

(2019) 08 UK CK 0190

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No.1688 Of 2017

Pradeep Kumar Kansal

APPELLANT

Vs

Uttarakhand Power Corporation Limited & Others

RESPONDENT

Date of Decision : 27-08-2019

Acts Referred:

Uttaranchal Commission For The Scheduled Castes And Scheduled Tribes Act, 2003 —
Section 11

Citation : (2019) 08 UK CK 0190

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : V.P. Bahuguna, Dharmendra Barthwal, Lalit Samant

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J

1. This matter is pending before this Court since 2017.

2. Brief facts of the case are that the petitioner is an Office Superintendent-I in the Uttarakhand Power Corporation Limited in Dehradun. It appears that respondent no. 5 who is a Scheduled Tribe candidate made a complaint before the Uttarakhand Schedule Tribe Commission pointing out various anomalies against the petitioner. On the complaint moved by respondent no. 5, the Commission sought certain details from the Uttarakhand Power Corporation Limited. The Managing Director (Human Resource), Uttarakhand Power Corporation Limited in turn has passed an order dated 03.06.2017, whereby he has sought certain details from the Executive Engineer, Electricity Distribution Division (Rural), Dehradun, such as the details as to the transactions between the firm which is controlled by the petitioner's wife Smt. Kavita Kansal and the business dealing between the Uttarakhand Power Corporation Limited and the firm of the petitioner's wife. Certain other details were also sought by the Managing Director (Human Resource), Uttarakhand Power Corporation Limited.

3. As far as interference by the Commission is concerned, the Commission has a mandate given by the law to do the following functions under Section 11 of the Uttaranchal Commission for the Scheduled Castes and Scheduled Tribes Act, 2003 (from hereinafter referred to as the "Act"). Section 11 of the Act reads as under:-

"Section 11. Duties and functions of the Commission

(1) It shall be the duty of the Commission-

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the State Government and to evaluate the working of such safeguards;

(b) to enquire into specific complaints with respect to the derivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and evaluate the progress of their development;

(d) to present to the State Government annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports recommendations as to the measures that should be taken by the State Government for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and

(f) to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes and Scheduled Tribes as may be referred to it by the State Government.

(2) The State Government shall cause the reports of the Commission to be laid before the State Legislature along with a memorandum explaining the action taken on proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of the such recommendations."

4. A bare perusal of the aforesaid provision does not show that the Commission also has powers to interfere in service matters of an employee, and this jurisdiction is confined by the Rules and Regulations to the Uttarakhand Power Corporation Limited.

5. All the same, although no interference is being called for by this Court in the matter, however, the writ petition stands disposed with the direction that the Uttarakhand Power Corporation Limited who may, independent of the directions of the Commission conduct an inquiry against the petitioner, and if there is any anomaly detected against the petitioner or some irregular promotion has been granted to the petitioner depriving a Scheduled Tribe candidate, let appropriate

action be taken in accordance with law.