

Paper-I -(AM/HR)-Model Solution

(Service, Rules and Regulations)

session/18

Ans. of Q.No.1(a)

Gross qualifying service

	Year	Month	Days
Date of Retirement	2018	03	31
Date of appointment	1982	04	28(27.4.82 AN i.e. from 28.4.82)
	35	11	04

Interruption in service

E.O.L. 25.2.92 to 15.4.92	0	01	20
1.4.15 to 2.5.15 (Dies non period)	0	01	02
Total interrupted period	0	02	22

Net Qualifying service

Gross Service	35	11	04
Less Interrupted period	0	02	22
	35	08	12

Half yearly's= $35 \times 2 + 1 = 71$ restricted to 66

PAY FIXATION

<u>Period</u>	<u>Pay Band+GP</u>	<u>Pay Band+GP</u>
	16650-39100+6850	16650+39100+8500
1.3.15	30850	
3.4.16(DNI extended Due to Dies non period)	31780	
1.4.17	32740	
27.7.17(promoted)	(32740)	35380
		(32740+990+1650)

Pay on his retirement on dated 31.3.2018 = Rs.35380/-

Basic Pension = $35380 \times 50\% = \text{Rs. } 17690/-$ PM

DCRG = $(35380 + 5\% \text{IR}) = 37149 + 49036.68$ (ADA @132%) = $86185.68 \times 66/4$
= 1422064/-

Maximum restricted to Rs.10,00,000/-

Commuted value = $(17690 + 5\% \text{IR}) = 18575 \times 30\% = 5572 \times 12 \times 8.371 = 559719/-$

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Paper-I- (AM/HR)-Model Solution
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Ans. of Q.No.2(a)

When an employee is suspended from his duties he is paid subsistence allowances while under suspension. This allowance is called subsistence allowance. It is granted @ 50% of the last pay drawn immediately before suspension.

Various Kinds of recoveries which can be made from subsistence allowances is as under:-

- i) Compulsory recoveries: Such as income Tax, House Rent recovery and any other kind of Taxes etc. These are obligatory recoveries to be made for subsistence allowance.
- ii) Optional Recoveries: Optional recoveries can be made only with the consent of officials. These are GPF subscriptions, GPF advances TA advances LIC premium Insurances premium etc.
- iii) Misc. Recoveries: These recoveries pertain to loans and advances. These recoveries can be postponed with the approval of competent authorities. These are House building advance, conveyance advance etc.
- iv) Other Recoveries: Such as excess drawl of pay and allowances. These recoveries can be made but the total recoveries should not 1/3th of total amount of subsistence allowances.

Ans. of Q.No.2(b)

As per appendix 7 of MSR Vol-II part following are the special casual leave admissible to the employees.

- i) Six days special casual leave for sterilization/ vasectomy operation.
- ii) Six days special casual leave for 2nd time if first operation is unsuccessful.
- iii) 14 days special leave to female to tubretomy operation.
- iv) One day special leave to female for loop insertation.

- v) Up to 30 days special casual to sportsman for participation in sports.
- vi) 10 days special leave to office bearers of association/ trade Unions leaders for attending meetings/conferences.

Ans. of Q.No.2(c)

The guidelines for proper implementation of new defined contributory scheme are as under:

1. Each DDO will ensure that all subscribers of CPF(NPS) have been allotted PRAN numbers. If PRAN has not been allotted to any employee, DDO will forward the S-I Form to the office of AO-NPS Head Office Patiala. A certificate in this regard shall be submitted by each DDO to NPS Section that all subscribers under their office have been allotted PRAN or S-I form of all employees have been filed & submitted.
2. While submitting the application form (S-I) for allotment of PRAN, It should be ensured that all columns of the form are properly filled in black Ink only. Un-attested photograph should be properly pasted on the form and one cancelled cheque should also be attached. Form S-I should be submitted in duplicate and only ONE COPY of S-I Form should be properly signed & stamped by the DDO Employee ID Nos. and DDO address should be mentioned on the back side of this signed copy. Instructions given on the last page of the form S-I should be properly followed.
3. While submitting the form S-2 for change correction in subscriber master detail and or reissue of I-Pin/T-pin PRAN card, instruction given on page 3 of the form should be properly followed.
4. It is clarified that employees who have been appointed by TRANSCO (PSTCL) after 16.04.2010 will get their PRANs allotted through AO/NPS, PSTCL (TRANSCO) only. But those employees who are currently working under TRANSCO and their process of recruitment was started during the erstwhile PSEB and they joined during the year 2010, will get their PRANs allotted through AO, NPS, PSPCL/PSTCL.

5. Where an employee has joined PSPCL/PSTCL after resigning from any other Govt. Department and PRAN has been issued to him/her from his/her previous employee, there is no need to apply for a new PRAN. Subscription may be deposited in his old PRAN and a proper note to this effect including detail of previous department should be given in the NPS schedule.
6. The amount of each financial year standing at the credit of 57.165 (employer share) & 57.160 (employee share) must be tallied since 1.1.2004, if there is any difference, same shall be rectified.
7. In case the recovery of amount of subscription from the salary of employee recruited on or after 1.1.2014 (whose PRAN No shall be allotted by NSDL) towards New Pension Scheme could not be started yet same shall be deducted with the current Month Subscription i.e. on subscription for Current Month and one additional of equivalent amount towards arrears.
8. Every DDO shall create an E-Mail ID. If the same has been already been created in respect of their office, in order to furnish the schedule register (in prescribed format in MS Excel) under NPS of those employees appointed on or after 01.01.2004 at ao-nps@pstcl.org/ao-nps@pspcl.in by 25th of every month to enable NPS section to deposit the CPF to NSDL.
9. DDO should ensure that correct PRAN (12 Digits) of each subscriber has been shown in the schedule. DDO is fully responsible for the subscription shown in the schedule by his office against incorrect PRAN/PRANs. It is advised to keep a photocopy of the PRAN card of each subscriber in the office.
10. The subscription under NPS is deposited with NSDL, Mumbai on the basis of the NPS schedules submitted by the DDOs. In case any less/excess subscription has been intimated by the DDO, the adjustment is to be made by the DDO at his own level in the NPS schedule of the next month. No revised schedule of NPS subscription for any month will be accepted.
11. The MPS schedule should be submitted only as per prescribed Performa in MS Excel and in soft as well as hard copy; NPS Schedule submitted in any other format/form will be rejected.

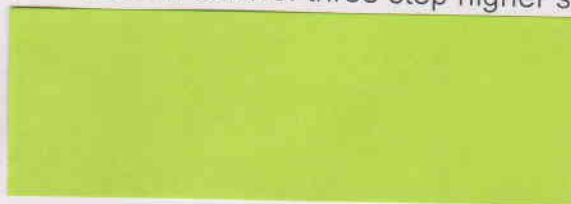
Ans. of Q.No.3

- (a) Conditions for grant of Deposit Link Insurance Scheme:-
1. The death of employee occurred during service.
 2. The employee has rendered five years' service at the time of death.
 3. The employee have maintained the following limits during the period of thirty six month immediately preceding the date of death.
 - i. 1st class officer Rs.4000/-
 - ii. 2nd class officers Rs.2500/-
 - iii. In the case of C class employee Rs.1500/-
 - iv. In the case of D class employee 1000/-
 4. He must be subscriber of GPF
- (b) As per Reg-8.40 of MSR Vol.1, Part-1, a corporation employee who remains absent after the end of leave is entitled to no leave-salary for the period of such absence and the period will be debited against his leave account as though it were leave on half pay unless his leave is extended by the competent authority. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Regulation 3.16. If the competent authority is satisfied that the employee could not join his duty due to reasons beyond his control, then he can sanction this period as leave of kind due.
- (c) In the light of Reg-37 (xi) of T.A. Regulations, only one of them (either husband or wife) whoever is eligible for higher amount, may claim Leave Travel Assistance in this case.
- (d) As per not 1 below Reg-16(6) of Erstwhile PSEB (PSPCL) Provident Fund Regulation, when a subscriber is dismissed, removed or retired prematurely or compulsorily from the services of the Corporation, but has appealed against his removal or dismissal or compulsorily

Retirement, the balance at his credit shall not be paid over to him until final orders confirming the decision is passed on his appeal. Interest shall, however, be paid on the balance up to the end of the month preceding that in which such orders are passed.

(e) As per Chief Admin and IR General Section-2 Memo No.67347/68847 Dated 27.9.2012 of PSPCL, higher status accommodation can be provided if there is no waiting list with the recommendation of House Allotment Committee concerned and approval of CMD with following conditions:-

- i) 10% of basic pay shall be charged as normal rent in case of one step higher than status accommodation.
- ii) 20% in case of two step higher status accommodation.
- iii) 30% in case of three step higher status accommodation.



(Service, Rules and Regulations)Ans. of Q.No.4(a)

As per Secretary, PSEB, Patiala memo No.1685/2335 dated 22.04.2002. In case of punishment of stoppage of increment to be effected in the last year just prior to the retirement, a lump sum amount equivalent to the unserved punishment shall be deducted from his pensionary benefits. So following amount shall be deducted as unserved punishment from the pensionary benefits of the employee:-

	<u>Basic Pay</u>	<u>Increment @ 3%</u>	<u>Total difference</u>
1 st Increment	40600	1220	1220X12=14640
2 nd Increment	40600+1220	1260	2480X12= <u>29760</u>
Total Basic Amount			44400
IR @5%			2220
DA@132 (44400+2220)			<u>61538</u>
Total deductible amount			<u>108158</u>

Ans. of Q.No.4(b)

PSPCL vide memo no.73430/73500 dated 8-10-2012 of CE/HRD PSPCL Patiala issued the instructions regarding child care leave for female employees which are as under:-

- 1) Female employees can avail one year (365 days) child care leave during whole service for minor children (below 18 years).
- 2) This leave can be given for maximum two children for their care during examination or illness. Proof for illness/examinations should also be submitted by the employee.
- 3) During this leave, leave salary as admissible during earned leave is admissible.


- 4) Child care leave can be taken in more than one spell which should not be more than three in a calendar year.
- 5) This leave cannot be sanctioned less than 15 days.
- 6) This leave is not admissible to full absent female employee.
- 7) Child care leave account is maintained on following Performa.

Period of child care leave taken		Balance of child care leave		Signature and designation of Head office/certifying officer.
From	To	Balance	Date	
(1)	(2)	(3)	(4)	(5)

- 8) Before availing the child care leave sanction of competent authority is required.
- 9) Competent authority can reject/cancel the child care leave in public interest.
- 10) Child care leave is not admissible to suspended employee, it is also not admissible to daily wage/work charged employee.



Ans. of Q.No.5

- a) As per 9.12 of MSR Vol I Part I if a corporations employee appointed to a new post while in transit from one post to another his joining time begins on the day following that an which he receives the orders. A Second period of Six days for preparation shall not be included in calculating/joining time of a Board employee. Whose appointment is changed while in transit Pay & Allowances during joining time.
As per 9.14 of MSR Vol I Part II the pay which an employee would have drawn if he had continued in the old post or the pay which he will draw on taking the charge of the new post whichever is less will be given, when joining time is availed after availing earned leave will be allowed pay as per leave salary drawn. In case of Remote locality then he will be allowed pay which he would have in remote locality. The joining time will be allowed only if the transfer is the public interest.
- b) As per Para No.18 appendix 9 of MSR Vol I Part II when an employee's quits the services after availing study leave, He will have to refund double the amount of leave salary, other expenses incurred by foreign employer, study allowance cost of fee TA etc. the study leave shall be cancelled and converted into regular leave/E.L. or if it is not due then leave of kind due.
- c) i) When an officer submitted his resignation he can withdraw the same within 90 days from the date of resignation but he must submit his request 30 days before the competition of 90 days period in this case he has submitted his request after 80 days, he is not allowed to withdraw his resignation but competent authority can consider his request for withdrawal of resignation on the basis of merit of case.
- ii) Half pay leave is always calculated on the basis of length of service @ 20 days for each year service. The action of authority to exclude the E.L. Period is not in order.
- iii) At the time of first appointment when a female is under pregnancy she will be declared temporarily unfit for service. After pregnancy she will join on duty after getting medical fitness certificate.
- iv) Casual leave is not a regular kind period of leave. Hence it cannot be combined with any kind of leave under regulation 8.47/8.49 Vol I Part I. Casual leave is allowed in case of unforeseen exigencies. The same cannot be combined with any kind of leave.
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Ques no. 1

(a)

Private Trade or Employment

- (1) As per the provisions of "Employee Conduct Regulation", No employee shall, except with the previous sanction of the Corporation engage directly or indirectly in any trade or business or undertake any other employment. Provided that a employee may, without such sanction, undertake honorary work or social or charitable nature or occasional work or a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer: but he shall not undertake, or shall discontinue such work if so desired by the Corporation.

Provided further that if the undertaking of any such work involves holding of any elective office, he shall not seek election to any such office without the previous sanction of the Corporation. Canvassing by a employee in support or the business of insurance agency, commission agency etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this Sub-Regulation.

- (2) Every Board employee shall report to the Corporation if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- (3) No Board employee shall, without the previous sanction of the Corporation, except in the discharge of his official duties, take part in the registration, promotion or management or any bank or other company which is required to be registered under the Companies Act or any other law for the time being in force or any co-operative society for commercial purposes. Provided that a employee may take part in the registration, promotion or management of :-
- a literary, scientific or charitable society or of a company, club or similar organization the aims & objects of which relate to promotion of sports, cultural or recreational activities registered under the Societies Registration Act, 1860 or the Companies Act or any other law for the time being in force: or
 - a Cooperative Society, substantially for the benefit of Corporation employees registered under the Punjab Cooperative Societies Act. 1961 or any other law for the time being in force.
- (4) No Board employee may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

Investment, Lending and Borrowing

- (1) No Board employee shall speculate in any stock, share or other investment. Frequent purchase or sale or both of shares, securities or other investments shall be deemed no be speculation within the meaning of this Sub Regulation.
- (2) No Board employee shall make or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties.
- (3) If any question arises whether any transaction is of the nature referred to in Sub Regulation (1) or Sub Regulation (2), the decision of the Corporation thereon shall be final.
- (4)
 - (i) No Board employee shall without previous sanction of the prescribed authority either himself or through any member of his family or any other person acting on his behalf
 - Lend or borrow money as principal or agent to or from any person including Bank and Financial Institution or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person. or
 - lend money to any person at interest, or in a manner whereby return in money or in kind is charged or paid. Provided that Board employee may, give to or accept from a relative or a personal friend a purely temporary loan of a small amount free of interest or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee but such amount shall not exceed twelve month emoluments for the construction or house or purchase of built up house and six months emoluments for the purchase or conveyance and other purposes.
 - (ii) when a Board employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of Sub-Regulation (2) or Sub-Regulation (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

(b) Action On The Inquiry Report

As per regulation 9 of Employee Punishment and Appeals:-

- (1) The punishing authority if it is not itself the inquiring authority may, for reasons to be recorded by it in writing remit the case to the inquiring authority for further inquiry and

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report and the inquiring authority shall hereupon proceed to hold the further inquiry according to the provisions of Regulation 8 as far as may be

- (2) the punishing authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for each disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.
- (3) If the punishing authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of Regulation 5 should be imposed on the employee, it shall notwithstanding anything contained in Regulation 10, make an order imposing such penalty.
- (4) If the punishing authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of opinion that any of the penalties specified in clauses (v) to (ix) of Regulation 5 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee an opportunity of making representation on the penalty proposed to be imposed.

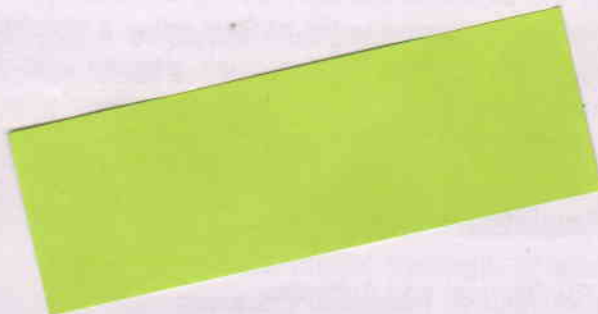
Procedure for Imposing Minor Penalties

As per regulation 10 of Employee Punishment and Appeals:-

- (1) Subject to the provision of regulation 8(5) (a) and sub-regulation (3) of Regulation 9, no order imposing on an employee any of the penalties specified in clauses (i) to (iv) of regulation 5 shall be made except after. –
 - (a) Informing the employee in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken. and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;
 - (b) holding an enquiry in the manner laid down in sub-regulations (3) to (24) of regulation 8, in every case in which the punishing authority is of the opinion that such inquiry is necessary;
 - (c) taking the representation, if any submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
 - (d) Recording a finding on each allegation.
- (2) The record of the proceedings in such cases shall include:
 - (i) a copy of the intimation to the employee of the proposal to take action against him;



- (ii) a copy of the statement of allegations delivered to him;
- (iii) his representation if any;
- (iv) the evidence produced during the inquiry;
- (v) the findings of the punishing authority and also the report of the inquiring authority in case an inquiry has been held under clause (b) of sub regulation (1)
- (vi) The orders of the case together with the reasons therefore.



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Ques no. 2

(a)

FINANCE SECTION

As per regulation:-


(19) of Regulations of Conduct of Business, 1980:-

- (i) The Finance Section of the Board shall be consulted before the issue of orders relating to proposals which affect the funds of the Board. No Section shall, without previous consultation with the Finance Section, authorize any orders (other than orders pursuant to any general delegation of powers made by the Board) which:
 - (a) either immediately or by their consequent re-percussions will, in any manner, affect the funds of the Board :
 - (b) relate to the numbers grading or cadre of posts or the emoluments or other conditions of service or posts involving financial implication;
 - (c) Involving proposal for abandonment of revenue or involving an expenditure for which no provision has been made in the Budget.
 - (ii) No appropriation shall be made by any Section other than finance Section except in accordance with such general delegation as the Board may have made.
- (20) The views of the finance Section shall be brought on to the permanent record of the Section to which the case relates and shall form part of the case.
- (21) The Finance Section may prescribe cases in which its assent may presume to have been given.
- (22) The Finance Section may issue instructions to govern financial procedure in general in all Sections and to regulate the business of the Finance Section and the dealings of other Section with the Finance Section.

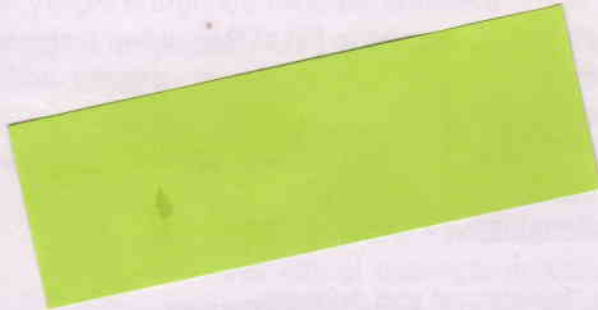
LEGAL SECTION

As per regulation

(23) of Regulations of Conduct of Business, 1980, Whenever it is proposed:-

- (i) to issue a statutory resolution, notification or order, or
 - (ii) to sanction under a statutory power the *issue* of any regulation by law, notification or order by a subordinate authority: or
 - (iii) to submit to Government any draft statutory regulation or notification or order for issue by them; the draft shall be referred to the Legal Section for opinion and advice.
- (24)
- (1) All Sections shall consult the Legal section on:-
- (a) The construction of statutes, Acts, Regulations and statutory Regulations orders and Notifications
- 

- (ii) a copy of the statement of allegations delivered to him;
- (iii) his representation if any;
- (iv) the evidence produced during the inquiry;
- (v) the findings of the punishing authority and also the report of the inquiring authority in case an inquiry has been held under clause (b) of sub regulation (1)
- (vi) The orders of the case together with the reasons therefore.



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 - (ii) No appropriation shall be made by any Section other than finance Section except in accordance with such general delegation as the Board may have made.
- (20) The views of the finance Section shall be brought on to the permanent record of the Section to which the case relates and shall form part of the case.
- (21) The Finance Section may prescribe cases in which its assent may presume to have been given.
- (22) The Finance Section may issue instructions to govern financial procedure in general in all Sections and to regulate the business of the Finance Section and the dealings of other Section with the Finance Section.

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- (1) All Sections shall consult the Legal section on:-
- (a) The construction of statutes, Acts, Regulations and statutory Regulations orders and Notifications

- (b) any general legal principles arising out of any case and:
 - (c) the institution or withdrawal of any prosecution or any other legal proceedings at the instance of any section.
- (2) Every such reference shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the Legal section is desired.
- (25) No suit on behalf of the Board or Public officer such shall be instituted/defendant without the prior sanction of the Competent controlling Authority as per specimen copy of sanction to these Regulations
- (26) For the institution of 1 (i) a suit on behalf of the Board (ii) the defense of any threatened suit to which the Board has been made a party (iii) intervention by the Board in any suit in which the Board shall be interested or (iv) the instigation or defense of a suit by or against a Board employees in his official capacity, the following officers shall act as Competent Controlling Authorities in matters relating to their charge:-
- (i) Secretary
 - (ii) Chief Engineers
 - (iii) Chief Accounts officer
 - (iv) Chief Auditor
 - (v) Superintending Engineers
 - (vi) Deputy Secretaries
 - (vii) Executive Engineers
- (27) The procedure to these regulations shall be followed in matters provided in Regulation 26.
- (28) In the event of any material departure or deviation in the observance of these regulations, the Secretary shall personally bring the matter to the notice of the Chairman by order of the Board.

(b) Qualifications for Direct Appointment of:-

(1) Accounts Officer:-

A person shall be appointed to the service by direct appointment unless he in case of :-

(a) Accounts Officers:-

- (i) has passed Chartered Accounts Examination from the Institute of Chartered Accounts of India or U.K. and possesses minimum experience of one year or Cost and Works Accountants Examination with 3 years experience in supervisory position of Govt./Public Undertakings, Public Reputed Commercial Firms or Banks/Company etc., after passing the Chartered Accounts Examination/Cost and Works Accounts Examination

respectively, Preference will be given for purposes of experience gained in the said capacity in the Public utility/ Undertaking.

- (ii) If the candidate has no experience as prescribed against (i) above or the experience possessed by him is less than minimum period of one year, he will be eligible for recruitment as Accounts officer (Apprentice) for a period of one year from the date of appointment at certain emoluments P.M. or as may be prescribed by the Corporation. On successful completion of one year's apprenticeship period he will be given regular scale of pay.

(2) Electrical Engineers:-

- (i) For filling posts by Direct Appointment, applications will be invited through advertisement.
- (ii) All direct appointments to the service shall be made by the Corporation after conducting written test which may be followed by an interview.
- (iii) 25%, 5% posts shall be reserved for candidates belonging to scheduled caste, scheduled tribes and backward classes respectively. If suitable candidates are not available the posts in question will be carried forward.
- (iv) After the carry forward rule has been exhausted, and a suitable scheduled candidate has still not become available a vacancy reserved for this category should first of all be offered to a candidate belonging to the backward classes before it is thrown open for general recruitment. In case a backward candidate avails of such a vacancy the vacancy properly reserved for a backward classes candidate later in the roster should then go to a scheduled caste candidate instead.
- (v) The reservation in services will, however continue to be subject to the condition that the minimum qualifications prescribed for a post would not be lowered with a view to accommodating any candidate. The vacancies to be reserved for members of scheduled castes in a lot of 100 vacancies would be at the points specified below:



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Ques no. 3

a)

To convey administrative approval for capital expenditure on works other than residential buildings forming part of a project specifically approved by the Board (Other than distribution Projects)	C.Es	Full Powers	
	S.Es.	Rs. 50 Lacs	For works connected with main projects.
	S.Es.	Rs. 14 Lacs	For works other than main projects.
	Xens/R.Es.	Rs. 4 Lacs	For works other than main projects subject to the conditions that :- a) The total project cost does not exceed the provision in the Project Estimates for the sub-head to which the particular works belongs. b) The approval accorded by the CEs and SEs does not result into any change/increase in the scope/quantum of the work specifically provided in the Project Estimate. c) The expenditure is restricted to the Budgetary provisions for the year.

b)

To convey administrative approval for Capital Expenditure on works other than residential buildings not forming part of a project estimate, specifically approved by the Board.	C.Es	Rs. 25 Lacs in each case	If works are directly remunerative
	S.Es.	Rs. 10 Lacs in each case	If works are directly remunerative
	Xens/R.Es.	Rs. 5 Lacs in each case	If works are directly remunerative
	C.Es	Rs. 5 Lacs in each case	For works which are not in themselves directly remunerative and are necessary for full development of Project.
	S.Es.	Rs. 2.5 Lacs in each case	For works which are not in themselves directly remunerative and necessary for full development of Project.
	Xens/R.Es.	Rs. 25,000 in each case	

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c)

The heads of department may re-delegate the financial powers to them to any officer subordinate to them on their own responsibility and subject to such restrictions as they may like to impose.

Provided that the financial powers re-delegated shall however be exercised subject to the supervision and control of the delegation officer.

Provided that such re-delegated powers shall be exercised personally by such officer and shall in no circumstances be further delegated.

d)

To convey administrative approval for works Expenditure for augmentation of Sub-Stations and Transmission Lines including Mains and Sub-Mains.	C.Es	Full Powers	Provided that:- i) The works are of Productive nature or are necessary for the full development of the Project but which are not themselves directly remunerative. ii) Expenditure is met from within the Budget provision under the Major/ Minor head concerned.
	S.Es.	Rs. 20 Lacs	
	Xens/R.Es.	Rs. 8 Lacs	
	AEs/AEEs (I/C of S/Divns)	Rs. 1 Lac	



Ques no. 4

(a)

(i) For the following items single tenders shall be invited directly from the concerned manufacturers/Suppliers:

(a) Items of Proprietary nature.

(b) Patents and special items to which tender system cannot be applied with advantage, recording reasons thereof.

(c) Insurance through Nationalized Insurance Companies.

(ii) "Rate Contract" means Rate Contract entered into by the Director General of supplies and Disposals/Punjab State Power Corporation Limited/Punjab Government with the manufacturers of suppliers for supply of specific material or equipment.

(iii) Central Purchase Committee:-

- The Committee comprising of CE/MM, FA-cum-CAO/ Procurement and Chief Purchase Officer with Chief Purchase officer concerned as the Convener for procurement of Centrally Purchased items-except meters and metering equipments and workshop items.
- The Committee comprising of CE/Metering FA-cum CAO/ Procurement and SE/Metering Patiala as Member/convener for the purchase of meters and metering equipment
- The Committee comprising of Chief Engineer/workshops, FA & CAO/Procurement and SE/TRW circle, PSEB Ludhiana, (SE/Purchase workshops) as Member/ Convener for the Purchase of workshops items.

(b)

As per works Regulations,

(i) **REJECTION OF TENDERS:-**

The following types of tenders shall be rejected:-

- (a) Tenders from contractors, who are black-listed or with whom business dealing are suspended by PSPCL.
- (b) Tenders submitted by contractors, who did not purchase a set of tendering documents/specifications as required.
- (c) Tenders submitted by a person in service under the Govt./Board or local authority.
- (d) Tenders not accompanied by the required amount of Earnest Money.
- (e) Tenders received telegraphically/through fax/through telex.

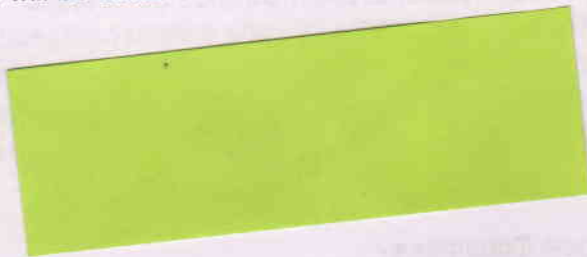
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iii) **REINVITATION OF TENDERS:-**

Tenders may be re-invited after approval of the next higher authority to the authority competent to accept the Tenders in event of:-

- a) Inadequacy of number of tenders i.e less than three.
- b) Unsuitability of offers.
- c) Any subsequent change necessitated in technical specification.
- d) Any other compelling reasons to be recorded in writing.

In case falling the competency of WTM/Board, approval of Member in charge will be obtained.



Ques no. 5

(a) As per schedule-II of Conduct of Business regulation 1980, the following classes of cases shall be referred to the Whole Time Members:-

(I)

(i) Creation of non-gazetted posts and continuance of temporary charges/posts to which Finance Section do not concur.

(ii)

(a) Cases involving advance increments in relaxation of rules.

(b) Cases involving fixation of pay in relaxation of rules in-respect of xens and equivalent posts and above.

(iii) Remission of revenue beyond the limits of delegations to Chief Engineers and chief Accounts Officer.

(iv) Allowing of special chances to officers to pass Department Accounts Examination

(v) Proposals for the retention of Officers beyond the age of 55 years, except those of Chief Engineers and officers of equivalent rank.

(vi) Proposals other than those covered by first schedule, which require consultation with Finance section and to which finance Section do not concur.

(vii) Selection and' appointment of all gazetted officers to represent the Board on various Committees set-up by the state or central Government where any final commitment on behalf of the Board is involved.

(viii) (a) All important audit objections and inspection reports etc., involving a loss recovery beyond Rs. 25,000& in which conduct of officers is involved and responsibility for lapses/losses is to be determined.
(b) Cases involving write off losses where no responsibility can he fixed exceeding Rs. 50,000/-.

(II) Cases of SEs and above:-

(i) Appointment/Promotion, acceptance of resignation (except of Chief Engineer and Officers of equivalent rank).

(ii) Initial deputation to Government of India/State Government or other State Electricity Boards in-respect of Chief Engineers, Superintendent Engineers, Chief Accounts Officer/Chief Auditor.

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- (iii) Issue of warning after prior, a copy of which is to be placed on the qualification report file of the officer concerned.
- (III) Cases related to non gazetted staff:-
 - (i) Extending date of superannuation and fixing of minimum age for first entry into service,
 - (ii) Re-employment.
- (IV) Miscellaneous Cases:
 - (i) Cases relating to purchases beyond the competency of Purchase Committees as provided in Board's Purchase Regulations.
 - (ii) To accept modification to purchase proposals approved by the Board so long as total price of particular equipment does not exceed the approved price by more than 5%.
 - (iii) Cases relating to sale of stores including sale/disposal of scrap and unserviceable material beyond the competency of Disposal committee upto Rs 1 crore.
 - (iv) Estimates:-
 - (a) Having no project provision or inadequate project provision although chargeable to sanctioned projects and
 - (b) Chargeable to a project/scheme which is yet to be sanctioned by the competent authority.
 - (v) Cases relating to procurement of stationery, printing material and uniform cloth beyond the competency of the Purchase Committee as provided in Board's Purchase regulations.
 - (vi) Meeting the representatives of Unions/Associations of the Boards employees for hearing their demands.

(b)

'Members of Family' in relation to a Board employee includes:

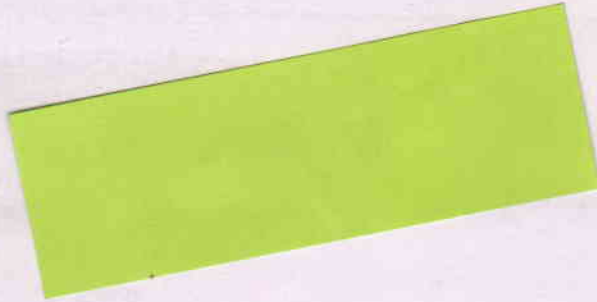
- (i) The wife or the husband, as the case may be, of the Board employee whether residing with the Board employee or not but does not include a wife or husband, as the case may be, separated from the Board employee by a decree or order of a competent court:
- (ii) son or daughter or step-son or step-daughter of the Board employee and wholly dependent on him, but does not include a child or step-child who is

14)

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no longer in any way dependent on the Board employee or of whose custody the Board employee has been deprived by or under any law:

- (iii) Any other person related. Whether by blood or marriage to the Board employee or to the Board employees wife or husband and wholly dependent on the Board employee.



PAPER-III (ACTS AND LABOUR LAWS)

Solution to Q 1.)

a.)

The inspection of a hotel by the officer is not justified under the Factories Act, 1948 because as per section 2 (m) of the act:-

"factory" means any premises including the precincts thereof-

(i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or

(ii) Whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,-

but does not include a mine subject to the operation of 9[the Mines Act, 1952 (35 of 1952)] or 10[a mobile unit belonging to the armed forces of the Union, a railway running shed or a hotel, restaurant or eating place].

As the hotel has been specifically excluded from the definition of the term factory. So, the provisions of the act are not applicable on it. **(5 marks)**

b.)

As per section 18 (3) of the Factories Act, 1948,

In every factory wherein more than two hundred and fifty workers are ordinarily employed, provisions shall be made for cooling drinking water during hot weather by effective means and for distribution thereof.

As the factory in above case is having three hundred workers, so non provision of cooling drinking water during summer season is a contravention of the above provision of the act. **(5 marks)**

c.)

As per section 13(2) of the Right to Information Act, 2005:-

Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of

sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner: Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

As Mr. X was first appointed as state information commissioner in 2011 and in 2015, he was appointed as the state chief information commissioner and was proposed to be continued till 2019. So, his aggregate term of office as the Information Commissioner and the Chief Information Commissioner will be more than five years. As such the proposal of continuance of appointment of Mr. X as the state chief information commissioner till 2019 is not valid as per law. Mr. X can hold the office of state chief information commissioner maximum up to the year 2016. (5 marks)

d.)

As per section 24(1) of the Right to Information Act, 2005:-

Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government: Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section: Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of request.

As the Financial Intelligence Unit of India is mentioned in the second schedule, so the submission made by them is correct as per the above mentioned provision of the law. (5 marks)

3

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PAPER-III (ACTS AND LABOUR LAWS)

Solution to Q 2.)

The provisions of relevant sections are as below :-

51. Weekly hours

No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

54. Daily hours

Subject to the provisions of section 51, no adult worker shall be required or allowed to work in a factory for more than nine hours in any day:

PROVIDED that, subject to the previous approval of the Chief Inspector, the daily maximum specified in this section may be exceeded in order to facilitate the change of shifts.

55. Intervals for rest

[(1) [The periods of work] of adult workers in a factory each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

[(2) The State Government or, subject to the control of the State Government, the Chief Inspector, may, by written order and for the reasons specified therein, exempt any factory from the provisions of sub-section (1) so however that the total number of hours worked by a worker without an interval does not exceed six.]

56. Spreadover

The periods of work of an adult worker in a factory shall be so arranged that inclusive of his intervals for rest under section 55, they shall not spread over more than ten and a half hours in any day:

PROVIDED that the Chief Inspector may, for reasons to be specified in writing, increase the ⁷⁴[spread over up to twelve hours].



Model Sol. of AM/HR/S-11/18/P-3

Category A:- Calculation of working hours:-

Monday to Friday 9 am to 6 pm = 9 hours

Less :- 1 pm to 1.30 pm lunch break = 1/2 hour

Daily Working hours = 8.5 hours (within the limit of section 54 i.e. 9 hours)

Weekly Working hours (Mon to Fri) = $8.5 \times 5 = 42.5$ hours

Saturday 9 am to 1 pm = 4 hours

Total weekly working hours = $42.5 + 4 = 46.5$ hours. (within the limit of section 51 i.e. 48 hours)

The longest period of work is 1.30 pm to 6 pm (Mon to Fri) i.e. 4.5 hours (within the limit of section 55 i.e. 5 hours)

The longest spread over is 9 am to 6 pm (Mon to Fri) i.e. 9 hours (within the limit of section 56 i.e. 10.5 hours)

So, the work timings of Category A workers are acceptable as per the provisions of the law.

Category B:- Calculation of working hours:-

Monday to Friday 9 am to 7 pm = 10 hours

Less :- 1 pm to 1.30 pm lunch break = 1/2 hour

Daily Working hours = 9.5 hours (beyond the limit of section 54 i.e. 9 hours)

Total Weekly Working hours = $9.5 \times 5 = 47.5$ hours (within the limit of section 51 i.e. 48 hours)

The longest period of work is 1.30 pm to 7 pm i.e. 5.5 hours (beyond the limit of section 55 i.e. 5 hours)

The longest spread over is 9 am to 7 pm i.e. 10 hours (within the limit of section 56 i.e. 10.5 hours)

So, the work timings of Category B workers are not acceptable as they are beyond the maximum limits fixed by the law. So, the approval of the competent authority is required as per the relevant provisions of the law.

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Category C:- Calculation of working hours:-

Monday to Friday 9 am to 7 pm = 10 hours

Less :- 1 pm to 2 pm lunch break = 1 hour

Daily Working hours = 9 hours (within the limit of section 54 i.e. 9 hours)

Weekly Working hours (Mon to Fri) = $9 \times 5 = 45$ hours

Saturday 9 am to 1 pm = 4 hours

Total Weekly Working hours = $45 + 4 = 49$ hours (beyond the limit of section 51 i.e. 48 hours)

The longest period of work is 2 pm to 7 pm i.e. 5 hours (within the limit of section 55 i.e. 5 hours)

The longest spread over is 9 am to 7 pm (Mon to Fri) i.e. 10 hours (within the limit of section 56 i.e. 10.5 hours)

So, the work timings of Category C workers are not acceptable as they are beyond the maximum limits fixed by the law. The work schedule should be changed immediately so that the Total Weekly Working hours should not be more than 48 hours.

(20 marks)



PAPER-III (ACTS AND LABOUR LAWS)

Solution to Q 3.)

As per section 7 (1) (a) of the Micro, Small and Medium Enterprises Development Act, 2006 :-

(a) in the case of the enterprises engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951), as—

- (i) a micro enterprise, where the investment in plant and machinery does not exceed twenty five lakh rupees;
- (ii) a small enterprise, where the investment in plant and machinery is more than twenty-five lakh rupees but does not exceed five crore rupees; or
- (iii) a medium enterprise, where the investment in plant and machinery is more than five crore rupees but does not exceed ten crore rupees;

Explanation 1.—For the removal of doubts, it is hereby clarified that in calculating the investment in plant and machinery, the cost of pollution control, research and development, industrial safety devices and such other items as may be specified, by notification, shall be excluded.

- a. A Ltd. is a micro enterprise as its investment in plant and machinery does not exceed twenty five lakh rupees.
- b. B Ltd., is a micro enterprise as its investment in plant and machinery (excluding the cost of air pollution control devices) does not exceed twenty five lakh rupees.
- c. C Ltd., is a small enterprise as its investment in plant and machinery (excluding the cost of air pollution control devices) is more than twenty five lakh rupees but does not exceed five crore rupees.
- d. D Ltd., is a medium enterprise as its investment in plant and machinery (excluding the cost of air pollution control devices) is more than five crore rupees but does not exceed ten crore rupees.
- e. E Ltd., is neither a micro, a small nor a medium enterprise as its investment in plant and machinery (excluding the cost of air pollution control devices) is more than ten crore rupees.

(4 marks each i.e. total 20 marks)



PAPER-III (ACTS AND LABOUR LAWS)

Solution to Q 4.)

CHAPTER V of the Micro, Small and Medium Enterprises Development Act, 2006 (DELAYED PAYMENTS TO MICRO AND SMALL ENTERPRISES)

As per section 15 and section 16 of the Micro, Small and Medium Enterprises Development Act, 2006 :-

15. Liability of buyer to make payment.—Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment thereof on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day: Provided that in no case the period agreed upon between the supplier and the buyer in writing shall exceed forty-five days from the day of acceptance or the day of deemed acceptance.

16. Date from which and rate at which interest is payable.—Where any buyer fails to make payment of the amount to the supplier, as required under section 15, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in force, be liable to pay compound interest with monthly rests to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at three times of the bank rate notified by the Reserve Bank.

As per section 2 (b) of the Micro, Small and Medium Enterprises Development Act, 2006 :-

“appointed day” means the day following immediately after the expiry of the period of fifteen days from the day of acceptance or the day of deemed acceptance of any goods or any services by a buyer from a supplier. Explanation.—For the purposes of this clause,— (i) “the day of acceptance” means,— (a) the day of the actual delivery of goods or the rendering of services; or (b) where any objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day on which such objection is removed by the supplier; (ii) “the day of deemed acceptance” means, where no objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day of the actual delivery of goods or the rendering of services;

In case (i) , no objection was made by the buyer regarding acceptance of goods. So, the day of acceptance in this case is 13.06.2018 and the appointed day is 29.06.2018 (i.e. the day following immediately after the expiry of the period of fifteen days from the day of acceptance). As there was no payment term agreed between them so under section 15 above, the payment was required to be made before 29.06.2018. If the payment was made on 14.08.2018, then as per section 16 above, the interest is required to be paid for the period from 29.06.2018 till 13.08.2018.

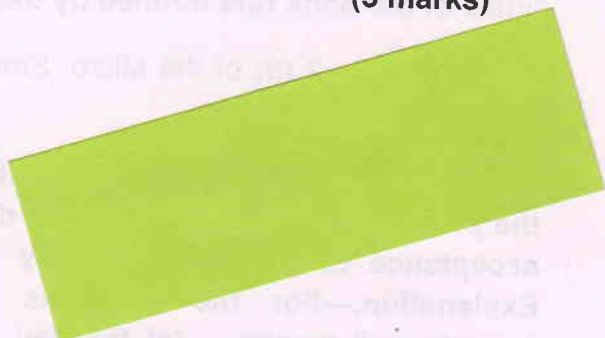
(10 marks)

In case (ii) , M Ltd., is a medium enterprise as its investment in plant and machinery (excluding the cost of air pollution control devices) is more than five crore rupees. The above chapter V of the act is applicable only for delayed payments to micro and small enterprises. So, no interest is payable under the above provisions of the act.

(5 marks)

In case (iii) , no objection was made by the buyer regarding acceptance of goods. So, the day of acceptance in this case is 15.04.2018 and the appointed day is 01.05.2018 (i.e. the day following immediately after the expiry of the period of fifteen days from the day of acceptance). As there was payment term of 30 days after delivery agreed in writing between them so the payment was required to be made on or before 15.06.2018. If the payment was made on 16.10.2018, then as per section 16 above, the interest is required to be paid for the period from 16.06.2018 till 15.10.2018.

(5 marks)



PAPER-III (ACTS AND LABOUR LAWS)

Solution to Q 5.)

a.) As per Section 36 of the Air (Prevention and Control of Pollution) Act, 1981 :-

(1) Every Board shall, in relation to its functions under this Act, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor General of India.

So, as per above provision of the law, the auditor is to be appointed by the State Government on the advice of the Comptroller and Auditor General of India and the appointment of auditor by the State air pollution control board for auditing its accounts by passing an agenda in their quarterly meeting is not acceptable as per the law.

(5 marks)

b.) As per Sec. 35(2) of the Air (Prevention and Control of Pollution) Act, 1981 :-

Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the date of the previous financial year.)

So, as per the above provision of the law, the annual report was required to be submitted by the state board to the state government by 31.07.2018. But, as they have submitted the report on 25.08.2018, it is a violation of the above provision of the law.

(5 marks)



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- c.) As per section 11 (1) of the the Consumer Protection Act, 1986:-

Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed "does not exceed rupees twenty lakhs."

As the claim amount of Mr. A is 19.50 lacs which is below 20 lacs so, he should file the complaint with the District Forum instead of the state commission.

(5 marks)

- d.) The orders of penalty are issued under section 27 of the Consumer Protection Act, 1986 and as per section 27A of the act:-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal under section 27, both on facts and on law, shall lie from -

- (a) the order made by the District Forum to the State Commission ;
- (b) the order made by the State Commission to the National Commission; and
- (c) the order made by the National Commission to the Supreme Court.

(2) Except as aforesaid, no appeal shall lie to any court from any order of a District Forum or a State Commission or the National Commission.

So, the officers of X Ltd. should not try to file the appeal before the Supreme Court of India because as per the above provision of the law, the appeal can only be filed with the State commission.

(5 marks)