

**CONFIDENTIAL**

No.GAD/V/HO/Enquiry/0212  
Maharashtra State Electricity Board.  
Hong Kong Bank Building, Fort,  
Bombay-400023  
19<sup>th</sup> January 1983.

**CIRCULAR**

**Sub-** conducting departmental enquiries of deputy Executive Engineer and officers of equal rank .

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recently one of the field offices has raised a Query as to whether the Deputy Establishment officer working in the Enquiry Cell, head office, Bombay can conduct departmental enquiries against the Deputy Executive Engineer and officers of the equal rank or otherwise ,particularly in view of the recent revision of the pay - scale of the Board's technical employees as ordered under G.O. 111 (P) dt. 13 May 1982 .

in order to conduct departmental enquiries of the employees in pay Group – I of the rank of Deputy Executive Engineers, and below and also of the union leaders in pay Group - II ,III and IV, one post of Deputy establishment officer was created for Enquiry Cell in the head office, Bombay, Accordingly, the Deputy Establishment officer has been conducting the departmental enquiries against the Deputy Executive Engineers who were in the pay - scale of Rs- 700-50-950-EB-50-1200 prior to the revision of pay - scale of the Boards, employees. However , with the said revision of pay - scales of the subordinate Engineers, the pay - scales of Deputy Executive Engineer, is revised to Rs- 1275-65-2120. As per the revision of the pay-scales of the employees (excluding engineers) as ordered under G.O. 109 (P) dt.30.09.1981, the post of Deputy establishment officer carries the pay-scale of Rs 1250-60-2030. Thus, the Scale of pay of Deputy Executive Engineer is higher than that of the Deputy establishment officer. Therefore, the issue was examined to decide whether the Deputy establishment officer, in the Enquiry Cell head office, can still conduct the departmental enquiry against Deputy Executive Engineer and officers of the equal **rank or otherwise** in the light of the following decision of the Madras High Court in the case of Shridharan motor services V/S industrial Tribunal (1959 LLJ 380), the chairman as the matter of clarification, has instructed that in the cases of the disciplinary action against Deputy Executive Engineer and officers of the equal rank, the officer of the rank of the Executive Engineer equivalent or above should be nominated as Enquiry officer.

**The decision of the Madras High Court**

" Though the Punishing authority may appoint any person either from within or out of the establishment to hold the enquiry, if such person is sought to be appointed from within the establishment, the enquiry should be held by some one who is placed above the employee and not by a person holding the same or lower rank"

All the departmental head in head office and field are ,therefore, requested to finalise disciplinary action in such cases by appointing Enquiry officer locally and that they should not forward the same to the Enquiry Cell, Head office, Bombay,

These instructions should be followed scrupulously.



**Secretary .**

**Copy to:-**

**All Departmental Heads in Head Office & Field Offices**