

The Right to Information Act 2005

Application for obtaining information

From,

V. K. Gaur

H.No. – C-115, Gali No.- 8,

Kanti Nagar Extn., Delhi - 110051

To,

The Chief Public Information Officer (CPIO)

Power Grid Corporation of India Ltd.

'Saudamini', Plot No – 2, Sector – 29,

Gurgaon – 122001 (Haryana)

Subject: Under the Right to Information Act 2005, Section- 6(1).

Respected Sir,

"Please supply me copies of the (1) Preliminary Action Taken Report, (2) Taken Report and final decision of the competent authority in matters of the letter dated 10.10.2017 and above mentioned Ref: representations in this letter filed by Undersigned, addressing to Chairman & Managing Director (CMD) Power Grid Corporation of India Ltd., 'Saudamini', Plot No-2, Sector –29, Gurugram – 122001 (Haryana) (copy enclosed)."

An IPO worth of Rs. 10/- with no. 38F 170754 is attached herewith this letter as RTI Fees.

With Best Regards,

Truly Yours, <sup>of 30/12/18</sup> 15/12/18

Dated: December 15<sup>th</sup> 2018

NR-1  
Sh. KNB  
h  
21/12/18

Dated: 10/10/2017

To

The Chairman-cum-Managing Director  
Power Grid Corporation of India Ltd. (PGCIL)  
Saudamini, Plot No.2, Sector-29,  
Gurugram-122001 (HARYANA)

Subject: - My organized victimization by Sh. Stanley Mathews, DGM (HR), PGCIL(NR-1)

Respected Sir,

I most humbly and respectfully submit as under:

1. That I am a disciplined and dedicated employee of your company (PGCIL). I have been rendering my sincere and dedicated services to the PGCIL in whatever capacity I have been assigned duties. I have been posted in the PGCIL vide Employee No. 10520. I humbly submit that my academic qualifications are: 10+2 with Science, ITI (Electrical), MBA (Finance), B. Tech. (Electrical).
2. That from September, 1989, I have worked in the F&A department of my previous organization i.e. National Thermal Power Corporation Ltd (NTPC). Thereafter, since 16.08.1991, when I started working with the PGCIL, I have worked in F&A department only.
3. That Sir, it is well known to you that the erstwhile PGCIL NR-1 was bifurcated in two parts i.e. PGCIL, NR1 and PGCIL, NR-3 w.e.f. from 01.07.2016. vide Circular dated 12.05.2016. Therefore, a need was felt to form a separate trade union for the employees/workmen discharging their duties in the periphery of the Regd. Office of the Management, complete Rajasthan, NCR, some parts of Haryana and part of Uttar-Pradesh adjacent to Delhi.
4. That the trade unions of the erstwhile NR-1 such as (1) Powergrid Takniki Karamchari Sangh (Regd.) and (2) Powergrid Employees Trade Union (Regd.) have their registered offices at Kanpur and it is not feasible for the workman of NR-I to operate through such trade unions. Even otherwise, said two unions cater for the need of the employees of the NR-III only.
  - a. That to cater for the welfare and other connected activities of the employees of the newly formed PGCIL, NR-1, its workmen formed another trade union, namely, *Power Grid Karamchari Sangathan Uttari Kshetra Pratham* (hereinafter referred to as the "PKSUKP" for short) which was registered under the Trade Union Act, 1926 with the Labour Commissioner (South-Delhi) on 10<sup>th</sup> Day of January 2017 having registration number (1)/DRTU/SD/17.
5. That however, Sh. Stanley Mathews, the DGM (HR) PGCIL has arbitrarily not recognized the PKSUKP and has adopted vindictive attitude towards its functionaries for the reasons best known to him. I further submit that the apathetic and hostile attitude of Sh. Stanley Mathews towards the PKSUKP writ large. He has never shown his concern for the workman represented by PKSUKP. I further submit that Sh. Stanley Mathews, the DGM (HR) PGCIL became anguished and adopted vindictive towards the workmen and took vengeance against them from time to time.
6. frequently transfer of non-executive to distant places causing a lot of Depression, frustration and Tension, which is not good for social environment of company and nation. transfer of non-executive is used as punitive tool to punish honest and nationalist employees who do not do sycophancy and are not personally loyal to higher executive. The Kerala High Court in P.Pushkaran Vs Coir Board,

10/10/17

1979(1)LLJ139:53FLR90:1978 described the affects of transfer in very affective and appealing manner as " The Kerala High Court observed that a transfer can uproot a family, cause irreparable harm to employee and drive him to desperation. The Hon'ble Court observed that the right to transfer to employee is a powerful weapons in the hands of employer. Sometimes it is more dangerous than other punishments. Recent history bears testimony to this. It may at times, bear the mask of innocuousness. What is extensible in a transfer order may not be the real object. Behind the mask of innocence may hide sweet revenge, a desire to get rid of an anconvenient or to keep at bay an activist or stormy petral."

In many cases Hon'ble High courts have clearly mentioned and gave direction that non -executive and third grade employees must not be transfered to far off places som of them are mentioned below:

- (i) Mashooq ahmad Vs Manager (P&I) bharat Pumps and Compressors Ltd. Allahabad 2000 LLR 755(All HC).
- (ii) Usha Worker's Union Vs Usha Martin Industries Ltd., 2003 LLR (Jhar HC) "Transfer of a low paid employee, holding a petty job, to a distant and far-flung area will be quashed. The Division Bench of the Hon'ble High Court observed that if a low paid emloyee like the concerned workman is suddenly made to go to metropolis , his very existence will become fraught with problems. His family will stand uprooted, his chidren may not get admission in good institutions and his paltry income may hardly be sufficient to meet the expenses of city life. Conswquently, such an order of transfer in respect of petty workman must be excercused very sparingly and only in the exigencies of administration."
- (iii) Priscy D'Souza Vs Indamer Company (Pvt.) Ltd. 2003LLR 142:2003(96) FLR 890 (Bom HC) " The Hon'ble Bombay High has also held that employees of lowr rank like Clerks/Peons and female folks should not be from ordinary commutable distance."

7. In 45th PNBC held on 4th & 5th Oct. 2002 in SR-II Bangalore under chairmanship of Sh. U.C. Mishra Director Personnel, transfer guidelines were discussed at lengthand the same is mentioned at point no 01 in Minutes of Meeting of the PNBC. But it is very unfortunate that even after 15 years of this PNBC meeting no transfer policy is implemented in the company. And non-executives are transferred arbitrarily at whims and fancies of HOP's.
8. 15.05.2017. The illegality of my transfer would become apparent from perusal of below mentioned paras.
9. That in course of my above mentioned illegal transfer, my stream has been changed from Finance to HR (Time Office) which is unknown to the service rules applicable to the Company. Secondly, I have no work assigned to me till date at Kota as per my qualification and experience. I have been

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working on the post of Assistant, Grade-II in the Finance Department of the PGCIL. However, at Kota, on my transfer, I have been made to work like a watchman in the Time Office which is derogatory and humiliating to me. I understand that my said transfer is mooted and effected to punish me for my trade union activities.

10. That my transfer is actuated by mala fide and unfair labour practices indulged in by Sh. Stanley Mathews, the DGM (HR) PGCIL Las:

(i) There is no exigency of service behind my transfer

(ii) There appears to be no transfer policy in the organization by virtue of which I have been transferred.

(iii) The victimization is apparent from following facts given below in chronological order:

Date(s)	Narration of Events
10.01.2017	Sh.V.K. Gaur, the workman in the present dispute is also the General Secretary of the newly formed "Power Grid Karamchari Sangathan Uttari Kshetr Pratham" (PKSUKP) after bifurcation of NR-1 into two regions- NR-1 AND NR-3. The PKSUKP is registered by the Registrar of Trade Unions, Delhi on 10.01.2017 vide Registration No. (1) DRTU/SD/2017. The workman/General Secretary of the Trade Union (PKSUKP) duly intimated to the management about these incidents and supplied the list of the office bearers of the trade union.

This annoyed the management, particularly, Sh. Stanley Mathews, DGM (HR).

The management has not recognized this trade union (PKSUKP). On the contrary, the Management has recognized and has soft corner for two other trade Unions viz.: (1) Powergrid Takniki Karamchari Sangh (Regd.) and (2) Powergrid Employees Trade Union (Regd.) which do not represent the employees of newly formed NR-1.

The area and employees of PGCIL (NR-1) do not fall in the purview of PGCIL (NR-3). Also, said two trade Unions which are registered at Kanpur (U.P.) and are meant to cater for the needs of the employees of PGCIL (NR-3) only.

The above named workman has been victimized because of his trade union and pro-labour activities.

23.01.2017

The workman/General Secretary of the PKSUKP sent an application under the RTI Act in order to know the other trade unions, if any, w.e.f. 01.07.2016 in the NR-1 which the management has purportedly recognized, the management gave evasive reply both under 6(1) of the Act and under the first appeal.

09.05.2017

The management forced me to make over payment to the Contractor, M/s Vitech Engineers Pvt. Ltd. illegally to which the Workman was not willing as said contractor had not fulfilled the LoA conditions.

In past also, the management had taken vengeance against me by punishing him with multiple transfers to far off places intra-region and inter-region:-

Sl. No.	Date/Year	Transfer
1.	03.09.1986	Joined SSTPP Shakti Nagar, District- Mirzapur in Training Centre as technician trainees
2.	December 1986	On job training from SSTPP Shakti Nagar, District- Mirzapur to Faridabad, Aligarh and Khair
3.	April, 1987	From Faridabad to Shakti Nagar (SSTPP) Training Centre, District- Mirzapur
4.	July, 1987	Shakti Nagar (SSTPP) Training Centre, District- Mirzapur to Agra Sub-station
5.	July 1987	Agra sub-station to Jaipur sub-station
6.	Sept. 1989	Jaipur to Faridabad

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7.	Nov.1991	Faridabad to Ballabgarh
8.	Feb.1998	Ballabgarh to Sahibabad
9.	June 1998	Sahibabad to Murad Nagar
10.	Feb. 1999	Murad Nagar to Mandola
11.	22.05.2006	Mandola to Bhinmal (Raj.)
12.	05.02.2009	Bhinmal(Raj.) to Mundaka (Delhi)
13.	04.10.2010	Mundaka to Bangalore (SR-II)
14.	30.11.2015	Bangalore (SR-II) to Maharani Bagh (NR-1)
15.	04.12.2015	Katwaria Sarai (NR-1) to Maharani Bagh(GIS)
16.	15.05.2017	Maharani Bagh(GIS)to Kota(Raj.)

The management had issued orders dated 02.06.2006 to restrict the entry of the present workman and others in its RHQ, NR-1. Such restriction was unprecedented in the history of the Powergrid. This was done so with the sheer intention to humiliate, defame and victimize the workman. The acts of the management led the workman and another to file a defamation suit i.e. CS (OS) No. 1988/2006 in this Hon'ble Court of Delhi at New Delhi. This act of the workman annoyed the management and in retaliation, the management transferred the workman from Mandola to Bhinmal (Raj.) as mentioned in the above mentioned table.

The management has not given promotions due to the workman. This is a glaring illustration of victimization of the workman.

12.05.2017 The workman/General Secretary of the PKSUKP protested such attitude of the management by writing letter to the ED of PGCIL.

15.05.2017 The workman was illegally transferred by the Management from Maharani Bagh, New Delhi GIS to Kota (Rajasthan) sub-station without any administrative exigency and even though there is no transfer policy in the PGCIL.

The workmen/representatives of other trade unions have not been transferred. The management has practiced hostile discrimination with the present workman.

The instant transfer of the workman/General Secretary of the PKSUKP would adversely affect the functioning of the PKSUKP, its registered office being situated in Delhi

The workman has undergone two major surgeries of his coronary blockade and fistula. His regular treatment is going on in Sir Gangaram Hospital, New Delhi and he may need hospitalization as emergency situation may crop up any time.

The workman has to settle the marriage of his grown-up daughter which is his pious obligation. It would be very much difficult, rather impossible, to discharge said liability, if he is posted outside Delhi.

The wife of the workman, Smt. Rani Bala suffers from paralysis, acute arthritics, depression etc. who requires a regular care which would be impossible in my absence. She is unable to walk properly and to do her usual works.

16.05.2017 The workman/ General Secretary of the Trade Union, PKSUKP wrote a letter to the ED of the management seeking cancellation of his transfer order.

18.05.2017 The management did not consider workman's request and issued further direction to workman to hand over the charge to some other employee of the PGCIL.

By way of this transfer, the stream of the workman has been changed from Finance to HR (Time Office) which is unknown to the service rules applicable to the employees of the PGCIL.

No work has been assigned to me at Kota as per his recruitment qualification and/or experience. The workman has been working on the post of the Assistant, Grade-II in the Finance Department of the PGCIL for about last 27 years.

*15/05/2017*

The workman has been working on the post of Assistant, Grade-II in the Finance Department of the PGCIL. However, on his transfer to Kota, the workman has been made to work like a watchman in the Time Office which is derogatory and humiliating to him. Thus the workman has been put to incessant victimization and humiliation.

11. That the above mentioned humiliation amounts to my infamy in my society and amongst the fellow employees of the PGCIL. It may be noted that infamy has been deprecated by Hon'ble Supreme Court in Appeal (Cri.) 206 of 2008 titled as "Som Mittal versus Govt. of Karnataka" delivered on 29/01/2008 relying on what Lord Krishna said to his disciple Arjuna in Shloka 34 of the Chapter 2 of *Srimadbhagvadgita*- "**People will always speak of your infamy, and for one who has been honoured, dishonour is worse than death.**" Thus, for a self-respecting man, like me, death is preferable to dishonour.
12. That I face great hardship because of my transfer to a place away from Delhi which are as under:
- (i) I am the General Secretary of the PKSUKP having its registered office in Delhi. My transfer to places other than Delhi would adversely affect the functioning of the PKSUKP,
  - (ii) I have undergone two major surgeries of coronary blockade and fistula. My regular treatment is going on in Sir Gangaram Hospital, at New Delhi and I may need hospitalization as emergency situation may crop up any time;
  - (iii) I have to settle the marriage of my grown-up daughter which is my pious obligation. It would be very much difficult, rather impossible, to discharge said liability, if am posted outside Delhi.
  - (iv) My wife, Smt. Rani Bala suffers from paralysis, acute arthritics, depression etc. who requires a regular care which would be impossible in my absence. She is unable to walk properly and to do her usual works.
13. That because of my illegal transfer from Maharani Bagh New Delhi to Kota, Rajasthan and resultant victimization/humiliation, I am in depression and unable to concentrate on my day-to-day activities and I have fear for my life.
14. That the acts indulged in by Sh. Stanley Mathews, DGM(HR), NR-1 has given rise to unrest amongst the members of PKSUKP. This, in turn, is likely to give rise to industrial dispute between the workmen of the PGCIL, NR-1 and the management of PGCIL.
15. That Sh. Stanley Mathews, DGM(HR), NR-1 is doing all that he can do to undermine the duly formed trade union (PKSUKP) and to suppress the voice of the workmen and the office bearers of PKSUKP. He has, thus, undermined the objectives of the Trade Union Act and the Industrial Disputes Act as mentioned precisely in paras 3 and 4 of this representation which is likely to cause disrepute to a Navaratna CPSU like the PGCIL.


#### **PRAYER**

In view of the above submission, your good-self may graciously be pleased to:

- (a) Revoke/cancel the transfer order No.173/2017 dated 15.05.2017 transferring me from Maharani Bagh, New Delhi sub-station of the PGCIL (NR-1) to the Kota sub-station of the PGCIL (NR-1) in Rajasthan to give me any posting in F&A Department in Delhi.
- (b) Take appropriate disciplinary action against Sh. Stanley Mathews, DGM (HR), PGCIL, NR-1 for breach of industrial peace and harmony in the NR-1 of the Company.

Thanking you,

Yours faithfully

  
(V.K. Gaur), 15/05/2017

Emp.No. 10520