(A0)

has been no violation of the constitutional or any other legal provision in making selection and [illegible] of migrant Scheduled Caste candidates against the quota reserved for Scheduled Castes in the post of Selection Grade [illegible] The [illegible] the Chairman [illegible] the final [illegible] [illegible] and the 12 [illegible] [illegible]

2. The [illegible] [illegible] judgment and order [illegible]

[illegible]

...

[illegible]

SUPREME COURT

[illegible]

[illegible]

[illegible]

Suresh Chandra Sharma — Petitioner

Versus

Chairman [illegible] & Ors. — Respondents

Subject — Transfer and posting — Interference with autonomous functioning of Board now the Appellant — Supreme Court issued directions and undue interference.

[illegible] imperative necessity [illegible] arrangements carried out by the facts. Considering that the transfers are likely to be made in a couple of months time, [illegible] steps are needed to be taken. We therefore, direct as follows:

1. No Minister of the State of U.P. nor any Government officer has [illegible] in any of the [illegible] mentioned above.

2. All postings/transfers of the officers/staff of the aforesaid Corporation shall be monitored by an independent committee consisting of the following persons:

(i) Shri S. Venkatramanan, IAS (Retd. Former Chairman, National Power Finance Corporation), as Chairman;

(ii) A member of the U.P.S.C. to be nominated by the Chairman of U.P.S.C.;

(iii) A nominee of the Chairman of the Central Electricity Authority;

(iv) A nominee of the Comptroller and Auditor General; and

(v) A nominee of the Central Vigilance Commission.

[illegible] shall of the [illegible] should, [illegible] be placed [illegible] committee [illegible] approve [illegible] in the guidelines [illegible] IAS of the Paper Book.

3. Not [illegible] posting which is disapproved by the said Committee shall be made by the Board of Directors [illegible] the aforesaid high Dignitaries.

4. The Committee shall make a report to this Court containing its observations with regard to the transfers/postings of officers and staff [illegible] made for the year 2005, after all such cases have been considered and decisions thereupon taken.

The Chairman, Union Public Service Commission, the Chairman, the Central Vigilance Commission shall appoint one nominee each to be a member of the Independent Committee referred to in paragraph 2 of this order. The said nominations shall be made within a period of 3 weeks [illegible] a copy of this order.

[Paras 8 and 9]

Counsel:

[illegible] Advocate, [illegible] Advocate [illegible] Engg. [illegible] Kumar Sharma, [illegible] Kumar [illegible] B.K. Prasad, Advocates [illegible] Respondents.

Order

N. Santosh Hegde, J.— [illegible] Subramanian, J.— [illegible] Special Committee came to be [illegible] investigations into [illegible] indicated in the order. The said Powered Committee was initially headed by Shri S. Venkatramanan (IAS) Retd. Former Chairman, National Power Finance Corporation, [illegible] Shri P.K. Kaul former Cabinet Secretary to the Government of India. The Expert Powered Committee hereinafter referred to as the "Kaul Committee" with the expert advice and assistance of M/s. Central Power Research Institute, Bangalore and Indian Institute of Management, Lucknow made an in-depth investigation into the areas of reference and produced a Report in two volumes.

2. One of the issues on which the Kaul Committee had adversely commented is that transfers and postings of officers and staff are not made in the State Electricity Board in transfer policy of officers of the State Government (see at page 45, Volume IA of the Paper Book) are supposed to be the transfer policy of such officers of the Board also but have been observed in breach. The State Government has power under the Electricity [illegible] Board [illegible] State [illegible] [illegible] the Electricity Board [illegible] identified [illegible] [illegible]

[illegible] Corporation Limited [illegible] Limited [illegible] Limited [illegible] Vidyut [illegible] and [illegible] Nigam [illegible] Thermal generation [illegible] Ltd. [illegible] Vidyut Nigam Limited. All these companies are Government companies, though under the provisions of the Electricity Act, not independent bodies subject only to the directions of the State Government [illegible] matters of general [illegible]

4. That there has been large scale interference with the autonomous