

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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CASE No. 1 of 1999

In the matter of
Determination of tariff applicable to various categories of consumers
of Maharashtra State Electricity Board.

Shri P. Subrahmanyam, Chairman
Shri Jayant Deo, Member
Dr Pramod Deo, Member

CLARIFICATORY ORDER

Dated: April 21, 2003

In its Order dated 5th May, 2000 in Case No.1 of 1999 regarding the determination of the tariff applicable to consumers of the Maharashtra State Electricity Board (MSEB), the Commission had directed, inter alia, that no recruitment be done for positions falling vacant in Pay Groups III and IV by MSEB. The Commission also stated its broad agreement with the recommendations of the Rajadhyaksha Committee and directed MSEB to implement the decisions approved by the Government in this regard in the next two to three years. In particular, the Commission directed MSEB to carry out industrial engineering studies in this connection, as recommended in the Rajadhyaksha Committee Report. The context, objectives and rationale for these directives have been set out in the Order. Moreover, the report of the National Productivity Council, submitted by MSEB to the Commission subsequently, shows, on various comparative indicators, the number and proportion of Group III and IV employees in MSEB to be high in relation to other Electricity Boards.

2. It has come to the Commission's notice, through the letter dated 25.2.2003 from the Minister of State (General Administration), Government of Maharashtra, by MSEB under their letter dated 11.12.2002, and other communications that the Commission's directives restricting

recruitment to Group III and IV posts have been interpreted as preventing MSEB from filling the backlog of vacant posts reserved for backward classes, inspite of State Government orders from time to time.

3. Apart from the fact that reservation of posts in public employment for backward classes has been mandated under Articles 15, 16, 46 and 335 of the Constitution, the concept of 'backlog' in respect of posts reserved for the backward classes is not related to current vacancies, but to the vacancies remaining unfilled in previous recruitment exercises. As clarified by the State Government under General Administration Department's Circular No. BCC-2002/1306/16-B dated 2.1.2003, such backlog is in the nature of vacancies carried forward from previous recruitment exercises, and which could not be filled at that time in accordance with the prescribed roster for want of suitable candidates.

4. In view of the position set out above, the Commission deems it necessary to clarify through this Order that its directives restricting recruitment in Groups III and IV of MSEB does not apply to recruitment to fill the backlog of posts reserved for backward classes to the extent of the vacancies carried forward upto 5.5.2000, i.e. the date of the Commission's original Order, since such vacancies have been carried forward from recruitment exercises which predate that Order. However, this would be subject to the condition that the total number of employees in Groups III and IV as on 5.5.2000 would not be exceeded as a result.

5. The determination of the backlog of posts reserved for the backward classes upto 5.5.2000 should be done strictly in accordance with the definition of such backlog contained in the State Government Circular dated 2.1.2003 referred to above. MSEB should furnish to the Commission the category-wise number of vacant posts constituting the backlog to be filled by recruitment as on 5.5.2000, along with the financial implications of filling them, within a month for information.

Sd/-
(Shri Jayant Deo)
Member

Sd/-
(Dr Pramod Deo)
Member

Sd/-
(P. Subrahmanyam)
Chairman, MERC

(A.M. Khan)
Secretary, MERC