
2. As per the said Transfer Scheme the personnel working in the erstwhile OSEB came under the control of GRIDCO and subsequently came under the control of CESCO (now CESU) on 25.08.1998. In the meantime according to the provisions of the GRIDCO Officer's Service Regulations, the Board of Directors of GRIDCO approved a scheme for Reimbursement of conveyance expenditure with certain terms and conditions subject to satisfaction of authority notified on 25.08.1998 which came into effect retrospectively from 01.01.1998. But the same scheme was not adopted by CESU where the Petitioner who are in the rank of Junior Engineers are presently working. The Petitioner hold it as violation of Electricity Reform Act, 1995 provision of which has been saved under Electricity Act, 2003 so also the violation of Section 133 of the Electricity Act. They prayed before the Commission to invoke Section 142 of the Electricity Act, 2003 for alleged violation of the said Act by CESU and GRIDCO
3. GRIDCO in its written submission has stated that the Electricity Act, 2003 was not in existence when the petitioners and other such employees were transferred to GRIDCO in the year 1996 and then to CESCO in the year 1998, therefore, question of violation of provisions of Sec. 133 of the Act, 2003 does not arise. GRIDCO in its written submission further submitted that the provisions of Sec. 142 of the Electricity Act, 2003 can not be invoked by the petitioners on the ground that their employer has not paid certain allowances which is allegedly assured to them under the Transfer Schemes 1996 & 1998. The Schemes so framed under the OER Act, 1995 or any scheme as envisaged u/S. 133 of the Act, 2003 are neither rules nor regulations within the meaning of the Act, 2003. So Section 142 can not be invoked for seeking any direction or penalty against GRIDCO or CESU as the case may be.
4. CESU in its written submission has stated that action to be taken u/S. 142 of the Electricity Act, 2003 is in the nature of contempt proceeding which empowers the Commission to take penal action against the person concerned for any violation of the direction given under the Act. The present case should have been filed by the petitioners u/S. 142 of the Act against the concerned person who has violated the Act. This having not been done, on this sole ground alone, the present petition is not maintainable and liable to be dismissed.

5. Further CESU has submitted that Sec. 133 of the Act inter alia relates to provisions relating to a transfer scheme to provide for transfers of officers and employees. The present case is a dispute between an employer and the employee with respect to grant of certain benefits. For adjudication of the dispute this Commission should not invoke the provision u/S. 142 of the Act, or any provision of the Act for that matter. Therefore the petition filed by the petitioners u/S. 142 & 133 of the Electricity Act, 2003 is not at all maintainable and liable to be dismissed.
6. After hearing the parties and perusal of the case record, the we conclude that it is actually a dispute between the employer and the employees regarding certain benefits which the employees have not availed under the Transfer Schemes, 1996 and 1998 framed under Sec. 24 of the OER Act, 1995 and also saved u/S. 185 (3) of the Electricity Act, 2003. Therefore, we decline to entertain this matter, since resolution of this type of dispute is beyond the jurisdiction of the Commission in the present scheme of the Act. However, the petitioners are at liberty to raise their grievances in the proper court of law.
7. The case is disposed of with the above observation.

Sd/-
(S. P. Swain)
Member

Sd/-
(B. K. Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson