

Model Solution of AM/HR-10/24

Q1 Explain the following along with regulation no:

1. **Active Service.** Rule 2.5 of MSR Vol 1 Part 1 1972 , for the purpose of pension, includes besides time spent on duty :-
  - (i) Earned leave not exceeding 120 days in ordinary cases and 180 days in the case of sick leave or leave preparatory to retirement in any one of the spell taken under regulation 8.52.
  - (ii) Time spent on the voyage to india by a Board employee who is recalled to duty before the expiry of any recognized leave out of India; provided his return to duty is compulsory.
  - (iii) The period of absence from India of a board employee deputed or detained out of india on duty.
2. **Fee.** Rule 2.21 of MSR Vol 1 part 1 1972 means a recurring or non recurring payment to a Board employee from a source other than the Board funds, whether made directly to the Board employee or indirectly through immediately of Board, but does not include-
  - (a) unearned income such as income from property: dividends and interest on securities, and
  - (b) income from literary, cultural, artistic, scientific. or technological efforts and income from participation in sports activities as amateur.
3. **Personal Pay.** Rules 2.48 of MSR Vol 1 part 1 1972 means additional pay granted to a Board employees:-
  - (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure : or
  - (b) In exceptional circumstances , on other personal considerations.
4. **Time scale of Pay .** Rules 2.60 of MSR Vol 1 part 1 1972 means pay which , subject to any conditions prescribed in these regulations , rises by periodical increments from a minimum to a maximum. It includes the class of pay previously known as progressive.
5. **Bonus.** Rule 2.12 of MSR Vol 1 part 1 1972 means the dividend payable by the Board to the employee out of the Funds. It will be payable according to the the provisions of the Bonus Act instructions issued from time to time.



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MODEL SOL OF AM/HR/5-10/24/P-L

### Model Solution of AM/HR-10/24

Q2 a) Comment on the following by indicating relevant regulations :

- i) As per note (ii) under regulation 27 of MSR Vol (iii) a member of a Board employee's family who follows him within 6 months from the date of his transfer or precedes him by not more than 1 month may be treated as accompany him.  
So employee can claim transfer TA for the family member who shifted 15 days prior to him.
- ii) As per O/O No 20/BD 526 dated 24.02.2011, the EOL more than 2 years duration can be sanctioned by Director/HR with the concurrence of the Finance so the CE is not competent to sanction EOL from 1.06.2014 to 16.07.2016 . Therefore the Audit is justified.
- iii) As per note 5 below Regulations 20 of PSPCL TA regulation 1972 Full local mileage allowance means actual expenditure is payable on the days of arrival and departure . Local mileage on the days of stay is regulated as per given statement i.e. it is restricted up to one ordinary daily allowance instead of actual expenditure. So the action taken by the audit is not order.
- iv) As per CSR VIII-II the daughter including divorced /widowed daughter is eligible for the grant of family pension even after attaining the age of 25 years. The pension will not be allowed on her remarriage or till she starts earning her livelihood whichever is earlier. She will be deemed to be earning her livelihood if her income is Rs 3500/- per month or more.
- v) As the qualifying service period of the employee is less than twenty years so employee is not entitled for pensionary benefit.



**Model Solution of AM/HR-10/24**

- Q3**
- (i)** As per note 1-c below regulation 13 of PSPCL provident Fund Regulations 2010 when a subscriber is reported missing the interest shall be allowed after one year of the declaration of the missing i.e. registration of FIR up to the end of the month preceding that in which payment is made or up to the end of the six months after one year of the registration of FIR, whichever of these period be less.
  - (ii)** As per regulation 18 (I) of study leave Regulations , 1975 given in Appendix -9 of MSR Vol-1, Part-II , if a Board ( now PSPCL ) employee resigns or retires from the service without returning to duty after a period of study leave or within a period of 3 years after such return to duty or fails to complete the course of study , he shall be required to refund :-

    - a) Double the amount of leave salary , study allowance, cost of fees, travelling and other expenses if any incurred by the Board and
    - b) The actual amount if any of the cost incurred by other agencies e.g. foreign Government, Foundations, trust etc in connection with the course of study together with interest thereon at Govt/Board rate for the time being in force on Govt/Board loans from the date of demand before his resignation is accepted or permission is granted.
  - (iii)** Vide rule 6.17 (13 a & b ) of CSR Vol-II , the claim of the family pension of both husband and minor son will remain suspended till the conclusion of criminal proceedings against the husband. If on the conclusion of the criminal proceedings , husband s convicted , the family pension will be admissible to the minor son from the date of the death of the Govt. employee and if he is acquitted of the charge, the family pension will be payable to him from the date of death of the Govt. employee.
  - (i)** The action of the Head of Office is not in accordance with the provision of note 9 below rule 2.24 D of MSR Vol-III , vide which the employee is entitled to mileage allowance at the rate prescribed for journey on bi-cycle , for such a journey.
  - (ii)** As per Regulation 8.15 of MSR Vol-1 Part-1 , the nature of leave due and applied for by a Board employee, cannot be altered at the option of the sanctioning authority . Competent Authority can refuse but cannot the change the title of leave applied by the Board employee. So action taken by the competent authority in this case is not o



**Model Solution of AM/HR-10/24**

- Q4**
- i)** As per provision of rule 5.2 of CSR Vol-II , if a Govt. employee is selected for discharge due to abolition of permanent post , he may offered appointment to another post, the condition of which are deemed by the competent authority to be at least equal to those of his own post . He may have to opt;-
    - (i)** Of taking the compensation pension to which he may be entitled for the service , he may already rendered.
    - (ii)** Of accepting another post or transfer to another establishment , even on a lower pay, if offered, and continuing to count his previous service for pension.
  
  - ii)** As per Reg.9.1 of MSR Vol.I part I , joining time may be granted to a board employee to enable him :
    - (a)** To join a new post either at the same or a new station without availing himself of any leave on relinquishing charge of his old post.
    - (b)** To join a new post in a new station or return from :
      - 1. Earned leave not exceeding 180 days in respect of Board employee subject to leave regulations.
      - 2. Leave other than earned leave when he has not sufficient notice of his appointment to new post.
    - (c)** To proceed on transfer on an expiry of leave from a specified station to join in a place in a remote locality which is not easy of access.
  
  - iii)** As per TA regulations a retiree can submit TA bill for retirement with in Two years from the date of his retirement. In this case he has submitted TA after 2 years as such TA is not admissible.
  
  - iv)** Govt increased Gratuity exemption limit u/s 10(10)(iii) to Rs 20 lakhs from existing Rs. 10 Lakh vide Notification dated 29.03.2018 w.e.f. 29.3.2018. As PSPCL is a PSU and as per this GOI instruction the employees retired from service after 29.03.2018 are exempted up to Rs 20 Lacs. As such Audit is correct.



**Model Solution of AM/HR-10/24**

**Q 5 i) Instruction in this regard has been issued by NPS section vide memo no. 3389/3439 dated 22.9.2017**

**In case of Missing NPS employee , the legal Heirs of the missing employees will be able to get pension and other retirement benefits after a period of one year registration of FIR . The time period has been reduced from 7 years to One year as applicable in case of regular old employees on the following conditions:-**

- 1. The family members of the subscribers should get register the FIR of Missing employee in near by police station and it should be reported by police that even after so much efforts the employee was not traceable.**
  - 2. An indemnity bond should be signed by the legal heirs that in case the missing employee is found or claim his unclaimed pay in any conditions ,then the beneficiary will be bound to return all the benefits claimed by him under NPS.**
  - 3. NPS subscriber will be considered as dead after one year after registration of FIR and the benefits will be paid to Legal heir accordingly.**
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- ii) As per appendix 7 of MSR Vol-II Part II following are the special casual - leave admissible to the employees.**
    - a) Six days special casual leave for sterilization/ vasectomy operation.**
    - b) Six days special casual leave for 2<sup>nd</sup> time if first operation is unsuccessful.**
    - (c) 14 days special leave to female to tubectomy operation.**
    - (d) One day special leave to female for loop insertion**
    - (e) Up to 30 days special casual leave to sportsman for participation in sports.**
    - (f) 10 days special leave to office bearers of association / trade unions leaders for attending meeting conferences**
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- iii) A Board employee claim to Travelling Allowance should be regulated by the regulations in force at the time of performance of journey travelling allowance of a Board employee , who is promoted or reverted or is granted an increased rate of pay with retrospective effect, should not be revised in respect of the period intervening between the date of promotion or reversion of grant of increased rate of pay and that on which it is notified , except where the notification implies a change of duties.  
As such , arrear of TA cannot be claimed due to revision of pay.**



Model Solution to Question-1<sup>st</sup>:-

- (a):- As per Reg-14(iii) of Purchase/Works Regulations, in case of manual tenders, in the event of any tender being received with its envelop unsealed or in mutilated/torn condition or seals damaged, instead of return back, it shall be immediately brought to notice of office inviting tender for order to re-seal such Tenders in another envelope which shall be signed by the said officer and entrusted for safe custody as other tenders.
- (b) For Works/purchases award of contracts, in general, following procedure is adopted:-
- i. On receipt of decision of the competent authority the executing/purchasing agency shall convey to the tenderer/bidder acceptance through a letter/telegram/email etc giving special condition, if any.
  - ii. Thereafter, a detailed order/contract shall be drafted giving all necessary details, terms & conditions governing the contract in relation to the NIT/Tender Specification and firm/contractor's offer.
  - iii. The detailed contract/order shall be got pre-audited from an officer of Accounts Organization wherever provided/nominated before final issue to the contractors. In case of Divisions, this will be done by the Supdt.Divn A/Cs.
  - iv. Allotment letter/order/contract shall be signed on behalf of the pspcl by an officer not less than the rank of Dy.Secy/US/Sr.Xen/ASE.
  - v. Each order/contract shall be entered in a register maintained by the executing Agency and allotted a distinct code/serial number before issue.
  - vi. The order/contract shall be sent by email/registered post/speed post/acknowledgement due to the suppliers/contractor, including local ones, if any.
  - vii. The successful tenderer shall be required to execute a contract agreement on a non-judicial stamp paper of appropriate value, within one month of the receipt of the detailed order. The contract agreement shall be made in duplicate and one copy will be retained by each party. Contract agreement shall be kept in safe custody in the contracting office and copies shall be furnished to other concerned offices.
  - viii. In cases detailed PO-cum-contract agreement is issued in accordance with agreed terms & conditions and accepted/acknowledged by the firm shall itself form a valid contract. In such cases, No separate contract agreement needs to be executed. The order so issued shall be termed as PO-cum-Contract agreement.
- (C) As per PSEB Service of Engineers (Electrical) Regulations no. 12 as amended vide Regulation Circular no. 2/2023, minimum service required for promotion as SE/Electrical is ten years as Sr.Xen/Electrical and for CE/Electrical is 28 years qualifying service from date of entry into engineering cadre as AE on regular basis out of which minimum service of three years as SE/Electrical is required.



Departmental Accounts Examination for AM-HR for Session-10/2024  
Model Solution for Paper-II (General Rules & Regulations)

**Model Solution to Question-2nd:-**

- (a) As per Works Regulation 8A and DOP-58 competency to accept works tenders under limited tender system is as under:-

Competency	Amount	
Board	Full Powers	As per works Regulations 8A
WTDs	Rs.2Cr	
Works Committee	Rs.40lacs	
CE/HODs	Rs.40lacs	As per DOP-58
SEs or equivalent	Rs.10lacs	
Sr.xens/REs	Rs.4 lacs	

- (b) As per Reg-4 of Employees Conduct Regulations every employee shall at all times observe the following General conduct:-

1. (i) maintain absolute integrity
- (ii) Maintain devotion to duty
- (iii) Do nothing which is unbecoming of pspcl employee.
2. (i) Every pspcl employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.
- (ii) No pspcl employee shall, in performance of his duties or in the exercise of powers conferred on him, act otherwise than in his best judgment, except when he is acting under the direction of his official superior.
- (iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinate shall be avoided, as far as possible. Here the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.
- (iv) A pspcl employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanations: -

1. Nothing in clause (ii) of sub regulation-2 shall be construed as empowering in Board employee to evade his responsibilities by seeking instructions from, or approval of a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.
2. Without prejudice to the provision contained in this regulation, no action will be initiated against any pspcl employee for not carrying out oral instructions of his official superior in individual cases, relating especially to postings and transfers, giving of loans, permits, or quotes and similar other matters.

- ( C) As per Regulations of conduct of business, Annexure A Sr.no.7, the following officers are authorized to sign petition written statement on behalf of pspcl in connection with all legal proceedings by or against the pspcl pending or to be instituted in court or before any authority or Tribunal or in any arbitration proceedings by or on behalf of pspcl:-

1. Secretary ( Now CE/HRD), Dy.Secy, Under Secy, of PSPCL generally for all cases arising on behalf of or against the pspcl, in any court or Arbitration proceedings within or without the Punjab state.
2. All officers not below the rank of an Executive Engineer and above upto the CEs in respect of cases/proceedings arising within their jurisdiction/zones/charge.
3. CA)/CA/FA/Dy.CAOs and Sr.Aos in respect cases/proceedings arising within their jurisdiction/charge.



Departmental Accounts Examination for AM-HR for Session-10/2024  
Model Solution for Paper-II (General Rules & Regulations)

**Model Solution to Question-3rd:-**

- (a) Disability wise percentage in service regarding maintenance of reservation under "Rights of persons with Disability Act" are as under:-

Sr. No	Type of disability	Percentage
1	Blind and Low vision	One Percent
2	Deaf and Hard of Hearing	One Percent
3	Locomotive disability (Including cerebral palsy, Leprosy Cured, Dwarfism, Acid Attack Victims and muscular dystrophy	One Percent
4	Intellectual disability (including Autism and specific learning disability, and Mental illness. Or multiple disabilities specified in Sr. no. 1 to 4 above including deaf blindness	One Percent

- (b) As per PSPCL 'Delegation of Powers' the delegations to various officers under Open Tender System are subject to the following Conditions:-

- (a) Purchases are made against lowest tender after giving wide publicity.
- (b) Prior approval of next higher authority is obtained, if a tender other than the lowest except on grounds of technical suitability is accepted (This condition does not apply to Central Purchase Committee/ Project Purchase Committee/ Purchase Committee General)).
- (c) Where lowest tenders are not accepted by the Central Purchase Committee/ Project Purchase Committee/Purchase Committee(General), reasons therefore should be recorded.
- (d) In case, the total number of eligible tenders received is less than three and re-invitation of tenders is considered uneconomical, the approval of next higher authority shall be obtained to further process the Tender enquiry. (The condition of next higher authority does not apply to Central Purchase Committee/ Project Purchase Committee/ PWC/ Purchase Committee(General). For the cases falling under the competency of BODs/ WTDs, the approval of Director/ In-charge shall be obtained to further process the Tender enquiry.).
- (e) Open tenders are to be invited if the amount of a particular item is above Rs. 5 Lacs in value. However, in cases where only a known number of manufactures or suppliers are there and also in case of standardized firms and floating limited tenders thereon, case may not be sent to Director/ In charge for approval in future.

- (C) As per instructions issued by office of Chief/Adm&IR, patiala vide its no. 7663/7813 dated 18.12.2013, approval of concerned Director is required to issue charge sheet to official. So, in Chief Engineer was need to get the approval of Director/concerned before issue of charge sheet.
- (D) The Officer inviting tenders or an officer deputed by him may extend the due date for submission of tenders in case of poor response defined by receipt of less than three tenders/quotations up to the fixed time or in case of any material change in basic specification/quantities or under any unforeseen situation. Publicity o the extension of time limit for submission of tender shall be given in the same manner as given for the first invitation of the tender.



### Model Solution to Question-4th:-

(a) As per Reg-19 of employees conduct regulations pspcl employee shall on his first appointment to any service or post submit a return giving full particulars regarding his immovable properties inherited by him or owned or acquired or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person. Such statement of immovable property e.g Lands, house, shops, other buildings etc. will mention description of property, precise location ( name of district, division, taluk and village in which property is situated), area of Land, nature of Land, extent of interest, in whose name held and his/her relationship if any to pspcl employee, date of acquisition, how acquired (whether by purchase, mortgage lease, inheritance, gift or otherwise and name with details/connection/address of person from whom acquired), value of the property, particulars of sanction of prescribed authority, total annual income from the property.

(b) As per general guidelines/criteria for promotions, the cases of promotion of pspcl employees are assessed by the DPC/competent authority and in the following circumstances the assessment/recommendation of DPC/Competent authority, as the case may be, is kept in sealed cover:-

1. when an employee is under suspension.
2. When a charge sheet has been issued to the employee and disciplinary proceedings are pending.
3. When a prosecution for criminal charge is pending against an employee, a charge is framed i.e report u/s 173cr pc prepared and put up to the court.
4. If a prima facie case of serious nature involving grave misconduct, corruption or bribery is established against an employee and the competent authority decides to charge sheet him for imposition of a major penalty even if the charge sheet has not been issued.

As soon as the disciplinary case/cases for which the recommendation in respect of the promotion case of employee is kept in sealed cover, is/are decided, the sealed cover should be opened and if the decision of such case/cases or any other newly initiated case/cases has no effect on the promotion case as per General criteria for promotion, his case should be processed and submitted to the competent authority for approval etc. However if the decision of such case/cases or any other newly initiated case/cases has effect on the promotion case, such effect should be worked out as per General criteria for promotion, and his case should be submitted to the competent authority for approval/decision etc.



(c) As per Reg-9 of P&A Regulations:-

- (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 report and the inquiring authority shall thereupon 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 finding of the inquiring authority on any article of charge, record its reasons for each disagreement and record its own finding on such charge, if the evidence on record is sufficient for the purpose.
- (3) If the punishing authority having regard to its finding 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 Regulations 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 finding 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 any opportunity of making representation on the penalty proposed to be imposed.



Departmental Accounts Examination for AM-HR for Session-10/2024  
Model Solution for Paper-II (General Rules & Regulations)

### Model Solution to Question-5th:-

- (a) Competency to sanction the writing off finally irrecoverable value of equipment by way of theft are as under:-

77A	To sanction the writing off finally of irrecoverable value of stores, equipment and T&P articles including T/F oil and losses of other material / property by way of theft.	C.E./HOD	Rs. 1 lacs
		S.E. or equivalent	Rs.40,000
		Sr. XEN. or equivalent	Rs.20,000

In each case provided that:-

- (i) When the stolen property is reported to be un-traceable/ unrecoverable by the Police, however the cases which are more than three years old may be disposed off by the concerned SEs or CEs as the case may be, in the absence of Police Investigation Report with the approval of the next higher authority.
- (ii) The FIR does not reveal the involvement of any PSPCL Employee directly, indirectly, technically, wholly or partly or otherwise responsible for rendering the loss possible.
- (iii) That in case a departmental enquiry has been held which does not reveal the involvement of anyPSPCL employee directly, indirectly, technically, wholly or partly or otherwise responsible for rendering the loss possible. That the departmental inquiry does not disclose a defect of system, the amendment of which required the order of higher authority or serious negligence on the part of some individual which might possibly call for disciplinary action requiring the order of the higher authority.
- (iv) The theft does not disclose a defect of system the amendment of which required the order of higher authority or serious negligence on the part of some individual which might possibly call for disciplinary action requiring the order of higher authority
- (v) No such case pertains to TDPs/Review paras/ CAG Report paras/ CPU para. If it is subject matter of any of these paras/reports then the case be referred to the Company Secretary giving its full reference and putting such cases to the WTDs.

- (b) As per 'General Criteria for Promotions' Bench Marks of the official will be as under:-

Period	Assessment	Marks obtained	Penalty imposed	Downgraded	Net Bench Marks
Two ACRs	Good	2x3=6	Censure	-1	
One ACR	Very Good	1x4=4	Stoppage of one increment without future effect	-1	
Two ACRs	Average	2x2=4	Stoppage of one increment with future effect	-2	
Total Bench Marks		14		-4	10



(c) **Prescribed Authority:-means**

- (a) i. Deputy Secy., CEs and CAO, FA in case of class I and II officers working under them.
  - ii. Head of offices in case class III and class IV employees. In case of Secretariat these powers will be exercised by Deputy Secy.
  - (b) In respect of a PSPCL employee on foreign service or on deputation to any other department or any other Board, the parent department on the cadre on which such Board employees borne, or the department to which he is administratively subordinate as member of that cadre.
- Foreign service for the purpose of this sub regulation means service in which a employee receives his substantive pay with the sanction of the corporation from any source, other than revenue of corporation.



PUNJAB STATE POWER CORPORATION LTD  
Paper- III Acts and Labour Laws , SESSION:10/2024  
(Departmental Examination AM/HR )

Roll No.....

Time Allowed: 3 hours

Max. marks: 100

Note: All Questions are compulsory

- 1). The question must be attempted continuously at one place.
- 2). Rough work should be done on the space provided for in the answer sheet.
- 3). Missing data, if any must be assumed but must be indicated specifically in the answer.
- 4). Support your answer with relevant rule/regulation.
- 5). Books are allowed as per Dy. Secy./ Services- ii memo no.11424/ exam-170 dated 16.09.2009.and as per syllabus issued vide o/o no. 1038/Reg-307 dated 11.06.15

Part "A"

Q.1

(I). Short note on state transmission utility and write down its functions. 10 marks.

✓ **Ans. State Transmission Utility:** - The state government may notify the board or a Government company as the state transmission utility, provided that the state transmission utility shall not engage in the business of trading in electricity, provided further that the state government may transfer, and vest any property, interest in property, rights and liabilities connected with and personnel involved in transmission of electricity, of such state transmission utility, to a company or companies to be incorporated under the companies act 1956 to function as transmission licensee.

**The functions of the state transmission utility shall be: -**

- a) To understand transmission of electricity through intra-state transmission system.
- b) To discharge all function of planning and co-ordination relating to intra-state transmission system with: -
  - (i) Central transmission utility;
  - (ii) State governments;
  - (iii) Generating companies;
  - (iv) Regional power committees;
  - (v) Authority;



- (vi) Licensees;
- (vii) Any other person notified by the state government in this behalf;

(c) To insure development of an efficient, coordinated and economical from a generating station to the load centers;

(d) to provide non-discriminatory open access to its transmission system for use by-

- (i) Any licensee or generating company on payment of the transmission charges:  
or
- (ii) Any consumer as and when such open access is provided by the state commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the state commission.



Q. 1.

(II). Write down provision regarding control of transmission, and use of electricity and use of meters as per the electricity Act 2003. 10 marks

**Ans. control of transmission, and use of electricity: -**

- (1) Save as otherwise exempted under this act, no person other than the central transmission utility or a state transmission utility, or a licensee shall transmit or use electricity at a rate exceeding two hundred and fifty watts and one hundred volts-
- (a) In any street, or
  - (b) In any place-
    - (i) In which one hundred or more persons are ordinarily likely to be assembled; or
    - (ii) Which is a factory within the meaning of the factories act 1948 or a mine within the meaning of the mines act 1952 or
    - (iii) To which the state government, by general or special order, declares the provisions of this sub-section to apply.

Without giving, before the commencement of transmission or use of electricity not less than seven-day notice in writing of his intention to the electrical inspector and to the district magistrate or the commissioner of police, as the case may be, containing particulars of the electrical installation and plant, if any the nature and the purpose of supply and complying with such of the provisions of part XVII of this act, as may be applicable.

Provided that nothing in this section shall apply to electricity used for the public carriage of passengers, animals or goods on or for the lighting or ventilation of the rolling stock of any railway or tramway subject to the provision of the railways act 1989.

- (2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are ordinarily likely to be assembled, the matter shall be referred to the state government, and the decision of the state government thereon shall be final.
- (3) The provision of this section shall be binding on the government.

**Use of meters: -**

- (1) No licensee shall be supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with the regulation to be made in this behalf by the authority.

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter:

Provided further that the state commission may, by notification, extend the said period of two years for a class or classes of persons or for such area as may be specified in that notification.



④

- (2) For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the authority may direct the installation of meter by generating company or licensee at such stages of generation, transmission or distribution or trading of electricity and at such locations of generation, transmission or distribution or trading, as it may deem necessary.
- (3) If a person makes default in complying with the provisions contained in this section or the regulation made under sub section (1), the appropriate commission may make such order as it thinks fit for requiring the default to be made good by the generating company or licensee or by any officers of a company or other association or any other person who is responsible for its default.



Q.2. (I)

(a). Brief penalties clause as per RTI Act. 5 Marks

**Ans. (1)** where the central information commission or the state information commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the central public information officer or the state public information officer, as the case may be, has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-sec(1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees; Provided that the central public information officer or the state public information officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

Provided further that the burden of proving that he acted reasonably and diligently shall be on the central public information officer or the state public information officer as the case may be.



2 (f)

(b). What do you mean by third party information as per RTI Act? 5 Marks

Ans. Third party information: -

(1) Where a central public information officer or the state public information officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the central public information officer or state public information officer as the case may be shall within five days from the receipt of the request, give a written notice to such third party of the request and officer as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or inquiry to the interests of such third party.

(2) Where a notice is served by the central public information officer or state public information officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.



Q.2.

(II).

(a). Write down the organization on which RTI Act. 2005 is not applicable. 5 marks

Ans. (1) nothing contained in this Act shall apply to the intelligence and security organization specified in the second schedule, being organization established by the central government or any information furnished by such organization to that government: Provided that the information pertaining to the allegations of corruption and human rights violation 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.

(2) The central government may, by notification in the official gazette, amend the schedule by including therein any other intelligence or security organization established by that government or omitting therefrom any organization already specified therein and on the publication of such notification, such organization shall be deemed to be included in or, as the case may be omitted from the schedule.

(3) every notification issued under sub-section (2) shall be laid before each house of parliament.

(4) nothing contained in this act shall apply to such intelligence and security organization, being organization established by the state government, as that government may, from time to time by notification in the official gazette, specify.



Q

Q.2.(ii).

(b). Explain the cases which are exempted from disclosure of information. 5 marks

Ans. Exemption from disclosure of information: -

- (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen, -
  - (a) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, relation with foreign state or lead to incitement of an offence:
  - (b) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.
  - (c) Information, the disclosure of which would cause a breach of privilege of parliament or the state legislature.
  - (d) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.
  - (e) Information available to a person, in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.
  - (f) Information received in confidence from foreign government.
  - (g) Information, the disclosure of which would endanger the life or physical safety of any person or identity the source of information or assistance given in confidence for law enforcement or security purposes.
  - (h) Information which would impede the process of investigation or apprehension or prosecution of offenders.
  - (i) Cabinet papers including records of deliberations of the council of ministers, secretaries and other officers.
  - (j) Information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the central public information officer or the state public information officer or the appellate authority, as the case may be.



Q.3.

(I).

(a). Brief "unfair trade practice" as per consumer protection Act 1986. 5 Marks

**Ans. Unfair trade Practice:** - means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice including any of the following practices namely: -

- (1) The practice of making any statement, whether orally or in writing or by visible representation which: -
  - (i) Falsely represents that the goods are of a particular standards, quality, quantity, grade, composition, style or model;
  - (ii) Falsely represents that the services are of a particular standards, quality, quantity, grade, composition, style or model;
  - (iii) Falsely represents any re-built, second-hand, renovated, reconditioned or old goods as new goods;
  - (iv) Represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have.
- (2) Permits the publication of any advertisement whether in any newspaper or otherwise, for the sale or supply at a bargain price, of goods or services that are not intended to be offered for sale or supply at the bargain price, or for a period that is and in quantities that are, reasonable having regard to the nature and size of business, and the nature of any advertisement.



Q.3(1).

(b). Describe provision of penalties as per consumer protection Act 1986. 5 marks

**Ans. Penalties:-** where a trade or a person against whom a complaint is made ( or the complaint) fails or omits to comply with any order made by the district forum, the state commission or the national commission, as the case may be such trade or person shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than two thousands rupees but which may extends to ten thousand rupees, or with both.



(13)

Q.3.

(II). Explain employees' Pension scheme with regard to EPF Act. 10 Marks

**Ans. Employees' pension scheme: -**

- (1) The central government may, by notification in the official gazette, frame a scheme to be called the employees' pension scheme for the purpose of providing for:
  - (a) Superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this act applies; and
  - (b) Widow or widower's pension, children pension or orphan pension payable to the beneficiaries of such employees.
- (2) Notwithstanding anything contained in section 6, there shall be established, as soon as may be after framing of the pension scheme, a pension fund into which there shall be paid, from time to time, in respect of every employee who is a member of the pension scheme.
  - (a) Such sums from the employer's contribution under section 6, not exceeding eight and one-third per cent of the basic wages, dearness allowance and retaining allowance if any of the concerned employees, as may be specified in the pension scheme;
  - (b) Such sums as are payable by the employers of exempted establishments under sub section (6) of section 17;
  - (c) The net assets of the employee's family pension fund as on the date of the establishment of the pension fund;
  - (d) Such sums as the central government may, after due appropriation by parliament by law in this behalf, specify.
- (3) On the establishment of the pension fund, the family pension scheme shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the pension fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the pension fund.
- (4) The pension fund shall vest in and be administered by the central board in such manner as may be specified in the pension scheme.
- (5) Subject to the provision of this act the pension scheme may provide for all or any of the matters specified in schedule III.
- (6) The pension scheme may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in that behalf in that scheme.



Q.4. (I).

(a). Explain the establishment, where EPF Act is not applied. 5 marks

Ans. Act not to apply to certain establishments

(1) This Act shall not apply

- (a) To any establishment registered under the co-operative societies Act, 1912, or under any other law for the time being in force in any state relating to co-operative societies, employing less than fifty persons and working without the aid of power, or
- (b) To any other establishment belonging to or under the control of the central government or a state government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any scheme or rule framed by the central government or the state government governing such benefits; or
- (c) To any other establishment set up under any central, provincial or state act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that act governing such benefits.

(2) If the central government is of opinion that having regard to the financial position of any class of or other circumstances of the case, it is necessary or expedient so to do, it may by notification in the official gazette, and subject to such conditions as may be specified in the notification exempt, (whether prospectively or retrospectively) that class of establishment from the operation of this act or such period as may be specified in the notification.



Q.4.(1).

(b). Brief rules as per EPF Act, regarding recovery of money by employer from contractor and by contractor from employee. 5 marks

Ans. Recovery of moneys by employers and contractors.

- (1) The amount of contribution ( that is to say, the employers contribution as well as the employee's contribution in pursuance of any scheme and the employers contribution to pursuance of the insurance scheme); and any charges for meeting the cost of administering the fund paid or payable by an employer in respect of an employee employed by or through a contractor may be recovered by such employer from the contractor, either by deduction from any amount payable to the contractor under any contractor or as a debt payable by the contractor.
- (2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him, may recover from such employee the employee's contribution by deduction from the basic wages, dearness allowance and retaining allowance payable to such employee.
- (3) Notwithstanding any contractor to the contrary, no contractor shall be entitled to deduct the employer's contribution or the charges referred to in sub-section (1) from the basic wages, dearness allowance, and retaining allowance payable to an employee employed by or through him or otherwise to recover such contribution or charges from such employee.



Q.4.

(II). When compensation to worker is due as per workmen compensation Act 1923, and what penalty is liable in case of default. 10 marks

**Ans.** Compensation to be paid when due: - compensation under section 4 shall be paid as soon as it falls due.

In case where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accepts and such payment shall be deposited with the commissioner or made to the workman, as the case may be, without prejudice to the right of the workman to make any further claim.

Where any employer is in default in paying the compensation due under this act within one month from the date it fell due, the commissioner shall-

- (a) Direct that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent per annum or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the central government, by notification in the official gazette, on the amount due; and
- (b) If, in his opinion, there is no justification for the delay, direct that the employer shall in addition to the amount of the arrears and interest thereon pay a further sum not exceeding fifty per cent of such amount by way of penalty;

Provided that an order for the payment of penalty shall not be passed under clause (b) without giving a reasonable opportunity to the employer to show case why it should not be passed.



Q.5. (I).

(a). Brief the rules regarding creches in factory as per factory Act 1948. 5 marks

Ans. Creches. —

(1) In every factory wherein more than 2 [thirty women workers] are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

(3) The State Government may make rules—

(a) prescribing the location and the standards in respect of construction, accommodation,

furniture and other equipment of rooms to be provided under this section;

(b) requiring the provision in factories to which this section applies of additional facilities for the

care of children belonging to women workers, including suitable provision of facilities for washing

and changing their clothing;

(c) requiring the provision in any factory of free milk or refreshment or both for such children;

(d) requiring that facilities shall be given in any factory for the mothers of such children to feed

them at the necessary intervals.



⑦

Q.5(1)

(b). Short note on provision of extra wages for overtime. 5 marks

**Ans. Extra wages for overtime. — (1) Where a worker works in a factory for more than nine hours in any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.**

**(2) For the purposes of sub-section (1), "ordinary rate of wages" means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of food grains and other articles, as the worker is for the time being entitled to, but does not include a bonus and wages for overtime work.**

**(3) Where any workers in a factory are paid on a piece rate basis, the time rate shall be deemed to be equivalent to the daily average of their full-time earnings for the days on which they actually worked on the same or identical job during the month immediately preceding the calendar month during which the overtime work was done, and such time rates shall be deemed to be ordinary rates of wages of those workers:**

**Provided that in the case of a worker who has not worked in the immediately preceding calendar month on the same or identical job, the time rate shall be deemed to be equivalent to the daily average of the earning of the worker for the days on which he actually worked in the week in which the overtime work was done.**



Q. 5.

(II). (a) Write down various rules regarding leave with wages. 5 marks

*(any five from below)*

**Ans. Annual leave with wages. — (1) Every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of—**

- (i) if an adult, one day for every twenty days of work performed by him during the previous calendar year;
- (ii) if a child, one day for every fifteen days of work performed by him during the previous calendar year.

**Explanation 1. —For the purpose of this sub-section—**

- (a) any days of lay off, by agreement or contract or as permissible under the standing orders;
- (b) in the case of a female worker, maternity leave for any number of days not exceeding twelve weeks; and
- (c) the leave earned in the year prior to that in which the leave is enjoyed,

shall be deemed to be days on which the worker has worked in a factory for the purpose of computation of the period of 240 days or more, but he shall not earn leave for these days.

**Explanation 2. —The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at either end of the period of leave.**

(2) A worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (i) or, as the case may be, clause (ii) of sub-section (1) if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

[(3) If a worker is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee, as the case may be, shall be entitled to wages in lieu of the quantum of leave to which he was entitled immediately before his discharge, dismissal, quitting of employment, superannuation or death calculated at the rates specified in sub-section (1), even if he had not worked for the entire period specified in sub-section (1) or sub-section (2) making him eligible to avail of such leave, and such payment shall be made—

- (i) where the worker is discharged or dismissed or quits employment, before the expiry of the second working day from the date of such discharge, dismissal or quitting; and
- (ii) where the worker is superannuated or dies while in service, before the expiry of two months from the date of such superannuation or death.



(4) In calculating leave under this section, fraction of leave of half a day or more shall be treated as one full day's leave, and fraction of less than half a day shall be omitted.

(5) If a worker does not in any one calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year:

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a child: Provided further that a worker, who has applied for leave with wages but has not been given such leave in accordance with any scheme laid down in sub-sections (8) and (9) 2 [or in contravention of sub-section (10)] shall be entitled to carry forward the 3 [leave refused] without any limit.

(6) A worker may at any time apply in writing to the manager of a factory not less than fifteen days before the date on which he wishes his leave to begin, to take all the leave or any portion thereof allowable to him during the calendar year:

(7) If a worker wants to avail himself of the leave with wages due to him to cover a period of illness, he shall be granted such leave even if the application for leave is not made within the time specified in sub-section (6); and in such a case wages as admissible under section 81 shall be paid not later than fifteen days, or in the case of a public utility service not later than thirty days from the date of the application for leave.

(8) For the purpose of ensuring the continuity of work, the occupier or manager of the factory, in agreement with the Works Committee of the factory constituted under section 3 of the Industrial Disputes Act, 1947 (14 of 1947), or a similar Committee constituted under any other Act or if there is no such Works Committee or a similar Committee in the factory, in agreement with the representatives of the workers therein chosen in the prescribed manner, may lodge with the Chief Inspector a scheme in writing whereby the grant of leave allowable under this section may be regulated.

(9) A scheme lodged under sub-section (8) shall be displayed at some conspicuous and convenient places in the factory and shall be in force for a period of twelve months from the date on which it comes into force, and may thereafter be renewed with or without modification for a further period of twelve months at a time, by the manager in agreement with the Works Committee or a similar Committee, or as the case may be, in agreement with the representatives of the workers as specified in sub-section (8), and a notice of renewal shall be sent to the Chief Inspector before it is renewed.





(10) An application for leave which does not contravene the provisions of sub-section (6) shall not be refused, unless refusal is in accordance with the scheme for the time being in operation under sub-sections (8) and (9).