

**Solution Q No 1 (a)**

Following facilities/concessions are admissible to the family members of Corp. employees who die harness:

- (i) Pension equal to last pay drawn upto the date of his actual retirement subject to acceptance of solatium in lieu of job.
- (ii) Es-gratia grant amounting to Rs. 1 lac in normal death case and Rs. 2 lacs to 4 lacs in harness cases and Rs. 10 lacs in terrorist activity applicable w.e.f. 01.10.2006.
- (iii) Solatium subject to minimum of Rs. 3 Lacs and maximum of Rs. 5 Lacs.
- (iv) Retention of Board's accommodation upto one year from the date of death or house rent allowance for one year.
- (v) Deposit linked insurance amount of Rs. 10,000 provided the deceased employee has five years of service.
- (vi) Medical facility throughout life on same basis as is given to pensioners.
- (vii) Tution fees at Govt. rate upto graduate level.
- (viii) Gratuity at the following rate:

Service upto 1 year = Two months pay

For 1 year to 5 years = Six months pay

For 5 years to 12 years = Twelve months pay

Above 12 years = Emoluments X half yearly subject to 66 in case of class I, II, III and 70 in case of class IV. Max. 10 lacs w.e.f. 01.01.2003. Now from 01.01.2016 Max. Rs. 20 Lacs.

**Solution Q No 1 (b)**

In the case of a subscriber to this Fund, final withdrawal from the Fund to meet expenses of higher education of himself/herself or of his/her two children may be allowed by the competent authority, specified in Annexure 'D' to these regulation subject to the following terms and conditions: -

The withdrawal may be permitted to a subscriber any time, after the completion of five (5) years service for Self study & Fifteen (15) years for his/her two children (including broken periods, if any). The withdrawal may be allowed for education in India or outside India, for any academic, technical, professional courses i.e. medical, engineering, Management, CA/ICWAI/CS, Computer and

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other technical or specialized or Vocational courses etc. beyond the High school stage.

In this case the service of Employee is less than 15 years as such the GPF Advance for Kids is not allowed

### Solution Q No 1 (C)

No Board employee shall, except with the previous sanction of the Board, engage directly or indirectly in any trade or business or undertake any other employment:-

Provided that a Board employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of 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 Board.

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 Board.

Explanation:-

Canvassing by a Board employee in support of 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 Board 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 Board, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes.

Provided that a Board employee may take part in the registration, promotion or management of:-

(i) 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, 1956, or any other law for the time being in force; or

(ii) a Co-operative Society, substantially for the benefit of Board employees registered under the Punjab Co-operative 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.

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## Solution No 2 (a) (1)

The appointing authority may permit a person to withdraw his resignation in public interest on the following conditions, namely:

1. That the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation.
2. That during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper.
3. That period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;
4. That the post which was vacated by Government servant on the acceptance of his resignation or any other comparable post, is available.

## Solution No 2 (a) (2)

as per Reg-8.40 of MSR Vol.1, 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 through it were leave on half pay unless his leave is extended by the competent authority. Willful absence from duty after the expiry of leave may be treated as misbehavior 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.

## Solution Q No 2 (b) (1)

As Per regulation 11 of PSEB Punishment and Appeals Regulation 1971 provides that the probationer shall be given an opportunity to show cause before orders are passed by the authority competent to terminate the appointment. As such the action is not in order

## Solution Q No 2 (b) (2)

As per regulation 9 (2) of PSEB Punishment and Appeals Regulation 1971 the punishing authority shall if it disagrees with the findings of the enquiring authority on any article of charge, record the reasons for his disagreement and records its own findings on such charge, if the evidence on record is sufficient for the purpose.

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Q No 3 (a)

## Calculation of service

DOB 25.08.1962

Date of Retirement if superannuation = 31.08.2020

Date of retirement (voluntary) 31.12.2015

Remaining service = 4 years and 8 months

Average of 10 months salary Rs. 26800

Last basic Pay Rs. 26590

Service verified as per service Book 21

Service Benefit 1.1.16 to 31.08.20 (date of retirement if retired at 58 Yrs) 4 years and 8 months or say 51 (half yearly)

Total Service 25 years and 8 months

### 1. Pension calculation

Basic 13400 (50% of 26800)

DA @ 113% 15142

Medical 1000

Total 29542

Less commutation = 4020

Net pension 25552

2. Commutation  $13400 * 30\% = \text{Rs. } 4020$

$12 * 4020 * 8.371 = \text{Rs. } 403817$

### 3. Gratuity

Basic 2659 + DA Rs. 30047 (@ 113%) = Rs. 56637 \*  $51/4$  = Rs. 722122/-

(b) As per Pension Fund Regulatory & Development Authority (PFRDA) Exit Rules, following withdrawal categories are allowed :

a. **Upon Normal Superannuation :** At least 40% of the accumulated pension wealth of the subscriber has to be utilized for purchase of annuity providing for monthly pension of the subscriber and the balance is paid as lump sum to the subscriber.

In case the total corpus in the account is less than Rs. 2 Lakhs (now 5 Lacs) as on the Date of Retirement (Government Sector), the subscriber (other than Swavalamban subscribers) can avail the option of complete withdrawal.

b. **Upon Death :** Atleast 80% of the accumulated pension wealth of the Legal Hier/nominee should be utilized for purchase of an annuity providing the monthly pension of the Legal Hier/nominee and the balance is paid as a lump sum to the subscriber.

c. **Exit from NPS before the age of normal superannuation :** Atleast 80% of the accumulated pension wealth of the subscriber should be utilized for purchase of an annuity providing the monthly pension of the subscriber and the balance is paid as a lump sum to the subscriber.

However Partial withdrawal is allowed for following purposes:-

1. For Higher Education of children including a legally adopted child.
2. For marriage of Children including a legally adopted child
3. For purchase of a residential house/plot of land in own name or joint name with legally wedded spouse (for first house only)
4. For treatment of specified illness for subscribers, his legally wedded spouse or Children including a legally adopted child
5. To meet medical and incidental expenses arising out of disability or incapability
6. For skill development
7. For establishment of own venture or start up.

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Q No 4 (a)

Basic Pension 10000/-pm, w.e.f. 01.07.2013

Office Order No. & date	Rate of Cut on Basic Pension	Period for Cut	Pension admissible
275, Dated 10.12.13	5% Cut for Three Years	3 Years (From 10.12.13 to 09.12.16)	The Official will draw pension @ 95% of 10000/-pm Upto 28.02.14
405, Dated 01.03.14	10% Cut for Two Years	2 Years (From 01.03.14 to 29.02.16)	The Official will draw pension @ 85% of 10000/-pm Upto 03.05.14
425, Dated 04.05.14	5% Cut forever	Forever (04.0.14 to Till date)	The Official will draw pension @ 80% of 10000/-pm Upto 04.05.14 to 29.02.16
			Official will draw pension @ 90% of 10000/- pm Upto 01.03.16 to 09.12.16
			Official will draw pension @ 95% of 10000/- pm Upto 10.12.16 to Till Life.

(b) (i) As per instructions issued by Secretary Finance PSEB Patiala vide Finance Circular no 36/98 dt 4.9.98 and 4/2009 dt 5.2.2009 the daughter including divorced /widowed daughter of deceased employee is eligible for the grant of family pension even after attending in age of 25 years.

(ii) MSR 7.4. Leave may not be granted to PSPCL employee under suspension. No casual leave is granted/allowed to the persons under suspension. However in very exceptional circumstances like illness etc, leave of absence could be granted. However this period of absence while under suspension is treated as continued suspension and the employee will be paid for this period of absence on the same basis as his other period of suspension is treated under the orders of competent authority, it will be incorrect to call this absence as casual leave.

Q No 5. (A)

- (a) When an employee is suspended from his duties he is paid subsistence allowance 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 allowance are as under:-

1. Compulsory recoveries :- Such as Income Tax, House Rent recovery and any kind of Taxes etc. These are obligatory recoveries to be made for subsistence allowance.
2. Optional Recoveries:- Optional recoveries can be made only with the consent of Officials these are GPF Subscription, GPF Advance and LIC premium.
3. Misc Recoveries:- These recoveries pertains to loans and advances. These recoveries can be postponed with the approval of competent authorities. These are HBA Advance, Conveyance Advance etc.
4. Other Recoveries:- Such as excess drawl of pay and allowances. These recoveries can be made but total recoveries should not be more than 1/3th of the total amount of subsistence.

- (b) Total service of Employee is from 01.07.1990 to 31.07.2014 is 24 years and one Month. Total EOL on Private affairs is from 01.10.2010 to 31.03.2012 is for one year and 6 months.

Total qualifying service is total service Less EOL on private affairs i.e 24 years one month less one year and 6 months. Hence total Qualifying service is 22 years and 7 months.

Solution Q No 5 (b)

(1) As the service is less than 20 years and the employee has not attained the age of 50 years as such the audit is justified.

(2) As per appendix 8 (ii) of MSR Part-2 Vol-I, Quarantine leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious diseases in the family or household of a Board employee. Such leave may be granted by the head of the Head of the office on the certificate of a Medical or Public Health Office for a period not exceeding 21 days or in exceptional

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circumstances, 30 days. Any leave necessary for quarantine purposes in excess of this period shall be treated as ordinary leave. Quarantine leave may also be granted, when necessary, in continuation of other leave, subject to the above maximum except as provided in the Note below. No substitute should be appointed in place of Board Employee absent on quarantine leave.

Explanation 1. Quarantine leave is not admissible in the case of a Board employee himself contacts an infectious disease.

Explanation 2. The maximum limits of 21 and 30 days prescribed in this regulation refer to each occasion on which leave is applied and granted.

Cholera, small pox, plague, Diphtheria, Typhus fever and cerebrospinal Meningitis and Chicken Pox may be considered as infectious disease for the purpose of the regulation.

**Solution of AM/ HR Paper-II (GENERAL RULES & REGULATIONS ) Session 11/2023**

Q. 1 (A) As per Works Regulation 3 (XXXVI) Tender : Means rates, terms and conditions quoted by Contractor in response to tender call notice issued by contracting agency on prescribed forms with requisite non-judicial stamps duly affixed thereon and accompanied with Earnest Money for works and supplies provided to be executed on Contract basis.

Q. 1 (B) As per Purchase Regulation 8 Competent Authorities to accept the Tenders under normal rules.

Competent Authority	Open Tenders	Limited Tenders	Single Tenders
(a) Board of Directors	Full Powers	Full Powers	Full Powers
(b) Whole Time Directors	Full Powers	Full Powers	Full powers
(c) Central Purchase Committees /Project Purchase committees.	Rs. 4 Crore	Rs. 2 Crore	Rs. 1 Crore
(d) Purchase committee (General)	Rs. 1 Crore	Rs. 40 lacs	Rs. 20 lacs
(e) Officers of the Board	In accordance with the powers delegated to them by the Board of Directors from time to time.		

Q. 1 (C) As per Delegation of Powers note 7 : The Head of Departments may re-delegate the financial powers delegated to them in this booklet to any officer sub-ordinate to them at their headquarters offices, on their own responsibility and subject to such restrictions as they may like to impose.

Provided that the financial powers re-delegated shall, how ever, be exercised subject to the supervision and control of the delegation officers.

Provided further that such re-delegated powers shall be exercised personally by such officer and shall in no circumstances be further delegated. Copies of all such orders shall invariably be endorsed to the CAO (Audit Section) and the Secretary/Finance Section.

(Marks : 5+10+5= 20)

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**Solution of AM/ HR Paper-II (GENERAL RULES & REGULATIONS ) Session 11/2023**

Q. 2 (A) As per Employee Punishment & Appeal Regulation no. 5:

Penalties which can be imposed on an employee are :

**Minor Penalties :**

1. Censure;
2. Withholding of Promotions;
3. Recovery from his pay of the whole or part of any pecuniary loss or caused by him to the board by negligence of breach of orders ;
4. Withholding of Increments of pay without cumulative effect.

**Major Penalties :**

5. Withholding of increment of pay with cumulative effect or reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period. The reduction will or will not have the effect postponing the future increments of his pay;
6. Reduction to a lower time-scale of pay, grade, post or service, which shall ordinarily be a bar to the promotion of employee to the time-scale of pay, grade, post or service, from which he was reduced, with or without further directions regarding conditions or restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restorations to the grade, post or service;
7. Compulsory retirement;
8. Removal from service which shall not be a disqualification for future employment under the Board ;
9. Dismissal from service which shall ordinarily be a disqualification for future employment under the Board.

Q. 2 (B) As per proviso below Regulation 6 (4) of Employee Conduct Regulation  
Provided that :

(i) a Board employee qualified to vote at such election may exercise his right to vote, But where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) a Board employee shall not be deemed to have contravened the provisions of this Sub-Regulation by reason only that he assists in the conduct of an election in the due performance of duty imposed on him by or under any law for the time being in force.

(C) As per Regulation 22 of Employee Conduct Regulation :

- (1) No Board employee who has a wife living shall contract another marriage without first obtaining the permission of the Board, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.
- (2) No female Board employee shall marry any person who has a wife living without first obtaining the permission of the Board.
- (3) A Board employee who has married or marries a person other than of Indian Nationality, shall forthwith intimate the fact to the Board.

(Marks : 10+5+5 = 20)

Q. 3 (A) As per Regulation Circular No. 2/2023

Post	Minimum Service for Promotion to next grade
Superintending Engineer/Electrical Electrical.	Minimum Service of ten years as Sr. XEN/ Electrical.
Chief Engineer/ Electrical	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.

Q. 3 (B) As per Regulation Circular No. 5/2022

**"Workplace"** includes

- (i) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed funds provided directly, or indirectly by the State Government;
- (ii) hospitals or nursing homes or dispensaries;
- (iii) any sport institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey ;
- (v) a dwelling place or a house.

Q. 3 (C) As per Regulation Circular No. 12/2016

Recruitment to the Service shall be made by Appointing Authority by any of the methods indicated below as may be applicable in each case

**(1) In case of Deputy Secretary/1.R.**

(i) By direct appointment.

ii) By deputation: The initial period of deputation will be one (1) year which may be extended further based on performance of the officer.

**(2) In case of Deputy Secretary/P.R.**

(i) By direct appointment.

(ii) By deputation: The initial period of deputation will be one (1) year which may be extended further based on performance of the officer.

(Marks : 5+10+5= 20)

**Q. 4 (A) as per Purchase Regulations 19 : PROCESSING OF TENDERS:**

- (i) The Tenders which are found valid at the time of opening of Part-II of the Tender enquiry shall be studied and compared with the requirements of the Notice Inviting Tender/Tenders Specifications for assessing their suitability. Clarification regarding deviations/ missing documents etc. shall be sought from the bidders, if required. The price bid of all the eligible bidders shall be opened subsequently (as applicable).
- (ii) The Price Bids of the tenders of all the eligible bidders shall be opened at the pre-notified date and time. Thereafter, the Reverse Auction process (for online tenders) shall start on the e-tendering portal of PSPCL as per the procedure laid down in the Clause No. 31 of Schedule-E of these Regulations. Reverse bidding will be introduced wherever it is required with the approval of director in-charge.
- (iii) A comparative statement shall be prepared showing the quoted and equated prices as per NIT/Tender Specifications.
- (iv) The scrutiny of Tender shall be carried out by officers/official and comparative statements shall be prepared and signed by them.
- (v) The Comparative statements and proposals for acceptance of Tender shall be made as per guidelines, approved by the PSPCL from time to time.
- (vi) The Comparative statement shall be checked by another officer/official of a rank higher than the officer/ official who has prepared the comparative statement/proposal and countersigned by him in token of such checking. In case of CPC/ PPC/ PPC (General), offices under Projects/Power Plants/ Distribution offices, the comparative statements shall also be checked/pre-audited by an officer of Accounts Organization and duly signed by him as a token of check/pre-audit.
- (vii) The proposals for acceptance of Tenders shall be processed in noting sheets in single file system. Where the Competent Authority is a Committee, the file shall be seen by the committee members in circulation and the case shall be decided in a meeting. In urgent cases decision may be taken in circulation as well.
- (viii) Where Competent Authority is the BOD/Whole-time-Directors, a detailed agenda relating to purchase proposals / purchase orders/ contracts shall be submitted by the Concerned EIC/Chief Engineer/HOD and the same shall be scrutinized by the concerned Purchase Committee before putting the same to the BOD/WTDs.
- (ix) The Director In-charge is required to approve the Purchase Proposal and give his/her specific views/ recommendations to be submitted to the committee of WTDs/ BODs of PSPCL for consideration and decision.
- (x) The lowest rate of technically acceptable Tenderer shall be compared with the rate against previous Tender enquiry updated to the base date of the instant Tender enquiry. In case the lowest acceptable equated rate is higher than the updated rate then the case should be thoroughly probed to ascertain that no pooling has been done and in such an event negotiations should be held with the lowest bidder, if felt necessary.

**Q. 4 (B) As per Employee Punishment & Appeal Regulation no. 4 (2) :**

Any employee shall be deemed to have been placed under suspension by an order or appointing authority :

- (a) with effect from the date of his detention, if he is detained in custody whether on a criminal charge otherwise, for a period exceeding forty eight hours.

The deemed suspension of an employee is operative for the period of custody only. Once the period of custody is over, the appointing authority should carefully consider his continued suspension even beyond the period of custody depending upon the merits of case under investigation.

- (b) With effect from the date of his conviction, if in event of conviction for an offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsory retired consequent to such conviction.

The period of forty eight hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of imprisonment after the conviction and for this purpose, intermittent period, if any, shall be taken into account.

**Q. 4 (C) As per Employee Punishment & Appeal Regulation no. 6 :**

When an employee is suspected of being concerned in the embezzlement of PSPCL money and is placed under suspension, the authority competent to order his dismissal may direct that unless he furnishes security for reimbursement of said moneys to the satisfaction of his immediate official superior, the payment of any sums due to him by PSPCL on the date of suspension shall be deferred until such time as the said authority passes final orders on the charges framed against him.

Provided that such an employee shall be entitled to the payment of a subsistence allowance in respect of the period for which, the admissible emoluments, if any, are withheld.

(Marks : 10+5+5= 20)

- Q. 5 (A) As per memo no. 21054/21754 dated 18.2.1999 of Estt. Gazetted-2 Point E "Normally, recommendation of DPC shall be accepted by the competent Authority. However, the final authority shall remain with the appointing Authority (in case the DPC is different than the appointing Authority) who is competent to approve promotion under the service regulations." In view of the above provisions/regulations/instructions Appointing Authority is competent to promote the officer in spite of the fact that DPC has not recommended the promotion.

Q. 5 (B) as per Regulation Circular No. 13/2014

Career progression of AM/IT has already been decided up to the posts of Manager/IT. The next stage of career progression from Manager/IT onwards is proposed as Deputy General Manager/IT (SD&I) as and when AM /IT are elevated to these stages . This post of DGM/IT(SD&I) at present will be filled up from System Software Manager Cadre till the retirement of existing cadre of 03 System Software Manager. The other post of Dy. CE/S.E./IT (Administration and project Manager) will continue to be filled up from Electrical Engineering Cadre. Till the time present incumbents i.e. AM/IT are not promoted as Deputy Manager, Manager/IT and DGM/IT ( SD&I) these posts will be manned by the Officers from the Engineering Cadre ( Electrical ) along with present System Software Manager. Presently, there are 20 No. posts of AM/IT (13 in IT, 2 at each Thermal Project and 1 under Commercial Wing in PSPCL) and there are following posts of other officers under IT Wing:

1. Chief Engineer	=	7
2. Superintending Engineer	=	2
3. Sr. Xen + SSM	=	7+3
4. AEE	=	2
5. AE	=	2
6. AM/IT	=	13

It is proposed that the 6 No. posts of AM/IT from Thermal Projects may be upgraded to 07 No. posts of Deputy Manager/ IT with the abolition of 06 No. posts of AM/IT and one post of AEE/Electrical as and when AM/IT become eligible for promotion to Deputy Manager/ IT. 03 No. posts of System Software Manager will be downgraded to Deputy Manager/IT as and when former are promoted and / or retired . Out of 07 No. posts of Senior Xen /Electrical 5 No. of posts may be converted into Manager/IT and two may be retained as Sr. Xen/ Electrical. One post of SE/ Electrical ( SD&I) is proposed to be diverted towards DGM/IT ( SD&I) for career progression of System Software Manager.

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With above proposal the future of posts under IT Wing will be as Under :

i	Chief Engineer/IT	1 No. (Electrical Engineering Cadre)
ii (a)	Dy. CE/SE (A&PM)	1 No. (Electrical Engineering Cadre)
ii (b)	Deputy General Manager/IT (SD&I)	1 No. (for career progression of system software manager)
iii	Manager/IT + Sr. Xen (Electrical)	5 + 2 Nos.
iv	AEE/Electrical	4 + 1 Nos.
v	AM/IT	13 Nos.
vi	AE/Electrical	2 Nos.

One no. post of AM/IT under CE/Commercial may be retained as such Six No. posts of AM/IT under Thermal Projects will be upgraded to the posts of Deputy Manager/IT when the present incumbents become due for promotion as Deputy Manager/IT. The post of DGM/IT (SD&I) after retirement of present System Software Managers will be filled from Engineering Cadre (Electrical) till AM/IT become eligible for promotion.

The nomenclature of posts presently under IT manned by Electrical Engineering Cadre Officers /System Software Manager will remain the same till the IT Officers become due for promotion. The above designation and duties may be reassigned between Manager/IT, Deputy Manager/IT and Assistant Manager/IT due to change of present set-up as and when IT Officers become due and are promoted.

(Marks : 5+15= 20)

# **PUNJAB STATE POWER CORPORATION LIMITED**

## **DEPARTMENTAL EXAMINATION FOR AM/HR**

**Paper -3 (Acts and Labour Laws) Session : 11/2023**

### **Model Solution**

#### **Ans : 1 (a)**

As per Regulation 2 of Chapter 1 of FACTORY ACT, 1948, unless there is anything repugnant in the subject or context,-

- (a) "adult" means a person who has completed his eighteenth year of age;
- (b) "adolescent" means a person who has completed his fifteenth year of age but has not completed his eighteenth year;
- (c) "child" means a person who has not completed his fifteenth year of age;

#### **Ans : 1 (b)**

As per Regulation 17 of Chapter III of FACTORY ACT, 1948, the rules regarding Lighting are as below:-

- (1) In every part of a factory where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.
- (2) In every factory all glazed windows and skylights used for the lighting of the workroom shall be kept clean on both the inner and outer surfaces and, so far as compliance with the provisions of any rules made under sub-section (3) of section 13 will allow, free from obstruction.
- (3) In every factory effective provision shall, so far as practicable, be made for the prevention of-
  - (a) glare, either directly from a source of light or by reflection from a smooth or polished surface; (b) the formation of shadows to such an extent as to cause eyestrain or the risk of accident to any worker.
- (4) The State Government may prescribe standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

As per Regulation 18 of Chapter III of FACTORY ACT, 1948, the rules regarding Drinking Water are as below:-

- (1) In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.
- (2) All such points shall be legibly marked "drinking water" in a language understood by a majority of the workers employed in the factory, and no such point shall be situated within six metres of any washing place, urinal, latrine, spittoom, open drain carrying sullage or effluent or any other source of contamination unless a shorter distance is approved in writing by the Chief Inspector.

(iv) D...  
to minimum of 25  
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(3) In every factory wherein more than two hundred and fifty workers are ordinarily employed provision shall be made for cool drinking water during hot weather by effective means and for distribution thereof.

(4) In respect of all factories or any class or description of factories the State Government may make rules for securing compliance with the provisions of sub-sections (1), (2) and (3) and for the examination by prescribed authorities of the supply and distribution of drinking water in factories.

**Ans : 1 (c)**

**As per Regulation 38 of Chapter IV of FACTORY ACT, 1948, Precautions in case of fire are as below:-**

(1) In every factory, all practicable measures shall be taken to prevent outbreak of fire and its spread, both internally and externally, and to provide and maintain- (a) safe means of escape for all persons in the event of a fire, and (b) the necessary equipment and facilities for extinguishing fire.

(2) Effective measures shall be taken to ensure that in every factory all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such cases.

(3) The State Government may make rules, in respect of any factory or class or description of factories, requiring the measures to be adopted to give effect to the provisions of sub-sections (1) and (2).

(4) Notwithstanding anything contained in clause (a) of sub-section (1) or sub-section (2), if the Chief Inspector, having regard to the nature of the work carried on in any factory, the construction of such factory, special risk to life or safety, or any other circumstances, is of the opinion that the measures provided in the factory, whether as prescribed or not, for the purposes of clause (a) of subsection (1) or sub-section (2), are inadequate, he may, by order in writing, require that such additional measures as he may consider reasonable and necessary, be provided in the factory before such date as is specified in the order.]

**Ans : 2 (a)**

**As per Regulation 26 of Chapter IV of Air (Prevention and Control of Pollution) Act, 1981, Power to take samples of air or emission and procedure to be followed in connection therewith is as below:—**

(1) A State Board or any officer empowered by it in this behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed.

(2) The result of any analysis of a sample of emission taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), when a sample of emission is taken for analysis under sub-section (1), the person taking the sample shall—

(a) serve on the occupier or his agent, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(b) in the presence of the occupier or his agent, collect a sample of emission for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;

(d) send, without delay, the container or containers to the laboratory established or recognised by the State Board under section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of section 28.

(4) When a sample of emission is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3), then,—

(a) in a case where the occupier or his agent wilfully absents himself, the person taking the sample shall collect the sample of emission for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent is present at the time of taking the sample but refuses to sign the marked and sealed container or containers of the sample of emission as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the sample, and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or specified under sub-section (1) of section 28 and such person shall inform the Government analyst appointed under sub-section (1) of section 29, in writing, about the wilful absence of the occupier or his agent, or, as the case may be, his refusal to sign the container or containers.

Ans : 2 (b)

As per Regulation 40 of Chapter VI of Air (Prevention and Control of Pollution) Act, 1981, Offences by companies is as below:—

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,— (a) “company” means any body corporate, and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.

Ans : 3 (a)

- I) **"branch office"** means— (i) any establishment described as a branch by the opposite party; or (ii) any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the establishment;
- II) **"deficiency"** means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;
- III) **"person"** includes,— (i) a firm whether registered or not; (ii) a Hindu undivided family; (iii) a co-operative society; (iv) every other association of persons whether registered under the Societies Registration Act, 1860 (21 of 1860) or not;
- IV) **"trader"**, in relation to any goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package form, includes the packer thereof;

Ans : 3 (b)

**As per Regulation 11 of Chapter II of RTI Act, 2005, Third party information is as below:—**

(1) Where a Central Public Information Officer or a 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 of the fact that the Central Public Information Officer or State Public Information 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 injury 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) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) 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.

①

# Model Solution of AM/HR/S-11/23/P-3

## Ans : 4 (a)

As per notification issued by Ministry Of Micro, Small And Medium Enterprises New Delhi on dated 1st June, 2020, criteria for classification of micro, small and medium enterprises is as below:—

The Central Government hereby notifies the following criteria for classification of micro, small and medium enterprises, namely:—

- (i) a micro enterprise, where the investment in Plant and Machinery or Equipment does not exceed one crore rupees and turnover does not exceed five crore rupees;
- (ii) a small enterprise, where the investment in Plant and Machinery or Equipment does not exceed ten crore rupees and turnover does not exceed fifty crore rupees;
- (iii) a medium enterprise, where the investment in Plant and Machinery or Equipment does not exceed fifty crore rupees and turnover does not exceed two hundred and fifty crore rupees.

This notification shall come into effect from 01.07.2020.

## Ans : 4 (b)

As per Consumer Protection Act, 1986 with regard to value of goods and services claimed, The jurisdictional rights of District Consumer Forum, State Commission and National Commission are as below:—

**Jurisdiction of the District Forum.**—(1) 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 3 [does not exceed rupees twenty lakhs].

2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction,—

- (a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or 4 [carries on business or has a branch office or] personally works for gain; or
- (b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or 5 [carries on business or has a branch office], or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or 6 [carry on business or have a branch office], or personally work for gain, as the case may be, acquiesce in such institution; or
- (c) the cause of action, wholly or in part, arises.

**Jurisdiction of the State Commission.**—(1) Subject to the other provisions of this Act, the State Commission shall have jurisdiction—

- (a) to entertain— (i) complaints where the value of the goods or services and compensation, if any, claimed 5 [exceeds rupees twenty lakhs but does not exceed rupees one crore ]; and (ii) appeals against the orders of any District Forum within the State; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.

(2) A complaint shall be instituted in a State Commission within the limits of whose jurisdiction,—

(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain; or

(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office or personally works for gain, provided that in such case either the permission of the State Commission is given or the opposite parties who do not reside or carry on business or have a branch office or personally works for gain, as the case may be, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises.

**Jurisdiction of the National Commission.**—Subject to the other provisions of this Act, the National Commission shall have jurisdiction—

(a) to entertain— (i) complaints where the value of the goods or services and compensation, if any, claimed exceeds 3 [rupees one crore]; and (ii) appeals against the orders of any State Commission; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

Ans : 5

- (i) **"Area of supply"** means the area within which a distribution licensee is authorised by his licence to supply electricity;
- (ii) **"Board"** means, a State Electricity Board, constituted before the commencement of this Act, under sub-section (1) of section 5 of the Electricity (Supply) Act, 1948;
- (iii) **"Distribution licensee"** means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- (iv) **"Electricity"** means electrical energy- (a) generated, transmitted, supplied or traded for any purpose; or (b) used for any purpose except the transmission of a message;
- (v) **"Line"** means any wire, cable, tube, pipe, insulator, conductor or other similar thing (including its casing or coating) which is designed or adapted for use in carrying electricity and includes any line which surrounds or supports, or is surrounded or supported by or is installed in close proximity to, or is supported, carried or suspended in association with, any such line;