

TWENTIETH REPORT  
COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

*(Presented to Lok Sabha on 22 November, 2002)*



LOK SABHA SECRETARIAT  
NEW DELHI  
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## COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia—*Chairman*

### MEMBERS

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3. Shri S. Bangarappa
4. Shri Ambati Brahmaniah
5. Shri Babubhai K. Katara
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3. Shri J.S. Chauhan — *Under Secretary*
4. Smt. Neera Singh — *Assistant Director*

**TWENTIETH REPORT OF THE COMMITTEE ON PETITIONS  
(THIRTEENTH LOK SABHA)**

**INTRODUCTION**

I, The Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this draft Twentieth Report of the Committee to the House on the following matters:—

- (i) Representation requesting for absorption of 17 contract labourers engaged in Mejia Thermal Power Station (MTPS) of Damodar Valley Corporation (DVC);
- (ii) Representation requesting for appointment of dependents of Deceased employees of Damodar Valley Corporation (DVC) on compassionate grounds;
- (iii) Representation regarding problems of members of Damodar Valley Corporation (DVC) Shramik Union;
- (iv) Representation requesting for compensation and employment to the affected land losers whose lands have been acquired by Damodar Valley Corporation (DVC);
- (v) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirteenth Report on the Representation regarding problems of the railway passengers of Indrabil Railway Station situated on Adra-Kharagpur Section in South' Eastern Railway; and
- (vi) Representation requesting for<sup>A</sup> payment of arrears of revised pension to Shri Y.K. Meshram, Pensioner (Telephones).

2. The Committee considered and adopted the draft Twentieth Report at their sitting held on 1st November, 2002.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;  
1 November, 2002  
10 Kartika, 1924 (Saka)

BASUDEB ACHARIA,  
*Chairman,  
Committee on Petitions.*



## CHAPTER I

### REPRESENTATION REQUESTING FOR ABSORPTION OF 17 CONTRACT LABOURERS ENGAGED IN MEJIA THERMAL POWER STATION (MTPS) OF DAMODAR VALLEY CORPORATION (DVC).

1.1 Shri Mantulal Layek of village Machbanda, District Bankura, West Bengal and sixteen others, submitted a representation requesting for absorption of 17 contract labourers engaged in Mejia Thermal Power Station (MTPS) of Damodar Valley Corporation (DVC).

1.2 The petitioners in the representation submitted that including them total 17 contract labourers had been working under Damodar Valley Corporation (DVC) at Mejia Thermal Power Station (MTPS) as operators of pumps, motors and valves on the water supply lines since 1991. Initially they were eighteen in number and engaged through the contractors. The DVC authorities took them under their direct control and supervision by removing the contractor in September, 1998 and gave permanent appointment to one of them only (Shri Rabindranath Mahanta).

The petitioner stated that as they had been denied permanent employment they made a writ petition before the Hon'ble High Court, Kolkata. On 29.11.1999 the High Court, a Single Bench issued a writ of *Mandamus*. The High Court ordered DVC to absorb them alongwith the land losers and granted status quo till their absorption. The DVC authorities, however, preferred an appeal against the said judgement. The appeal had been disposed of on 14.3.2002 by a Division Bench of the High Court. Meanwhile, the Central Government issued a notification on 28th February, 2001 in respect of their job. As per the notification they were entitled to automatic absorption. The petitioners stated that the Division Bench of the Kolkata High Court confirmed the Single Bench Order for the creation of a penal of land losers and contract labourers by DVC from which future recruitment in Group 'D' posts would be made. The Division Bench further directed DVC to follow the terms set forth by the Hon'ble Supreme Court in the case of SAIL-Vs-National Union Water Front Workers in view of the Government notification dated 28th February, 2001.

As per Supreme Court's Ruling in SAIL-Vs-National Union Water Front Workers, it is mandatory for the employers (DVC) to give them preference in any future recruitment. Fifteen per cent (15%) of the posts in Gr. 'D' services are reserved for appointment from contract labourers engaged in operation and maintenance of job.

The petitioners contended that they are also entitled to be appointed in Group 'D' posts with priority as per law but they had not been paid their salaries since July, 2001.

1.3 The petitioners, therefore, requested to facilitate and safeguard continuation of their services till their absorption under Damodar Valley Corporation (DVC) at Mejia Thermal Power Station (MTPS).

1.4 The Ministry of Power were requested on 28th May, 2002 to furnish their comments on the points raised in the representation. The Ministry of Power vide their O.M. dated 24th June, 2002 furnished the following comments:—

“Shri Mantulal Layek and 17 others were engaged by a contractor during construction of Mejia Thermal Power Station (MTPS) for running and maintenance of water supply pump at permanent staff and officers colonies. Shri Layek and 17 others had filed a Writ Petition before the Hon’ble High Court, Kolkata for regularisation of their services in DVC at MTPS, Mejia. The Hon’ble Court passed an interim order to maintain status quo. After final hearing of the case, the Hon’ble Court passed an order dated 29.11.1999 directing DVC to absorb all the petitioners along with the land losers in DVC by framing a scheme. The Hon’ble Court further directed to maintain status quo in regard to their services till they are finally absorbed in DVC.

DVC preferred an appeal against the aforesaid order of the Hon’ble Court due to the fact that the permanent scheme for water supply to the officers and staff colonies at MTPS was completed and posting of sufficient personnel under regular establishment were made to run the water supply system at MTPS. Continuance of these contract labourers was an extra burden on the Corporation. Moreover, there was no need to run the old pump house for taking under ground water which was installed during construction period and for which Shri Mantulal Layek and 17 others were engaged by the contract.

Though after completion of the permanent system there was no need of these contract labourers, their engagement was continued and payment was made by the DVC through Special Officer, appointed by the Hon’ble Court.

Appeal filed by DVC was finally heard by the Hon’ble Division Bench on 14.3.2002. The Hon’ble Court has confirmed the order of the Learned Single Judge to the extent that a panel of land losers along with these petitioners be prepared by DVC and DVC may consider them for giving jobs subject to availability of jobs in their project. However, the stay order regarding continuance of their service was vacated.

Keeping in view the recent Judgement of the Hon’ble Supreme Court of India passed in the matter of Steel Authority of India Limited (SAIL) and others Vs National Union Water Front Workers and others holding that the contractor’s workers do not have any automatic right for absorption. DVC has decided to file an appeal against the judgement of the Divn. Bench dated 14.3.2002 before the Hon’ble Supreme Court of India in the form of Special Leave Petition.”



1.5 After perusing the comments furnished by the Ministry of Power, the Committee undertook an on-the-spot Study visit to Kolkata and Bhubaneswar from 2nd to 5th July, 2002 to gather first hand information. The Committee held discussions with the petitioners and the officials of Damodar Valley Corporation on the representation on 2nd July, 2002 at Kolkata.

1.6 During the informal discussion, the petitioners informed the Committee that they have been working since 1991 continuously without any break at MTPS. The DVC authorities engaged them under DVC through contractors and gave verbal assurances that they will be absorbed in permanent posts in DVC. Although, the DVC authorities have changed the contractors a number of times their services have remained uninterrupted. In 1995, DVC issued an Office Memorandum in which 15% posts in group 'C' had been reserved for the contract labourers engaged in operation and maintenance. The DVC employed four permanent workers along with them to operate and maintain the pumps, valves, etc. These four employees of DVC received the scale of pay fixed by DVC. As per provisions of Contract Labour (R&A) Act, 1970, they are also entitled to get the salary equivalent to these four employees of DVC. The job of operation and maintenance of pumps etc., for water supply is a job of perennial nature and requires regular workmen. They have performed duties 365 days a year from 6 AM to 11 PM each day without any break or holiday whatsoever. That after serving for several years they presented their case for permanent absorption before the DVC authorities. But having received no positive outcome they moved a Writ Petition before the Hon'ble Kolkata High Court praying for their absorption. The West Bengal Government, Department of Labour started proceedings under Section 10 of the Contract Labour Act, 1970. The office of the Assistant Labour Commissioner, Bankura has also submitted a report to the Additional Labour Commissioners, West Bengal recording therein the relevant facts and with recommendation in favour of a notification under Section 10 of the said Act.

The petitioners further informed the Committee that the DVC authorities removed the contractor and took them under their direct supervision and control in September, 1998. Since then DVC is making payment of their salary directly. The Special Officer of DVC disburses the pay by cheque. On 30.11.1998, the Central Advisory Contract Labour Board by a Resolution formed a Committee of three Members to go into the question under Section 10 in respect of their job amongst others. The said Committee after spot enquiry and perusal of the relevant records submitted its report. The majority members of this Committee recommended for a Notification in this regard. The report of this committee was discussed along with the contentions of the DVC in its 42nd meeting on 18-19 November, 1999 and the Central Advisory Contract Labour Board recommended the case for a Notification. However, the DVC gave permanent appointment to only Shri Rabindra Nath Mahanta in Group 'D' post under the land loser category.

1.7 On the issue of the non-payment of the salaries to the Contract labourers of MTPS the petitioners informed the Committee that the issue had been raised several times before the DVC authorities. Having failed to get the due salaries, they sought for the intervention of the Regional Labour Commissioner (Central), Asansol. However, the DVC management did not act as per their request.

1.8 As regards the minimum required wages given to contract labourers as per existing legal provisions, the petitioners informed that their salaries are computed on monthly basis. Since DVC started direct payment, their wages have fallen below minimum wages.

1.9 During informal discussions with the officials of Damodar Valley Corporation (DVC) on the points raised by the petitioners in their representation, the officials of DVC submitted as follows:—

“Shri Mantul Layek and 17 others were engaged by a contractor during construction of MTPS Project for running and maintenance of water supply pump situated in permanent staff and officers colonies at MTPS. This arrangement was made at MTPS since permanent water supply was not in existence and drinking water was being taken from the under ground source through deep tubewells method. The contract for running of pumps house was awarded in 1991 to operate the under ground pump and supply water in MTPS staff and officers colonies.

DVC had preferred an appeal against the High Court of Kolkata Order dated 29.11.99 due to the fact that the permanent system for water supply to the officers and staff colonies at MTPS has been completed and posting of sufficient personnel under regular establishment had already been made to run the permanent water supply system. Continuance of these contractors' workers was an extra burden on the Corporation as there was no need to run the old water supply system through deep tubewells, installed during construction period for which Shri Mantul Layek and 17 others were engaged by the contractor.

Though there was no need of these 17 workers after completion of permanent system, but their engagement was continued and payment was made by DVC through Special Officer, appointed by the Hon'ble High Court.

The appeal filed by DVC before the Hon'ble Division Bench, Kolkata had been finally heard on 14.3.2002 and the Hon'ble Court has confirmed the order of the Learned Single Judge to the extent that a panel of land losers along with these petitioners be prepared by DVC and the DVC may consider them for giving job subject to availability of job in the project.

The above order of the Hon'ble Court is contradictory to our policy for appointment in Group “D” at MTPS and thus, it has



been decided by the Corporation to file an appeal against the judgement of Division Bench dated 14.3.2002 before the Hon'ble Supreme Court of India in the form of Special Leave Petition (SLP)."

The representatives of DVC added:—

"During the construction period huge agitational programme was launched by land losers of MTPS, Mejia, whose land have been required for construction of the project to complete the work in time. A high level meeting of officials of Government of West Bengal and DVC officials was held during which a commitment was made by DVC to provide 520 employment in Group "D" posts from amongst the land losers of MTPS, Mejia."

1.10 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Power on 9 September, 2002 on the matter. The Committee pointed out to the witnesses that the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 are also applicable in regard to the contract labourers working Mejia Thermal Power Station (MTPS). The Committee desired to know as to whether the contract labour system in MTPS had been abolished under this Act. To this, the witnesses stated as follows:—

"The High Court of Kolkata order dated 14.3.2002 was not acceptable to DVC because the order said that these contract workers should be empanelled along with land losers and they should be considered together for future appointments. The order also said that while doing so, the DVC may also keep in mind the recent judgement of the Supreme Court of India which was delivered in SAIL case. We have a specific agreement with the State Government also under which 520 persons are in the panel of land losers. They have to be considered and DVC is committed to give appointments to those persons. The panel has been mostly exhausted and some are left and they have to be considered. That is one aspect that with respect to the land losers, we have a commitment to the State Government and to those persons who have lost their lands and have been empanelled. The other aspect is that the operative portion of the SAIL judgment, which the Court' orders itself has referred to, says that the contractor' workers in such cases do not have any automatic right of absorption in the organisation. Therefore, because of these two apparent contradictions, there was no way before the DVC but to go in for an SLP before the Supreme Court of India (against the High Court Order dated 14.3.2002)."

1.11. In a subsequent written note, the Ministry of Power stated that Shri Rabindra Natha Mahanta got appointment in DVC as Displaced person in terms of the policy for appointment of Displaced persons at Mejia and not as contractors' worker. The contract labour system in general had not been abolished in all functions of Mejia Thermal Power

Station. The provisions contained in Contract Labour (Regulation & Abolition) Act, 1970 had been made applicable to only the following schedules of work through a Government of India Notification No. 130 dated 28th February, 2001:—

“(i) Operation and maintenance of pumps and motors including operation of valves on water supply lines; and

(ii) Cleaning of underground sumps in pump houses.

However, the said notification has become infructuous in view of the order passed by the Hon'ble Supreme Court of India on 30-8-2001 in the SAIL judgment, as in terms of SAIL judgment appropriate Government so far DVC is concerned, is the respective State Governments under the Contract Labour (R&A) Act.”

1.12 On a query as to whether DVC had assured permanent employment to these 17 contract labourers working in Mejia after the removal of the contractor; the Ministry of Power stated in their written note that DVC had not assured permanent employment to these contractor's workers at any stage. On the contrary, DVC in pending court cases before the Kolkata High Court, opposed the claim of the petitioners for permanent employment in DVC.

1.13 The Committee pointed out to the witnesses that as per the Government notification dated 28 February, 2001, the petitioners were entitled to automatic absorption. The Committee then desired to know the reasons behind the denial of permanent employment to these 17 workers of Mejia Thermal Power Station. To this, the witnesses stated as follows:—

“Regarding notification of the Government of India dated 28.2.2001, I would submit that by the time the notification came, the stay order of the Division Bench of the High Court to the appointment was already in force. Notification has said that the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits employment of contract labour in the jobs or works specified in the schedule in the establishments of major thermal power stations of DVC and its office situated in the residential colonies area at major thermal power stations with effect from its date of publication. The schedule mentions operation and maintenance of pumps and motors including 'operation of valves of water supply lines and cleaning of underground sumps in pump houses'. This order was issued on 28.2.2001. On that date, the effect of the notification would normally be that after abolition, they would be entitled to consideration for regularisation, but as on that date, the said stay order of the Division Bench of High Court was operating.”



1.14 In a subsequent written note, the Ministry of power submitted that DVC did not agree with the contention of the petitioners. When the Government Notification dated 28th February, 2001 had been issued; the matter was already *sub-judice* before the High Court of Kolkata. There was an order of the Hon'ble Division Bench dated 05.04.2000 staying the operation of the Trial Court (Single Bench) Order dated 28.11.1999 regarding absorption of the contractor's workers in DVC. However, the said Notification has become infructuous in view of the SAIL judgement passed by the Supreme Court of India.

1.15 When the Committee desired to know whether the Contract labourers earlier engaged in the Mejia Thermal Power Station had been listed in the Pay-Roll of DVC, the witnesses stated as follows:—

“Contract labourers engaged in the Mejia Thermal Power Station have not been listed in the Pay-Roll of DVC. On the contrary, about 286 persons who were petitioners in different writs filed by Contractor workers have not been engaged by DVC since the Man:MW ratio in DVC is very high compared to the National average and those of contemporary Thermal Power Stations in India under Public Sector.”

1.16 When the Committee desired to know as to whether a SLP had been filed by DVC in the Supreme Court against the High Court of Kolkata Order dated 14.3.2002; the Ministry of Power in a written note stated as follows:—

“SLP has already been filed before the Hon'ble Supreme Court of India on 01-07-2002 and the same is for consideration of the Hon'ble Apex Court. There is no infringement into the rights/privileges of these labourers since they have not been denied anything which is legally due to them from the Corporation. Moreover, the issue is presently *sub-judice*.”

1.17 Subsequently, the Committee had been informed that the Special Leave Petition filed by DVC against the High Court of Kolkata Order dated 14.3.2002 had been dismissed by the Hon'ble Supreme Court of India on 25.10.2002.

#### OBSERVATIONS / RECOMMENDATIONS

1.18 The Committee note that a total of 18 contract labourers working in the Mejia Thermal Power Station of Damodar Valley Corporation (DVC) since the 1991 had been taken under the supervision and control of the DVC in September, 1998 by removing the contractor. These workers had been engaged through the contractor for running and maintenance of water supply pump at permanent staff and officers colonies at Mejia Thermal Power Station. After the permanent scheme for water supply at the Mejia Thermal Power Station had been completed these contract labourers had been denied the services in DVC. DVC instead posted personnel under regular establishment to run the water supply at Mejia.

1.19 The main contention of the petitioners is that on filing a writ petition in the High Court of Kolkata, the Trial Court passed an Order on



29.11.1999 directing DVC to absorb all these contract workers along with the land losers in DVC by framing a scheme. The High Court also directed to maintain *status-quo* in regard to their services in Mejia Thermal Power Station. Henceforth, the DVC preferred an appeal against the High Court Orders dated 29.11.1999. The Division Bench of the High Court heard the DVC appeal on 14.3.2002 and gave a ruling that a panel of land losers including the petitioners be prepared by DVC and DVC may consider them for giving jobs subject to availability of jobs in their project. However, the DVC gave permanent appointment to only Shri Rabindra Nath Mahanta in Group 'D' post under the land-loser category who had been a contract labourer along with the petitioners at Mejia Thermal Power Station.

The petitioners have further stated that the jobs of operation and maintenance of pumps of water supply is a job of perennial nature. They have performed duties 365 days a year on a regular basis. Under the Contract Labour (Regulation & Abolition) Act, 1970, the contract labour system has been abolished. The DVC should absorb the remaining 17 contract labours of Mejia Thermal Power Station in permanent jobs in DVC. Moreover, the High Court of Kolkata Order dated 14.3.2002 also enunciate regularisation of their services in DVC. But the DVC has preferred a Special Leave Petition against the High Court Order dated 14.3.2002.

1.20 In this context, the Committee are informed by the Ministry of Power that DVC has filed a Special Leave Petition before Hon'ble Supreme Court of India on 1st July, 2002 against the High Court of Kolkata Orders dated 14.3.2002 and there is no infringement into the rights/privileges of these labourers since they have not been denied anything which is legally due to them from the Corporation. It has been informed that the Supreme Court of India has dismissed the Special Leave Petition filed by DVC and hence there is no bar for giving employment to the 17 contract labourers of Mejia.

1.21 The Committee, however, express their displeasure over the fact that although the provisions of Contract Labour (Regulation and Abolition) Act, 1970 had been made applicable to the labourers in operation/maintenance of pumps and motor/valves on water supply lines and cleaning of underground sumps in pump houses *vide* Government of India Notification No. 130 dated 28.02.2001; the petitioners have not been given the benefit of this Government Notification. The Committee, therefore, desire that the 17 contract labourers of Mejia Thermal Power Station may be given the justifiable rights/privileges of employment in DVC based on appropriate legal principles.

## CHAPTER II

### REPRESENTATION REQUESTING FOR APPOINTMENT OF DEPENDENTS OF DECEASED EMPLOYEES OF DAMODAR VALLEY CORPORATION ON COMPASSIONATE GROUNDS

2.1. Shri Rajkumar Pandey, President, Damodar Valley Corporation Anukampa Samiti, Maithon, Dhanbad, Jharkhand submitted a representation requesting for appointment of dependents of deceased employees of Damodar Valley Corporation on compassionate grounds.

2.2. The petitioner in his representation submitted that the around 900 families of dependents of deceased workers of Damodar Valley Corporation (DVC) are in deep distress due to unnecessary delay in their appointments on compassionate grounds in DVC. Eventually, these dependent families of deceased are unable to get adequate food, proper education, medical facility, accommodation etc.

2.3. The petitioners contended that there is a provision for providing employment on compassionate grounds in the DVC recruitment rules. The dependents who are under graduate are provided employment in Group 'D' posts. The dependents who are graduate are provided employment in Assistant Grade-III-cum-Typist. All the dependents covering the period upto 1986 to 1990 had been offered appointments on compassionate grounds in DVC. In February, 1997 all the dependents covering the period upto 1989 had been offered appointments among which 60 dependents had been offered appointment in Group 'D' posts. In Bokaro Thermal, dependents covering the period upto 1994 had been offered appointments. However, in Maithon, Panchet, Durgapur and Chandrapura the dependents of deceased employees of DVC covering the period upto 1989 only had been offered appointments. Since 1989, no appointments have been made on compassionate grounds in Maithon, Panchet, Durgapur and Chandrapura.

2.4. The petitioners, therefore, requested that all the dependents of the deceased employees of DVC should be provided employment on compassionate grounds, without any further delay.

2.5. The Ministry of Power were requested on 19 August, 2002 to furnish their comments on the points raised in the representation. In response, the Damodar Valley Corporation (DVC) submitted their comments on 2 September, 2002 as follows:—

“DVC has been following a policy of giving appointments on compassionate ground to one dependent family member of any DVC employee dying in harness or retired from service on medical ground upto a total of 25% of the sanctioned Group 'D' posts. Besides this, appointment to a dependent against death due to



accident during the course of discharge of official duties is given at once following the death of the employee. Because of the cases which arise due to death under normal circumstances a substantial portion of the Group 'D' vacancies are filled up by next of kin of the employee. This results in filling up of posts which may not necessarily be filled up and may be surrendered in the process of manpower rationalisation. The problem has accentuated during last few years, due to rationalisation of manpower initiated by the Corporation to rectify its extremely adverse Man: MW ratio, which has resulted in reduction of vacancies and thereby delay in giving compassionate appointments according to the current policy of compassionate appoints. Corporation has, therefore, been facing a number of agitations by the various associations formed by the waiting candidates for compassionate appointment actively backed by different political parties.

The matter of review of the Policy on Compassionate Appointment came up for discussion in the 542nd Meeting of the Corporation held on 24.09.2001. The Corporation *vide* Resolution No. 6943, decided to form a Committee consisting of Dir. (HRD), Legal Advisor and a Representative of Finance to prepare a report on the basis of decision of the Supreme Court and standing employment, norms of DVC and other relevant materials to be placed before the Corporation for a decision.

This Governmental Committee recommended two options regarding Compassionate Appointments *i.e.*:

- (i) The appointments should be made upto a maximum of 5% of vacancies falling under direct recruitment quota in Group 'D' posts instead of the existing 25%. The employment is to be granted within a reasonable time limit after ascertaining the financial condition of the family of the deceased employee; and
- (ii) The family of the deceased employee may be paid the last pay drawn (at the time of death of the employee) till the due date of his retirement and thereafter family pension based on last pay drawn. This will ensure financial support to the family in dire need after the death of the earning members.

The Supreme Court observations on the subject of providing compassionate appointments in this connection assume importance. The salient points of Supreme Court observations mentioned *vide* Office Memorandum of GOI (Department of Personnel & Training) No. 14014/2294-Estt. (D) dated 28.11.1994 are:—

- (a) The whole object of granting compassionate employment is to enable the family to tide over sudden crisis.



- (b) It should be provided only when the employer is satisfied that but for the provision of employment, the family will not be able to meet the crisis arisen due to sudden death of the bread-earner.
- (c) As against the destitute family of the deceased, there are millions of other families which are equally, if not more destitute.
- (d) Compassionate appointment is not a vested right.

The Report on Reorganisation and Restructuring of DVC has also considered the problem of providing employment to the empanelled personnel. It states that, if there is no legal binding on DVC to provide employment to the empanelled compassionate cases, DVC should open a dialogue with them and try to make one time settlement with them."

2.6 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Power on 9 September, 2002. The Committee desired to know the reasons behind not extending the benefit of compassionate employment to almost 900 dependent families of deceased employees of DVC. To this, the witnesses stated as follows:—

"Sir, most importantly the Corporation circular that exists is that 25 per cent of the vacant posts under group D only those are earmarked for appointment on compassionate ground. Since the year 1996 we have not been able to make appointments physically because of non-availability of vacancy. So, except for disabled persons category in Mejia, where we have given appointments to disabled persons and in the other plant at Bokaro where some vacancy was available under compassionate ground some appointments could be given and no vacancy was available in group D. We found that by the last year about 900 people have already come in the panel."

2.7 The Committee desired to know the actual number of dependents of the deceased workers who have sought employment on compassionate grounds in DVC. In a written note dated 9.9.2002, the Ministry of Power stated that 995 number of dependents are seeking employment in Group 'C' and 'D' posts depending upon their qualification on compassionate grounds.

2.8 When the Committee asked as to whether the Ministry of Power agreed with the contention of the petitioners; the Ministry of Power in the written note stated as follows:—

"We agree with contention of the petitioners; but, appointment in Group 'D' posts could not be considered by the Corporation to all the dependents of the deceased employees due to lack of adequate vacancies. The appointment in Group 'C; (erstwhile Group 'B')

posts was not made due to the stay order granted by the Hon'ble High Court, Calcutta in the year 1995 which has been vacated on 22.6.2001. The whole scheme of compassionate appointments in DVC, being under consideration by the Board, Group 'C' appointments for compassionate cases could not be released. The main reason for not giving employment to the dependents of the deceased workers is lack of vacancies and rationalization of manpower in DVC. Our policy is under review on the line of Government of India for giving employment on compassionate grounds to the dependents of the deceased employees."

2.9 When the Committee desired that DVC should start giving employment on compassionate grounds to all the dependents of the deceased, if not to all the 995 candidates but to a certain percentage of them; the witness stated as follows:

"We will place before the Board the sentiments expressed in the Committee and request the Board to consider the views of the Committee. They will go into all aspects and there will be a lengthy deliberation on it."

#### OBSERVATIONS/RECOMMENDATIONS

2.10 The Committee note that DVC is following a policy of giving appointments on compassionate grounds to one dependent family members of a deceased employee upto a total 25% of the sanctioned Group 'D' posts. In case of accidental death of an employee of DVC during the course of discharge of official duties, the next of kin of the employee are given employment in DVC on compassionate grounds in substantial portion of Group 'D' vacancies. The policy on Compassionate Appointment have been discussed in the meeting of DVC Board held on 24.09.2001. By a resolution, the Board decided to form a Committee consisting of Director (HRD), Legal advisor and a Representative of Finance to prepare a report on the basis of a decision of the Supreme Court of India regarding providing compassionate appointments given *vide* OM of Government of India (Department of Personnel & Training) No. 14014/22/94-Estt. (D) dated 28.11.1994. The observations of the Hon'ble Supreme Court of India are:

- \* The whole object of granting compassionate employment is to enable the family to tide over sudden crisis.
- \* It should be provided only when the employer is satisfied that but for the provision of employment, the family will not be able to meet the crisis arisen due to sudden death of the bread-earner.
- \* As against the destitute family of the deceased, there are millions of other families which are equally, if not more destitute.
- \* Compassionate appointment is not a vested right.



The Committee are informed that the aforesaid Committee constituted by the Government recommended that Compassionate Appointments should be made upto a maximum of 5% of vacancies falling under direct recruitment quota in Group 'D' posts instead of the existing 25%. The family of the deceased employee may be paid the last pay drawn (at the time of death of the employee). This will ensure financial support to the family in dire need after the death of the earning members.

2.11 The main contention of the petitioners is that almost 900 families of deceased employees of DVC are in deep distress due to unnecessary delay in their appointments. The dependent families of the deceased employees are unable to get adequate food, proper education, medical facility, accommodation etc. However, in Maithon, Panchet, Durgapur and Chandrapura the dependent families have been offered appointments on compassionate grounds in DVC only upto the year 1989. The petitioners have, therefore, requested to provide them employment in DVC on compassionate grounds.

2.12 The Committee are deeply perturbed to learn that around 995 number of dependents have been seeking employment on compassionate grounds in Group 'C' and 'D' posts depending upon their qualification. The reason for not giving employment to the dependents of the deceased workers of DVC is lack of vacancies and rationalisation manpower in DVC. The Committee are of the firm view that suitable and timely appointments should be made by DVC on compassionate grounds in order to maintain the livelihood of the dependents of the deceased employees. The Committee recommend that a High Level Governmental Committee may be constituted including the representatives of a recognised DVC Employees Union and DVC Officials which would examine the scope of Compassionate Appointments in DVC, afresh. The Committee would like that the Government should take suitable action in the matter within two months.

2.13 The Committee are not fully convinced regarding the rationalisation of the manpower in DVC because a large number of dependent families *i.e.* 995 numbers have been deprived of their minimum needs of livelihood for want of suitable employment on compassionate grounds in DVC. While the Committee do not doubt that the immediate needs of livelihood are met from family pension and other benefits, the Committee are of the opinion that a long term solution for subsistence would be by giving a suitable regular employment to atleast one member each of the dependent family of the deceased employees. The Committee, therefore, recommend that all the 995 dependent families may be supported through compassionate appointment of atleast one member of their family in DVC. The Committee would like to be apprised of the position in this regard in due course.



### CHAPTER III

#### REPRESENTATION REGARDING PROBLEMS OF MEMBERS OF DAMODAR VALLEY CORPORATION (DVC) SHRAMIK UNION

3.1 Shri Sukumar Sinha, General Secretary, Damodar Valley Corporation (DVC) Shramik Union on behalf of the Union submitted a representation regarding problems of members of Damodar Valley Corporation (DVC) Shramik Union.

3.2 The petitioners, in their representation *inter-alia* submitted as follows:—

- (i) Since last two decades they have been demanding for recognition of Shramik Union. There are 4 (four) Unions/Associations of workers and 5 (five) number of Officers (Class-I) Associations recognised by D.V.C. However, the Shramik Union has not been recognised by the same authority;
- (ii) As the Shramik Union is not recognised by DVC, they are not being permitted to get representation in some of the advisory Committees like Housing Committee, Grievance Committee, Wage Negotiation Committee etc. of DVC. As a result, their Union has to depend on biased decisions of the aforesaid Committees and very often the employees who are members of their Union have to suffer from discriminatory treatment.
- (iii) After getting clearances from all the three participating Governments (Govt. of India, Govt. of Bihar and Govt. of West Bengal), it had been resolved in a D.V.C. Board meeting that the recognition of Shramik Union would be considered. Accordingly, the matter had been brought to the notice of the present Chairman on 18.01.2001; and
- (iv) An umbrella Agreement had been made by D.V.C. on 3.1.2002 with a private firm "Utility Powertech Ltd." for Annual Contract of any kind of jobs including maintenance of all the Power Stations of D.V.C. which resulted more than 3000 workers to be jobless. This is causing widespread dissatisfaction among the employees and deterioration of Industrial relations.

3.3. The petitioners, therefore, requested for the recognition of the DVC Shramik Union by the DVC to safeguard the interests of the workers.

3.4 The Ministry of Power were requested on 19 August, 2002 to furnish their comments on the points raised in the representation. In response, the Damodar Valley Corporation furnished the following factual comments:—

“DVC Shramik Union, a Registered Union affiliated to the Centre of Indian Trade Union and also to the Electricity Employees Federation of India has been functioning since 1977 in DVC. On a number of earlier occasions, request was made for recognition of DVC Shramik Union by the General Secretary, DVC Shramik Union including Political Dignitaries. But as per criteria for recognition of unions the membership of the union should cover at least 15% of the workers in the Establishment concerned. The membership could be counted only for those who had paid their subscription at least for three months during the period of six months immediately preceding reckoning. These facts cannot be ascertained without verification of the membership. Accordingly, Corporation approached Governments of West Bengal and Bihar to permit DVC to get the membership of all the unions verified through Central Industrial Relations Machinery (CIRM). But the same was not considered by both the Governments. Ultimately, the Corporation took up the matter with the Secretary, Government of India, Ministry of Power, New Delhi through its letter No. PL-28/409 (Con) Vol. II/Part-II-141 dated 27 September, 1995 to take up the matter with CIRM of the Ministry of Labour, Government of India.

Our request was considered and accordingly, Asstt. Labour Commissioner (C), Dhanbad wrote a letter to DVC for certain information for the purpose of verification of membership of all the Unions in DVC. The desired information was submitted by different unions to Asstt. Labour Commissioner (C), Dhanbad and based on the same a meeting was also held with the Director (HRD). During the process of verification of membership, the Regional Labour Commissioner (C) Dhanbad further requested for some information through his letter No. 11/(1)/V/FN/99-B-4 dated 10 December, 2001, which has also been furnished by us through our letter PL-28/409, ccon) Pt. III-11 dated 5 April, 2002. After that no intimation has been received by DVC with regard to the action taken by CIRM for verification of membership.”<sup>h</sup>

3.5 As regards the point raised by the petitioners regarding the Annual Contract to a private firm for maintenance works, the DVC submitted that:—

“Messrs Utility Power Tech Ltd., a joint venture company of M/s NTPC and M/s BSES, having high expertise and credential for maintenance of power plants and has also given good results to NTPC, had been considered by the Corporation in its Board Meeting to entrust with the job of maintenance and upkeepment of thermal power stations of DVC. This action of the Corporation is expected to fetch return on two counts: (1) for overall improvement in performance & (2) gradual implementation on targeted MAN: MEGAWATT ratio.”



3.6 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Power on 9 September, 2002. The Committee desired to know as to whether the State Governments of Bihar and West Bengal have accepted the granting of recognition to the DVC Shramik Union. To this the witnesses affirmed that the State Governments had indicated in principle their consent to the proposal.

3.7 The Committee desired to know the reasons for denial of recognition to the DVC Shramik Union even after the participating Governments of Bihar and West Bengal have given clearances in this regard. In response, the Ministry of Power in a written note stated that:—

“The recognition to the DVC Shramik Union by the Corporation has not been possible in absence of verification of membership by the competent authority. As per existing norms for recognition of the Union, 15% membership of the total employees of the organisation is essential. The Corporation has not denied the recognition of DVC Shramik Union but is waiting for verification of membership which is under process by the Regional Labour Commissioner (Central), Dhanbad.”

3.8 The Committee pointed out to the witnesses that the DVC Board had passed a resolution on 8 September, 1998, and authorised Chairman DVC to announce an *ad hoc* recognition to the Shramik Union. The Committee then desired to know as to whether the Shramik Union would be given *ad-hoc* recognition. To this, the witnesses stated as follows:—

“We will consider it, Sir. For all practical purposes, we are giving them those facilities. The difference that this will make is that they will be able to participate in certain meetings. That is what the representations have pointed out. We will place this before the Corporation.”

3.9 As regards, the number of registered unions which have been recognised by DVC, the Ministry of Power submitted in a written note as follows:—

“DVC has two recognised and another eight registered, but note recognised unions functioning. Shramik Union is one such registered Unions. All of these eight Unions have been requesting DVC for their recognition from time to time. However, it has not been possible for DVC to accord recognition over and above already recognised two Unions because of non-availability of any machinery with the Corporation for authentic and unprejudiced verification of membership strength of such Unions.”

3.10 In the written note, the Ministry of Power further stated that:—

“DVC will consider giving recognition to Shramik Union alongwith other registered unions depending upon the outcome of the verification process initiated by Regional Labour Commissioner (Central), Dhanbad under the direction of Central Industrial Relations Machinery (CIRM).”



**OBSERVATIONS/RECOMMENDATIONS**

3.11 The Committee note that the DVC Shramik Union is a registered Union which is affiliated to the Centre of Indian Trade Union and the Electricity Employees Federation of India. The DVC Shramik Union has been functioning since 1977 in DVC. DVC has to recognised Unions. Another eight registered Unions but not recognised Unions are also functioning in DVC. All of these eight Unions have been requesting DVC for their recognition, however, the DVC has not accorded them recognition.

3.12 The main contention of the petitioners who are the representatives of the DVC Shramik Union is that the members of the Shramik Union have to suffer discriminatory treatment due to non-recognition of their Union. Moreover, the members of the Shramik Union are not permitted to participate in the various Advisory Committees of DVC. Also, the induction of annual contract with a private firm in maintenance jobs of DVC Power Station, has rendered more than 3000 workers jobless. The petitioners have, therefore, requested to give the required recognition to the DVC Shramik Union.

3.13 In this context, the Committee are informed that as per existing norms for recognition of the Union, 15% membership of the total employees of the organisation is essential. The recognition to the DVC Shramik Union by DVC has not been possible in the absence of verification of membership by the competent authority i.e. Regional Labour Commissioner (Central) Dhanbad. The Corporation has not denied the recognition of DVC Shramik Union but is waiting for the verification of membership by the Regional Labour Commissioner (Central) Dhanbad.

3.14 The Committee have been also informed by the representatives of the Ministry of power and DVC during oral evidence held on 9.9.2002 that the State Governments of Bihar and West Bengal have in principle gave their consent to the recognition of the DVC Shramik Union. The Committee are, therefore, deeply perturbed to note that inspite of approval of the proposal for recognition of the DVC Shramik Union by the DVC itself and the State Governments of Bihar and West Bengal; the Shramik Union has not yet been granted recognition for want of the verification of membership report by the Regional Labour Commissioner.

3.15 Since DVC will consider giving recognition to Shramik Union alongwith other registered unions based on the verification report of the Regional Labour Commissioner; the Committee recommend that the verification of membership should be completed in a specific time frame by the competent authority. The Committee also desire that the Shramik Union may be recognised keeping in view the interests of the workers.

3.16 On the issue of imparting *ad-hoc* recognition to the Shramik Union; the representatives of the Ministry of Power have assured the Committee at the time of oral evidence that the matter will be placed before the Corporation and considered. The Committee, therefore, recommend that the mater regarding giving *ad-hoc* recognition to the Shramik Union may be placed before DVC Board, expeditiously. The Committee also recommend that appropriate recognition should be given to this Union with a positive perspective in mind.

**CHAPTER IV**  
**REPRESENTATION REQUESTING FOR COMPENSATION AND**  
**EMPLOYMENT TO THE AFFECTED LAND LOSERS WHOSE**  
**LANDS HAVE BEEN ACQUIRED BY DAMODAR VALLEY**  
**CORPORATION (DVC)**

4.1 Shri Subhas Chandra Mondal of District Purulia, West Bengal and Shri Debabrata Paul of Village—Sahraj, P.S. Lodhna, District, Santalpargana, Jharkhand and others submitted their representations requesting for compensation and employment to the affected land losers whose lands have been acquired by Damodar Valley Corporation (DVC).

4.2 The petitioners belonging to State of West Bengal in their representations submitted that they have lost almost all-cultivable land for the construction of Panchet Dam, a national Project. The Damodar Valley Corporation has not extended the facilities required for development in the right bank of the Damodar river as given in the left bank of the river although an assurance to this effect was given to them prior to the construction of the Panchet Dam by Damodar Valley Corporation. The petitioners then placed before the Committee the following demands:—

- (i) employment facilities for one in each of the affected family may be given by DVC. The employment panel prepared in the year 1976 should be implemented completely and immediately;
- (ii) facilities of education, road, drinking water, treatment (Homoeopathic) may be arranged from Social Integration Programme in the right bank of Panchet Dam;
- (iii) afforestation works to be started by DVC including Soil conservation as these works have not been taken up since 30 years;
- (iv) lift irrigation System should be started immediately as irrigation is a burning problem in their area;
- (v) Social Integration Programme facilities may be extended to all affected villagers irrespective of distance. Limitation of 510 km may be withdrawn in this respect;
- (vi) construction of a bridge over Ulla river should be arranged which is required for the safety and security of the people of the right bank of Panchet Dam; and
- (vii) self employment facility may be extended to all the affected villagers.



The petitioners from State of Jharkhand further submitted that the Damodar Valley Corporation have acquired 19.48 acres of land for the purpose of Maithon Reservoir at Sahraj-Village, P.S. Lodhna, District Santalpargana in Jharkhand, *vide* Khatian No. 25 to 72. However, the employment of land losers by DVC and the compensation for the land losers in connection with L.A. Case No 13/1955-56 for Maithon Reservoir has not been given. A compensation roll had been prepared by the concerned authority (DVC), but till today no compensation has been given to the land losers or their legal heirs. The Damodar Valley Corporation had also assured to give employment to the land losers, but unfortunately none of the land losers have been given the monetary compensation or employment.

4.3 The petitioners, therefore, requested to take up the matter so that the facilities under Social Integration Programme, proper compensation and employment be given to the land losers whose lands in the State of West Bengal have been acquired by DVC for Panchet Dam Project and whose lands in State of Jharkhand have been acquired for the purpose of Maithon Reservoir.

4.4 The representations were referred to the Ministry of Power for furnishing their comments on the points raised in the representations. Meanwhile, the Committee decided to take oral evidence of the representatives of the Ministry of Power in the matter. Accordingly, the Committee took oral evidence of the representatives of the Ministry of Power on 9 September, 2002. During the evidence, the Committee pointed out that the objectives of DVC involve multi-purpose projects. DVC works not only for generation of thermal or hydel power but it also assists the social and economic development of an area and the process of flood control. Since inception of the Panchet Dam on Damodar river in 1956, the Government has been spending under the Social Integration Programme (SIP). However, under this programme the development of roads, culverts, irrigation etc. are much less in the district Purulia, West Bengal as compared to State of Jharkhand. The Committee then asked the witnesses to clarify the position in this regard. To this, Secretary, DVC stated as follows:—

“Whatever has been placed here is a fact that the number of schemes taken up in Jharkhand side is more. One reason could be that the office is in Jharkhand side. But we once owe it to the project to balance the investments on both sides (of the Damodar river).....

We will ensure that there is equality of investment.”

4.5 In a subsequent written note, the Ministry of Power stated as follows:—

“The total land acquired for construction of Panchet Dam was 21208 acres. The number of families affected was 7365. DVC had assured provisions for Roads, Water Supply, Community Centres etc. to the rehabilitated townships, if the land losers opt for

alternative land for their lost houses. However, since almost all land losers opted for cash compensation in lieu of alternate land, such assured facilities have no relevance now. However, under the Social Integration Programme at Panchet, a total of 51 villages (26 Nos. in Jharkhand & 25 Nos. in the State of West Bengal) have been adopted. The details of facilities of education, road construction, drinking water, homeopathic treatment etc. completed upto March 2002 is Annexed. (Appendix I).

The DVC in a written note stated that:—

“As per DVC Policy on SIP, the facilities are extended to all villages within 10 km radius of the project site. The limitation of distance of 10 km radius cannot be changed as it is against the existing DVC Policy applicable to all its projects. The funds for taking up SIP schemes in different projects is also limited to 1-2% of preceding year’s profit generated.”

4.6 In the written note, the Ministry of Power furnished the amounts spent under Social Integration Programme (SIP) for District Dhanbad (Jharkhand) and District Purulia (West Bengal) under DVC Panchet Project for the last five years as follows:—

Year	SIP allocation for Panchet project (Rs. in lakh)	Expenditure for Panchet Project (Rs. in lakh)		Total (Rs. in lakh)
		Purulia(WB)	Dhanbadd	
1997-98	41.00	13.62	17.02	30.64
1998-99	13.10	3.41	8.17	11.58
1999-2000	12.00	—	6.42	6.42
2000-01	12.00	—	11.54	11.54
2001-02	37.34	20.04	11.17	31.21

4.7 In their written note, the Ministry of Power also assured that steps are being taken by DAC to make the SIP allocation/expenditure in respect of Panchet Dam equitable between Purulia (West Bengal) and Dhanbad (Jharkhand) both falling under the DVC Panchet Project.

4.8 On the question of payment of compensation and employment to the land losers of Panchet Dam Project; DVC HRD Department, Kolkata in a written note submitted as follows:—

“DVC Panchet dam was one of its first dam constructed for which land was acquired in 1950’s. At the time of land acquisition all the affected families numbering 3,178 and 10,339 have been provided



with compensation at Panchet in the form of cash for houses and cash for land respectively. During construction phase for the project land losers and other local people were engaged in work charged establishment in DVC. A total number of 4862 (4,598 numbers in unskilled category and 264 number in skilled category) were engaged at Panchet under work charged establishment. On completion of the construction, all the willing persons amongst them were regularised in DVC service. During 1977, a policy was adopted to provide employment in DVC to those land losers who could not avail the facilities earlier for engagement under workcharged establishment. Accordingly, a total number of 102 persons were empanelled for consideration of giving employment as per quota earmarked for displaced persons against regular vacancies. So far 75 numbers out of them have been already provided employment and 18 numbers are still awaiting for employment (9 numbers were disqualified since they were not meeting the required criteria). The Panchet Project being very small its further employment potential is very limited and currently there is no vacancy in unskilled category."

4.9 As regards the demands of the petitioners for soil conservation/afforestation programme; Lift Irrigation System; construction of a bridge over Utlā river and self employment programme for villagers; the DVC HRD Department Kolkata submitted that:—

"Under the afforestation programme, an official of the Soil Conservation Department is posted at Panchet Project and regular afforestation and beautification work is undertaken through engagement of contractors for such works.

Regarding Lift Irrigation System, DVC may consider, if any, specific proposal is received from the respective State Governments.

Construction of bridge over Utlā River and self employment programme of the affected villagers can be considered by DVC if the proposals are received by the Committee which finalise the yearly SIP Schemes in consultation with the District Administration and local people/Panchayat."

4.10 On the issue connected with the acquisition of specific piece of land for the purpose of construction of Maithon Reservoir; the Ministry of Power in their written note dated 30th September, 2002 stated as follows:—

"The issue relates to land acquisition case No. 13/1955-56. As per DVC's records, DVC had acquired 772.58 acres of land belonging to Sahraj Village, P.S. Lodha, District Santalparagana (now Dumka) and an amount of Rs. 7,06,895/- has already been paid by DVC to District Authorities on 30.3.1955 towards full compensation of the total land of Sahraj village.

Regarding service to land losers, it is submitted that the Hon'ble Supreme Court has frozen a list of 789 persons in respect of Maithon Project land losers. As per the Court Order, no inclusion/exclusion can be made to this frozen list of 789 empanelled persons. Out of these 789 persons, 205 persons have already been given employment and balance 584 are yet to be considered for employment. As per records available with DVC, the monetary compensation given to the District Authority by DVC has been distributed to the concerned land losers long time back in accordance with the procedure of the District Authorities."

#### OBSERVATIONS/RECOMMENDATIONS

4.11. The Committee note that the DVC Panchet Dam is one of the first dams of this Corporation, for which land had been acquired in 1950's. The total land acquired for construction of Panchet Dam is 21208 acres. The number of actually affected land losers families are 7365. During the construction phase for the Panchet Project, the affected land losers and other people had been engaged in Workcharged Establishment in DVC. A total number of 4862 persons had been engaged at Panchet in Workcharged Establishment. On completion of the construction work, all the willing persons amongst the land losers had been regularised in DVC service. DVC also adopted in 1977, a policy to provide employment to those land losers who could not avail the facilities provided earlier for engagement under Workcharged Establishment. Accordingly, a total number of 102 persons had been empanelled for consideration of giving employment against regular vacancies in land losers category. So far 75 numbers out of them have been provided employment and 18 numbers are still awaiting for regular employment in DVC. The Committee trust that the remaining 18 persons are given regular employment in DVC, expeditiously.

4.12. The Committee also note that at the time of land acquisition for Panchet dam, the affected families numbering 3,178 and 10,339 have been provided with compensation in the form of cash for houses and cash for land, respectively. Furthermore, DVC assured the land losers provisions for roads, water supply, community centres etc., to rehabilitate townships, if the land losers opted for alternate land for their lost houses. Accordingly, DVC adopted 51 villages within 10 Kms. radius of project site under the Social Integration Programme (SIP) at Panchet for extending facilities of education, roads, water supply etc. Out of these 51 villages, 26 villages are in State of Jharkhand and 25 villages are in State of West Bengal.

4.13 The main contention of the petitioners belonging to State of West Bengal is that they have lost almost all-cultivable lands for the Panchet Dam Project but DVC has not extended them the required facilities under the Social Integration Programme. The petitioners have requested that facilities of education, road, drinking water, treatment, self-employment may be provided to the right bank of the Panchet Dam by withdrawing the limitation of 10 Kms radius under SIP. The petitioners also demanded for lift irrigation system and afforestation/soil conservation works in their area.



4.14. In this context, the Committee note that under the Social Integration Programme (SIP) for district Dhanbad in State of Jharkhand and district Purulia in State of West Bengal, the allocation of funds have been lopsided. During 1997-98, under SIP, the Purulia district had been allocated Rs. 13.62 Lakhs and district Dhanbad allocated Rs. 17.02 Lakhs. In 1998-99 for Purulia district, SIP funds amounted to Rs. 3.41 Lakhs and 8.17 Lakhs for Dhanbad District. During 1999-2001, no funds had been allocated to the district Purulia, whereas the Dhanbad district received a total of Rs. 17.96 lakhs under SIP. However, the SIP allocation for 2001-2002 is Rs. 20.04 lakhs for Purulia District and Rs. 11.17 lakhs for Dhanbad District, presently.

During the course of oral evidence before the Committee, the representative of the Ministry of Power has accepted that the number of scheme under SIP have been more in the Jharkhand side of the Panchet Dam. Subsequently, in a written note, the Ministry of Power have also assured that steps are being taken by DVC to make the SIP allocation/expenditure equitable between Purulia (West Bengal) and Dhanbad (Jharkhand) both falling under the DVC Panchet Project. The Committee, therefor, recommend that appropriate measures are taken to provide the required facilities of roads, water supply, health treatment, education etc., upto the satisfaction of the families affected by the construction of the Panchet Dam in Purulia Distict (West Bengal).

4.15 On the demand of the petitioners for soil conservation/afforestation work in the right bank of the Damodar river; the Committee are informed that an official of the Soil Conservation Department is posted at Panchet Project for afforestation and beutification works in the area. The Committee recommend that periodic and regular checks are carried by the appropriate Governmental authorities so as to ensure completion of proper soil conservation and afforestation works at Panchet Dam Project.

4.16 On the demands of the petitioners for Lift Irrigation System; construction of a bridge over Utla river and Self-employment programme; the Committee are informed that the Lift Irrigation System can be provided, if a proposal is received from the concerned State Government and the bridge at Utla river and a Self-employment Programme can be considered under SIP in consultation with the District Administration and local people/panchayat. In this regard, the Committee are, therefor, of the firm view that the Ministry of Power should impress upon the State Government of West Bengal about the necessity for the Lift Irrigation System; bridge at Utla river and Self-employment programme for the land losers at Panchet. The Committee recommend that concerted efforts are made to provide the required benefits/facilities to the project affected people of the Panchet Project of DVC on humanitarian grounds.

4.17. The Committee note that DVC acquired 19.48 acres of land for the construction of Maithon Reservoir in Jharkhand *vide* L.A. case No. 13/1955-56. However, the petitioners have contended that proper compensation and employment has not been given to the land losers or their heirs. The Committee are deeply perturbed to note that Project Affected People of Maithon Project have not been duly compensated in the form of employment. Although, an amount of Rs. 7,06,895/- had been given to District Authority by DVC for distribution to the land losers, the petitioners have expressed their unhappiness over the monetary compensation to the land losers. The Committee note that as per Supreme Court's Order, a list of 789 persons has been fixed or frozen. However, out of these 789 persons only 205 persons have been given employment so far. 584 persons are yet to be considered for employment by DVC. The Committee would, therefore, urge the Government to take a sympathetic view and give the requisite employment to the remaining 584 persons in DVC within a specific time-frame.



## CHAPTER V

### ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTEENTH REPORT ON THE REPRESENTATION REGARDING PROBLEMS OF THE RAILWAY PASSENGERS OF INDRABIL RAILWAY STATION SITUATED ON ADRA-KHARAGPUR SECTION IN SOUTH EASTERN RAILWAY

5.1. The Committee on Petitions in their Thirteenth Report (Thirteenth Lok Sabha) presented to Lok Sabha on 14th March, 2002 had dealt with a representation regarding problems of the railway passengers of Indrabil Railway Station situated on Adra-Kharagpur Section in South Eastern Railway.

5.2. The Committee had made their observations/recommendations in the matter and the Ministry of Railways (Railway Board) were requested to implement the recommendations and furnish their action taken notes for the consideration of Committee.

5.3. Action taken notes have been received from the Ministry of Railways (Railway Board) in respect of all the recommendations contained in the Report.

5.4. The Committee will now deal with action taken by Government on some of their recommendations.

5.5. In paragraph 3.13 of the Thirteenth Report (Thirteenth Lok Sabha) the Committee recommended as follows:—

“The Committee note that the earnings from passenger traffic at Indrabil Station is Rs. 10.05 lakhs per annum. As the earnings from passenger traffic is less than Rs. 1 crore per annum, Indrabil station is classified as an ‘E’ category station. Such ‘E’ category stations are to be provided with rail level platforms only. However, during on-the-spot study visit by the Committee, the officials of South-Eastern Railway have assured that the work relating to raising of the existing rail level to the correct rail level height would be taken up shortly. The officials of the Ministry of Railways (Railway Board) also during oral evidence, have assured raising the platform to the revised level by March, 2002”.

5.6. In their action taken note, the Ministry of Railways (Railway Board) have stated that consequent to CTR works, the level of platform at Indrabil has been raised to Rail level.

5.7. In paragraph 3.14 of the Thirteenth Report (Thirteenth Lok Sabha) the Committee recommended as follows:—

“The Committee have also been informed by the officials of South-Eastern Railway that the daily average passenger dealt at Indrabil Station are 223 and maximum of 105 at a time. As against the requirement of platforms shelter of 29 square metres as per norms, no platform shelter is available. However, a waiting hall of an area of 76 square metres has been provided as against a requirement of 68 square metres as per norms. However, the provision of platform shelter will be considered in the works programme of 2002-2003 subject to availability of funds.”

5.8. In their action taken note, the Ministry of Railways (Railway Board) have stated that a work for providing 304 square metres of platform shelter at Indrabil station has been approved. Tender for the same is under finalisation.

#### OBSERVATIONS/RECOMMENDATIONS

5.9. The Committee note with satisfaction that with their intervention the level of platform at Indrabil Railway Station has been raised to Rail level. The Committee also note that the work for providing 304 square metres of platform shelter at Indrabil station has been approved and tender for the same is under finalisation. The Committee express their desire that the tender may be finalised without any further loss of time.

5.10. In paragraph 3.15 of the Thirteenth Report (Thirteenth Lok Sabha), the Committee recommended as follows:—

“The Committee have been informed that the existing Foot Over Birdge connects both the platforms at Indrabil Station as well as the station building. The present level of traffic does not warrant extension of Foot Over Bridge to the other side. It has also been further added that the approach road to the station is under construction by the State Government for which permission for working in Railway area has been granted. In this context, the representatives of the Ministry of Railways (Railway Board) have also assured that they would coordinate with the State Government on providing Foot Over Birdge to the other side of the bridge.”

5.11. In their action taken note, the Ministry of Railways (Railway Board) have stated that the work on approach road to the station has been completed (WBM Road) by the State Government of West Bengal.

In view of the existing adequate arrangement and the present passenger traffic, extension of Foot Over Bridge to the other end of the yard is not justified. However, this work can be taken up by the Railway on Deposit terms, if the cost of the same is fully borne by the State Government of West Bengal or a Local Body.



**OBSERVATION/RECOMMENDATION**

5.12. The Committee note with satisfaction that the work on approach road to the station has been completed (WBM Road) by the State Government of West Bengal. The Ministry of Railways (Railway Board) have stated that keeping in view the existing adequate arrangement and the present passenger traffic extension of Foot Over Bridge to the other end of the yard is not justified. However, this work can be taken up by the Railway on Deposit terms, if the cost of the same is fully borne by the State Government of West Bengal or a Local Body. The Committee, therefore, recommend that the Ministry of Railways (Railway Board) may consult/coordinate with State Government of West Bengal or a suitable Local Body with a positive perspective in mind for extension of Foot Over Bridge to the other side of the bridge. The Committee desire that a Foot Over Bridge of suitable length may be provided in Indrabil Station in due course.

**CHAPTER VI**  
**REPRESENTATION REQUESTING FOR PAYMENT OF ARREARS**  
**OF REVISED PENSION TO SHRI Y.K. MESHAM, PENSIONER**  
**(TELEPHONES)**

6.1 Shri Yashwant K. Meshram from Jaripatka, Nagpur in his representation dated 24 January, 2002 addressed to Chairman, Committee on Petitions, had stated that he was selected from the outsider quota of Technician Batch, being SC candidate. He underwent training w.e.f. 20.6.1955 to 19.12.1955 prior to his appointment for the post of Technician on 15.2.1956. He retired on 31.1.1986 from the post of Technical Supervisor on attaining age of Superannuation. However, on receipt of copy of pension sanctioned, he noticed that his qualifying total service was counted for pensionary purposes for the period of 29 years 11 months 5 days *i.e.* from the date of appointment till retirement ignoring the period of training for six months *w.e.f.* 20.6.1955 to 19.12.1955. An objection was raised by him to count the period of training for pensionary benefits in addition to qualifying service as cited above. This matter was then, referred by DMT, Nagpur to DGT, New Delhi and he was assured that revision of pension will be taken up after the receipt of orders for implementation of the IV Pay Commission report. But no action was taken. He, therefore, requested to examine the long pending matter and to make payment of arrears of revised pension.

6.2. The Ministry of Communications (Department of Telecom) with whom the matter was taken up have *vide* their U.O. dated 27 June, 2002 furnished their comments intimating *inter-alia* that after adding the training period of 5 months 29 days to qualifying service, the pension and family pension of Shri Y.K. Meshram, Ex. Telephone Supervisor has been revised *w.e.f.* 1.1.1996 @ Rs. 2080/- and Rs. 1392 respectively.

6.3 The Committee note with satisfaction that through their intervention, the main demand of the petitioner has been met.

NEW DELHI;  
1 November, 2002  

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10 Kartika, 1924 (Saka)

BASUDEB ACHARIA  
*Chairman,*  
*Committee on Petitions.*



**LIST OF COMPLETED WORK UPTO MARCH 2002 UNDER SIP  
PANCHET**

S. No.	NAME OF WORK	NAME OF VILLAGE	No. OF ITEM
1	2	3	4
<b>IN THE STATE OF JHARKHAND</b>			
01.	Construction of New Well	1. Butbari	1 No.
		2. Nepura	2 Nos.
		3. Ledaheria	1 No.
		4. Baidyanathpur	2 Nos.
		5. Banda	1 No.
		6. Samlapur	1 No.
		7. Sonabad	1 No.
		8. Daldali	1 No.
		9. Laldih	1 No.
		10. Valka & Hot Kund	2 Nos.
		11. Sandmara	2 Nos.
		12. Urma	1 No.
		13. Luchibad	1 No.
		14. Nutandih	1 No.
			<hr/> 18 Nos.
02.	Renovation of Drinking Water Well	1. Butbari	3 Nos.
		2. Kastabad	2 Nos.
		3. Laldih	1 No.
		4. Valka	5 Nos.
		5. Nepura	6 Nos.
		6. Khairkiari (NR. School)	4 Nos. 1 No.
		7. Sonabad	1 No.
		8. Samlapur	1 No.
		9. Beldanga	2 Nos.
		10. Urma & Harijan Tola	1 No.
		11. Nutandih	1 No.
		12. Kharodih	1 No.
		13. Benagoria	1 No.
		14. Rangamatia	1 No.
		15. Talberia	1 No.
		16. Gwaldih	1 No.
		17. Banda	1 No.
		18. Samlapur	1 No.
		19. Kharodih	1 No.
			<hr/> 35 Nos.

1	2	3	4
3.	Construction of Homoeopathic Dispensary	1. Khairkiari	1 No.
4.	Construction of Night School	1. Kastabad 2. Laldih	1 No. 1 No. <hr/> 2 Nos.
5.	Construction of Cummunity Centre	1. Nepura 2. Nepura (Bouritola) 3. Urma 4. Banda 5. Valka 6. Baidyanathpur 7. Sonabad 8. Guliardih 9. Baidyanathpur (Harijan Tola) 10. Kharodih 11. Butbari	1 No. 1 No. 1 No. 1 No. 1 No. 1 No. 1 No. 1 No. 1 No. 1 No. 11 Nos.
6.	Construction of Sewing Trg. Centre	1. Benagoria	1 No.
7.	Renovation of Communit Centre	1. Nepura (Club & School) 2. Benagoria 3. Nepura (RCC Existing Library)	1 No. 1 No. 1 No. <hr/> 3 Nos.
8.	Construction of school Building	1. Daldali Primary School 2. Patlabari Pmry. School 3. Beldanga Pmry. School 4. Banda (Madarsa) 5. Mukundih Pmry. School 6. Kusumdah Pmry. School 7. Mission School Panchet 8. Vivekanand School Rampur 9. Janardhadih School 10. Gogra School	2 Room with Varandah 2 Room with Varandah 2 Room with Varandah 2 Room with Varandah 2 Room with Varandah 2 Room with Varandah 2 Room with Varandah 2 Room with Varandah 1 Room with Varandah 2 Room with Varandah



1.	2	3	4
		11. Kartal Pmry. School	2 Room with Varandah
		12. Benagoria Middle School	2 Room with Varandah
			23 Nos.
9.	Construction of Boundary Wall	1. Construction of Boundary Wall at Ramanand School Chanch 2. Constn. of Boundary wall at Khokharapahari-220 mt.	
10.	Renovation of School Building	1. Two Class Room & Boundary Wall at Beldanga 2. Front Wall of Primary School at Khairkiary 3. Middle School at Urma Village 4. Two Room & Varandah at Nepura Village 5. Primary School at Khokhapahari including Varandah 6. Rural Club at Benagoria 7. Primary School with Varandah at Benagoria Village 8. 06 (Six) Class Room Including Varandah of Jagriti School at Khokhrapahari Village 9 03 (Three) Class Room with Varandah of Ramanand School At Chanch Village	

**LIST OF COMPLETED WORK UPTO MARCH, 2002 UNDER SIP  
PANCHET**

- |   |   |
|---|---|
| 1. Construction of Road                   | <ul style="list-style-type: none"> <li>1. WBM Road at Butbari Entire Tola</li> <li>2. WBM Road from Valka to Laldih Entire Village</li> <li>3. WBM Road at Beldanga Entire Village</li> <li>4. WBM Road at Patlabari Village</li> <li>5. WBM Road at Entire Village of</li> <li>6. WBM Road at Benagoria on Embankment</li> <li>7. WBM Road at Urma on Embankment</li> <li>8. Black Top Road From Main Road to Kastabad Entire Village</li> <li>9. Black Top Road and Side Protection Road at Nepura from zero point to entire Banda Basti</li> <li>10. Black Top Road at Kharadih Entire Village</li> <li>11. Black Top Road at Benagoria</li> <li>12. Black Top Road at Daldali Village</li> <li>13. Silica Bricks set Cement Mortar</li> <li>14. Concrete Road at Baidyanathpur Entire Village</li> <li>15. Concrete Road at Khairkiary Entire Village</li> <li>16. Concrete Road at Gwaldih Entire Village</li> <li>17. Concrete Road at Mükundih Entire Village</li> <li>18. Constn. of Road at Banda village-1.5. k.m.</li> </ul> |
| 2. Construction of Embankment             | 1 Urma  |
| 3. Construction of Hot Spring (Kund)      | 1 Valka   |
| 4. Renovation of hot Water Spring Kund    | 1 Baidyanathpur   |
| 5. Construction of Drain and Bathing Ghat | 1 Banda(Drain)  |



6. Construction of Culver	1. Urma	1 No.
	2. Daldali	1 No.
	3. Talberia	1 No.
	4. Patalabari	2 Nos.
		<hr/> 5 Nos
7. Micro Lift Irrigation Wit Pump Set	1. Sonabad	1 No. Set
	2. Khutiyadih	1 No. Set
	3. Samlapur	1 No. Set
	4. Urma	1 No. Set
	5. Talberia	1 No. Set
	<hr/> 5 Sct	
8. Provided Pump Set	1. Laldih	2 Nos.
	2. Khutiyadih	2 Nos.
	3. Urma	1 No.
	4. Nepura	1 No.
	<hr/> 6 Nos	
9. Reparation of Foot ball Ground with Goal Post	1. Banda	1 No.
	2. Sonabad	1 No.
		<hr/> 1 No.
10. Constn. of Pond.	1. Daldali	2 Nos.

**IN THE STATE OF WEST BENGAL**

1. Construction of Well	1. Salkanali	1 No.
	2. Nadiya	1 No.
2. Renovation of Well	1. Maheshnadi	4 Nos.
	2. Ranipur	1 No.
	3. Sarbari	1 No.
	4. Vadurdanga	2 Nos.
	5. Adharpur	1 No.
	6. Dhatitadanala	1 No.
	7. Lalpur	1 No.
	8. Nimdanga	1 No.
	9. Deliya	1 No.
3. Construction of School Building	1. Maheshnadi	1 Room
	2. Rampur	6 Room
	3. Agibari	2 Room
	4. Ranipur	4 Room
	5. Nadiya	2 Room
	6. Guniyara	4 Room
	7. Deliya	2 Room
	8. Ramkanali	2 Room

4. Renovation of Pond	1. Puajur	3 Nos.
	2. Khedadanga	1 No.
	3. Chitgoria	1 No.
5. Construction of Culver	1. Maheshnadi	1 No.
6. Construction of Road	1. Maheshnadi	0.6 Km.
	2. Narayanpur	2.9 Km.
7. Construction of Boundary Wall	1. Maheshnadi	45 Mtr.

**SCHEDULE OF THE VILLAGES PANCHAYAT-WISE OF PANCHET  
PROJECT UNDER JHARKHAND**

Panchet	1. Benagoria	1. Banda
		2. Nepura
		3. Sonabad
		4. Benagoria
		5. Beldanga
		6. Rangamatia
		7. Patlabari
		8. Talberia
		9. Gwoladih
		10. Kharodih
		11. Kastabad
		12. Valka
		13. Butbari
		14. Laldih
	2 Dumurkunda	15. Baidyanathpur
		16. Khairkiyari
	3 Khokarapahari	17. Ledaharia
		18. Guliardih
		19. Khokarapahari
		20. Nutundih
	4 Urma-Daldali	21. Urma
		22. Katral
		23. Khutiyadih
		24. Mukundih
		25. Daldali
		26. Samlapur



## UNDER WEST BENGAL

Panchet  
Bank)

- (Right-27. Maheshnadi  
28. Puapur Mouza  
29. Ranipur  
30. Neemdanga  
31. Vadur Danga  
32. Bouripara  
33. Chitagoria  
34. Khedadanga  
35. Dhatidanga  
36. Lalpur  
37. Benipur  
38. Salkandi  
39. Charmara  
40. Deliya  
41. Barasadi  
42. Kaliasuta  
43. Adharpur  
44. Narayanpur  
45. Sarbari  
46. Dubeswari  
47. Kiya Kanali  
48. Bhimbari  
49. Girijeta  
50. Saheb Danga  
51. Nadiya