granted earlier.

(iii) The criteria for promotion from S4 grade to Selection Grade would also be same as laid down in the extent promotion policy for promotion from one grade to another within Supervisory category.

Grade Seniority Marks & AAR Ratings for Supervisor in S4 Grade for promotion to Selection Grade:

The marks for AAR Ratings and Grade Seniority will be as under:

1. AAR Ratings (*):
   - Outstanding: 7.5
   - Very Good: 6.0
   - Satisfactory: 4.0
   - Unsatisfactory: 0

(*) Four AARs to be taken into consideration.

2. Grade Seniority (Maximum Marks 30)
   - 4 years: 15
   - 5 years: 20
   - 6 years: 25
   - 7 years & above: 30

Total marks 1+2 = 60

Qualifying marks = 50% as per rules (40% for SC/ST)

Grade Seniority, AAR Ratings, Test and Interview marks for Supervisors in S4 Grade for promotion to E1:

1. Grade Seniority Ratings (Maximum Marks 30)
   - (i) One year: 15
   - (ii) Two years: 20
   - (iii) Three years: 25
   - (iv) Four years and above: 30
2. AAR Ratings(*)
   Outstanding...
   Very Good...
   Good...
   Satisfactory...
   Unsatisfactory...

3. Test Marks
4. Interview Marks
Total Marks
Qualifying Marks. 50% as per rules (40% for SC/ST)

*Only one AAR will be taken into consideration.

If the Supervisor in Selection Grade acquires qualification subsequently, he will be eligible for consideration for Promotion to E1. However, in such cases the pay fixation on promotion will be done as in the case of placement.

Supervisors who possess the qualification but are not promoted to E1 grade, will not be considered for promotion to Selection Grade and will remain in S4 Grade.

Period of Probation:

a) Supervisors promoted to Selection Grade will be placed on probation for a period of 6 months as is the case with S1, S2, S3 and S4 Grades.

b) The policy for probation for Supervisors on promotion to E1 will continue to be six months.

c) Supervisors promoted to S4 with Seniority weightage of 1 year (in the promoted grade) and while gets promoted to E1 will be placed on probation of 6 months in E1 and the probation period in S4 Grade will be ignored.

Designation of Supervisors in Selection Grade:

The designation of the Supervisors in Selection Grade will be given by suffixed ISG in the respective pre-promoted designation. To cite examples, Sr. Accountant in S4 Grade will be designated as Sr. Accountant (SG), Sr.P.S and JE Gr(I) will be designated as Sr.P.S(SG) and JE G-I(SG) respectively.

The seniority weightage of one year is a one time dispensation and is applicable only once.

All other guidelines prescribed under promotion policy of the Corporation will remain applicable.

This issues with the approval of the Competent Authority.

(R.P. OJHA)
STATEMENT OF COMPANY POLICY REGARDING
PROMOTION OF EMPLOYEES IN SUPERVISORY
CATEGORY

1.0 Objective
The objective of the Company's Promotion Policy for employees in the supervisory categories is to provide, keeping in view the organisational requirement, adequate growth opportunity consistent with merit and suitability.

2.0 General Principles
The following factors will be taken into account in promotion from one grade to the next higher grade:

2.1 Promotions will be effected only against vacant sanctioned posts.

2.2 Channel of Promotion
All the functional areas/disciplines will be suitably grouped into well defined channels of promotion taking into account the nature of duties and other relevant considerations; and the promotions will be effected strictly in accordance with the channels so laid down. The channel of promotion charts will also indicate the test interview and minimum qualification and relevant experience, if any which will be required for promotion to a certain grade.

2.3 Eligibility Period
The eligibility period for promotion in various grades to available posts in respective next higher grades will be three years. However, Supervisors in S4 Grade not meeting the prescribed qualification/ not qualifying the written test or interview, for promotion to Executive grade, will be eligible for consideration for promotion to Selection Grade on completion of 4 years of service in S4 Grade.

2.3.1 Promotion of Supervisors in S4 grade to E1
Supervisors who have put in 1 year of service in the S4 grade will be considered for promotion to E1 grade. As per amended rules, Supervisors in S3 grade will not be considered for promotion to E1.

Promotion of Supervisors in S4 grade to Selection Grade /E1

i) Employees in S4 grade who possess the prescribed qualification* for being considered for promotion to E1 but fail to get promotion and complete 4 years in the grade will be considered for promotion to Selection Grade on standard dates.

ii) On promotion to Selection Grade, such employees at (i) above will continue to be eligible for consideration for promotion to E1 on fulfillment of other prescribed conditions.
Employees promoted to Selection Grade due to not having the prescribed qualifications for E1 but acquire the qualification later will also be eligible for consideration for promotion to E1 on standard dates after acquiring such qualification.

Employees found suitable for promotion from Selection Grade to E1 will be placed in the scale of E1. The pay fixation in such cases shall be as per the rules.

If a Supervisor in Selection Grade acquires qualification subsequently, he will be eligible for consideration for promotion to E1. However, in such cases the pay fixation on promotion will be done as in the case of placement.

2.3.1 Meeting of the Departmental Promotion Committee for promotion of supervisors will be held once in a year.

2.3.2 Supervisors who are found suitable for promotion by the Departmental Promotion Committee will be considered for promotion effective from the dates as mentioned below:

i) Supervisors who complete the eligibility period together with the grace period as on 31st July will be considered for promotion w.e.f. 1st January of the following year.

ii) Supervisors who complete the eligibility period together with the grace period as on 30th April will be considered for promotion w.e.f 1st April of that year.

2.3.3 E.O.L. on account of illness or for prosecution of higher scientific and technical/professional studies duly supported by a medical certificate from an authorised medical officer of the Company in case of illness, and by a certificate from the Head of Region that the higher scientific and technical/professional studies are in interest of Company's work in case of leave for prosecution of such higher studies, will count for the purposes of computing the period of eligibility for the purpose of promotion.

E.O.L. taken on account of reasons other than illness or prosecution of higher scientific and technical/professional studies will also count for computing the period of eligibility for the purpose of promotion provided it is for less than 3 months.

2.3.4 Where the employee placed under suspension pending enquiry, is held guilty by the disciplinary authority, the period spent under suspension shall not be treated as on duty/service. However, where the employee concerned is exonerated unconditionally, the period of suspension will also be treated as on duty/service.

Consequently, in all such cases where the employee is not exonerated, the period of suspension shall not be treated as duty/service and will be excluded while working out the minimum eligibility period required to be put in by such employee in service/on duty under the promotion policy for being considered eligible for promotion to the next higher grade-scale of pay.
2.3.5 In case of both inter-unit and intra-unit transfers (irrespective of whether the transfer is inter-departmental or intra-departments of employees) the employees will be allowed credit for the entire period of service put in by them in a grade if the transfer is effected at the initiative of management. In case the transfer is due to an employee’s own initiative, full credit for the entire period of service put in by him in a grade will be allowed subject, however, to the condition that at least one year’s service in the unit/post to which he is transferred will be necessary before he is considered for promotion.

2.4 Seniority
The seniority lists of the employees in various grades/channels will be prepared and updated from time to time by the concerned Human Resource Department in accordance with the rules framed for this purpose.

2.5 Confidential/Merit Rating Reports
Confidential Forms/Merit Rating Reports in respect of each employee will be maintained on the prescribed forms, to be written at the end of every calendar year. Such reports may, however, also be asked for any time other than the annual reports mentioned above at the discretion of the management. These reports will be kept in the custody of the concerned Human Resource Department.

2.6 Test/Interview Qualification Bar
In addition to fulfilling the other eligibility conditions, an employee must possess the requisite qualifications prescribed, if any, for the next higher post against which he is to be considered for promotion. Similarly, he must qualify in the test(s) and interview if any, laid down for consideration for promotion to the next higher post.

2.7 Exemption from trade test/written test
2.7.1 Those Supervisors who have qualified the Test i.e. Trade Test/Written Test/Supervisory Test/ Executive Written Test as prescribed in the COP but not promoted either due to non-availability of vacancies or failing to qualify the interview will be exempted for re-appearing the same Test. However, while considering promotion in the next DPCs, such Supervisors have to re-appear in the interview again and their cases will be finalized keeping in view the performance in the interview, appraisal rating, disciplinary/vigilance record etc. as required in case of a fresh candidate. The marks secured in the Test qualified earlier will be taken into account by the DPCs.

2.7.2 In case where promotion to higher grade involves qualifying both Trade as well Written/Supervisory Test and an employee has qualified only one of the prescribed Test then he will be exempted from re-appearing the Test in which he has qualified.

2.7.3 The above provision will be applicable from DPC-2010 onwards and the candidates who have qualified the Trade Test/Written Test/Supervisory Test/
Executive Written Test during the DPC-2009 (Workmen to Supervisor and Supervisor to Executive-E1 grade) and wherever such type of Trade/Written Test are admissible will also be exempted from re-appearing the test.

Honorarium Rate for Setting and Evaluation of Question Papers & Answer Sheets

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Type of test/area</th>
<th>Rate (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Setting of Question paper / trade test (objective/ descriptive) upto 1½ hrs. duration.</td>
<td>Rs. 600/-</td>
</tr>
<tr>
<td>2.</td>
<td>Setting of Question paper / trade test (objective/ descriptive) above 1½ hrs. duration.</td>
<td>Rs. 800/-</td>
</tr>
<tr>
<td>3.</td>
<td>Evaluation of Answer Sheets for Objective-cum-descriptive type question papers upto 1½ hrs. duration.</td>
<td>Rs. 32 per paper (Minimum Rs.400)</td>
</tr>
<tr>
<td>4.</td>
<td>Evaluation of Answer Sheets for Objective-cum-descriptive type question papers above 1½ hrs. duration.</td>
<td>Rs. 40 per paper (Minimum Rs.400)</td>
</tr>
</tbody>
</table>

2.9 Reservation for SC/ST

The directives of the Central Government/company with regard to the reservation of posts for Scheduled Caste/Scheduled Tribe candidates in the matter of promotion, issued from time to time, will also be kept in view while effecting the promotions of the employees.

2.10 Debarring

2.10.1 No employee whose latest confidential/merit rating report whether annual or special is adjudged as “Adverse” will be considered for Promotion.

2.10.2 No employee under suspension or against whom decision has been taken to chargesheet, or where the charge-sheet has been issued or where a criminal case is pending against him shall be promoted until he is unconditionally reinstated or exonerated. In case of unconditional reinstatement or exoneration, he will be allowed promotion with retrospective effect, but the financial benefit accruing due to promotion will be allowed with effect from the date his promotion order is issued and no arrears will be payable on this account unless specifically mentioned otherwise in the promotion order. However, in respect of those employees who have been recommended for promotion by DPC and in whose case decision to issue charge-sheet has not been taken by the Competent Authority, order of promotion be issued in normal course.

The cases of employees against whom disciplinary proceedings are pending or contemplated but are otherwise eligible for consideration for promotion shall also be considered by the DPC (Department Promotion Committee) along with all other cases. The recommendations of the DPC, including “unfit
for Promotion" will be kept in a sealed cover. The cover will be so superscribed findings regarding suitability for promotion to the grade/post of ........ in respect of Shri ................ not to be opened till the conclusion of the disciplinary case/criminal prosecution against Shri ................... The proceedings of the DPC need only contain the note, "The findings are contained in the attached sealed cover". The same procedure will be followed by the subsequent DPCs convened till the disciplinary case/criminal prosecution pending against the employee concerned is finally concluded.

In the event of delay in the conclusion of the disciplinary proceedings/criminal prosecution, the delay not being attributable to the charged employee, and the disciplinary proceedings/criminal prosecution against the employee concerned are not concluded even after the expiry of two annual DPCs from the date of the meeting of the first DPC which kept its findings in respect of the employee in the sealed cover, the Appointing Authority may review the case of employee, provided he is not under suspension, and consider and order promotion of employee on adhoc basis, provided his case was recommended by DPC keeping in view the totality of the case, the availability of vacancy etc. The order of promotion should make it clear that the promotion is purely on adhoc basis, till further orders and it confers no right on the employee for regular promotion and that the Competent Authority reserves the right to cancel/revoke the adhoc promotion or to revert, at any time the employee to the post from which he was promoted on adhoc basis, without any formal proceedings.

2.10.3 On conclusion of disciplinary cases/criminal prosecution etc. the promotion of the employee will be regulated as under:

(i) If the employee concerned is finally acquitted and is fully exonerated, the sealed cover recommendation shall be opened and in the event the employee was recommended for promotion by the Committee, the promotion shall be made effective from the date as would otherwise have been announced as if there were no proceedings against him. The financial benefits accruing due to promotion will be allowed with effect from the date promotion order is issued and no arrear will be payable on this account, unless specifically mentioned otherwise in the promotion order.

(ii) If any penalty is imposed as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover shall not be considered. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him. Such employee shall, however, not receive promotion during currency of the punishment where adhoc promotion has been given as at 2.8.2 above will be cancelled/revoked.

3.0 Procedure

3.1 Written Test/Interview, wherever prescribed, for the candidates fulfilling all the eligibility conditions as mentioned hereinbefore, will be conducted once in a year in the same order. The number of eligible candidates to be trade-tested will be limited to three times the number of anticipated vacancies and all those who qualify in the test will be allowed to appear for an interview before
the Departmental Promotion Committee. The test will be conducted by a Committee comprising of Executive Director's nominee, representative of the Head of the Department where the vacancy exists/is likely to occur, an officer of the Training Department and Personnel Officer/Senior Personnel Officer as nominated by the concerned Head of Human - Resource.

Where, in addition to Interview, the candidates are required to appear for Written Test also, the number of eligible candidates to be called for the written test should be limited to four/five times the number of anticipated vacancies. Out of those who qualify in the Written Test, the number of candidates to be called for Trade-Test and/or Interview will be limited to three times the number of anticipated vacancies.

3.2

Departmental Promotion Committees for selecting candidates for promotion to various grades/posts will be constituted by the Competent Authority.

3.3

The promotion will generally be based on seniority-cum-merit and the relative weightage for the different factors will be as follows:

<table>
<thead>
<tr>
<th>Factor considered in Promotion</th>
<th>Weightage / Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seniority</td>
<td>30</td>
</tr>
<tr>
<td>Appraisal Report/ Merit Rating</td>
<td>30</td>
</tr>
<tr>
<td>Test, Trade Test, Interview</td>
<td>40</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

In cases where no test and/or interview is involved, the total maximum mark will be 60. The merit rating reports for the last three consecutive years will be taken into account for the above purpose.

3.3.1

Grade Seniority Marks and AAR Ratings for Supervisors in S4 grade for promotion to Selection Grade

1. The marks for AAR ratings and grade seniority will be as under:

<table>
<thead>
<tr>
<th>AAR Ratings (*)</th>
<th>Marks (Max 30)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>7.5</td>
</tr>
<tr>
<td>Very Good</td>
<td>6</td>
</tr>
<tr>
<td>Good</td>
<td>5</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>4</td>
</tr>
<tr>
<td>Unsatisfactory</td>
<td>0</td>
</tr>
</tbody>
</table>

(*) Four AARs to be taken into consideration

2. Grade Seniority

<table>
<thead>
<tr>
<th>Grade Seniority</th>
<th>Marks (Max 30)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 yrs</td>
<td>15</td>
</tr>
<tr>
<td>5 yrs</td>
<td>20</td>
</tr>
<tr>
<td>6 yrs</td>
<td>25</td>
</tr>
<tr>
<td>7 yrs &amp; above</td>
<td>30</td>
</tr>
</tbody>
</table>

Total marks 1+2 = 60 marks; Qualifying marks = 50% as per rules (40% for SC/ST)
3.3.2 AAR Ratings, Grade Seniority, Test and interview marks for Supervisors in S4 Grade for Promotion to E1

1. **AAR Rating (*)**

<table>
<thead>
<tr>
<th>Rating</th>
<th>Marks (Max 10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>10</td>
</tr>
<tr>
<td>Very good</td>
<td>8</td>
</tr>
<tr>
<td>Good</td>
<td>7</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>5</td>
</tr>
<tr>
<td>Unsatisfactory</td>
<td>0</td>
</tr>
</tbody>
</table>

*Only one AAR to be taken into consideration.*

2. **Grade Seniority ratings**

<table>
<thead>
<tr>
<th>Seniority</th>
<th>Marks (Max 30)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year</td>
<td>15</td>
</tr>
<tr>
<td>2 years</td>
<td>20</td>
</tr>
<tr>
<td>3 years</td>
<td>25</td>
</tr>
<tr>
<td>4 years &amp; above</td>
<td>30</td>
</tr>
</tbody>
</table>

3. **Test Marks**: 20 marks

4. **Interview Marks**: 20 marks

**Total marks (1+2+3+4)**: 80 marks

Qualifying marks = 50% as per rules (40% for SC/ST)

**Break-up of Seniority marks in supervisory cadre upto S4 level**

<table>
<thead>
<tr>
<th>Seniority</th>
<th>Marks (Max 30)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 years</td>
<td>15</td>
</tr>
<tr>
<td>4 years</td>
<td>20</td>
</tr>
<tr>
<td>5 years</td>
<td>25</td>
</tr>
<tr>
<td>6 years &amp; above</td>
<td>30</td>
</tr>
</tbody>
</table>

**AAR Ratings in supervisory cadre upto S4 level**

<table>
<thead>
<tr>
<th>Rating</th>
<th>Marks (Max 10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>10</td>
</tr>
<tr>
<td>Very good</td>
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</tr>
<tr>
<td>Good</td>
<td>6</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>5</td>
</tr>
<tr>
<td>Unsatisfactory</td>
<td>0</td>
</tr>
</tbody>
</table>

3.4 Based on the seniority position, the merit rating/Appraisal Reports and results of the test/ interview, the position of the candidates will be arranged in order of merit by the committee. The qualifying marks will be 50% in each of the items in respect of which the candidates are evaluated. However, the qualifying marks for SC/ST candidates will be 40% in each of the items assessed.

3.5 Based on the above mentioned criteria, the DPC shall give its recommendation. Based on the recommendation of the DPC, the competent Supervisory Promotion Policy
authority shall approve the list of successful candidates and the promotion orders shall be issued by the respective HR department.

3.6 Supervisors promoted to upto Selection Grade will be placed on probation for a period of six months. The policy for probation for Supervisors on promotion to E1 will continue to be six months.

If the performance of an employee during such probation, including extended period is not found satisfactory, he shall be reverted to the lower post and he shall not be considered for promotion for one year from the date of his reversion.

3.7 Designation of supervisors in Selection Grade
The designation of the Supervisors in Selection Grade will be given by suffixing “SG” in the respective pre-promoted designation. For example, Sr. Accountant in S4 grade will be designated as Sr. Accountant (SG), Sr. P.S. and JE Grade (I) will be designated as Sr. P.S (SG) and JE Grade I (SG) respectively.

4.0 Appeal
An employee aggrieved due to his non-promotion may take recourse to the prescribed Grievance Procedure for redressal of the same.

5.0 General
The Management reserves the right to modify, cancel, add or amend any of these rules at any time.
31 January 2006

NOTICE

Dated: 31st January 2006

No. 1109/WT/2006

1. Chairman cum Managing Director,
   Power Grid Corporation of India Limited,
   Corporate Centre,
   "Saudamini", Plot No.-02,
   Sector-29, Gurgaon-122001.

2. Director (Personnel),
   Power Grid Corporation of India Limited,
   Corporate Centre,
   "Saudamini", Plot No.-02,
   Sector-29, Gurgaon-122001.

3. Executive Director,
   Power Grid Corporation of India Limited,
   Northern Region Transmission System-II,
   Regional Head Quarter,
   Grid Bhawan, Near Bahu Plaza,
   Rail Head Complex, Jammu-180012.

Dear Sirs,

I have been authorized by Sh. P.K. Sharma, S/O Sh. H.D. Sharma,
WO Udhampur, herein after to be referred to as "My client" to serve upon you the following notice:

1. That my client is posted at POWERGRID, Kishenpur as Junior Engineer (Selection Grade). Employee No. 50860 & has rendered more than 15 years of distinguished service with Power Grid Corporation of India Ltd.

2. That my client appeared & qualified Departmental written examination for promotion from supervisory cadre to executive cadre for three consecutive years for DPC-2000, 2001 & 2002. My client also appeared before above DPC(s) for his personal interview. For the DPC-2000, conducted in the year 2002 wherein my client has given his personal interview to the utmost satisfaction of all the members present in the above DPC but was not promoted as an inquiry was pending against him.

3. That my client gave a representation dt. 15.10.2005 before your good selves that he has cleared both written as well as personal interview for DPC-2001 but his promotion was not declared as he was finally adjudged "Censured" by competent authority. My client further requested that since "Censure" is not a barrier for promotion he may kindly be promoted from retrospective date.

SHAN SINGH SHAN
Advocate, LLB
C/O - J&K

Chamber: Thakur Villa, Ekta Vihar, M. H. Road, Udhampur - 182101

Shan Singh Shan

In the above circumstances, both the employees who were lodging in the same ship have been met with distinct injustice. One of the employees is discriminated with respect to other.
4. That my client was informed vide letter no. C/HR/APP/50890 Dtt 23.12.2005 quoted as under that “the interview proceeding of 2001 considering your candidature for promotion to executive cadre E-1 was kept in a sealed cover and since you were later awarded minor penalty of censure the said cover was not opened as per rules”.

5. That my client’s result was not declared and was kept in a sealed cover because an inquiry was pending against him. Since he was later awarded minor penalty of censure the said sealed cover remained unopened till date wherein a number of employees who were also imposed minor penalty of censure were promoted to the higher rank in the same currency period. To name few of them, they are Sh. Sukhvinder, E. No.10588.JE, NR-II, Sh. J. Krishnan of Eastern Region & Sh. Gernail Singh of NR-II. Sh. Gernail Singh, E. No.16017, JE was also awarded minor penalty vide Order No. N2JM/STS/CONF/2004/2201-2204 Dtt 16.11.2004 and was subsequently promoted vide office Order No. 82/2005 dated 04.04.2005.

6. That my client has been discriminated for getting promotion to the higher grade inspite of clearing all the necessary criteria laid down for promotion whereas other employees for juniors to my client and who have undergone the punishment of censure were promoted to the higher rank.

7. That my client informedly approached to General Manager (Estt. Appraisal & Recruitment) on 23.01.06 7 cited the instances of above named employees who were promoted to the higher rank in spite of being censured during same currency period. My client was apprised as under;

“The case of above employees are not matching with the case of my client on the ground that they were censured immediately before their DPC proceedings and subsequently promoted whereas my client’s result of promotion was kept in a sealed cover with a view that the result will be declared only after he was exonerated from the charges being levelled against him. Since a minor penalty of censure was imposed on to my client the said cover was not opened as per rules.

8. That this is a discrimination done by the Corporation to the employees who were censured immediately after DPC proceedings and is being leveled against them. The point is clarified by citing the following example.

Let us assume that there is a DPC constituted for considering the promotion of eligible employees on 01.04.08. On 15.03.08 two employees who were under the zone of consideration are accused with Charge Sheets for a similar case to represent their defence within 15 days from the date of issue of Charge Sheets. One of the employee promptly submits within 02 days his statement. The Disciplinary Authority without any delay (because delay is injustice) carefully examined the defence statement and imposed a minor penalty of censure on 30.03.08 to the employee who at the DPC considers his case & promotes him to next higher cadre.

The other employee, since has 15 days time submitted his safe statement on the last date i.e. on 02.04.08. His candidature was not put in a sealed cover as per rules. He is also finally Censured by the Disciplinary Authority. But his sealed cover will not be opened by the Corporation’s above discriminating rule.

Was injustice not be done in later case?

SHAN SINGH SHAN
In the above circumstances, both the employees were selected in the same ship have been met with distinct value of the employee is discriminated with respect to other.
9. That my client has also met with the same treatment and had been discriminated for non of his fault and had been denied his promotion as an inquiry was pending against him at the time of interview before DPC. It is worthy to mention here that my client has rendered distinguished & flawless service to the Corporation throughout his service carrier ranging more than 15 years and has been credited all due timebound promotions in the same cadre. My client is suffering great mental harassment & trauma due to the acts of Corporation.

10. That my client a number of times has given representations to your good selves considering him to promote him in the higher rank but all in vain. No heed was paid to the requests & representations of my client & my client was made to suffer to non of his faults & employees juniors to my client standing on the same footing were promoted to the higher rank thereby discriminating my client for the reasons best known to the Corporation.

In view of the above it is therefore requested through the medium of this Notice that result of interview proceedings conducted by DPC-2001 in the year 2002 which is kept in a sealed cover may be immediately opened & declared within 01(One) month from the date of receipt of this Notice otherwise my client shall be constrained to approach to the court of law for redressal of his grievances holding you responsible for expenses & costs incidental thereto.

A copy of this Notice is retained in my office for future correspondence purposes.

Thanking you

Yours faithfully,

GULSHAN SINGH SHAN

Advocate

(Gulshan Singh Shan)

Advocate
Sh. Gulshan Singh Shan,
Advocate,
Udhampur (J&K)

Subject: Your reference No.1109/UDH/2006, dated 31-01-06, being notice served on behalf of your client Sh.P.K.Sharma, son of Sh. H.D.Sharma, Resident of Udhampur, on Chairman cum Managing Director, Power Grid Corporation of India Ltd. and others. Reply to the said notice by and on behalf of Power Grid Corporation of India Ltd.

Esteemed sir,

Under instructions and as desired by Power Grid Corporation of India Ltd. Northern Region II, RHQ, Jammu kindly take the following reply to your aforesaid notice. Before making a Para wise reply of your notice, in order to avoid repetition, we are making the following general reply,

A. That, my client deny, as totally unfounded and untrue, the allegation made in the notice, of your client having been subjected to any discrimination in the matter of his promotion. While, your client was considered by the departmental promotional committee for the year 2002, for promotion exercise of 2001, the result thereof was kept in a sealed cover. Recourse to sealed cover procedure was necessitated because, your client had already been charged for misconduct and a departmental enquiry was pending. He, ultimately was awarded, a minor penalty, which of course was changed to censure by the appellate authority on an appeal being filed by your client. Censure continues to be a minor penalty, as per the conduct, disciplinary and appeal rules applicable in the matter. As per the aforesaid rules, if, as a result of any enquiry, disciplinary proceedings, an employee is subjected to any penalty, the findings of sealed cover are not to be acted upon; the case of such an employee has to be considered by the next
departmental promotional committee in normal course and having regard to the penalty imposed on him.

B. Your client, though appeared and passed written test for the DPC 2000, conducted in 2001 and DPC 2002, conducted in 2003, but was not found suitable based on overall assessment by the duly constituted DPC. You may further note that your client did not qualify the written test conducted in the years 2003 and 2005, while he absented himself in the written test for the year 2004.

C. That the comparison your client has tried to draw by referring the names of Mr. Sukhvinder Singh, EMP. No.16588 JE NRTS-II and Sh. Jernail Singh, EMP. NO.16011, is also unfounded on facts. While Sh. Sukhvinder Singh was imposed the penalty of censure on 22-10-2001, he was considered and promoted on the recommendations of DPC of 2002, when there was no currency of the penalty, he had been imposed in the year 2001. He was promoted to the level of JE grade II with effect from 01-04-02. Similarly Sh Jernail Singh was issued memo dated 18th September, 2001 and was penalty of censure was imposed on him on 16-12-2004. Sh Jernail Singh was considered for promotion to the post of JE grade II during the DPC of 2005 and was promoted with effect from 01-04-2005. In his case also, the currency of penalty did not exist during the year 2005, when he was promoted.

I may hasten to add that while my clients were under no legal obligation to convey your client, the aforesaid details, yet in order to allay his fear, of his having not been treated as employees who also had been imposed minor penalty of censure like Sukhvinder Singh and Jernail Singh, the aforesaid details are communicated. It is, thus clear that your client could not be promoted, by reference to above mentioned facts.

The notice issued on behalf of your client is, as such, both factually incorrect and legally untenable.
PARAWISE REPLY TO YOUR NOTICE

1. That, Para 1 is admitted so far as the period of service rendered by your client is concerned. The assertion of your client, that, he has distinguished service to his record, is not correct, since he has been awarded a minor penalty based on disciplinary proceedings.

2. That, Para 2 has already been replied earlier. Your client was considered by the departmental promotional committee for the quoted year; however, the sealed cover procedure was to be adopted.

3. That Para 3 also has been replied in the statement made earlier, and need not be replied. You may however, only note that during September 2002, minor penalty of with holding of one increment of pay for a period of one year without cumulative effect was imposed on your client, which was commuted to penalty of censure by the appellate authority on 16-10-2002. Appellate authority had passed this order on the appeal preferred by your client. Rest of the Para stands already relied as indicated above.

4. That, Para 4 of your notice is a matter of record and is admitted, thus as correct.

5. That, Para 5 is denied as incorrect. A complete reply thereto has already been made in the preliminary statement.

6. That, Para 6 is also denied as incorrect and baseless. While reply has been made in the preliminary statement, it is repeated that no person who was awarded penalty of censure
was promoted during currency of punishment.

7. That, Para 7 is denied as incorrect. Factual position was explained to your client as has been mentioned in preliminary statement of this reply.

8. That, Para 8 is denied as incorrect. The right of employer to have recourse to sealed cover procedure has already been upheld by the Hon'ble Supreme court in what is now known as "Janki Raman's case". As per the position of rules and procedure applicable in the Power Grid Corporation of India, sealed cover procedure had to be adopted in the case of your client and no exception could be made.

9. That, Para 9 is again denied as incorrect. As has been mentioned, your client has not been subjected to any discrimination, as such, the assertion made in the Para under reply is denied. Claim to distinguished and flawless service by your client is not correct and is not substantiated by his service record.

10. That, Para 10 is denied as incorrect. Preliminary statement made be read as reply to the Para under reference.

The notice as such is denied as factually incorrect and legally untenable.

You may accordingly inform your client.

Yours faithfully,

P.N. RAINA

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