

**GOVERNMENT OF INDIA
MINISTRY OF POWER**

**LOK SABHA
UNSTARRED QUESTION NO.1986
TO BE ANSWERED ON 05.05.2016**

PENSIONARY BENEFITS TO ELECTRICITY DEPARTMENT

1986. SHRI BISHNU PADA RAY:

**Will the Minister of POWER
be pleased to refer to the reply given to USQ No. 3022 dated 17 December, 2015
on "Mazdoors of Electricity Department of Andaman and Nicobar Islands" and to
state the progress made in giving retiral and pensionary benefits to those
mazdoors of the electricity department of the Islands?**

A N S W E R

**THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR POWER,
COAL AND NEW & RENEWABLE ENERGY**

(SHRI PIYUSH GOYAL)

**The proposal for giving retiral and pensionary benefit to 495
Mazdoors of Electricity Department of Andaman and Nicobar Islands for
compliance of order of Hon'ble High Court was taken up with Department of
Expenditure (Ministry of Finance), Department of Personnel & Training (DoP&T)
and Electricity Department of Andaman and Nicobar Islands for implementation of
the Hon'ble Court order.**

**A meeting on this issue was held in Department of Personnel &
Training, Ministry of Personnel, Public Grievances and Pensions on 08th February,
2016. DoP&T has observed that regularisation of casual labour can be done as
per the Scheme of 1993, which provides for regularizing the services of only those
Causal Labours who have been granted temporary status as per the Scheme. The
petitioners do not fulfil the criteria. The Hon'ble Supreme Court has held in many
cases that Courts do not have the jurisdiction to direct creation of posts.
Moreover, it is not possible to create posts with retrospective effect. Due to wide
ramifications of action taken by the A&N Administration, DoP&T has advised to
consult Ld. ASG on filing an SLP against the Hon'ble High Court's Order.
Accordingly, A&N Administration has been requested to take necessary action in
the matter.**
