

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A.Nos. 76,77,79-81 IN WRIT PETITION (CIVIL) NO(s). 79 OF 1997

SURESH CHANDRA SHARMA

Petitioner(s)

VERSUS

CHAIRMAN,UPSEB & ORS

Respondent(s)

(With appln(s) for directions, exemption from filing O.T. and office report)

WITH Con.Ptn.183/-06

(With appln. for exem. from filing OT and permission to file addl. affidavit)

Date: 21/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Manoj Swarup,Adv.

Mr. Ashish Mohan,Adv.

For Respondent(s)

Mr. Rakesh Dwivedi,Sr,.Adv.

Mr. Pradeep Misra,Adv.

Ms. Binu Tamta,Adv.

Mr. R.D. Upadhyay,Adv.

Mr. Sudhir Kulshreshtha,Adv.

Ms. Niranjana Singh,Adv.

Mr. Anil Kumar Jha,Adv.

Mr. Arvind Kumar Sharma,Adv.

Mr. Praveen Swarup,Adv.

Mr. Aarohi Bhalla,Adv.

Mr. Sunil Kumar Singh,Adv.

Ms. Sujata Kurdukar,Adv.

Mr. V.N. Raghupathy,Adv.

For State of UP: Mr. R.G.Padia,Sr.Adv.

Mr. Anuvrat Sharma,Adv.

Mr. Sanjay Kumar Singh,Adv,.

Mr.Mohd. Fuzail Khan,Adv.

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UPON hearing counsel the Court made the following

O R D E R

and The Writ petition, all the I.As.

contempt petition are disposed of accordingly.

[SUMAN WADHWA]

[VEERA VERMA]

COURT MASTER

COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A.NOS. 76,77,79-81

IN

WRI

T PETITION (C) NO. 79 OF 1997

SURESH CHANDRA SHARMA ..

PETITIONER

VERSUS

CHAIRMAN, UPSEB & ORS. ..

RESPONDENTS

AND

CONTEMPT PETITION NO. 183 OF 2006

O R D E R

This petition filed under Art.32 of the Constitution of India. The petitioner is a consumer of electricity in the State of U.P. The petitioner alleges that there were large scale theft of the articles belonging to the U.P. State Electricity Board. After filing of the writ petition the U.P. Power Corporation Ltd. has

been bifurcated into five subsidiary distribution companies,
namely, Kanpur Electric Supply Company Ltd., Purvanchal
Vidyut Vitaran Nigam Ltd., Varanasi, Madyanchal Vidyut
Vitaran Nigam Ltd., Lucknow,

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Paschimanchal Vidyut Vitaran Nigam Ltd, Meerut and
Dakshinanchal Vidyut Vitaran Nigam Ltd,. Agra. The

petitioner in Public Interest Litigation has alleged that some
acts of misfeasance have been done by the officials of the
Corporation and there should be an inquiry by the CBI. From
the contents of the writ petition it appears that petitioner only
prayed for such enquiry but later the petitioner filed interim
application alleging that in the matter of transfer of the officers
in the U.P.Power Corporation there is interference by the
Ministers and that the guidelines for transfer are not being
followed strictly. On 30.1.1998 a high power committee was
appointed by this Court to carry out investigation in five areas

as indicated in that order. Thereafter on 24.2.2005 the

Independent Committee was appointed and it was directed that

all postings/transfers of official staff of Corporation shall be

monitored by that Committee. It is also directed that all

proposals for transfer/posting of officials of the staff of the

Corporation should be placed before the Independent

Committee before finalization and the Committee shall examine

and approve transfers/ postings on merits and in the light of

the guidelines for transfer of policy of officers.

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The Independent Committee examined the transfer and

postings effected in the Corporation and large number of cases

were examined and it has been observed by the Committee that

only a small number of cases there were violations of

guidelines. As a measure of improvement the Committee has

recommended the following guidelines:

"(i) No change in the transfer and posting of officers and staff approved by the IC, shall be made subsequent to the submission of this

report to the Hon'ble Supreme Court, unless and until the Hon'ble Court decides and directs otherwise;

(ii) If on account of promotions, new recruitment, retirement and wastage, disciplinary action and emerging and genuine medical grounds of staff, transfers/postings become inevitable they should be done in accordance with the TP. Such transfer/postings should be reported ex post facto at intervals of three months to a committee comprising two senior Secretaries to the Government of UP, one of whom shall be the Secretary in charge of Power in the State Government. While so reporting the managements of the Corporations shall give written justification in respect of each posting in the format prescribed by the IC in its deliberations;

(iii) If such change is in violation of the TP in force, for any unavoidable reason, it shall be submitted with the reason for such transfer, immediately for approval or rejection of the committee mentioned in the preceding paragraph."

The counsel representing all the five companies is agreeable with the suggestions made by

pursuant to the direction No.2 they have already formed the Committee. In view of the report of the Committee nothing survives in this writ petition.

and The Writ petition, all the I.As.

contempt petition are disposed of accordingly.

.....C.J.I.

(K.G.BALAKRISHNAN)

.....

(Dr. AR. LAKSHMANAN)

.....J.

(D.K. JAIN)

New Delhi,
March 21, 2007.

J.