

सूचना  
का अधिकार

पावर ग्रिड कोर्पोरेशन ऑफ इंडिया लिमिटेड

Power Grid Corporation of India Limited

सूचना का अधिकार अभिनियम 2005 के अंतर्गत केन्द्रीय लोक सूचना अधिकारी  
Central Public Information Officer under the RTI Act, 2005

केन्द्रीय कार्यालय, 'सौदामिनी', प्लॉट नं.2, सैक्टर-29, गुडगांव, हरियाणा-122007  
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007



पावरग्रिड

CP/RTI/2018/81

Date: 28<sup>th</sup> May, 2018

Shri Umesh Pratap Singh,  
D-2267, Baghwati Bhavan  
Indra Nagar,  
Lucknow

**Sub: Information under Right to Information Act, 2005.**

Sir,

This has reference to your RTI request dated Nil for providing information under RTI Act, 2005.

In this regard, judgement in writ petition number 8608/2015 is attached as **Annexure-I**. Further, information sought regarding process initiated and decision taken in the matter cannot be disclosed as the same is exempted under section 8 (1) (j) of the Act, being personal information. Its disclosure has not relationship to any public activity or interest.

First Appeal, if any, against the reply of CPIO may be made to the first appellate Authority within 30 days of the receipt of the reply of CPIO. Details of Appellate Authority at Corporate Centre, Gurgaon, under RTI Act, 2005 is as below:

Shri Sanjeev Singh,  
Executive Director (CMG) & Appellate Authority  
Corporate Centre, Power Grid Corporation of India Limited  
"Saudamini", Plot No. 2, Sector-29, Gurgaon – 122007, Haryana.  
Email ID: [sanjeev@powergridindia.com](mailto:sanjeev@powergridindia.com)  
Phone No. 0124-2571962

Thanking you,

भवदीय,

(अजय होलानी)

अपर महाप्रबंधक (के.आ.) एवं के.लो.सू.अधिकारी

Email ID: [cpio.cc@powergrid.co.in](mailto:cpio.cc@powergrid.co.in)

IN THE HIGH COURT OF DELHI AT NEW DELHI  
WRIT PETITION (CIVIL) NO. 113 OF 2015

IN THE MATTER OF:

Sh. Pankaj Kumar Rai

...Petitioner

Versus

Power Grid Corporation of India Ltd. & ors

...Respondent

MEMO OF PARTIES

Pankaj Kumar Rai,  
S/o Vansh Narayan Rai  
Resident of 3/374,  
Viram Khand,  
Gomti Nagar,  
Lucknow.(U.P.)

Also at:

Flat No. 30,  
Sector A, Pocket C,  
Vasant Kunj,  
Delhi.

...Petitioner

Versus

1. Power Grid Corporation of India Ltd.  
Through its Chairman & Managing Director, Sh. K.M. Prasad,  
B-09, Qutub Institutional Area,  
Katwaria Sarai,  
New Delhi-16
2. Prabhakar Singh  
Disciplinary Authority  
Power Grid Corporation of India Ltd.  
B-09, Qutub Institutional Area,  
Katwaria Sarai,  
New Delhi-16
3. D.K. Sarin  
Inquiry Officer  
Power Grid Corporation of India Ltd.  
B-09, Qutub Institutional Area,  
Katwaria Sarai,  
New Delhi-16

Certified to be True Copy



Copy of the Department  
of the High Court of Delhi  
under Section 19 of  
the Act of 1956

Respondents

File No. 113  
2015

FOR LEGAL ATTENTION  
OFFICE - 5 - STAYED TO DELHI  
MAY 11 2015 11:11 AM  
10722410

IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: December 13, 2017  
Pronounced on: December 21, 2017

W.P.(C) 8608/2015

PANKAJ KUMAR RAJ ..... Petitioner  
Through: Mr. Vivek Sood, Senior Advocate with  
Mr. Prateek Tewari, Advocate

versus

POWER GRID CORPORATION OF INDIA LTD.  
& ORS ..... Respondents  
Through: Mr. Somesh Chandra Jha, Advocate

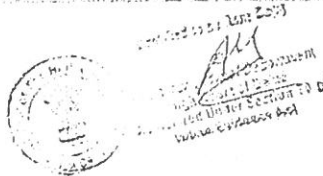
CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

1. In this petition, the challenge is to imposition of major penalty of reduction of petitioner's basic pay by four stages for a period of five years without any increment and also to appellate order of 1<sup>st</sup> June, 2015 vide which petitioner's appeal against Disciplinary Authority's order of 3<sup>rd</sup> December, 2014 has been dismissed.

2. The facts emerging from Disciplinary Authority's order of 3<sup>rd</sup> December, 2014 are that in pursuance of Memorandum of 10<sup>th</sup> February, 2012 pertaining to submission of false information by petitioner with application of 20<sup>th</sup> December, 2008 and false experience certificate of M/s. Anur Electricals alongwith his personal resume of 1<sup>st</sup> May, 2009 to secure appointment to the post of Engineer (Electrical) in Power Grid Corporation India Limited, departmental proceedings were initiated



against petitioner which culminated in passing of impugned order of 3<sup>rd</sup> December, 2014. The imputation of misconduct against petitioner was on two counts. First one was regarding petitioner not having requisite experience of three years in Design and Engineering of 132 KV and the second part of the imputation was of producing Experience Certificate from M/s. Amar Electricals, which was non-existent. It is evident from impugned order of 3<sup>rd</sup> December, 2014 that the Inquiry Officer on the basis of evidence led had concluded that the charge of M/s. Amar Electricals being non-existent was not proved and regarding Experience Certificate, it was found that petitioner did possess a Experience Certificate of two years from M/s. Quadri Electricals, but the Experience Certificate from M/s. Star Electricals received by Presenting Officer, which was also of about one and half years, was not proved as no witness from M/s. Star Electricals had come forward to prove the Certificate indicating petitioner's experience. The Disciplinary Authority in the order of 3<sup>rd</sup> December, 2014 had concluded as under: -

*"The claim of Shri Pankaj Rai with regard to his experience, although Inquiring Officer has stated that these claims are not fortified by tangible evidence and are not authenticated, cannot be conclusively negated."*

3. Upon taking a lenient view, the Disciplinary Authority has imposed a penalty as noted hereinabove. Petitioner's appeal has been dismissed vide impugned order of 15<sup>th</sup> June, 2015 while noting as under:-

*"1. That the Inquiry has been conducted as per procedure laid down and all the reasonable opportunity was given to Shri Pankaj Kumar Rai."*



Aditya Judicial Department  
Meerut Court of Sessions  
Meerut Under Section 14 &  
15 of Indian Evidence Act

2. All the relevant facts of the case have been considered by the Disciplinary Authority while imposing the penalty vide order dt. 3<sup>rd</sup> December, 2014.

3. The principles of natural justice have been followed in conducting the disciplinary proceedings against Shri Pankaj Kumar Rai.

4. A lenient view has already been taken by the Disciplinary Authority while imposing the major penalty on Shri Pankaj Kumar Rai as mentioned in the order dt. 3<sup>rd</sup> December, 2014.

5. The grounds of appeal taken by the Appellant are not based on any new facts."

4. The challenge to Disciplinary Authority's order of 3<sup>rd</sup> December, 2014 and appellate order of 15<sup>th</sup> June, 2015 by learned senior counsel for petitioner is on the ground that there is no application of mind by appellate authority as an appeal need not be based on new facts and the penalty imposed by Disciplinary Authority needs to be quashed for the reason that it is totally uncalled for as petitioner's Experience Certificate from M/s. Star Electricals was duly received by Presenting Officer during the course of Inquiry and so, there was no reason to disbelieve it and insistence upon strict rules of evidence is not called for in departmental proceedings as the misconduct has to be judged in these proceedings on the touchstone of preponderance of probability.

5. It was urged by learned senior counsel for petitioner that the proprietor of M/s. Amar Electricals in his evidence has categorically deposed that petitioner had worked with M/s. Star Electricals from September, 2006 to March, 2008 and the said evidence of this witness



Copy of the order (Copy)  
A.S.  
Sd/-  
JUDGE, COURT OF SESSIONS  
MEERUT, DISTRICT OF MEERUT  
U.P.

remains unchallenged and so, on this count also, impugned penalty ought to be quashed.

6. The stand taken by learned counsel for respondents is that during the Inquiry, it has been conclusively established that Experience Certificate and Salary Certificate issued by M/s. Amar Electricals were false and it could not be rebutted by petitioner during the Inquiry. The precise stand of respondents is that Disciplinary Authority in its order of 3<sup>rd</sup> December, 2014 has taken a lenient view and the said order has been confirmed by Appellate Authority and that it is within the domain of the Disciplinary Authority/Appellate Authority to decide about the nature of punishment to be awarded in view of misconduct committed by an employee. Reliance is placed upon Supreme Court's decision in *Apparel Export Promotion Council v. A.K. Chopra* 1999 (1) SCC 75 to submit that High Court should not substitute its own discretion for that of an Authority and what punishment is to be imposed in the facts of the case, is a matter which exclusively falls within the jurisdiction of the competent authority and does not warrant any interference by the court. Dismissal of the writ petition with costs is sought by respondents.

7. Upon hearing and on perusing the impugned orders, the record and the decisions cited, I find that in light of Supreme Court's decision in *Apparel Export Promotion Council* (supra), this Court cannot substitute its opinion in place of the opinion of the authorities concerned but it is certainly within the jurisdiction of this Court to interfere with the findings of the Inquiry Officer, if the findings returned are found to be perverse. Non application of mind by the Inquiry Officer is one of the grounds on which this Court is justified in interfering with the orders passed by the

---

W.P.(C) No.8608/2015 Page 4

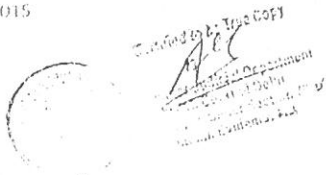


Certified to be True Copy  
By  
[Signature]  
Clerk, High Court of Calcutta  
Under Section 19 of  
Indian Evidence Act

Disciplinary Authorities. It has been so reiterated by Supreme Court in *Allahabad Bank & Ors. Vs. Krishna Narayan Tewari* (2017) 2 SCC 308. In the instant case, the Inquiry Officer has jumped to the conclusion that the experience certificate issued by M/s. Star Electricals in favour of the petitioner is not supported by tangible evidence.

8. It is relevant to take note of the fact that there is no mention of petitioner's experience with M/s. Quadri & M/s. Star Electricals initially and petitioner had relied upon experience certificate issued by M/s. Amar Electricals. But petitioner has relied upon evidence of proprietor of M/s. Amar Electricals wherein the factum of petitioner's requisite experience with M/s. Quadri and M/s. Star Electricals of erection and commissioning of 132 KV equipments remains unchallenged and so, it is per se admissible. This vital aspect has been ignored by the Disciplinary Authorities which rendered impugned orders patently illegal.


9. The settled position of law is that in departmental proceedings, strict rules of evidence do not apply. In disciplinary matters, principles of Natural Justice have to be strictly adhered to. Supreme Court in *Roop Singh Negi Vs. Punjab National Bank & Ors.* (2009) 2 S.C. 570 has unequivocally declared that if Inquiry Officer's report is based on mere ipse dixit and on surmises and conjectures, then it cannot be sustained. In the instant case, Inquiry Officer has found that the experience certificate issued by M/s. Star Electricals to petitioner was verified by the Presenting Officer but still it has not been relied upon on the untenable plea of it not being formally proved by a witness from M/s. Star Electricals. To say the least, such a reasoning is utterly perverse as once a document has been got verified, then where is the need of formal proof.



10. The well established proposition of law is that validity of administrative decisions is required to be decided on the basis of reasoning contained in the orders passed and not on the basis of material which is not on record. In this regard, Supreme Court's decision in *Mohinder Singh Gill & Anr. Vs. The Chief Election Commissioner New Delhi & Ors.* (1978) 1 SCC 405 can be referred to, with advantage. So, no notice can be taken of the documents which were shown during the course of hearing by respondent's counsel. It is being so said because there is no whisper of these documents in the evidence led or in the impugned orders.

11. The Disciplinary Authority has punished petitioner on the basis of report of the Inquiry Officer which holds petitioner guilty because of lack of formal proof of the experience certificate issued by M/s. Star Electricals. In light of the foregoing narration, petitioner's indictment and punishment cannot be sustained. As a result, impugned orders of 3<sup>rd</sup> December, 2014 and of 15<sup>th</sup> June, 2015 are hereby quashed with direction to the respondents to forthwith grant to petitioner, all consequential benefits including arrears etc.

12. This petition is accordingly disposed of while leaving the parties to bear their own costs.

  
SUNIL GAUR  
(JUDGE)

DECEMBER 21, 2017

sk/maanta

W.P. (C) No. 8608/2015

Page 6