

भाग – 2

अनुक्रमणिका

सूचना का अधिकार अधिनियम – 2005 के अध्याय – 2 की धारा – 4(1) ख (V)

अपने द्वारा या अपने नियंत्रणाधीन धारित या अपने कर्मचारियों द्वारा अपने कृत्यों के निर्वहन के लिए प्रयोग किए गये नियम, विनियम, अनुदेश, निर्देशिका और अभिलेख

| क्रम संख्या | विवरण |
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| 1. | विनियमावली : |
| | (1) उत्तर प्रदेश विद्युत परिषद परिचालकीय कर्मचारी वर्ग सेवा विनियमावली, 1995 |
| | (2) UP State Electricity Board Personnel (Officer) Service Regulations (1995) |
| | (3) The Uttar Pradesh State Electricity Board Services of Engineers Regulations, 1970 |
| | (4) The Uttar Pradesh State Electricity Board Assistant Engineers (Civil) Service Regulations, 1970 |
| | (5) The Uttar Pradesh State Electricity Board Subordinate Electrical & Mechanical Engineering Service Regulations, 1972 |
| | (6) The U.P. State Electricity Board Ministerial Establishment (Offices of The Chief Engineer And Other Subordinate Offices) Regulations, 1970. |
| | (7) The Uttar Pradesh State Electricity Board Accounts (Officers) Service Regulations, 1984 |
| | (8) U.P. State Electricity Board Service of Engineers (Integration & Seniority) Regulations, 1976 |
| | (9) Uttar Pradesh State Electricity Board (Officers and Servants) (Conditions of Service) Regulations, 1975 |
| | (10) UPSEB Administrative Tribunals Regulations, 1973 |
| | (11) U. P. State Electricity Board (Employees' Retirement) Regulations, 1975 |

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| | (12) | The Uttar Pradesh State Electricity Board (Miscellaneous Provisions Regulations, 1977 |
| | (13) | The UPSEB Absorption Of Board's Servants (In Govt. And In Public Undertakings) Regulations, 1987 |
| | (14) | Transfer of Employee on Foreign Service |
| | (15) | Regulation under Section 79 (C) of the Electricity (Supply) Act, 1948 Governing Payment of Subsistence Allowance. |
| | (16) | Regulations of powers to sign and verify vakalatnamas, Pleadings, affidavits and to issue orders for taking necessary action in connection with legal cases filed by or against the Board. |
| | (17) | Uttar Pradesh State Electricity Board (Powers Of Chairman And Terms & Conditions of Service of The Chairman & Members) Rules, 1967 |
| | (18) | Uttar Pradesh State Electricity Consultative Council and Local Advisory Committees Rules, 1964 |
| | (19) | Uttar Pradesh State Electricity Board Regulations of Business and Procedure of the Board |
| | (20) | The Uttar Pradesh State Electricity Board Management Committee (Business And Procedure) Regulations, 1985 |
| | (21) | The Uttar Pradesh State Electricity Board (Contributions) Regulations, 1962 |
| | (22) | U. P. State Electricity Board (Procedure and Conduct of Business) Regulations, 1978 |
| | (23) | U.P. State Electricity Board (Limitation of Functions) Regulations, 1978 |
| | (24) | U.P. State Electricity Board (Conditions of Service) Regulations, 1978 |
| | (25) | The Uttar Pradesh State Electricity Board Servants (Recognition of Service Associations) Regulations, 1968 |
| | (26) | The Uttar Pradesh (Government Servants' Conduct Rules, 1956 |
| | (27) | The Uttar Pradesh State Electricity Board (Issue of Bonds) Rules, 1964 |
| | (28) | Uttar Pradesh State Electricity Board (Submission of Reports) Rules, 1969 |
| | (29) | The UPSEB Employees (Transfers) Regulations' 1980 |
| | (30) | The Uttar Pradesh Electric Wire & Transformers (Prevention & Punishment of Theft) Rules, 1977 |
| | (31) | विविध |
| | (32) | उत्तर प्रदेश राज्य विद्युत परिषद सेवा काल में मृत परिषदीय सेवकों के आश्रितों की भर्ती नियमावली 1975 |
| | (33) | The U. P. State Electricity Board Service of Engineers (Xth Amendment) Regulations, 1988 |
| | (34) | Uttar Pradesh State Electricity Board (Officers And Servants) (Conditions Of Service) (Sixth Amendment) Regulations 1975 |
| | (35) | UPSEB Administrative Tribunals Regulations (IInd Amendment), 1988 |

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| 2. | विद्युत कनेक्शन लेने की प्रक्रिया |
| 3. | Redressal of Consumers Grievances |

उत्तर प्रदेश विद्युत परिषद परिचालकीय कर्मचारी वर्ग सेवा विनियमावली, 1995

भाग — 1

“सामान्य”

1. संक्षिप्त नाम तथा प्रारम्भ

- (क) यह विनियमावली “उ.प्र. राज्य विद्युत परिषद परिचालकीय कर्मचारी वर्ग सेवा विनियमावली — 1995” कहलायेगी ;
- (ख) यह तत्काल प्रभाव से लागू होगी।

2. प्रास्थिति (स्टेट्स)

- (क) किसी आदेश, नियम, अनुबन्ध, निर्णय अथवा प्रचलन के अब तक होते हुए भी इस विनियम के सभी प्राविधान, विनियम 3.26 में परिभाषित सेवाओं के सदस्यों पर लागू होंगे।
- (ख) ऐसे कर्मचारी जो किसी संविदा, अनुबन्ध के अन्तर्गत अथवा अवकाश कालीन रिक्तियों या अंशकालिक आधार पर अथवा मस्टर रोल पर कार्यरत हैं वे उनके लिए विशेष रूप से निर्गत नियुक्ति सम्बन्धि आदेश, अनुबन्ध या संविदा से ही आवरित होंगे और उस सीमा तक उन पर यह विनियम लागू नहीं होगा।

3. परिभाषायें

जब तक कि प्रसंग में अन्यथा अपेक्षित न हो इस विनियमावली में :—

- 3.1 “एक्ट” का तात्पर्य “इलेक्ट्रिसिटी (सप्लाई) एक्ट, 1947” से है;
- 3.2 “अधिष्ठान” का तात्पर्य ऐसे अहाते अथवा स्थान से है जहां परिषद अपने व्यवसाय का संचालन करता है;
- 3.3 “परिषद” से तात्पर्य एक्ट की धारा-5 के अन्तर्गत गठित उ.प्र. राज्य विद्युत परिषद से है;
- 3.4 “अध्यक्ष” से तात्पर्य उ.प्र. राज्य विद्युत परिषद के अध्यक्ष से है;
- 3.5 “सचिव” से तात्पर्य उ.प्र. राज्य विद्युत परिषद के सचिव अथवा सदस्य सचिव से है;
- 3.6 “मुख्य अभियन्ता” से तात्पर्य मुख्य अभियन्ता (जल विद्युत), मुख्य अभियन्ता (स्तर-1) तथा (स्तर-2), परियोजनाओं के महाप्रबन्धक, मुख्य परियोजना प्रबन्धक से है;
- 3.7 “परियोजना” से तात्पर्य इन विनियमों के निमित्त किसी विद्युत गृह या विद्युत गृहों के समूह से है जिसे प्रभारी महा-प्रबन्ध को इस निमित्त घोषित करें;
- 3.8 “परियोजना प्रमुख” से तात्पर्य परिषद के अधीन किसी परियोजना के प्रमुख अधिकारी से है;
- 3.9 “मुख्य क्षेत्रीय अभियन्ता” से तात्पर्य उ.प्र. राज्य विद्युत परिषद के अधीन मुख्य क्षेत्रीय अभियन्ता के पद पर कार्यरत अधिकारी से है;

- 3.10 "महाप्रबन्धक" से तात्पर्य तापीय परियोजना या जल-विद्युत परियोजना संगठन सा केसा अथवा परिषद के अधीन किसी अन्य संगठन के महाप्रबन्धक से है;
- 3.11 "अधीक्षण अभियन्ता" से तात्पर्य उस अधिकारी से है जो उ.प्र. राज्य विद्युत परिषद के अधीन अधीक्षण अभियन्ता के पद पर कार्यरत हो;
- 3.12 "अधिकासी अभियन्ता" से तात्पर्य ऐसे अधिकारी से है जो परिषद के अधीन अधिकासी अभियन्ता के पद पर कार्यरत हो;
- 3.13 "सहायक अभियन्ता" से तात्पर्य सहायक अभियन्ता के पद पर कार्यरत अधिकारी अथवा ऐसे अधिकारी से है जिसे परिषद द्वारा उप-खण्ड का कार्यभार देकर उप-खण्ड अधिकारी के रूप में नामित किया गया हो;
- 3.14 "अनुमोदित सेवा" से तात्पर्य परिषद द्वारा अब तक किये गये नियमित चयन के आधार पर परिषद के अधीन की गई सेवा से है;
- 3.15 "अस्थाई कर्मचारी" से तात्पर्य ऐसे व्यक्ति से है जिसकी सेवा में नियुक्ति की गई हो और जिसने परीक्षावधि पूरी कर ली हो परन्तु उस संवर्ग में किसी पद पर उसका स्थायीकरण न हुआ हो;
- 3.16 "आयोग" से तात्पर्य विद्युत सेवा आयोग, उ.प्र. राज्य विद्युत परिषद से है;
- 3.17 "चयन समिति" से तात्पर्य परिचालकीय कर्मचारियों की भर्ती तथा प्रोन्नति हेतु गठित चयन समिति से है;
- 3.18 "छटनीशुदा कर्मचारी" से तात्पर्य ऐसे कर्मचारी से है जिसकी छटनी औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत की गई है;
- 3.19 "नियुक्ति अधिकारी" से तात्पर्य विनियम 13(घ) एवं 15 (क) में परिभाषित अधिकारी से है;
- 3.20 "परीक्षाधीन" वह कर्मचारी है जिसकी नियुक्ति इन विनियमों के अन्तर्गत परीक्षा पर की गई हो और जिसने अपनी परीक्षावधि पूरी न की हो;
- 3.21 "विभागीय कर्मचारी" से तात्पर्य उ.प्र. राज्य विद्युत परिषद के अधीन नियमित आधार पर सेवा में कार्यरत कर्मचारी से है। इनमें मस्टररोल, तदर्थ एवं श्रमिक संविदा अथवा अवकाश काल में की गयी नियुक्तियां सम्मिलित नहीं हैं;
- 3.22 "विलीनीकरण" से तात्पर्य उन कर्मचारियों की सेवा विलीनीकरण से है जो परिषद की सेवा में मानक सेवा शर्तों के आधार पर परिचालकीय वर्ग सेवा में भूतपूर्व लाइसेंसधारियों व अन्य-अन्य अधिष्ठानों से लिये गये हैं;?
- 3.23 "संविधान" से तात्पर्य 'भारत का संविधान' से है।
- 3.24 "सरकार" अथवा "राज्य सरकार" से तात्पर्य उत्तर प्रदेश सरकार से है;
- 3.25 "सेवा" से तात्पर्य उ.प्र. राज्य विद्युत परिषद के अधीन परिचालकीय कर्मचारियों की सेवा से है;
- 3.26 "सेवा का सदस्य" का तात्पर्य इस विनियमावली के उपबन्धों के अन्तर्गत सेवा के वर्ग में किसी श्रेणी के पद पर नियुक्त व्यक्ति से है परन्तु इसमें प्रतिनियुक्ति पर आये व्यक्ति सम्मिलित नहीं हैं;
- 3.27 "स्थायी कर्मचारी" वह कर्मचारी है जिसको लिखित आदेश से सम्बन्धित संवर्ग के पद पर स्थायी घोषित कर दिया गया हो;
- 3.28 "परिचालकीय कर्मचारी" से तात्पर्य उस व्यक्ति से है जो शारीरिक श्रम, अर्द्धकुशल, कुशल परिचालन निर्माण तथा अनुरक्षण कार्य के लिए नियुक्त किया गया हो;

- 3.29 "यांत्रिक संवर्ग" से तात्पर्य उस संवर्ग से है जिसके पदों पर सीधी भर्ती हेतु अर्हता अखिल भारतीय/राज्य प्राविधिक व्यावसायिक प्रमाण-पत्र है या ऐसे पदों से जिन पर इन पदों से पदोन्नति द्वारा नियुक्ति की जाती है।

भाग – 2

"संवर्ग"

4. सेवा संवर्ग

सेवा के सदस्यों तथा उसके प्रत्येक श्रेणी के पदों की संख्या उतनी होगी जितनी परिषद द्वारा समय-समय पर अवधारित की जाये।

भाग – 3

"भर्ती"

5. भर्ती के स्रोत

(क) सेवा में पदों पर मूल भर्ती निम्नवत् की जायेगी :-

- 1 इन विनियमों के भाग – 5 में वर्णित प्रक्रिया के अनुसार सीधी भर्ती द्वारा;
- 2 पदोन्नति द्वारा भर्ती, इन विनियमों के भाग – 6 में वर्णित प्रक्रिया के अनुसार;
- 3 उ.प्र. राज्य विद्युत परिषद सेवा काल में मृत परिषदीय सेवकों के आश्रितों की भर्ती विनियमावली – 1975 (यथा संशोधित) तथा उ.प्र. राज्य विद्युत परिषद (भूमि अध्याप्ति) से प्रभावित परिवार के सदस्य की नियुक्ति विनियमावली- 1987 (यथा संशोधित) अथवा परिषद द्वारा समय-समय पर लागू किसी अन्य विनियम के आधार पर सीधी भर्ती द्वारा;

(ख) (1) नियुक्ति प्राधिकारी सेवा के संवर्ग में कोई रिक्त पद बिना भरे छोड़ सकता है या पदों को सृजित करने के लिए उसे आस्थगित रखा जा सकता है। इससे कोई व्यक्ति किसी नियुक्ति/प्रोन्नति अथवा किसी प्रतिकर का हकदार न होगा;

(2) परिषद समय-समय पर ऐसे स्थायी/अस्थायी पदों का सृजन समाप्त कर सकता है जिन्हें वह आवश्यक समझे।

6. रिक्तियों का आरक्षण

अनुसूचित जाति, अनुसूचित जनजाति और अन्य श्रेणी के अभ्यर्थियों के लिए रिक्तियों का आरक्षण समय-समय पर निर्गत परिषद के आदेशों के आधार पर होगा;

भाग — 4

“अर्हताएं”

7. राष्ट्रीयता

सेवा में भर्ती के लिए अभ्यर्थी को निम्नलिखित होना चाहिए —

- (क) भारत का नागरिक या
- (ख) तिब्बती शरणार्थी जो 1 जनवरी 1962 से पूर्व भारत में स्थायी रूप से आवास की अभिलाषा से आया हो, या
- (ग) भारतीय मूल का कोई व्यक्ति जो पाकिस्तान, वर्मा, श्रीलंका तथा पूर्वी अफ्रीका के देश कीनिया, युगांडा और संयुक्त गणतन्त्र तंजानिया (जो पहले टंगान्या या जंजीवार थे) से स्थायी रूप से भारत में आवास की अभिलाषा से आया हो;

प्रतिबन्ध यह है कि उत्तर प्रदेश में स्थायी रूप से रहने वाले अभ्यर्थियों को सदैव वरीयता दी जायेगी;

प्रतिबन्ध यह भी है कि उपयुक्त वर्ग (ख) या (ग) में आने वाला व्यक्ति ऐसा होगा जिसके पक्ष में राज्य सरकार द्वारा पात्रता का प्रमाण पत्र निर्गत किया जा चुका हो;

प्रतिबन्ध यह भी है कि वर्ग (ख) में आने वाले अभ्यर्थी को पुलिस महानिरीक्षक अभिसूचना शाखा, उत्तर प्रदेश द्वारा प्रदत्त पात्रता का प्रमाण-पत्र भी प्राप्त करना होगा;

अग्रिम प्रतिबन्ध यह भी है कि वर्ग (ग) में आने वाले अभ्यर्थी को पात्रता प्रमाण पत्र में दी अवधि के पश्चात सेवा में नहीं रखा जायेगा, तब तक उसने भारतीय नागरिकता का प्रमाण पत्र न प्राप्त कर लिया हो।

8. आयु

- (क) सीधी भर्ती के अभ्यर्थी की आयु चयन के वर्ष में 1 जनवरी को 17 वर्ष से कम तथा 32 वर्ष से अधिक नहीं होगी; प्रतिबन्ध यह है कि विभागीय अभ्यर्थियों के लिए प्रोन्नति पदों पर आयु की कोई सीमा नहीं है।

- (ख) आयु की गणना परिशिष्ट-3 में वर्णित नियमानुसार की जायेगी।

परन्तु यह है कि अनुसूचित जातियों को जनजातियों और ऐसी अन्य श्रेणी जो सरकार द्वारा समय-समय पर अभिसूचित की जाय, के अभ्यर्थियों की दशा में उच्चतर आयु सीमा उतने वर्ष अधिक होगी जितनी विनिर्दिष्ट की जाय।

9. शैक्षिक और तकनीकी योग्यतायें तथा व्यावसायिक अनुभव

सेवा में सीधी भर्ती एवं प्रोन्नति द्वारा भर्ती के लिये अभ्यर्थी की योग्यतायें तथा अनुभव इत्यादि परिशिष्ट 1 (क) एवं (ख) में दिये हुए हैं;

परन्तु यह है कि इन विनियमों में वर्णित तकनीकी तथा व्यावसायिक योग्यताएं किसी भी संवर्ग के लिए उन भूतपूर्व लाइसेंसी कर्मचारियों पर लागू नहीं होगी जिनकी सेवायें इन्हीं सेवा शर्तों पर परिषद सेवा संवर्ग में समाविष्ट की जाती है।

10. चरित्र

- (क) सेवा में सीधी भर्ती के लिए अभ्यर्थी का चरित्र, परिषद की सेवा के लिये सर्वथा उपयुक्त होना चाहिए। नियुक्ति प्राधिकारी का कर्तव्य होगा कि अभ्यर्थी का नियुक्ति पत्र देने से पूर्व पुलिस के माध्यम से उसके चरित्र एवं पूर्णवृत्त को प्रमाणित करवा लें तथा इस बिन्दु पर निश्चित रूप से स्वयं को सन्तुष्ट कर लें परन्तु, किसी भी मामले में यह कार्य परिवीक्षावधि पूर्ण होने के बाद के लिये न छोड़ा जाये।

सेवा के मध्य कभी भी पुलिस द्वारा अच्छे चरित्र के प्रतिकूल सूचित किया जाता है तो उसे निरन्तर सेवा में रहने की आज्ञा नहीं दी जायेगी तथा उसकी सेवायें बिना किसी नोटिस, प्रतिकर अथवा वेतन के निरस्त कर दी जायेगी;

- (ख) अभ्यर्थी को किसी संस्था जिसमें वह पहले अध्ययन कर चुका हो, के प्रधान से तथा दो उत्तरदायी व्यक्तियों जैसे ग्राम प्रधान, संसद सदस्य, विधान सभा/विधान परिषद सदस्य अथवा जिस क्षेत्र का वह निवासी है उस क्षेत्र के किसी राजपत्रित अधिकारी से सचरित्रता का प्रमाण पत्र प्रस्तुत करना होगा;

- (ग) कोई व्यक्ति जो केन्द्र सरकार या राज्य सरकार या किसी सार्वजनिक उद्यम की सेवा से पदच्युत किया गया हो वह सेवा में भर्ती के लिये अयोग्य होगा तथा यदि उसकी नियुक्ति हो गई हो तो उसे निरन्तर सेवा में रहने की आज्ञा नहीं दी जायेगी तथा उसकी सेवायें बिना नोटिस/प्रतिकर अथवा वेतन के समाप्त कर दी जायेगी;

टिप्पणी : चरित्र तथा पूर्ववर्त की प्रमाणिकता के लिए आवश्यक सूचना परिशिष्ट-4 पर उपलब्ध प्रपत्र में दी गई है। यह प्रपत्र साक्षात्कार के समय अभ्यर्थी द्वारा भरा जायेगा।

11. वैवाहिक स्थिति

कोई पुरुष अभ्यर्थी जिसकी एक से अधिक पत्नियां जीवित हों या कोई महिला अभ्यर्थी जिसने किसी ऐसे पुरुष से विवाह किया हो जिसकी पहले से ही एक जीवित पत्नी हो तो सेवा में नियुक्ति के लिए पात्र नहीं होगा। यदि नियुक्ति हो गई हो तो उसे बिना किसी सूचना/प्रतिकर अथवा वेतन के सेवा से निरस्त कर दिया जायेगा।

12. शारीरिक स्वस्थता

सीधी भर्ती द्वारा लिया गया कोई भी अभ्यर्थी सेवा में तब तक किसी पद पर नियुक्त नहीं किया जायेगा जब तक कि वह मानसिक एवं शारीरिक स्वस्थता का प्रमाण पत्र जिले के मुख्य चिकित्सा अधिकारी/उपमुख्य चिकित्साधिकारी अथवा किसी ऐसे चिकित्साधिकारी जिसे परिषद ने समय-समय पर इस रूप में प्राधिकृत किया हो, से लेकर प्रस्तुत न करें;

टिप्पणी : परिषद/सरकार द्वारा निर्दिष्ट ऐसे शुल्क अभ्यर्थी को चिकित्सीय परीक्षण हेतु चिकित्साधिकारी के पास जमा करना होगा और इस शुल्क की परिषद द्वारा प्रतिपूर्ति नहीं की जायेगी।

“सीधी भर्ती”

- (क) सेवा में ऐसे श्रेणी के समस्त पद सीधी भर्ती द्वारा भरे जायेंगे जिनका परिशिष्ट -1 (क) तथा (ख) में उल्लेख किया गया है। परिषद में छटनीशुदा कर्मचारियों को सदैव वरीयता दी जायेगी;
- (ख) सीधी भर्ती के पदों के लिये चयन Electricity Service Commission (विद्युत सेवा आयोग) UP State Electricity Board (Limitation of Functions, Regulation- 1978 (यथा संशोधित) के अनुसार विद्युत सेवा आयोग द्वारा किया जायेगा;
- (ग) विद्युत सेवा आयोग चयनित अभ्यर्थियों में से प्रत्येक खण्ड/मण्डल/परियोजना में सामान्य श्रेणी, अनुसूचित जाति/अनुसूचित जनजाति तथा पिछड़ा वर्ग की रिक्तियों के अनुसार चयनित अभ्यर्थियों को आवंटित करेगा;
- (घ) आवंटित अभ्यर्थियों के नियुक्ति आदेश निम्न तालिका में दिये गये प्राधिकारियों द्वारा निर्गत किये जायेंगे :-

| क्रम सं. | परिशिष्ट (क) तथा (ख) में वर्णित पदों की श्रेणी | नियुक्ति अधिकारी |
|----------|--|------------------|
| 1 | श्रेणी प 1 वेतनमान 900-1190 | अधिशाली अभियन्ता |
| 2 | श्रेणी प 2 वेतनमान 1000-1360 | |
| 3 | श्रेणी प 3 वेतनमान 1100-1575 | |
| 4 | श्रेणी प 4 वेतनमान 1200-1700 | |
| 5 | श्रेणी प 5 वेतनमान 1350-2160 | अधीक्षण अभियन्ता |
| 6 | श्रेणी प 6 वेतनमान 1650-2690 | |

टिप्पणी :- यदि कालम -2 में अंकित नियुक्ति प्राधिकारी से उच्च प्राधिकारी भी किसी कर्मचारी के कोई नियुक्ति आदेश निर्गत करता है तो भी उसका नियुक्ति प्राधिकारी कालम 72 में अंकित प्राधिकारी ही उस श्रेणी का नियुक्ति प्राधिकारी माना जायेगा।

भाग - 6

प्रोन्नति द्वारा भर्ती

14. परिशिष्ट 1 (क) और 1 (ख) में निर्देशित पदोन्नति द्वारा भरे जाने वाले पदों पर भर्ती परिषदीय कर्मचारियों की पदोन्नति द्वारा की जायेगी। सेवा में किसी उच्च श्रेणी में प्रोन्नति हेतु पात्र होने के लिए सेवा के सदस्य को ऐसी अवधि तथा ऐसे ढंग से प्रशिक्षण/पुनश्चर्या (Refresher Course) पूरा करना होगा जैसा कि परिषद द्वारा समय-समय पर निर्दिष्ट किया गया हो।
15. **चयन समिति**

(क) पदोन्नति के लिये उपयुक्त अभ्यर्थियों का चयन निम्न समितियों द्वारा किया जायेगा :-

| | परिशिष्ट 1(क) एवं (ख) में वर्णित पदों की श्रेणी | चयन के लिए समिति | समिति के गठन के लिए सक्षम प्राधिकारी | पद की नियुक्ति प्राधिकारी |
|-----|---|---|--|---------------------------|
| I | श्रेणी प 6 वेतनमान 1350-2690 | ऐसी समिति जिसमें सम्बन्धित मंडल, उपक्रम का अधीक्षण अभियन्ता या परियोजना पर वरिष्ठतम अधीक्षण अभियन्ता संयोजक तथा दो वरिष्ठतम अधिशासी अभियन्ता सदस्य हों। यदि इन तीन सदस्यों में एक सदस्य अनुसूचित जाति या अनुसूचित जनजाति तथा एक सदस्य अन्य पिछड़े वर्ग से संबंधित न हो तो ऐसे वर्ग का अन्य मंडलों में कार्यरत अधिशासी अभियन्ता अतिरिक्त सदस्य होगा या होंगे। | सम्बन्धित मंडल के अधीक्षण अभियन्ता अथवा परियोजनाओं पर महाप्रबन्धक/परियोजना प्रमुख अथवा उपक्रम का मुख्य अभियन्ता, जैसी स्थिति हो। | अधीक्षण अभियन्ता |
| II | श्रेणी प 5 वेतनमान 1340-2160 | | | |
| III | श्रेणी प 4 वेतनमान 1200-1700 | ऐसी समिति जिसमें मंडल/परियोजना/उपक्रम में कार्यरत वरिष्ठतम अधिशासी अभियन्ता संयोजक तथा मंडल/परियोजना/उपक्रम के दो अन्य अधिशासी अभियन्ता सदस्य हों। जिनमें से एक अनुसूचित जाति/जनजाति तथा एक पिछड़ा वर्ग का होना चाहिए। यदि मंडल में ऐसे अधिशासी अभियन्ता कार्यरत नहीं है तो अन्य मंडलों में कार्यरत ऐसे वर्ग के अधिशासी अभियन्ता/सहायक अभियन्ता या उनके समतुल्य अधिकारी अतिरिक्त सदस्य होगा या होंगे। | उपरोक्त | अधिशासी अभियन्ता |
| IV | श्रेणी प 3 वेतनमान 1100-1575 | | | |
| V | श्रेणी प 2 वेतनमान 1000-1360 | | | |

प्रथम प्रतिबन्ध यह है कि :-

- (1) श्रेणी प 5 एवं श्रेणी प 6 के पदों पर पदोन्नति के लिए मंडल एक इकाई माना जायेगा चाहें मंडल में कितने ही खण्ड हों। सभी खंडों की रिक्तियों को संयुक्त कर सभी खंडों में कार्यरत पात्र कर्मचारियों से चयन किया जायेगा;
- (2) श्रेणी प 2 से लेकर श्रेणी प 4 तक के पदों पर पदोन्नति के लिए एक खण्ड को एक इकाई माना जायेगा;

द्वितीय परन्तु यह भी है कि परियोजना तथा उपक्रम (अंडरटेकिंग) पर श्रेणी प 2 से लेकर श्रेणी प 6 तक के पदों पर पदोन्नति के लिए पूरे परियोजना/उपक्रम को एक इकाई माना जायेगा चाहे परियोजना/उपक्रम पर कितने ही मंडल/खण्ड हों। सभी मंडलों/खण्डों की रिक्तियों को संयुक्त कर सभी मंडलों/खण्डों में कार्यरत पात्र कर्मचारियों से चयन किया जायेगा;

टिप्पणी :- चयन समिति के उद्देश्यों के लिए सबसे वरिष्ठ वह अधिकारी है जो अपने संवर्ग की परिषद् जेष्ठता सूची में वरिष्ठ हो।

(ख) यदि चयन समिति का कोई सदस्य किसी ऐसे व्यक्ति जो पदोन्नति द्वारा किसी पद के लिए अभ्यर्थी है, से सम्बन्धित है या रुचि रखता है तो उसे अभ्यर्थी से अपना सम्बन्ध या रुचि जैसा भी मामला हो, पहले से ही लिखित रूप में चयन समिति के संयोजक के समक्ष प्रस्तुत करना होगा तथा स्वयं को ऐसे अभ्यर्थी के चयन सम्बन्धी समिति की कार्यवाही से अलग रखना होगा। ऐसी अनुपस्थिति होते हुए भी समिति की कार्यवाही चलती रहेगी;

प्रतिबन्ध यह है कि समिति की किसी बैठक में सदस्य संख्या दो से कम न हो। यदि इस उप विनियम के अधीन संयोजक स्वयं को किसी बैठक से अलग करता है तो बचे हुए सदस्य चयन करेंगे तथा उनमें से वरिष्ठता अधिशासी अभियन्ता संयोजक के रूप में कार्य करेगा।

16. चयन प्रक्रिया

(क) जिन पदों पर नियुक्ति परिषदीय कर्मचारियों से पदोन्नति द्वारा की जानी है, उन पदों पर भर्ती हेतु नियुक्ति प्राधिकारी पात्र अभ्यर्थियों, जो प्रोन्नति हेतु अपनी इच्छा दर्शाते हैं, से निर्धारित प्रपत्र पर विस्तृत विवरण मांगेगा।

(ख) पात्र अभ्यर्थियों की ज्येष्ठता क्रम में खण्ड स्तर पर एक सूची निर्मित कर चयन समिति के संयोजक को रिक्तियों की संख्या के साथ भेजी जायेगी। यह सूची निम्न प्रकार बनाई जायेगी :-

- 1 यदि पात्रता का क्षेत्र निम्न पद के केवल एक पदनाम तक सीमित है तो खण्ड स्तर पर उस पदनाम की उपलब्ध ज्येष्ठता सूची के अनुसार;
- 2 यदि पात्रता का क्षेत्र समान वेतन संवर्ग के विभिन्न पद नामों तक बढ़ा है तो उनके नामों को इस संवर्ग में स्थाई नियुक्ति की तिथि से व्यवस्थित किया जायेगा। एक ही पदनाम के कर्मचारियों की सापेक्ष स्थिति वही रहेगी जो उस पदनाम की ज्येष्ठता सूची में है;
- 3 यदि पात्रता का क्षेत्र निम्न पदों की अनेक श्रेणियों तक बढ़ा हुआ है तब ऐसे पदों में उच्च वेतनमान वाले संवर्गों के अभ्यर्थियों को उनकी ज्येष्ठता के अनुसार सूची में पहले तथा उसके अगले निम्न संवर्ग के अभ्यर्थियों को उनकी ज्येष्ठता के अनुसार रखा जायेगा।

परन्तु यह है कि जिन पदों पर चयन के लिए मंडल अथवा परियोजना एक इकाई माना गया है उन पदों के लिए यह सूची मंडल अथवा परियोजना स्तर पर निम्न प्रकार बनाई जायेगी :-

श्रेणी प5 एवं श्रेणी प6 के पदों पर चयन के लिये खण्डों से प्राप्त सूचियों से एक सम्मिलित सूची मंडल स्तर पर बनाई जायेगी। यह सूची स्थाई नियुक्ति की तिथि के आधार पर बनाई जायेगी। एक खण्ड के अभ्यर्थियों की सापेक्ष ज्येष्ठता वही रखी जायेगी जो खण्ड से प्राप्त सूची में है। यदि दो या अधिक अभ्यर्थियों की नियुक्ति तिथि एक है तो साक्षेप वरिष्ठता विनियम 22 की विधि से निश्चित की जायेगी;

परन्तु यह है कि परियोजना पर यह सूची सभी श्रेणियों के लिए संयोजक स्तर पर बनाई जायेगी;

(ग) चयन का आधार “ज्येष्ठता अनुपयुक्त को छोड़ते हुये” होगा।

- (घ) उपयुक्तता का आंकलन अभ्यर्थियों के पिछले 5 वर्षों के किया कलापों का वार्षिक आंकलन (वार्षिक गोपनीय आख्या/प्रपत्र परिशिष्ट-6) तथा साक्षात्कार के आधार पर किया जायेगा।

साक्षात्कार में समिति 'अभ्यर्थियों के व्यक्तित्व, व्यवसायिक गुण, वर्तमान एवं नवीन पद के कार्यों का ज्ञान तथा करने की क्षमता आदि के सम्बन्ध में निर्णय लेगी;

- (च) उपरोक्त उप-विनियम 16(ख) के अधीन बनाई गई सूची के आधार पर चयन समिति अभ्यर्थियों को निम्न संख्या में साक्षात्कार के लिए आमंत्रित करेगी :-

| पदोन्नति द्वारा भरे जाने वाले रिक्त पदों की संख्या | साक्षात्कार के लिए बुलाये जाने वाले अभ्यर्थियों की संख्या |
|--|---|
| 1 से 9 तक | रिक्त पदों की संख्या से दो गुने, न्यूनतम पांच |
| 10 से अधिक | रिक्त पदों की संख्या से ड्योढ़े, न्यूनतम बीस |

- (छ) समिति जिन अभ्यर्थियों को उपयुक्त पाती है उनकी सूची उपरोक्त ज्येष्ठता क्रम में तैयार करेगी। इस सूची में आरक्षित कोटे तथा सामान्य कोटे के अभ्यर्थियों की साक्ष्य वरिष्ठता तत्समय परिषद द्वारा घोषित नियुक्ति के लिए लागू कमावली (रोस्टर) के अनुसार की जायेगी;

समिति द्वारा यह चयनित अभ्यर्थियों की सूची सम्बन्धित नियुक्ति अधिकारी को भेज दी जायेगी;

प्रतिबन्ध यह है कि परियोजना पर यह सूची महाप्रबन्धक/परियोजना प्रमुख को भेजी जायेगी।

17. सम्मिलित चयन सूची :

उन पदों के लिए जिन पर सीधी भर्ती तथा पदोन्नति द्वारा दोनों प्रकार नियुक्ति की जानी है, नियुक्ति अधिकारी विद्युत सेवा आयोग द्वारा आवंटित अभ्यर्थियों तथा चयन समिति द्वारा पदोन्नति के उपयुक्त पाये गये अभ्यर्थियों की एक सम्मिलित सूची तैयार करेगा। इस सम्मिलित सूची में पहला नाम विभागीय कर्मचारी जिसकी पदोन्नति द्वारा नियुक्ति होनी है, का होगा। उसके बाद सीधी भर्ती वाले अभ्यर्थियों के नाम उसी अनुपात में होंगे जो अनुपात पदोन्नति द्वारा भर्ती तथा सीधी भर्ती का है;

यदि किसी कारण यह दोनों भर्ती की कार्यवाही एक साथ होना सम्भव न हो तो जो सूची उपलब्ध है उसी के अनुसार अग्रिम कार्यवाही की जा सकती है।

नियुक्ति, परिवीक्षा, स्थायीकरण, ज्येष्ठता आदि

18. नियुक्ति प्राधिकारी :

विभिन्न श्रेणियों के पदों हेतु विनियम 13 (घ) एवं 14 (क) में दिये विवरण के अनुसार नियुक्ति प्राधिकारी होंगे;

यदि इन विनियमों में अंकित नियुक्ति प्राधिकारी से उच्च प्राधिकारी भी किसी कर्मचारी के कोई नियुक्ति आदेश निर्गत करता है तो भी उसका नियुक्ति प्राधिकारी विनियम 13(घ) एवं 15(क) में वर्णित प्राधिकारी ही उस श्रेणी का नियुक्ति प्राधिकारी माना जायेगा।

19. नियुक्ति :

विनियम-17 के अन्तर्गत निर्मित सूची में से, नियुक्ति प्राधिकारी विभिन्न पदों पर, जिसमें अस्थाई एवं कार्यवाहक रिक्तियाँ भी सम्मिलित हैं, नियुक्ति करेंगे। नियुक्तियाँ उसी क्रम में की जायेगी जिस क्रम में अभ्यर्थियों का नाम सूची में दर्शाया गया है।

किसी भी पद पर नियुक्ति सेवा के प्रत्येक सदस्य को ऐसी अवधि तथा ऐसे ढंग से प्रशिक्षण पूरा करना होगा जैसा कि परिषद द्वारा समय-समय पर निर्दिष्ट किया जायेगा।

20. कार्यभार ग्रहण करते समय प्रमाण-पत्रों एवं घोषणा पत्रों को प्रस्तुत करना :

सीधी मर्ती द्वारा चयनित अभ्यर्थी को कार्यभार ग्रहण करने के पूर्व उस प्राधिकारी के सम्मुख जहां वह पहली बार कार्यभार ग्रहण करता है, निम्नलिखित प्रमाण-पत्र/घोषणा-पत्र प्रस्तुत करने होंगे :-

(क) विनियम-10 एवं 12 के अधीन वांछित प्रमाण पत्र।

(ख) घोषणाएँ -

(I) विनियम -11 के अनुसार वैवाहिक स्थिति के सम्बन्ध में;

(II) परिषद के अधीन सेवारत किसी व्यक्ति से उसका सम्बन्ध;

(III) कि वह ऋण मुक्त है;

(IV) सभी चल अचल सम्पत्ति का ब्योरा जो अभ्यर्थी या उसके परिवार के आश्रित सदस्यों के पास है अथवा अधिग्रहीत की गयी है। इस सम्पत्ति का पूर्ण एवं सही विवरण परिशिष्ट-7 द्वारा निर्धारित प्रपत्र में प्रस्तुत किया जायेगा;

(V) परिवार के सदस्यों एवं आश्रितों की सूची;

(VI) परिषद की निष्पक्ष एवं विश्वसनीयता के साथ सेवा करने सम्बन्धी घोषणा परिशिष्ट-8 में निर्धारित प्रपत्र पर;

(VII) यह कि किसी न्यायालय द्वारा किसी आपराधिक मामले में दण्डित नहीं किया गया।

21. **नियुक्ति पर पद भार ग्रहण करने की अवधि :**

यदि कोई सीधी भर्ती द्वारा चयनित अभ्यर्थी नियुक्ति आदेश में दी गयी समयावधि के अन्दर अपना कार्यभार ग्रहण नहीं करता है तो नियुक्ति अधिकारी द्वारा यह समयावधि अधिक से अधिक एक माह के लिए बढ़ाई जा सकती है जिसके पश्चात उपरोक्त नियुक्ति आदेश समाप्त हो जायेंगे और अभ्यर्थी को नियुक्ति पाने का कोई अधिकार नहीं होगा। किसी भी अभ्यर्थी को बिना उपरोक्त प्रमाण-पत्र एवं घोषणा-पत्र प्रस्तुत किये कार्यभार ग्रहण नहीं करने दिया जायेगा;

पदोन्नति द्वारा भर्ती के सम्बन्ध में प्रतिबन्ध यह होगा कि यदि कोई अभ्यर्थी नियुक्ति आदेश में दिये गये समयावधि या तीस दिन जो भी कम हो, के अन्तर्गत नये नियुक्ति स्थान पर अपना कार्यभार ग्रहण नहीं करता है तो उसके नियुक्ति आदेश रद्द समझे जायेंगे और अभ्यर्थी पदोन्नति का हकदार नहीं होगा।

22. **ज्येष्ठता :**

(I) जिस पद का जो नियुक्ति प्राधिकारी है उस पद की ज्येष्ठता सूची उसी अधिकारी स्तर पर बनाई जायेगी;

प्रतिबन्ध यह है कि परियोजना पर यह सूची जिस इकाई से सदस्य के सेवा सम्बन्धी मामलों का निस्तारण होता है उस इकाई स्तर पर बनाई जायेगी;

(II) परिशिष्ट 1(क) तथा 1(ख) के कालम 2 में जिन पदों का कालम 73 में एक पदनाम दर्शाया गया है उनकी एक ज्येष्ठता सूची होगी;

(III) किसी भी पद की ज्येष्ठता सूची नियुक्ति तिथि के क्रम में बनाई जायेगी। यदि दो सदस्यों की नियुक्ति तिथि एक है तो उनकी जन्मतिथि के अवरोहण क्रम में व्यवस्थित की जायेगी जो आयु में अधिक होगा वह वरिष्ठ होगा। यदि दो या अधिक सदस्यों की जन्मतिथि भी एक है तो उनकी पारस्परिक ज्येष्ठता उसके नाम के प्रथम अंग्रेजी अक्षर के अनुसार अंग्रेजी वर्णमाला क्रम के आधार पर निर्धारित की जायेगी;

(IV) जिन पदों पर सीधी भर्ती तथा विभागीय कर्मचारियों की पदोन्नति दोनों प्रकार से नियुक्तियां की जानी है और नियुक्ति तिथि एक है तो इन दोनों प्रकार के अभ्यर्थियों की साक्षेप ज्येष्ठता निम्न प्रकार की जायेगी;

पदोन्नति द्वारा नियुक्ति वाले सदस्य का नाम ज्येष्ठता सूची में प्रथम तथा उसके बाद सीधे भर्ती वाले सदस्य के नाम उसी अनुपात में होंगे जो अनुपात पदोन्नति द्वारा भर्ती तथा सीधी भर्ती का है;

(V) एक तिथि को सीधी भर्ती अथवा पदोन्नति द्वारा नियुक्ति सेवा के आरक्षित कोटे और सामान्य श्रेणी के सेवा की सदस्यों की पारस्परिक वरिष्ठता तत्समय, परिषद द्वारा इस सम्बन्ध में नियुक्ति के लिये निर्धारित क्रियावली (रोस्टर) के अनुसार की जायेगी;

परन्तु यह है कि जिन पदों पर पदोन्नति तथा सीधी भर्ती अर्थात् दोनों प्रकार से नियुक्ति की जानी है उनके सम्बन्ध में नियुक्ति तिथि एक होने पर पहले सापेक्ष वरिष्ठता पदोन्नति वाले सदस्यों की आपस में और सीधी भर्ती वाले सदस्यों की आपस में व्यवस्थित की जायेगी। उसके उपरान्त इन दोनों प्रकार के सदस्यों की सापेक्ष वरिष्ठता विनियम-22 (प्ट) के अनुसार निर्धारित की जायेगी;

- (VI) केसा अथवा किसी पूर्व लाइसेन्सधारियों के कर्मचारियों के परिषदीय संवर्ग में संविलीनीकरण करने की स्थिति में ऐसे कर्मचारी की ज्येष्ठता उसके विलीनीकरण की तिथि में उस संवर्ग में अनुमोदित कर्मचारियों के नीचे निर्धारित रखी जायेगी;

परन्तु यह है कि यदि किसी तिथि को किसी एक ही लाइसेन्सधारी या केसा के एक से अधिक कर्मचारियों का एक ही पद पर संविलीनीकरण किया गया है तो उनके पैतृक विभाग में जो उनकी पारिस्परिक ज्येष्ठता थी वहीं यथावत रखी जायेगी;

परन्तु यह भी है कि यदि एक से अधिक पूर्व लाइसेन्सधारियों के कर्मचारी एक साथ एक ही तिथि को एक ही संवर्ग में संविलीन किये जाते हैं तो उनकी पारिस्परिक ज्येष्ठता उनकी सेवा अवधि के आधार पर निर्धारित की जायेगी और यदि सेवा अवधि समान है तो उनके जन्मतिथि के क्रम में निर्धारित की जायेगी;

टिप्पणी : संविलीन की तिथि कर्मचारी द्वारा संविलीन के लिये सहमति देने की तिथि मानी जायेगी;

- (VII) विनियम 5(क)(3) के अन्तर्गत नियुक्त सदस्यों की ज्येष्ठता उस पद पर ऐसे अनुमोदित सदस्यों के नीचे रखी जायेगी जो नियुक्ति की तिथि को सेवा में थे;

- (VIII) स्थानान्तरण होने पर वरिष्ठता :-

- (अ) परिषद हित में स्थानान्तरण होने पर -

जो सेवा का सदस्य परिषद के हित में एक इकाई जिस स्तर पर उसकी वरिष्ठता निर्धारित है, से दूसरी इकाई में परिषद हित में स्थानान्तरित किया जाता है तो उनकी नई इकाई में वरिष्ठता इस पद के ग्रेड में नियुक्ति की तिथि के अनुसार निर्धारित की जायेगी;

- (ब) अपनी प्रार्थना पर स्थानान्तरण होने पर

जो कर्मचारी उसके अनुरोध पर एक इकाई से दूसरी इकाई में स्थानान्तरित किए जायेंगे उन्हें नई इकाई में सम्बन्धित पद/ग्रेड में मौजूदा पदधारियों के नीचे वरिष्ठता दी जायेगी भले ही इन स्थानान्तरित कर्मचारियों की अपने पद में सेवा की अवधि कुछ भी हो। परस्पर अदला-बदली के फलस्वरूप स्थानान्तरणों पर भी वही सिद्धान्त लागू होगा;

- (IX) वरिष्ठता सूची का प्रकाशन और उसके सम्बन्ध में आपत्तियां

जिस कर्मचारी की परिवीक्षा अवधि बढ़ाई जाती है, उसकी ज्येष्ठता, नियुक्ति में बढ़ी हुई अवधि जोड़कर जो तिथि आती है उसके अनुसार निर्धारित की जायेगी;

सम्बन्धित कर्मचारियों को यह अनुमति होगी कि वरिष्ठता सूची के प्रकाशन के दो महीने के भीतर वे निर्धारित किए गए अपने वरिष्ठता क्रम के बारे में, कारण बताते हुए अभ्यावेदन कर सकें। वरिष्ठता में संशोधन करने के लिए कोई भी मामला इस अवधि के बाद स्वीकार नहीं किया जायेगा।

- (1) सेवा के किसी पद पर सीधी भर्ती द्वारा नियुक्त किये जाने पर प्रत्येक व्यक्ति को दो वर्ष की अवधि के लिए परीक्षा पर रखा जायेगा। ऐसे परीक्षा काल जिसमें बढ़ाया हुआ काल भी सम्मिलित है, के सफलतापूर्वक पूर्ण करने पर कर्मचारी को स्थायी पद उपलब्ध होने पर और परिषद द्वारा समय-समय पर निर्धारित अन्य शर्तों को पूरा करने पर नियुक्ति प्राधिकारी द्वारा एक विशेष आदेश निर्गत करके स्थाई कर दिया जायेगा। जब तक स्थायीकरण के आदेश निर्गत नहीं हो जाते परीक्षा अवधि समाप्त हो जाने के उपरान्त सेवा का सदस्य अस्थायी कर्मचारी कहलायेगा;

परन्तु यह है कि किसी भी पद पर पदोन्नति द्वारा नियुक्ति पर कोई परीक्षा न होगी;

परन्तु यह भी है कि नियुक्ति अधिकारी द्वारा किसी मामले में परीक्षा काल एक निर्धारित अवधि तक बढ़ाया जा सकता है जो कि किसी भी अवस्था में प्रथमतः छः महीने से अधिक नहीं होगा। किसी भी मामले में परीक्षा काल एक वर्ष से अधिक नहीं बढ़ाया जा सकता है।

- (2) यदि परीक्षा अवधि या बढ़ायी गयी परीक्षा अवधि के दौरान किसी भी समय या उसके अन्त में नियुक्ति प्राधिकारी को यह प्रतीत होता है कि परीक्षाधीन व्यक्ति ने अपने अवसरों का पर्याप्त उपयोग नहीं किया गया है या सन्तोष प्रदान करने में अन्यथा विफल रहा है तो उसकी सेवायें समाप्त की जा सकती हैं;
- (3) जिस परीक्षाधीन व्यक्ति की सेवायें परीक्षा अवधि के मध्य, परीक्षा अवधि के अन्त में अथवा बढ़ायी गयी परीक्षा अवधि के मध्य, समाप्त की जा रही हो वह औद्योगिक विवाद अधिनियम-1947 के प्राविधानों के अनुसार मुआवजे का अधिकारी होगा।

भाग — 8

अधिकार चाल-चलन एवं अनुशासन

24. अधिकार

(I) चरित्र पंजिका में प्रविष्टि हेतु सक्षम प्राधिकारी

| | संवर्ग का पद | प्रतिवेदक अधिकारी | समीक्षक अधिकारी | अन्तिम अधिकारी | प्रतिकूल प्रविष्टि यदि कोई हो, तो सूचित करने वाला अधिकारी | प्रतिकूल प्रविष्टि के विरुद्ध प्रत्यावेदन हेतु अधिकारी |
|---|--|-------------------|-----------------|------------------|---|--|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | परिचालकीय कर्मचारी श्रेणी —प5 तथा प6 | सहायक अभियन्ता | — | अधिशाली अभियन्ता | अधीक्षण अभियन्ता | अधीक्षण अभियन्ता / मुख्य क्षेत्रीय अभियन्ता / महाप्रबन्धक / मुख्य अभियन्ता |
| 2 | परिचालकीय कर्मचारी श्रेणी —प2, प3 तथा प4 | अवर अभियन्ता | सहायक अभियन्ता | अधिशाली अभियन्ता | अधिशाली अभियन्ता | अधीक्षण अभियन्ता |

| | | | | | | |
|---|------------|--------------|----------------|------------------|------------------|------------------|
| 3 | श्रेणी –प1 | अवर अभियन्ता | सहायक अभियन्ता | अधिशाली अभियन्ता | अधिशाली अभियन्ता | अधीक्षण अभियन्ता |
|---|------------|--------------|----------------|------------------|------------------|------------------|

टिप्पणी : प्रविष्टि परिशिष्ट-6 वाले प्रपत्र में दी जायेगी।

(II) निलम्बन आदेश हेतु सक्षम अधिकारी

| संवर्गों के पद | प्राधिकारी |
|-------------------------------------|------------------|
| 1 | 2 |
| परिचालकीय कर्मचारी श्रेणी –प1 से प6 | अधिशाली अभियन्ता |

टिप्पणी : कोई अन्य अधिकारी जिसके उपरोक्त स्तम्भ 72 में वर्णित अधिकारी अधीनस्त हो, वह भी इन विनियमों के अधीन सेवा के किसी सदस्य को निलम्बित करने हेतु सक्षम होगा।

(III) दण्ड देने हेतु सक्षम अधिकारी

| संवर्ग की श्रेणी | अल्प दण्ड हेतु (चेतावनी, निन्द प्रविष्टि, दक्षतारोक सहित वेतन वृद्धि रोकने तथा आर्थिक हानि के कारण वेतन से वसूली तथा जुर्माना) | बड़े दण्ड हेतु (पदावनति करके, समयबद्ध वेतनमान में निम्न स्तर करने, सेवा से हटाये जाने या निरस्त जाने या निरस्त करने) |
|-------------------------------------|--|--|
| 1 | 2 | 3 |
| 1 परिचालकीय कर्मचारी श्रेणी प5 व प6 | अधिशाली अभियन्ता | अधीक्षण अभियन्ता |
| 2 परिचालकीय कर्मचारी श्रेणी प1 व प4 | अधिशाली अभियन्ता | अधीक्षण अभियन्ता |

टिप्पणी : कोई अन्य प्राधिकारी जिसके उपरोक्त स्तम्भ-2 और 3 में वर्णित प्राधिकारी अधीनस्थ हो वे भी इन विनियमों के अधीन सेवा में किसी सदस्य को छोटा या बड़ा दण्ड देने हेतु सक्षम होगा।

दण्ड के विरुद्ध पुनरीक्षण अधिकारी दण्ड अधिकारी से अगला प्रभारी अधिकारी जिसके आधीन दण्ड अधिकारी कार्यरत है, होगा।

25. चाल-चलन

25.1 सामान्य

सेवा का प्रत्येक सदस्य :

- (I) प्रत्येक समय पर सत्यनिष्ठा तथा कर्तव्य परायणता बनाये रखेगा;
- (II) निष्पक्ष भाव से अपने वरिष्ठ के आदेशानुसार कार्य करेगा;
- (III) किसी भी समय कार्यस्थल पर परिषद के हित अथवा सम्मान के विरुद्ध कार्य नहीं करेगा;

- (IV) उपभोक्ताओं, उच्च अधिकारियों, सहयोगियों एवं न प्रतिनिधियों से नम्रतापूर्वक एवं शालीनता से व्यवहार करेगा;

25.2 नशीले पदार्थों का सेवन

परिषद का कर्मचारी

- (I) उस क्षेत्र में लागू जिसमें कि वह उस समय कार्यरत हो, नशीले पदार्थों तथा किसी प्रकार के नशे से सम्बन्धित कानून का कड़ाई से पालन करेगा;
- (II) ड्यूटी के समय में किसी नशीले पेय अथवा नशे के प्रभावाधीन नहीं होगा और इस बात का भी पूरा ध्यान रखेगा कि ऐसे नशे के प्रभाव के कारण उसके कर्तव्य पालन पर किसी प्रकार का कुप्रभाव नहीं पड़ेगा;
- (III) किसी सार्वजनिक स्थल पर नशीले पेय अथवा नशे के सेवन से परहेज करेगा;
- (IV) नशे की हालत में किसी सार्वजनिक स्थल पर नहीं जायेगा;

स्पष्टीकरण :

- (I) इस विनियम के निमित्त सार्वजनिक स्थान में वह सारे स्थान तथा यातायात साधन आते हैं जहां प्रत्येक व्यक्ति (परिषदीय कर्मचारी अथवा अन्य सहित) जाने का अधिकारी है।
- (II) ऐसे क्लब जिनमें परिषद कर्मचारी के अलावा भी सदस्य हों या जहां परिषद सदस्यों के अलावा भी अन्य व्यक्ति चाहे वह परिषद के कर्मचारी हो अतिथि के रूप में, आमंत्रित किये जाते हों, भी सार्वजनिक स्थान माने जायेंगे।

24.3 राजनीति एवं चुनावों में भाग लेना :

- (I) विधि द्वारा विशिष्ट रूप से प्राधिकृत स्थिति को छोड़कर, कोई भी कर्मचारी किसी राजनीतिक दल अथवा ऐसे संगठन का सदस्य नहीं बनेगा तथा उससे सम्बन्ध नहीं रखेगा जो राजनीति में भाग लेता हो अथवा किसी आन्दोलन एवं गतिविधि जो परोक्ष या अपरोक्ष रूप से सरकार/परिषद विरुद्ध हो में सहायता करता हो, और न ही चन्दे या अन्य किसी प्रकार से सहायता करेगा;
- (II) सेवा के प्रत्येक सदस्य का कर्तव्य होगा कि वह अपने परिवार के किसी भी सदस्य को किसी भी ऐसे आन्दोलन अथवा क्रिया-कलाप जो परिषद अथवा सरकार के बनाये गये नियमों के विपरीत हो, में भाग लेने, सहयोग देने अथवा किसी अन्य तरीके से सहायक होने से रोकेगा और यदि वह अपने परिवार के किसी सदस्य को ऐसे क्रिया से रोकने में असफल रहता है तो वा उसकी सूचना तुरन्त अपने वरिष्ठ को देगा।
- (III) सेवा का कोई भी सदस्य किसी भी वैधानिक अथवा स्थानीय प्राधिकरण/पंचायत के चुनाव में न तो प्रचार करेगा, न अपने प्रभाव का प्रयोग करेगा और न ही भाग लेगा।

प्रतिबन्ध यह है कि :-

- (अ) कोई सदस्य जो चुनाव में मतदान करने के लिए अर्ह है अपने मतदान के अधिकारों का प्रयोग कर सकता है किन्तु वह इंगित नहीं करेगा कि किसी प्रकार मतदान करना चाहता है या मतदान किया है;
- (ब) यदि कोई सदस्य किसी चुनाव में किसी विधि द्वारा निहित प्राविधानों के अन्तर्गत अथवा किसी प्रकार से उसे दिये गये कर्तव्यों के पालन में किसी चुनाव में सहायता करता है तो उसे इस अनुच्छेद का उल्लंघन नहीं माना जायेगा।

स्पष्टीकरण :

सेवा के सदस्य द्वारा अपने शरीर, वाहन अथवा निवास स्थान पर किसी चुनाव चिन्ह के प्रदर्शन का अर्थ चुनाव के सम्बन्ध में उसके द्वारा अपने प्रभाव का उपयोग माना जायेगा।

25.4 प्रदर्शनों/हड़तालों में भाग लेना व संघों का सदस्य बनना :

- (I) सेवा का कोई भी सदस्य किसी ऐसे प्रदर्शन/रैली में अपने को नहीं लगाएगा अथवा भाग लेगा जो भारत की एकता और सार्वभौमिकता, सुरक्षा विदेशों से नैतिक सम्बन्ध, सार्वजनिक शान्ति व नैतिकता के विरुद्ध हो या न्यायालय की अवमानना या अपराध करने को उकसाने से सम्बन्धित हो;
- (II) चाहे जो भी कारण हो, सेवा का कोई भी सदस्य न तो किसी गैर कानूनी हड़ताल में भाग लेगा और न ही उसे बढ़ावा देगा;
- (III) सेवा को कोई सदस्य ऐसे संघों का सदस्य नहीं बनेगा अथवा अपनी सदस्यता जारी नहीं रखेगा जिसके उद्देश्य अथवा गतिविधियां भारत की प्रभुसत्ता, एकता, सार्वजनिक व्यवस्थाय अथवा नैतिकता के प्रतिकूल हो।

25.5 प्रेस, रेडियो या दूरदर्शन से सम्बन्ध :

- (I) नियुक्ति अधिकारीकी पूर्व स्वीकृति के बिना सेवा का कोई भी सदस्य किसी समाचार पत्र अथवा अन्य सावधिक प्रकाशन का पूर्णता: अथवा अंशतः स्वामी नहीं बनेगा अथवा उसके संपादन अथवा प्रबन्ध में भाग नहीं लेगा;
- (II) नियुक्ति अधिकारी की पूर्व स्वीकृति के बिना अथवा अपने कर्तव्यों के वास्तविक पालन में, अपने नाम से अथवा बेनामी अथवा छद्मनाम से अथवा किसी अन्य व्यक्ति के नाम से रेडियो, टेलीविजन से कुछ प्रसारित नहीं करेगा और न ही कोई पुस्तक लिखेगा अथवा प्रकाशित करेगा अथवा समाचार पत्र अथवा पत्रिका को कोई लेख भेजेगा अथवा पत्र लिखेगा। लेकिन यदि ऐसा प्रसारण अथवा लेख पूर्णतया साहित्यिक, य कलात्मक अथवा वैज्ञानिक प्रकृति का हो तो ऐसी अनुमति की आवश्यकता नहीं होगी।

25.6 सरकार तथा परिषद की आलोचना :

कोई भी सेवा का सदस्य किसी रेडियो, टि.वी. प्रसारण में अपने नाम से अथवा किसी उपनाम या छद्मनाम से प्रकाशित किसी लेख में अथवा समाचार पत्रों के नाम किसी पत्र में अथवा किसी जन-भाषण में ऐसा कोई कथन नहीं करेगा;

- (I) जिससे उसके उच्च अधिकारियों अथवा भारत/प्रदेश सरकार अथवा परिषद की किसी नीति अथवा कार्य की प्रतिकूल आलोचना होती हो; अथवा
- (II) जिससे परिषद तथा जनता के बीच अथवा परिषद तथा सरकार के बीच सम्बन्धों के बिगड़ने की संभावना पैदा होती है;

परन्तु यह है कि अपने सौंपे गये कर्तव्यों के पालन में यदि कर्मचारी पूर्णतया वास्तविक वक्तव्य देता है अथवा विचार व्यक्त करता है तो यह नियम लागू नहीं होगा;

25.7 समिति अथवा किसी अन्य प्राधिकरण के समक्ष गवाही :

- (I) उपनियम (III) में दी हुई व्यवस्था को छोड़कर सेवा का कोई सदस्य, नियुक्ति अधिकारी की पूर्व स्वीकृति के बिना किसी व्यक्ति, समिति अथवा प्राधिकरण द्वारा की जा रही जांच के सम्बन्ध में गवाही नहीं देगा;
- (II) जहां उपनियम (I) के अन्तर्गत स्वीकृति प्रदान की जा चुकी हो, ऐसी गवाही देने वाला कोई भी कर्मचारी सरकार अथवा परिषद की किसी नीति अथवा कार्य की आलोचना नहीं करेगा;
- (III) इस नियम की कोई बात निम्नलिखित पर लागू नहीं होगी :

- (क) सरकार, संसद अथवा राज्य विधान मंडल अथवा परिषद द्वारा नियुक्ति प्राधिकारी के समक्ष किसी जांच में दी गई गवाही;
- (ख) किसी न्यायिक जांच में दी गयी गवाही; अथवा
- (ग) सरकार/परिषद के अधीनस्थ प्राधिकरण द्वारा निर्दिष्ट किसी विभागीय जांच में दी गई गवाही।

25.8 अनाधिकृत रूप से जानकारी देना :

परिषद के किसी सामान्य अथवा विशेष आदेश के अनुसरण अथवा सौंपे गये कर्तव्यों के सदाशयपूर्ण पालन की स्थितियों को छोड़कर कोई भी कर्मचारी, प्रत्यक्ष अथवा अप्रत्यक्ष रूप से किसी प्रलेख अथवा उसके किसी भाग की अथवा कोई अन्य जानकारी किसी ऐसे परिषद कर्मचारी या अन्य व्यक्ति को नहीं देगा, जिसे ऐसे प्रलेख अथवा जानकारी देने का प्राधिकार उसे प्राप्त नहीं है।

स्पष्टीकरण : सेवा के किसी भी सदस्य द्वारा अपने प्रत्यावेदन में अपने उच्च अधिकारी को किसी पत्रावली का उद्धरण प्रस्तुत करना इस विनियम के अन्तर्गत अनाधिकार चेष्टा समझी जायेगी।

25.9 चन्दा :

सेवा को कोई भी सदस्य अपने नियुक्ति प्राधिकारी के अनुमोदन के बिना न तो किसी प्रकार का चन्दा मांगेगा, न ही स्वीकार करेगा और न ही कोष को बढ़ाने के लिए किसी भी उद्देश्य से सहायक सिद्ध होगा।

25.10 उपहार :

सेवा का कोई भी सदस्य अपने नियुक्ति प्राधिकारी के अनुमोदन के बिना

- (अ) प्रत्यक्ष अथवा परोक्ष रूप से अपने या किसी अन्य व्यक्ति के माध्यम से,
- (ब) अपने आश्रित परिवार के किसी सदस्य को अपने घनिष्ठ रिश्तेदारों के अतिरिक्त अन्य किसी व्यक्ति से कोई भेंट, दान अथवा पुरस्कार लेने की आज्ञा नहीं देगा।

प्रतिबन्ध यह है कि वह स्वयं अथवा अपने परिवार के किसी सदस्य के माध्यम से अपने व्यक्तिगत मित्र से विवाह अथवा किसी अन्य अमारोह के अवसर पर 501/- रुपये मूल्य तक की भेंट स्वीकार कर सकता है। तथापि सेवा के प्रत्येक सदस्य को इस प्रकार के उपहारों के लेन-देन को बढ़ावा देने से रोकना चाहिए।

स्पष्टीकरण : “उपहार” शब्द में ऐसी निःशुल्क सवारी, आवास, वास अथवा कोई अन्य अथवा कोई अन्य आर्थिक लाभ भी सम्मिलित है जो किसी ऐसे व्यक्ति द्वारा मुहैया करवाए गए हों जो कर्मचारी का निकट सम्बन्धी या उसका व्यक्तिगत मित्र न हो और जिसका उससे कोई दफ्तरी वास्ता न हो।

- टिप्पणी :**
- (अ) यदाकदा का भोजन, सवारी में बैड़ना अथवा कोई अन्य सामाजिक अतिथ्य उपहार नहीं माना जायेगा।
 - (ब) कोई भी कर्मचारी अपने साथ दफ्तरी सम्बन्ध रखने वाले किसी व्यक्ति अथवा फर्म से कीमती अथवा बार-बार आतिथ्य स्वीकार नहीं करेगा।

25.11 दहेज देना अथवा लेना :

सेवा को कोई भी सदस्य

- (I) न तो दहेज देगा न लेगा और न ही देने अथवा लेने की दुष्प्रेरणा देगा; अथवा
- (II) यथा स्थिति दुल्हन अथवा दूल्हा के माता-पिता या संरक्षक से प्रत्यक्ष अथवा अप्रत्यक्ष रूप से, दहेज नहीं मांगेगा।

टिप्पणी : इस नियम के प्रयोजन हेतु “दहेज” का अर्थ वही है जो कि दहेज निषेध अधिनियम, 1961 (1961 का 28) में दिया गया है जो कि इस प्रकार है;

इस अधिनियम में, “दहेज” का अर्थ ऐसी सम्पत्ति अथवा मूल्यवान ऋण-पत्र से है जो प्रस्ताव अथवा अप्रत्यक्ष रूप से दिया गया हो अथवा दिये जाने का करार किया गया हो;

- (क) विवाह के एक पक्ष द्वारा दूसरे पक्ष को; अथवा
- (ख) विवाह से पूर्व अथवा पश्चात, विवाह के एक पक्ष के माता-पिता द्वारा अथवा किसी अन्य व्यक्ति द्वारा दूसरे पक्ष के माता-पिता को अथवा किसी अन्य व्यक्ति को उक्त पक्षों के विवाह के लिये प्रतिफल के रूप में, परन्तु मुस्लिम व्यक्तिगत विधि (शरीयत) के अन्तर्गत आने वाले व्यक्तियों के मामले में दान अथवा मेहर इसके अधीन नहीं आता;

स्पष्टीकरण – I

संदेह निवारण की दृष्टि से यह स्पष्ट किया जाता है कि विवाह के समय पक्ष को नकदी, जेवर, कपड़ों अथवा अन्य चीजों के रूप में दिये जाने वाले उपहार इस धारा के अर्थ के अन्तर्गत दहेज नहीं माने जायेंगे, बशर्ते कि वे उक्त पक्षों के विवाह के प्रतिफल के रूप में न दिये गये हों।

स्पष्टीकरण – II

पद “मूल्यवान ऋण पत्र” का अर्थ वही है जो भारतीय दण्ड संहिता की धारा 30 के अन्तर्गत है।

25.12 प्रशस्ति-पत्र :

सेवा का कोई भी सदस्य, नियुक्ति प्राधिकारी की पूर्व स्वीकृति के बिना किसी भी प्रकार का आदर, या सम्मान सूचक पत्र अथवा प्रमाण-पत्र स्वीकार नहीं करेगा और न ही अपने या परिषद के किसी अन्य कर्मचारी के सम्मान में आयोजित सभा अथवा सार्वजनिक आतिथ्य-सत्कार में भाग लेगा।

परन्तु यह नियम ऐसे विदाई समारोह पर लागू नहीं होगा जो कि कर्मचारी अथवा परिषद के किसी अन्य कर्मचारी की सेवानिवृत्ति अथवा स्थानान्तरण अथवा परिषद के कर्मचारी द्वारा हाल ही में सेवा छोड़ने के अवसर पर मुख्यतः निजी अथवा अनौपचारिक प्रकृति का हो, अथवा जन निकायों अथवा संस्थाओं द्वारा आयोजित सादा और मामूली व्यय वाला समारोह हो।

25.13 निजी व्यापार अथवा रोजगार :

- (1) परिषद सेवा को कोई भी सदस्य नियुक्ति प्राधिकारी की पूर्व स्वीकृति के बिना प्रत्यक्ष अथवा अप्रत्यक्ष रूप से किसी व्यापार अथवा धन्धे में नहीं लगेगा और नहीं कोई और नौकरी करेगा अथवा और नौकरी करने के लिए बातचीत चलाएगा।

परन्तु यह है कि सेवा का कोई सदस्य ऐसी स्वीकृति के बिना सामाजिक अथवा धार्मिक प्रकृति का अवैतनिक कार्य कर सकता है अथवा साहित्यिक अथवा कलात्मक अथवा वैज्ञानिक प्रकृति का कोई काम यदा-कदा कर सकता है बशर्ते कि इससे उसके कार्यालय के कर्तव्यों के पालन में अवरोध न आता हो, परन्तु नियुक्ति प्राधिकारी यदि आदेश दे तो वह यह कार्य करना बन्द कर देगा;

- (2) यदि सेवा के सदस्य के परिवार का कोई सदस्य किसी व्यापार अथवा धन्धे में लगा हो अथवा किसी बीमा ऐजेन्सी अथवा कमीशन ऐजेन्सी का मालिक हो अथवा चलाता हो तो वह इसकी सूचना नियुक्ति प्राधिकारी को देगा;
- (3) सेवा का कोई भी सदस्य अपनी पत्नी या अन्य सम्बन्धी जो या तो पूर्ण रूप से उस पर निर्भर है या उसके साथ रह रहा है को उस जनपद में जिसमें वह तैनात है बीमा कम्पनी का ऐजेन्ट बनने की अनुमति नहीं देगा;
- (4) सेवा को कोई भी सदस्य नियुक्ति प्राधिकारी की पूर्व स्वीकृति के बिना अपने कर्तव्यों के पालन की स्थिति को छोड़कर किसी ऐसे बैंक अथवा कम्पनी जिसे कि कम्पनी अधिनियम-1956 (1956 का 1) अथवा तत्समय

लागू किसी अन्य विधि के अधीन पंजीकृत कराना आवश्यक हो, वाणिज्यिक उद्देश्यों से गठित किसी सहकारी समिति के पंजीकरण, प्रवर्तन अथवा प्रबन्ध में भाग नहीं लेगा,

परन्तु यह है कि सेवा का सदस्य किसी उपभोक्ता/गृह निर्माण सहकारी सोसाइटी के पंजीकरण प्रवर्तन अथवा प्रबन्ध में भाग ले सकता है जो कि उ.प्र. सहकारी सोसाइटी, अधिनियम 1965 (1992 का 2) अथवा तत्समय लागू किसी अन्य विधि के अधीन पंजीकृत हो तथा मुख्यतः परिषद के कर्मचारियों के हित लाभार्थ बनाई गई हो अथवा सोसायटी पंजीकरण अधिनियम 1860 (1860 का 21) अथवा ऐसी ही किसी विधि के अन्तर्गत पंजीकृत साहित्यिक, वैज्ञानिक अथवा धर्मार्थ हो। प्रतिबन्ध यह है कि वह कोष एकत्र करने, शेयर बेचने अथवा सोसायटी के अन्य वित्तीय काय कलापों में न तो भाग लेगा और न ही अपने को सम्बन्धित रखेगा।

25.14 संरक्षण :

सेवा का कोई सदस्य बिना नियुक्ति प्राधिकारी की पूर्व अनुमति के अपने आश्रितों के अतिरिक्त किसी व्यक्ति अथवा किसी नाबालिग की सम्पदा का वैधानिक संरक्षण नहीं हो सकता।

स्पष्टीकरण : इस नियम के निमित्त आश्रित से तात्पर्य परिषदीय कर्मचारी की पत्नी या पति जैसा भी हो, बच्चे, सौतेले बच्चे, बच्चों के बच्चे तथा उसके माता-पिता, बहने, भाई के बच्चे, बहन के बच्चे यदि उसके साथ रह रहे हों तथा पूर्णतया आश्रित हों, से है।

25.15 निवेश, कर्ज लेना व देना :

- (I) किसी बैंक, जीवन बीमा निगम अथवा किसी साख प्राप्त फर्म के साथ सामान्य लेन-देन को छोड़कर, सेवा का कोई भी सदस्य किसी ऐसे व्यक्ति से न रुपया उधार लेगा और न उसे देगा अथवा किसी अन्य प्रकार से अर्थिक बंधन में आएगा जिसका कि उसके साथ दफ्तरी वास्ता पड़ता है अथवा पड़ने की सम्भावना है अथवा अपने लाभ अथवा अपने परिवार के किसी सदस्य के लाभार्थ अपने नाम से दूसरों को ऋण लेने अथवा आर्थिक बंधन में बंधने की अनुमति देगा।
- (II) सेवा को कोई सदस्य न तो किसी सट्टे आदि में धन लगायेगा और न ही अपनी पत्नी, अथवा अन्य किसी आश्रित को जो उसके साथ रहता हो इस प्रकार की आज्ञा देगा जिससे उसके कर्तव्य प्रभावित होते हों।

25.16 दीवाला तथा स्वभावतः ऋण ग्रस्तता

- (I) सेवा का कोई भी सदस्य स्वभावतः ऋण-ग्रस्तता से बचेगा जब तक कि वह यह सिद्ध न कर दे कि ऐसी ऋण-ग्रस्तता अथवा दीवाला उसके बस के बाहर की परिस्थितियों का परिणाम है तथा अतिव्ययता अथवा दुर्यसन के कारण ऐसा नहीं हुआ हो;
- (II) सेवा का कोई सदस्य जो दीवालिया होने का आवेदन करता है अथवा दीवालिया विनिर्णीत अथवा घोषित किया जाता है, उसकी सूचना तुरन्त नियुक्ति प्राधिकारी को देगा।

25.17 चल, अचल तथा मूल्यवान सम्पत्ति :

- (I) सेवा का कोई भी सदस्य अपने नियुक्ति प्राधिकारी के पूर्व संज्ञान में लाये बिना किसी अचल सम्पत्ति का पट्टे या बन्धक रूप में क़य, विक़य अथवा उपहार किसी भी रूप में अपने नाम से अथवा परिवार के किसी सदस्य के नाम से लेन-देन नहीं करेगा;

प्रतिबन्ध यह है कि इस प्रकार का कोई सौदा यदि किसी नियमित व्यापारी एजेंट के माध्यम से नहीं किया जाता तो नियुक्ति प्राधिकारी की पूर्व अनुमति अनिवार्य है।

- (II) सेवा को कोई सदस्य यदि ऐसी चल सम्पत्ति से सम्बन्धित क़य-विक़य आदि का सौदा करता है जिसका मूल्य उसकी एक माह के वेतन या दो हजार रुपये जो भी कम हो से अधिक है तो उसकी सूचना सौदे के एक माह के अन्दर उसे अपने नियुक्ति प्राधिकारी को देनी होगी।

प्रतिबन्ध यह है कि इस प्रकार का कोई सौदा यदि किसी नियमित व्यापारी/एजेंट के माध्यम से नहीं किया जाता तो नियुक्ति प्राधिकारी की पूर्व अनुमति अनिवार्य है।

स्पष्टीकरण : इन उपनियमों के प्रयोजनार्थ “चल सम्पत्ति” में अन्य के साथ-साथ निम्नलिखित भी सम्मिलित है :-

- (क) बीमा पालिसियों जिनके वार्षिक प्रीमियम की राशि 1000/- रुपये या अधिक हो, जेवर, ऋण-पत्र, डिबेंचर तथा शेयर;
 - (ख) ऐसे कर्मचारी द्वारा दिये गये प्रतिभूत अथवा अप्रतिभूत ऋण,
 - (ग) मोटर-कारें, मोटर-साइकिल, स्कूटर, छोटे अथवा सवारी के अन्य साधन; तथा
 - (घ) रेफ्रिजरेटर, रेडियो, रेडियो ग्राम, टेलिविजन सेट, वी.सी.आर./वी.सी.पी., वांशिग मशीन आदि;
- (III) परिषद में प्रथम नियुक्ति के समय तथा प्रत्येक पांच वर्ष के अन्तराल से प्रत्येक कर्मचारी निर्धारित प्रपत्र में निम्नलिखित विवरण देते हुए अपनी परिसम्पत्तियों एवं देयताओं का विवरण प्रस्तुत करेगा :-
- (क) अपने नाम, अथवा अपने परिवार के किसी सदस्य के नाम में अथवा किसी अन्य व्यक्ति के नाम में उत्तराधिकारी में प्राप्त अथवा निजस्वत्व वाली अथवा अर्जित अथवा पट्टे अथवा रेहन से अपने कब्जे से अचल सम्पत्ति;
 - (ख) उसके द्वारा उत्तराधिकार में प्राप्त अथवा यथावत् स्वत्व में, अर्जित अथवा उसके कब्जे में शेयर, डिबेंचर तथा बैंक/डाकघर में जमा राशि
 - (ग) उसके उत्तराधिकार में प्राप्त अथवा यथावत् स्वत्व में, अर्जित अथवा कब्जे में कोई अन्य चल सम्पत्ति, यदि ऐसी सम्पत्ति का मूल्य 2000/- रुपये से अधिक हो;
 - (घ) प्रत्यक्ष अथवा अप्रत्यक्ष रूप से हुये ऋण तथा अन्य देयतायें।
- (IV) नियुक्ति प्राधिकारी कभी भी सामान्य अथवा विशेष आदेश द्वारा निर्धारित अवधि के अन्दर किसी भी कर्मचारी को अपने द्वारा अथवा अपनी ओर से किसी अन्य द्वारा अथवा उसे परिवार के किसी सदस्य द्वारा, जैसा भी आदेश में अंकित हो, अर्जित अथवा कब्जे में चल अथवा अचल सम्पत्ति की पूर्ण विवरणी प्रस्तुत करने को कह सकता है। यदि नियुक्ति अधिकारी निर्देशित करे तो ऐसी विवरणी में सम्पत्ति अर्जन के साधनों एवं स्रोतों का पूरा विवरण भी देना होगा।

25.18 परिषद के बाहर से जोर-डलवाना अथवा अन्य प्रभाव :

सेवा का कोई भी सदस्य परिषद में अपने सेवा सम्बन्धी मामलों के सम्बन्ध में अपने हितों को बढ़ाने के लिये कोई बाहरी प्रभाव, अपने द्वारा या परिवार के किसी सदस्य द्वारा नहीं डलवाएगा और न ही उसका प्रयास करेगा।

स्पष्टीकरण : कोई भी ऐसा कार्य जब तक अन्यथा सिद्ध न कर दिया जाए, जो परिषद सेवक की पत्नी या पति या परिवार के किसी अन्य सदस्य द्वारा किया जायेगा, परिषद के कर्मचारी द्वारा प्रेरित अथवा मिलकर किया हुआ माना जायेगा।

25.19 दूसरी शायियां :

- (I) कोई भी कर्मचारी किसी ऐसे व्यक्ति के साथ विवाह अथवा विवाह के संविदा नहीं करेगा जिसका कि जीवन-साथी जीवित हो; तथा
- (II) कोई भी कर्मचारी, जिसका जीवन साथी जीवित हो, किसी अन्य व्यक्ति के साथ विवाह अथवा विवाह संविदा नहीं करेगा;
- (III) जो कर्मचारी भारतीय नागरिक को छोड़ कर किसी अन्य व्यक्ति से विवाह करता है, तो वह इस तथ्य की सूचना तुरन्त नियुक्ति प्राधिकारी को देगा।

25.20 अनाधिकृत आर्थिक समझौता :

सेवा को कोई भी सदस्य किसी अन्य परिषदीय कर्मचारी अथवा किसी अन्य व्यक्ति से ऐसा कोई आर्थिक समझौता नहीं करेगा जिससे एक को या दोनों व्यक्तियों को अनाधिकृत रूप से या लागू नियमों के विरुद्ध किसी प्रकार का अनाधिकृत लाभ पहुंचता हो।

25.21 परिषद द्वारा उपलब्ध सेवा का उपयोग :

सेवा को कोई भी सदस्य परिषद द्वारा सरकारी कर्तव्यों के सही निर्वहन हेतु उपलब्ध कराई गई सुविधाओं का दुरुपयोग या लापरवाही से प्रयोग नहीं करेगा और न ही उसको आवंटित आवास किसी अन्य कर्मचारी अथवा बाहर के किसी अन्य व्यक्ति को उपयोग के लिये देगा।

स्पष्टीकरण : गृह, यात्रा, टेलीफोन किसी प्रकार की कोई अन्य सुविधा इस नियम के उल्लंघन के अन्तर्गत मानी जायेगी।

25.22 बिना भुगतान के सेवा लाभ उठाना :

सेवा को कोई भी सदस्य बिना उचित और पूरा भुगतान किये किसी ऐसी सेवा अथवा मनोरंजन का लाभ नहीं उठायेगा जिसके लिये कोई मूल्य, किराया या प्रवेश शुल्क लिया जाता हो।

25.23 कय भुगतान :

सेवा के किसी भी सदस्य द्वारा किसी भी खरीद के लिये जब तक किस्तों में मूल्य देने की स्पष्ट व्यवस्था न हो या किसी प्रमाणित व्यापारी के पास उधार खाता न चलाया जा रहा हो तब तक किसी भी वस्तु का कय मूल्य का पूरा व तुरन्त भुगतान किया जायेगा।

25.24 अपचार :

“अपचार ” शब्द के सामान्य अर्थों के प्रति बिना किसी पूर्वाग्रह के निम्नलिखित कृत्याकृत्य कार्य भी अपचार माने जायेंगे :-

- (I) परिषद के किसी कार्यालय अथवा प्रतिष्ठान (स्टेबिलिशमेन्ट) के परिसर के अन्दर जिसमें जाने और निकलने के बिन्दु भी सम्मिलित है, में बैठकें या सभा करना, धरना देना, प्रदर्शन करना या नारेबाजी करना।
- (II) परिषद कार्यालय अथवा (स्टेबिलिशमेन्ट) के परिसर में अथवा आस-पास जुआ खेलना।
- (III) ड्यूटी पर सोना।
- (IV) किसी परिषदीय कर्मचारी जिसमें पर्यवेक्षक भी सम्मिलित है, का “घेराव” करना, को चोट पहुंचाना, दुर्व्यवहार या किसी भी प्रकार से ऐसे कृत्य को प्रोत्साहन देना अथवा असमें भाग लेना।
- (V) छुट्टी अथवा अन्य किसी सुविधा को प्राप्त करने के लिए गलत प्रतिवेदन देना, समय पर काम पर न आना।
- (VI) अनियमित रूप से काम पर आना अथवा बिना अनुमति के कार्य से अनुपस्थित होना।
- (VII) नियमों का उल्लंघन करना, जानबूझ कर अवहेलना करना, किसी उच्च अधिकारी द्वारा निर्गत आदेशों अथवा परिपत्रों की अवज्ञा करना अथवा आदेशों के अनुपालन में विलम्ब करना।
- (VIII) आंवटित काग़्र की उपेक्षा करना या कार्य को लापरवाही और अदक्षता पूर्वक करना।
- (IX) कर्मचारी अथवा उसकी ओर से किसी अन्य व्यक्ति के पास कर्मचारी के ज्ञात आय-स्रोतों के अनुपात से अधिक वित्तीय संसाधन अथवा सम्पत्ति का होना जिसके लिये कि कर्मचारी संतोषजनक स्पष्टीकरण न दे सकता हो।
- (X) नियुक्ति के समय अथवा नौकरी के दौरान नाम, आयु, पिता का नाम, अर्हताएं, गृह जनपद, अथवा पूर्वकृत सेवा अथवा नौकरी सम्बन्धी किसी अन्य मामले की गलत जानकारी देना।
- (XI) बिना नियुक्ति अधिकारी की पूर्व अनुमति के किसी शिक्षण संस्था में प्रवेश लेना।
- (XII) परिषद के हितों के प्रतिकूल कोई कृत्य।
- (XIII) बिना पर्याप्त कारणों अथवा संतोषजनक स्पष्टीकरण के प्राधिकृत छुट्टी के बिना अथवा स्वीकृत छुट्टी की समाप्ती पर लगातार चार दिन से अधिक की अनुपस्थिति।
- (XIV) परिषद के किसी कार्यालय या प्रतिष्ठान परिसर अथवा इसके बाहर ऐसे स्थानों में, जहां भी कर्मचारी का व्यवहार नौकरी से सम्बन्धित हो, शराब के नशे में मदहोश होना अथवा लड़ाई-झगड़ा अथवा अभद्र व्यवहार।

- (XV) किसी अपचार-कृत्य के लिये प्रेरणा देना अथवा प्रेरित करने का प्रयास करना।
- (XVI) उपयुक्त प्राधिकारी को छोड़कर किसी अन्य प्राधिकारी को अपील अथवा अभ्यावेदन भेजना, गुमनाम पत्र आदि लिखना, तथा किसी प्राधिकारी को अपील अथवा अभ्यावेदन की अग्रिम प्रतियां भेजना।
- (XVII) परिषद के कार्य की आवश्यकता को देखते हुए अधिसूचित किये जाने पर छूट्टी के दिन रविवार को अथवा अतिरिक्त समय में काम करने से इन्कार।
- (XVIII) किसी राजनैतिक दल द्वारा आयोजित किसी सभा, प्रदर्शन अथवा बन्द में सक्रिय भाग लेना।
- (XIX) ऐसा कार्य करना जिससे अनुपालन अथवा सद्व्यवहार भंग होता हो।
- (XX) वैकल्पिक कार्य, जिसके लिए विशेष कौशल या पूर्व अनुभव आवश्यक न हो और जो कर्मचारी द्वारा किया जा सकता हो बशर्ते कि कर्मचारी को उतनी ही परिलब्धियां मिलें, से मना करना।
- (XXI) लिखित या मौखिक रूप से झूठी अफवाहें फैलाना अथवा झूठी सूचनाएं देना अथवा निन्दात्मक वक्तव्य देना अथवा मानहानिकारक भाषण देना या मानहानिकारक पुस्तिका, परचे आदि जारी करना जिससे प्रबन्ध-वर्ग या अधिकारियों की बदनामी होती है।
- (XXII) निर्धारित वर्दी का न पहनना अथवा चुस्त न रखना, सुरक्षा सम्बन्धी नियमों अथवा किसी अन्य लागू नियमों या कानूनों को न मानना। संस्थान के परिसर में स्थापित किसी मशीन, संयन्त्र, गार्ड या फेन्सिंग अथवा और अन्य सुरक्षा या भिन्न प्रकार के माध्यमों को अनाधिकृत रूप से हटाना, उनसे छेड़-छाड़ करना अथवा उन्हें नुकसान पहुंचाना।
- (XXIII) स्वच्छता तथा अनुशासन पर कुप्रभाव डालने वाले किसी भी कार्य का करना।
- (XXIV) चारी, धोखा, बेईमानी अथवा कोई अन्य काम जिससे परिषद की किसी भी प्रकार की हानि हो, करना।
- (XXV) ड्यूटी पर अथवा बाहर किसी ऐसे काम का करना जिसमें नैतिक पतन समाहित हो।
- (XXVI) किसी निषिद्ध स्थान पर धूम्रपान करना।
- (XXVII) संस्थान में किसी भी उद्देश्य से किसी समाचार पत्र, पर्चे, पैम्पलेट, पोस्टरों, अथवा प्रचार की अन्य कोई सामग्री बांटना अथवा प्रदर्शित करना अथवा संकेतों अथवा लिखाई अथवा अन्य दृश्य/श्रवणीय साधनों से उनका प्रदर्शन करना। परिषद के किसी कर्मचारी/अधिकारी के साथ ज़ोर-जबरदस्ती करना, उन पर हमला करना, उनके साथ दुर्व्यवहार करना या उनको डराना धमकाना।
- (XXVIII) अपने मुख्यालय पर न रहना, बिना अनुमति के मुख्यालय छोड़ना।

टिप्पणी : उपर्युक्त उदाहरण केवल निर्देश स्वरूप हैं, व्यापक नहीं।

26. अनुशासनिक कार्यवाही :

सेवा के सभी सदस्य अनुशासनिक कार्यवाही के मामले में परिषदीय कर्मचारियों के लिए समय-समय पर निर्धारित सामान्य विनियम/आदेशों से आवरित होंगे।

वेतन व भत्ते

27 (क) सेवा के विभिन्न श्रेणियों के पदों पर नियुक्त होने पर, चाहें नियुक्ति मौलिक या स्थानापन्न रूप में या अस्थाई आधार पर हो, किसी व्यक्ति को अनुमन्य वेतनमान तथा भत्ते वहीं होंगे जो परिषद द्वारा समय-समय पर अवधारित किये जायें। वर्तमान वेतनमान परिशिष्ट – 1 में दिये गये हैं।

(ख) सेवा में नियुक्ति का वेतन :

(अ) वेतनमान का न्यूनतम।

(ब) पहले से सेवा के संवर्ग में उस वेतनमान पर की गयी स्थानापन्न सेवा को विचार में रखते हुए जैसा भी नियुक्ति प्राधिकारी तय करें।

(स) परिषद में पहले से ही सेवारत व्यक्ति के मामले में समय-समय पर संशोधित वित्तीय हस्त पुस्तिका खण्ड – 2 भाग –2 से 4 में निहित प्राविधानों के अनुसार तय किया जायेगा।

28. परिवीक्षा अवधि में वेतन :

सेवा में सीधी भर्ती अथवा अन्य किसी माध्यम से नियुक्त व्यक्ति को प्रथम वेतनवृद्धि तभी दी जायेगी जब वह एक वर्ष की संतोषजनक सेवा पूरी कर ले तथा द्वितीय वेतनवृद्धि दो वर्ष की परिवीक्षा अवधि संतोषजनक रूप से पूर्ण कर लेने पर दी जायेगी।

परन्तु यदि संतोषजनक कार्य न कर सकने के कारण परिवीक्षा अवधि बढ़ाई जाय तो इस प्रकार बढ़ाई गई अवधि की गणना वेतनवृद्धि के लिए नहीं की जायेगी।

29. वार्षिक वेतनवृद्धि तथा दक्षतारोक का पार करना :

(क) वार्षिक वेतनवृद्धि यदि रोकी नहीं गई है तो स्वाभाविक रूप से नियुक्ति प्राधिकारी या परिषद द्वारा अन्य अधिकृत प्राधिकारी द्वारा स्वीकृत की जायेगी।

(ख) सेवा के किसी भी सदस्य को वेतनमान में अंकित दक्षतारोक पार करने की अनुमति जब तक नहीं दी जायेगी जब तक यह नहीं पाया जाता है कि उसने निपुणता से कार्य करने की पहल की है और उसका कार्य तथा आचरण संतोषजनक है एवं उसकी सत्यनिष्ठा प्रमाणित है। दक्षतारोक पार स्वीकृति विषयक मार्ग दर्शक पद्धति परिशिष्ट-1 में दी गयी है।

भाग – 10

कर्तव्य

30. कर्तव्य व कार्य के घन्टे

सेवा में नियुक्त प्रत्येक सदस्य परिषद का पूर्णकालिक कर्मचारी होगा जिससे अपेक्षित है कि वह अपने निर्धारित कर्तव्यों और अन्य ऐसे कार्य पूर्ण बुद्धिमत्ता और सुन्दर तरीके से परिषद के हित में पूरा करेगा जैसा कि उसके वरिष्ठ ने उस परिस्थिति में सौंपे हों तथा इसके लिये कोई अतिरिक्त वेतन अनुमन्य न होगा। सेवा का प्रत्येक सदस्य वांछित टी. एंड पी./सामान निर्गत होने के स्थान/भण्डार से स्वयं लायेगा तथा सुनिश्चित करेगा कि बचा हुआ सामान सही हालत में उसी स्थान अथवा निर्धारित स्थान पर वापस पहुंचायेगा। यह भी सुनिश्चित करेगा कि उसका कार्य क्षेत्र तथा औजार आदि सदैव कार्य पूर्ण होने पर साफ सुथरे रहे। विभिन्न पदों के कार्य का मोटे तौर पर विवरण परिशिष्ट 2(क) एवं (ख) में दिया गया है।

परन्तु यह है कि सेवा के जो सदस्य कारखाना अधिनियम 1948 से आवृत होते हैं, उनके लिए कार्य के घंटे कारखाना अधिनियम 1948 के प्राविधानों से नियंत्रित होंगे।

भाग – 11

विविध प्राविधान

31. मुख्यालय

सेवा के किसी सदस्य का मुख्यालय उसका तैनाती स्थान अथवा जो सक्षम प्राधिकारी द्वारा घोषित किया जाता है, होगा।

32. प्रवेश, निकास तथा तलाशी

प्रवेश, निकास तथा तलाशी के सम्पूर्ण मामले UP State Electricity Board Establishment (Entry, Exit and Search) Regulation - 1977 समय-समय पर संशोधित, के अनुसार नियन्त्रित होंगे।

33. (अ) आकस्मिक अवकाश

(I) आकस्मिक अवकाश की सीमा

(क) सेवा के प्रत्येक सदस्य को एक कलेण्डर वर्ष में कुल 14 दिन के आकस्मिक अवकाश स्वीकृत किये जा सकते हैं,

(ख) जब तक कोई विशेष कारण न हो और स्वीकृति प्राधिकारी सन्तुष्ट न हो एक समय में अधिकतम 10 दिन का ही आकस्मिक अवकाश स्वीकृत किया जा सकता है;

(ग) राजपत्रित अवकाशों को आकस्मिक अवकाश के साथ सम्मिलित करना

रविवार या अन्य राजपत्रित अवकाश जो आकस्मिक अवकाश के तुरन्त पूर्व या बाद में पड़ते हैं स्वीकृति प्राधिकारी यदि समझता है कि ऐसे करने से सामान्य कार्य प्रभावित नहीं होगा और इसका दुरुपयोग नहीं होगा तो आकस्मिक अवकाश की निरन्तरता में पूर्व या बाद में जो रविवार या अन्य कोई, राजपत्रित अवकाश पड़ता है उनको आकस्मिक अवकाश के साथ सम्मिलित करने की अनुमति दे सकता है;

- (घ) आकस्मिक अवकाश के मध्य जो अवकाश तथा अकार्य दिवस पड़ते हैं उनको आकस्मिक अवकाश में गणना नहीं की जायेगी;

(II) विशेष आकस्मिक अवकाश

अतिविशिष्ट परिस्थिति में स्वीकृति प्राधिकारी अत्यावश्यक तथा विशेष कारणों से कुछ दिनों का विशेष आकस्मिक अवकाश स्वीकृत कर सकता है जिनकी एक कलेण्डर वर्ष में संख्या 6 से अधिक नहीं होगी;

(III) आकस्मिक अवकाश पर मुख्यालय छोड़ने की पूर्व अनुमति

सेवा का सदस्य जो आकस्मिक अवकाश की अवधि में अपना मुख्यालय छोड़ना चाहता है उसे स्वीकृति अधिकारी से पूर्व अनुमति प्राप्त करनी होगी और अवकाश के दौरान पता सूचित करना होगा;

- (IV) पर्याप्त कारणों पर ही आकस्मिक अवकाश स्वीकृत किया जा सकता है तथा विशेष परिस्थितियों में स्वीकृत अधिकारी अवकाश अस्वीकृत कर सकता है। यह एक साधिकार सुविधा नहीं मानी जायेगी। अवकाश पर जाने से पूर्व इसकी स्वीकृति अनिवार्य है। केवल कुछ विशेष परिस्थितियों जो सदस्य के सामर्थ्य से बाहर हैं को छोड़कर ऐसी विशेष परिस्थितियों में मामले की सत्यता से सन्तुष्ट होने पर स्वीकृति अधिकारी द्वारा बाद में अवकाश स्वीकृत किया जा सकता है। सेवा का जो सदस्य दौरे के मध्य आकस्मिक अवकाश लेता है तो उसे उस दिवस का दैनिक भत्ता अनुमन्य नहीं होगा।

(ब) प्रतिपूरक अवकाश

सेवा के उस सदस्य को जिसको वरिष्ठ प्राधिकारी के आदेशानुसार किसी अवकाश दिवस पर कार्य के लिये बुलाया जाता है, प्रतिकारी अवकाश निम्न शर्तों के अनुसार स्वीकृत किया जा सकता है:

- (क) जब कभी किसी कर्मचारी को वरिष्ठ प्राधिकारी के आदेशों से रविवार या अन्य अवकाश के दिन कार्य करने के लिये बुलाया जाता है तो उसके एवज में उसे उसकी सुविधा के अनुसार प्रतिपूरक अवकाश स्वीकृत किया जा सकता है।
- (ख) यदि सेवा को कोई सदस्य अवकाश दिवस को केवल आधे दिन ही कार्य करता है तो दो आधे दिनों को मिलाकर एक प्रतिपूरक अवकाश स्वीकृत किया जा सकता है।
- (ग) यदि सेवा को कोई सदस्य स्वेच्छा से अपना अवशेष कार्य निपटाने के लिये अवकाश दिवस को कार्य करता है तो उसे उसके एवज में यह सुविधा नहीं मिलेगी।
- (घ) प्रतिपूरक अवकाश, जिस दिन कर्मचारी अवकाश दिवस को बुलाया गया था उस दिन से एक माह के अन्दर स्वीकृत कर दिया जाना चाहिए। यदि एक अवकाश दिवस को कई कर्मचारी कार्य के लिये बुलाये जाते हैं और स्वीकृति प्राधिकारी यह महसूस करता है कि सभी कर्मचारियों के एक ही अवधि में प्रतिपूरक अवकाश कार्य हित में देना उचित नहीं है तो एक माह की अवधि को शिथिल किया जा सकता है। परन्तु एक समय में दो से अधिक प्रतिपूरक अवकाश नहीं स्वीकृत किये जाने चाहिए।
- (ङ) प्रतिपूरक अवकाश उसी प्राधिकारी द्वारा स्वीकृत किया जायेगा जो आकस्मिक अवकाश स्वीकृत करने के लिए सक्षम अधिकारी है।

(स) राष्ट्रीय अवकाश

(26 जनवरी, 15 अगस्त तथा 2 अक्टूबर प्रत्येक कलेन्डर वर्ष में)

सेवा के सदस्य को राष्ट्रीय अवकाश भी नेशनल होलीडेज एक्ट – 1961 के प्राविधानों जिसको यह अनुमन्य, के अनुसार प्रदान किया जायेगा।

(द) राजपत्रित अवकाश

सेवा के सभी सदस्य किसी कलेन्डर वर्ष में सरकार और जनपर जिसमें वे तैनात हैं के जिलाधिकारी द्वारा घोषित स्थानीय त्योहार अवकाश के पात्र होंगे।

प्रतिबन्ध यह है कि सेवा के वह सदस्य जो कारखाना अधिनियम (फैक्ट्री एक्ट) से आवृत हैं या पाली ड्यूटी में लगे हैं, यह राजपत्रित/स्थानीय अवकाश उपभोग नहीं करेंगे वरन इसके एवज में वह 10 दिन के अवकाश के अधिकारी होंगे। यह अवकाश स्वीकृति प्राधिकारी द्वारा कार्य की आवश्यकता को देखते हुए संयोजित/स्वीकृत किया जायेगा।

34. अवकाश

सेवा के सदस्यों को अन्य अवकाश वित्त हस्त पुस्तिका खण्ड- II, भाग- II से IV तथा उसके सम्बन्ध में समय-समय पर निर्गत परिषद आदेशों के अनुसार अनुमन्य होंगे।

35. अवकाश का नकदीकरण

सेवा के सभी सदस्यों को अवकाश नकदीकरण की सुविधा इस सम्बन्ध में समय-समय पर निर्गत आदेशों के अनुसार अनुमन्य होगी।

36. चिकित्सा भत्ता एवं सुविधा

सेवा के सभी सदस्यों को चिकित्सा भत्ता एवं सुविधा इस सम्बन्ध में समय-समय पर निर्गत आदेशों के अनुसार अनुमन्य होगी।

37. यात्रा भत्ता

सेवा के सभी सदस्यों को यात्रा भत्ता वित्त हस्त पुस्तिका खण्ड- III तथा उसके सम्बन्ध में समय-समय पर निर्गत परिषद आदेशों के प्राविधानों के अनुसार अनुमन्य होगा।

38. स्थानान्तरण

(I) सेवा के सदस्य को उत्तर प्रदेश या उत्तर प्रदेश के बाहर कहीं भी स्थानान्तरण किया जा सकता है।

स्पष्टीकरण :

1. उपरोक्त में एक पाली से दूसरी पाली में या अन्य ड्यूटी से पाली ड्यूटी में या पाली ड्यूटी से अन्य ड्यूटी में या एक कार्य से दूसरे कार्य पर भी सम्मिलित हैं।
2. यदि दो पदों की अर्हता तथा वेतनमान एक है और पद पर कार्य के लिये किसी विशिष्ट पूर्व अनुभाव/दक्षता की आवश्यकता नहीं है तो सेवा के किसी भी सदस्य को एक पद से दूसरे पर पर स्थानान्तरित किया जा सकता है।
3. सेवा के किसी भी सदस्य को उसकी इच्छा के विदेशी सेवा में स्थानान्तरित नहीं किया जायेगा।
प्रतिबन्ध यह है कि यह उपनियम ऐसी सेवा या संस्थान में स्थानान्तरण पर लागू नहीं होगा जो पूर्णरूप से या आंशिक रूप से परिषद सा सरकार से नियंत्रित है।
4. कार्यहित/परिषद हित में स्थानान्तरण की परिस्थिति में, सेवा के सदस्य को वित्त हस्त पुस्तिका खण्ड –II, भाग II से IV तथा वित्त हस्त पुस्तिका खण्ड III तथा इस सम्बन्ध में समय-समय पर परिषद द्वारा निर्गत आदेशों के अनुसार “कार्यभाग ग्रहण अवधि” (ज्वाइनिंग टाइम) स्थानान्तरण यात्रा भत्ता आदि अनुमन्य होंगे।
प्रतिबन्ध यह है कि यदि स्थानान्तरण सेवा के सदस्य के अनुरोध पर हुआ है या पारस्परिक स्थानान्तरण है तो ऐसी परिस्थिति में केवल यात्रा में लगने वाला समय ही अनुमन्य होगा और कोई यात्रा भत्ता अनुमन्य नहीं होगा।
5. कार्यभार ग्रहण अवधि समाप्ति पर यदि कोई सेवा का सदस्य नये स्थान/कार्य पर अपने कार्यभार ग्रहण नहीं करता है तो पूर्व स्थान/कार्य से अवमुक्ति की तिथि से उसे कोई वेतन, भत्ता और अवकाश आदि अनुमन्य नहीं होगा। उसका यह आचरण दुराचरण माना जायेगा जिसके लिये उसके विरुद्ध कार्यवाही की जा सकती है।
6. नवीन स्थल पर सेवा के सदस्य को अन्तिम वेतन प्रमाण पत्र सेवा पुस्तिका तथा अन्य सम्बन्धित रेकार्ड न आने के कारण वेतन देने से इन्कार नहीं किया जायेगा। अन्तिम वेतन प्रमाण-पत्र प्राप्त न होने की स्थिति में उसको पदनाम का प्रारम्भिक वेतन तथा उस पर भत्ता दे दिया जायेगा।
7. स्थानान्तरण स्थानीय अधिकारियों द्वारा अपने कार्य क्षेत्र में किये जायेंगे। परन्तु यह है कि उपखण्ड अधिकारी द्वारा स्थानान्तरण आदेश उसी दशा में निर्गत किये जा सकते हैं जबकि कर्मचारी के मुख्यालय में परिवर्तन न हो। एक मुख्य अभियन्ता/परियोजना महाप्रबन्धक/परियोजना प्रमुख के क्षेत्र से दूसरे मुख्य अभियन्ता/परियोजना महाप्रबन्धक/परियोजना प्रमुख के क्षेत्र में स्थानान्तरण मुख्य अभियन्ता (जल विद्युत) द्वारा किये जायेंगे। प्रतिबन्ध यह है कि मुख्य अभियन्ता (जल विद्युत) द्वारा कर्मचारी के स्थानान्तरण आदेश परियोजना/क्षेत्र के लिए ही किये जायेंगे, क्षेत्र/परियोजना में अग्रिम प्रतिनियुक्ति संबंधित मुख्य अभियन्ता/परियोजना महाप्रबन्धक/परियोजना प्रमुख द्वारा की जायेगी।

39. अन्य सेवा शर्तें

सेवा की अन्य शर्तें जो यहां अंकित नहीं हैं वे वित्त हस्त पुस्तिका खण्ड – II भाग II से IV के प्राविधान के अनुसार नियंत्रित होगी।

40. सेवा निवृत्ति

सेवा के सदस्यों की सेवा निवृत्ति UP State Electricity Board (Employees Retirement) Regulation - 1974(समय-समय पर संशोधित) से नियन्त्रित होगी।

41. **सेवानिवृत्ति लाभ एवं पारिवारिक पेंशन**

सेवा के सदस्यों को सेवा निवृत्ति लाभ एवं पारिवारिक पेंशन UP Retirement Benefit (Rule) 1956 तथा New Family Pension Scheme - 1965 यथा संशोधित तथा समय-समय पर परिषद द्वारा अंगीकृत, के प्राविधानों के अनुसार अनुमान्य होंगे।

42. **सेवा समाप्ति**

इन विनियमों के अन्यत्र प्राविधानों के अतिरिक्त निम्न स्थिति में भी किसी भी सदस्य की सेवा समाप्त की जा सकती है :-

1. UPSEB (Officers and Servants) Conditions of Service Regulation – 1974 (यथा संशोधित) के प्राविधानों के अनुसार दुराचार के लिए।
2. किसी सेवा के सदस्य के चरित्र एवं पूर्ववृत्त के बारे में पुलिस अथवा सिविल प्राधिकारियों से प्रतिकूल रिपोर्ट प्राप्त हुई हो, बिना नोटिस दिये तथा बिना प्रतिकर के
3. उसने असत्य घोषणा देकर नौकरी प्राप्त की हो, बिना नोटिस दिये तथा बिना प्रतिकर के;
4. स्थापना में कमी के कारण;
5. यदि उसे किसी आपराधिक मामले में न्यायालय द्वारा सजा हो जाती है तो बिना किसी नोटिस तथा प्रतिकर के।

43. **कष्ट निवारण हेतु प्रक्रिया**

सेवा का सदस्य अपनी समस्याओं के समाधान के लिये अपने नियुक्ति प्राधिकारी को उचित माध्यम द्वारा अपना प्रत्यावेदन प्रस्तुत कर सकता है। कोई भी सदस्य वरिष्ठ प्राधिकारियों से सीधा प्रत्र व्यवहार नहीं करेगा। यदि पर्याप्त अवधि में प्रत्यावेदन का कोई उत्तर, प्राप्त नहीं होता है या उत्तर से सदस्य संतुष्ट नहीं है तो वह अगले वरिष्ठ प्राधिकारी को अपील प्रस्तुत कर सकता है।

44. **पक्ष समर्थन**

भर्ती अथवा प्रोन्नति हेतु मौखिक या लिखित रूप में किसी प्रकार की भी सिफारिश विचारणीय नहीं होगी। किसी अभ्यर्थी अथवा सेवा के सदस्य द्वारा प्रत्यक्ष या परोक्ष रूप में ऐसा कोई भी प्रत्यक्ष उसे अयोग्य अथवा अनुशासनिक कार्यवाही का पात्र बना देगा।

45. **सेवा शर्तों में शिथिलता**

- (I) इन विनियमों में किसी भी बात का अर्थ परिषद द्वारा नियुक्त तथा इन विनियमों से नियंत्रित किसी व्यक्ति के मामले में उचित एवं न्यायसंगत व्यवहार, करने की परिषद की शक्ति को सीमित या न्यून करना नहीं है।
- (II) जहां अध्यक्ष की राय से ऐसा करना आवश्यक प्रतीत हो, वह इन विनियमों में या किसी या कुछ विनियमों से आंशिक छूट देकर सेवा में कोई नियुक्ति कर सकते हैं तथा किसी ऐसी नियुक्ति के विषय में जो पूर्णरूप से इन विनियमों के अनुसार नहीं हुई है यह समझा जायेगा कि नियुक्ति इन विनियमों के अन्तर्गत हुई है।

46. **व्यावृत्ति**

यदि इन विनियमों की सही व्याख्या से सम्बन्धित कोई संदेह उत्पन्न होता है तो मामला परिषद के अध्यक्ष को संदर्भित किया जायेगा जिसका निर्णय अन्तिम माना जायेगा।

47. **परिवर्तन/संशोधन**

परिषद की भावी आवश्यकताओं के अनुसार इस विनियमावली में संशोधन/परिवर्तन किया जा सकता है।

ऐसे परिचालकीय कर्मचारियों के कर्तव्य जो उत्पादन के अतिरिक्त विभिन्न स्कन्धों में कार्यरत हैं

1. श्रेणी प-1

यह सेवा में प्रारम्भिक भर्ती के लिये प्रवेश बिन्दु है। अतः कार्य ही आधार माना गया है जिस पर अन्य श्रेणियां बनती हैं ताकि परिचालकीय संवर्ग का स्वस्थ विकास हो सके। आवश्यक है कि इस श्रेणी के लोग प्रसन्नता पूर्वक सब प्रकार के शारीरिक एवं हाथ से करने वाले कार्य करें। कार्य करते समय वे अनेकों तकनीकी बातों को भी सीखें जिससे कि भविष्य में दिये जाने वाले कार्यों में उन्हें सहायता मिले। इस प्रकार कुछ कर्तव्यों के उदाहरण निम्नलिखित हैं :-

1.1 श्रमिक

इस सेवा के सदस्यों को गड्ढों को खोदना, खाइयां खोदना, खाइयां/खदानों की सफाई, फर्श की सफाई व संयंत्रों की सफाई, गन्दगी जैसे कि लकड़ी की छीलन, बेकार सूत/गासकेट/स्क्रैप/कैबिल कटिंग इत्यादि को विहित रीति के अनुसार सफाई कराना होगा। यह सामान उठाने, चढ़ाने, उतारने, उन्हें भण्डार करने, इत्यादि का भी कार्य करेगा। वरिष्ठ अर्टिजन/तकनीशियन/परिचालक की सहायता बिल एवं नोटिस काटना, परिषद की सामग्री एवं सम्पत्ति के लिये रखवाली का कार्य करना तथा संयंत्रों का वांछित स्तर तक रख-रखाव तथा कम महत्व के कार्य भी करना।

1.2 पाक श्रमिक

निरीक्षण भवनों/फील्ड हास्टलों में खाना बनाना, उसको परोसना तथा उससे सम्बन्धित अन्य कार्य, अतिथियों की देख-भाल, आगन्तुक पंजिका को पूर्ण करना, आगन्तुकों से प्राप्त धनराशि का लेखा-जोखा रखना तथा प्राप्त शुल्क को सक्षम अधिकारी के पास जमा करना, आदि-आदि। निरीक्षण भवन में उपलब्ध सामानों का वह पूर्ण रूप से उत्तरदायी होगा।

1.3 प्रहरी

परिषद की सामग्री एवं सम्पत्ति की मुस्तैदी एवं चुस्ती से रखवाली करना। अन्य कार्य जो उसके वरिष्ठों द्वारा उसे सौंपे जायें।

1.4 माली

इसके कार्य निम्नवत होंगे :-

विद्युतगृह, विद्युत उपसंस्थान, कालोनी, निरीक्षण भवन आदि में लान एवं पार्क आदि का अनुरक्षण, उसमें घास/फुलवारी लगाना, उसकी निराई करना, उनमें पानी देना, उनको लगाने के लिए क्यारियों आदि को बनाना तथा उससे संबंधित अन्य कार्य/झाड़ियों एवं खरपतवार को साफ करना। पेड़ों को लगाना और उनका अनुरक्षण करना। पेड़ लगाने के लिए गड्ढों को खोदना तथा उनको तैयार करना।

1.5 स्वच्छकार (पूर्ण कालिक)

यह निम्न कार्य के लिए उत्तरदायी होगा :-

विद्युतगृह, विद्युत उपसंस्थान, निरीक्षण भवन आदि के फर्शों, बाथरूम टायलेट आदि की सफाई तथा पालिश।

विद्युतगृह, विद्युत उपसंस्थान, कालोनी, आदि में सड़कों, अन्य स्थान, (ड्रेनेज, सीवर) आदि की सफाई। इसमें घास झाड़ियों का काटना व उखाड़ना भी सम्मिलित हैं।

कूड़ा-करकट को उठाना तथा उसे उचित निर्देशित स्थान पर फेंकना। सफाई के टी. एण्ड पी. को ठीक प्रकार तथा उचित स्थान पर रखना।

इसके अलावा जो अन्य औचित्यपूर्ण कार्य उसको उसके वरिष्ठजनों द्वारा बताये जायें।

2. श्रेणी प-2

इस श्रेणी में सदस्य श्रेणी प1 से आयेंगे तथा इस श्रेणी में आने पर लगभग उन्हीं दायित्वों को पूरा करेंगे जैसा कि श्रेणी प1 के व्यक्ति करते हैं परन्तु वे अधिक दक्षता उत्तरदायित्व एवं श्रम के प्रति समर्पण की भावना से कार्यरत होंगे तथा अपने अनुभव के अनुरूप अपने अनुगामी भाइयों जो श्रेणी में है को साथ लेते हुये इस प्रकार कार्य करेंगे ताकि वे दक्षता पूर्वक अधिकतम कार्य कर सकें। सामान्यतः इनके कर्तव्या निम्न प्रकार होंगे :-

2.1 कुशल श्रमिक (हैमर) (मृत प्रायः संवर्ग)

वह अपने कर्तव्यों में तकनीशियनों/लोहार की सहायता करेगा। आवश्यकतानुसार समस्त हैमर्स, हथौड़ों का परिचालन करेगा तथा कोई अन्य कार्य जो उसके वरिष्ठजनों द्वारा उसे सौंपा जायेगा, तथा जिसे सामान्यतः इस संवर्ग के लोग करते हैं, करेगा।

2.2 कुशल श्रमिक (बैटरी)

यह बैटरी/बैटरी रूम की नैत्यक जांच करेगा तथा इससे सम्बन्धित समस्त आवश्यक सावधानियां बरतेगा। वह बैटरी घोल की अपेक्षित गुरुत्व के आंकड़ों को लिखेगा तथा निर्देशानुसार बैटरी को टाप अप करेगा। वह बैटरी कक्ष में रखे गये संयंत्रों से आसवित जल (डिस्टिल वाटर) बनाने का भी उत्तरदायी होगा। वह बैटरी कक्ष तथा संयंत्रों को स्वच्छ रखने के लिए भी उत्तरदायी होगा। किसी भी संयंत्र में किसी भी प्रकार की कमी के लिये वह अपने परिवेक्षक का ध्यान आकर्षित करेगा। वह अपने वरिष्ठ अधिकारियों द्वारा सौंपा गया कोई अन्य कार्य भी करेगा।

2.3 कुशल श्रमिक

वह निम्न कार्य करेगा :-

लाइनों की पेट्रोलिंग करेगा तथा उसकी एक दैनंदिनी बनायेगा। पेट्रोलिंग के समय विहित कार्यवाही करेगा, पेड़ काटना, गड़ढे खोदना, खाइयों की खुदान का काम, सीढ़ियों, सामान व टी.एण्ड पी. को ढोना, स्ट्रीट लाइट से सम्बन्धित कार्यों को देखना, फ्यूज बदलना, उपभोक्ताओं की शिकायतों को ठीक करना, कनेक्शनों का विच्छेदन, एवं पुर्नस्थापन, परिषद की सम्पत्ति एवं उपभोक्ता की अधिष्ठापना में कोई भी अनियमित, उपसमानान्यता पाये जाने पर अवर अभियन्ता को सूचित करना, विभिन्न प्लांट, मशीनरी, एवं संयंत्रों से सम्बन्धित समस्त कार्य जो निर्माण, स्थापना, परिचालन एवं अनुरक्षण से सम्बन्धित हो, जिसमें भूमिगत एवं शीर्षस्थ लाइनें भी सम्मिलित हैं, सम्बन्ध में उसके वरिष्ठ कर्मचारी/अधिकारी जैसा, उसे निर्देश देंगे करना;

रीडिंग लेगा, तथा जहां कहीं आवश्यक होगा लागशीट भी वह बनायेगा।

2.4 स्टोर मिस्ट्री

भंडार में कार्य करने वाले व्यक्तियों की सामग्री एवं संयंत्रों के बांधने और खोलने में सहायता करेगा।

वाहनों से सामग्री एवं संयंत्रों को लाने का काम, भंडार में सामग्री एवं संयंत्रों का उचित रख-रखाव, भंडारण तथा सफाई के प्रति उत्तरदायी होगा।

वह उच्च अधिकारी/कर्मचारी द्वारा सौंपे गये एवं निर्देशित किये गये समस्त कार्यों को करेगा।

2.5 अटेन्डेन्ट ग्रेड – 2 (पेयजल पम्प हाउस)

पम्प को चलायेगा तथा बन्द करेगा। पम्प हाउस को स्वच्छ रखेगा। वाल्वों को तथा पम्प हाउस को खोले तथा बन्द करेगा। इस बात को ध्यान रखेगा कि अनावश्यक रूप से पानी बेकार न जाये यदि पम्प इन्सटालेशन में कोई कमी दृष्टिगोचर होती है तो उससे अपने वरिष्ठ अधिकारियों को अवगत करायेगा।

3. श्रेणी प-3

इस श्रेणी में अधिकतम सदस्य पदोन्नति के द्वारा श्रेणी 5 से आते हैं अतः उनसे यह अपेक्षा की जाती है कि वे अपना कार्य अधिक उत्साह, कुशलता एवं बुद्धिमत्ता से करेंगे। विभिन्न पदों के कर्तव्यों को मोटे तौर पर निम्न रूप में दर्शाया गया है :-

3.1 चालक

वह निम्न के प्रति उत्तरदायी होगा :-

अपने प्रभाव के अन्तर्गत आने वाले वाहन को सतर्कता पूर्वक चलाना तथा उसे स्वच्छ एवं पूर्णतः कार्यरत अवस्था में रखना।

यह सुनिश्चित करना कि वाहन में ईंधन एवं मोबिल आयल की खपत अनुमन्य सीमा के भीतर हो रही है तथा कसी भी आवश्यक मरम्मत के कार्य को समय के रहते अपने वरिष्ठ अधिकारी की जानकारी में लायेगा।

छोटी-मोटी मरम्मत, समायोजन, सफाई, पालिश, नैत्यक अनुरक्षण स्वयं करेगा तथा वाहन की सर्विसिंग आवश्यक होने पर कराना।

वह अद्यतन लागबुक बनायेगा तथा अपने प्रभार के अन्तर्गत वाहन द्वारा की गयी यात्रा का सम्पूर्ण लेखा रखेगा।

3.2 राज मिस्त्री

वह परिषद के आवासीय एवं गैर आवासीय भवनों में साधारण राजगीरी का कार्य करेगा, जिसमें प्लास्टर करना, कलरवाश करना, तथा सफेदी इत्यादि करना भी सम्मिलित है।

3.3 चालक पुलिना यूनिट एवं ट्रेलर

यह 100 टन क्षमता से कम पुलिना यूनिट एवं ट्रेलर को सावधानीपूर्वक चलायेगा तथा एक स्थान से दूसरे स्थान पर ले जायेगा। ट्रेलर पर लदे सामान की सुरक्षा का पूर्ण ध्यान रखेगा तथा उनकी सुरक्षा के लिए पूर्णरूप से उत्तरदायी होगा तथा उसको लोड तथा अनलोड कराने में मदद करेगा।

अपने प्रभार के अन्तर्गत मशीनों, संयंत्रों जिसमें टी. एण्ड पी. सम्मिलित है की नैत्यक जांच करेगा तथा छोटी-मोटी मरम्मत स्वयं कर उनको स्वच्छ एवं कार्य अवस्था में रखेगा। यदि किसी बड़ी मरम्मत की आवश्यकता हो तो वह उसे अपने वरिष्ठों को सूचित करेगा।

ईंधन एवं मोबिलिआयल के बारे में यह सुनिश्चित करेगा कि उनकी खपत स्वीकृत सीमा के भीतर हो रही है तथा इस बारे में पूर्णतः मितव्ययिता बरतेगा। उसे विभिन्न कार्य स्थलों/स्थानों पर निर्देशानुसार जाना होगा। वह अद्यतन लागबुक बनायेगा तथा अपने प्रभार में वाहन द्वारा की गयी यात्रा का सम्पूर्ण लेखा रखेगा। कोई अन्य कार्य जो उसके उच्चाधिकारी द्वारा उसे उचित रूप से सौंपा जाय।

3.4 चालक (क्रेन)

वह अपने प्रभार के अन्तर्गत वाहन की सावधानी पूर्वक प्रचालन करेगा, उसे स्वच्छ करेगा तथा पूर्ण रूप से कार्य करने की अवस्था में रखेगा। वह यह सुनिश्चित करेगा कि वाहन में ईंधन व मोबिलिआयल/ग्रीस की खपत निर्धारित सीमा से अधिक न हो रही हो तथा इसमें होने वाली किसी भी मरम्मत की सूचना समय के भीतर उच्चाधिकारियों को देगा। वह क्रेन की छोटी मरम्मत सफाई, सुधार तथा प्रतिदिन का अनुरक्षण का कार्य स्वयं करेगा तथा आवश्यकतानुसार सर्विसिंग करायेगा।

वह सामग्री को सावधानी पूर्वक उठायेगा, वाहनों पर चढ़ायेगा वह उतारेगा तथा एक स्थान से दूसरे स्थाप पर शिफ्ट करेगा एवं ठीक प्रकार रखेगा वह सामग्री की सुरक्षा के लिए पूर्णरूप से उत्तरदायी होगा, वह अपने प्रभार के अन्तर्गत वाहन का आवश्यक अभिलेख रखेगा।

3.5 ड्यूटी मैन

3.6 सहायक लाइन मैन (मृत प्राय संवर्ग)

इनके कार्य निम्न प्रकार हैं :-

शिरोपरि विद्युत लाइनों व भूमिगत केबिलों का पर्यवेक्षण, परिचालन एवं रख-रखाव का कार्य परिषद आवासीय तथा गैर आवासीय भवनों का विद्युत सम्बन्धी कार्य, उपभोक्ता की सर्विस लाइन का खींचना, उपभोक्ता की विद्युत आपूर्ति सम्बन्धी शिकायतों का निवारण फ्यूज बदलना, कनेक्शन का काटना व पुनः जोड़ना, स्ट्रीट लाइट के बल्बों/ट्यूबों को बदलना तथा स्ट्रीट लाइट प्वाइन्टों को ठीक करना, कार्य के लिए सामग्री वह टी. एण्ड पी. को स्वयं ले जाना और लाना। उच्च एवं निम्न विभव की लाइनों के दोषों का निवारण, लाइन मार्ग के पेड़ों का काटना। विद्युत बिलों को वितरित करना तथा जहां कहीं आवश्यक हो विच्छेदन नोटिसों को बांटना। अपने प्रभार के अन्तर्गत संयंत्रों एवं औजारों को पूर्णतः ठीक दशा में एवं स्वच्छ रखना। उच्च एवं निम्न विभव के स्वीचों को आपरेट करना।

अन्य औचित्यपूर्ण कार्य जो उसे उसके वरिष्ठ लोगों द्वारा दिये जायें। सुरक्षा नियमों के पालन के लिए वह पूर्ण रूप से उत्तरदायी होगा।

3.7 कम्पलेन्ट रिकार्डर

वह निम्न कार्य करेगा :-

उपभोक्ता शिकायत केन्द्रों पर विद्युत आपूर्ति सम्बन्धि कम्पलेन्ट का लिखना, उसको ठीक करने के लिए कर्मचारियों को देना तथा इस सम्बन्ध में पूर्ण लेखा-जोखा रखना। आवश्यकता पड़ने पर उच्च एवं निम्न विभव के स्वीचों को आपरेट करना तथा फ्यूज बदलना/ब्रेकडाउन के बारे में अपने वरिष्ठ अधिकारियों को सूचित करना।

3.8 लोहार (मृतप्राय संवर्ग)

वह निम्न कार्य करेगा :-

अपने ट्रेड से सम्बन्धित समस्त कार्य जैसे – भट्टियों, पावर हैमर्स, ब्लोअर्स, कुलिंग बाथ इत्यादि का परिचालन एवं अनुरक्षण।

वह अपनी कार्यशाला, औजारों, टूल्स इत्यादि को साफ सुथरा एवं पूर्ण रूप से कार्य करने की दशा में रखेगा। उसके द्वारा पूरे किये गये कार्य वांछित परिशुद्धता/परिपूर्णता तथा उसके वरिष्ठजनों द्वारा दिये गये परिकल्पना/आकार एवं निदेशों के अनुसार होंगे।

हीट ट्रीटमेन्ट, हाट फोर्जिंग तथा कोल्ड बकिंग आवश्यकतानुसार करेगा।

वह अपने वरिष्ठ व्यक्तियों द्वारा उचित रूप से सौंपे गये अन्य कार्य भी करेगा।

3.9 रेडियो मैकेनिक ग्रेड – 2

वह अपने कार्य के अनुरूप रेडियो मैकेनिज्म से सम्बन्धित समस्त कार्य अपने वरिष्ठ लोगों के निर्देशानुसार पूरा करेगा।

कोई अन्य कार्य, जो उचित रूप से उसके वरिष्ठ लोगों द्वारा उसे सौंपा जायेगा, पूरा करेगा।

3.10 सहायक भंडारी

वह निम्न के प्रति उत्तरदायी होगा :-

वह स्टोर में एवं अपने प्रभार के अंतर्गत सामग्री की उचित सुरक्षा प्राप्ति, निर्गत करना तथा भंडारण के प्रति उत्तरदायी होगा।

समस्त ऐसे कार्य जो भंडार की वस्तुओं के रख-रखाव, निर्गमन व भंडार के अभिलेखों के प्रबंध से संबंधित है, करेगा।

अपने प्रभार के अंतर्गत भंडार का भौतिक प्रबन्धन।

सामग्री प्रबंध अथवा परिषद द्वारा समय-समय पर विहित किये गये नियमों प्रक्रियाओं का अनुसरण करते हुए भंडार वस्तुओं की प्राप्ति एवं निर्गत करना।

अपने प्रभार के अन्तर्गत भंडार की वस्तुओं के लेन-देन से संबंधित सभी विवरण/आख्या/लेखा को बनाकर उसे समय से प्रस्तुत करना।

रेलवे माल शेड/यातायात ऐजेन्सियों/कैरियर्स पर कड़ी दृष्टि बनाये रखना ताकि उन संस्थानों से समय से सामग्री छुड़ाई जा सके और बिलम्बन शुल्क व माल गोदाम शुल्क न लगे।

समस्त सामग्री की प्राप्ति स्थान से सुरक्षा पूर्वक लिया जाना तथा उसे भंडार के परिसर में पहुंचाना।

रेलवेज/ट्रांसपोर्ट ऐजेन्सियों/कैरियर्स से माल की खुली डिलीवरी ठीक प्रकार से आवश्यकतानुसार लेना और यदि किसी माल के क्षतिग्रस्त होने का लेश मात्र भी संदेह है तो इसकी सूचना वह तत्काल अपने वरिष्ठ भंडार के प्रभारी अधिकारी को देगा ताकि कोई दावा यदि हो तो उसे संबंधित अधिकारियों को प्रस्तुत किया जा सके।

क्रेन के लिये, संबंधित अधिकारियों को इन्डेन्ट प्रस्तुत करना, जब कभी प्रेषित माल/सामग्री को क्रेन के द्वारा चढ़ाना या उतारना आवश्यक हो।

बिन कार्डों/कारडेक्स विवरणों से रख-रखा, लेन-देन सम्बन्धी रजिस्ट्रों का विहित विधि अनुसार समय-समय पर पूर्ण करना तथा रख-रखाव एवं उन्हें भंडार के प्रभारी या खण्डीय अधिकारी जैसी भी दशा हो, को प्रस्तुत करना।

यह सुनिश्चित करना कि भंडार में आने वाली सामग्री की मात्रा एवं गुणवत्ता वही है जैसाकि सक्षम अधिकारी द्वारा आदेशित किया गया था।

अन्य भंडारों से माल के समयानुसार एकत्रित करने/प्रेषित करने को सुनिश्चित करना।

भंडार की सामग्री का सत्यापन कार्यक्रम (वेरिफिकेशन प्रोग्राम) एवं संबंधित अधिकारियों/परिषद द्वारा निर्गत किये गये निर्देशों के अनुसार सत्यापन करना।

भंडार के भौतिक सत्यापन/अथवा अपने प्रभार के अधीन वस्तुओं के निरीक्षण के लिये उत्तरदायी अधिकारियों/कर्मचारियों को पूरा एवं बिना किसी द्वेष भाव के सहयोग एवं सहायता प्रदान करना।

समस्त अग्निशमन संयंत्रों उपकरणों की कार्यशीलताका रख-रखाव तथा प्रभार के अन्तर्गत भंडार एवं वाहनों का रख-रखाव।

भंडार में तैनात चौकीदार/सुरक्षा प्रहरियों को उनके कर्तव्यों को समय से पहले ही सौंपना तथा उनसे पूर्ण अनुशासन सुनिश्चित करना।

अपने प्रभार के अन्तर्गत भंडार में अन्दर एवं चारों ओर प्रकाश की समुचित व्यवस्था कराना।

विभिन्न प्राक्कलनों/बीजकों के विरुद्ध निर्गत सामग्री का गेट पास बनाना सुनिश्चित करना तथा उनका उचित प्रकार से लेखा-जोखा (जिनमें कार्यालय प्रति सम्मिलित हैं) किया जाना।

कोई अन्य कार्य जो उसके उच्चाधिकारियों द्वारा उसे उसकी योग्यता अनुसार सौंपा जाये।

3.11 पेन्टर (मृत प्राय संवर्ग)

उसे विहित रीतियों के अनुसार लकड़ी, लोहे एवं दीवाल इत्यादि को पेन्ट करना होगा। आवश्यक होने पर उसे हिन्दी व अंग्रेजी में पेन्ट से लिखाई भी करनी होगी। वह अपने संयंत्रों को पूर्ण रूप से कार्यक्रम एवं स्वच्छ अवस्था में रखेगा तथा पेन्ट की खपट में पूरी मितव्ययता बरतेगा। वह स्वयं ही टी. एण्ड पी. सामान को निर्गत किये जाने के स्थान से लायेगा तथा अवशेष सामग्री को पूरी तरह ठीक अवस्था में उसी स्थान पर या निर्धारित स्थान पर लौटाये जाने का उत्तरदायी होगा। कार्य स्थल को स्वच्छ रखेगा।

3.12 रेफ्रिजरेटर मैकेलिक ग्रेड – 2

वह केन्द्रीय अथवा सचल वातानुकूलित संयंत्रों, रेफ्रिजरेटरों, वाटर कूलिंग संयंत्रों को परिचालित करेगा एवं उनका अनुरक्षण करेगा।

वह प्लांट के समस्त पुर्जों के ठीक ढंग से काग्र करने के प्रति उत्तरदायी होगा।

आवश्यकतानुसार गैस को बनाये रखेगा तथा पैरामीटर्स पर कड़ी दृष्टि रखेगा तथा कोइ भी त्रुटि/कठिनाई आने पर उसे ठीक करेगा और उसका लेखा रखेगा।

3.13 दूरभाष परिचारक

वह निम्न कार्यों के लिए उत्तरदायी होगा :-

टेलीफोन स्वीचबोर्ड को स्वच्छ रखना, आवश्यकतानुसार कनेक्शनों का लगाना, टेलीफोन को अटेन्ड करना, बाहरी कालों का पूर्ण विवरण रखना, टेलीफोन बिलों का सत्यापन।

अन्य औचित्यपूर्ण कार्य जो उसके वरिष्ठों द्वारा दिये जायें।

4. श्रेणी –प4

इस संवर्ग में सेवा के अधिकतर सदस्य तकनीकी शिक्षा प्राप्त होते हैं और जो निम्न श्रेणी से पदोन्नति द्वारा आते हैं उन्हें भी अपने विषय में काफी व्यावहारिक ज्ञान होता है। अतः इस संवर्ग के सदस्यों से उनके ज्ञान, अनुभव एवं परिपक्वता के अनुरूप ही कार्य कुशलता की आशा की जाती है। अर्थात् वह श्रेणी-4 के सदस्यों से अधिक दक्षता, गुणवत्ता तथा तीव्रता से कार्य करेंगे। इस सेवा के सदस्यों के सामान्यतः निम्न कर्तव्य होंगे :-

4.1 तकनीशियन ग्रेड – 2 (विद्युत)

वह निम्नलिखित कार्य करेगा :-

जैसे विद्युत गृह/उप संस्थान एवं उपभोक्ताओं के परिसर पर विद्युत/यांत्रिकीय/वायु संबंधी संयंत्रों एवं उपकरणों की स्थापना, रख-रखाव एवं परिचालन तथा मरम्मत का कार्य।

मीटरों, एम.डी.आई. की जांच, रीडिंग, अभिलेख परीक्षण एवं मरम्मत से संबंधी कार्य तथा उससे संबंधित अभिलेखों को रखना।

उपभोक्ता एवं आपूर्तिकर्ता के अधिष्ठान/कार्य-कुशलता इत्यादि में कोई दोष, अनियमित, असंगत पाये जाने पर उनमें सुधार हेतु उच्चाधिकारियों को सूचित करना।

ऊर्जा के मीटरों, ट्राइवेक्टर मीटरों, इन्स्ट्रुमेंट, रिले, कंट्रोल संयंत्रों पी.टी., सी.टी. इत्यादि की टैस्टिंग, अंशांकन, मरम्मत एवं स्थापना का कार्य।

उपभोक्ता के परिसर पर मीटरों को लगाने एवं उन्हें जांचने का कार्य करके अपने वरिष्ठजनों को उसका परिणाम, प्रस्तुत करेगा।

उपसंस्थान एवं विद्युत गृहों पर ट्रान्सफार्मरों, स्वीचगियर्स, रिले एवं अन्य विद्युतीय संयंत्रों के परीक्षण में सहायता करना।

उपभोक्ता के परिसर पर मीटर की दशा एवं सील की जांच करेगा तथा जांच आख्या को अपने वरिष्ठ अधिकारियों को सूचित करेगा।

ऊर्जा मीटरों, टी. एण्ड पी. एवं अन्य सामग्री का उचित लेखा तैयार करेगा।

उपभोक्ता की मीटर रीडिंग लेना तथा उसे मीटर कार्ड एवं मीटर वाइन्डर पर अंकित करना तथा मीटर रीडिंग विवरण प्रस्तुत करना तथा उसके द्वारा रीडिंग के समय मीटर/टरमिनल ब्लाक की सील की पाई गई टैम्परिंग को सूचित करना।

ऊर्जा के लेखा बनाने में अवर अभियन्ता की सहायता करेगा तथा रीडिंगों को मीटर बुक में भरना, आवश्यकता पड़ने पर उपभोक्ताओं को बिल/विच्छेदन नोटिस बांटना।

रीडिंग के समय क्षेत्र में सीधी विद्युत चोरी के पाये जाने की सूचना तुरन्त अपने वरिष्ठों को देना, जिस क्षेत्र की वह मीटर रीडिंग ले रहा है उस क्षेत्र में विद्युत चोरी के लिए वह पूर्णरूप से उत्तरदायी होगा।

यदि क्षेत्र में कोई नया कनेक्शन पाया जाता है तो उसकी रीडिंग व विवरण मीटर बुक में अंकित करना और वरिष्ठों को सूचित करेगा।

स्थापना एवं ऊर्जा खपत के सम्बन्ध में असमानता, अक्षमता, मीटर की खराबी को अपने वरिष्ठ अधिकारियों/कर्मचारियों को सूचित करेगा।

विद्युत गृह/उपसंस्थान में शिफ्ट ड्यूटी करना, विहित लागू शीट में रीडिंग एवं अन्य रिकार्ड लिखना तथा विद्युत गृह/उपसंस्थान के भीतरी एवं बाहरी संयंत्रों की स्वीचिंग कार्यवाही करना तथा उन्हें तत्काल लिखना।

एच.टी. और एल.टी. फ्यूजों को बदलना, टेलीफोन काल्स को सुनना। संदेशों को लिखेगा और उन्हें संचारित करेगा, परिवार एवं अन्य विषयों के रजिस्टर बनायेगा।

विद्युत गृह/उपसंस्थान के संयंत्रों को स्वच्छ रखने के प्रति उत्तरदायी होगा। आपूर्ति में किसी भी प्रकार की बाधा आने पर उसे तत्काल लागू शीट में लिखा जायेगा। तथा आपूर्ति में बाधा के कारणों को देते हुए उसे अपने उच्चाधिकारियों/वरिष्ठ कर्मचारियों को सूचित करेगा।

विहित सुरक्षा नियमों का पालन करते हुए प्राधिकृत व्यक्तियों के द्वारा ही लाइन शट डाउन/संयंत्रों की लाइन क्लीयर, शट डाउन वापस लेना इत्यादि करेगा।

नियन्त्रण एवं अन्य वरिष्ठ अधिकारियों के निर्देशों के अनुसार विद्युत कटौती लागू करेगा।

यह सुनिश्चित करना कि उप संस्थान की चाबियों/आवश्यक औजार/चाभी/इत्यादि ठीक से रखी गयी है तथा वह किसी अनाधिकृत व्यक्ति के हाथ न पड़े। उपसंस्थान के रजिस्ट्रों को पूर्ण करना।

अवर अभियन्ता एवं अन्य कर्मचारियों की उनके दैनिक कार्यों को निपटाने में सहायता करेगा तथा अन्य कार्यों को निदेशानुसार करेगा।

अन्य औचित्यपूर्ण कार्य जो उसकी योग्यतानुसार हो उसको उसके वरिष्ठजानों द्वारा उसे सौंपे जायें।

4.2 तकनीशियन ग्रेड – 2 (काष्ठ) (मृत प्राय संवर्ग)

वह निम्न कार्य करेगा :-

निर्माण एवं अनुरक्षण के समय वह बढ़ईगीरी एवं लकड़ी के अन्य कार्य करेगा। जहां कहीं आवश्यक होगा ढलाई के लिये पैटर्न (नमूने) तैयार करेगा। परिषद के भवनों में लकड़ी के दरवाजों एवं खिड़कियों इत्यादि की मरम्मत जिसमें फर्नीचर की मरम्मत भी सम्मिलित है, करेगा।

उसे निर्गत किये गये परिषद के ऐसे समस्त औजारों एवं संयंत्रों की सुरक्षा एवं उचित रखवाली के प्रति, वह उत्तरदायी होगा।

वह लकड़ी की खपत में पूर्ण मितव्ययता बरतेगा। ऐसे समस्त कार्यों को पूरा करेगा जो उसे उचित रूप में उसके उच्चाधिकारियों/वरिष्ठ कर्मचारियों द्वारा सौंपे जायेंगे। वह सामग्री एवं औजार निर्गत किये जाने के स्थान से स्वयं जायेगा और अवशेष सामग्री एवं औजारों को उसी स्थान पर पूर्णतः ठीक अवस्था में लौटायेगा।

4.3 वेल्डर ग्रेड – 2

वह निम्न कार्य करेगा :-

प्लांट एवं उपकरणों की इलेक्ट्रिकल एवं गैस वेल्डिंग तथा ब्रेजिंग, फ़ैब्रीकेशन, रिबिटिंग करना तथा जाब्स की फायलिंग, ग्राउन्डिंग कर वेल्डिंग के लिए तैयार करना तथा वेल्ड किये हुये कार्यों को ठीकर करना। अपने ट्रेड से सम्बन्धित समस्त सावधानियों का पालन करना तथा अपने समस्त उपकरणों एवं टी. एण्ड पी. को पूर्णतः कार्य करने की दशा में एवं स्वच्छ रखना।

इलेक्ट्रोड एवं गैसों की खपत में पूर्णतः मितव्ययता रखेगा। वह स्वयं ही टी. एण्ड पी. एवं सामग्री को निर्गत किये जाने के स्थान से लायेगा तथा अवशेष बर्ची सामग्री/टी. एण्ड पी. को बिलकुल ठीक अवस्था में कार्यशाला में लौटाया जाना सुनिश्चित करेगा।

कार्य स्थान एवं उपकरणों को स्वच्छ रखने के प्रति उत्तरदायी होगा तथा उस कार्य के लिये समस्त आवश्यक सुरक्षात्मक उपाय लेने एवं आस-पास कार्य करने वाले लोगों की सुरक्षा का पूरा ध्यान रखेगा। यदि आवश्यक हुआ तो वह प्रतिबल कम करने (स्ट्रेस रिलीविंग) का भी कार्य करेगा।

कोई अन्य कार्य जो उसके उच्चाधिकारियों द्वारा जो उसके ट्रेड से सम्बन्धित हो उसे सौंपा जाये।

4.4 तकनीशियन ग्रेड – 2 (रेफ्रिजरेटर एवं एयर कन्डीशनिंग)

वह केन्द्रीय अथवा सचल वातानुकूलन संयंत्रों, रेफ्रिजरेटरों, वाटर कूलिंग संयंत्रों आदि के स्थापना, परिचालन, अनुरक्षण एवं मरम्मत का कार्य अधिक दक्षता से करेगा।

वह प्लांट के समस्त पुर्जों के ठीक ढंग के कार्य करने के प्रति भी उत्तरदायी होगा।

आवश्यकतानुसार गैस को बनाये रखेगा तथा पैरामीटर्स पर कड़ी दृष्टि रखेगा तथा कोई भी त्रुटि/कठिनाई आने पर इसे ठीक करेगा और उसका लेखा रखेगा।

4.5 तकनीशियन ग्रेड – 2 (इन्स्ट्रूमेन्ट)

वह निम्न कार्य करेगा :-

मापक संयंत्रों, मीटर्स, थर्मोस्टेट इत्यादि का समाशोधन एवं मरम्मत

क्वाइल, सी.टी., पी.टी., रिले संयंत्रों का आवश्यक होने पर रीवाइन्डिंग करना।

संयंत्रों इत्यादि का परीक्षण एवं जांच में सहायता देना।

विद्युत/गृह/उपसंस्थानों के समस्त संयंत्रों जैसे – दबाव, तापमान, फ्लो-इन्डिकेटिंग संयंत्रों एवं रिकार्ड्स, सर्वो ड्राईब्स, फुटवाल्व इत्यादि, रख-रखाव, परिचालन एवं जांच करना।

अन्य कोई कार्य जो उसके उच्चाधिकारियों द्वारा उसे उसकी योग्यता के अनुरूप सौंपे जाय।

4.6 तकनीशियन ग्रेड – 2 (टेलीफोन्स एवं रेडियो)

वह निम्न के प्रति उत्तरदायी होगा :-

वह टेलीफोन एक्सचेंज-कैरियर्स/माइक्रोवेव, दूरसंचार संयंत्रों के स्थापना एवं अनुरक्षण के प्रति उत्तरदायी होगा।

वह प्रयोगशाला तथा क्षेत्र से सम्बन्धित समस्त संयंत्रों तथा पुर्जों के परीक्षण/मरम्मत तथा आवश्यक समाशोधन भी करेगा।

कोई अन्य औचित्यपूर्ण कार्य जो उसके उच्चाधिकारियों द्वारा उसे सौंपा जाय।

4.7 तकनीशियन ग्रेड – 2 (वाइन्डर)

वह निम्न कार्य करेगा :-

वह ट्रांसफार्मरों के क्वाइल्स, सी.टी., पी.टी., रिलेज एवं अन्य संयंत्रों की रीवाइन्डिंग करेगा।

बिजली के मोटरों एवं अन्य संयंत्रों की रीवाइन्डिंग एवं छोटी-मोटी मरम्मत करेगा।

ट्रांसफार्मरों एवं अन्य विद्युत उपकरण जो उपसंस्थान/विद्युत गृह तथा उपभोक्ता के परिसर में होंगे, उनकी जांच मरम्मत एवं परीक्षण सम्बन्धी कार्य में सहायता करेगा।

कोई अन्य कार्य जो उसके उच्चाधिकारियों द्वारा उसे सौंपा जाये।

(ख) अन्य

4.8 तकनीशियन ग्रेड – 2 (लाइन)

वह निम्न कार्य करेगा :-

उपभोक्ता को आपूर्ति देने के लिए लाइन का सर्वेक्षण एवं स्थापना का कार्य करेगा तथा संतोषजनक आपूर्ति देने के लिये उपभोक्ताओं की शिकायतों का निवारण।

भूमिगत एवं शीर्षस्थ पारेषण एवं वितरण की लाइनों का सर्वेक्षण, निर्माण, पेट्रोलिंग, मरम्मत, एवं अनुरक्षण करना।

उपसंस्थान के उपकरणों के अनुरक्षण से सम्बन्धित समस्त कार्य फ्यूजों के बदलने का कार्य इत्यादि चाहे वे भूमि पर, खम्भों पर अथवा किसी संरचना (स्ट्रक्चर) पर हों।

अन्य कर्मचारियों/मीटर रीडर की उपभोक्ता का परिसर खोज निकालने में सहायता करना तथा उपभोक्ता के परिसर/एवं परिषद के अधिष्ठानों पर आपूर्ति का विच्छेदन एवं पुनः संयोजन, उच्चाधिकारियों के आदेशानुसार करना।

उपभोक्ता के परिसर/लाइनों के निरीक्षण के समय कोई भी असामान्यता/विद्युत चोरी/गड़बड़ी पाये जाने पर अपने वरिष्ठ व्यक्तियों को इसके बारे में तत्काल सूचित करेगा तथा उसे दूर करने हेतु तत्काल कदम उठायेगा। अपने प्रभार के अन्तर्गत लाइन/प्रतिष्ठान से विद्युत चोरी के लिए पूर्ण रूप से उत्तरदायी होगा।

वह स्वयं ही सामग्री एवं टी. एण्ड पी. को भण्डार से लेगा तथा इसे कार्य स्थल तक ले जायेगा एवं वापस लायेगा। आवासीय/गैर आवासीय भवनों, पैनलों इत्यादि की वायरिंग करना।

ऊर्जीकृत एवं अऊर्जीकृत वितरण पोषकों के फ्यूज बदलने का कार्य करेगा तथा इसके लिए सुरक्षा नियमों का पालन करेगा तथा टी.पी.एम.ओं. एच0 अन्य स्वीचेज जिनमें मार्ग प्रकाश उपकरण सम्मिलित हैं का आवश्यकता पड़ने पर परिचालन करेगा तथा टी.पी.एम.ओं. की मरम्मत व समायोजन करेगा।

उपभोक्ताओं को आवश्यकता पड़ने पर बिजली के बिल/विच्छेदन नोटिस इत्यादि बांटेगा।

लाइन से छू रहे पेड़ों की ट्रिमिंग का उचित क्लीयरेंस रखना, पारेषण एवं वितरण की लाइनों का मार्ग साफ करना इत्यादि।

गड़बड़ियों (फाल्ट) को खोज निकालेगा तथा (ब्रेक डाउन) टूट-फूट को ठी करेगा। यह निगरानी रखना कि विच्छेदित उपभोक्ता विद्युत प्रयोग न करें। यदि किसी उपभोक्ता का बिल नहीं आ रहा है तो उसकी जानकारी में आने पर तुरन्त अवर अभियन्ता को सूचित करना।

आवश्यकता पड़ने पर लाइनों एवं उपकरणों के शट डाउन लेने व समाप्त करने का उत्तरदायी होगा तथा समस्त सुरक्षा नियमों का पालन करेगा।

आवश्यकता पड़ने पर वह तकनीशियन ग्रेड – 2 (विद्युत) के कार्यों को करेगा।

अपने उच्चाधिकारियों द्वारा योग्यता के अनुरूप सौंपा कोई अन्य कार्य भी करेगा।

4.9 टाउन इन्चार्ज/सहायक सुपरवाइजर (मृत प्राय संगर्ग)

वह निम्न कार्य करेगा :-

इनका मुख्य कार्य विद्युत बिलों की धनराशि एकत्र करना है। एकत्रित धनराशि तथा उसका पूर्ण विवरण एवं लेखा-जोखा वह निर्देशित प्राधिकारी को निर्धारित विधि एवं निर्धारित प्रपत्रों पर प्रतिदिन जमा करेंगे।

आवश्यकता पड़ने पर उनको निम्न कार्य भी करने होंगे :-

प्राथमिक/द्वितीयक पारेषण लाइनों, 66 केवी तक के उपसंस्थानों एवं एल.टी. वितरण प्रणाली की देख-रेख, संचालन एवं रख-रखाव।

किसी भी चोरी/ऊर्जा की चोरी के प्रयास अथवा किसी भी अन्य असमानता/अनियमितता जो उसे दिखायी देगी अपने वरिष्ठ व्यक्तियों को सूचित करेगा। अपने प्रभार के अन्तर्गत राजस्व वसूली इत्यादि के प्रति उत्तरदायी होगा।

विहित अभिलेखों को बनायेगा तथा उन्हें निर्धारित तिथि पर उच्चाधिकारियों को प्रस्तुत करेगा तथा जहां कहीं आवश्यकता पड़ने पर उसे निरीक्षण करने वाले अधिकारी को प्रस्तुत करेगा।

अपने अधीन तैनात अधीनस्थ कर्मचारियों से उनकी योग्यतानुसार कार्य करायेंगे तथा उनकी उपस्थिति व अन्य आवश्यक अभिलेखों को रखेगा। प्लान्ट/संयंत्रों/उपभोक्ता के अधिष्ठान में कोई ऐसा दोष पाये जाने पर जिसे दूर कर सकतना उसके बस में न हो उसे वह तत्काल अपने वरिष्ठ लोगों को सूचित करेंगा।

अनुरक्षण हेतु आवश्यक सामग्री वह अपने अवर अभियन्ता से लेगा और उसी को उसका हिसाब देगा तथा उसी के अधीन कार्य करेगा।

यह सुनिश्चित करेगा कि उसके स्वयं के द्वारा एवं उसके अधीन कार्यरत कर्मचारियों द्वारा समस्त सुरक्षा नियमों/विधियों का कड़ाई से पालन किया जा रहा हो।

5. श्रेणी – प5

इस श्रेणी में सदस्य श्रेणी प4 से आते हैं अतः उन्हें श्रेणी –5 के अनुरूप ही समस्त कार्य अत्याधिक सावधानी, निगरानी पूर्वक, दक्षता पूर्वक, एवं उच्च कोटि के उत्तरदायित्व के साथ पूरा करने होते हैं, जिससे वे अधिकतम उत्पादन दे सकें। ऐसे कर्तव्यों के कुछ उदाहरण निम्न प्रकार दिये गये हैं :-

(क) यांत्रिक संगर्ग

5.1 केबिल ज्वाइन्टर (11 केवी)

यह निम्न कार्य का उत्तरदायी होगा :-

11 केवी एवं निम्न विभव वाले केबिलों को जोड़ना, केबिल ज्वाइंट बक्सों को निर्देशित विधि से तैयार करना तथा उसकी मरम्मत करना।

केबिल दोष की सूचना तथा उनको दूर करने के लिए आवश्यक कार्यवाही करना।

केबिलों को संयंत्रों से जोड़ने के लिए उसके सिरे को बनाना। केबिल बिछाने तथा स्थिर करने में कर्मचारियों का मार्ग दर्शन तथा मदद करना।

वह अपनी टी. एण्ड पी. को हमेशा साफ-सुथरी तथा कार्य स्थिति में रखेगा। कार्य स्थल को स्वच्छ रखेगा तथा सुरक्षा के नियमों का कड़ाई से पालन करेगा।

सामग्री के व्यय में यथा संभव मितव्ययता बरतेगा तथा स्क्रेप एवं बचे हुए सामान को संबंधित अवर अभियन्ता को वापिस करेगा।

बनाये गये ज्वाइंटों का विवरण रखेगा और शिल्प के कारण ज्वाइंट की असफलता के लिए पूर्ण रूप से उत्तरदायी होगा।

कोई अन्य औचित्यपूर्ण कार्य जो उसको उसके उच्चाधिकारियों द्वारा सौंपा जाय, करेगा।

(ख) अन्य परिचालक ग्रेड – 1 (मोबाइल क्रेन)

इस श्रेणी में सदस्य, श्रेणी प3 के चालक (क्रेन) के समान 75 टन के अधिक क्षमता की क्रेन पर समस्त कर्तव्यों को पूरी सावधानी, दक्षता, सतर्कता एवं उच्च कोटि के उत्तरदायित्व की भावना से करेंगे। इसके साथ ही नैतिक जांच, मशीनों एवं संयंत्रों की छोटी-मोटी मरम्मत करेगा तथा अपने प्रभार के अधीन टी. एण्ड पी. को साफ सुथरा तथा पूर्णतः कार्य करने की दशा में रखेगा। वह यह भी सुनिश्चित करेगा कि ईंधन एवं मोबिल आयल की खपत स्वीकृत सीमा के भीतर हो रही हो।

वह क्रेन से सामान को सावधानी पूर्वक इस प्रकार उठायेगा, वाहनों पर चढ़ायेगा व उतारेगा, एक स्थल से दूसरे स्थाप पर शिफ्ट करेगा तथा ठीक प्रकार रखेगा कि परिगमन में सामान क्षतिग्रस्त न हो।

अपने प्रभार के अन्तर्गत संयंत्रों से सम्बन्धित सभी अभिलेखों को रखेगा।

कोई अन्य कार्य जो उचित रूप से उसके वरिष्ठ व्यक्तियों द्वारा सौंपा जाय।

5.3 परिचालक ग्रेड – 1 (पुलिंग यूनिट एवं ट्रेलर)

यह 100 टन एवं अधिक क्षमता वाले पुलिंग यूनिट, एवं ट्रेलर को अत्याधिक सावधानी, दक्षता एवं सतर्कता पूर्वक चलायेगा एवं परिचालित करेगा तथा इसमें अत्यधिक उच्चकोटि का उत्तरदायित्व दर्शायेगा, तथा बिन्दु 3.3 में वर्णित कर्तव्यों का पालन करेगा।

5.4 भंडारी

इस श्रेणी के सदस्य सहायक स्टोर कीपर से आयेंगे। अतः उन्हें मद 3.1 के अनुसार सहायक स्टोर कीपर के सभी कार्य अधिक दक्षता एवं उच्चकोटि की उत्तरदायित्व की भावना से पूरा करने होंगे। उसे उसके वरिष्ठ व्यक्तियों द्वारा उचित रूप से सौंपा गया कोई अन्य कार्य भी करना होगा।

6 श्रेणी प6 यांत्रिक संवर्ग

6.1 केबिल ज्वाइन्टर (33 क.वो एवं उच्चतर)

यह बिन्दु 5.1 में वर्णित सभी कार्य सभी विभव (33 क.वो एवं उससे उच्च विभव सम्मिलित करते हुए) की केबिलों के लिए करेंगे।

**THE UP STATE ELECTRICITY BOARD PERSONNEL (OFFICERS) SERVICE
REGULATIONS (1995)**

PART – I – GENERAL

1. SHORT TITLE AND COMMENCEMENT :-

- (a) These Regulations may be called the UP State Electricity Board Personnel (Officer) Service Regulations, 1995.
- (b) They shall come into force at once.

2. STATUS :-

- (1) The UP State Electricity Board Personnel (Officers) Service consists of the following classes of posts;
 - (i) Personnel Officer which include the posts designated as Industrial Relations Officer before the commencement of these Regulation.
 - (ii) Senior Personnel Officer, which include the posts designated as Senior Industrial Relations Officer before the commencement of these Regulations.
 - (iii) Chief Personnel Officer, which include the posts designated as Senior Industrial Law Officer before the commencement of these Regulations.
 - (iv) Director (Personnel)
- (2) The Board may at any time change the classification of any particular class or classes of posts.

3. DEFINITIONS :-

In these regulations unless there is anything repugnant the subject or context :-

- (1) ‘Act’ means the Electricity (Supply) Act, 1948, (Act No. LIV of 1948).
- (2) ‘Appointing Authority’ means the authorities empowered under Regulation 17 to make appointments to various classes of posts in the Service.
- (3) ‘Approved Service’ means service rendered under the Board in a regular establishment on the basis of selection held in accordance with these Regulations or any other regulation of the Board or in accordance with Regulations or orders in force prior to the introduction of such Regulations.
- (4) ‘Board’ means the UP State Electricity Board constituted under Section 5 of the Act.
- (5) ‘Chairman’ means the Chairman of the Board.
- (6) ‘Chief Engineer’ means the Chief Engineer (Hydel) unless the Chairman authorizes any other Chief Engineer to act for the purposes of these Regulations.

- (7) 'Citizen of India' means a person who is or who is deemed to be a citizen of India under Part – II of the Constitution.
- (8) 'Constitution' means the Constitution of India.
- (9) 'Departmental Employee' means an employee working under the Board and having approved service.
- (10) 'Direct Recruitment' means direct recruitment in accordance with the procedure prescribed in part – V of these Regulations.
- (11) 'Government' or 'The State Government' means the Government of Uttar Pradesh.
- (12) 'Member Administration' means a Member of the Board appointed under clause (a) of sub-section (4) of Section 5 of the Act.
- (13) 'Member of the Board' means a member of the Board appointed under sub-section (4) of Section 5 of the Act.
- (14) 'Member of the Service' means a person duly appointed to any class of posts in the cadre of the service in a temporary or substantive capacity under the provisions of these Regulations or under orders or regulations in force prior to the commencement of these regulations.
- (15) 'Secretary' means Secretary of the Board and includes Member Secretary.
- (16) 'Service' means the Uttar Pradesh State Electricity Personnel (Officers) service.
- (17) 'Year of Recruitment' means the period of twelve months from 1st of January to the 31st of December in a Calendar Year.

PART – II – GRADE

4. STRENGTH OF SERVICE :

The strength of the service and of each class of post therein shall be such as may be determined by the Board from time to time.

Provided that –

- (a) The appointing authority may leave unfilled or the Board may held in abeyance any vacant post in the cadres of the service without thereby entitling any person to a right to a post or to compensation, and
- (b) The Board may create from time to time such additional permanent or temporary posts as may be found necessary.

Note- The strength of the service and of each class of post therein on the date of commencement of those regulations is given in Appendix – I.

PART – III – RECRUITMENT

5. SOURCES OF RECRUITMENT

Recruitment to various classes of posts in the cadres of the service shall be made from the sources specified below :-

(A) PERSONNEL OFFICER:-

- (1) By direct recruitment on the basis of competitive examination and interview as follows:-
 - (a) From the open market - 66 $\frac{2}{3}$ %
 - (b) From amongst departmental candidates as follows:
 - (i) Welfare Officers - 15 %
 - (ii) Ministerial Services - 18 $\frac{1}{3}$ %

The departmental candidates will have to compete in the examination and interview along with candidates from the open market.

Provided that only those departmental candidates, including Industrial Law Assistants will be eligible whose scale of pay in their substantive post is Rs. 1650-2690 as modified from time to time or above and who possess the academic qualifications & experience of handling Labour & Industrial matters as prescribed for the post of Personnel Officer for direct recruitment.

(B) SR. PERSONNEL OFFICER:-

By promotion from amongst the Personnel Officers who have put in not less than 7 years of regular service on the post of personnel Officer.

(C) CHIEF PERSONNEL OFFICER:-

By promotion from amongst Sr. Personnel Officers who have put in not less than 15 years of regular service of which 6 years must be on the post of Sr. Personnel officer.

(D) DIRECTOR (PERSONNEL):-

By promotion from amongst Chief Personnel Officers who have put in not less than 21 years of regular service in the Personnel Department of which at least 6 years must be on the post of Chief Personnel Officer on the 1st day of July of the year in which selection is made.

Provided that where suitable candidates are not available to fill the post of Director (Personnel) by promotion recruitment to the post may be made directly.

6. RESERVATION OF VACANCIES FOR SCHEDULED CASTES AND SCHEDULED TRIBES ETC.

Reservation of vacancies for Scheduled Castes/Scheduled Tribes and other classes of candidates shall be in accordance with the orders for such reservation issued by the Board from time to time and enforce at the time of recruitment.

7 (A) ELIGIBILITY FOR THE SCALE OF SR. PERSONNEL OFFICER

Officers on completion of 9 years of regular service of Personnel Officer/ Sr. Personnel Officer both combined or isolated as the case may be on 01-04-79 or thereafter and confirmed as Personnel Officer shall on being found fit and deserving other wise by Selection Committee as may be prescribed by the Board from time to time be entitled to scale of Sr. Personnel Officer.

7(B) ELIGIBILITY FOR THE SCALE OF SR. PERSONNEL OFFICER (S.G.)

A confirmed Personnel Officer who has rendered not less than fourteen years regular service as Personnel Officer/Sr. Personnel Officer both combined or isolated as the case may be on being found fit and deserving otherwise by the Selection Committee as may be prescribed by the Board from time to time be entitled to the scale of Sr. Personnel Officer (S.G.)

PART – IV – QUALIFICATIONS

8. NATIONALITY

A candidates for direct recruitment to this service must be :-

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India, or
- (d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon, and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zenzibar) with the intention of permanently settling in India.

Provided that a candidate belonging to category (c) or (d) above shall be a person in whose favour a certificate of eligibility has been issued by the State Government.

Provided also that a candidate belonging to category (c) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh.

Provided further that a candidate belonging to category (d) above shall not be retained in service beyond the period of certificate of eligibility unless he has acquired Indian citizenship.

Note - A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an interview conducted by the recruiting

authority and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

9. AGE

- (1) The age of a candidate for direct recruitment to the service on the 1st day of January of the year in which selection is made shall not be less than 21 years and not more than 32 years.

Provided that the age of candidate for direct recruitment to the post of Director (Personnel) under the provision to regulation 5(D) shall not be more than 45 years.

- (2) The maximum age limit in the case of retrenched employees of the State Govt. shall be greater by three years and in the case of employees of the Board and of candidates belonging to Schedule Castes and Schedule Tribes it shall be greater by five years.
- (3) If a candidate would have been entitled in respect of his age and other qualifications under these Regulations to appear for the selection in any year in which no selection was held, he shall be deemed to be entitled in respect of his age to appear of the next following selection.
- (4) No candidate shall be permitted to avail of more than four chances to appear at a selection and;
- (5) The Chairman may relax the maximum age limit in favour of any candidate or class of candidates if he considers necessary in the interest of fair dealing or in the Board's interest but where such relaxation is considered necessary a provision must be inserted to that effect in the advertisement;

10. ACADEMIC QUALIFICATIONS:-

- (1) A candidate for direct recruitment to the post of Personnel Officer in the service shall possess the following qualifications and experiences:-\

(a) ESSENTIAL QUALIFICATION:-

- (i) Bachelor's Degree from a recognized University or an equivalent qualification, and
- (ii) Post Graduate Degree or diploma in Industrial Relations & Personnel Management or Social Work from a recognized University or from an Institution recognized by the State or Central Government or Master's Degree in Business Administration (with specialization on Personnel Management), and

(b) EXPERIENCE:-

Atleast three year practical experience of working independently in the field of Labour & Industrial Relations & Labour welfare etc. in any Electricity Board or Electricity Undertaking or in a large Industrial Establishment including experience of conducting of cases before Labour Courts/Tribunals.

(c) PREFERENTIAL QUALIFICATION:-

A degree in law from a recognized University.

- (2) A candidate for direct recruitment to the post of Director (Personnel) under the proviso to regulation 5(D) must possess the following qualifications:-

ACADEMIC QUALIFICATION:-

Post Graduate Degree/Diploma in Personnel Management/Administration, Business Management/Administration, Industrial Relations, Social Work or Labour & Social Welfare from a recognized Institution, specialization in Behavioral Science or Human Resource Development will be preferred. A Degree in law will be an added qualification.

EXPERIENCE:-

Minimum 20 years in the area of Personnel Management /Industrial Relations, of which Atleast 5 years as Head of Personnel Department in a large Electricity Supply/ Industrial/Public Sector Undertaking.

11. CHARACTER

- (1) The character of a candidate for direct recruitment to the service must be such as to render him suitable in all respects for employment under the Board. He must produce certificate of good character from:
- (a) the Proctor or the Principal Officer of the University, College or Institution, as the case may be, in which he was last educated..
 - (b) two responsible persons (not being relations) who are well acquainted with him in his private life and unconnected with his University, College or School;

Provided that the appointing authority may make further enquiries regarding the character and antecedents of a candidate in such manner and from such sources as he may consider necessary.

- (2) It shall be the duty of the appointing authority to satisfy himself in this regard.

12. MARTIAL STATUS

A male candidate who has more than one wife living or a female candidate who has married a man already having a wife shall not be eligible for appointment to the Service.

Provided that the Chairman, may if he is satisfied that there are adequate reasons for doing so, exempt any person from the operation of the provisions of this regulation.

13. PHYSICAL FITNESS

No person shall be directly recruited to the service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the service. Before, a candidate is allowed to join, he must pass a medical examination to be conducted by such Medical Board as may be appointed by the Board, Instructions regarding Medical Examination are given in Appendix – II.

PART – V

PROCEDURE FOR DIRECT RECRUITMENT

- 14.(1) The number of vacancies of Personnel Officer to be filled in by direct recruitment during an year of recruitment & the number to be reserved for Scheduled Castes, etc. In accordance with regulation 6 shall be advertised in leading Newspapers of the State & the Country & applications shall be invited from eligible candidates within such time as may be specified in the advertisement.
- (2) The applications shall be submitted direct to the Secretary on the prescribed form which may be had from the Office of the Board.
- (3) Candidates for direct recruitment to the Service must pay to the Board the following fees:-
- (i) Cost of application form Rs. 5/- with the requisition for application form.
 - (ii) Application fee Rs. 7/- with the application (Rs. 2/- for S.C. & S.T.)
 - (iii) Examination/Interview fee Rs. 20/- with application (Rs. 7/- for S.C. & S.T.) or as may be decided by the Chairman/

Note- Only Postal order in the name of Secretary, UP State Electricity Board will be accepted.

- (4) Recruitment shall be made on the basis of written examination followed by interview.
- (5) The committee for holding examination and interview shall be constituted as follows:-
- | | |
|---|-----------|
| (i) Member of the Board appointed under section 5(4)(a) of the act- | President |
| (ii) Secretary | - Member |
| (iii) Director (Personnel) | - Member |
| (iv) Two experts in the field of labour & Industrial Management from a recognized University or Institute of Management | - Member |
- (6) (a) The syllabus and other details of examination and interview shall be prescribed by the Board provided that the maximum marks out of which marks will be awarded to candidates at the interview shall not exceed 15% of the total of maximum marks for the whole examination, both written and interview.
- (b) The candidates who secure Atleast 50% marks in the aggregate in the written examination shall be considered qualified for being called for interview.

- (c) The marks obtained by each candidate at the written examination shall be added to the marks obtained by him at the interview and the aggregate marks so obtained shall determine the merit of the candidates.

No candidate shall be considered eligible for appointment unless he secures atleast 40% marks in the aggregate.

- (d) On the basis of merit as determined under sub-regulation (c) lists of selected candidates shall be prepared in order of merit and forwarded to the appointing authority for approval. After approval the lists shall hold good for one year.

15. Direct recruitment to the post of Director (Personnel) under the proviso to regulation 5(D) shall be made on the basis of interview only. The committee for interview the candidates shall be as under:-

| | | |
|-------|--|-----------|
| (i) | Chairman, UPSEB | President |
| (ii) | Secretary (Energy), UP Government or any other Officer of the rank of Special Secretary nominated by him. | Member |
| (iii) | Secretary (Finance), UP Govt. or any other officer of the rank of Special Secretary nominated by him. | Member |
| (iv) | Senior most full time Member (Engineering) of the Board. | Member |
| (v) | Any other Member of the Board nominated by the Chairman. | Member |
| (vi) | Two experts in the field of Industrial Relations drawn a well known University or from Indian Institute of Management. | Member |

The quorum of the meeting for selection to the posts as above shall be as follows:-

- (1) Chairman, UP State Electricity Board.
 - (2) Secretary (Energy), UP Govt. or any other Officer of the rank of Special Secretary nominated by him.
 - (3) Secretary (Finance), UP Govt. or any other officer of the rank of Special Secretary nominated by him.
 - (4) Senior most full time Member (Engineering) of the Board.
 - (5) Any other Member of the Board nominated by the Chairman.
- (b) The Committee shall interview the eligible candidates and judge their suitability on the basis of their Qualification, Personality, Physique, Academic Career, Experience and Suitability for the post. The name of candidates found suitable shall be arranged in order of preference and forwarded to the appointing authority for approval. After approval the list shall hold good for one year.

PART – VI

16. PROCEDURE FOR PROMOTION

(a) NUMBER OF VACANCIES TO BE FILLED:

The appointing authority shall determine the number of vacancies in each category of post to be filled by promotion & the number, if any, to be reserved for Scheduled Castes/Scheduled Tribes and other classes of candidates.

(b) CRITERIA OF SELECTION

Selection for promotion to the post of Director (Personnel) shall be made on the basis of merit & suitability in all respect. Selection for promotion to the post of Chief Personnel Officer/Senior Personnel Officer shall be made on the basis of seniority subject to the rejection of the unfit.

(c) SELECTION COMMITTEE

The Committee for selection of Senior Personnel Officer, shall be the same as constituted under Regulation 14(5)

The Committee for selection of Director (Personnel) and Chief Personnel Officer shall be as in Regulation – 15.

(d) For promotion to the post of Director (Personnel) and Chief Personnel Officer lists of candidates eligible for promotion to each category of post shall be prepared separately in order of their respective seniority and placed before the selection committee along with their character rolls and other relevant records. For each category of post the Committee shall select candidates whom they consider most suitable and arrange their names in separate lists in order of preference. The names in the lists shall be twice the number of vacancies likely to be available during the year of recruitment and shall be forwarded to the appointing authority for approval. The appointing authority shall re-arrange the list in order of seniority in the lower cadre before making appointments. The lists shall hold good for one year from the date of approval by the appointing authority or until the next selection which ever is earlier.

(e) For selection for promotion to the post of Chief Personnel Officer/Senior Personnel Officer the lists of candidates eligible for promotion shall be prepared separately in order of seniority and placed before the Selection Committee alongwith C.R.'s and other relevant record of service of the candidates. The committee shall consider the candidates from top of

the list and select those whom they consider suitable for promotion leaving out those who are not considered fit for promotion. The committee shall draw up lists of selected candidates and arrange them in order of seniority in the lower post. The names in the list shall be a little larger than the number of vacancies likely to be available during the year of recruitment.

- (f) The lists of selected candidates prepared under sub-regulations (d) & (e) shall be placed before the appointing authority for approval. After such approval by appointing authority until the next selection whichever is earlier.

17. REMOVAL OF NAMES FROM SELECT LISTS:

The appointing authority may at any time before appointment or promotion remove the name of any person from the select list if he is satisfied that the candidate has rendered himself unsuitable for the post for which he was selected. Reasons for such removal of name shall be recorded.

PART – VII

APPOINTMENT, PROBATION AND CONFIRMATION

18. APPOINTING AUTHORITIES:

The following shall be the appointing authorities of various classes of posts:-

| | Name of Post | Appointing Authority |
|-------|--------------------------|-----------------------------|
| (i) | Personnel Officer | |
| (ii) | Senior personnel Officer | Chairman |
| (iii) | Chief Personnel Officer | |
| (iv) | Director (Personnel) | Board |

19. SUBMISSION OF CERTIFICATES

Before a directly recruited candidate is finally approved for appointment to the Service he will be required to:-

- (i) To produce certificates prescribed in regulations 10 and 12.
(ii) To submit declaration:-

- (a) of his relationship with any person employed under the Board.
- (b) of being free from debt.
- (c) of all unmovable property, including home property owned or acquired by him or by a member of his family dependent on him full and accurate details of all such property being given by him in the form prescribed in Appendix – IV.
- (d) for serving the Board loyally and faithfully in the form prescribed in Appendix – V.

20. APPOINTMENTS

- (1) On the occurrence of substantive, temporary or officiating vacancies appointments to the service shall be made from the respective select lists prepared under regulations 13(d), 14(b) and 15(f).
- (2) In case no approved candidate is available on the lists for such appointment and it is essential to make appointments in the interest of the Board, a person who is eligible for appointment by promotion to the service under these Regulations may be appointed but such appointment shall not be made for a period exceeding six months without the specific approval of the Board.

21. PROBATION

- (1) Every person shall on appointment to a post in the cadre of the service in or against a substantive vacancy, be placed on probation for a period of two years from the date of taking over charge of the appointment.

Provided that the appointing authority may:-

- (a) for sufficient reasons, extend the period of probation in individual cases by a further period not exceeding two years. Any such extension shall specify the exact date upto which the extension is granted but continuance in service beyond the date upto which the period of probation is extended would not, in the absence of a specific order to that effect, amount to confirmation.
- (b) Allow to count towards the period of probation continuous services, if any, rendered in an officiating or temporary capacity in a post in the cadre of the service or in the cadre of an equivalent service of the Personnel Department of the State Govt.
- (2) If it is appears at any time during or at the end of the period of probation or extended period of probation that an officer has not made sufficient use of opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if he has one under the Board or his services may be dispensed with if he has none.
- (3) A candidate whose services are dispensed with under sub-regulation (2) shall not be entitled to any compensation.

22. CONFIRMATION

- (1) On successful completion of the period of probation or extended period of probation and subject to fulfilling all other conditions as may be prescribed in this behalf from time to

time, a probationer may be confirmed in his appointment if his integrity has been consistently certified and he is found fit in all other respects for confirmation;

Provided that if a candidate has already rendered service for some period in a temporary or officiating capacity on a post in the same cadre or in a higher cadre the whole or part of such period may be allowed to be counted towards the period of probation by the appointing authority.

- (2) A probationer shall not be deemed confirmed in his appointment in the absence of any specific order for confirmation.

23. SENIORITY

- (i) The seniority of person appointed under 5-A above shall, subject to the provisions of the following, be determined from the date of the order of their substantive appointments, and if two or more persons are appointed together, in the order in which their name are arranged in the appointment order.

Provided, that if the appointment order specific a particular back date, with effect from which a person is substantively appointed, that date will be deemed to be the date of order of substantive appointment and, in other cases it will mean the date of issuance of the order;

Provided further that a candidate recruited directly may lose his seniority, if he fails to join without valid reason when vacancy is offered to him the decision of the appointing authority as to the validity of reasons, shall be final.

- (ii) The seniority inter-se of persons appointed on the result of anyone selection:-
- (a) Through direct recruitment shall be the same as it is shown in a merit list prepared by the Commission or by the Committee as the case may be;
- (b) By promotion shall be determined according to the date of order of their substantive appointment in their respective feeding cadre;

EXPLANATION

When the order of substantive appointment in the feeding cadre specifies a particular back date w.e.f. which a person is substantively appointed, that date will be deemed to be the date of order of substantive appointment and, in other cases it will meant that date of issuance of the order;

Provided that where the pay scales of the feeding cadres are different, the persons promoted from the feeding cadre having higher pay scale shall be senior to the person promoted from the feeding cadre having lower pay scale.

Provided further that the person appointed on the result of subsequent selection shall be junior to the person appointed on the result of previous selection.

- 3.(a) Where appointment from any source are made in excess of the prescribed quota the person appointed in excess of quote shall be pushed down, for seniority, to subsequent year or years in which there are vacancies in accordance with the quota;

- (b) Where appointments from any source fall short of the prescribed quota and appointment against such unfilled vacancies are made in subsequent year or years, the persons so, appointed shall not get seniority of any earlier year but shall get the seniority of the year in which their appointment are made, so however, that their names shall be placed at the top followed by the names in the cyclic order of the other appointees;
- (iii) Where the unfilled vacancies from any source could be filled from the other source and appointment in excess of quota are so made, the person so appointed shall get the seniority of that very year as if they are appointed against the vacancies of their quota.
- (iv) The seniority inter-se of persons appointed under 5-B above shall be the same as it was in the feeding cadre.

EXPLANATION:-

A person senior in the feeding cadre shall even though promoted after the promotion of the person junior to him in feeding cadre shall, in the cadre to which they are promoted regain the seniority as it was in the feeding cadre.

PART – VIII

PAY AND ALLOWANCES

24. SCALE OF PAY

The scales of pay and allowances admissible to persons appointed to posts in the service, whether in a substantive or a officiating capacity or a temporary measure, shall be as sanctioned by the Board from time to time. The scales of pay in force at the time of commencement of these regulations will be found in Appendix – I.

Provided that the appointing authority may, on the recommendations of the appropriate Selection Committee, allow a candidate a higher starting pay within the approved limits in view of his special qualifications or experience.

25. CRITERIA FOR CROSSING EFFICIENCY BARS:-

No member of the service shall be allowed to cross efficiency bar unless he is found to have worked steadily, efficiently and to the best of his ability and his integrity is certified.

PART – IX

OTHER PROVISIONS

26. CANVASSING

No recommendation for recruitment, either written or oral, other than that required under these Regulations shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature shall render him liable to be disqualified.

27. REGULATION OF PAY ALLOWANCES, PENSION ETC.

Except as otherwise provided in these Regulations, the pay, allowances, pension, leave and other conditions of service of the members of the service shall be regulated by orders or regulations issued by the Board from time to time. In the absence of any such order or regulations they shall be regulated by the rules & orders issued by the State Govt. for & applicable to, similar categories of employees under the rule making control of the Governor.

28. SAVINGS

Notwithstanding anything contained in these regulations:-

- (1) The conditions of service of persons who have been appointed or may be appointed to posts in the cadres of the service or to posts declared as additions to the cadres of the service on foreign service from the State Govt. or on deputation from elsewhere shall be governed by such terms and conditions as may have been or may be settled between the Board and the State Govt. or other appointing authority until they are absorbed in the Board.
- (2) The conditions of service of persons as are absorbed under the Board shall be governed by the Regulations of the Board.
- (3) The conditions of service of persons of the Electricity Supply Undertakings, which have been taken over or may in future be taken over, by the Board, who may be holding or who may hold posts in the cadres of the Service or posts declared as additions to the cadres of the Service, shall be governed by the Board's standard terms & conditions of service if they have been taken over by the Board on such terms and conditions or by the ex-licensees terms and conditions, if they have been taken over on such terms and conditions, as the case may be, unless they are given option and they opt to be governed by such rules and regulations as may be promulgated by the hereafter in the behalf.

29. RELAXATION

- (1) Nothing in these Regulations shall be construed to limit or abridge the power of the Board to deal with the case of any person appointed under and governed by these Regulations in such manner as may appear just and equitable.

Provided that where any of the foregoing regulations is applicable to the case of any person, the case shall not be dealt with in a manner less favorable to him than that provided by that regulation.

- (2) Where in the opinion of the Board, it appears necessary to do so, it may, for reasons to be recorded make any appointment to the service in relaxation of these Regulations, or in partial relaxation of any or some of the Regulations, and in case of any appointment which is not in strict accordance with these Regulations, it shall be deemed to have been made in relaxation of these regulations.

THE UTTAR PRADESH STATE ELECTRICITY BOARD SERVICES OF ENGINEERS REGULATIONS, 1970

PART – I GENERAL

1. Short title and commencement -

- a. These regulations may be called the “Uttar Pradesh State Electricity Board Services of Engineers Regulations, 1970”
- b. They shall come into force from the date of their publication in the State Government Gazette.

2. Status –

The Uttar Pradesh State Electricity Board Services of Engineers consist of the posts of Chief Engineer, Additional Chief Engineer, Superintending Engineer, Executive Engineer and Assistant Engineer.

3. Definitions -

In these regulations, unless there is anything repugnant in the subject or context –

- (1) ‘Act’ means the Electricity (Supply) Act, 1948 (Act No. LIV of 1948).
- (2) ‘Appointing Authority’ means the authorities defined in Regulation 14.
- (3) ‘Approved Service’ means service rendered under the Board on the basis of a regular election held by the Board so far.
- (4) ‘Assistant Engineer’ means an Assistant Engineer who may be appointed as such by the Chairman. It includes such other posts of equivalent status, as may be notified by the Board from time to time and includes in the cadre.
- (4.A) ‘Assistant Executive Engineer’ means an Assistant Executive Engineer who may be appointed as such by the Chairman, it includes such other posts of equivalent status as may be notified by the Board from time to time and included in the cadre.
- (4.B) ‘Senior Assistant Engineer’ means an Assistant Engineer or Assistant Executive Engineer who is allowed the scale of Executive Engineer without promotion to the regular post of Executive Engineer. It includes such other posts of equivalent status as may be notified by the Board from time to time and included in the cadre.
- (4.C) ‘Senior Assistant Engineer (Spl. Grade)’ means senior Assistant Engineer who is allowed the scale of Executive Engineer (Spl. Grade) without promotion to the regular post of Executive Engineer. It includes such other posts of equivalent status as may be notified by the Board from time to time and included in the cadre.
- (4.D) ‘Assistant Engineer (Spl. Grade), means an Assistant Engineer who is allowed the scale of Executive Engineer (Spl. Grade) without promotion to the post of Executive

Engineer. It includes such other posts of equivalent status as may be notified by the Board from time to time and included in the Cadre.

- (5) 'Board' means the U.P. State Electricity Board constituted under Section – 5 of the Act.
- (6) 'Chairman' means the Chairman of the UP State Electricity Board.
- (7) 'Chief Engineer' means the Chief Engineer (Hydel) or any other Chief Engineer who may be so authorized by the Board for the purposes of these Regulations.
- (8) 'Chief Project Engineer' means the Chief Engineer of the Project under the Board.
- (9) 'Citizen of India' means a person who is or who is deemed to be a citizen of India under Part II of the constitution.
- (10) 'Constitution' means the Constitution of India.
- (11) 'Degree of a University' means the degree of a University established by law in India or any other University recognized for this purpose by the Governor of Uttar Pradesh.
- (12) 'Departmental candidate' means a candidate who is eligible for recruitment to a post in the cadre of the service under clauses (b) and (c) of sub regulation (1) of Regulation 5 of these Regulations.
- (13) 'Direct Recruitment' means recruitment made against a post in the cadre of the service under clause (a) of sub-regulation 1 of Regulation 5 of these Regulations.
- (14) 'Executive Engineer' means the Executive Engineer who may be appointed by the Chairman; it includes other posts of equivalent status which may be included in the Cadre.
- (15) 'Executive Engineer (Spl. Grade)' means the Executive Engineer who may be allowed the scale of Executive Engineer (Spl. Grade). The words Executive Engineer (Selection Grade) or Executive Engineer (S.G.) wherever occurring in these Regulations may be read as Executive Engineer (Special Grade).
- (16) 'General Manager' means the General Manager, KESA.
- (17) 'Government' or the State Government means the Government of Uttar Pradesh.
- (18) 'Governor' means the Governor of Uttar Pradesh.
- (19) 'Graduate Engineer' means a candidate holding a degree in Engineering from a University established by law in India or any other University recognized for this purpose by the Governor of Uttar Pradesh, who is selected by the Board in the manner prescribed in Appendix – 'B' for a course of training under the Board.
- (20) 'KESA' means the Kanpur Electricity Supply Administration.
- (21) 'Member Administration' means the Member Administration of the Board appointed under sub-section (4) of Section 5 of the 'Act'.
- (22) 'Member Engineering' means the Member Engineering of the Board appointed under sub-section (4) of Section 5 of the Act.

- (23) "Member of the Service" means a person appointed in the substantive capacity under the provisions of these regulations or of regulations and orders in force previous to the commencement of these regulations, to a post in any class in the cadres of the service.
- (23.A) "Performance Review Committee" means a Committee specified in Regulation 31.
- (24) "Resident Manager" means the Manager or Head of any project, Circle or establishment who resides in the premises or limits of such Project, Circle or establishment.
- (25) "Screening Committee" means the Committee constituted under Rule 4 of Appendix 'C'.
- (26) "Secretary" or "Member Secretary" means the Secretary of the Board.
- (27) "Selection Committee" means the Committee specified in Regulation 5 of Appendix 'B' and 'D' and Regulation 6 of Appendix 'C'.
- (28) "Service" means the U.P. State Electricity Board service of Engineers.
- (29) "Superintending Engineer" means a Superintending Engineer who may be appointed by the Chairman; it includes other posts of equivalent status which may be included in the cadre.
- (30) "Trained Engineer" means a Trainee Engineer who after a course of successful training under the Board is declared fit for appointment as an Assistant Engineer under the Board.
- (31) "Waiting List" means the list of Selected Candidates waiting for appointment.
- (32) "Year of Recruitment" means the period from 1st of January to the 31st December of a year.

PART II – CADRE

4. Strength of Service -

- (1) The strength of the service and of each class of posts therein shall be such as may be determined by the Board from time to time.
- (2) The permanent strength of the service and of each class of posts therein shall, until orders varying the same have been passed under sub-regulation (1), be as specified in Appendix 'A' to these Regulations.

Provided that -

- (a) any post in the cadres of the service may be kept vacant by the Appointing Authority or kept in abeyance by the authority competent to sanction the creation of posts in the cadres of the service, without thereby entitling any person to compensation or other redress, and.
- (b) the Board may create, from time to time, such additional permanent or temporary posts as may be found necessary.

PART III – SOURCES OF RECRUITMENT

5. (1) Initial recruitment to the service shall be made to the posts of Assistant Engineer in the following manner :

- | | | |
|-----|--|--------------------|
| (a) | By appointment from amongst 'Trained Engineer's | 65 $\frac{1}{3}$ % |
| (b) | By promotion from amongst members of Junior Engineers Service in the Selection Grade in the manner prescribed in Appendix 'C' | 33 $\frac{1}{3}$ % |
| (c) | By promotion from amongst the confirmed and qualified Computers (Selection Grade) (E/M) in the manner prescribed in Appendix 'C' | 1 $\frac{1}{3}$ % |

Provided that as between members of Junior Engineer and Computer the vacancy shall be shared by them in the proportion of their respective cadre strength from time to time.

- (2) Appointment to the other higher posts shall be made by promotion on the basis of selections which will be made in accordance with the procedure laid down in Appendix 'D'
- (3) Notwithstanding anything contained in these Regulations the Board may make appointments to the Service, in relaxation of these Regulations, from among employees of Electricity Undertakings or similar organizations which have been taken over or which may, in future, be taken over by the Board or from among the merit position holders of the Board or from among the merit position holders of Roorkee and Varanasi Universities and Indian Institute of Technology, Kanpur and such other Institution, as may be prescribed by the Board from time to time, on such terms and conditions as may be described by them.

6. Reservation of Vacancies :

Reservation of vacancies for Schedule Castes/Schedule Tribes and Backward classes, in direct recruitment under Regulation 5 (1) (a) shall be in accordance with the orders for such Reservation in force under the State Government at the time of recruitment.

7. Number of Recruits to be taken :-

- (1) The Board shall ascertain the probable number of vacancies likely to occur in the various classes of posts in the Service during the course of the next year.
- (2) The Board shall also decide the number of vacancies to be allocated to Graduate Engineers and the number of vacancies to be reserved for candidates belonging to Scheduled Castes/Tribes.
- (3) In case the requisite number of Scheduled Castes/Scheduled Tribes candidates are not forthcoming or fail to be selected, the remaining vacancies shall be filled in by other candidates in the list of candidates selected for training and the deficiency made good in the manner indicated in the provisions to Appendix 'E'.

PART IV – QUALIFICATIONS

8. Nationality -

A candidate for direct recruitment as Trainee Engineer must be –

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India, or
- (d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda, and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India.

Provided that a candidate belonging to Category (c) or (d) above shall be a person in whose favour a certificate of eligibility has been issued by the State Government;

Provided also that a candidate belonging to category (c) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh;

Provided further that a candidate belonging to category (d) above shall not be retained in service beyond the period of certificate of eligibility unless he has acquired Indian citizenship.

Note - A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused may be admitted to an interview conducted by the recruiting authority and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

9. Age –

The age of candidates for selection as Trainee Engineer shall, on the 1st day of January of the year in which the selection is made, be not less than 21 years and more than 28 years.

Provided that –

- (i) the maximum age limit shall, in the case of retrenched employees of the State Government be greater by three years and in the case of the employees of the Board and candidates belonging to Scheduled Castes/Scheduled Tribes by five years;
- (ii) if a candidate would have been entitled in respect of his age and other qualifications under these regulations to appear for the selection in any year in which no such selection was held, he shall be deemed to be entitled in respect of his age to appear at the next following selection;
- (iii) no candidate shall be permitted to avail of more than four chances to appear at a selection; and

- (iv) the Chairman may relax the age-limit in favor of nay candidate or class of candidates if he considers it to be necessary in the interest of fair dealing or in the public interest but, where this is considered necessary, a provision must be inserted' to this effect in the advertisement.

8. Qualification –

A candidate for direct recruitment as Trainee Engineer must besides having a thorough knowledge of Hindi in Devnagri script hold the following qualifications –

- (i) a Degree in electrical/mechanical/tele-communication/instrumentation Engineering from a University or Institution established by law in Uttar Pradesh or from any other Institution recognized by the State Government or a degree or diploma recognized as equivalent thereto by the State Government.
or
- (ii) Sections 'A' and 'B' of the Associate Membership of the Institution of Engineers (India);
or
- (iii) be an Associate, Member of the Institution of Electrical Engineers (London).

10. Character -

- (1) The character of a candidate for direct recruitment to the service must be such as to render him suitable in all respects for employment under the Board. He must produce certificate of good character from
 - (i) the Proctor or the Principal Officer of the University or Collage, as the case may be, in which he was last educated.
 - (ii) two responsible persons (not being relations) who are well acquainted with him in his private life and are unconnected with his University, Collage or School

Provided that the appointing authority may make further inquiries regarding the character the character and antecedents of a candidate in such manner and from such authorities as may be considered necessary

- (2) It shall be the duty of the appointing authority to satisfy himself in this regard.

NOTE :- Persons dismissed from service by the Government of India or s State Government or by any Electricity Board shall not be eligible for appointment.

12. Marital Status –

A male candidate who has more than one wife living or a female candidate who has married a man already having a wife shall not be eligible for appointment to the Service.

Provided that the Chairman may, if satisfied that there are special grounds for doing so, exempt any person from the operation of the provisions of this regulation.

13. Physical Fitness –

- (1) No person shall be selected for training as a Trainee Engineer unless he be in good mental and bodily health and free from any physical defect likely to interfere with his training or with the efficient performance of his duties as a member of the service. Before a candidate joins the training, he must pass an examination by the Medical Board, as appointed by the Board.
- (2) Regulations for the Medical Examination are given in Appendix 'F'.

PART – V – APPOINTMENT, PROBATION AND CONFIRMATION

14. Appointing Authorities –

The appointing authorities of the members of Service shall be as follows.

| Name of Post | | Appointing Authorities |
|--------------|---|------------------------|
| 1. | Asstt. Engineer/ Asstt. Executive Engineer/ Senior Asstt. Engineer/Asstt. Engineer (Spl. Grade)/ Sr. Asstt. Engineer (Spl. Grade) | Chairman |
| 2. | Executive Engineer/Executive Engineer (Spl. Grade) | |
| 3. | Superintending Engineer | Board |
| 4. | All Officers above the rank of S.E. | |

Provided that no appointment henceforth to the post of Asstt. Executive Engineer shall be made except where such appointment was due and is to be made effective from a date prior to 1-4-79 but where an officer may already be working as Asstt. Executive Engineer he will continue till such time as he is either placed in the higher scale of Sr. Asstt. Engineer, Asstt. Engineer (Spl. Grade), Sr. Asstt. Engineer (Spl. Grade) or promoted to the post of regular Executive Engineer or otherwise moves out of the scale.

15. Combined Waiting List For Assistant Engineers -

A combined waiting list will be prepared on the basis of the list received under Rule 6 of Appendix 'B' and the 'Select List' referred to in Rule 7 of Appendix 'C' by taking candidates in such a manner that every 1st and 4th vacancy is filled by a promoted officer (JE or Computer as the case may be) and the remaining vacancies are filled by Trained Engineer.

16. Submission of Certificates -

Before a candidate directly recruited is finally approved for appointment to the service, he will be required.

- (1) to produce the certificates prescribed in Regulation 11 and 13 and
- (2) to submit declarations.
 - (a) of his relationship to any person employed under the Board.
 - (b) of his being free from debt;
 - (c) of all immovable property including house property owned of acquired by him or by a member of his family dependent on him, full and accurate details of all such property being given by him in the form prescribed in Appendix 'G'; and
 - (d) for serving the Board loyally and faithfully in the form prescribed in Appendix 'H'.

17. Appointment to the Cadre of Assistant Engineer –

- (1) A person finally selected for appointment to the service in the manner prescribed in these Regulations shall be appointed thereto by the appointing authority (unless he subsequently becomes disqualified for appointment) on the occurrence of a vacancy. The appointments shall be made in the same order in which the names appear in the combined waiting list prepared under Regulation 15.
- (2) In case no approved candidate is available for such appointment on the list and it becomes essential to make appointment in the interest of the Board, a person who is eligible for appointment by promotion to the Service under these Regulations, may be appointed, but such an appointment shall not be made for a period exceeding four months, without the specific approval of the Board.

18. Appointment to the Cadres of A.E.E, E.E., E.E. (S.G.), E.S ADDL C.E. AND C.E. -

- (1) Appointments to the posts in the cadres of the Service higher than that of Assistant Engineer shall be made by the Appointing Authority from the 'Select list' prepared in Rule 8(1) of Appendix 'D'. In making such appointment, the order in which the names of the officers appear in the Select List Shall be followed :
- (2) Permanent appointment : - Wherever a permanent vacancy occurs in the cadres of the service, appointment in that vacancy shall be made by the Appointing Authority in a substantive capacity from the 'Select List' in the order in which temporary and officiating appointments have been made under sub-regulation (1) above of this regulations.

Provided that in the case of officer officiating on a post under State Government immediately before their absorption in the Board's service, substantive appointment to a post in the cadre of the services shall be made in the order in which their names appear in the seniority list as prepared in accordance with the fifth provision to the Regulation 19.

19. Seniority –

The seniority of officers on their appointment to the service shall be determined according to the date of the order of appointment to a particular post in the cadres of the service.

Provided firstly that if two or more candidates are appointed on the same date, their seniority inter se shall be determined according to the order in which their names appear in the orders of appointment issued by the Appointing Authority, or in other words, the order in which their names are placed in the 'Select List' or 'Combined Waiting List', as the case may be;

Provided secondly, that the Appointing Authority may direct that an officer whose period of probation is extended for failure to prove his fitness for confirmation be placed in the seniority list next below the last confirmed member;

Provided thirdly, that the relative seniority of members of the Service who are appointed by direct recruitment shall be in accordance with the order of preference in which they are placed by the Selection Committee at the time of selection, as approved by the Appointing Authority;

Provided fourthly, that as between candidates who are appointed by direct recruitment and who are recruited by promotion in the same year, the seniority shall be determined in the order in which their names are arranged in the combined waiting list prepared under Regulation 15, provided that if in any year, it has not been possible to prepare the combined waiting list due to late selection either from Junior Engineers Service or from Computers (Selection Grade) or found outside or due to any other unavoidable reasons, the names in the gradation list shall be arranged in the same order in due course in respect of the vacancies allotted to each of the categories of candidates in that particular year, as in the combined waiting list and the seniority determined accordingly.

Provided fifthly that the inter-se seniority of Government Officers absorbed in the service of the Board, while officiating in any cadre of the Board's service, shall be the same as on the post held by them in the Government in a permanent/substantive capacity and in the case of those officers who were not permanent on any post at the time of absorption shall be the same as on the lower post held by them after regular selection in an officiating capacity.

20. Probation –

- (1) Every candidate shall, on appointment to a post in the service in or against a substantive vacancy, be placed on probation for a period of two years from the date of taking over charge of the appointment;

Provided that the appointing authority may –

- (a) for sufficient reasons extend the period of probation in individual cases by a further period not exceeding two years. Any such extension shall specify the exact date upto which the extension is granted but continuous in Service beyond the date upto which the period of probation is extended would not, in the absence of a specific order to that effect, amount to confirmation.

- (b) Allow to count towards the period of probation continuous service, if any, rendered in an officiating or temporary capacity in a post in the cadre of the Service or in the cadre of an equivalent service of Engineers under the State Government.
- (2) If it appears at any time, during or at the end of the period of probation or extended period of probation, that an officer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post if he has one under the Board, or his services may be dispensed with if he has none.
- (3) A candidate whose services are dispensed with under sub-regulation (2) shall not be entitled to any compensation.

21. Confirmation –

A probationer shall be confirmed in his appointment after the completion of the period of his probation or the extended period of probation as the case may be, if :-

- (a) He has passed the departmental examination prescribed by the Board from time to time.
- (b) His integrity has been consistently certified; and
- (c) He is found fit, in all other respects, for confirmation by the Board.

PART VI – PAY AND ALLOWANCES

22. Scale of Pay :-

The scale of pay admissible to a person appointed to a post in the cadres of the Service, whether in a substantive or officiating capacity or a temporary measure, shall be as sanctioned by the Board from time to time. The scales of pay in force at the time of the commencement of these Regulations will be found in Appendix 'A'.

Provided that the Board or any other competent authority may upon the recommendation of the appropriate Selection Committee, allow a candidate a higher start within the approved limits in view of his special qualification/experience.

23. Special Pay, Compensatory Allowance etc.

In addition to pay as in Regulation 22, a member of the Service shall also be entitled to such special pay, compensatory allowance, or post-graduates pay, if any, sanctioned by the Board from time to time, subject to such terms and conditions as may be prescribed by the Board.

24. Pay during probation :-

- (1) A person appointed to the service by direct recruitment, shall during the first year of probation, draw the minimum pay of the post in the scale admissible to him under

regulation 22 and shall receive his first increment when he has completed one year of service his first increment when he has completed one year of service and has also passed the departmental or other examination prescribed in Regulation 21, unless exempted there from. On confirmation he shall receive the second increment.

Provided that if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the appointing authority directs otherwise.

The provisions of this sub-regulation will, mutatis mutandis, apply to temporary employees also and a temporary Assistant Engineer will not get his second increment unless he passess Professional Examination, Part – I.

2. If an increment is withheld from a person during the period of probation only on account of his failure to pass the examination prescribed in Regulation 21, it shall be allowed to him on passing the examination with effect from the first month following that in which the examination is held and the period during which the increment is withheld shall count for increment in the time scale.
3. The pay during probation of officers recruited under clause (b) of sub-regulation (1) of Regulation 5 shall be regulated by the rules referred to in Regulation 27.

25. Criteria For Crossing Efficiency Bars

The following criteria shall govern the crossing of efficiency bars in respect of the persons appointed to the post or posts in the cadres of the Service:

- (a) No member of the Service In the cadre of Assistant Eng 10eers shall be allowed to cross the first efficiency bar unless he is found to have worked efficiently, satisfactorily and to the best of his ability and his integrity is certified to be above suspicion.
- (b) No member of the Service in the cadre of Assistant Engineers shall be allowed to cross the second efficiency bar unless it is certified that he has continued to work satisfactorily, effectively and honestly, has displayed adequate engineering ski II and has acquired adequate experience and knowledge of the Board's rules and regulations.
- (c) No member of the Service in the cadre of A. E. E.; Executive Engineers; E.E. (S.G.) shall be allowed to cross the efficiency bar unless he is found to have worked satisfactorily, efficiently and honestly and in the case of an Executive Engineer and E. E. (S.G.) unless he has shown adequate engineering skill in the up-keep and maintenance of the various installations under him and has displayed administrative capacity to carryon the work of a Division smoothly and efficiently.

PART – VII OTHER PROVISION

26. Canvassing

No recommendation for recruitment either written or oral, other than that required

under these regulations shall be taken into consideration, and any attempt on the part of a candidate to enlist support, directly or indirectly, for his candidature will render him liable to be disqualified.

27. Regulation of pay, Allowances, Pension, Etc

Except as otherwise provided in these Regulations or as specially covenanted in any Service Agreement. the pay, allowances, pension, leave and other conditions of service shall be regulated by such corresponding rules of the State Government applicable to similar category of officers and may have been adopted by the Board until promulgation of regulations in this behalf by the Board,

28. Saving

Notwithstanding any-thing contained in these regulations:

- (1) The conditions of service of persons who have been appointed to posts in the cadres of the Service, on foreign service, from the State Government or on deputation from elsewhere shall be governed by such terms and conditions as may have been or may be settled between the Board and the State Government or other appointing authorities until they are absorbed in the service of the Board;

Provided that the conditions of service of such persons as are absorbed under the Board shall be governed by the regulations of the Board which will not be less favourable than immediately prior to their absorption in the Board's service

- (2) The conditions of service of persons of the Electricity Supply Undertakings which have been taken over or may, in future, be taken over by the Board who may be holding or who may hold posts in the cadres of the service or posts declared in addition to the cadres of the service shall be governed by the Board's standard terms and conditions of Service if they have been taken over by the Board on such terms and conditions or by the ex-licensees terms and conditions if they have been taken over on such terms, as the case may be, unless they are given option and they opt to be governed by such rules and regulations as may be promulgated by the Board hereafter in this behalf.

29. Relaxation :-

- (1) Nothing in these Regulations shall be construed to limit or abridge the power of the Board to deal with the case of any person appointed by the Board and governed by these regulations in such manner as may appear just and equitable;

Provided that where any of the foregoing regulations is applicable in the case of any person, the case shall not be dealt with in a manner less favourable to him than that provided by that regulation.

- (2) when, in the opinion of the Board, it appears necessary to do so, the Board may make any appointment or appointments to the service in relaxation of these regulations or in partial relaxation of any or some of the regulations and, in case of any appointment which is not in strict accordance with these regulations, the Board shall be deemed to have made the appointment in relaxation of these Regulations.

30. Declarations :

The Board may, whenever considered expedient, delegate any of its power to any officer or authority under these regulations or the powers conferred on any *officer* or authority under these regulations to any other officer or authority.

APPENDIX-'B'

(See clause (a) of Sub Regulation (1) of Regulation 5)

Procedure for Direct Recruitment

1. The Board will announce the number of candidates to be recruited in leading newspapers of the State and invite applications from eligible candidates within such time as may be specified in the announcement.
2. Application shall be submitted direct to the Secretary to the Board on the prescribed form which may be obtained from the office of the Board.
3. The Board will hold a written test and/or interview as they deem fit either by themselves or through an outside Agency for selection of the candidates and will duly notify by registered post the date, time and place of such written test and/or interview.
4. Candidates shall pay the following fees:
 - (i) Cost of application form Rs.5 (to be sent along with a requisition for application form)
 - (ii) Application fee Rs. 7 (Rs. 2 for SC/ST candidates)
 - (iii) Written Test/Interview fee Rs. 20(Rs.7 for SC/ST candidates) or as may be decided by the Chairman.
5. The selection shall be made by a Selection Committee consisting of :
 - (i) Member of the Board (under Section 5 (4)(b) of E.(S). Act, 1948)
 - (i i) One Member of the Board (to be nominated by Chairman)
 - (iii) One Chief Engineer of the Board (to be nominated by Chairman.)
6. Marks will be awarded at the interview up to maximum of 200 to each candidate for his suitability for appointment in respect of general bearing and suitability, physique, personality, interest in outdoor life, intelligence, character and academic career. On the basis of the marks allotted, a list of the candidates shall be prepared in order of preference and forwarded to the Board. The Board shall recruit from the list so received such number of candidates as the Board may decide.
7. (1) All candidates will required to satisfy the minimum requirements of physical standards as prescribed in Regulation 13 and Appendix 'F'.
 - (2) The Board will arrange for medical examination of selected candidates by a Medical Board which shall send necessary certificates prescribed in Appendix 'F' testifying to the candidate's sound bearing and general physical fitness for rough outdoor work in the Operation and Maintenance Divisions/Units of the Board and to the fact that he bears on his body marks of successful vaccination.
8. Candidates who satisfy the provisions of clause 7 above shall have to undergo training for such period and on such terms as the Board may decide, including practical training. A candidate admitted to the training will have to execute a personal bond for Rs. 10,000 at the time of joining as A. E. (Trainee) together with a surety, who is solvent for not less than Rs. 10,000/- and in proof of the same the bond should be supported by a solvency certificate from a Revenue Officer not below the rank of Tehsildar, for serving the Board on the terms and conditions set forth therein for at least three years from the date of his initial

appointment on the post of A. E., after training, failing which the Bond will be forfeited to Board.

9. The facilities granted by the Board for training will be subject to the following conditions:
 - (i) That the progress of the trainee in his studies is satisfactory;
 - (ii) That the trainee gives security for refund of all payment made during the period of training in the event of his failing to qualify for appointment as Assistant Engineer, or for not executing the Bond as specified in Rule 8 above or for failing to join the post offered at the end of the period of training.
10. During the period of training, a trainee will be governed by such rules, regulations and orders as may be prescribed from time to time and the performance of the trainee shall be evaluated regularly through quarterly tests. If a trainee fails to pass three such consecutive quarterly test, his services shall be liable to be terminated forthwith.
11. On completion of the training and before appointment as Assistant Engineer, a trainee will be required to pass a final test as may be prescribed. He may also be required to sign a Service Agreement setting forth the terms and conditions of his appointment as may be prescribed,
12. If a trainee fails to qualify at the final tests for appointment as Assistant Engineer, his period of training may be extended and he may be given one more chance to pass the final test for appointment as Assistant Engineer subject to a maximum period of training of two years, where after the services of the trainee shall be liable to be terminated forthwith.
13. A candidate will loose his seniority if he fails to qualify in t he first test or tests.

APPENDIX 'C'

(See clause (b) of Sub-Regulation (1) of Regulation 5)

- 1 (a) for purpose of recruitment under clause (b) and (c) of sub regulation 1 of Regulation 5, a selection based on merit with due regard to seniority shall be made, as far as possible, each year from amongst all the :
 - (i) members of Junior Engineers Service (Elec./Mech.) who are confirmed on the post and have rendered at *least* 10 years of service in the cadre out of which 4 years service must be in the selection grade.
 - (ii) Computers who are confirmed on the post and have rendered at least 10 years service as Computer/Draughtsman out of which 4 years must be in the Selection Grade of Computer and possessing any of the following qualifications
 - A. Diploma In Elec./Mech. Engg. issued by Universities established in India by an Act of Central/State Government
 - or
 - (B) 3 years Diploma in Elec./Mech. Engg. issued by the State Board of Technical Education.
 - (b) The Reporting Officer will record an entry at the end of each year in the Character Roll of each confirmed Junior Engineer (Selection Grade) and confirmed Computer (Selection Grade) working under them stating that whether or not they consider him suitable in all respects for such promotion.
 2. The Chief Engineer (Hydel) will invite recommendations from his Superintending Engineers about the candidates eligible for selection and the Superintending Engineers may consult their Executive Engineers before forwarding their recommendations.
 3. In making their recommendation, the Superintending Engineers will also forward the personal files and the Character rolls of the Candidates to the Chief Engineer.
 4. The recommendations received from the Superintending Engineers will be duly scrutinized by a Screening Committee consisting of the following:
 - (i) The Chief Engineer;
 - (ii) Addl. Chief Engineer;
 - (iii) A Senior Superintending Engineer to be nominated by the Chief Engineer.
- The Screening Committee will prepare a list (separately for Junior Engineers and Computers) of the most suitable candidates arranged in order of seniority from amongst those found eligible for promotion to the post of Assistant Engineer or other equivalent posts, the number of candidates on the list so prepared will be double the number of vacancies available for appointment during the year.
5. The Chief Engineer will send the above list, together with the gradation list indicating the reasons for passing over the services, if any, and the character roll and personal files of all eligible candidates, of the Board by a fixed date.
 6. The Selection Committee of the Board shall scrutinize the recommendations for final selection and in doing so, the Selection Committee may require any or all candidates to appear before them. The Selection Committee shall consist of the following:

- (i) Chairman;
 - (ii) One whole time member of the Board (to be nominated by Chairman)
 - (iii) One Chief Engineer (to be nominated by Chairman)
7. The names of the candidates in the final list known as 'Select List' as approved by the Board, will be rearranged in order of their seniority in the present service and they will be appointed against the vacancies as and when they occur.
 8. The 'Select List' will hold good for one year only or if the Board so require, until such time as the next selection is made.

Appendix – ‘D’

(See Sub-regulation (2) of Regulation 5)

1. Selection to the posts of Chief Engineer

Selection to the post of Chief Engineer and other equivalent posts as *may* be specified by the Board, in the cadre of the Service, shall be made from amongst permanent Superintending Engineers who have put in not less than 6 years service as Additional Chief Engineer/Superintending Engineer as such on July 1 of the year in which the selection is made.

2. Selection to the posts of Additional Chief Engineer

Selection to the posts of Additional Chief Engineer and other equivalent posts as may be specified by the Board, in the cadre of the Service, shall be made from amongst permanent Superintending Engineers who have put in 4 years service as such on July 1 of the year in which selection is made.

3. Selection to the posts of Superintending Engineer

Selection to the posts of Superintending Engineers and other equivalent posts, as may be specified by the Board, in the cadre of the Service shall be made from amongst the permanent Executive Engineer, who have, on July 1 of the year in which the selection is made, put in minimum of 15 years Service on Class II and higher posts under the I State Govt. or the Board.

Provided that out of the above 15 years, at-least 6 years service must have been rendered on the post of Executive Engineer and/or other equivalent post;

Provided further that officers, who have rendered not less than 6 years service as Executive Engineer as above may be considered eligible for appointment to temporary and officiating posts of Super-intending Engineers even if they have rendered less than 15 years service on Class II and higher posts.

4 (a) Eligibility for the scale of Executive Engineer (Special Grade)

A confirmed Assistant Engineer/Sr. Assistant Engineer/Executive Engineer who has rendered 14 years of regular service in the cadre of Assistant Engineer/Sr. Assistant Engineer or Executive Engineer (combined or isolated as the case may be) on 1-4.1979 or thereafter, on being found fit and deserving otherwise by the Selection Committee constituted under Rule 5 (2j) be entitled to the scale of Executive Engineer (Special Grade). Also officers who may already be in the scale of Senior Assistant Engineer (Special Grade) and Assistant Engineer (Special Grade) shall on their selection and promotion to a regular post or Executive Engineer be entitled automatically to scale of Executive Engineer (Special Grade). The conditions for award of next time bound pay scales will be same as applicable to crossing of Efficiency Bar

4(b) Selection to the post of Executive Engineer shall be made from amongst permanent

Assistant Engineers who have completed not less than 7 years service as Assistant Engineer (Including the services as A. E. E./Sr. A. E./Sr. A. E. (Special Grade) on July 1 of the year in which selection is made

Provided however, that Senior Assistant Engineer (Special Grade) on promotion as Executive Engineer shall be allowed the scale of Executive Engineer (Special Grade).

4(c) Eligibility for the scale of Senior Assistant Engineer

Officers on completion of 9 years of regular service as Asstt Engineer, Assistant Executive Engineer (combined or isolated as the case may be) on 1.4.1979 or thereafter and confirmed as Assistant Engineer shall on being found fit and deserving otherwise by the Selection Committee, constituted under rule 5(2), and if not already promoted in the meanwhile to the regular post of Executive Engineer be entitled to the scale of Senior Assistant Engineer and designated as such

The conditions or award of next time bound pay scales will be same as applicable to crossing of efficiency bar.

Provided further that ;

1. Only those permanent Assistant Engineers will be eligible to the scale of Senior Assistant Engineer who have passed Professional Part I and Language Examination as prescribed by the Board for officers of the Uttar Pradesh State Electricity Board, whether under the State Government or under the Board
2. In case permanent officers for the post of Senior Asstt Engineer are not available for consideration for any reason officers who have completed the required period of service, even though temporary or officiating may be considered for that post
3. The Selection Committee may for special reasons to be recorded relax any requirement under the rule in respect of length of service/requisite experience as the case may be.

5(1) Committee(s) to make selection

The selection of the various posts in the cadres of the Service shall be made by a Selection Committee consisting of the following members.

- A. For the posts of Chief Engineer, Addl. Chief Engineer and Superintending Engineers.
1. All members of the Board
 2. Secretary to Govt., U P. Judicial Department; and
 3. Director General, Bureau of Public Enterprises, U.P. Govt.

"The Quorum of the meeting for Selection to the posts as above shall be as follows:

1. Chairman, U.P. State Electricity Board
2. Any two officers from amongst the Secretary to Govt., UP (Energy Department)/(Finance

Department)/(Bureau of Public Enterprises] and (Judicial Department)

3. Any two Members from amongst the four whole time Members of the Board.

B. For the posts of Executive Engineers.

- (i) Chairman
- (ii) Member appointed under Section 5(4) (b) of Electricity (Supply) Act, 1948. Chairman.
- (iii) Two other members of the Board nominated by the

The quorum of the meeting for selection to posts as above shall be:

- (a) Chairman
 - (b) Member appointed under Section 5 (4) (b) of the Electricity (Supply) Act 1948.
 - (c) One Member out of two mentioned at (iii) above
- 5(2) Committee to decide entitlement to the scales of Executive Engineer (Special Grade), Senior Assistant Engineer (Special Grade) and Senior Assistant Engineer.

For the scale of Executive Engineer (Special Grade), Senior Asstt. Engineer (Special Grade), and Senior Assistant Engineer, the screening of officers to determine whether or not they are fit and deserving for purpose of their entitlement to the scale of Executive Engineer (Special Grade), Sr. Assistant Engineer (Special Grade) or Senior Assistant Engineer shall be carried out by the Selection Committee consisting of (i) Member (D) (ii) Secretary, UPSEB and (iii) Controller of Audit and Accounts.

6. Criteria for promotion

The selection to the post of Chief Engineer, Addl Chief Engineer, and Superintending Engineer shall be made on the basis of MERIT and, Suitability in all respects while promotion to the posts of E.E. shall be based on seniority subject to the rejection of the unfit,

7. Preparation of a list for selection and of selected candidates

- (1) The Selection Committee shall, keeping in view the criteria, on the basis of the selection to a particular post in the service, prepare a list of such officers as are adjudged by it to be most suitable for promotion to that post.
- (2)(a) The list in case of Selection for the posts of superintending Engineer and above shall be rearranged in order of seniority in the cadre from which the selection is made. The list in the case of selection to the posts of Executive Engineer shall be prepared in order of seniority in the cadre of Assistant Engineer and Executive Engineer respectively
- (2)(b) The list in the case of officers entitled to the scale of senior Assistant Engineer, Assistant Engineer (Special Cadre), Senior Assistant Engineer (Special Grade) & E.E. (Special Grade) shall be prepared in order of seniority in the cadre of Assistant
- (c) The Chairman shall issue appointment orders in respect of Superintending

Engineers, Executive Engineers (Special Grade), Executive Engineers, Sr. Asstt. Engineers, Sr. Asstt. Engineers (Special Grade) & Assistant Engineers.

- (d) The list of the officers selected for the posts above Superintending Engineers shall be placed before the Board for approval
- (3) The list so prepared shall be reviewed and revised every year and fresh names added to it, if necessary.
- (4) If, in the process of selection, review or revision, it is proposed to supersede any officer of the cadre from which the selection is made, the Selection Committee shall record its reasons for the super session. The reasons so recorded shall, however, not be communicated to the officer concerned.

8. Select list and its validity :

- (1) The list, as approved by the Board. shall form the 'Select List' for each category of post.
- (2) The Select list shall ordinarily be in force until it is reviewed or revised in accordance with sub-para (3) of para 7 above.
Provided that in the event of a great lapse in the conduct or performance of duties on the part of any officer included in the 'Select List' a special review of the Select List may be made at any time by the Selection Committee.

Provided further that if another selection is made within the same year, special reports about the officers eligible for selection shall be obtained.

APPENDIX – ‘E’

(See Regulation 6)

Representation of Scheduled Castes, etc in public service

- A. In pursuance of the provisions of clause (4) of Article 16 and of Article 335 of the Constitution, the Governor is pleased to order that consistently with the maintenance of efficiency of administration
- (i) the interest of the backward classes shall, in general, be borne in mind in making appointments; and
 - (ii) there shall be a general reservation of 18 per cent of the vacancies for members of the Scheduled Castes in making appointments to services and posts in connection with the affairs of the State of Uttar Pradesh.

Provided that if in any year candidates of the Scheduled Castes fail to be recruited to any service or establishment to the extent of 18 percent, the deficiency shall be made good in the recruitment to the service or establishment concerned in the following year:

Provided further that the reservation on account of the deficiency shall not be carried forward for more than two years.

*Explanation-*Till such time as the reservation of 18 per cent of the vacancies for members of the Scheduled Castes is not completed in the cadres of the posts included in the establishment this reservation for Scheduled Castes candidates would be 25 per cent subject to the condition that total Castes candidates would be 25 percent subject to the condition that total number of such reserved vacancies, together with the carried forward vacancies, if any, does not exceed 45 percent of the total vacancies. at any particular recruitment.

- B (i) 'भारत के संविधान के अनुच्छेद 335 के अधीन अनुसूचित जन-जातियों को केन्द्र अथवा प्रदेश की सेवाओं/पदों में भर्ती के सम्बन्ध में अनुसूचित जातियों के समान ही माना गया है। अतः श्री राज्यपाल ने यह निर्णय किया है कि इस आदेश के जारी होने के दिन से अनुसूचित जन-जातियों को वे सभी सुविधाएँ, जो अनुसूचित जातियों के अभ्यर्थियों को प्राप्त हैं, यथा (1) सेवाओं में आरक्षण (2) अधिकतम आयु-सीमा में छूट तथा (3) लोक सेवा आयोग द्वारा आयोजित प्रतियोगितात्मक परीक्षाओं/चयनों की फीस में छूट दी जाय।
- (II) भविष्य में अनुसूचित जन-जातियों के सदस्यों को राज्य सेवाओं/पदों में दो प्रतिशत आरक्षण प्राप्त रहेगा और भर्ती हेतु निर्धारित अधिकतम आयु-सीमा में 5 वर्ष की छूट दी जायेगी। लोक सेवा आयोग द्वारा आयोजित प्रतियोगितात्मक परीक्षाओं के सम्बन्ध में ली जाने वाली परीक्षा/साक्षात्कार की एक तिहाई फीस ली जाया करेगी।
- (III) आरक्षित रिक्तियों के लिए पर्याप्त संख्या में अनुसूचित जन-जातियों के उपर्युक्त अभ्यर्थियों के प्राप्त न होने पर ऐसी रिक्तियों को अनारक्षित रिक्तियों के समान समझकर भर्ती उसी समान की जायेगी किन्तु भर्ती के अनुवर्ती अवसरों पर अग्रणीत (Carry Forward) की जायेगी। इस प्रकार, आरक्षित रिक्तियों को अनुसूचित जन-जातियों के अभ्यर्थियों के लिए पांच साल की अवधि तक उपलब्ध रखा जायेगा। तत्पश्चात् इन रिक्तियों को अनारक्षित समझा जायेगा।

Appendix – ‘f’

Regulation for the Medical Examination of Candidates for Recruitment as Trainee Engineer

1. To be passed as fit for recruitment a candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of Assistant Engineer.
2. In the matter of correlation of age, height and chest girth of candidates, it is left to the Medical Board to use whatever correlation figure are considered most suitable as a guide in the examination of the candidates.
3. The candidate's height will be measured as follows, he will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or outer sides of the feet. He will stand erect without rigidity and with the heels, calves, buttocks and shoulders touching the standard, the chin will be depressed to bring the vertex of the head level under horizontal bar and the height will be recorded in meters and centimeters. No fixed limit of height is, however, enforced.
4. The candidate's chest will be measured as follows :

He will be made to stand erect with his feet together and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the inferior angles of the shoulder blade behind, and its lower edge upper parts of the nipples in front. The arms will then be taken down so that the shoulders are not thrown upwards or backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times and the maximum expansion of the chest will be carefully noted.

The minimum and maximum will then be recorded in centimeters 84-89, 85-92.

In recording the measurement, fractions of less than half centimeters should not be recorded.
5. The candidates will also be weighted and his weight recorded in kilogram. Fractions of less than half a kilogram should not be noted.
6. (a) The examination for determine the acuteness of vision includes two tests; one for distance, the other for near vision. Snellen's test types will be used for the test for distance vision, without glasses at a distance of 6 meters and for the test for near vision, without glasses at any distance selected by the candidates. The standards of the minimum acuteness of vision which will be used for guidance in the examination of a candidate are as follows:

Standard – I

Right Eye
Distant Vision – 6/6
Near Vision – Read, 0.6

Left Eye
V=6/6
Reads 0.6

Standard – II

Better Eye

Worse Eye

Distant Vision V= 6/6

V, without Glasses, not below 6/6 and
after correction with glasses not below
6/24

Near Vision – Reads, 0/6

Read I.

Standard – III

Better Eye

Distant vision V, without glasses not below
6/24 and after correction with glasses not
below 6/6

Near vision -Reads 0.8

Worse Eye

V, without glasses = not below 6/24 after
correction with glasses = not below 6/12

Read I.

- (b) Each eye must have a field of vision as tested by hand movement
 - (c) Squint or any morbid condition of the eye or of the lids or of either eye liable to the risk of aggravation on recurrence will cause the rejection of the candidate.
 - (d) Each eye will be examined separately and the lids must be kept wide open during the test.
 - (e) Inability to distinguish the principal colors will not be regarded a cause for rejection, but the fact will be noted in the proceeding and the candidate will be informed.
 - (f) The degree of acuteness of vision of all candidates for appointments will be entered in the proceedings in the following manner:
V.R. = with glasses = Reads.....
V.L. = with glasses = Reads.....
 - (g) In cases of serious abnormality the opinion of an ophthalmic specialist should be obtained.
7. The urine (passed in presence of the examiner) should be examined and the result recorded.
8. The following additional points should be observed:

That the candidate's hearing in each year is good and that there is no sign of disease of the year.

A candidate who can hear a forced whisper at a distance of 3 meters with his back towards the examiner should be considered fit. Each of his ears should be tested separately, the other being plugged with oiled wool for the time being.

When any defect is found it must be noted in the certificate and the medical examiner should state his opinion whether or not is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation is should be so stated.

THE UTTAR PRADESH STATE ELECTRICITY BOARD ASSISTANT ENGINEERS (CIVIL) SERVICE REGULATIONS, 1970

PART – I GENERAL

Short Title and Commencement –

- (1) These Regulation may be called the “Uttar Pradesh State Electricity Board Assistant Engineers (Civil) Service Regulations, 1970”
- (2) They shall come into force from the date of their publication in the Uttar Pradesh Gazette.

Status –

The Uttar Pradesh State Electricity Board Services of Assistant Engineer (Civil) is a Class II Service of the Board.

3. Definitions -

In these regulations, unless there is anything repugnant in the subject or context –

- (1) ‘Act’ means the Electricity (Supply) Act, 1948 (Act No. LIV of 1948).
- (2) ‘Appointing Authority’ means the authority defined in Regulation 14.
- (3) ‘Board’ means the U.P. State Electricity Board constituted under Section – 5 of the Act.
- (4) ‘Chairman’ means the Chairman of the UP State Electricity Board.
- (5) ‘Chief Engineer’ means the Chief Engineer (Hydel) or any other Chief Engineer who may be so authorized by the Board to exercise powers under these Regulations.
- (6) ‘Citizen of India’ means a person who is or who is deemed to be a citizen of India under Part II of the constitution.
- (7) ‘Constitution’ means the Constitution of India as in force.
- (8) ‘Departmental candidate’ means a candidate who is eligible for recruitment to a post in the cadre of the service under clauses (ii) and (iii) of Regulation 5.
- (9) ‘Direct Recruitment’ means recruitment against a post in the cadre of the service under clause (i) of sub-regulation (1) of Regulation 5 of these Regulations.
- (10) ‘Government’ or the State Government means the Government of Uttar Pradesh.
- (11) ‘Governor’ means the Governor of Uttar Pradesh.
- (12) “Member of the Service’ means a person appointed in the substantive capacity under the provisions of these regulations or under rules and orders in force previous to the commencement of these regulations, to a post in the cadres of the service.
- (13) ‘Member Secretary’ or ‘Secretary’ means the Member Secretary of the Board.

- (14) 'Junior Engineer' means Junior Engineer (Civil) under the Board.
- (15) 'Screening Committee' means the Committee constituted under Rule 4 of Appendix 'B'.
- (16) 'Selection Committee' means in case of direct recruitment, the Committee constituted under clause 5 of Appendix 'A' and in the case of promotion a committee as may be constituted under clause 5 of Appendix 'B'.
- (17) 'Year of Recruitment' means the period from 1st of January to the 31st December of a year.

PART II – CADRE

4. Strength of Service -

- (1) The strength of the service shall be such as may be determined by the Board from time to time.
- (2) The strength of the service shall, until orders varying the same have been passed under sub-regulation (1), be -

Permanent – 62
Temporary – 56

Provided that

- (a) any vacant post (s) in the cadre of the Service may be kept unfilled by the appointing authority or held in abeyance by the authority competent to create posts in the cadre of Service without thereby entitling any person to compensation or other redress, and
- (b) the Board may create, from time to time, such additional permanent or temporary posts, as may be found necessary.

PART – III – RECRUITMENT

5. Sources of Recruitment :-

- (1) Recruitment to the Service, in any year, shall be made as follows :
 - (i) By direct recruitment in accordance with the rules and procedure laid down in Appendix 'A' 65 ⅓ %
 - (ii) By promotion of Junior Engineers (Civil) in the manner prescribed in Appendix 'B' 33 ⅓ %
 - (iii) By promotion from amongst the confirmed and qualified Computers (Selection Grade) (Civil) in the manner prescribed in Appendix 'B' 1 ⅓ %

Provided that between members of J.E. and Computers the vacancy shall be shared by them in the proportion of their respective cadre strength from time to time.

- (2) Not withstanding anything contained in these Regulations. the Board may make appointments to the Service, in relaxation of these regulations, from amongst the ex-employees of Electricity Undertakings or similar organizations which have been taken over or which may, in future, be taken over by the Board on such terms and conditions as may be decided by the Board.

6. Reservation for Scheduled Castes/Scheduled Tribes :-

Reservation for Scheduled Castes/Scheduled Tribes in direct recruitment shall be in accordance with the orders for such reservation in force under State Government at the time of recruitment.

Note: A copy of the orders in force at the time of commencement of these Regulations will be found in Appendix 'C',

7. Number of Recruits to be Taken

- (1) The Board shall ascertain the probable number of vacancies likely to occur in the Service during the course of the next year.
- (2) The Board shall also decide the number of vacancies to be filled in by direct recruitment, and the number of vacancies reserved for candidates belonging to Scheduled castes etc. if any, and invite applications

Note: Candidates already in Government Service or in the Board's service shall be required to submit their applications through proper channel

Candidates in any other service will be required to submit their applications through the Employment Exchange along with a certificate from their Employer to the effect that they would be relieved immediately on receipt of their appointment letters.

PART IV – QUALIFICATION

8. Nationality –

A candidate for direct recruitment to the Service must be.

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India, or .
- (d) a person .of Indian origin who has migrated from Pakistan. Burma. Ceylon and East African countries of Kenya, Uganda, and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India.

Provided that a candidate belonging' to category (c) or (d) above shall be a person in whose favour a certificate of eligibility has been Issued by the State Government

Provided also that a candidate, belonging to category (c) will also be required to obtain a

certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh.

Provided also that a candidate belonging to category (d) above shall not be retained in service beyond the period of the certificate of eligibility unless he has acquired Indian Citizenship

Note- A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an interview conducted by the recruiting authority and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

9. Age –

The age of candidates *for* direct recruitment to the Service on the 1st day of January of the year in which the Selection Committee meets; shall not be less than 21 years and not more than 28 years.

- (i) the maximum age limit shall, in the case of employees of the Board and candidates belonging to the Scheduled Castes/Scheduled Tribes, be greater by five years and, in the case of the retrenched employees of the State Government, by three years;
- (ii) if a candidate would have been entitled in respect of his age and other qualifications under these Regulations to appear *for* selection in any year in which no such selection was made, he shall be deemed to be entitled in respect of his age to appear at the next following selection
- (iii) no candidate shall be permitted to avail of more than four chances to appear at a selection; and
- (iv) the chairman may relax the age-limit in favour of any candidate or class of candidates if he considers it to be necessary in the interest of fair dealing or in the public interest but, where this is considered necessary, a provision must be inserted to this effect in the advertisement.

10. Academic Qualification :-

A candidate for direct recruitment to the service must, besides having a thorough knowledge of Hindi written in Devanagiri Script, hold the following qualifications:

- (1) A degree in Civil Engineering from a University or Institution established by law in Uttar Pradesh or from any other Institution recognized by the State Government, or a degree or diploma recognized as equivalent thereto by the State Government, or
- (2) Sections 'A' and 'B' the Associate Membership of the Institution of Engineers (India), or
- (3) Be an Associate member of the Institution of Civil Engineers (London).

11. Character –

- (1) The character of a candidate for direct recruitment to the Service must be such as to render him suitable in all respects for employment under the Board. He must produce a certificate of good character from:

- (i) the Proctor or the Principal academic officer of the University or college, as the case may be, in which he was last educated.
- (ii) two responsible persons (not being relations) who are well acquainted with him in his private life and are unconnected with his University, College or School:

Provided that the appointing authority may, where considered necessary make further inquiries regarding the character and antecedents of a candidate in such manner and from such authorities as may be considered desirable

- (2) It shall be the duty of appointing authority to satisfy him in this regard.

NOTE:- Persons dismissed from Service by the Government of India or a State Government or by any Electricity Board shall not be eligible for appointment.

9. Age –

The age of candidates for direct recruitment to the service on the 1st day of January of the year in which the Selection Committee meets shall not be less than 21 years and not more than 28 years.

Provided that

- (i) the maximum age limit shall, in the case of employees of the Board and candidates belonging to the Scheduled Castes/Scheduled Tribes, be greater by five years and, in the case of the retrenched employees of the State Government, by three years.
- (ii) if a candidate would have been entitled in respect of his age and other qualifications under these Regulations to appear for selection in any year in which no such selection was made. He shall be deemed to be entitled in respect of his age to appear at the next following selection;
- (iii) no candidate shall be permitted to avail of more than four chances to appear at a selection; and
- (iv) the Chairman may relax the age-limit in favour of any candidate or class of candidates if he considers it to be necessary in the interest of fair dealing or in the public interest but, where this is considered necessary, a provision must be inserted to this effect in the advertisement.

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- (1) A Degree in Civil Engineering from a University or Institution established by law in Uttar Pradesh or from any other Institution recognized by the State Government, or a degree or diploma recognized as equivalent thereto by the state Government, or
- (2) Sections 'A and '8' the Associate membership of the Institution of Engineers (India), or
- (3) Be an Associate member of the Institution of Civil Engineers (London).

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 - (i) the Proctor or the Principal academic officer of the University or college, as the case may be, in which he was last educated
 - (ii) two responsible persons (not being relations) who are well acquainted with him in his private life and are unconnected with his University, College or School:

Provided that the appointing authority may, where considered necessary make further inquiries regarding the character and antecedents of a candidate in such manner and from such authorities as *may* be considered desirable

- (2) It shall be the duty of appointing authority to satisfy himself in this regard

NOTE:- Persons dismissed from Service by the Government of India or a State Government or by any Electricity Board shall not be eligible for appointment.

12. Marital Status –

A male candidate who has more than one wife living or a female candidate who has married a man already having a wife shall not be eligible for appointment to the Service

Provided that the Chairman may, if satisfied that there are special grounds for doing so, exempt any person from the operation of the provisions of this regulation.

13. Physical Fitness –

- (1) No person shall be appointed to the Service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the Service, Before a candidate is finally approved for appointment he shall be required to pass an examination by the Medical Board.
- (2) Regulations for the Medical examination are given in Appendix 'D'.

PART V- APPOINTMENT, PROBATION AND CONFIRMATION

14. Appointing Authority

The appointing authority of the Members of the Service shall be the Chairman.

15. Combined Waiting List –

A combined waiting list will be prepared on the basis of the list finally drawn under clause 5 of Appendix 'A' and the 'Select List' referred to in clause 6 of Appendix 'B' by taking candidates in such a way that every first and fourth vacancy is filled by a promoted officer (J. E. or Computer as the case may be) and the remaining vacancies are filled by trained Engineers.

16. Submission of Certificates –

Before a candidate directly recruited is finally approved for appointment to the Service, he will be required

- (1) to produce the certificates prescribed in regulations 11, 12 and 13; and
- (2) to submit declarations
 - (a) of his relationship to any person employed under the Board;
 - (b) of his being free from debt;
 - (c) of all immovable property including house property owned or acquired by him or a member of his family dependent on him, full and accurate details of all such property being given by him in the form prescribed in Appendix 'E'; and
 - (d) for serving the Board loyally and faithfully in the form prescribed in Appendix 'F'.

17. Appointments–

- (1) A person finally selected for appointment to the service in the manner prescribed in these Regulations shall be appointed thereto by the appointing authority (unless he subsequently becomes disqualified for appointment) on the occurrence of a vacancy. The appointments shall be made in the same order in which the names appear in the combined waiting list prepared under Regulation 15.
- (2) In case no approved candidate is available for such appointment on the list and it becomes essential to make appointment in the interest of the Board, a person who is eligible for appointment by promotion to the Service under these Regulations, may be appointed, but such an appointment shall not be made for a period exceeding four months, without the specific approval of the Board

18. Seniority

- (1) The seniority of officers on their appointment to the Service shall be determined according to the date of the order of appointment in a substantive vacancy in the cadre of the Service

Provided firstly that if two or more candidates are appointed on the same date, their seniority inter-se- shall be determined according to the order in which their name, appear in the orders of appointment issued by the Board:

Provided secondly that the Board may direct that an officer whose period of probation is extended for failure to prove his fitness for confirmation be placed in the seniority list next below the last confirmed member:

Provided thirdly that the relative seniority of members of the Service who are appointed by direct recruitment shall be in accordance with the order of preference in which they are placed by the Selection Committee at the time of selection, as approved by the Board (See clause 5 of Appendix 'A' , :

Provided fourthly that between candidates who are appointed by direct recruitment

and who are recruited by promotion in the same Year, the seniority shall be determined in the order in which their names are arranged in the Combined Waiting list prepared under regulation 15:

Provided fifthly that if, in any year, it has not been possible to prepare the Combined Waiting List due to late selection either from J. E. Civil) or from Computer (S. G.) (Civil) or from outside or due to any other unavoidable reason, the names in the gradation list shall be arranged in the Sim1 order in due course in respect of the vacancies allotted to each of the categories of candidates in that particular year, as in the Combined Waiting List, and seniority determined accordingly.

- (2) The seniority of candidates, inter se appointed in a temporary or officiating capacity on the basis of a regular selection in accordance with the provision of these regulations shall also be determined mutatis mutandis under the provisions of sub-regulation (1).

19. Probation -

- (1) Every candidate shall on appointment to a post in the Service in or against a substantive vacancy, be placed on probation for a period of two years from the date of taking over charge of the appointment:

Provided that the appointing authority may –

- (a) for sufficient reasons, extend the period of probation in individual cases by a further period not exceeding two years. Any such extension shall specify the exact date up to which the extension is granted but continuance in Service beyond the date up to which the period of probation is extended would not, in the absence of a specific order to that effect, amount to confirmation;
 - (b) allow to count toward the period of probation continuous service, if any, rendered in an officiating or temporary capacity in a post in the cadre of the Service or in the cadre of an equivalent service of engineers under the State Government
- (2) If it appears at any time, during or at the end of the period of probation or extended period of probation, that an officer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if he has one under the Board, or his services may be dispensed with if he has none
- (3) A candidate whose services are dispensed with under sub regulation (2) shall not be entitled to any compensation

20. Confirmation -

A probationer shall be confirmed in his appointment after the completion of the period of his probation or the extended period of probation, as the case may be, if

- (a) he has passed the departmental examinations prescribed by the Board from time to time; and
 - (b) he is found fit, in all respects, for confirmation by the Board and his integrity is certified

PART VI – PAY AND ALLOWANCES

21. Scale of Pay :-

The scale of pay admissible to a Member of Service shall be Rs. 1 025-50-1275-EB-1425-60-1 845 per mensem.

Provided that the Board or any other competent authority may, upon the recommendation of the appropriate Selection Committee, allow a candidate a higher start within the approved limits in view of his special qualifications/experience.

22. Special Pay Compensatory Allowance, etc.:-

In addition to pay as in regulation 21, a member of the Service shall also be entitled to such special pay, compensatory allowance, or post graduate pay, if any, as may be sanctioned by the Board from time to time subject to such terms and conditions, as may be prescribed by the Board.

23. Pay During Probation :-

- (1) A person appointed to the Service by direct recruitment shall during the first year of probation, draw the minimum pay of the post in the scale admissible to him under regulation 22 and shall receive his first increment when he has completed one year of service and as also passed the departmental or other examination prescribed by the Board, unless exempted there from. On confirmation, he shall receive the second increment:

Provided that if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the appointing authority directs otherwise.

- (2) If an increment is withheld from a person during the period of probation only on account of his failure to pass the examination prescribed by the Board, it shall be allowed to him on passing the examination with effect from the first day of the month following that in which the examination is held and the period during which the increment is withheld shall count for increment in the time scale
- (3) The pay during probation of officers recruited under clause (ii) of sub-regulation (1) of regulation 5 shall be regulated by the rules referred to in regulation 26

24. Criteria For Crossing Efficiency Bars:-

The following criteria shall govern the crossing of efficiency bars in respect of the persons appointed to a post in the cadre of the service:

- (a) No member of the Service shall be allowed to cross the first efficiency bar unless he is found to have worked steadily, efficiently and to the best of his ability and his integrity is certified to be above suspicion

- (b) No member of the Service shall be allowed to cross the second efficiency bar unless it is certified by the Chief Engineer that he has continued to work steadily, effectively and honestly and has acquired adequate experience and knowledge of the departmental rules and regulations
- (c) No member of the Service shall be allowed to cross the third efficiency bar unless it is certified by the Chief Engineer that he has given complete satisfaction on in every respect and has the administrative capacity to carry on the work of a division smoothly and efficiently by reason of his ability, supervising capacity and strict honesty.

PART VII – OTHER PROVISIONS

25. Canvassing

No recommendation for recruitment, either written or oral, other than that required under these regulations, shall be taken into consideration, and any attempt on the part of a candidate to enlist support, directly or indirectly for his candidature will make him liable to be disqualified.

26. Regulations of Pay, Allowances, Pension Etc.

Except as otherwise provided in these regulations or as specially covenanted in any Service Agreement, the pay, allowances, pension, leave and other conditions of service shall be regulated by such corresponding rules of the State Government applicable to similar category of officers as may have been adopted by the Board until the promulgation of regulations in this behalf by the Board.

27. Saving -

Notwithstanding anything contained in these Regulations –

- (1) The conditions of Service of persons who have been appointed to posts in the cadre of the Service or to posts declared in addition to the cadre of the Service or on foreign Service from the State Government or on deputation from elsewhere shall be governed by such terms and conditions as may have been or may be settled between the Board and the State Government or other appointing authorities until they are absorbed in the Service of the Board:

Provide that the conditions of Service of such person's are absorbed under the Board shall be governed by the regulations of the Board.

- (2) The conditions of Service of persons of the Electricity Supply Undertakings which have been taken over or may, in future be taken over by the Board who may be holding or who may hold posts in the cadres of the Service or posts declared in additions to the cadres of the Service shall be governed by the Board's standard terms and conditions of Service if the undertaking has been taken over by the Board on such terms and conditions or by the licensee's terms and conditions if the undertaking has been taken over on such terms, as the case may be unless they are given option and they opt to be governed by these Regulations.

28. Relaxation -

- (1) Nothing in these Regulations shall be construed to limit or abridge the powers of the Board to deal with the case of any person appointed by the Board and governed by these Regulations in such a manner as may appear just and equitable:

Provided that where any of the foregoing regulations is applicable to the case of any person, the case shall not be dealt with in a manner less favourable to him than that provided by that regulation.

- (2) When, in the opinion of the Board it appears necessary to do so, the Board may make any appointment or appointments to the service in relaxation of these regulations, or in partial relaxation of any or some of the regulations and in case of any appointment which is not in strict accord with these regulations, the Board shall be deemed to have made the appointment(s) in relaxation of these regulations.

29. Delegation

The Board may, whenever considered expedient, delegate any of their powers to any officer or authority under these Regulations or the powers conferred on any officer or authority under these Regulations to any other officer or authority.

Appendix – A

(See clause (i) of Sub -regulation (1) of regulation 5)

1. The Board will announce the number of candidates to be recruited, in the official (Uttar Pradesh) Gazette, and the leading news papers of the State and invite the candidates to make application within such time as may be specified in the announcement
2. Application shall be submitted direct to the Secretary to the Board on the prescribed form which may be obtained from him.
3. The Board will held a written Test and/or Interview as they deem fit either by themselves or outside Agency for selection of the candidates and will duly notify by registered post the date, time and place of such written test and/or Interview.
4. Candidates shall pay the fallowing fees.
 - (i) Cost of application form Rs. 5/- to be sent along with a requisition for application form.
 - (ii) Application fee Rs. 7/-(Rs.2/- for SC/ST candidates.
 - (iii) Written test/Interview fee Rs. 20/ - (Rs.7 / for SC/ST candidates) or as may be decided by the Chairman.
5. The selection shall be made by a committee consisting of
 - (i) Member of the Board (Under Section 5 (4) (b) of Electricity (Supply) Act, 1948)
 - (ii) One Member of the Board (to b9 nominated by the Chairman)
 - (iii) One Chief Engineer of the Board (to be nominated by Chairman).

Marks will be awarded at the interview upto a maximum of 200 to each such candidate for his suitability for appointment in respect of his general bearing, physique, personality, interest in outdoor life intelligence and character. On the basis of marks so allotted a list of such candidates shall be prepared in order of preference and forwarded to the Board. The Board shall select from the list so received such number of candidates as may be required for appointment

Appendix – A

(See clause (ii) of Sub -regulation (1) of regulation 5)

1. (a) For purposes of recruitment under clause (ii) and (iii) of sub-regulation (1) of regulation 5, a selection based on merit with due regard to seniority, shall be made as possible, each year, from the amongst all the:
 - (i) Junior Engineer (Civil) who are confirmed on the post and have *rendered* at least 10 years of service in the cadre out of which 4 years service must be in the Selection Grade.
 - (ii) Computers who are confirmed on the post and have rendered at least 10 years service as Draughtsman/Computer out of which 4 years must be in the Selection Grade of Computer and possessing one of the following qualification.
 - (A) 3 years Diploma in Civil Engineering issued by the State Board of Technical Education
 - (B) 8 years Diploma Certificate from Govt. Arts and Crafts College, Lucknow.
 - (c) Diploma in Civil Engineering issued by Universities established in India by an Act of Central or State Government.
 1. (b). The Reporting Officer shall record an entry, at the end of each year in the Character roll of each confirmed Junior Engineer (Civil) (Selection Grade) and confirmed Computer (Selection Grade) serving under him stating whether or not he considers him suitable in all respects for promotion as assistant Engineer (Civil).
 2. The Chief Engineer will invite recommendations from the Superintending Engineer about the eligible candidates for selection and the Superintending Engineer may consult their Executive Engineers before forwarding their recommendations.
 3. In making their recommendations, the Superintending Engineers will also forward the personal files and the character rolls of the candidates to the Chief Engineer.
 4. The recommendations received from the Superintending Engineers will be duly scrutinized by a "Screening Committee" consisting of the following:
 - (i) Chief Engineer,
 - (ii) Additional Chief Engineer, and
 - (iii) A Senior Superintending Engineer (Civil) to be nominated by the Chief Engineer.
- The Screening Committee will prepare a list (separately for J. Es. and Computers) of the most suitable candidates arranged in the order of preference, from among those found eligible for promotion to the post of Assistant Engineer (Civil). The number of candidates borne on the list, so prepared, will be double the number of vacancies available for appointment during the year
5. The Chief Engineer will send the list, together with the gradation list of the J.E. (S.G.) (civil) and Computer (S.G.) (Civil) separately indicating therein the reasons for passing over the seniors. if any, and the character rolls and personal files of all eligible candidates to the Board by a fixed date.
 6. The Selection Committee of the Board shall scrutinize the recommendations for final selection and in doing so, the Selection Committee may require any or all candidates to appear for an interview before them. The Selection Committee shall consist of the following:
 - (i) Chairman

- (ii) One whole-time Member of the Board (to be nominated by the Chairman)
 - (iii) One Chief Engineer (to be nominated by Chairman)
7. The names of candidates in the list, as approved by the Board up to the number of vacancies earmarked for them, will be re-arranged in order of their seniority in the parent service in a list to be known as 'select List' and they will be appointed against the vacancies as and when they occur. The principle of making appointments in the order of merit will not be adhered to. The Select List will hold good for one year only or if the Board so require until such time as next selection is made

Appendix 'E'

(See Regulation 6)

Representation of Scheduled Castes, etc., in public service

- A. In pursuance of the provisions of clause (4) of Article 16 and of Article 335 of the Constitution, the Governor is pleased to order that consistently with the maintenance of efficiency of administration.
- (i) the interest of the backward classes shall, in general, be borne in mind in making appointments; and
 - (ii) there shall be a general reservation of 18 per cent of the vacancies for members of the Scheduled Castes in making appointments to services and posts in connection with the affairs of the State of Uttar Pradesh.

Provided that if in anyone year candidates of the Scheduled Castes fail to be recruited to any service or establishment to the extent of 18 percent, the deficiency shall be made good in the recruitment to the service or establishment concerned in the following year:

Provided further that the reservation on account of the deficiency shall not be carried forward for more than two years

Explanation- Till such time as the reservation of 18 per cent of the vacancies for members of the Scheduled Castes is not completed in the cadres of the posts included in the establishment this reservation for Scheduled Castes candidates would be 25 per cent subject to the condition that total Castes candidates would be 25 percent subject to the condition that total number of such reserved vacancies, together with the carried forward vacancies, if any, does not exceed 45 percent of the total vacancies, at any particular recruitment

- B (i) 'भारत के संविधान के अनुच्छेद 335 के अधीन अनुसूचित जन-जातियों को केन्द्र अथवा प्रदेश की सेवाओं/पदों में भर्ती के सम्बन्ध में अनुसूचित जातियों के समान ही माना गया है। अतः श्री राज्यपाल ने यह निर्णय किया है कि इस आदेश के जारी होने के दिन से अनुसूचित जन-जातियों को वे सभी सुविधायें, जो अनुसूचित जातियों के अभ्यर्थियों को प्राप्त हैं, यथा (1) सेवाओं में आरक्षण (2) अधिकतम आयु-सीमा में छूट तथा (3) लोक सेवा आयोग द्वारा आयोजित प्रतियोगितात्मक परीक्षाओं/चयनों की फीस में छूट दी जाय।
- (II) भविष्य में अनुसूचित जन-जातियों के सदस्यों को राज्य सेवाओं/पदों में दो प्रतिशत आरक्षण प्राप्त रहेगा और भर्ती हेतु निर्धारित अधिकतम आयु-सीमा में 5 वर्ष की छूट दी जायेगी। लोक सेवा आयोग द्वारा आयोजित प्रतियोगितात्मक परीक्षाओं के सम्बन्ध में ली जाने वाली परीक्षा/साक्षात्कार की एक तिहाई फीस ली जाया करेगी।
- (III) आरक्षित रिक्तियों के लिए पर्याप्त संख्या में अनुसूचित जन-जातियों के उपर्युक्त अभ्यर्थियों के प्राप्त न होने पर ऐसी रिक्तियों को अनारक्षित रिक्तियों के समान समझकर भर्ती उसी समान की जायेगी किन्तु भर्ती के अनुवर्ती अवसरों पर अग्रणीत (Carry Forward) की जायेगी। इस प्रकार, आरक्षित रिक्तियों को अनुसूचित जन-जातियों के अभ्यर्थियों के लिए पांच साल की अवधि तक उपलब्ध रखा जायेगा। तत्पश्चात् इन रिक्तियों को अनारक्षित समझा जायेगा।

Appendix – ‘D’

Rules for the Medical Examination of Candidates for Appointment to the Post of Assistant Engineer (Civil)

1. To be passed as fit for recruitment a candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of Assistant Engineer.
2. In the matter of correlation of age, height and chest girth of candidates, it is left to the Medical Board to use whatever correlation figure are considered most suitable as a guide in the examination of the candidates.
3. The candidate's height will be measured as follows, he will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or outer sides of the feet. He will stand erect without rigidity and with the heels, calves, buttocks and shoulders touching the standard, the chin will be depressed to bring the vertex of the head level under horizontal bar and the height will be recorded in meters and centimeters. No fixed limit of height is, however, enforced.
4. The candidate's chest will be measured as follows :

He will be made to stand erect with his feet together and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the inferior angles of the shoulder blade behind, and its lower edge upper parts of the nipples in front. The arms will then be taken down so that the shoulders are not thrown upwards or backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times and the maximum expansion of the chest will be carefully noted.

The minimum and maximum will then be recorded in centimeters 84-89, 85-92.

In recording the measurement, fractions of less than half centimeters should not be recorded.
5. The candidates will also be weighted and his weight recorded in kilogram. Fractions of less than half a kilogram should not be noted.
6. (a) The examination for determine the acuteness of vision includes two tests; one for distance, the other for near vision. Snellen's test types will be used for the test for distance vision, without glasses at a distance of 6 meters and for the test for near vision, without glasses at any distance selected by the candidates. The standards of the minimum acuteness of vision which will be used for guidance in the examination of a candidate are as follows:

Standard – I

Right Eye
Distant Vision – 6/6
Near Vision – Read, 0.6

Left Eye
V=6/6
Reads 0.6

Standard – II

Better Eye
Distant Vision V= 6/6

Worse Eye
V, without Glasses, not below 6/6 and
after correction with glasses not below
6/24

Near Vision – Reads, 0/6

Read I.

Standard – III

Better Eye
Distant vision V, without glasses not below
6/24 and after correction with glasses not
below 6/6
Near vision -Reads 0.8

Worse Eye
V, without glasses = not below 6/24 after
correction with glasses = not below 6/12
Read I.

- (b) Each eye must have a field of vision as tested by hand movement
 - (c) Squint or any morbid condition of the eye or of the lids or of either eye liable to the risk of aggravation on recurrence will cause the rejection of the candidate.
 - (d) Each eye will be examined separately and the lids must be kept wide open during the test.
 - (e) Inability to distinguish the principal colors will not be regarded a cause for rejection, but the fact will be noted in the proceeding and the candidate will be informed.
 - (f) The degree of acuteness of vision of all candidates for appointments will be entered in the proceedings in the following manner:
V.R. = with glasses = Reads.....
V.L. = with glasses = Reads.....
 - (g) In cases of serious abnormality the opinion of an ophthalmic specialist should be obtained.
7. The urine (passed in presence of the examiner) should be examined and the result recorded.
8. The following additional points should be observed:

That the candidate's hearing in each year is good and that there is no sign of disease of the year.

A candidate who can hear a forced whisper at a distance of 3 meters with his back towards the examiner should be considered fit. Each of his ears should be tested separately, the other being plugged with oiled wool for the time being.

When any defect is found it must be noted in the certificate and the medical examiner should state his opinion whether or not is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation is should be so stated.

THE UTTAR PRADESH STATE ELECTRICITY BOARD SUBORDINATE ELECTRICAL AND MECHANICAL ENGINEERING SERVICE REGULATIONS, 1972

PART – I GENERAL

1. Short Title & Commencement :-

- (a) These Regulations may be called ‘Uttar Pradesh State Electricity Board Subordinate Electrical and Mechanical Engineering Service Regulations, 1972’ and shall come into force with effect from the date of the issue of the Board Order communicating these to the Chief Engineer.
- (b) All rules and regulations in force immediately before the commencement of these regulations are hereby repealed and the provisions of section 6 of the UP General Clauses Act 1904 shall apply as if it were an enactment repealed by a UP Act.

2. Status –

The Uttar Pradesh State Electricity Board Subordinate Electrical and Mechanical Engineering Service is a Class III Service of the Board.

3. Definitions -

In these regulations, unless there is anything repugnant in the subject or context –

- (1) ‘Act’ means the Electricity (Supply) Act, 1948 (Act No. LIV of 1948).
- (2) ‘Appointing Authority’ means the authority defined in Regulation 19.
- (3) ‘Board’ means the U.P. State Electricity Board constituted under Section – 5 of the Act.
- (4) ‘Chairman’ means the Chairman of the UP State Electricity Board.
- (5) ‘Chief Engineer’ means the Chief Engineer (Administration) unless the Chairman authorizes any other Chief Engineer to act for the purposes of these Regulations.
- (6) ‘Citizen of India’ means a person who is or who is deemed to be a citizen of India under Part II of the constitution.
- (7) ‘Constitution’ means the Constitution of India.
- (8) ‘Direct Recruitment’ means recruitment in the manner prescribed in Regulation 5 (b) (i) of these Regulations.
- (9) ‘Member of the Service’ means a person appointed in the substantive capacity under the provisions of these regulations or other orders and regulations in force previous to the introduction of these regulations, to a post in any class in the cadres of the service.
- (10) ‘Operating Staff Service’ means the Uttar Pradesh State Electricity Board Operating Staff Service.

- (11) 'Service' means the UP State Electricity Board Subordinate Electrical and Mechanical Service.
- (12) 'Government' or 'State Government' means the Government of Uttar Pradesh.
- (13) 'Year of Recruitment' means the period from 1st of January to the 31st December of a year.

PART II – CADRE

4. Strength of Service :

The strength of the service and of each class of posts therein shall be such as may be determined by the Board from time to time.

Provided that the number of posts in the Selection Grade shall not exceed 20% of the total strength of the service.

Provided Further that –

- (a) The Chief Engineer may leave unfilled or the Board may hold in abeyance any vacant post in the cadres of the service without thereby entitling any person to a right to a post or to compensation, and
- (b) such additional, permanent or temporary posts as may be found necessary may be created from time to time by the Board in respect of both permanent and temporary posts.

PART – III – RECRUITMENT

5. Sources of Recruitment –

Recruitment to the cadres of the service shall be made as follows :

- (a) **Selection Grade:** - By promotion from amongst the members of the Ordinary Grade in accordance with the provisions of regulation 16.
- (b) **Ordinary Grade:** - (i) By direct recruitment from Apprentice Supervisors selected in accordance with the procedure laid down in Part V of these Regulations.
(ii) By promotion in accordance with the procedure laid down in regulations 17 & 18.

6. Reservation of Posts –

- (1) 25% of the vacancies in the Ordinary Grade shall be reserved for such of those to be appointed by promotions that satisfy the requirement of these regulations.
- (2) Reservation for Scheduled Castes/Scheduled Tribes candidates in direct recruitment shall be made in accordance with the orders of the State Government in force for such reservation at the time of recruitment.

Provided that the total number of reserved vacancies, together with the carried forward vacancies, shall not exceed 45% of the vacancies of that year

PART IV – QUALIFICATION

7. Nationality

A candidate for direct recruitment to the Service must be

- (a) a citizen of India,
- (b) a subject of Sikkim, or
- (c) a Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India, or
- (d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda. and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India

Provided that a candidate belonging to the category (c) or (d) above shall be a person in whose favour a certificate of eligibility has been issued by the State Government

Provided further that a candidate belonging to category (c) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence, Uttar Pradesh

Provided also that a candidate belonging to category (d) above, shall not be retained in service beyond the period of certificate of eligibility unless he has in the meanwhile acquired Indian Citizenship

Note: - A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an examination or interview conducted by the recruiting authority but such candidate shall not be appointed unless the necessary certificate is furnished by him

8. Age

- (1) No person shall be promoted to the Ordinary Grade under regulation 5 (b) (ii) unless he be less than 60 years of age on the first day of January of the year in which the recruitment is made
- (2) A candidate for recruitment as an Apprentice Supervisor under regulation 13 must have attained the age of 18 years and must not have attained the age of 28 years on the first day of January following the year in which the recruitment is made

Provided that the upper age limit may be relaxed by the Board to the extent of 5 years in the case of candidates possessing special technical knowledge and professional experience

Note:- The maximum age limit shall, in the case of the candidates of the Scheduled Castes/Scheduled Tribes, be greater by 5 years

- (3) If a candidate is within the age limit prescribed in a year in which there is no recruitment, he will be eligible in the next following recruitment

- 9.** The technical and academic qualifications for recruitment as Apprentice Supervisor shall subject, to such variations as the Board may, from time to time, prescribed as follows:-

The candidate must

- (i) have obtained one or more of the academic. Qualifications mentioned in Appendix 'A' and,
- (ii) produce a certificate from the Head of the Institution from which he passed out or from a gazetted officer in Uttar Pradesh that he can read and write Hindi in the Devnagri Script with ease, provided that such a certificate will not be necessary in the case of a candidate who passed the High School or an equivalent examination with Hindi or who has obtained a degree, diploma or certificate of any Hindi examination from an institution recognised by State Government.

10. Character -

- (1) The character of a candidate for appointment to the service must be such as to render him suitable in all respects for employment in the Service it would be the duty of the Chief Engineer to satisfy himself on this point.
- (2) The candidate must produce certificate of good character from the Principal academic officer or the University, College or institution in which he was last educated and from two respectable persons of status (not relations) who are well acquainted with him in his private life and are unconnected with his University, College or School.

Note: Persons dismissed by the Government of India or by a State Government or by any State Electricity Board or Undertaking will be deemed to be ineligible for appointment.

Bigamous Marriage –

A man who has more than one wife living or woman who has married a man having a wife shall not be eligible for appointment to the Service.

Provided that the Board may, if satisfied that there are special grounds for doing so, exempt any person from the operation of the rule,

Physical Fitness –

- (1) No person shall be appointed as a member of the Service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the Service.
- (2) Before a directly recruited candidate is finally approved for appointment to the Service, he shall be required to produce a certificate of fitness from the Civil Surgeon of the District of

which he is resident or of Lucknow in accordance with the rules framed under Fundamental Rule 10 contained in Chapter III of the Financial Hand Book Volume II, Part II to IV, as in force under the State Government, until corresponding Regulations In this behalf are framed by the Board.

PART V – PROCEDURE FOR SELECTION OF APPRENTICE SUPERVISORS

13. Mode of recruitment

Recruitment as Apprentice Supervisor shall be made on the basis of selection to be held from time to time in accordance with such procedure as may be prescribed by the Board from time to time.

14. The names of the candidates found eligible for recruitment as Apprentice Supervisors shall be arranged in their order of merit. It shall be open to the Chief Engineer to recruit for training as many Apprentice Supervisors as are deemed necessary but the recruitment shall be made in strict order of merit subject to the reservation of posts for Scheduled Castes/Scheduled Tribes candidates on the same basis as provided for in regulation 6(2).

15. Training of Apprentice Supervisors

- (1) The Apprentice Supervisors selected and recruited for training under regulation 13 shall have to undergo such training as prescribed by the Chief Engineer and shall be paid such stipend during the period of their training as laid down by the Board from time to time.
- (2) The period of training shall be one year.
- (3) Any Apprentice Supervisor can be removed from training by the Chief Engineer without any reason having to be assigned.
- (4) On the satisfactory completion of their training the Apprentice Supervisors would become eligible for recruitment as members of the Ordinary Grade of the Service as provided in regulation 5 (b)(i)
- (5) Satisfactory completion of training will not give right to such Apprentice Supervisors for being appointed to the Service. Appointments shall be made by the Chief Engineer as and when necessary from the list of Apprentice Supervisors who have satisfactorily completed their training. However, such appointments shall be made directly in the order of merit in which the name of the Apprentice Supervisors were placed at the time of the their initial recruitment unless the training period of some Apprentice Supervisors has been deemed to result in their losing their places in the list originally prepared in which case the turn of these Apprentice Supervisors for appointment shall come according to the places in their names have been subsequently placed.
- (6) If an Apprentice Supervisor who has satisfactorily completed his training does not join within the time allowed to him by the Chief Engineer, it shall be open to the Chief Engineer to cancel the appointment order and offer the post to the next suitable candidate. The cancellation thus made shall be final

PART VI – PROCEDURE FOR RECRUITMENT BY PROMOTION

16. Appointment to the Selection Grade by Promotion –

The following procedure shall be followed for selection to the Selection Grade of the service by promotion under regulation 5(a):

- (b) The selection shall be confined to the members of the Ordinary Grade who have put in not less than 5 years of permanent and /or officiating service in that grade.
- (c) The selection shall be made on the basis of seniority subject to the rejection of the unfit by a committee comprising :-
 - (i) Chief Engineer
 - (ii) Deputy Chief Engineer/Superintending Engineer to be nominated by Chairman.
 - (iii) An officer of the Board not below the rank of Deputy Secretary of the Board to be nominated by Chairman.
- (d) The committee shall draw up in order of seniority of the Ordinary Grade, a list of candidates found suitable for promotion. The Committee, while drawing up this list, should keep in mind the number of vacancies likely to occur in the Selection Grade during the course of the year and should normally not select candidates exceeding the number of vacancies by more than 25%
- (e) Appointment shall be made by the Chief Engineer on the basis of the list so drawn up by the committee both against the substantive and temporary vacancies as and when they occur.

17. Selection for Appointment to the Ordinary Grade by Promotion –

- (1) For purpose of recruitment to the post in the Ordinary Grade under regulation 5(b) (ii) a selection based on merit shall be made from the following :-
 - (a) Members of Operating Staff (Skilled) who have put in 3 years or more of continuous service including service rendered on work charged establishment, if they have passed any of the examination mentioned in Appendix 'A' or 4 years or more of service, if they have passed ITI examination or 5 years or more of service, if they have passed High School Examination or 10 years or more of service, if they have not passed High School Examination.
 - (b) Unqualified work charged Supervisors and Asstt. Supervisors and unqualified Ex-Cadre Supervisors who have put in 4 years or more of continuous service, if ITI passed, 5 years or more of service, if High School passed or 7 years or more of service, if not High School passed.
 - (c) Assistant Supervisors (Regular) having ITI Certificate or Diploma who have put in 3 years or more of continuous service.
- (2) The selection shall be based on a written test followed by a practical and oral test to which only such candidates would be admitted as have qualified in the written test.

- (3) The name of the candidates who qualify in the practical and oral test shall be placed in a list in their order of merit. For computing the merit of a candidate the marks obtained by him both in the written test and the practical and oral test shall be added.
- (4) The number of names in the list drawn up under clause (3) shall not exceed the number of vacancies announced at the time of the announcement of the examination by more than 25%.
- (5) The syllabus for the written test and the practical and oral test shall be laid down by the Chief Engineer from time to time.
- (6) A Committee comprising the following will supervise the written examinations and held the practical and oral test :
 - (i) Additional Chief Engineer/Deputy Chief Engineer to be nominated by Chief Engineer
 - (ii) One Superintending Engineer to be nominated by Chief Engineer.
 - (iii) An officer of the Board not below the rank of Deputy Secretary to be nominated by Chairman.
- (7) The Chief Engineer shall have the power to remove the name of any candidate from the list drawn under clause (3) if his work or conduct at any time subsequent to the holding of the tests is reported to be such as to render him unfit for promotion.

18. Appointment to the Ordinary Grade by Promotion

- (1) Appointment to the Ordinary Grade by promotion shall be made from the list drawn up under regulation 17(3) in strict order of merit.
- (2) Appointments of the candidates of any subsequent selection shall be made only after all the candidates of an earlier selection whose names have been included in the list drawn up under regulation 17(3) have been promoted

Provided that nothing in this sub-regulation shall be deemed to make eligible for promotion a candidate whose name has been removed from the list under clause 17(7).

PART VII - APPOINTMENT, PROBATION AND CONFIRMATION

- 19. Appointing Authority-** The appointing authority of the members of the Service shall be the Chief Engineer

20. Submission of certificates by candidates

Before a candidate directly recruited is finally approved for appointment to the Service, he will be required

- (1) to produce the certificates prescribed In regulations 7, 8, 9 and 10 and
- (2) to submit declarations

- (a) of his relationship to any person employed under the Board;
- (b) of his being free from debt;
- (c) of all immovable property including house property owned or acquired by him or a member of his family dependent on him, full and accurate details of all such property being given by him in the form prescribed in Appendix 'B' ; and
- (d) for serving the Board loyally and faithfully in the form prescribed in Append- ix 'C'.

21. Appointment -

- (1) On the occurrence of substantive and temporary vacancies in the ordinary grade, the Chief Engineer shall make appointments from the list of Apprentice Supervisors drawn up under regulation 14 and the list of candidates found suitable for promotion drawn up under regulation 17(3). As far as possible the vacancies would be filled in such a way that after the appointment of each promoted candidate, three apprentice supervisors are appointed and so on
- (2) Appointments to the Selection Grade shall be made in accordance with the provisions of regulation 16.

22. Seniority –

- (1) The inter-se seniority of those directly recruited under regulation 5(b) (i) shall be in their order of merit when selected for recruitment as Apprentice Supervisors under regulation 14:

Provided that a candidate who has lost his seniority as Apprentice Supervisor under regulation 15(5) shall be deemed to have similarly lost his seniority as a member of the Service and shall be placed below such candidates below when his, name get subsequently placed as a result of his having lost his seniority

- (2) The inter-se seniority of candidates appointed by promotion to the Ordinary Grade shall be in the order of merit in which their names find place in the list drawn up under regulation 17(3).
- (3) Any person appointed directly or promoted to the Ordinary Grade would be senior to any such person appointed or promoted in a subsequent year.
- (4) The inter-se seniority amongst the members appointed by promotion and recruited directly in the same year would be so fixed that the senior most promote of the year is placed at the top followed by three direct recruits followed by the next senior most promote and so on.

23. Probation –

- (1) All candidates, on appointment in or against a substantive vacancy, shall be placed on probation for a period of two years.

Provided that continuous service rendered in an officiating or temporary capacity in a post included in the Grade of the Service to which the appointment has been made may be taken into account, In whole or in part, in computing the period of probation for that post.

Provided further that the Chief Engineer may, for reasons to be record, extend the period of probation in individual cases. An order of extension shall specify the exact date up to which the extension is granted, but continuance in service beyond this date would not, in the absence of a specific order to that effect, amount to confirmation.

- (2) If it appears at any time, during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or if he has otherwise failed to give satisfaction, he may be reverted to his substantive post if he holds one, or if directly recruited, his services may be terminated.
- (3) A person whose services are dispensed with during or at the end of the period of probation or extended period of probation under sub-regulation (2) shall not be entitled to any compensation.

24. Confirmation

A probationer shall be confirmed in his appointment at the end of his period of probation or extended period of probation, as the case may be, if his integrity has been found beyond suspicion and the *Chief Engineer* considers him fit for confirmation

PART VIII – PAY

25. Scale of Pay

The scale of pay admissible to persons appointed to posts in the cadres of the Service, whether in a substantive or officiating capacity or as a temporary measure shall be as decided by the Board from time to time.

The present scale of pay is as follows :

1. Selection Grade: Rs. 250-16 (5)-330-18 (5)-420-20 (4)-500 (E.B.after 10th Stage)
2. Ordinary Grade: Rs. 190-10 (6)-250-12 (5)-31015(3)-355

Provided that the Chairman may, upon the recommendation of the appropriate Selection Committee, allow a candidate a higher start within the approved limits in view of his special qualification/experience

26. Pay on initial appointment

- (1) A person appointed to the Service by direct recruitment shall receive the initial pay of the post. Future increments shall be governed by the relevant rules and regulations referred in regulation 29.
- (2) The pay during probation of persons already in permanent Government Service or Board Service and those appointed by promotion shall be regulated by the relevant rules and regulation referred to in regulation 29.

27. Crossing of Efficiency Bar

No member of the Service shall be allowed to cross an efficiency bar, unless he is found to have worked steadily and to the best of his ability and unless his integrity is certified to be above suspicion

PART-IX OTHER PROVISIONS

28. Canvassing –

No recommendations for recruitment, either written or oral other than those required under these regulations or the regulations printed on the form of application or attached thereto in the form or instructions, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by other means may disqualify him for appointment

29. Regulation of pay, allowances, pension etc

Except as provided in these regulations, the pay, allowances, pension, leave and other conditions of service of persons appointed to a post in the cadres of the Service shall be regulated by the corresponding rules of the State government applicable to similar category of employees which may have been adopted by the Board until the promulgation of regulations in this behalf by the Board

30. Savings

Notwithstanding anything contained in these regulations

- (1) The conditions of service of persons who have been appointed or may be appointed to post in the Service or to posts declared in addition to the cadres of the Service, on Foreign Service from the State Government or on deputation from elsewhere shall be governed by such terms and conditions as may have been or may be settled between the Board and the State Government or other appointing authorities until they are absorbed in the Service of the Board:

Provided that the conditions of service of such persons as are absorbed under the Board shall not be less favourable than those already available to them unless they agree to be governed by the regulations of the Board in this behalf in to.

- (2) The conditions of Service of persons of the Electricity Supply Undertakings which have been taken over or may, in future, be taken over by the Board who may be holding or who may hold posts in the cadres of the Service or posts declared in addition to the cadres of the Service, shall be governed by the Board's standard terms and conditions of Service if the undertaking has been taken over by the Board on such terms and conditions or by the ex-licensee's terms and conditions if the undertaking has been taken over on such terms, as the case may be, unless they are given and they opt to be governed by such rules and regulations as may be promulgated by the Board hereafter in this behalf.

31. Relaxation

- (1) Nothing in these regulations shall be construed to limit or abridge the power of the Board to

deal with the case of any person or class of persons governed by these regulations in such manner as may appear to the Board to be just and equitable

Provided that, where any of the foregoing regulations is applicable to the case of any person or class or persons, the case shall not be dealt with in a manner less favourable to him or to that class than that Provided by that regulation

- (2) When in the opinion of the Board it appears necessary to do so, the Board may make any appointment or appointments to the Service in relaxation of these Regulations and in the case of any such appointment which is not in strict accordance with these Regulations, the Board shall be deemed to have made the appointment in relaxation of these regulations

32. Delegation of powers

The Board may, if and when considered necessary or desirable, delegate the powers vested in them under these Regulations to any of the numbers of the Board or to any authority subordinate to them, but not below the rank of the Chief Engineer

APPENDIX A

(See Regulation 9)

A candidate for recruitment as Apprentice Supervisor must have Passed the

- (1) Three years' Diploma Examination in Electrical and Mechanical Engineering from an Institute recognized by the State Government.
or
- 2) City and Guides London Institute, Final Grade Examination in Electrical Engineering Practice Posts I and II held after June 3, 1950.
or
- (3) Three years' All India Diploma Examination in Electrical Engineering conducted by the "All India Council for Technical Education", government of India, Delhi Polytechnic.
or
- (4) Diploma Examination in Electrical and Mechanical Engineering conducted by any of the Universities in India incorporated by an Act of the Central State Legislature.
or
- (5) National Certificates in Electrical as well as Mechanical Engineering awarded by the All India Council for Technical Education.
or
- (6) Final Examination held by the State Board of Technical Education, Uttar Pradesh for two years, Diploma course in Mechanical Engineering (Machine Tools Technology) and Electrical Engineering (Electrical Technology) in respect of students trained at the under mentioned institutions
 - (i) Government Polytechnic, Lucknow
 - (ii) Nainital Polytechnic, Nainital.

**THE U.P. STATE ELECTRICITY BOARD MINISTERIAL ESTABLISHMENT (OFFICES
OF THE CHIEF ENGINEER AND OTHER SUBORDINATE OFFICES) REGULATIONS,
1970.**

PART – 1 GENERAL

1. Short Title and Commencement –

These regulations may be called the Uttar Pradesh State Electricity Board Ministerial Establishment (Office of the Chief Engineer and other Subordinate Offices) Regulations, 1970.

They shall come into force from the date of their publication in the State Government Gazette.

2. Status –

The Ministerial Establishment in the Offices of the Chief Engineer and other Subordinate Office under the Uttar Pradesh State Electricity Board is a Subordinate Ministerial Establishment of Class III.

3. Definitions -

In these regulations, unless there is anything repugnant in the subject or context –

- (1) **‘ACT’** means the Electricity (Supply) Act, 1948 (Act No. LIV of 1948).
- (2) **‘APPOINTING AUTHORITY’** means the authority defined in Regulation 19 to make appointments to the various classes of posts in the Establishment.
- (3) **‘Board’** means the U.P. State Electricity Board constituted under Section – 5 of the Act.
- (4) **‘CHIEF ENGINEER’** means the Chief Engineer (Hydel)
- (5) **‘CIRCLE OFFICE’** means the office of Superintending Engineer under the Board.
- (6) **‘CITIZEN OF INDIA’** means a person who is or who is deemed to be a citizen of India under Part II of the constitution.
- (7) **‘CONSTITUTION’** means the Constitution of India.
- (8) **‘DEPARTMENTAL CANDIDATE’** means a candidate for recruitment to a post in an office in the Establishment who is already working in the Establishment on a post carrying lower scale of pay.
- (9) **‘ESTABLISHMENT’** means the Ministerial Establishment in the office of the Chief Engineer and other Subordinate offices under the Board.
- (10) **‘EXECUTIVE ENGINEER’** means the Executive Engineer of a Division under the Board.

- (11) **‘GOVERNMENT’** or **‘STATE GOVERNMENT’** means the Government of Uttar Pradesh.
- (12) **‘GOVERNOR’** means the Governor of Uttar Pradesh.
- (13) **‘MEMBER OF THE ESTABLISHMENT’** means a person appointed in a substantive capacity under the provisions of these Regulations or of rules and orders in force previous to the commencement of these Regulations, to a post in the cadre of the Establishment.
- (14) **‘SUPERINTENDING ENGINEER’** means the Superintending Engineer of a Circle under the Board.
- (15) **‘YEAR OF RECRUITMENT’** means the period from 1st of January to the 31st December of a year.

PART II – CADRE

4. Strength of the Establishment –

- (2) the strength of the Establishment and of each class of posts therein shall be such as may be determined by the Board from time to time.
- (3) The permanent strength of the Establishment and of each class of posts therein shall, until orders varying the same have been passed under sub-regulation (1), be as specified in Appendix ‘G’.

Provided that

- (a) The Chief Engineer may leave unfilled or the Board may hold in abeyance any vacant post (s) in the cadre of the Establishment without thereby entitling any person to compensation or other redress, and
- (b) such additional permanent or temporary posts, as may be found necessary, may be created from time to time.

PART III – RECRUITMENT

5. Sources of Recruitment –

- (1) Recruitment to different classes of posts in the Establishment in the office of the Chief Engineer and other Subordinate offices shall be made as follows :

Name of Posts

Sources of Recruitment

A – Office of the Chief Engineer

- | | |
|--|---|
| (a) Head Assistant | By promotion from Amongst : (i) Confirmed Head Assistant of the Circle Offices - 25% (ii) Confirmed Senior Noter & Drafters in the Office of the Chief Engineer - 75% |
| (b) Senior Noter & Drafters | By promotion from Amongst : (i) Confirmed lower Division Assistants in the Board's Headquarters office - 25% (ii) Confirmed Senior Noter & Drafter in the Circle Officers - 25 % (iii) Confirmed Junior Noter & Drafters & Record Keepers in the office of the Chief Engineer - 50 % |
| (c) Junior Noter & Drafters & Record Keepers | (i) By direct recruitment on the result of a competitive examination - 50 % (ii) By promotion of confirmed Routine Grade Clerks in the office of the Chief Engineer – 50 % |
| (d) Routine Grade Clerks | By direct recruitment on the result of a competitive examination. |
| (e) Stenographers | By promotion from amongst confirmed Stenographers in the Circle and Divisional Offices subject to their passing a qualifying test. |
| (f) Statistical Assistant | By promotion from amongst confirmed compilers in the office of the Chief Engineer. |
| (g) Compilers | By direct recruitment on the basis of a competitive test. |
| (h) Computers | By promotion from amongst confirmed Draftsman in the office of the Chief Engineer and the Circle and Divisional Offices. |
| (i) Draftsmans | (i) By Direct recruitment on the basis of a competitive test or an interview or both, as may be considered desirable - 50 % (ii) By promotion from amongst confirmed Tracers in the office of the Chief Engineer; subject to their passing a qualifying test. – 50 % |
| (j) Tracers | By direct recruitment on the basis of a competitive test or an interview or both, as may be considered desirable. |

B – Circle Offices

- | | |
|--------------------|---|
| (a) Head Assistant | By promotion from amongst – (i) Confirmed Stenographers in the office of |
|--------------------|---|

- the Chief Engineer – 12½ %
- (ii) Confirmed Head Clerks of Divisional offices of all the Circles – 37 ½ %
 - (iii) Confirmed senior Noter & Drafters in Circle Offices. – 50 %
- (b) Senior Noter & Drafter By promotion from amongst –
- (i) Confirmed Junior Noter & Drafters in all the Circle Offices, and
 - (ii) Confirmed Noter & Drafters in the Divisional Offices:
- Provided that* in the vacancies occurring in any year of recruitment, the first shall be filled from the source specified in item (i) and the second from the source specified in item (ii) and so on.
- (c) Junior Noter & Drafters
- (i) By promotion from amongst confirmed Routine Grade Clerks in all Circle offices- 50%
 - (ii) By promotion from amongst confirmed Routine Grade Clerks in the Divisional Offices – 50 %
- (d) Routine Grade Clerks/ Time keepers By direct recruitment on the results of a competitive examination
- (e) Stenographers By direct recruitment on the results of a competitive examination
- (f) Computers As provided in item (h) under head A – Office of the Chief Engineer of this regulation.
- (g) Draftsmans By direct recruitment on the results of a competitive examination or an interview or both, as may be considered desirable.
- (h) Tracers By direct recruitment on the results of a competitive examination or an interview or both, as may be considered desirable.

C- Divisional Offices

- (a) Head Assistant By promotion from amongst –
- (i) Confirmed Noter & Drafters in all the Divisional Offices in the Circle, and Head Time-Keepers who elect for promotion as Head Clerks - 50%
 - (ii) Confirmed Junior Noter & Drafters of all the Circle Offices - 50%
- (b) Noter & Drafter / Head Time keepers By promotion from amongst confirmed Routine Grade Clerks in all the Circle and Divisional Offices and Time-Keepers.
- (d) Routine Grade Clerks/ By direct recruitment on the results of a

- | | | |
|-----|---------------|---|
| | Time-Keepers | competitive test. |
| (e) | Stenographers | By direct recruitment on the results of a competitive test. |
| (f) | Computors | As provided in item (f) under head 'B-Circle Offices' of this regulation. |
| (g) | Draftsmans | By direct recruitment on the results of a competitive test. |
| (h) | Tracers | By direct recruitment on the results of a competitive test. |
-
- (2) Direct recruitment to the posts of Routine Grade Clerk, in all the offices and of Junior Noter & Drafters in Chief Engineers Office shall be made on the results of competitive examination, as prescribed in the 'Rules for the recruitment of Ministerial Staff to the Subordinate Offices' circulated with Niyukati (Kha) Vibhag G.O. No. 3545 (i)/II-B-185-1960, dated June 8, 1965, as amended from time to time.
 - (3) Direct Recruitment to other posts shall be made in such manner as may be prescribed by the Board.
 - (4) The other posts that are to be filled by promotion in the manner prescribed in sub-regulation (1) shall be filled on the basis of seniority subject to the elimination of those who are not up to the mark.
 - (5) Where a post is to be filled by promotion from two or more different classes of posts, the seniority inter se and vis-à-vis of persons belonging to those classes of posts for purposes of consideration for promotion, shall be determined in the following manner :-
 - (i) The seniority inter-se of persons belonging to the same class of post shall be the same as already determined in that class.
 - (ii) The seniority of persons belonging to different classes of posts shall be determined by the dates of their substantive appointment in their own class of post; provided that in cases where the dates of substantive appointment in different classes are the same, seniority shall be determined according to their age.

6. Reservation for Scheduled Castes/Scheduled Tribes –

Reservation for Scheduled Castes/Scheduled Tribes in direct recruitment shall be in accordance with the orders for such reservation in force under the State Government at the time of recruitment.

PART IV – QUALIFICATIONS

7. Nationality –

A candidate for direct recruitment to the Establishment must be:

- (a) a citizen of India, or

- (b) a subject of Sikkim, or
- (c) a Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India, or
- (d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

Provided that a candidate belonging to category (c) or (d) above shall be a person in whose favour, a certificate of eligibility has been issued by the State Government.

Provided that a candidate belonging to category (c) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh.

Provided also that a candidate belonging to category (d) above shall not be retained in the period of certificate of eligibility unless he has acquired Indian citizenship.

Note: A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an examination or interview conducted by the recruiting authority and he may also be provisionally, appointed subject to the necessary certificate being obtained by him or issued in his favour.

8. Age

The age of candidates for direct appointment to the different classes of posts in the Establishment on the first day of January of the year in which the competitive examination is held shall not be less than the minimum and more than the maximum prescribed below:

| | Name of Post | Minimum | Maximum |
|----|--|----------------|----------------|
| 1. | Junior Noter & Drafters. Reference Clerks & Record Keepers in the office of the Chief Engineer and Circle and Divisional Offices | 21 | 25 |
| 2. | RGC and Typist in all offices. | 18 | 22 |
| 3. | Stenographers in all offices | 20 | 30 |

Provided that

- (a) the maximum age limit shall, in the case of candidates belonging to the Scheduled Castes/Scheduled Tribes be greater by five years and in the case of retrenched employees of the State Government by three years.
 - (b) the Chief Engineer may relax the age limit in favour of any class of candidates if he considers it to be necessary in the interest of fair dealing of work or in the Public interest, but, where, in cases of direct recruitment, this is considered necessary, a provision must be inserted to this effect in the advertisement.
- 2 (a) In the case of a Departmental candidate who is a candidate for direct recruitment to the post of Junior Noter and Drafter, Reference Clerk or Record Keeper in the Chief Engineers' and the Superintending Engineers' offices, the upper age limit shall be greater than that specified in sub-rule (1) by the number of the completed years of his service
- (b) In the case of a Departmental candidate for direct recruitment to the post of Stenographer in the Chief Engineers, Superintending Engineers' and the Executive Engineers' offices, the upper age limit shall be greater than that specified in sub-rule (1) by five years

9. Academic Qualifications

A candidate for direct recruitment to the different classes of posts in the Establishment must, besides having a thorough knowledge of Hindi written in Devanagiri Script, possess the qualification mentioned below:

| | Name of Post | Qualifications |
|----|--|--|
| 1. | Junior Noter & Drafter and Record Keeper in the office of the Chief Engineer | Bachelor's degree of a recognized University or an equivalent qualification |
| 2. | Routine Grade Clerks/Time Keeper | Intermediate Examination of the Board of High School and the Intermediate Education, U.P. or an examination recognized as equivalent there to by the Governor |
| 3. | Stenographers in the office of the Chief Engineer and the Circle and Divisional offices. | Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an Examination recognized as equivalent thereto by the Governor. |
| 4. | Compiler | Bachelor's Degree with Economics as one of the subjects or B. Com of a recognized University or an equivalent qualification |
| 5. | Draftsman | 1. Certificate of Draftsmanship from Roorkee University; |

- 2. Certificate of Draftsmanship
from Banaras Hindu University;
or
- 3. Certificate of Draftsmanship
from Muslim University,
Aligarh;
or
- 4. Certificate of Draftsmanship
from State Board of Technical
Education;
or
- 5. 3 years' Diploma certificate from
Government Arts & Crafts
College Lucknow;
or
- 6. 3 years' Diploma of Civil
Engineering issued by the State
Board of Technical Education;
or
- 7. Diploma in Civil Engineering
issued by Universities
established in India, by an Act of
Central or the State Govt.;
or
- 8. Draftsmanship certificate from
an Industrial Training Institute.
High School with Drawing (Art)
as one of the Subject.

10. Character

The Character of a candidate for recruitment to the Establishment must be such as to render him suitable in all respects for employment in the Establishment. It will be the duty of the appointing authority to satisfy himself on this point.

NOTE: Persons dismissed from service by the Government of India or a State Government or by any Electricity Board shall not be eligible for appointment

11. Marital Status

A male candidate who has more than one wife living or a female candidate who has married a man already having a wife shall not be eligible for appointment to the Establishment

Provided that the Board may if satisfied that there are special grounds for doing so, exempt any person from the operation of the provisions of this regulation.

12. Physical Fitness

No candidate shall be appointed as a member of the Establishment unless he is in good mental and bodily health and free from any physical defects likely to interfere with the efficient performance of his duties as a member of the Establishment. Before a directly recruited candidate is finally approved for appointment to the Establishment, he shall be required to produce a certificate of fitness from a Civil Surgeon in accordance with the rules framed under Fundamental rule 10 contained in Chapter III of the Financial Hand Book, Volume II, Part III until corresponding Regulations are framed in this behalf by the board.

PART V – PROCEDURE FOR DIRECT RECRUITMENT

13. Applications for Recruitment

- (1) The appointing authority shall ascertain the probable number of vacancies likely to occur in different classes of posts in the Establishment during the course of the year and the number of such vacancies to be filled by direct recruitment and the number of vacancies reserved for candidates belonging to Scheduled Castes/Scheduled Tribes. If any, and invite applications for admission to the competitive examination and/or selection in accordance with the procedure prescribed by the State Government until procedure in this behalf is framed by the Board.

NOTE 1 The procedure for inviting applications as prescribed at the time of commencement of these regulations is given in Appendix 'C' to these Regulations

- (2) The competitive examination shall be held as and when necessary.
- (3) The appointing authority shall, subject to the necessity of securing the representation of Scheduled Castes/Scheduled Tribes, prepare a list of the candidates in order of merit as disclosed by the aggregate marks obtained by each candidate at the competitive examination.

14. Syllabus Etc.

The syllabus and the rules relating to the competitive examination shall be such as may be prescribed by the Board from time to time,

- Note
1. The subjects prescribed for the competitive examination for recruitment to the posts of clerks are mentioned in rule 6 of the 'Rules for recruitment of ministerial staff to the Subordinate Offices, which is reproduced in Appendix 'A' to these Regulations
 2. In the case of competitive examination for Junior Noters & Drafters, the rules as given in Appendix 'O' to these Regulations shall also apply.
 3. The subjects, syllabus and the rules relating to the competitive examination for stenographers are given in Appendix 'E' to these Regulations

15. Fees

Candidates for direct recruitment to the Establishment must pay such fees as may, from time to time be prescribed by the board. No claim for refund of these fees will be entertained.

NOTE: The scales of fees prescribed at the commencement of these regulations and the manner in which it may be remitted is given Appendix 'F' to these Regulations.

PART VI - PROCEDURE FOR RECRUITMENT BY PROMOTION

16. Procedure for Selection For Promotion

- (1) For purposes of recruitment by promotion to substantive vacancies and officiating or temporary vacancies expected to occur during the course of the year, except these of stenographers, in the offices of the Chief Engineer, the Superintending Engineer and the Executive Engineers in the higher grade posts, a Selection Committee shall be constituted as follows
 - (A) For recruitment of staff in the office of the Chief Engineer and of Head Assistants in Superintending Engineers offices. Head Clerks in Executive Engineers offices and Computers in the offices:
 - (i) The Chief Engineer/Additional Chief Engineer (Administration).
 - (ii) Two other officers of the rank of Superintending Engineer to be nominated by the Chief Engineer
 - (iii) one Personal Assistant to Chief Engineer
 - (B) For recruitment of staff in the Superintending Engineer's office (excluding Head Assistants and Computers),
 - (i) The Superintending Engineer of the Circle.
 - (ii) two other officers, not below the rank of Executive Engineer, to be nominated by the Superintending Engineer
 - (C) For recruitment of staff in the Executive Engineer's Office excluding Head Clerks and Computers
 - (i) the Superintending Engineer of the Circle concerned.
 - (ii) two Executive Engineers of the Circle including one of the Division.
- (2) The Committee shall consider the cases of all the candidates eligible for promotion with reference to their character rolls and their position in the gradation list, with a view to judge their suitability for the higher post to which promotion is to be made.
- (3) The names of the candidates selected by the Selection Committee shall be arranged in a list in order of seniority and candidates will be offered substantive and/or officiating and temporary vacancies, in that order in the manner laid down in rule 20 as and when vacancies are available for them during the course of the year. This list shall hold good only for one year or until such time as the next selection is made. At such selection, the candidates who had been approved at last selection for officiating promotion but who could not get a chance will have to take their chance again in the selection along with other eligible candidates. The cases of those candidates who have already been officiating on the basis of the previous selection shall not be reopened but a review may be made of their work and conduct during

the period of their officiation and if they are found not to have justified their officiating promotion by their work and conduct, they will be reverted to the posts from which they were given officiating promotion without assigning any reason. They will take their chance again in the next and subsequent selections, if they remain otherwise eligible.

- (4) In case permanent vacancies do not occur for two consecutive years and it becomes necessary to make a selection for officiating or temporary vacancies only, the procedure prescribed in the above sub-regulation shall be followed.

17. Promotion to Posts of Stenographers in the office of the Chief Engineers:

- (1) For purposes of promotion to the posts of stenographers in the office of the Chief Engineer the stenographers working in the Circle and Divisional offices shall be required to appear at a qualifying test to be conducted by the Chief Engineer in such subjects as may be prescribed from time to time.

NOTE: The subjects, the syllabus and the rules of the qualifying test shall be the same as prescribed for the competitive examination for direct recruitment of stenographers in Appendix 'E' to these Regulations except that there shall be no paper in Hindi composition and English composition.

- (2) The names of the candidates who qualify at the test shall be arranged in order of their seniority.

PART VII- APPOINTMENT, PROBATION AND CONFIRMATION

18. Waiting List

- (1) Subject to the provisions of regulations 6 and 12 the appointing authority shall select the candidates who stand highest in order of merit in the list (s) prepared under sub-regulation (3) of regulation 13 up to the number of vacancies expected to occur during the course of the year, provided that he is satisfied that they are duly qualified for appointment in other respects, and enter their names in waiting lists in that order. There shall be separate waiting list of candidates approved for appointment to the posts of (a) Junior Noters & Drafters and Record Keepers in Chief Engineer's Office (b) Routine Grade Clerks and Time Keepers and (c) Stenographers.
- (2) where promotion is made from two or more classes of officials, separate lists of selected candidates from each class shall be prepared under sub-regulation (3) of regulation 16 and the names of the candidates in these lists shall be entered in a common waiting list by taking candidates from each list turn by turn, in the proportion fixed for them, the various lists having been arranged in the same order in which the various sources of recruitment are mentioned in regulation 5.

Example: Suppose there are 16 Posts of Head Assistants in Superintending Engineer's Office and the eligibility is as follows

| | | |
|-----------|---|---|
| 50% i. e. | 8 | Sr. Noter & Drafters in Chief Engineer's Office |
|-----------|---|---|

| | | |
|-----------|---|---|
| 12% i. e. | 2 | Stenographers In Chief Engineer's Office |
| 25% i. e. | 4 | Head Clerks in Divisional Offices |
| 12% i. e. | 2 | Sr. Noter and Drafters of Circle Offices. |

The draft regulation envisages appointments as follows:

| | | |
|----|------------|--|
| A. | First Four | Sr. Noter and Drafters in Chief Engineer's Office. |
| B. | Next One | Stenographers in Chief Engineers Office. |
| C. | Next Two | Head Clerks in Divisional Offices. |
| D. | Next One | Sr, Noter & Drafters of Circle Offices and so on. |

19. Appointing Authority

The Chief Engineer shall be the appointing authority in respect of all the staff in his office and in respect of head Assistants in Circle Offices, of Computers in all offices and head Clerks in the Divisional Offices. The Superintending Engineer of the Circle shall be the appointing authority in respect of the remaining staff in his office and the Divisional Offices in that Circle.

20. Appointment

- (1)(a) On the occurrence of substantive vacancies, the appointing authority shall make appointments from the waiting lists prepared under the rule 18 in the order in which their names appear on the respective lists.
- (b) Where appointment is to be made both by direct recruitment and by promotion, vacancies shall be filled from the two sources in the order in which allocation of vacancies has been made in regulation 5.

Example: In the case of recruitment to the posts of Senior Noters and Drafters in the office of the Chief Engineer, every first vacancy shall be filled in by a Lower Division Assistant in the Board's Headquarters Office, the second by a Senior Noter & Drafter in Circle Office and the remaining two by Junior Noters and Drafters and Record Keepers in Chief Engineer's Office and so on.

- (2) The appointing authority shall make appointments in temporary and officiating vacancies also from the list of candidates selected for direct recruitment or for promotion.

Provided that if no approved candidate is available for such appointment the appointing authority may make such appointment from amongst persons who are eligible for appointment under these Regulations but further retention of such a candidate shall depend on his taking the next chance/examination and being selected in it,

Provided further that a temporary or officiating vacancy in the categories of posts shown below for a duration not exceeding four months may ordinarily be filled by promotion or transfer, as the case may be of the class of officials mentioned against each by the authority mentioned against them.

| | Vacancy in the post of | Category of officials who may be promoted or transferred | Authority who may order promotion or transfer |
|---|--|---|---|
| | 1 | 2 | 3 |
| | | A – Office of the Chief Engineer | |
| 1 | Head Assistant | Senior Noter & Drafters working for the time being in the section of the office in which the vacancy occurs. | Chief Engineer |
| 2 | Senior Noter & Drafter | Junior Noters & Drafters & Record Keeper working for the time being in the Section of the office in which the vacancy occurrence. | - do - |
| 3 | Junior Noter & Drafter and Record Keeper | Routine Grade Clerks | - do - |
| 4 | Computor | Draftsman | - do - |
| | | B- In any Circle Office | |
| 1 | Head Assistant | Senior Noter & Drafter in Circle Office | Superintending Engineer of the Circle |
| 2 | Senior Noter & Drafter | Junior Noter & Drafters in the Circle Office | - do - |
| 3 | Junior Noter | Routine Grade Clerks in the Circle Office | - do - |
| 4 | Computor | Draftsman | - do - |
| | | C-In Any Divisional Office | |
| 1 | Head Clerk | Senior Noters & Drafters in the Divisional Office | Executive Engineer in-charge of the Divisional Office |
| 2 | Noter & Drafter | Routine Grade Clerks in the Divisional Office | - do - |
| 3 | Head Time Keeper | Time Keeper | - do - |

21. Seniority

- (1) The seniority of persons appointed to the Establishment shall be determined in the class of

posts to which they are appointed by the date of order of substantive appointment.

Provided that if two or more candidates are appointed on the same date, the seniority *inter-se* of the candidates shall be determined according to the order in which their appointment has been made under regulation 20;

Provided further that the seniority of candidates recruited directly in any year shall be determined *inter-se* according to the position assigned to them in order of merit at the competitive examination;

Provided that a directly recruited candidate may lose his seniority if he delays joining the establishment without assigning valid reasons, when a vacancy is offered to him,

- (2) In the case also of persons appointed to any of the cadres of the Establishment in a temporary or officiating capacity on the basis of regular selection in accordance with these regulations, seniority, *inter-se* shall, *mutatis mutandis*, be determined in accordance with the provisions or sub-regulation (1) of this regulation.

22. Probation

- (1) Every person shall, on appointment to the Establishment in or against a substantive vacancy, otherwise than in an officiating capacity, be placed on probation for period of two years

Provided firstly that continuous service rendered in an officiating or temporary capacity in a post included in the cadre of the Establishment may be taken into account in whole or in part, in computing the period of probation for that kind of post;

Provided secondly that the appointing authority may, for reasons to be recorded, extend the period of probation in individual cases for a total period not exceeding two years. Any extension of probation beyond this period shall *require* the sanction of the Board. An order of extension shall specify the exact date up to which the extension is granted

- (2) If it appears at any time during the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or if he has otherwise failed to give satisfaction, he may be reverted to the lower post if he held one prior to his appointment, or his services may be terminated if he is directly recruited.
- (3) A person whose services are dispensed with during the period of probation or extended period of probation under sub-rule (2), shall not be entitled to any compensation,

23. Confirmation -

A probationer shall be confirmed in his appointment at the end of his period of probation or extended period of probation, if his integrity is certified and the appointing authority considers him fit for confirmation.

Provided that a stenographer who has been recruited on the basis of a speed of 60 and 80 words per minute in Hindi and English Shorthand respectively will be confirmed in his appointment only when he has acquired a speed of 80 and 100 words respectively.

PART VIII- PAY

24. Scales of Pay

The scales of pay admissible to persons appointed to the Establishment, whether in a substantive or officiating capacity or as a temporary measure, shall be as shown at Appendix 'G'.

25. Pay during Probation

- (1) A person appointed to the Service by direct recruitment, other than one already in permanent Government service or in the Board's shall, during the first *year* of his probation receive the initial pay of the post on which he is appointed. He will receive his first increment on satisfactory completion of one year of his probation and the second increment 'On confirmation provided that If the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the appointing authority directs otherwise.
- (2) The pay during probation of persons already in permanent Government service or in the permanent service of the Board and of those appointed by promotion, shall be regulated by the relevant rules and regulations referred to in regulation 28.

26. Criteria for crossing the efficiency bars -

- (1) No person shall be allowed -
 - (i) to cross the first efficiency bar unless he is found to have worked steadily and to the best of his ability and unless integrity is certified.
 - (ii) to cross the second or subsequent efficiency bars unless he is found fully capable of discharging his duties both by reason of his ability and strict honesty; and unless his integrity is certified
- (2) Orders allowing persons to cross the efficiency bars shall be issued by the appointing authority or such other authority to whom the power is delegated.

PART IX- OTHER PROVISIONS

27. Canvassing

No recommendation for recruitment, either written or oral, other than that required under these Regulations will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for, his candidature by any other means shall make him liable to be disqualified.

28. Regulation of pay, Allowances, Pension Etc.

Except as provided in these Regulations, the pay, allowances, leave pension and other conditions of service of a member shall be governed by the rules of the State Government

applicable to similar category of employees and adopted by the Board until rules and/or regulations or orders in this behalf are promulgated by the Board

29. Notwithstanding anything contained in these Regulations:

- (1) The conditions of Service of persons who may be appointed to posts in the cadres of the Establishment or to posts declared in addition to the cadres of the Establishment on deputation or on foreign service from the State Government or elsewhere shall be governed by such terms and conditions as may be or may be or may have been settled between the Board and the State Government other employer as the case may be, until they are absorbed in the Service of the Board.
 - (2)(i) The conditions of Service of Government servants whose services have been or may be taken over by the Board shall be governed by those Regulations.
 - (ii) The conditions of service of employees in the service of the private Electricity Supply Undertaking and other organizations of similar kind which have been taken over or may, in future, be taken over by the Board who may be holding or who may hold posts in the cadres of the establishment or to posts declared in addition to the cadres of the Establishment shall be governed by the Board's standard terms and conditions of service if the undertaking has been taken over by the Board on such terms and conditions or by the ex-licensee's terms and conditions if the undertaking has been taken over on such terms, as the case may be unless they are given option and they opt to be governed by these Regulations or such other regulations as may be promulgated by the Board in this behalf.
- 30. (1)** Nothing in these Regulations shall be construed to limit or abridge the power of the Board to deal with the case of any person appointed by the Board and governed by these Regulations in such manner as may appear just and equitable:
- Provided that* where any of the foregoing regulation is applicable to the case of any person, his case shall not be dealt within a manner less favourable to him than provided by that regulation.
- (2) When in the opinion of the Board, it appears necessary to do so, the Board may make any appointment or appointments to the Establishment in relaxation of those Regulations, and in the case of any appointment which is not in strict accordance with the Regulations, the Board shall be deemed to have made the appointment in relaxation of these Regulations,

31. Delegations

The Board may, whenever considered expedient, delegate any of their powers to any officer or authority under these Regulations or the powers conferred on any officer or authority under these Regulations to any other officer or authority.

**THE UTTAR PRADESH STATE ELECTRICITY BOARD ACCOUNTS
(OFFICERS) SERVICE REGULATIONS, 1984**

PART – I – GENERAL

1. Short Title and Commencement

- (a) These Regulations may be called the Uttar Pradesh State Electricity Board Accounts (Officers) Service Regulations, 1984.
- (b) These Regulations shall come into force with immediate effect.

2. Status

The Uttar Pradesh State Electricity Board Accounts (Officers) Service consist of the following posts :-

- Group I- The Posts whose minimum of scale presently is Rs. 1360.00 and above.
- Group II- The posts whose minimum of scale presently is Rs. 800.00 and above but below Rs. 1360.00

3. Definition

In these regulations, unless there is anything repugnant in the subject or context –

- (1) ‘Act’ means the Electricity (Supply) Act, 1948 (Act No. LIV of 1948).
- (2) ‘Appointing Authority’ means the authority defined in Regulation 24.
- (3) ‘Approved Service’ means service rendered under the Board on the basis of regular selection done in accordance with Board’s Regulations or orders.
- (4) ‘Board’ means the U.P. State Electricity Board constituted under Section – 5 of the Act.
- (5) ‘Chairman’ means the Chairman of the UP State Electricity Board.
- (6) ‘Constitution’ means the Constitution of India.
- (7) ‘Citizen of India’ means a person who is or who is deemed to be a citizen of India under Part II of the constitution.
- (8) ‘Degree of a University’ means the degree of a University established by law in India or any other University recognized for this purpose by the Governor of Uttar Pradesh.
- (9) ‘Departmental Candidate’ means a candidate who is eligible for recruitment to a post in the cadre of the service under Group II(A) (1) and Group II(B) (3) of Regulation 7 of these Regulations.
- (10) ‘Direct Recruitment’ means recruitment made against a post in the cadre of the service, otherwise than by promotion, as provided under Group II(A)(2), Group II(B) (4), Group

I(A) (5), (7), (8) & (9) and Group I(B) (10), (12), (13) & (14) of Regulation 7 of these Regulations.

- (11) 'Government' or 'State Government' means the Government of Uttar Pradesh.
- (12) 'Governor' means the Governor of Uttar Pradesh.
- (13) 'KESA' means the Kanpur Electricity Supply Administration.
- (14) 'Member (Finance & Accounts)' means the member of the Board appointed under section 5(4)(c) of Electricity (Supply) Act. 1948.
- (15) 'Member of the Service' means a person appointed to a post in the cadre of the service in accordance with provisions of these Regulations or of Regulations or orders in force previous to the introduction of these Regulations, but does not include a person taken on deputation. The employees taken over from ex-licensee (s) shall also be included if they have opted for fitment on terms and conditions of service as laid down herein.
- (16) 'Secretary' means an officer of the Board holding the post of the Secretary, UP State Electricity Board as appointed under section 15 of the Act and includes the term 'Member Secretary'.
- (17) 'Secretary Finance' means an officer holding the post of the Secretary to Government of UP, Finance Department and includes his duly authorized representative not below the rank of Joint Secretary to Government of UP, Finance Department.
- (18) 'Service' means the UP SEB Accounts (Officers) service under the Board.
- (19) 'Select and Waiting List' means the list of selected candidates waiting for appointment prepared under Regulation 22(2), 22(3), 25(1) and 25(2).
- (20) 'Selection Committee' means the committee specified in Regulation 20(1) and 22(1).
- (21) 'Year of Recruitment' means the period from 1st January to 31st December of a calendar year.

PART II – CLASSIFICATION OF CADRES

4. Classification of Cadres

The posts constituting the service shall be classified into the following cadres according to the applicable pay and scales in each Group.

Group I-A-Audit and Accounts Cadre

| | Name of Posts | Present scales of Pay |
|-----|---|------------------------------|
| (1) | Chief Controller of Finance and/or Accounts and/or Audit. | |
| (2) | Controller of Finance and/or Accounts and/or Audit | |
| (3) | Financial Advisor and/or Chief Accounts Officer and/or Chief Audit Officer. | |
| (4) | Dy. Financial Advisor and/or Dy. Chief | |

- Accounts Officer and/or Dy. Chief Audit Officer
- (5) Senior Accounts Officer/ Senior Audit Officer.

Group I-B-Cost Accounts Cadre

- (1) Chief Controller of Cost
(2) Controller of Cost
(3) Chief Cost Accounts Officer
(4) Dy. Chief Cost Accounts Officer
(5) Senior Cost Accounts Officer

Group II-A-Audit & Accounts Cadre

- (1) Accounts Officer/Audit Officer
(2) Assistant Accounts Officer/ Assistant Audit Officer

Group II-B-Cost Accounts Cadre

- (1) Cost Accounts Officer
(2) Assistant Cost Accounts Officer (Dying Cadre)

5. Designations -

- (1) The Board may at any time, whenever it considers appropriate or expedient so to do, change or modify any or all of the above designations or add or delete any post from any of the above Groups.

Provided always that in the event of deletion change or modification in designation of any post in any Group the pay scale and/or conditions of service of the incumbent holding that post shall not be affected.

- (2) With the introduction of separate cadres of (a) Audit & Accounts and (b) Cost Accounts, and the new designations as defined under Regulation 4 of these regulations, the existing designations of posts as set out in column I below shall stand substituted by those mentioned against them in column II.

| Column I | Column II |
|--------------------------------|--------------------------------|
| Existing Designation | Substituted Designation |
| (1) Director of Internal Audit | Chief Audit Officer |

| | | |
|-----|---|------------------------------------|
| (2) | Dy. Director of Internal Audit | Dy. Chief Audit Officer |
| (3) | Dy. Controller (Cost & Finance) | Chief Cost Accounts Officer |
| (4) | Asstt. Controller/Cost Accountant/ Chartered Accountant (Cost & Finance) | Dy. Chief Cost Accounts Officer |
| (5) | Senior Accounts Officer (Internal Audit) | Senior Audit Officer |
| (6) | Accounts Officer (Internal Audit) | Audit Officer |
| (7) | Assistant Accounts Officer (Cost) | Assistant Cost Accounts Officer. |
| (8) | Assistant Accounts Officer (Internal Audit) | Assistant Audit Officer |

6. Strength of Service

- (i) The strength of the service and of each cadre of posts therein shall be such as may be determined by the Board from time to time.
- (ii) The permanent strength of the service and of each cadre of posts therein shall be, until orders varying the same have been passed under sub-regulation (i) above, as specified in Appendix I to these Regulations.

Provided that:

- (a) any post in the cadre of the service may be kept vacant by the Appointing Authority or kept in abeyance by the authority competent to sanction the creation of posts in the cadres of the service, without thereby entitling any person to compensation or other redress, and
- (b) the Board may create, from time to time, such additional permanent or temporary posts as may be found necessary.

PART – III – SOURCES OF RECRUITMENT

4. Classification of Cadres

PART – III – SOURCES OF RECRUITMENT

7. Sources of Recruitment

There shall be two separate cadres viz. (A) Audit and Accounts and (B) Cost Accounts under each Group I/II Recruitment/Promotion to each class of posts in the service in each cadre shall be made separately as under :-

| Name of Post | Source of Recruitment |
|---|---|
| GROUP – II | |
| (A) Audit and Accounts | |
| (1) Asstt. Accounts Officer/Asstt. Audit officer | 100% by promotion from amongst the Accountants who have put in a minimum of 7 years continuous service on that post. |
| (2) Accounts Officer/Audit Officer | 1. By direct recruitment from open competition - $66\frac{2}{3}$ %. 2. By promotion from Assistant Accounts Officer/ Assistant Audit Officer who have put in a minimum of 3 years service on that post and a total service of not less than 10 years including the service rendered as Accountant or Senior Accountant - $33\frac{1}{3}$ % |
| (B) Cost Accounts | |
| (3) Assistant Cost Accounts Officer (Dying Cadre) | 100% by promotion from amongst the Senior Accountant (Cost) (Dying Cadre) who have put in a minimum of 5 years service on that post. |
| (4) Cost Accounts Officer | 1. By direct recruitment from open competition - $66\frac{2}{3}$ %. 2. By promotion from Asstt. Cost Accounts Officer who have put in a minimum of 3 years continuous service on that post and a total service of not less than 10 years including the services rendered as Senior Accountant (Cost) - $33\frac{1}{3}$ %. |
| GROUP – I | |
| (A) – Audit and Accounts | |
| (5) Senior Accounts Officer/Senior Audit Officer | 100% by promotion from Accounts officer/Audit Officer who have put in minimum of 7 years service at that post. |
| (6) Dy. Financial Adviser and/or Dy. Chief Accounts Officer and/or Dy. Chief Audit Officer. | 100% by promotion from Senior Accounts Officer/Senior Audit Officer who have put in a minimum of 4 years service as such. |

- | | |
|---|---|
| (7) Financial Adviser and/or Chief Accounts Officer and/or Chief Audit Officer. | 1. By promotion from Dy. Financial Adviser and/or Dy. Chief Accounts officer and/or Dy. Chief Audit officer who have put in a minimum of 4 years service as such - 50 % 2. By direct recruitment – 50% |
| (8) Controller of Finance and/or Accounts and/or Audit. | 1. By promotion from Financial Adviser and/or Chief Accounts Officer and/or Chief Audit Officer who have put in a minimum of 4 years service as such - 50 % 2. By direct recruitment – 50% |
| (9) Chief controller of Finance and/or Accounts and/or Audit. | 1. By promotion from Controller of Finance and/or Accounts and/or Audit who have put in a minimum of 2 years service as such - 50 % 2. By direct recruitment – 50% |

(B) – Cost Accounts

- | | |
|--------------------------------------|--|
| (10) Senior Cost Accounts Officer. | 1. By direct recruitment from open competition - 33⅓ %. 2. By promotion from Cost Accounts Officer who have put in a minimum of 7 years service on that post - 66⅔ %. |
| (11) Dy. Chief Cost Accounts Officer | 100% by promotion from Senior Cost Accounts Officer who have put in a minimum of 4 years service as such. |
| (12) Chief Cost Accounts Officer | 1. By promotion from Dy. Chief Cost Accounts Officer who have put in a minimum of 4 years service as such – 50% 2. By direct recruitment – 50%. |
| (13) Controller of Cost. | 1. By promotion from Chief Cost Accounts Officer who have put in a minimum of 4 years service as such – 50% 2. By direct recruitment – 50%. |
| (14) Chief Controller of Cost | 1. By promotion from Controller of Cost who have put in a minimum of 2 years service as such – 50% 2. By direct recruitment – 50%. |

Not withstanding anything contained in these Regulations the Board may make appointments to the service, in relaxation of these Regulations, from among employees of Electricity Undertakings or similar organization, which have been taken over or which may, in future, be taken over by the Board from time to time on such terms and conditions as may be decided by them

8. Reservation of Vacancies

Nature of vacancies for Scheduled Castes, Scheduled Tribes and other Classes of Candidates shall be in accordance with the existing orders of the Board or which may be issued from time to time. The existing orders are in appendix – II of these Regulations.

9. Number of Recruits to be Taken

- (1) The Appointing Authority shall ascertain the probable number of vacancies likely to occur in the various classes of posts in the service during the courses of the next calendar year.
- (2) The Appointing Authority shall also decide the number of vacancies which may be reserved for Schedule Castes/ Schedule Tribes and other classes of candidates in accordance with the statutes of rules of the Board in force in this behalf.
- (3) In case the requisite number of Scheduled Castes/Schedule Tribes candidates are not forthcoming or fail to be selected, the remaining vacancies shall be filled in by other candidates in the list of candidates selected for appointment/promotion and the deficiency made good in the manner indicated in the provision to Appendix- II.

PART IV

10. Nationality

Candidates for recruitment to the service must be:

- (a) a citizen of India, or
- (b) a Tibetan refugee who has come over to India before January 1, 1962 with the intention of permanently setting in India, or
- (c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India;

Provided firstly that a candidate belonging to category (b) or (c) above shall be a person in whose favour a certificate of eligibility has been issued by the State Government

Provided secondly that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Inspector General of Police, Intelligence Branch, Uttar Pradesh;

Provided thirdly that a candidate belonging to category (c) above shall not be retained in service beyond the period of certificate of eligibility unless he has acquired Indian Citizenship.

Note:- A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused may be admitted to an examination or interview conducted by the recruiting authority and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour prior to joining of his duties

11. Age

- (a) The age of a candidate for direct recruitment to the service on the 1st day of January of the year in which the competitive examination/interview is held shall be as below:

| | Name of Post | Minimum | Maximum |
|-------|---|----------------|----------------|
| (i) | Accounts Officer/ Audit Officer/Cost Accounts Officer | 21 Yrs | 28 Yrs |
| (ii) | Senior Accounts Officer/Senior Audit Officer/Senior Cost Accounts Officer | 21 Yrs | 33 Yrs |
| (iii) | Financial Advisor and/or Chief Accounts Officer and/or Chief Audit Officer/Chief Accounts Officer | 21 Yrs | 40 Yrs |
| (iv) | Controller of Finance and/or Accounts and/or Audit/ Controller of Cost | 21 Yrs | 45 Yrs |
| (v) | Chief Controller of Finance and/or Accounts and/or Audit/ Chief Controller of Cost | 21 Yrs | 48 Yrs |

- (b) In the case of candidates belonging to Scheduled Castes/ Scheduled Tribes/Backward Classes/Board's employees, the maximum age limit shall be higher by 5 years and in the case of retrenched State Government employees, the same will be higher by three years.
- (c) The age of candidates shall be computed in accordance with the instructions issued by the Board from time to time. The present orders of the Board are available at Appendix III.

Provided that the Board may grant relaxation in maximum age limit of a candidate or class of candidates as it may consider necessary in the interest of the Board.

12. Qualifications:

A candidate for direct recruitment to the posts at serial nos, (2), (4), (5), (7), (8), (9), (10), (12), (13) & (14) of Regulation 7 must, besides having thorough knowledge of Hindi in Devnagri Script, possess the following qualifications:

- (i) Account Officer and/or Audit Officer

| Minimum Qualification | Preferential Qualification |
|--|--|
| M.Com - High II Class with B.Com. I Class | From a university established by law in U.P. or any other University recognized by the Government of Uttar Pradesh |
| or | Experience of working on the Finance/Accounts/Audit branch of a large private/ public sector undertaking, preferably a public utility undertaking. |

Cost Accountant or Chartered Accountant or other qualification considered equivalent thereto by the Board or the State Government.

(ii) **Cost Accounts Officer**

Associate Membership of Institute of Cost & Works Accountant of India Experience of working in the Finance/ Accounts/ Audit/ Cost branch of a large private/ public sector undertaking, preferably a public utility undertaking.

(iii) **Senior Accounts Officer/Senior Audit Officer and Senior Cost Accounts Officer**

- (1) Cost Accountant or Chartered Accountant or other qualification considered equivalent thereto by the Board or the State Government with a minimum of 3 years experience of working in the Finance/Accounts/Cost/Audit branch of a large private/public sector undertaking, preferably a public utility undertaking.
- (2) Persons employed in a senior position (officer rank) in the commercial Audit Wing of the C&AG/Defence Accounts Department/Commercial Accounts Organization of the Railways or any other large Public Sector Undertaking with at least 5 years experience

(iv) **Financial Adviser and/or Chief Accounts Officer and/or Chief Audit Officer and Chief Cost Accounts Officer**

Chartered/Cost Accountant/SAS (Commercial) drawn from Commercial Audit Board, from other large Public Sector Undertakings (Central/State), State Electricity Board, Railways and Defence Accounts department with at least 8 years experience.

(v) **Controller of Finance and/or Accounts and/or Audit and Controller of Cost**

Persons having at least 12 years experience as Chartered/ Cost Accountant drawn from other State Electricity Boards, Public Sector (Central/State) Undertakings or from Indian Audit and Accounts Service, Indian Railways Accounts Service/Defence Accounts (with Commercial background)

(vi) **Chief Controller of Finance and/ Accounts and or Audit and Chief Controller of Cost**

Persons having at least 15 years experience as Chartered/ Cost Accountant drawn from other State Electricity Boards Public Sector Undertaking (Central/State) or from India n Audit & Accounts Service/Indian Railways Accounts Service/Defence Accounts (with commercial background).

Note: In all the cases of direct recruitment under (iii) (2). (iv) (v) and(vi) above, persons shall be taken on deputation for two years having their lieu in their parent department/organization and should get absorbed in the service of the Board within that period failing which they shall be reverted back to their parent Organisationl Deptt. The Board also reserves the right

to repatriate them in case their performance is not to the Board's satisfaction during the period of 2 years

13. Character

- (1) The character of a candidate for direct recruitment to the service must be such as to render him suitable in all respects for employment under the Board. He must produce certificates of good character from
 - (i) The proctor or the Principal Officer of the University or College, as the case may be, in which he was last educated
 - (ii) Two responsible persons (not being relative of the candidate) who are well acquainted with him in his private life and are unconnected with his University, College or School;

Provided that the Appointing Authority may make further enquiry regarding the character and antecedents of a candidate in such manner and from such authorities as may be considered necessary

- (2) It shall be the duty of the Appointing Authority to satisfy himself in this regard.

Note: Persons dismissed from Service by the Govt. of India or a State Government or a State Electricity Board or by any public Sector Undertaking shall not be eligible for appointment.

14. Eligibility of Woman

Woman shall also be eligible for direct recruitment to the service.

15. Marital Status

A male candidate who has more than one living wife or female candidate who has married a man already having a wife shall not be eligible for appointment or to continue in appointment in the service.

Provided that the Chairman may, if satisfied that there are special grounds for doing so, exempt any person from the operation of the provisions of this regulation. Reasons for granting exemption shall be recorded in writing.

16. Physical Fitness

No person shall be appointed by direct recruitment as a member of the service unless he is in good mental and bodily health and free from any physical defect and contagious disease likely to interfere with the efficient discharge of his duties as a member of the service. Before a candidate joins his appointment he must pass an examination by the Medical Board as may be appointed by the Board. Such fees as may be required for examination by the Medical Board shall be payable by the candidate and which shall not be reimbursable.

PART – V

Procedure for Direct Recruitment

17. Competitive Examination and Interview

- (A)(i) Direct recruitment to the posts of (a) Accounts officer/Audit officer (b) Cost Accounts Officer under group II (A) (2) and Group II (B) (4) of Regulation 7 shall be made through a written competitive examination and interview which will be held in such manner, in such subjects and at such place as may be prescribed by the Appointing Authority from time to time.
- (ii) The minimum qualifying percentage of marks at the written examination on which the candidates will be called for interview shall be such as may be prescribed by the Appointing Authority from time to time.
- (B) Direct recruitment to the posts of
- | | | | |
|-----|--|---|---|
| (1) | Senior Accounts Officer/Senior Audit Officer | } | Group I (A)(5), (7), (8) and (9) of Regulation 7 |
| (2) | Financial Advisor and/or Chief Accounts Officer and/or Chief Audit Officer | | |
| (3) | Controller of Finance and/or Accounts and/or Audit | | |
| (4) | Chief Controller of Finance and/or Accounts and/or Audit | | |
| (5) | Senior Cost Accounts Officer | } | Group I (B)(10)(12) (13) and (14) of Regulation 7 |
| (6) | Chief Cost Accounts Officer | | |
| (7) | Controller of Cost | | |
| (8) | Chief Controller of Cost | | |

shall be made through an Interview which will be held at such place as may be notified by the Appointing Authority from time to time.

18. How To Apply

- (1) Application for appearing at the written competitive examination/interview under Regulation 17 (A). & (B) above shall be called for by the Appointing Authority and shall be made in the prescribed form which may be obtained from the Secretary of the Board.
- (2) The applications received from the candidates will be scrutinized by the Secretary of the Board and those candidates whose applications are found in order will be issued admission cards/interview letters for appearing at the written competitive examination/interview, as the case may be, on the dates to be fixed.

19. Fees -

Candidates for direct recruitment shall pay to the Board the following fees

- (i) Application fee-- Rs. 10/- (Rs. 5/- for SC/ST) with the requisition for application form
- (ii) Examination/Interview fee- Rs. 30/- (Rs. 10/- for SC/ST)

Note: Only Crossed Postal Orders/Bank Drafts for these amounts will be accepted by the Board.

20. Committee for interview To Select Candidates By Direct Recruitment -

- (1)(a)I-The Selection Committee for interview to select candidates by direct recruitment on all the posts under Group II (A) and (B) of Regulation 7 shall comprise of the following:
- (i) Member of the Board (Under Section 5 (4) (b) of Electricity (Supply) Act, 1948)
 - (ii) Member (Finance & Accounts)
 - (iii) One member of the Board (to be nominated by Chairman)
 - (iv) An outside expert in the field of Finance/ Accounts/ Audit nominated by the Chairman on the advice of Member (Finance and Accounts)
- (1)(a)II-The Selection Committee for interview to select candidates by direct recruitment on all the posts under Group I (A) and (B) of Regulation 7 shall comprise of the following:
- (i) Chairman
 - (ii) Member (Finance & Accounts)
 - (iii) One Member of the Board (to be nominated by Chairman)
 - (iv) An outside expert in the field of Finance/ Accounts/ Audit nominated by the Chairman on the advice of Member (Finance and Accounts)
- (b) In assessing the merit and general suitability of the candidates, the Selection Committee shall, not only take into consideration the qualifications and experience prescribed for the post but shall also have regard for the candidates intelligence, character, personality, physical and general suitability for appointment
- (2) After all the candidates have been interviewed the Selection Committee shall prepare a list of selected candidates (to be known as List 'A'), found most suitable, and arranged in order of merit and thereafter forward the same to the Appointing Authority for further action.

PART – VI

Procedure For Recruitment By Promotion

21. Criteria For Promotion

- (1) The selection of candidates for promotion to the posts in the cadre of Group II (A) and Group II (B) Service shall be based on seniority subject to the elimination of those who are not found suitable.
- (2) The selection of a candidate for promotion to the higher posts in the cadres of Group I (A) and Group I (B) of the service shall be made on the basis of 'merit and suitability' in all respects.

22. Departmental Promotion Committee (D.P.C.)

- (1)(A)-The Departmental Promotion Committee, for adjudging the suitability of departmental candidates for promotion to the post under Group II (A) & (B) of Regulation 7 shall comprise of the following:
- (i) Member of the board (Under Section 5 (4) (b) of Electricity (Supply) Act. 1948)
 - (ii) Member (Finance & Accounts)
 - (iii) One Member of the Board (to be nominated by Chairman)
 - (iv) Secretary Finance

- (1)(B)-The Departmental Promotion committee for adjudging the suitability of departmental candidates for promotion to the posts under Group I (A) and (B) of Regulation 7 shall comprise of the following:
- (i) Chairman
 - (ii) Member (Finance & Accounts)
 - (iii) One Member of the Board (to be nominated by Chairman)
 - (iv) Secretary Finance.
- (2) For purpose of recruitment to the posts under Group II (A) & (B), the Departmental Promotion Committee shall review the academic/professional qualifications, as well as the Annual Confidential Reports and service records of all the eligible candidates and shall prepare a panel of suitable candidates, duly arranged in the order of seniority in their respective cadre and forward the same to the Appointing Authority for approval and further action. This list will be known as list 'B-1'.
- (3) For purpose of recruitment to the posts under Group I (A) & (B), the departmental Promotion Committee shall, keeping in view the criteria prepare a list of selected candidates in order of 'Merit' of such officers as are found by it to be most suitable for promotion to the post and forward the same to the Appointing Authority for approval and further action. This list will be known as list 'B-2'.
- (4) The list of the officers selected for the post of :
- (i) Controller of finance and/or Accounts/and/or Audit.
 - (ii) Controller of cost.
 - (iii) Chief Controller of Finance and/or Accounts and/or Audit.
 - (iv) Chief Controller of Cost shall be put up before the Board for approval.
- (5) The list so prepared by the Departmental Promotion Committee for each category of posts shall be reviewed and revised every year and fresh names added to it. if necessary.
- (6) If in the process of selection, review or revision it is proposed to supersede any officer of the cadre from which the selection is made, the Departmental Promotion Committee shall record its reasons for supersession. The reasons so recorded shall, however, not be communicated to the officer concerned.

23. Select and Waiting List and its Validity -



- (1) The list prepared under Regulation 22 (2) and 22 (3) any approved by the Appointing Authority Board, as the case may be, shall form the 'Select and Waiting list' for each category of post.
- (2) The 'Select and Waiting List' shall ordinarily be in force until it is reviewed or revised in accordance with sub-para (5) of Regulation 22 above.

Provided firstly that in the event of negligence in the conduct or discharge of duties on the part of any officer included in the 'Select and Waiting List', a special review of the Select List may be made at any time by the Departmental Promotion Committee. Provided secondly that if another selection is made within the same year, special reports about the officers eligible for selection shall be obtained.

PART – VII

APPOINTMENT, PROBATION AND CONFIRMATION

24. Appointing Authority –

| Name of Post | | Appointing Authority |
|--|--|-----------------------------|
| (1) Asstt. Accounts Officer/Asstt. Audit Officer |  | Chairman |
| (2) Asstt. Cost Accounts Officer | | |
| (3) Accounts Officer/Audit Officer | | |
| (4) Cost Accounts Officer | | |
| (5) Sr. Accounts Officer/Sr. Audit officer | | |
| (6) Sr. Cost Accounts Officer | | |
| (7) Dy. Financial Adviser and/or Dy. Chief Accounts Officer and/or Dy. Chief Audit Officer | | |
| (8) Dy. Chief Cost Accounts Officer | | |
| (9) Financial Advisor and/or Chief Account Officer and/or Chief Audit Officer | | |
| (10) Chief Cost Accounts Officer | | |
| (11) Controller of Finance and or Accounts and/or Audit |  | Board |
| (12) Controller of Cost | | |
| (13) Chief Controller of Finance and/or Accounts and/or Audit | | |
| (14) Chief Controller of Cost | | |

25. Select and Waiting List

- (1) In case of appointments by promotion to posts under Group II (A) (1) and Group II (B) (3) of Regulation 7, the panel of selected candidates (to be known as 'Select and Waiting List') Prepared by the Departmental Promotion Committee in accordance with Regulation (22) (2) shall be submitted to the Appointing Authority for approval, Appointments there from as and when vacancies occur in each Group, shall, thereafter, be made by the Appointing Authority strictly in order of the names arranged in this list.
- (2) In the case of appointment to the post under Group II (A) (2), Group II (B) (4), Group I (A) (5), (7), (8) and (9) and Group I (B) (10), (12), (13) and (14) of Regulation 7 after both the lists 'A' of selected candidates as prepared by the Selection Committee for direct recruitment in terms of Regulation 20 (2) and lists 'B-1' and 'B-2' of selected candidates as prepared by the Departmental Promotion Committee in terms of Regulations 22 (2) and 22 (3) are received by the Appointing Authority, he shall prepare a combined 'Select and Waiting List' in the following manner:
 - (a) For Group II (A) (2) and Group I (B) (4) Officers (viz. Accounts Officer/Audit Officer and Cost Accounts Officer)

Every 1st vacancy is filled by a promoted Officer (from list 'B-1') and every 2nd and 3rd vacancy is filled by a directly recruited officer (from list 'A') and so on.

- (b) For Group I (A) (5) and Group / (9) (10) Officers (viz. Sr. Accounts Officer/Sr. Audit Officer and Sr. Cost Accounts Officer).

Every 1st and 2nd vacancy is filled by a promoted Officer (from list 'B-2') and every 3rd vacancy is filled by a directly recruited Officer (from list 'A') and so on.

- (c) For a Group I (A) (7), (8) & (9) and Group I (B) (12) (13) & (14) Officers viz.:

- (1) Financial Advisor and/or Chief Accounts Officer and/or Chief Audit Officer/ Chief Cost Accounts Officer.
- (2) Controller of Finance and or Accounts and/or Audit/Controller of Cost.
- (3) Chief Controller of Finance and/or Accounts and/or Audit/Chief Controller of Costs.

Every 1st vacancy is filled by promoted officer (from list 'B-2') and every second vacancy is filled by directly recruited officer (from list 'A') and so on.

- (3) The 'Select and Waiting List' as in Regulation 25 (1), 25 (2) (a), 25 (2) (b) and 25 (2) (c) above will remain valid for one year only or if the Board so desire until such time as the next selection is made.

26. Appointments to the Cadre of Group-II Posts

- (1) A person finally selected for appointment to the service in the manner prescribed in these Regulations shall be appointed by the Appointing Authority on the occurrence of vacancy. The appointments shall be made in the same order in which the names appear in the 'Select and Waiting List' prepared under Regulation 25 (1) and 25 (2) (a).
- (2) In case no approved candidate is available for such appointment on the 'Select and Waiting List' and if it becomes essential to make appointment in the interest of the Board, a person who is eligible for appointment by promotion to the service under these Regulations, may be appointed, but such an appointment shall in no case exceed four months, without the specific approval of Departmental Promotion Committee.

27. Appointments to Cadres of Group-I Posts

- (1) **Senior Accounts Officer/Senior Audit Officer/Senior Cost Accounts Officer**

Appointments to the posts of (a) Senior Accounts Officer/ Senior Audit Officer (b) Senior Cost Accounts Officer, shall be made by the Appointing Authority from the 'Select and Waiting List' prepared under Regulation 25 (2) I b). In making such appointments, the order in which names of the officers appear in the Select and Waiting List' shall be followed.

- (2) **Dy. Financial Advisor and/or Dy. Chief Accounts Officer and/or Dy. Chief Audit Officer and Dy. Chief Cost Accounts Officer**

Appointments to these posts shall be made by the Appointing Authority from the 'Select and Waiting list' in the same order as prepared under Regulation 22 (3).

- (3)(i) Financial Advisor and/or Chief Accounts Officer and/or Chief Audit Officer and Chief Cost Accounts Officer;
- (ii) Controller of Finance and/or Accounts and/or Audit and Controller of Cost;

(iii) Chief Controller of Finance and/or Accounts and/or Audit and Chief Controller of Costs.

Appointments to these posts shall be made by the Appointing Authority/Board from the 'Select and Waiting List' prepared under Regulation 25 (2) (c). In making such appointments, the order in which names of the officers appear in the 'Select and Waiting List' shall be followed.

Provided that where no officer exists on the 'Select and Waiting List' or when the vacancy is of a short duration not exceeding four months, an officer not on the 'Select and waiting List', may also be appointed to the post in the cadre of the service, as a temporary measure.

Provided further that if the vacancy exceed 3 four months, the officer not on the 'Select and Waiting List' appointed as a temporary measure shall not be allowed to continue on that post for any reasons whatsoever, and steps shall be taken immediately to hold the selection.

(4) Permanent Appointment

Wherever a permanent vacancy occurs in the cadres of the service, appointment In that vacancy shall be made by the Appointing Authority in a substantive capacity from the 'Select and Waiting List' in the order in which temporary and officiating appointments have been made

28. Submission of Certificates

Before a candidate directly recruited is finally approved for appointment to the service. he will be required :

- (1) To produce the original certificates prescribe~ in Regulation 13 and 16.
- (2) To submit declarations –
 - (a) of his relationship to any person employed under the Board.
 - (b) of his being free from debts.
 - (c) of all immovable property including house property owned or acquired by him or by a member of his family dependent on him; full and accurate details of such property being given by him in the form prescribed in Appendix IV, and
 - (d) for serving the Board loyally and faithfully in the form prescribed in Appendix V.
 - (e) of his marital status as per Regulation 15.

29. Probation –

1. All persons directly recruited/promoted on a post shall on appointment be placed on probation for a period of two years from the date of taking over charge of the appointment.

Provided that the Appointing Authority may

- (a) for sufficient reasons, extend the period of probation in individual cases by a further period not exceeding two years. Any such extension shall specify the exact date upto which the extension is granted but continuance in service beyond the date upto which the period of probation is extended would not in the absence of specific order to that effect amount to confirmation,
- (b) allow to count towards the period of probation continuous service, if any, rendered in an officiating or temporary capacity in a post in the cadre of the service.

2. If it appears at any time, during or at the end of the period of probation or extended period of probation, that an officer has not made sufficient use of this opportunities or has otherwise failed to give satisfaction he may be reverted to his substantive post, if he has any under the Board, or his service may be dispensed with if he has none.
3. A candidate whose services are dispensed with under sub-regulation (2) above shall not be entitled to any compensation.

30. Confirmation –

On successful completion of probation period, including any extended period of probation, an officer shall be confirmed on the post by specific orders to be issued by the Appointing Authority on the availability of permanent post subject to fulfilling all other conditions as may be specified by the Board from time to time in this behalf.

31. Seniority -

The seniority of officers on their appointment to the service shall be determined according to the date of the order of appointment to a particular post in the cad re of the service:

Provided firstly that if two or more candidates are appointed on the same date, their seniority inter-se shall be determined according to the order in which their names appear in the orders of appointment issued by Appointing Authority.

Provided secondly that the Appointing Authority may direct that an officer whose period of probation is extended for unsatisfactory work, be placed in the seniority list at the bottom of the 'Select and Waiting List' of his batch.

Provided thirdly that the relative seniority of members of service who are appointed by direct recruitment shall be in accordance with the order of preference in which they are placed by the Selection Committee at the time of selection under Regulation 20 (2).

Provided fourthly that as between candidates who are appointed by direct recruitment and who are recruited by promotion in the same year, the seniority shall be determined in the order in which their names are arranged in the 'Select and Waiting List' prepared under Regulation 25 (2) (a), 25 (2) (b) or 25 (2) (c) as the case may be.

Provided fifthly that if in any year, it has not been possible to prepare the combined 'select and Waiting List' due to late selection either from the departmental candidates or from open competition due to any other unavoidable reason, the names in the gradation list shall be arranged in the same order in due course in respect of the vacancies allotted to both the categories of candidates in that particular year as in the combined 'Select and Waiting list' referred to under Regulation 25 (2) (a), 25 (2) (b) and 25 (2) (c) and the seniority determined accordingly.

Provided sixthly that where an officer is not considered fit for promotion at any particular selection/occasion and it is mentioned in the proceedings of the Departmental Promotion Committee that the officer is passed over only on account of some adverse entry or some enquiry or disciplinary proceedings pending against him and that he is otherwise considered fit for promotion and his representation against such adverse entry or such enquiry or disciplinary proceeding is eventually decided or terminated in his favour, his seniority will be determined as If he was selected at that particular selection/occasion.

Provided seventhly that the seniority of the persons absorbed on a post on the Board's standard terms and conditions of service from the Ex-licensees shall be fixed at the bottom of the approved 'Select and Waiting List' of that post available on the date of absorption of such person (s).

PART – VIII

Pay

32. Scale of Pay -

The scale of pay admissible to the members of the service shall be such, as may be decided by the Board from time to time The present scales of pay are at the Appendix – I.

Provided that the Board may, upon the recommendation of the appropriate selection committee, allow a candidate a higher start within the approved limits in view of his special qualification/experience.

33. Pay During Probation

- (i) A person appointed to the service by direct recruitment other than one already in Board's service, shall during the first year of his probation, receive the initial pay of the post on which he is appointed. He will receive his first Annual increment on satisfactory completion of one year of his probation and the second increment on satisfactory completion of second year of probation provided that if the period of probation is extended on account of failure to give satisfaction, such extended period shall not count for increment unless the Appointing Authority directs otherwise.
- (ii) The pay during probation of person already in Boards service shall be regulated by the relevant rules referred to in FHB VOL II Part II to IV as amended from time to time.

34. Criteria For Crossing The Efficiency Bar -

- (i) No member of the service shall be allowed to cross the first efficiency bar unless he is found to have worked efficiently, satisfactorily and to the best of his ability and his integrity is certified to be above Board.
- (ii) No member of the service shall be allowed to cross the second efficiency bar unless it is certified that he has continued to work satisfactorily, effectively and honestly, has displayed adequate skill and has acquired adequate experience and knowledge of Board's rules & regulations, and his integrity is certified to be above Board.

PART – IX

Other Provisions

35. Canvassing -

No recommendation for recruitment, either written or oral other than that required under these regulations shall be taken into consideration, and any attempt on the part of a candidate to enlist support, directly or indirectly, for his candidature will render him liable for disqualification.

36. Regulation of Pay & Allowances, Pension etc.

The pay and allowances, pension leave and other conditions of service shall be regulated by the rules of the State Government applicable to similar category of officials as may be or may have

been adopted by the Board until the promulgation of appropriate regulations in this behalf by the Board

37. Saving -

Notwithstanding anything contained in these regulations:

- (a) The conditions of service of persons who have been appointed or may be appointed to posts in service or to posts declared in addition to the cadres of the service, on foreign service from the State Govt. or on deputation from elsewhere shall be governed by such terms and conditions as may have been or may be settled between the Board and the State Govt. or other Appointing Authorities, as the case may be.
- (b) The selection and appointments already made to the posts/cadres of the Service before the promulgation of these Regulations shall be deemed to have been made in accordance with these Regulations.
- (c) The conditions of Service of persons of the Electricity Supply Undertakings, who have been taken over or may, in future, be taken over by the Board and who may be holding or who may hold posts in the cadres of the service or posts declared in addition to the cadres of the Service shall be governed by the Board's standard terms and conditions of service if they have been taken over by the Board on such terms, and conditions or by the ex-licensee's terms and conditions if they have been taken over on such terms, as the case may be, unless they are given option and they opt to be governed by such rules and regulations as may be promulgated by the Board hereafter in this behalf.
- (d) The conditions of service of Government Servant and also of the employees of Undertakings whose services have been or may be taken over by the Board shall be governed by these Regulations

38. Relaxation -

1. Nothing in these Regulations shall be construed to limit or abridge the power of the Board to deal with the case of any person appointed by the Board and governed by these regulations in such manner as may appear just and equitable
2. When the Board considers it expedient to do so, it may make any appointment or appointments to the service in relaxation of these regulations or in partial relaxation of any or some of the regulations and, in case of any appointment which is not in strict accordance with these regulations, such appointments shall be deemed to have been made in relaxation of these regulations.

39. Delegation of Powers

The Board may, whenever deemed expedient delegate any of its powers to any officer or authority under these Regulations or the powers conferred on any officer or authority under these Regulation to any other Officer or authority.

40. Interpretations of Regulation

In case of any doubt or in the event of conflicting claims assessing about the interpretation of any regulation, sub-regulation or clause thereof, the Chairman's interpretation shall be final and

binding.

41. Repeal -

The U. P. SEB Accounts Officers (Class I) Regulations, 1970, and U. P. SEB Accounts Officers (Class II) Regulations 1970, are hereby repealed except in respect of things done or omitted to be done there under.

U. P. State Electricity Board Service of Engineers (Integration and Seniority) Regulations, 1976

1. Short Title and Commencement

- (a) These regulations shall be called the U P. State Electricity Board Service of Engineers (Integration and Seniority) Regulations, 1976.
- (b) They shall come into force at once.

2. Definitions

In these regulations unless the context otherwise requires:-

- (i) 'Board' means the U.P. State Electricity Board;
- (ii) 'Commission' means the Public Service Commission, Uttar Pradesh;
- (iii) 'Government' means the Government of Uttar Pradesh;
- (iv) 'Irrigation Department' means the Irrigation Department of the Government;
- (v) 'KESA' means the Kanpur Electricity Supply Administration;
- (vi) 'Electricity Department' means the erstwhile Electricity Department of the Government;
- (vii) 'Promote' with its cognate expressions and grammatical variations, means an Assistant Engineer promoted from amongst the members of the Subordinate Electrical and Mechanical Engineering Service now called Junior Engineers (Electrical and Mechanical) or Overseers (Civil), now called Junior Engineers (Civil), as the case may be;
- (viii) 'Ex-licensee' means a licensee whose undertaking, on the expiry or revocation of his license has been taken over by the Board;
- (ix) 'Regular appointment' means an appointment made on the basis of regular selection and does not include a provisional or ad-hoc appointment;
- (x) 'Regular Selection' means a selection made in accordance with the rules, regulations or orders applicable in that behalf through a Selection Committee/Selection Board of the Commission.

3. Integration of Engineers from Different Sources

The Engineers from the following sources are hereby merged and integrated into one cadre of Electrical and Mechanical Engineers called the U.P. State Electricity Board (Electrical and Mechanical) Engineers Service;

- (a) Electrical and Mechanical Engineers of Electricity Department of Government who resigned from the Government service and have been absorbed in the service of the Board;
- (b) Electrical and Mechanical Engineers of KESA who resigned from the Government service and have been absorbed in the Service of the Board;
- (c) Engineers taken over from the ex-licensee from time to time;

Explanation:

Engineers taken over from ex-licensees from time to time means an Engineer whose status has been determined as Assistant Engineer and above by the Committee referred to in Regulation

- (d) Engineers directly recruited by the Board from time to time; and
- (e) Promotees of the Electrical and Mechanical branch, including Executive and Superintending Engineers promoted from among such promotees

4. Integration of Civil Engineers from Different Sources

The Engineers drawn from the following sources are hereby merged and integrated into one cadre of Civil Engineers known as the U. P. State Electricity Board (Civil) Engineers Service;

- (a) Civil Engineers of the Irrigation Department who resigned from the Government Service and have been absorbed in the service of the Board;
- (b) Civil Engineers directly recruited by the Board; and
- (c) Promotees of the Civil branch, including Executive and Superintending Engineers promoted from among such promotees.

5. Seniority of Electrical and Mechanical Engineers

Seniority of Electrical and Mechanical Engineers on their integration under Regulation 3 shall be determined on the post of Assistant Engineer as under;

- (i) Seniority inter se of Electrical and Mechanical Engineers of the Electricity Department who resigned from Government service and have been absorbed in the service of the Board shall be the same as determined in the Government, and in cases where seniority is not so determined it shall be determined from the date of substantive appointment in the Government and in its absence in the Board
- (ii) Seniority inter-se of the KESA Engineers shall be the same as determined in the KESA and in cases where seniority is not so determined it shall be determined according to the date of substantive appointment in the KESA and in its absence in the Board.
- (iii) Seniority of Electrical and Mechanical Engineers directly recruited by the Board shall be determined according to the date of regular appointment in the Board.

Provided that persons selected against substantive vacancies will be senior to persons selected against temporary or officiating vacancies:

Provided further that officers appointed in any year under the guaranteed scheme shall be placed at the top of all other officers appointed in that year:

Provided also that inter se seniority of officers appointed in any year under the guaranteed scheme shall be determined according to the date of order of appointment and if the date of order of appointment happens to be the same then the person older in age shall be placed higher

- (iv) Seniority of the Engineers of KESA vis-a-vis Engineers of the Electricity Department shall be determined according to the date of their regular appointment in the Electricity Department or KESA. as the case may be

Provided that in case the date of regular appointment of two officers, one belonging to the Electricity Department and the other of the KESA happens to be the same, the *one*

who is older in age shall be treated as senior.

Explanation:

In determining seniority under this clause the respective dates of confirmation of the KESA officers and officers of the Electricity department shall not be taken into account.

- (v) Seniority of Electrical and Mechanical Engineers of the Electricity Department who have been absorbed in the service of the Board vis-a-vis the Electrical and Mechanical Engineers directly recruited by the Board shall be determined according to their date of regular appointment in the Government or Board, as the case may be.
- (vi) Seniority of promotee Assistant Engineers vis-a-vis directly recruited Assistant Engineers shall be determined as under.
 - (a) the number of vacancies shall for purposes of seniority between the promotes and Assistant Engineers recruited directly, shall be worked out year wise and the names shall-
 - (i) in the case of persons promoted before 1-11-67 shall be arranged in such a way that every first and sixth vacancy is filled by a promotee.
 - (ii) in the case of persons promoted after 31.10.67 shall be arranged in such a way that every first and fifth vacancy is filled by a promoted candidate.
 - (b) If in any particular year vacancies earmarked for promotees are not filled from the promotees for want of selection having been held in that year, the promotees who were eligible for promotion in that year and are selected at the very next selection would be assigned the seniority of the year in which the vacancies occurred but were not filled for want of selection. However, if in the said next selection such promotees are not selected but are selected in any of the subsequent selections they shall be assigned seniority only of the year in which they are actually selected.

Illustrations –

- (i) There were vacancies earmarked for promotees in the year 1972; but in that year no selection is held. In the very next selection held in the year 1973, 'X' a promotee who was eligible for selection in the year 1972, is considered and is selected, he will be given seniority of the year 1972.
- (ii) In the year 1972, there were vacancies earmarked for promotion from Junior Engineers, -Y', a promotee was eligible for appointment as Assistant Engineer. In the said year. No selection is, however, held in that year. In the very next selection held in the year 1973, 'Y' is considered but is not selected. He is again considered for promotion in the selection held in the year 1974 and is selected. He shall be given seniority of the year 1974 and not of the year 1972 or 1973.
- (c) The seniority of the promotees vis-a-vis the direct recruits shall
 - (i) in the case of persons promoted up to 31.10.67 be fixed in the ratio of 1 :4-one promotee to be followed by four direct recruits, and so on; and
 - (ii) in the case of persons promoted up to 31.10.67 be fixed in the ratio of 1 :3-one promotee to be followed by three direct recruits and so on

6. Seniority of Engineers from Ex-Licensee Companies

- (1) Status of an Engineer taken over from an ex-license company vis-a-vis Engineers from other sources will be determined as on the date of such take over, by the committee referred to in sub-regulation (2) having regard to the following comparable factors:
 - (a) The post or posts held by the Engineer in the ex-licensee company, the nature of the work and the responsibilities of such post or posts;
 - (b) His academic qualifications;
 - (c) Total length of service in the ex-licensee company followed by his service in the Board;
 - (d) his age on the date on which the company is taken over;
 - (e) scale or scales of pay during his tenure of service of the ex-licensee company; and
 - (f) pay fixed in the Board after the take over of the ex-licensee company.
- (2) The Committee referred to in sub-regulation (1) shall consist of:
 - (i) Chairman;
 - (ii) One whole time Member of the Board nominated by Chairman.
 - (iii) Law Officer of the Board.
- (3) Once the status of the officer has been determined -as on the date of the said take over, that is whether he would be Assistant Engineer or Executive Engineer or Superintending Engineer or on a higher post on that date, he shall be placed just below the last officer holding the post of Assistant Engineer, Executive Engineer, Superintending Engineer or any higher post, as the case may be (whether in substantive, temporary or officiating capacity) on that date, and the seniority shall be determined accordingly.

7. Seniority of Civil Engineers:

Seniority of Civil Engineers on their integration referred to in Regulation 4 shall be determined as Assistant Engineer as under. :

- (i) Seniority inter-se of the Civil Engineers of the Irrigation Department who resigned from the Government service and have been absorbed in the service of the Board shall be in the same as determined in the Government, and in cases where seniority is not so determined it shall be determined from the date of substantive appointment in the Government and in its absence in the Board.
- (ii) Seniority of Civil Engineers directly recruited by the Board shall be determined according to the date of regular appointment in the Board:
Provided that persons selected against substantive vacancies will be senior to persons selected against temporary or officiating vacancies:
- (iii) Seniority of Civil Engineers of the Irrigation Department who have been absorbed in the service of the Board vis-a-vis the Civil Engineers directly recruited by the Board shall be determined according to their date of regular appointment in the government or Board, as the case may be:
Provided that persons selected against substantive vacancies shall be senior to persons selected against temporary or officiating vacancies.
- (iv) The Provisions of clauses (ii) and (iii) above shall be subject to the following namely:
 - (a) In case the date of regular appointment of two officers happens to be the same, then the seniority shall be determined by the order of merit indicated at the time of selection

- failing which, the one who is older in age shall be senior.
- (b) While determining the seniority under clause (ii) and (iii) above, Engineers directly recruited by the Board before the commencement of these Regulations shall be given advantage of as many years of service as is the number of advance increments which are allowed to them at the time of recruitment by the Board. In doing so, no officer shall, however, be given advantage beyond the date of his initial regular appointment in the U. P. or Central Government Departments in consideration of the services for which advance increments were so allowed.
 - (v) Seniority of promotees vis-a-vis Engineers recruited by the Board directly shall be determined as under:
 - (a) The number of vacancies shall for the purpose of determination of seniority be worked out year-wise and the same shall be arranged in such a way that every first and fifth vacancy is filled by a promoted candidate.
 - (b) If in any particular year vacancies earmarked for promotees are not filled from the promotees for want of selection having been held in that year, the promotees who were eligible for promotion in that year and are selected at the very next selection would be assigned the seniority of the year in which the vacancies occurred but were not filled for want of selection. However, if in the said next selection such promotees are not selected but are selected in any of the subsequent selections they shall be assigned seniority only of the year in which they are actually selected,

Illustration:

- (i) There were vacancies earmarked for promotees in the year 1971, but in that year no selection is held. In the very next selection held in the year 1973, 'A', a promotee who was eligible for selection in the year 1972, is considered and is selected he will be given seniority of the year 1972.
- (ii) In the year 1972, there were vacancies earmarked for promotion from Junior Engineers. 'B', a promotee was eligible for appointment as Assistant Engineer in the said year. No selection is held in that year. In the very next year selection held in the year 1973, 'B' is considered but is not selected. He is again considered for promotion in the selection held in the year 1974 and is selected. He shall be given seniority of the year 1974 and not of the year 1972 or 1973.
- (c) The seniority of the promotees vis-a-vis the direct recruits shall, thereafter, be fixed in the ratio of 1:3 - one promotee to be followed by three direct recruits and so on.

8. Seniority of Promotion Posts

- (1) There shall be separate seniority in each category of promotion posts and as such 8 separate seniority list shall be maintained in respect of each of the cadres of Executive Engineers, Superintending Engineers, Deputy Chief Engineers, Additional Chief Engineers and Chief Engineers.
- 2. Except as provided in sub-regulation (3) and (4):
 - (a) Persons selected at an earlier regular selection shall rank senior to persons selected at any subsequent regular selection.
 - (b) An officer confirmed on a promotion post Executive Engineer, Superintending Engineer, Deputy Chief Engineer, Additional Chief Engineer or Chief Engineer earlier shall rank senior to an officer confirmed on that post later:

Provided that the names of the officers selected at one selection shall (except in regard to

the post of Executive Engineer for which selection is made on the basis of seniority subject to the rejection of the unfit) be rearranged according to their inter se seniority on the post from which promotion is made and the seniority on the promotion shall be determined according to the position at the select list as rearranged.

Provided further that where an officer is not considered fit for promotion confirmation at any particular selection occasion and it is mentioned in the proceedings of the Selection Committee or of the confirming authority that the officer is passed over only on account of some adverse entry or some inquiry or disciplinary proceeding pending against him and that he is otherwise considered fit for promotion confirmation and his representation against such adverse entry or such inquiry or disciplinary proceeding is eventually decided or terminated in his favour, his seniority will be determined as if he was selected/ confirmed at that particular selection/occasion.

- (3) The seniority of officiating Executive Engineers, of those officers of the Electricity Department who were posted at the Rihand Dam, Hydro Electric Division and KESA and were as such not considered for promotion as Executive Engineers along with their juniors in the Electricity Department but were selected for promotion at subsequent selections, shall be determined according to their seniority in the Electricity Department.
- (4) The inter-se seniority of Government officers' absorbed in the service of the Board, while officiating in any cadre of the Board's service shall be the same as on the post held by them in the Government in a permanent/ substantive capacity and in the case of those officers who were not permanent on any post at the time of absorption, shall be the same as on the lower post held by them after regular selection in an officiating capacity.

9. Consequential Provisions

If as a result of determination or rearrangement of seniority under any of the foregoing regulations it is desired that.

- (1) An officer becomes eligible for promotion to a post from a back date, his case will, unless he is already selected for promotion to that post be taken to the Selection committee and in the event of his selection he will be deemed to have been selected for promotion from the said back date, and his pay from the date on which he actually started officiating on the post to which he is so selected for promotion shall be fixed at the same stage at which his next junior officer in the order of seniority is getting his pay on that date, but shall not be entitled to any arrears for the period prior to such date.
- (2) a senior officer has not been confirmed on a post while his junior is so confirmed, shall if he is otherwise found fit for such confirmation be confirmed with effect from the date on which the Engineer immediately below him was confirmed.
- (3) an officer who is assigned a lower position than what had been assigned earlier and such lower position does not entitle him to a promotion already given to him, shall not be reverted or reduced in rank, but in the matter of future promotion his seniority as rearranged shall prevail:

Provided that this protection will not be available in the case of ad-hoc promotions.

10. Overriding Effect of these Regulations.

These regulation shall have effect notwithstanding anything in consistent therewith in any

other regulations, rules or orders in force on the date of commencement of these regulations.

11. Removal of Difficulties. -

If any difficulty arises in giving effect to these regulations (of the existence of which the Board shall be the sole judge), the Board may make any general or special provision, as it may consider necessary or expedient in the interest of fair dealing or in the public interest.

Uttar Pradesh State Electricity Board (Officers and Servants) (Conditions of Service) Regulations, 1975

1. Short Title and Commencement

- (1) These Regulations may be called the U.P. State Electricity Board (Officers and Servants) (Conditions of Service) Regulations 1975.
- (2) They shall come into force at once.

1-A. Authority Competent to Remove, Dismiss etc.

The authority who is empowered by or under any of the Board's Regulations for the time being in force to appoint an officer or servant of the Board or any authority to which such authority is subordinate, shall be competent authority to dismiss, remove, reduce in rank or compulsorily retire such officer or servant.

All matters relating to conduct and discipline (including matters relating to punishment) and to termination, reversion and compulsory retirement of persons appointed:

- (a) to the Board,
- (b) Government servants who were originally employed under the State Government and after resignation were absorbed in the service of the Board in pursuance of State Government order No. 3670-E/71-XXIII-PB, dated July 1, 1971, the Board may initiate or recommence any disciplinary proceedings in respect of their acts and omissions during the period when they were employed under the State Government except in cases where disciplinary proceedings were finally concluded on merits while they were so employed under the Government.
- (c) Such servants of the Board as are workman employed in any industrial establishment under the control of the Board, notwithstanding any thing contained in any other law for the time being in force;

shall be regulated mutatis mutandis and subject to any other regulation for the time being in force (including Regulations 1-A and above and 3, 4 and 6 below) by rules and orders for the time being in force and applicable to corresponding categories of Government Servants under the rule making control of the Governor of Uttar Pradesh with the substitution of references in such rules to the Governor or the State Government by reference to the Board.

- 3.(1) No such person as aforesaid shall be dismissed, removed or reduced in rank except after enquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that where it is proposed after such inquiry to impose upon him any such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty imposed.

Provided further that this clause shall not apply –

- (a) to an order of termination of service of a temporary officer or 'servant of the Board by the authority for the time being competent to make appointments to the post held by him or by any authority to which such authority is subordinate, whether the same be founded on any

charges against him or on administrative ground or due to his services being no longer required provided that such charges, if any, are not mentioned in the order issued to him; or

- (b) to an order of reversion from an officiating appointment to the post substantively held by such officer or servant, whether on the basis of any charges against him or on administrative grounds, provided that such charges, if any, are not mentioned in the order issued to him; or
 - (C) to an order of compulsory retirement at any time after his attaining the age of 50 years under the U.P. State Electricity Board (Employees' Retirement) Regulation 1975; or
 - (d) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
 - (e) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or
 - (f) where the Governor is satisfied that in the interest of security of the State or of the Board it is not expedient to hold such inquiry or to give such opportunity and, accordingly directs the Board to dismiss or remove such officer or servant.
- (2) If in respect of any officer or servant of the Board the Governor issues any direction as is referred to in proviso (f) to sub-clause (1), the Board shall comply with such direction forthwith
- 4 The Chairman or Secretary shall have power to suspend any officer or servant of the Board pending or in contemplation or an inquiry or during the tendency of a criminal investigation inquiry or trial against him.

Provided that in respect of officer of the rank of Superintending Engineer and above such power shall be exercised only by the Chairman.

Provided further that in the case of officers of the rank of Superintending Engineer and above an appeal shall lie for such order of the Chairman to the Board and in the case of other officers an appeal shall lie from the order of Secretary to the Chairman.

Provided also that in the case of other officers and servants the power of such suspension may also be exercised by any appointing authority or by any other authority to whom, power of suspension is delegated under any other Regulation, and an appeal from the order passed by an authority under this provision shall lie to the next higher authority.

5. U.P. State Electricity Board [Officers and servants] [Conditions of Service] Regulation, 1973 are hereby rescinded except as respects things done or omitted to be done thereunder

6. Constitution of Committee to Inquire into Cases: -

- (1) The Board may from time to time constitute one or more enquiry committees, as it may consider necessary for inquiry into allegations, complaints or charges against officers and servants.
- (2) Every Enquiry Committee constituted under clause (1) shall consist of the following:

- (i) A Chief Engineer or Additional Chief Engineer, UPSEB ----- (Convener)
- (ii) A Law Officer or Additional Law Officer, UPSEB ----- (Member)
- (iii) An Officer from the Accounts Branch of UPSEB not below the rank of Accounts Officer nominated by the Chairman in that behalf ----- (Member)

Provided that if at any stage of the proceedings, it comes to notice that the convener or any member of the Inquiry Committee has in his capacity otherwise than as Member of the Inquiry Committee already dealt with or expressed opinion in, any case which is the subject matter of inquiry under these Regulations, the Chairman shall forthwith appoint another person to replace him. Until such replacement is made the proceedings of the case shall remain suspended and shall after such replacement recommence from the stage at which they were suspended.

Provided further that where the convener or any Member of any Inquiry Committee is, due to transfer, leave, absence or any other reason, whatsoever, unable to perform his duties as such, or the Chairman for any other reason considers it expedient in the interest of smooth and proper working of the Inquiry Committee so to do, the Chairman may, subject to subsequent ratification by the Board appoint any other person (s) in place of such convener or Member, as the case may be.

- (3) The Chairman or Secretary, U. P. State Electricity Board may refer an inquiry against an officer or servant or against a group of officers or servants of the Board to the Inquiry Committee constituted under Sub-regulation (1) and it shall be lawful for the Inquiry Committee to hold and conduct the inquiry. and take such action, including framing of charge sheet, as may be necessary under the rules or orders referred to in Regulation 2, and forward its report together with recommendations, if any, regarding action to be taken against the person or persons proceeded against, to the Chairman or Secretary of the Board, as the case may be :

Provided that where at the time of commencement of this regulation any disciplinary proceedings against Boards Officers or servants covered by sub-regulation (1) are hereby pending under Regulation 2 and 3, the Chairman or, in the case of servants and officers not below the rank of Superintending Engineer, the Secretary, U. P. State Electricity Board, may, in his discretion, in the interest of just and expeditious disposal of the case transfer such proceedings to the Inquiry Committee constituted under sub-regulation (1). On such transfer, it shall be open to the Inquiry Committee to proceed with the inquiry from the stage at which it was at the time of such transfer:

Provided further that no inquiry or proceedings shall be referred or transferred as the case may be, under this sub-regulation unless at least one of the officers involved in such inquiry or proceedings is of the rank of Assistant Engineer or above.

- (4) The Chairman shall in relation to officers and servants upto the rank of Superintending Engineer deal with the report and recommendations of the Inquiry Committee in accordance with the relevant regulations and pass final orders. In the case of officers above the rank of Superintending Engineer, the Chairman shall place the report of the Inquiry Committee alongwith its recommendations, if any, before the Board, who shall pass final orders.
- (5) An appeal or representation, as the case may be, from the orders of the Chairman passed under sub-regulation (4) shall lie to the Board

- (5-A) A copy of the report of the authority which conducted the departmental inquiry, including the records of oral evidences, if any, may be supplied to the charged Board's servants on payment by him in cash of charges at the rate of Rs. 5/- (Rupees Five) for every 1500 words or part thereof.
- (6) Any action taken by the Inquiry Committee under sub-regulation (3) and any order passed by the Chairman or the Board under sub-regulation (4) or sub-regulation (5) shall be valid, notwithstanding anything inconsistent in any other regulation in force at the commencement of this regulation, which shall to the extent of such inconsistency be deemed to have been modified.

U. P. S. E. B. Administrative Tribunals Regulations, 1973

- 1.(1) These regulations may be called the U.P. State Electricity Board Disciplinary Proceedings (Administrative Tribunal) Regulations, 1973.
- (2) They shall come into force with effect from November 1, 1973.
- (3) They shall apply to
 - (a) all employees of the U.P. State Electricity Board,
 - (b) all Government Servants who were originally employed under the State Government and after resignation were absorbed in the service of the Board in pursuance of State Government Order No. 3670E/71-XXII 1- PB, dated July 1, 1971 the Board may initiate or recommence any disciplinary proceedings in respect of their acts and omissions during the period when they were employed under the State Government except in cases where disciplinary proceedings were finally concluded on merits while they were so employed under the Government;
 - (c) all such servants of the Board as are workmen employed in any industrial establishment under the control of the Board, notwithstanding anything contained in any other law for the time being in force under the regulation making control of the Board and will be applicable to any acts, omissions or conduct arising before the date of the commencement of these Regulations as they are applicable to those arising after that date.
- (4) They shall also apply to all persons who have retired from such Board's service as is referred to in sub-regulation (3) in so far as required for purposes mentioned in Regulation 10(2).
2. For the purposes of these Regulations unless there is any thing repugnant in the subject or context
 - (a) 'Board' means the U P. State Electricity Board;
 - (b) 'Chairman' means the Chairman of the U.P. State Electricity Board;
 - (c) 'Government' or the 'State Government' means the Government of Uttar Pradesh;
 - (d) 'Tribunal' means the Administrative Tribunal Constituted under Regulation 3
3. (1) The Board may from time to time constitute one or more Administrative Tribunals, as it may consider necessary for enquiry into such cases or classes of cases as the Board may by general or special order direct.
- (2) Each Tribunal shall consist of two members, one of whom shall be an officer of adequate seniority to be the head of a department or the Commissioner of Division under the State Government and the other a Judicial Officer qualified for appointment as a Judge of the High Court:

Provided that nothing herein contained shall prevent the appointment of the same person as member of more tribunals than one.
- (3) The Board shall nominate one of the members of each Tribunal to be the presiding officer of that Tribunal.
- (4) Without prejudice to the generality of its power to replace any member whose services cease to be available for functioning as such, the Government may, if it is satisfied, that it is

expedient so to do for the ends of justice, transfer any case pending before any Tribunal either to another Tribunal having a new set of member or to a Tribunal reconstituted by replacing one of its members.

- (5) Notwithstanding anything in the foregoing sub-regulations, the Board may, with the prior concurrence of the State Government appoint as its Tribunal the Tribunal constituted by Government under Rule 3 of the U.P. Disciplinary Proceedings (Administrative Tribunal) Rules, 1947.
- (6) The Tribunal shall be assisted by an assessor who will be appointed by the Board taking into account the rank of the charged employee, so however, that he shall always be an employee drawing pay in a scale higher than that of the charged employee or, where more than one employee has been charged in the same proceedings, in a scale of pay higher than that of the highest charged employee.
- (7) Where no officer drawing pay in a scale higher than the charged employee is available for appointment as assessor under sub-regulation (6), the Board may appoint as assessor an officer drawing higher pay than, though in the same scale as, the charged employee.
- (8) If an officer appointed as assessor fulfilled the qualifications mentioned in sub-regulation (6) or sub-regulation (7) at the time of his appointment as such, he shall, unless otherwise ordered by the Board continue to act as Assessor, notwithstanding that, during the continuance of the proceedings before the Tribunal –
 - (i) the charged employee has got into the same pay scale as such assessor; or
 - (ii) such assessor has retired from the Board's service and has been simultaneously re-employed in the post from which he retired.
4. The Chairman may refer to the Tribunal cases relating to an individual employee of the Board or to a class of such employees in respect of any imputation of misconduct or misbehavior.
5. (1) In forwarding any case to the Tribunal, the Board shall state –
 - (a) the particulars of the official involved;
 - (b) the substance of the imputations of misconduct or misbehavior reduced into definite and distinct articles of charge;
 - (c) a statement of imputations of misconduct or misbehavior in support of each article of charge, which shall contain
 - (i) a statement of relevant facts, including any admission or confession made by the official,
 - (ii) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.
- (2) The Tribunal shall have the power to amend the articles of charge but not so as to affect the substance thereof and also to make any correction in the statement of the imputations of misconduct or misbehavior in support of each article of charge.
- (3) The Tribunal may, where it thinks fit, in the interest of justice, summon and examine any witness not included in the list referred to in sub-regulation (1).
- (4) The Tribunal shall be entitled to the perusal of all records having a bearing on the case before it.

6. Subject to the general or special directions of the Chairman the Tribunal may hold its sitting at any place in Uttar Pradesh.
- 7.(1) The proceedings of the Tribunal shall be held in camera.
 - (2) The Chairman may appoint a Board's servant or a legal practitioner to be known as the presenting officer to present the case in support of the articles of charge.
 - (3) The charged employee may take the assistance of any other employee of the Board to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the presenting officer appointed by the Chairman is legal practitioner, or the Tribunal, having regard to the circumstances of the case, so permits:

Provided that nothing in this sub-regulation shall be constructed to authorize the payment of any traveling or daily allowance to any employee for enabling him to assist the charged employee.
 - (4) If the charged employee who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the Tribunal, the Tribunal shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Tribunal shall record the plea, sign the record and obtain his signatures thereon.
- 8.(1) The Tribunal shall, in each case, make such enquiry as may be appropriate.
 - (2) In conducting such inquiry the Tribunal shall be guided by rules of equity and natural justice and shall not be bound by formal rule relating to procedure and evidence.
- 9.(1) If a member of the Tribunal ceases at any time to be available for functioning as such, the remaining member shall be deemed to validly constitute the Tribunal for the purpose of cases pending before it.
 - (2) The replacement of a member of, or an assessor appointed to assist, a Tribunal during the tendency of any case or the transfer of any case from one Tribunal to another shall not necessitate the reopening of the proceedings of such case or a de nova enquiry into it.
 - (3) If a member or assessor, if any, is absent at a particular hearing then the remaining member with the assessor or, as the case may be, both the members without the assessor, may proceed with the case.
- 10.(1) After completing its proceedings, the Tribunal shall make a record of the case in which it shall state the charges, the explanation, its own findings and the views of the assessor. It shall, where satisfied that punishment be imposed, also formulate its recommendations about punishment.
 - (2) The Tribunal may recommend any punishment mentioned in the Civil Services (Classification, Control and Appeal) Rules as applicable to the Board's employees or compulsory retirement with or without full or proportionate pension, or with or without gratuity or compassionate allowance as it may deem suitable or in the case of a retired Board's employee may recommend any action under Article 351-A, Civil Service Regulations as adopted by the Board vide B.A. No. 265-EjSEB-13j1960, dated February 19, 1964.
 - (3) Where the Tribunal make a recommendation for compulsory retirement as aforesaid it shall be competent to the Board to impose that penalty, notwithstanding that it is not a penalty mentioned in the Civil Services (Classification, Control and Appeal) Rules.

11.(1) On receipt of the recommendations of the Tribunal. the Chairman may pass an order awarding the punishment recommended by the Tribunal or a bigger or lesser punishment or pass such other order as he may deem fit.

(2) Before awarding any punishment the appointing authority shall give reasonable opportunity to the charged employee of making representation against the proposed punishment.

Explanation- A copy of the recommendation of the Tribunal as to penalty shall also be furnished to the charged employee where a penalty of dismissal, removal, compulsory retirement or reduction in rank is proposed to be imposed on him.

(3) The Chairman may at any time, if he considers necessary, call for a clarification or supplementary finding from the Tribunal, provided that a copy of every such report from the Tribunal shall be furnished to the charged employee, if any penalty of dismissal, removal, compulsory retirement or reduction in rank is proposed to be imposed on him.

(4) No appeal shall be against an order passed under this regulation

12.(1) Notwithstanding anything in these Regulations, the Chairman may refer to the Tribunal case against a retired employee where proceedings are proposed to be held under Article 351-A of the Civil Services Regulations.

(2) Where an employee retires during the pendency of any proceedings against him under these Regulations, the Chairman may order the proceedings to be continued for purpose of Article 351-A of the Civil Service Regulations.

(3) For the purposes of proceedings under this regulation an assessor to be appointed in the case of a retired employee shall be of a rank not lower than the rank held by the charged employee before his retirement.

13. During or in contemplation of proceedings under these Regulations an employee may be placed under suspension by the authority competent to order suspension under any regulations for the time being in force.

14. Nothing in these Regulations shall be deemed to affect the conduct of disciplinary proceedings in cases other than those specifically dealt with under the provisions of these Regulations.

15. A copy of an order or other document may be issued to the charged Board's servant at the discretion of the Tribunal On payment by him of charges at the rate of Rs. 5/- for every 1, 500 words or part thereof.

U. P. State Electricity Board (Employees' Retirement) Regulations, 1975

1. Short title and commencement

(i) These regulations may be called the U. P. State Electricity Board (Employees' Retirement) Regulations, 1975.

(ii) They shall come into force at once.

2. Date of compulsory retirement

(a) Notwithstanding any rule or order or practice hitherto followed and except as provided otherwise in other clauses of this Regulation, the date of compulsory retirement of a Board's

employee other than a Board's employee in inferior service, is the date on which he attains age of 58 years. He may be retained in service after the age of compulsory retirement with the previous sanction of the Board in writing, but he must not be retained after the age of 60 years except in very special circumstances.

- (b) The date of compulsory retirement of a Board's employee in inferior service whose counterparts in State Government are entitled to serve up to the age of 60 years, is the date on which he attains age of 60 years; He must not be retained in service after that date except in very special circumstances and with the previous sanction of the Board in writing,
- (c) Notwithstanding anything contained in clause (a) or clause (b) the appointing authority or any authority to which the appointing authority is subordinate may, at any time by notice to any Board's employee (whether permanent or temporary), without assigning any reason require him to retire after he attains the age of fifty years, or such Board's employee may by notice to the appointing authority voluntarily retire at any time after attaining the age of forty-five years or after he has completed twenty years of qualifying service.

Explanation –

Such action may be taken on the basis of his inefficiency or any other charge against him or on administrative grounds or due to his services being no longer required, or for any other reason whatsoever, but no such charge, if any, shall be mentioned in the order issued to him.

- (d) The period of such notice shall be three months:

Provided that –

- (a) any such Board's employee may, by order of the appointing authority or any authority to which the appointing authority is subordinate, without such notice or by a shorter notice, be retired forthwith at any time after attaining the age of fifty years, and on such retirement the Board's employee shall be entitled to claim a sum equivalent to the amount of his pay plus allowances, if any, for the period of the notice or, as the case may be, for the period by which such notice falls short of three months, at the same rates at which he was drawing immediately before his retirement;
- (b) It shall be open to the appointing authority or any authority to which the appointing authority is subordinate to allow a Board's employee to retire without any notice or by a shorter notice without requiring the Board's employee to pay any penalty in lieu of notice:

Provided further that such notice given by the Board's employee against whom disciplinary proceeding are pending or contemplated, shall be effective only if it is accepted by the appointing authority or any authority to which the appointing authority is subordinate, provided that in the case of contemplated disciplinary proceeding's the Board's employee shall be informed before the expiry of his notice that it has not been accepted:

Provided also that the notice once given by a Board's employee under clause (c) seeking voluntary retirement shall not be withdrawn by him except with the permission of the appointing authority or any authority to which the appointing authority is subordinate:

- (c) Retirement benefits, if any, shall be available in accordance with and subject to the provisions of the relevant rules to Board's employee who retires or is required to allow retiring under this Regulation:

Provided further that where an employee of the Board, who voluntarily retires or is allowed to voluntarily retire under this Regulation the appointing authority may allow him for the purpose of pension and gratuity, if any, the benefit of additional service of five years or of such period as

he would have served if he had continued till the ordinary date of his superannuation, whichever be less.

Explanation –

The decision of the appointing authority or any authority to which the appointing authority is subordinate under clause (c) to require the Board's employee to retire as specified therein shall be taken if it appears to the said authority to be in the interest of the Board, but nothing herein contained shall be construed to require any recital, in the order, of such decision having been taken in the interest of the Board.

- (2) Every such decision shall, unless the contrary is proved, be presumed to have been taken in the interest of the Board.
 - (3) The expression "appointing authority" means the authority which for the time being has the power to make substantive appointments to the post or service from which the Board's employee is required or wants to retire, and the expression 'qualifying service' shall have the same meaning as in the relevant regulations or orders for the time being in force relating to retiring person.
 - (4) Every order of the appointing authority or any authority to which the appointing authority is subordinate requiring a Board's employee to retire forthwith under the first proviso to clause (d) of this regulation shall have effect from the afternoon of the date of its issue, provided that if after the date of its issue, the Board's employee concerned, bonafide and in ignorance of the order performs, the duties of his office his acts shall be deemed to be valid notwithstanding the fact of his having earlier so retired.
 - (5) Nothing in these regulations or in any order, or instructions in that behalf shall be deemed to require the actual payment of the Board's employees pay for the whole or part of the period of notice before or simultaneously with the retirement required by the order, and the failure to make such payment shall not have any effect on validity of the order.
3. The U. P. State Electricity Board Regulation 1966 governing retirement of its employees are hereby rescinded except as respect things done or omitted to be done thereunder.

**THE UTTAR PRADESH STATE ELECTRICITY BOARD
(MISCELLANEOUS PROVISIONS REGULATIONS, 1977)**

1. Short title and commencement.

- (i) These Regulations may be called the U. P. State Electricity Board (Miscellaneous Provisions) Regulations, 1977.
- (ii) They shall come into force at once.

2. Amendment of the Words 'Member Secretary' or 'Secretary'

In the Regulations framed by the Board under Section 79 of the Electricity (Supply) Act, 1948, the words 'Member Secretary' or 'Secretary' wherever occurring; shall mean the Secretary of the Board or Secretary who has also been designated as the member of the Board.

THE UPSEB ABSORPTION OF BOARD'S SERVANTS (IN GOVT. AND IN PUBLIC UNDERTAKINGS) REGULATIONS, 1987

1. Short Title and Commencement

- (i) These regulations may be called the U. p, State Electricity Board Absorption of Board's servants in Govt. and in Public Undertakings Regulations, 1987.
- (ii) They shall come into force with effect from Dec. 1, 1984, except the proviso to regulation 5(1) which shall come into force with effect from the date of notification of these Regulations.

2. Definition -

In these Regulations unless there is anything repugnant in the subject or context:

- (a) "Absorbed person" means a Board's servant whose absorption in the service of Govt. or undertaking has been accepted by the Board under regulation 5;
- (b) "Deputation" means the lending by the Board of the service of a Board's servant, on Foreign Service to an undertaking or to Govt.
- (c) 'Board' means the U. P. State Electricity Board.
- (d) 'Board's servant' means a person appointed to a post under the Board in a permanent capacity in a pensionable establishment;
- (e) 'Government' means the Govt. of U. P. or the Central Govt.
- (f) 'Scientific employee' means a Board's servant possessing scientific qualifications appointed on such post as in the opinion of the Board involves duties and functions of a scientific nature;
- (g) 'Undertaking' means:-
 - (i) a statutory body incorporated by or under any Uttar Pradesh Act or Central Act.
 - (ii) a Govt. Company within the meaning of section 617 of the Companies Act. 1956.
 - (iii) a Local Authority within the meaning of clause (25) of section 4 of the Uttar Pradesh General Clauses Act. 1904.
 - (iv) a scientific organisation registered under the Societies Registration Act, 1860, wholly or partly under the control of the Central Govt. or any State Govt.

3. Age Limit for Deputation

No Board's servant shall be permitted to go on deputation after he attains the age of 50 years.

4. Time Limit for Deputation

No Board's servant shall ordinarily be permitted to remain on deputation for a period exceeding five years.

5. Absorption in Undertaking or in Govt. -

- (1) A Board's servant may be permitted to be absorbed in the service of the Undertaking or of Govt. in which he is on deputation, if -
- (i) he applies to the Board for his absorption in the Undertaking or the Govt. before the expiry of three years from the date of commencement of his deputation or before the date on which he attains the age of 53 years, whichever be earlier, and the Undertaking or the Govt., concerned also moves the Board for his absorption within such period, and
 - (ii) The Board agrees to such absorption in public interest;

Provided that a Board's servant who is on deputation in an undertaking or in Govt. on the date of commencement of these regulations may apply, and the Undertaking or Govt. may move, for his absorption within six months of such commencement or within the period specified in clause (1) whichever expires later,

- (2) The Board shall not agree to absorption:-
- (a) of a Board's servant belonging to class IV in any post in the Undertaking or in Govt.
 - (b) of a Board's servant who holds a ministerial post under the Board, in a ministerial post in the Undertaking, or in Govt.
 - (c) unless the Board's servant is to be absorbed in an equivalent post in the Undertaking or in Govt. or to such higher post in the Undertaking or Govt. as he has held on deputation for at least three years;
 - (d) unless his pay in the pay scale of the post on which he is to be absorbed is fixed at the stage arrived at by adding the deputation allowance to the pay admissible to him in the pay scale of his post in the parent organisation treating it as his basic pay;

Provided that:-

- (i) if there is no such stage in the pay scale of the Undertaking or of Govt. his pay is fixed at the stage next below and the difference *IS* granted as personal pay, liable to be absorbed in future increments;
- (ii) if the aggregate of the pay admissible in the pay scale of the parent organisation and the deputation allowance falls short of the minimum in the pay scale of the undertaking or of Govt. his pay is fixed at such minimum and if such aggregate exceeds the minimum, of the pay scale of the Undertaking or of Govt. his pay is fixed at such maximum and the difference is granted as personal pay.

Note - Class IV employee for purposes of these regulations means a person holding one of the posts specified in the Appendix of these regulations or holding any other post which the Board may specify as belonging to Class IV.

- (3) Such absorption shall not be accepted w.e.f. any date prior to the date on which the Undertaking or, the Govt first expresses its agreement to absorb the Board's servant in its service.

6. Effect of Absorption:

A Board's servant whose absorption in an undertaking or in Govt. is accepted by the Board

shall,' notwithstanding anything contained in the U.P.S.E.B (Employees Retirement) Regulations, 1975, as amended from time to time, be deemed to have retired from Board's service w.e.f. the date of his absorption ,and his lien in the parent organisation shall stand terminated from that date.

7. Retirement Benefits:

A Board's servant deemed 'to Have retired under Regulation 6 shall be entitled to proportionate pension along with death-cum-retirement gratuity, on the basis of his service under the Board qualifying for pension, the payment where of shall start immediately. If the qualifying service is of less than 10 years then instead of pension, service gratuity shall be payable along with death-cum retirement gratuity.

Explanation:

The Board's servant shall not be entitled to claim the benefit of any liberalization in pension rules coming into force after the date of his retirement.

8. Other employment:

where the service of an absorbed person in the Undertaking or in Govt. terminates in any manner at the instance either of the Undertaking or of Govt. or of the absorbed person he shall lose the pension if he takes up any commercial employment within a period of two years from the date of his retirement from the Board's service without the prior written permission of the Board.

9. Family Pension:

- (1) The benefit of family pension under the relevant regulations applicable for the time being shall be admissible only to the families of those who were entitled to pension from the Board under these regulations and not to the families of those who are entitled only to service gratuity i.e. who were absorbed in the Undertaking or in the Govt. before rendering 10 years qualifying service under the Board.
- (2) Family pension shall be admissible from the Board only where no such family pension is admissible from the undertaking or from the Govt.

10. Extra Ordinary Pension and Traveling Allowance after retirement:

The Board shall not be responsible for extra ordinary pension or travelling allowance after retirement referred to under regulation 6.

11. Commutation of Pension:

An absorbed person shall be entitled to get a part of his pension commuted in accordance with the provisions of the orders regarding commutation of pension as applicable to Board's employees.

12. Transfer of Earned leave:

The Undertaking or the Govt. in which the employee is absorbed shall take over the liability in regard to earned leave and leave on private affairs that the Board's servant has to his credit at the time of his retirement from Board's service and in return the Board shall pay to the Undertaking or to Govt. as the case may be a lump sum equal to leave salary for such leave due to the Board's servant on the date of his absorption in such Undertaking or Govt.

13. Transfer of Provident Fund:

The amount of subscription together with interest thereon, standing in the provident fund/account of an absorbed person may be paid to him as per relevant rules at the time of his retirement from Board's service, but, if he so desires, the amount can be transferred to his new Provident Fund Account under the Undertaking or under Govt. provided the concerned undertaking or Govt. also agrees to such transfer. Once such a transfer of Provident Fund balance has taken place, the person concerned shall be governed by the Provident Fund Rules applicable to the Undertaking or Govt. and not by the Provident Fund Rules applicable to the Board.

14. Benefit of Service Rendered under the Board in Respect of Scientific Employees

- (1) Notwithstanding the provisions of regulation 7, the Board may discharge its pensionary liability in respect of scientific employees absorbed in any autonomous scientific organizations of the central or any state Govt. having pensionary benefits for its employees, by payment of service gratuity or as the case may be the capitalized value of its share of pension, on the basis of length of service together with the share of death-cum-retirement gratuity to such organisation at the time of death or retirement of the employee from the service of such organisation
- (2) The provisions of sub-regulation (1) shall not apply unless the absorbed persons had alongwith his application for absorption in the organisation also; given a written option, duly endorsed by the autonomous organisation, to the effect that instead of receiving pension under regulation 7, he opts for the benefit under sub-regulation (1).
- (3) Whereas an employee loses pensionary benefits under regulation 8 the question of payment of Board's share of pension or gratuity to the organisation shall not arise.

Transfer of Employee on Foreign Service

NOTIFICATION MISCELLANEOUS

In exercise of the powers conferred by sub-section (c) of section 79 of the Electricity (Supply) Act, 1948 (Central Act LIX of 1948), the Uttar Pradesh State Electricity Board here by makes the following Regulations regarding transfer of its employees on foreign service:

"No employee of the Board may be transferred on foreign service against his will:

Provided that the provisions of this regulation shall not apply to I the transfer of an employee of the Board to the service of a body, whether I incorporated or not, which wholly or substantially owned or controlled by Government or the Board"

Regulation under Section 79 (C) of the Electricity (Supply) Act, 1948 Governing Payment of Subsistence Allowance.

In exercise of the powers conferred by sub-section (c) of Section 79 of the Electricity (Supply) Act, 1948 (Central Act LIX of 1948) the Uttar Pradesh State Electricity Board hereby makes the following Regulation:

"Notwithstanding any rule or order or practice hitherto followed. the provisions contained in Fundamental Rules 53, 54 and 55 as amended from time to time of the Uttar Pradesh Financial Hand book Volume II, Part II will, mutatis mutandis, apply to the employees of the Board on suspension.

(Notified by the State Government under Section 13-B of Industrial Employment (Standing orders) act, 1946 vide Notification No. 3027-K/ XXIII-PA-105 K-70, dated April 27, 1971.)

Regulations of powers to sign and verify vakalatnamas, Pleadings, affidavits and to issue orders for taking necessary action in connection with legal cases filed by or against the Board.

In exercise of the powers conferred by sub-section (c) of section 79 of the Electricity (supply) Act, 1948, the U. P. State Electricity Board, in supersession of their all previous notifications on the subject, issued from time to time, make the following regulations:

"In all legal cases, civil or criminal or otherwise, including claims or references before the Public Service Tribunal filed by or against the Board, the Executive Engineer, Superintending Engineer, Additional Chief Engineer, Chief Zonal Engineer, Chief Engineer, Deputy General Manager and General Manager in various units of the Board (excluding Accounts Wing) the Deputy Chief Accounts Officer, Chief Accounts Officer, Controller of Banking Operations and Controller of Audit and Accounts in the Accounts Wing, the Deputy Secretary, Joint Secretary, Additional Secretary, Secretary or Member Secretary, and Chairman of the Board; may sign *and* verify any Vakalatnama, pleadings, affidavits, and also issue orders and take necessary steps in connection with filing of any legal case or actions arising therefrom or in connection with any legal case against the Board as Principal Officer of the Board."

**UTTAR PRADESH STATE ELECTRICITY BOARD (POWERS OF CHAIRMAN AND
TERMS AND CONDITIONS OF SERVICE OF THE CHAIRMAN AND MEMBERS)
RULES, 1967**

1. Short title and commencement.

- (1) These Rules may be called the "Uttar Pradesh State Electricity Board (Powers of Chairman and Terms and Conditions of Service of the Chairman and Members) Rules, 1967."
- (2) They shall come into force with effect from the date of their publication in the Gazette.

2. Definition

In these rules unless there is anything repugnant in the subject or context:

- (i) 'Act' means the Electricity (Supply) Act, 1948, (Act No. 54 of 1948);
- (ii) 'Chairman' means the Chairman of the Board, appointed under Section 5(5) of the Act;
- (Hi) 'Committee' means a Local Advisory Committee constituted under Section 17 of the Act;
- (iv) 'Council' means the State Electricity Consultative Council constituted under Section 16 of the Act;
- (v) 'Government' means the Government of Uttar Pradesh;
- (vi) 'Government servant' means a person in the employ of Government; and
- (vii) 'Member' means a member of the Board.

Part – 1

POWERS OF THE CHAIRMAN

3. Liaison between the Government and the Board

The Chairman shall function as a liaison between the Government and the Board in matters arising out of the administration of the Act, to the extent the Government is concerned.

4. Responsibility of the Chairman

The Chairman shall be responsible for properly carrying out the directions and decision of the Board.

5. Distribution of duties and functions

Subject to the provisions of the Act, the Chairman shall allocate the duties and functions between the members and secretary. Matters pertaining to the disposal of the case work in the Head Office of the Board on such subjects are not to be included in the regular agenda of the Board's Meeting shall also be allocated by the Chairman. The Secretary will decide the allocation of work amongst officers under him.

6. Approval of Agenda

The Chairman shall approve the agenda for the meetings of the Board including the fixation or date time and place of meeting.

7. Alteration in the period of the notice of the meeting

The Chairman may in his discretion, determine the period of notice of any particular meeting or the Board, provided, however, that the period of notice shall not be less than 7 *days* except in the case of extraordinary circumstances.

8. Placing of new matters before a meeting

The Chairman may bring or cause to bring any new matter, which in his opinion is urgent, before any meeting of the Board with or without giving notice.

9. Casting Vote

The Chairman and in his absence a Chairman elected by the members present for conducting a meeting of the Board shall be entitled to vote, and in the event of equality of votes, he shall have a casting or second vote.

10. Decision on point of order

Any point of order raised at a meeting of the Board shall be decided by the Chairman, and his decision shall be final.

11. Difference of opinion to be reported

The Chairman *may* bring to the notice of the Government any difference of opinion on matters of policy arising between him and other members of the Board. He may also similarly refer any other matter of policy to the Government and place the directions received from it, for consideration and action by the Board.

12. Sanctioning of casual leave to members and Secretary of the Board

The Chairman shall be responsible for sanctioning casual leave to members and Secretary of the Board. The Chairman may, however, avail himself of casual leave not exceeding seven days at a time and fourteen days in a year after making suitable arrangements for the proper disposal of his duties and after sending prior intimation thereof to Government. He may, however, avail himself of casual leave not exceeding three days, without prior intimation.

13. Controlling Officer in respect of Travelling Allowance and Medical Bills

Every member of the Board including Chairman shall be his own control officer in respect of travelling allowance and medical bills.

14. Performance of journeys outside the jurisdiction of the Board

The Chairman shall be competent to allow the members and officers of the Board to undertake journeys for the performance of the duties of the Board, outside the jurisdiction of the Board and also to make arrangements for carrying out the functions and duties of such members and officers of the Board in their absence;

Provided that no journey outside India shall be allowed by the Chairman to members and officers of the Board without prior approval of the Government.

15. Further Powers to Chairman

The Chairman may exercise such powers not inconsistent with the Act as may be delegated to him.

- (i) by the Board from time to time in the interest of economy and efficiency of the Board.
- (ii) by the Government by special or general order or by rules made under Section 78 of the Act.

PART II- Terms of office Remuneration, allowances and conditions of service of the Chairman and members of the Board.

16. Terms of office and conditions for re-appointment of the Chairman and members of the Board

The Chairman and the members of the Board shall hold office on such conditions and for such periods as the Government may determine. When the term of office of the Chairman or a member expires, he may be eligible for re-appointment at the discretion of the Government.

17. Remuneration and allowances

The remuneration and other allowances payable to the Chairman and members shall be such as may be determined by the Government from time to time.

18. Resignation -

The Chairman or a member may resign his office by giving two months' notice in writing to the Secretary to Government, Power Department, Vidhan Bhawan, Lucknow, which would be effective automatically on the expiry of period of notice. The Government may, however, waive this condition at their discretion.

19. Leave and leave salaries

- (a) A whole time Chairman and Member shall be entitled to leave and leave salary under the terms and conditions as may from time to time be applicable to the U. P. Government. Servants engaged on contract.

Provided that:

- (i) A Government Servant appointed as Chairman or Member shall continue to be governed

by the relevant rules applicable to him as Government servant:

- (ii) The Chairman or a member who, not being a Government servant, may be holding a post under the Board, shall continue to be governed by rules applicable to him in accordance with the terms and conditions prescribed for the post held by him under the Board;
 - (iii) A Part-time Chairman or Member shall not be entitled to any leave or leave salary under these rules.
- (b) The power to grant leave, other than casual leave, to the Chairman or Member shall vest in the Government, which may in its discretion, make temporary appointment to till the leave vacancy.

Provided that in the case of the Chairman or Member, who, not being a government servant, may be holding a post under the Board, the leave shall continue to be granted by the authority competent to do so under the rules applicable to him, and the Secretary of the Board, shall send intimation to Government in Power Department about the grant of such leave to a Chairman or Member as the case may be.

20. Travelling allowance

The Chairman and other members of the Board shall, for the journeys performed by them for the purposes of the Board be entitled to travelling allowance at the rate for the time being admissible to Class - I Officers of the Government of corresponding status and pay.

21. Provident fund

The Chairman or any other member, if he is not a Government Servant, including Central/Other States/Retired Government Servant, shall be entitled to such provident fund benefits as the Board may allow to its other employees.

22. Medical Facilities

The Chairman and other Members shall be entitled to such medical facilities as are enjoyed by Class I Officers of the Government.

23. Special Functions and responsibilities of the Chairman and the Members of the Board

Subject to the provisions of any other rules framed in this behalf, the members of the Board shall have no individual executive authority or responsibility, but shall exercise all functions vested in the Board, under the Act collectively, through the secretary and officers appointed by the Board under Section 15 of the Act; and in accordance with the regulations framed by the Board under Section 79 (c) of the Act.

Uttar Pradesh State Electricity Consultative Council and Local Advisory Committees Rules, 1964

PART – 1

1. Short title and commencement

- (1) These Rules may be called the "Uttar Pradesh State Electricity Consultative Council and Local Advisory Committees Rules, 1964."
- (2) They shall come into force on the date of their publication in the Gazette.

2. Definition -

In these rules, unless there is anything repugnant in the subject or context:

- (i) "The Act" means the Electricity (Supply) Act, 1048 (Act No. 54 of 1948);
- (ii) "Council" means the State Electricity Consultative Council constituted under section 16 of the Act;
- (iii) "Committee" means a Local Advisory Committee, constituted under section 17 of the Act;
- (iv) "Government" means the Government of Uttar Pradesh;
- (v) "Government Servant" means a person in the employ of Government; and
- (vi) Other expressions have the meanings respectively assigned to them in the Act or in the Indian Electricity Act 1910 (Act No. IX of 1910) as the case may be.

PART – II

3. Term of office of members of the Council and Committees

Every member of the Council other than a member of the Board, and every member of a Committee, shall hold office for a period of three years, unless his' appointment is terminated earlier by Government. On the expiration of the term of office of any member, Government may in its discretion re-appoint him as such member.

4. Secretary of the Councilor Committee

- (i) The Board may appoint from amongst its officer a Secretary for the Council and Secretary for each committee;
- (ii) The officers so appointed shall not be entitled to any extra remuneration for such work.

5. Notice of Meetings

Except as provided by sub-rule (1) of rule 10, meetings of the Councilor of any Committee shall be convened by its Secretary under the direction of the Chairman of the Board or of the Committee, as the case may be. The Secretary shall give to the members of the Councilor the Committee, as the case may be, not less than ten day's notice, in writing, of the date, time and place

of the proposed meeting. Not less than seven days before the date of the meeting, the Secretary shall send to such members copies of the agenda of the meeting.

6. Chairman at meetings of the Council

The ex-officio Chairman of the Council and in his absence a member of the Board deputed by him in this behalf shall preside over a meeting of the Council. In the absence of the Chairman and of the person, if any, so deputed by him, the members of the Council shall elect a Chairman of the meeting from amongst themselves.

7. Chairman at meetings of Committees

In the absence of the ex-officio Chairman of the Committee at any meeting, the members of the Committee present shall elect a Chairman for that meeting from amongst themselves.

8. Travelling and Daily Allowance to the members of the Council and Committees

- (i) A member of the Council or of a Committee shall be entitled only to travelling allowance, including daily allowance, as hereinafter provided in this rule, for attending the meetings of the Council or Committee, as the case may be, and to no other remuneration.
- (ii) A member of the Council or of a Committee other than a Government servant shall be entitled to travelling allowance, including daily allowance, for the days he attends the meetings, payable at the rates and according to the rules applicable to a Government servant of the first grade. The Chairman of the Council or Committee, as the case may be, shall be the controlling authority in respect of such travelling allowance bills.
- (iii) A member of the Council or of a Committee, who is a Government Servant, shall be entitled to draw travelling allowance, including daily allowance, on the scale admissible to him, under the travelling Allowance Rules of the Government.

9. Proceedings

The proceedings of every meeting of the Council or a Committee shall be recorded in a minute-book to be kept for the purpose and shall be signed by the Chairman of the meeting at that very meeting or at the next succeeding meeting.

No matter other than that included in the agenda, shall be considered or discussed at a meeting of the Council or of a Committee except with the special permission of the Chairman of the meeting.

10. Quorum and adjourned meeting

- (i) One-third of the members will constitute a quorum at a meeting of the Council or a Committee. If there is no quorum within fifteen minutes of the appointed time for the meeting, no meeting shall be held and the Chairman of the Council (the ex-officio Chairman or the member deputed by him) or of the Committee, as the case may be, if present, may then and there adjourn the meeting to such future date as may be specified by him. No further notice need be given for a meeting so adjourned.
- (ii) If at any time during the progress of a meeting, after its commencement, there ceases to be quorum, the meeting shall ignore the want of quorum and shall continue to transact its

business.

- (iii) No quorum shall be necessary at an adjourned meeting.
- (iv) No matter shall be considered at a meeting adjourned under sub-rule (i) other than matters left over at the meeting from which the adjournment took place:

Provided that the Chairman of the Council or Committee, as the case may be, may bring or permit or direct new matter, which in his opinion is urgent to be brought in before the adjourned meeting, with or without notice.

11. Point of order

Any point of order raised at a meeting shall be decided by the Chairman presiding at the meeting and his decision shall be final.

12. Savings as to validity of proceedings

No proceeding of the Council or of a Committee shall be invalidated by reason merely of a vacancy or vacancies existing in the Council or Committee or by reason of non-receipt of the notice or of copy of the agenda provided it was duly issued, or by reason of any irregularity in the conduct of the business of the meeting.

Explanation –

A notice shall be deemed to be duly issued if it is dispatched within the prescribed time to the registered address of a member by post or peon.

13. Voting -

- (i) Every member shall have one vote.
- (ii) All matters placed before a meeting shall be decided by a simple majority of votes of the members present. On putting any matter to vote, the Chairman presiding at a meeting shall call for an indication of the opinion of the members by show of hands, first in the affirmative and then in the negative, and shall declare the result accordingly, which shall be recorded in the minute-book.
- (iii) The Chairman presiding at a meeting shall be entitled to vote and in case of equality of votes the Chairman shall have a second or casting vote.

14. Officers invited to attend not entitled to vote

Officers of the Board not being members thereof may be invited by the Chairman of the Council or Committee, as the case may be, to attend any meeting thereof, and such officers may take part in the deliberations but shall be entitled to vote.

15. Disorderly conduct of a member

The Chairman presiding at any meeting may direct any member of the Council or of a Committee whose conduct is, in his opinion, disorderly, to withdraw. On being asked to withdraw, the member in question shall withdraw from the meeting and if he fails to do so or otherwise persists in disorderly conduct, he will be liable to removal from membership of the Council or the

Committee, as the case may be, on a report being made to that effect by the Chairman to the Government.

16. General

In cases not expressly provided for in these rules for the conduct of meetings the decision of the Chairman Presiding at a meeting on all matters relating to the conduct of business at the meeting shall be final.

17. Transitory provision

Notwithstanding anything contained in rule 2, the members of the Council other than members of the Board, holding office as such immediately the before the date of commencement of these rules shall cease to be such members from the said date.

Uttar Pradesh State Electricity Board Regulations of Business and Procedure of the Board

PART – 1

1. Time and place of the meeting

The Board shall meet at least once a month, the date, time and place of the meeting shall be fixed by the Secretary with the approval of the Chairman. An emergent meeting of the Board may also be convened at short notice if circumstances so justify.

2. Notice of the Meetings

Seven clear days notice shall be given to all Members:

Provided that the period of such notice may be reduced when a meeting is to be convened for transaction of urgent business or for an emergent meeting:

Provided further that the necessity of the notice may be waived with the approval of the Chairman if the date and time of the ensuing meeting have already been fixed at a previous meeting.

3. Agenda of the Meeting

A copy of the agenda, alongwith the explanatory notes, shall be supplied to each member in advance of each meeting.

Any other matter not provided for in the agenda may also be taken up in the meeting with the permission of the Chairman.

4. Effect of non-receipt of notice of a Meeting

The non-receipt of notice by any member shall not, by reason of such omission, invalidate the proceedings of a meeting.

5. Quorum

- (i) The quorum for a meeting of the Board shall be two, if the number of members appointed under sub-section (2) of section 5 of the Electricity (Supply) Act, 1948, is three, and shall be increased by one for every addition of two members
 - (ii) When there is a vacancy in the Board, or when one or more members are absent on leave or on account of action being taken under section 0 of the Act and no arrangement is made to fill up the vacancy under section 11 thereof, the quorum prescribed in clause (i) above shall be reduced by one for every reduction of 2 members of the Board.
 - (iii) If there is no quorum for a meeting, the Chairman may adjourn the meeting to a future date as may be specified.
 - (iv) No quorum shall be necessary for an adjourned meeting.
6. If the Chairman is on leave or for any reason unable to be present at any meeting, the members present shall elect one of them to preside over the meeting and the member so

elected shall thereupon, in respect of that meeting, perform all the duties and exercise all the power of Chairman.

7. The Board may invite any person to a meeting of the Board for discussion of a specific matter but such person shall not be entitled to vote.
8. Minutes -
 - (a) All decisions of the Board will be taken by majority.
 - (b) In case of equality of votes, the Chairman shall have a second or casting vote.
 - (c) The Secretary of the Board shall maintain a Minute Book in which he shall record or cause to be recorded the minutes of each meeting which shall be laid at the next meeting of the Board for confirmation and signed by the Secretary and the Chairman in token of the confirmation.
9. At the option of the Chairman, any matter may be considered by circulation of relevant papers amongst the members of the Board and if they agree upon a decision unanimously it shall have the effect of a decision taken at a meeting of the Board and shall thereupon be entered in the Minute Book accordingly. In the absence of unanimity, the matter shall be referred to the Board at its next meeting.
10. The Chairman of the meeting shall have the power to correct any obvious errors in the minutes provided that such corrections do not change the sense of the decisions taken at the meeting.
11. No decision of the Board shall be modified or cancelled within three months of the passing thereof except by decision of not less 2/3rd of the number of members of the Board.
12. The Secretary shall be responsible for ensuring compliance with regard to the procedure prescribed in the above clauses.

PART – II

13. Cases to be placed before the Board

Cases relating to the following subjects will be laid before the Board prior to issue of orders:

- (i) Creation of all new permanent or temporary posts exceeding one year in duration in all, inclusive of extensions, presently covered with the pay scale of Rs 465-644 (as may be revised from time to time) and above (No. 35-Reg. Cell/SEB-84. dt. 22-X-1984).
- (ii) Conversion of temporary posts into permanent posts.
- (iii) Revision of the sanctioned scale of pay of a post.
- (iv) Annual and Supplementary financial statements.
- (v) Annual Administration Report,
- (vi) Purchase or acquisition of private electricity undertakings.

- (vii) Grant of loans to licensees.
- (viii) Preparation and sanction of power projects and schemes costing Rs. 50 lakhs and above.
- (ix) Matters affecting the relationship between the Board and the State Government, or between the Board and the Board of any other State.
- (x) Grant of bonus or any other financial concession on a recurring basis to class of Board's employees.
- (xi) Regulations under Section 79 of the Electricity (Supply) Act, 1948.
- (xii) Matters required by the Regulations under Section 79 of the said Act to be laid before the Board.
- (xiii) Purchase or sale of any asset or property of the Board exceeding Rs. 10.000 in value.
- (xiv) Borrowing of loans from the open market.
- (xv) Fixation or revision of tariffs for the supply of Electricity and the terms and conditions of supply.
- (xvi) Any proposal regarding variation from standard tariff.
- (xvii) Terms and conditions of service of the Board's employees including method of recruitment.
- (xviii) All policy matters.
- (xix) All matters involving an expenditure exceeding Rs. 2,00,000 non-recurring and Rs. 1,00,000 recurring.
- (xx) Co-ordination, adoption and approval of the consolidated accounts of the Board, monthly as well as 'annual, alongwith audit reports by Accountant General.
- (xxi) Any other matter which the Chairman may desire to place before the Board.

Provided that any of the above items shall not be placed before the Board if Board's policy decision already exists thereon and in regard to which Board's Officers at various levels are not authorized for final disposal of such matters. Such matters shall be placed before the Management Committee under clause 13 of the U PSEB Management Committee (Business & Procedure) Regulations, 1985 (This proviso made effective w.e.f.26-4-1985).

(No.4-Reg. Cell/SEB-87 dated 3-1-1987).

14. (1) Subject to the provisions of Clause 13, the day-to-day business of the Board shall be carried out under the orders of different Members whose spheres of functions will be as follows:

Member-Administration and Commercial Matters

(Designated as Member-Administration)

He will be responsible for disposal of administrative matters. He will also be responsible for disposal of commercial matters in consultation with Member- Engineering and Member-Accounts.

Member Engineering

He will be responsible for the disposal of all Engineering and technical matters of the Board. He will collaborate with the Member Administration in the disposal of commercial matters relating

to rates and tariffs of supply of electricity to consumers and licenses, as may be referred to him from time to time.

Member Accounts

He will be responsible for disposal of matters relating to accounting procedure of the Board and will collaborate with Member-Administration and Member-Engineering on matter concerning revision of rates, tariffs for sale of electricity.

(2) Each Member will deal with all aspect of subjects of which he is in charge. Where a question impinges on the functions of another Member, his concurrence will be necessary before issue of final orders. Detailed duties of each of the three members are enumerated in the Schedule.

15. The Secretary will be responsible for properly carrying out the decisions of the Board. He will be the Chief Executive Officer of the Board and shall also exercise the following powers:
 - (1) To make appointments in the office of the Board on such posts, on such emoluments and in such manner, as may he decided by the Board.
 - (2) To order postings and prescribe duties for all members of the staff in the Board's Office.
 - (3) To grant all kinds of leave admissible under the rules to the staff of the Board's office.
 - (4) To act as drawing, disbursing and controlling officer for all disbursements in the Board's office in respect of pay, travelling and other allowances, contingencies, Provident Fund advances, leave, pensionary and Provident Fund contributions and reimbursements of medical charges.
 - (5) To be the controlling officer in respect of his own travelling allowance and the travelling allowance of the officers and staff of the Board's office.
 - (6) To deal with disciplinary matters relating to establishment in the Board's office of which he is the appointing authority.
 - (7) To file and defend suits by or against the Board up to the valuation of Rs. 10,000.
 - (8) To permit any officer etc., of the Board on transfer to retain the Board's residential quarters provided for, him, by the Board at the place from which he is transferred for periods not exceeding two months from the date of relief, provided such continued occupation of the quarters is recommended by the Chief Engineer' (Hydel) and/or the General Manager, Kanpur Electricity Administration.
 - (9) In case where the Chief Engineer (Hydel) and/or the General Manager, Kanpur Electricity Supply Administration so recommend, to authorize the Accountant-General to investigate the claims for arrears of pay, allowances and increments that remain in abeyance for over three years and to sanction payment of full arrears without limiting the claim for the period of one year.
 - (10) All orders and decisions of the Board and all other instruments issued by the Board shall be authenticated under the signature of the Secretary and he may correspond on behalf of the Board.
 - (11) The Secretary shall have the power to execute instruments and other documents for and on behalf of the Board, after the Board has approved of the terms and conditions and

instruments.

- (12) Subject to the approval of the Board, the Secretary may delegate any of the above powers to any other officer or officers.
 - (13) To sign jointly with the Chief Accounts Officer cheques exceeding Rs. 20 lakhs.
 - (14) To exercise any other power delegated by the Board.
16. The Secretary will allocate work amongst officers under him and will dispose of cases which do not require to be laid before the Board under Clause 13 or to be submitted to Members under Clause 14 of these rules. In emergent cases, he may take a decision. in anticipation of the approval of a Member or Members or Chairman, but each such case shall be submitted to the Member/Members concerned, or Chairman, as the case may be, as soon after the issue of orders as possible.
17. Other officers of the Boards shall exercise such powers and to such extent as may be prescribed by the Board from time to time.

THE UTTAR PRADESH STATE ELECTRICITY BOARD MANAGEMENT COMMITTEE (BUSINESS AND PROCEDURE) REGULATIONS, 1985

1. Short title and commencement -

- (1) These regulations may be called the Uttar Pradesh State Electricity Board Management Committee (Business and Procedure) Regulations, 1985.
- (2) They shall come into force w.e.f. April 26, 1985.

2. Definitions -

In these regulations, unless there is anything repugnant in the subject or context:

- (1) 'Act' means the Electricity (Supply) Act, 1948 (Act No. 54 of 1948).
- (2) 'Committee' means Management Committee defined in Regulation 3.
- (3) 'Chairman' means the Chairman of U.P. State Electricity Board,
- (4) 'Member' means whole time member of the U. P. State Electricity Board appointed by the State Government under Section 5(4) of the Electricity Supply Act, 1948.
- (5) 'Secretary' means the Secretary of U.P. State Electricity Board.

3. Constitution of Management Committee

- (1) Management Committee shall consist of Chairman and all whole time members of the Board.
- (2) Chairman shall be the Chairman of the Committee.
- (3) Secretary shall be the convener of the Committee.

4. Procedure of the functioning of the Management Committee -

(1) Time and place of the meeting

The Committee shall meet at least once a month. Date, time and place of the meeting shall be fixed by the Secretary with the approval of the Chairman. An emergent meeting of the Committee may also be convened at short notice of circumstances so justify.

(2) Notice of the meeting

Seven days notice shall be given to all Members. Provided that the period of such notice may be reduced when a meeting is to be convened for transaction of urgent business or an emergent meeting.

Provided further that there will be no necessity of the notice to the members and approval of the Chairman for holding meeting if the date and time of such meeting have already been fixed at a previous meeting.

(3) Agenda of the meeting

Copy of the agenda alongwith the explanatory notes shall be supplied to each Member in advance of each meeting. Any other matter not provided for in the agenda may also be taken with the permission of the Chairman.

(4) Effect of Non-Receipt of Notice of a Meeting

The non-receipt of notice by any member shall not, by reason of such omission, invalidate the proceedings of a meeting.

5. Quorum

- (i) Quorum for a meeting of the Committee shall be two, if the number of members appointed under Sub-section (4) of Section 5 of the Electricity Supply Act, 1948, is three, and shall be increased by one for every addition of two members.
 - (ii) When there is a vacancy in the Board or when one or more members are absent on leave or on account of action being taken under Section 10 of the Act and no arrangement is made to fill up the vacancy under Section 11 thereof, the quorum prescribed in clause (i) above shall be reduced by one for every reduction of two members of the Board.
 - (iii) If there is no quorum for a meeting, the Chairman may adjourn the meeting to a further date as may be specified.
 - (iv) No quorum shall be necessary for an adjourned meeting.
6. If the Chairman is on leave or for any reason unable to, be present at any meeting, the members present shall elect one of them to preside over the meeting and the member so elected shall there upon, in respect of that meeting, perform all the duties and exercise all the powers of Chairman.
7. The Committee may co-opt any person to a meeting of the Committee for discussion of a specific matter but such person shall not be entitled to vote.

8. Minutes -

- (a) All decisions of the Committee will be taken by majority.
 - (b) In case of tie, the Chairman shall have casting vote.
 - (c) Secretary of the Committee shall maintain a minute-book in which he shall record or cause to be recorded the minutes of each meeting which shall be laid at the next meeting of the Committee for confirmation and signed by the Secretary and the Chairman in token of the Confirmation.
9. At the option of the Chairman, any matter may be considered by circulation of relevant papers amongst the members of the Committee and if they agree upon a decision unanimously, it shall have the effect of a decision taken at the meeting of the Committee and shall thereupon be entered in the minute- book accordingly. In the absence of unanimity, the

matter shall be referred to the Committee at its next meeting.

10. The Chairman of the meeting shall have the power to correct any obvious errors in the minutes provided that such corrections do not change the sense of the decisions taken at the meeting.
11. The Board shall be kept apprised of all the decisions taken by the Committee from time to time.
12. Secretary shall be responsible for ensuring compliance with regard to the procedures prescribed in the above clauses.

13. Cases to be placed before the Management Committee.

All matters (Under Regulation 13 of UPSEB Regulations of Business and Procedure of the Board) in which Board's policy decision exists and in regard to which Board's Officers at various levels are not authorized for final disposal of such matters,

14. Saving -

In case of doubt in regard to any matter under Regulation 13 being placed before the Committee decision of the Chairman shall be final.

The Uttar Pradesh State Electricity Board (Contributions) Regulations, 1962

1. Short title -

These Regulations shall be called the "Uttar Pradesh State Electricity Board (Contributions) Regulations, 1962.

2. Date of commencement

The Regulations shall come into force with effect from the date of their publication in U. P. Government Gazette.

3. Definition -

In these regulations, unless there is anything repugnant to the subject or context

- (i) "Board" means the Uttar Pradesh State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948.
- (ii) "State" means the State of Uttar Pradesh.
- (iii) Other expressions have the meaning respectively assigned to them under the Indian Electricity Act, 1910, and the Electricity (Supply) Act, 1943.

4. The Board may, out of its revenues -

- (i) Pay subscriptions (annual or otherwise), as it thinks fit, to any association formed for the promotion of subjects of common interests by persons engaged in the generation distribution and supply of electricity, and in other commercial and financial matters connected thereto;
- (ii) contribute such sums, as it thinks fit, to the funds of any recognized society, which is conducted on a non-profit earning basis, and the object of which is to foster the development and use of electricity, or promotion of knowledge and research in respect of electricity or electrical appliances, and other commercial and financial matters connected thereto:

Provided that the total annual expenditure in this connection shall not exceed the annual budget allotment earmarked for the purpose.

5. The financial powers for purposes of these regulations shall vest solely with the Board.

Provided that Member (Admin.)/Chairman may sanction nonrecurring expenditure upto Rs. 25,000/- (Twenty Five Thousands) only in individual cases within the overall yearly ceiling of Rupees One Lakh.

Note: The commercial and financial matters as referred to in these regulations, will cover the following items of study and research:

- (i) Conducting surveys and setting up of Accounting Systems for public utilities especially electric supply undertakings.

- (ii) Evolving procedures and methods of internal check in public utility, especially electric supply undertakings.
- (iii) Evolving methods for regulation of rates and fixing of rational tariffs.
- (iv) Designing of cost finding, cost reporting and cost systems of Public Utilities, especially those of Electric Supply Undertakings.
- (v) Conducting research in respect of management techniques and financial control for electric supply undertakings.

The Electricity Service Commission
(विद्युत सेवा आयोग)

**U. P. State Electricity Board (Procedure and Conduct of Business) Regulations,
1978**

1. Short title and commencement

- (i) These Regulations may be called the Electricity Service Commission (विद्युत सेवा आयोग), Uttar Pradesh State Electricity Board (Procedure and Conduct of Business) Regulations, 1978.
- (ii) They shall come into force immediately.

2. Definitions -

In these Regulations unless the subject or context otherwise requires:

- (i) 'Act' means the Electricity (Supply) Act, 1948 as amended from time to time.
- (ii) 'Adviser' means an adviser appointed in accordance with Regulation 6.
- (iii) 'Allocation' means allocation of business of the Commission among the Members (including President) as passed by the Commission from time to time.
- (iv) 'Appointing Authority' in relation to any service or post means the authority empowered to make appointment to that Service or post under any Regulation of the Board for the time being in force.
- (v) 'Board' means the U, P. State Electricity Board constituted under Section 5 of the Act.
- (vi) 'Commission' means the Electricity Service Commission (विद्युत सेवा आयोग), Uttar Pradesh State Electricity Board.
- (vii) 'President' means the member of the Commission who is appointed as its President.
- (viii) 'Chief Engineer' means a Chief Engineer of the Board.
- (ix) 'Committee' means a Committee constituted by the Commission from amongst its members.
- (x) 'Direct recruitment' means recruitment otherwise than by promotion or by deputation.
- (xi) 'Employee' means a person in the whole-time service of the Board but does not include a seasonal worker or a casual worker employed on daily wages or a person in part-time service of the Board.
- (xii) 'Examiner' means an examiner appointed in accordance with Regulation 28 and includes a joint examiner or co-examiner.
- (xiii) 'Executive Engineer' means an officer of the rank of Executive Engineer under the Board howsoever designated.
- (xiv) 'Government' or 'State Government' means the Government of Uttar Pradesh.
- (xvi) 'Interview' includes viva-voce, personality, practical and trade tests.
- (xvi) 'Invigilator' means an invigilator appointed in accordance with Regulation 37 (ii)

- (xvii) 'Member' means a person appointed as member of the Commission.
- (xviii) 'Office' means office of the Commission.
- (xix) 'Officer' means Secretary, Joint Secretary, Deputy Secretary or Under Secretary of the Commission and includes any other person declared as such by the Commission.
- (xx) 'Order of distribution of work' means order of distribution of work among officers and staff, as approved by the President from time to time.
- (xxi) 'Presiding Member' means Member who presides over the meetings of the Commission in the absence of the President.
- (xxii) 'Secretary' means the Secretary of the commission.
- (xxiii) 'Select List' means list of candidates selected for temporary or officiating appointment.
- (xxiv) 'Superintending Engineer' means an officer of the rank of Superintending Engineer in the Board howsoever designated.
- (xxv) 'Year of recruitment' means a period of twelve months from January 1 to December 31 in a calendar year.

PART – II

3. Meetings -

The meetings of the Commission may be held by the President as often as may be necessary.

- 4. The President may on the requisition of any member, call an extraordinary meeting of the Commission on any week day.
- 5.(i) Notices of meetings shall be issued by the secretary or by an officer authorized by him.
- (ii) The notice of the meetings shall be accompanied with a short note (synopsis) relating to each item on the Agenda of the meeting.
- 6. The agenda and the synopsis On the items of the agenda shall be sent to the Members at least two days in advance after the same have been approved by the President.
- 7. Extraordinary meetings of the Commission, may be held at short notice.

8. Quorum -

The quorum for a meeting of the Commission shall be more than half the total number of Members of the Commission.

- 9. The President and, in his absence, the senior Member authorized by the President shall preside over the meetings of the Commission.

10. Decisions to be unanimous

The decisions of the Commission, as far as possible, shall be unanimous. If divergent views are held by the members and unanimity cannot be reached at a meeting, the item may be postponed for further consideration in a subsequent meeting of the Commission.

- (i) If at a subsequent meeting it is realized that unanimity can not be achieved, decision shall be taken by vote.
 - (ii) The dissenting Member may record his note of dissent against a majority decision which shall be part of the proceedings, but such a note of dissent itself shall not be sent to office or any other person or authority.
11. Decision of the commission shall be taken by majority of votes. If the members are equally divided on any issue, the President may decide it by a second or casting vote.
- 12. Agenda -**
- (i) When there is difference of opinion between Members regarding inclusion of any item in the agenda, the President shall decide the issue which shall be final.
 - (ii) If a Member proposes discussion on any specific matter/ question, it shall be circulated and approved by the President before it is placed on the Agenda of the next meeting of the Commission.
13. Minute Book -
- (i) All decisions of the Commission shall be recorded by Secretary in a Minute Book which shall be in the personal custody of the Secretary. Members present shall put their signatures in token of their presence at the top of the record of proceedings.
 - (ii) All the decisions shall be signed by the Members present. If a Member abstains from voting or does not put his signature, the fact shall be entered in the Minute Book.
 - (iii) A copy of each decision shall be placed in the relevant file or files, as the case may be.
 - (iv) Copies of all the decisions shall be sent by the Secretary to all the Members and concerned officers, who shall maintain them with synopsis in proper order for ready reference.

PART – III

14. Procedure generally -

No proceedings of the Commission shall be invalid only by reason of vacancy in the office of a Member or the President or on the ground that a Member other than the President was absent from the meeting of the Commission.

15. Ordinarily, the decisions of the Commission shall be made by circulation of files among the Members. If there is an urgent matter, the file may be circulated by hand and the Commission's order be obtained or the matter be placed in the next meeting.

16. (i) For convenient transaction of its business, the allocation of work among Members (including President) shall, from time to time, be made by the President.

- (ii) For convenient and expeditious transaction of its business, the President may constitute a Committee or Committees from amongst its Members.
 - (iii) The allocation made under the above clauses may be amended, altered or modified as and when deemed necessary
17. (i) The President shall, nominate a Member to be the convener of the Committee.
- (ii) Decisions of the Committee shall except in matters in respect of which the President has otherwise directed, be subject to approval of the Commission.
18. A Member *may* seek the opinion of *any* other Member or Members on *any* issue under consideration of the Commission and may send the file to any/all the Members for the purpose.
19. Where there is agreement among the Members and President to whom the file is circulated in accordance with the order of allocation of businesses, such opinion shall be deemed to be the opinion of the Commission, provided that such opinion is not contrary to any prior decision or general policy of the Commission.

PART – IV

20. Interview Committee -

- (i) The President shall constitute Committees from amongst Members for interview/viva-voce test of candidates for various posts for which selection is to be made.
 - (ii) Member or Multiple-member Committees may be constituted taking into consideration the grades, status and importance of posts in respect of which the selection is to be made.
 - (iii) Ordinarily, a single Committee shall be constituted for selection to particular post or posts, but where the number of candidates is large the President may constitute more than one Committee for the purpose.
 - (iv) Where more than one Multiple-member Committees are constituted the constitution of the Committee may be changed by rotation as often as the President thinks proper.
21. The programme of interview shall be fixed by the Commission.
22. Fifteen days' notice shall ordinarily be given to the candidates to appear before the Commission for interview and the interview programme shall be fixed keeping in view the said period of notice.
- 23.(i) If a Member is unable to hold the interview fixed for him any other Member may hold the interview in his place and the fact shall not invalidate the proceedings of such selection.
- (ii) If a Member of a Multiple-member Committee is unable to attend, or has to leave the Committee during the course of its sitting and an alternative arrangement can not be made,

the other remaining Member or Members, as the case may be, may hold or continue to hold the interview and the proceedings of the Committee shall not be vitiated only on the ground that a Member was absent. from the sitting of the Committee.

24. The interview Committees shall, be presided over by the President or, in his absence, by a Member to be nominated by him. If there are two Members on a Committee the senior Member shall preside over the Committee.
25. When ever recruitment to a post requiring special technical knowledge is to be made, the appointing authority shall in addition to the particulars as per requisition form also furnish a detailed note stating' duties and functions which the incumbent of the post ,is required to perform.

For making the selection to any post the Commission may require the appointing may also request an appropriate institution or authority or an adviser to assist the Commission as and when found necessary.

26. The proceedings of the Committees shall, as early *as* possible be placed before the Commission for approval before recommendations are issued. Such approval may be obtained by circulation by hand or in a meeting of the Commission.

PART – V

27. Panel of Examiners -

- (i) The Commission shall prepare a panel of examiners for each subject in which the Commission holds examinations or may constitute a Committee for the purpose. Different Committees may be constituted for different subjects. The reports of the Committee shall be laid before the Commission for approval. The Commission may make such alterations or additions as it deems fit in the panels prepared by the Committee.
 - (ii) No officer of the commission shall be placed on the panel of examiners.
 - (iii) The panels so prepared and/or approved by the Commission shall be reviewed by it from time to time.
 - (iv) The panel of examiners shall be secret documents and it shall be kept in safe custody by the Secretary under seal and shall be submitted to a Member or the Commission on requisition.
28. Examiners shall be appointed by the President *from* the panel made in accordance with the above regulations.
 29. Question papers set by the examiners shall be placed before the Commission to ensure conformity with the required standard of examination. The Commission may moderate the question papers or constitute a Committee to perform the work of moderation on their behalf.

PART – VI

30. Examinations and conduct of Examination

- (i) The Commission shall conduct examinations for the various posts to be filled by competitive examinations.
 - (ii) The examination may be held at one or more centers at any place or places in Uttar Pradesh as the Commission may decide. The Commission shall appoint an in-charge for each centre that shall be responsible for conduct of examination at his centre.
 - (iii) The Commission may hold combined competitive examinations for selection to various posts under the purview of the Commission.
31. The Commission shall advertise the vacancies for which selections are to be made in the manner and through the medium/media prescribed by them, and invite applications from eligible candidates.
32. The applications shall be made on the prescribed form obtainable from the office of the Commission or from such other Board's offices as the Commission may decide. The request for the application form must specify the name of the post and the notice/advertisement number and shall be accompanied by a self addressed stamped envelope (size 24 x 11 cm.) and the cost of the form (non-refundable) as may be specified. The cost of the form shall be payable by means of a Postal Order.
33. Applications received in response to advertisement shall be scrutinized by the office in the manner prescribed by the Commission from time to time.
- 34.(i) No candidate shall be admitted to the examination/interview unless he has duly applied on the prescribed form and has deposited the application / examination fee prescribed in Regulation 72 within the prescribed time and possesses the qualifications and/or experience prescribed for the posts.
- (ii) No application received after the last date fixed for receipt of applications shall be accepted
- Provided that if the aforesaid last date is a non-working day, the applications received on the next working day shall be deemed to be within time.
- Provided further that if a doubt arises as to whether an application was received in time or not the decision of the Commission in this regard shall be final.
- (iii) An application not accompanied by proof of having deposited the application/examination fees or not giving full details regarding the optional papers offered shall be liable to rejection.
35. All eligible candidates shall, subject to the provisions of the above regulations, be admitted to the examination.

36. Programme and Centers of Examination

- (i) The Commission shall fix the place, date and time of examination.
- (ii) The centers of examination shall be fixed with the prior approval of the Commission.

37. Invigilators -

- (i) The Secretary shall prepare a list of the persons suitable to be appointed as invigilators and shall get the same approved by the President.
 - (ii) Invigilators shall be appointed by the secretary at the examinations centres. If an invigilator appointed by the Secretary is not available, the centre in-charge may appoint a suitable person as invigilator under, Intimation to Secretary.
 - (iii) The Commission shall lay guide lines for appointment of invigilators at centres outside Commission's campus at Lucknow.
38. If an invigilator is found wanting in his duties as such, the matter shall be reported to the Secretary, who is satisfied that the invigilator's name is not fit to be retained on the list, shall remove his name from it.

39. Collection of answer Books and Dispatch to Examiners -

As soon as the examination in a paper is over, the In-charge of the Centre shall collect answer books and send them to the Secretary duly sealed. On receipt of the answer books from all the centres, the Secretary shall submit a report to the Commission indicating the number of candidates who have appeared at the examination.

- 40. Fake roll numbers shall be allotted to each candidate in each paper before the answer books are dispatched to the examiners for assessment.
- 41. The number of answer books to be sent to each examiner shall be fixed by the Commission.
- 42. Ordinarily four weeks' time shall be allowed for return of assessed answer books by the examiners, but the Commission may, in special circumstances and on a request made by the examiner, extend the time for a period not exceeding 15 days
- 43. If an examiner fails to return the answer books within the time allowed or the extended time, as the case may be, the matter shall be placed immediately before the Commission for orders.
- 44. If an examiner is unable to assess the answer books for any reason within the time allowed by the Commission, he shall immediately return them to the Commission. The Commission shall in such a case appoint another examiner or examiners.
- 45. If an examiner fails to comply with the instructions/orders of the Commission, or fails to co-operate with the commission or other examiners, or is found negligent in the discharge of his duties as an examiner, or is found guilty of violating the secrecy of the examinations or of misconduct or anything undesirable on his part, the fact shall be brought to the notice of the Commission, and the Commission may strike off the name of such examiner from the list of examiners for specified' period or for ever.
- 46. The Secretary shall submit a report indicating the position regarding the return of answer books immediately after the expiry of the prescribed time limit.

PART – VII

47. Tabulation -

The Secretary shall take steps for tabulation of marks obtained by each candidate as soon as scrutiny of scripts, removal of discrepancies, removal of variations and corrections in mark sheets, if any, have been done. He will ensure that the work is taken up immediately after receipt of answer books.

48. The Commission may make random checking of the tabulation to ensure correctness and accuracy of tabulation as well as of assessment of answer books.
49. When the tabulation is complete and thoroughly checked by the office and the Commission as provided for in the above regulations, the Secretary shall submit the result before the Commission in the form and in the manner to be prescribed by the Commission to take orders as to how many candidates are considered fit for being admitted to personality test/interview if any.
50. Original roll numbers of candidates shall then be restored and interview letters issued accordingly.
51. It shall be the responsibility of the Secretary to ensure correct tabulation of marks and correct restoration of original roll numbers of the candidates.
52. The Commission shall decide the number of candidates to be called for interview to appear before a Committee or Committees on any day.
53. On each day after the interview is over and marks are awarded to each candidate, the mark-sheet prepared in duplicate shall be placed in separate Sealed covers and the original will be sent to the Secretary to be kept under his safe and secret custody, and the duplicate shall be retained by the Presiding Member till the results are finalized.
54. The mark-sheet so obtained shall be opened on the last day of interview and immediately thereafter the marks of interview/personality test shall be added to the marks obtained by the candidates in the written examination. Thereafter on the basis of the totals so obtained the merit list shall be prepared and placed before the Commission for final declaration of the result:

Provided that the Commission may, with a view to eliminating variations in the marks awarded to candidates at any examination or interview adopt any method, divide or formula which they consider proper for the purpose.

55. After the results are finalized by the Commission, they shall be forwarded to the appointing authorities concerned and a copy shall be placed on the notice Board.

PART – VIII

56. Selection by Interview for Direct Recruitment

The advertisement for selection to various posts by interview only shall be issued and applications from eligible candidates in accordance with the provisions of relevant Service Regulations or in their absence on the basis of ad-hoc principles laid down by the Board from time to time shall be invited by the Commission.

- 57. Notes for preliminary weeding of candidates shall be submitted in the manner prescribed to the Commission, and the Commission shall admit such number of candidates to interview as they deem fit.
- 58. Regulations 20 to 26 and 31 & 32 shall also apply to the selection by direct recruitment.
- 59.(i) The provisions of Regulation 53 shall apply with the modification that duplicate mark sheets will be sent to the Secretary to be kept in safe and secret custody and that the original shall be retained by the Presiding Member till the interviews are over or the result is finalized.
- (ii) After the interviews are over the Secretary shall prepare the results and place before the Commission for final approval.

PART – IX

60. Advisers

The Regulations relating to the preparation of lists of examiners shall mutatis mutandis apply to the preparation of panel of advisers.

- 61. Advisers may be appointed out of the panel of advisers approved by the Commission to assist the Commission in the selection of candidates for various posts/services.
- 62. Fairly senior persons shall be appointed as advisers taking into consideration their qualification, experience etc.
- 63. If an adviser, at any time, discovers that any of the candidates appearing before the Committee is related to him, or, for any other reason, he does not want to associate himself with the interview of any particular candidate, he shall bring the fact to the notices of the Chairman of the Interview Committee. Thereupon he shall withdraw from the Committee for the time the said candidate is interviewed and such withdrawal shall not invalidate the selection or rejection of such a candidate.

PART – X

64. Committee for Departmental Promotions:

When recruitment to a post or service in the purview of the Commission is to be, made by

promotion, the procedure Prescribed in Regulation 20 to 26 shall be followed:

Provided that if the Commission considers that it is not necessary to hold interview for selection to any particular post or service, they, may dispense with such interview, and in that event the Committee constituted under Regulation 20 shall make the selection on the basis of record of service and other relevant particulars of the candidates,

65. The proceedings of the selection committee shall be submitted to the Commission for approval either by circulating by hand or by placing before the commission in its next meeting,

66. Where the number of candidates admitted to interview is large, the Commission may hold interviews at different places other than and in addition to Lucknow.

PART – XI

67. General:

All decisions and proceedings of the Commission shall, unless otherwise directed, be secret.

68. Any Member may call for any file, papers or information from the office through the Secretary unless marked confidential/secret by the President.

Note: Papers do not mean examination papers and information does not mean information regarding marks obtained by candidates before interview for the post or services is over as also fake roll numbers or examiners to whom particular script has gone.

69. Where there are no regulations for recruitment to a post or services, the Commission may at its discretion decide whether recruitment to that post or service shall be made by competitive examination followed by interview or on the basis of interview alone.

70. Residuary Matters:

The Commission may deal in such manner as they deem fit with any matter not specifically provided for in these Regulations.

71. Interpretation:-

If any doubt arises as to the interpretation of these Regulations. the interpretation made by the Commission shall be final.

72 (1) Every applicant for direct recruitment to a post/service shall have to pay the Commission the following fees:

- | | | | |
|-----|---|---|--------|
| (a) | Application fee | - | Rs. 5 |
| (b) | If Examination followed by interview is conducted | - | Rs. 20 |
| (c) | If only interview is conducted | - | Rs. 15 |

Provided also that the Commission will have the discretion to alter the fees as may be deemed necessary.

(2) In the case of Scheduled Castes/Scheduled Tribes and dependents of freedom fighters, the

fees 'prescribed in sub-regulation (1) (b) & (1) (c) shall be half of the amounts prescribed.

- (3) All the fees shall be paid either through Indian Postal Order or Account Payee and Crossed Bank Draft drawn in favour of the Secretary of the Commission.
 - (4) No claim for refund of application fee shall be entertained. Any claim for refund of interview/examination fee shall be decided by the Commission taking into consideration the circumstances of each case. The decision taken by the Commission shall be final.
73. A candidate who is not admitted to the interview/examination or has not been selected shall be informed by the Commission.
 74. Where selection is based on written examination and interview the Commission shall call candidates for interview on the basis of merit as disclosed at the written test. The Commission shall decide the number of candidates to be called for interview, subject to the condition that if the number of candidates who pass the examination is less than double the number of vacancies, all the candidates shall be called for interview.
 75. The Commission may hold sittings or conduct examinations at any place within the State of Uttar Pradesh for the performance of its functions.
 76. The lists of selected candidates drawn up by the Commission shall hold good for one year.

PART – XII

77. Duties at Secretary -

Unless otherwise provided in these Regulations, all correspondence on behalf of the Commission shall ordinarily be done by the Secretary. Similarly, communications meant for the Commission shall ordinarily be addressed to the Secretary.

78. The President shall be in overall charge of the Commission and subject to such orders as the President may give, the staff of the Commission shall work under the supervision and control of Secretary.

79. The Secretary shall -

- (a) by drawing and disbursing officer and exercise all the powers incidental to such office,
 - (b) unless otherwise provided for in the regulations, be responsible for proper maintenance of office record, cash books and other registers as well as stock,
 - (c) submit to the President with his report all such matters which require consideration and decision of the Commission,
 - (d) perform such other duties as may be entrusted to him by the Commission or the President.
80. The functions assigned to the Secretary under these regulations shall, in the absence of the Secretary, be performed by the Deputy Secretary or such Member or Officer as the President may direct.

81. Report of the Commission -

By March 31 every year the Commission shall submit a report to the Board regarding its functioning during the previous calendar year.

The Electricity Service Commission
(विद्युत सेवा आयोग)
U.P. State Electricity Board (Limitation of Functions) Regulations, 1978

1. Short title and commencement -

These regulations may be called the Electricity Service Commission (विद्युत सेवा आयोग) Uttar Pradesh State Electricity Board (limitation of Functions) Regulations, 1978.

2. Definitions -

In these regulations unless the context otherwise requires:

- (i) 'Board' means the Uttar Pradesh State Electricity Board constituted under Section 5 of the Electricity (Supply) Act, 1948.
- (ii) 'Commission' means the Electricity Service Commission (विद्युत सेवा आयोग) Uttar Pradesh State Electricity Board.

3. The Commission shall be consulted for:

- (1) direct recruitment to all posts in Class III, the minimum of whose scale is presently Rs. 340/- and above, viz:
 - (a) Junior Engineer.
 - (b) Chemist Grade 1/11
 - (c) Accountant/Assistant Accountant.
 - (d) Routine Glade Clerk/Upper Division Assistant/Junior Noter & Drafter/Lower Division Asstt./ Stenographer.
 - (e) Tracer/Draftsman.
 - (f) All Operating Staff cadre posts the minimum of whose scale is presently Rs. 340 and above.
- (1-A) Promotion to all posts in Class III, including the posts in Operating Staff Cadre, whose seniority is maintained on State level and the minimum of whose scale is presently Rs. 485 and above.

Note: For purposes of this sub-regulation Confidential Reports of eligible candidates alongwith their seniority list and reports relating to pending disciplinary proceedings and any other information relevant for the selection shall be furnished to the Commission by the concerned authorities.

- (1-B) Notwithstanding anything in the foregoing sub regulations, the Board may, in the interest of work, at any time order that recruitment/promotion to any post or service shall not be made through the Commission for such period as may be specified in the order, and, unless there is already provision in the relevant regulations for making recruitment/promotion otherwise than through the Commission. the order shall also specify the agency

through which selection for direct recruitment/promotion shall be made.

- (2) The Commission will examine, interview, select and recommend suitable candidates in accordance with the criteria prescribed in the relevant Regulations and if there are no Regulations, in order of merit. Actual appointment orders will be issued by the appointing authority concerned.
- (3) The selection for recruitment/promotions shall be made as and when necessary.
- (4) It shall not be necessary to consult the Commission in the following matters:
 - (a) Transfer.
 - (b) Matters connected with disciplinary proceedings,
 - (c) Recruitment/promotion of persons, who at the time of commencement of these Regulations, had already been appointed/promoted after regular selection in accordance with the relevant Regulations of the Board for the time being in force.
 - (d) Persons taken on deputation.
 - (e) appointments which are not likely to last for a period of more than six months.
 - (f) Employees recruited under the State Government in accordance with the rules applicable under that Government and later absorbed in the Board's service.
4. If there is anything inconsistent in these regulations with the provisions contained in any other Board's Regulations, these regulations shall prevail and the provisions contained in Board's other Regulations shall be deemed modified to the extent of such inconsistency.

The Electricity Service Commission
(विद्युत सेवा आयोग)
U.P. State Electricity Board (Conditions of Service) Regulations, 1978

1. Short title and commencement -

- (1) These Regulations may be called the Electricity Service Commission (विद्युत सेवा आयोग), Uttar Pradesh State Electricity Board (Conditions of Service) Regulations, 1978,
- (2) They shall come into force at once.

2. In these Regulations unless there is something repugnant in the subject or context-

- (i) 'Board' means the U. P. State Electricity' Board constituted under Section 5 of the Electricity (Supply) Act, 1948.
- (ii) 'Commission' means the Electricity Service Commission (विद्युत सेवा आयोग), Uttar Pradesh State Electricity Board.
- (iii) 'President' means the member of the Commission who is appointed as President.
- (iv) 'Member' means a Member of the Commission.
- (v) 'Compensatory Allowance' means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed.
- (vi) 'Secretary' means the Secretary of the Commission.
- (vii) 'Joint Secretary' means a Joint Secretary of the Commission.
- (viii) 'Deputy Secretary' means a Deputy Secretary of the Commission.
- (ix) 'Under Secretary' means an Under Secretary of the Commission.
- (x) 'Superintending Engineer' means a Superintending Engineer of the Board.
- (xi) 'Executive Engineer (Selection Grade)' means an Executive Engineer (Selection Grade) of the Board, howsoever designated.
- (xii) 'Executive Engineer' means an Executive Engineer of the Board, howsoever designated.

CHAPTER II – PART I

3. **Constitution of Electricity Service Commission (विद्युत सेवा आयोग)**

- (1) The Board shall constitute an Electricity Service Commission (विद्युत सेवा आयोग), to be called the "Electricity Service Commission (विद्युत सेवा आयोग) Uttar Pradesh State Electricity Board" for advising on matters relating to recruitment to, and conditions of service of persons appointed to the posts and services under the U. P. State Electricity Board, as may be specified from time to time.
- (2) Appointment of President and Members-The Commission shall consist of a President and other Members not exceeding five as may be determined by the Board from time to time,

who shall be appointed by the Board from amongst the Members of the U. P. State Electricity Board Service of Engineers or from amongst retired officers of that Service.

4. Terms of Office -

No person shall hold office of President or Member of the Commission for a term exceeding five years:

Provided that the Board may extend the term of the President or of any Member for a further period not exceeding two years:

Provided further that the term of office or the extended term of office of President and Members shall not extend beyond 60 years of their age.

PART – II

5. (a) The President and Member shall, at the time of their initial appointment to the Commission, be paid such salary and allowances as may be admissible to them in their parent cadres immediately before their appointment to the Commission and shall thereafter be paid such salary and allowances as would have been admissible to them from time to time had they continued in their cadres. In addition, a special pay at the rate of Rs. 150 p. m. shall be paid to each Member.
- (b) In the case of appointment of a retired officer to the office of president or Member the salary payable to him shall be:
 - (i) The amount of basic pay last drawn less the amount of gross pension.
 - (ii) In addition to the above, he will also be entitled to receive special pay as prescribed in Rule 5 (a) above.
6. The President or any other Member who on the date of his appointment was in the service of the Board may be granted leave under the regulations applicable to him and his service as President or Member, as the case may be, shall count for such leave.

7. Leave to officer appointed as Member -

In the case of appointment of a retired officer as President or member, grant of leave shall be governed by the leave rules applicable to him, immediately before his retirement.

8. Arrangement in the absence of President -

During the absence of the President on leave *or* otherwise or on the occurrence of a vacancy in the office of the President pending the appointment of a permanent President, the Chairman of the Board may authorize one of the other Members, ordinarily the senior one, to hold current charge of the administrative duties of the President until the President returns to his duties or a regular President is appointed, as the case may be. The Member so authorized may be paid such additional allowance as the Chairman of the Board may determine which shall not exceed Rs. 250 p. m. for the period during which he holds such charge.

PART – IV

9. Travelling Allowance -

- (1) The President or other Member who on the date of his appointment as such is in Board's service may draw travelling allowance for the journey to join his appointment at the rates and under the conditions applicable to him under the Board.
- (2) The President or other member shall, when travelling on duty is entitled to travelling allowance in accordance with Board's regulations for the time being in force and applicable to corresponding categories of officers.

10. Compensatory Allowance -

Subject to the general condition that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source or profit to the recipient, the Board may, subject to any conditions which it may deem fit to impose, grant to the President and other Members any compensatory allowance and may fix the amount thereof.

11. Miscellaneous -

In respect of any matter for which special provision is not made by these regulations, the conditions of service of the President and other Member shall be governed by the regulations and orders for the time being applicable such classes of Board's servants as shall be specified by the Board.

12. (1) The pay, T.A , leave and other conditions of service of officers and staff of the Commission shall be regulated by Board's regulations as may be in force from time to time and applicable to corresponding categories of officers and staff of the Board.
- (2) In addition to the pay admissible to the following categories of officers, special pay will be admissible to them at the following rates:

| | | |
|------------------|---|---------------|
| Secretary | - | Rs. 150.00 pm |
| Deputy Secretary | - | Rs. 100.00 pm |

13. Savings -

- (1) Nothing in these Regulations shall be construed to limit or abridge the power of the Board to deal with the case of any person appointed under these regulations in such a manner as may appear just and equitable.
- (2) Notwithstanding any other provision contained in any other regulations made by the Board with regard to the manner and procedure of selection or selection committee of Class /II employees the selection shall be made by the Commission.

14. Staff of the Commission -

The staff of the Commission shall include one Secretary, and such number of Deputy Secretaries, Head Assistants and Ministerial and Class IV employees as the Commission may

determine from time to time. The Posts shall be sanctioned by the Board.

- (2) The Secretary and Deputy Secretaries of the Commission' shall be appointed by the Chairman, U. P. State Electricity Board in consultation with the Commission. The sources from which selection shall be made to various posts are as follows:

- (i) Secretary - From amongst Superintending Engineers.
- (ii) Deputy Secretary - From amongst Executive Engineers,
Executive Engineers (SG)

Note - The criterion of selection for the post of Secretary/Deputy Secretary shall be merit.

- (iii) Recruitment to other categories of staff of the Commission shall until separate Regulations in this behalf are framed by the Board, be governed by the Board's Regulations and orders for the time being in force and applicable to recruitment of corresponding categories of staff:

Provided that in respect of Head Assistants and other ministerial Staff, the Secretary of the Commission shall make appointments in consultation with the Chief Engineer (Hyde I).

- (iv) In respect of Class IV staff, the appointments shall be made by the Secretary of the Commission.

Entertainment Rules

1. Tea and refreshments may be served at meetings or conferences called by the Chairman or a member of the Board.
2. Tea and refreshments (which include pans and cigarettes) should only be served on the occasions and on the scale given below
 - (i) tea, one sweet and one namkin is to be served at meetings of committees consisting of officials and non officials which do not meet during hours which clash with any of the meal times for tea;
 - (ii) when the meeting is attended by officials only, light tea, i. e , tea or coffee and one item such as biscuits may be called for, if the meeting is particularly prolonged after office hours;
 - (iii) heavy tea, with a menu of five items or more, is to be provided only on rare occasions, with the approval of the Chairman;
 - (iv) the menu in respect of lunches or banquets, which should be rare, is to be decided in individual cases with the approval of the Chairman.
3. Requisitions for service of refreshments should be sent over the signature; of the Chairman or the member concerned.

The Uttar Pradesh State Electricity Board Servants (Recognition of Service Associations) Regulations, 1968

1. Short title -

These Regulations may be called the Uttar Pradesh State Electricity Board's Servants (Recognition of Service Associations) Regulations, 1968.

2. Definitions -

In these Regulations unless the context otherwise requires:

- (a) "Board" means the Uttar Pradesh State Electricity Board.
- (b) "Board's Servant" means a person appointed to or holding any of posts in connection with the affairs of the Board other than an industrial worker.
- (c) "Service Association" includes a federation or a confederation of Service Associations.

3. Service Associations already recognised -

A service association which has been recognised by the State Government before the commencement of these regulations and in respect of which the recognition is subsisting at such commencement shall be deemed to have been recognised by the Board under these Regulations and shall continue to be so recognized until the recognition is withdrawn under Regulation 7.

4. Conditions for recognition of Service Associations -

No service association shall be recognised by the Board, after the commencement of these Regulations unless all the following conditions are satisfied namely –

- (a) an application for recognition of the service association is made with all the information relevant for such recognition;
- (b) the service association is formed primarily with the object of promoting common service interests of its members;
- (c) membership of the Service Association is restricted to a distinct category of Board servants having common interest; all such Board servants being eligible for membership of the service association;
- (d) the service association is not formed on the basis of any caste, tribe or religious denomination or of any group within, or section of such caste, tribe or religious denomination;
- (e) no person other than a Board servant of the category for which the Association is formed is connected with the affairs of the Service Association;
- (f) the executive of the Service Association shall be appointed from amongst the members only; and
- (g) the funds of the service associations shall consist exclusively of subscriptions from members and grants, if any, made by the Board, and shall be applied only for the furtherance of the

object of the service association.

5. Conditions subject to which recognition is granted -

Every Service Association recognised or deemed to have been recognized under these Regulations shall comply with the following conditions, namely:

- (a) The Service association shall not send any representation or deputation except in connection with a matter which is of common interest to the members of the Service Association.
- (b) The Service Association shall not espouse or support the cause of individual Board servants relating to service matters.
- (c) The Service Association shall not maintain any political fund or lend itself to the propagation of the views of any political party or politician.
- (d) All representations by the Service Association shall be submitted through proper channel and shall be addressed to the Secretary or the Head of the Department or Office.
- (e) A list of members and office-bearers, an up-to- date copy of the rules and an audited statement of accounts of the Service Association shall be furnished annually to Board through proper channel, after each annual general meetings so as to reach the Board before the 1st day of July each year.
- (f) Any amendment in the rules of the Service Association shall be made only with the previous approval of the Board, and the Board may from time to time require modification of a rule or proposed rule in a particular manner
- (g) The previous permission of the Board shall be taken before the service association seeks affiliation with any Service Association of the State or the Union of India.
- (h) The Service Association shall cease to be affiliated to a federation or confederation of Service Association whose recognition under these regulations is withdrawn by Board.
- (i) The Service Association shall not start or publish any periodical magazine or bulletin without prior approval of the Board.
- (j) The Association shall cease to publish any periodical magazine or bulletin. if directed by the Board to do so on the ground that the publication thereof is prejudicial to the interest of the Board or any Board authority or to good relations between Board servant and the Board or any Board authority.
- (k) The Service Association shall not do any act or assist in the doing of any act which. if done by a board servant would contravene any of the provisions of the U. P. Government Servant's Conduct Rules, 1956 or any other Rules framed by the Board.
- (l) The Service Association shall not address any communication to a foreign authority except through the Board, which shall have the right to withhold it.
- (m) Communications addressed by the Service Association or by any office-bearer on its behalf to the Board or a Board authority shall not contain any disrespectful or improper language

Duties of recognised Federations

- (i) A federation or confederation of Service Association shall affiliate only recognised Service Associations; and if the recognition accorded to any of the Service Associations affiliated to a federation or a confederation of Service Association is withdrawn, the federation or a

confederation of Service Associations shall forthwith disaffiliate such Service Association.

- (ii) The aims and objects of the federation should be to promote the spirit of self-help, goodwill and co-operation amongst the affiliated Association, to protect and safeguard the interest, rights and privileges and dignity of the members of the affiliated Service ~Associations.
- (iii) The federation may represent only on matters of general importance and may not take up questions of individual Associations regarding which individual member Associations above will have the right of making representation to the Board or the Head of the Department.
- (iv) The federation will also be governed by Regulation 4 and 5 so far as applicable to them.

7. Withdrawal of recognition -

If in the opinion of Board, a Service Association recognised under there Regulation has failed to comply with the conditions set out in Regulation 4, 5 or 6, the Board may withdraw the recognition accorded to such Association. The association shall be granted an opportunity before withdrawing recognition.

Amended w.e.f. 18-06-1978

- 7. (i) The Board may withdraw the recognition accorded to a Service Association –
 - (a) if the Board is satisfied that the association has failed to comply with any of the conditions set out in Regulation 4, Regulation 5 or Regulation 6, or
 - (b) where there are two or more service associations having among its members the same category of Board's Servants, if the Board is satisfied that in the interest of public order or for the maintenance of harmonious relations between the Board's servants generally or any class thereof, it is desirable that the service associations which has a lesser membership of that category of Board's servants which is common on its roll and on that of the rival service association should cease to have the privilege of recognition.
- (ii) No order under sub-regulation (1) shall be made by the Board except after notice of the association concerned in which it has been informed of the grounds on which recognition is proposed to be withdrawn and given a reasonable opportunity of submitting a written explanation in respect of such ground;

Provided that where the Board is satisfied that circumstances exist which render it necessary for it to take immediate action, it may suspend the recognition of an association during the pendency of or in contemplation of proceedings for withdrawal of recognition under this regulation.

8. Relaxation -

The Board may dispense with or relax the requirements of any of these regulations to such extent and subject to such conditions as it may deem fit in regard to any Service Association or class of Service Association.

9. Removal of doubts -

If any question arises as to the interpretation of any of the provisions of those regulations, it shall be referred to the Board whose decision thereon shall be final.

The Uttar Pradesh (Government Servants' Conduct Rules, 1956

1. Short Title -

These rules may be called the Uttar Pradesh Government Servants' Conduct Rules, 1956.

2. Definitions -

In these rules unless the context otherwise requires –

- (a) "Government" means the Government of Uttar Pradesh;
- (b) "Government servant" means a person appointed to public services and posts in connection with the affairs of the State of Uttar Pradesh;

Explanation –

A government servant whose services are placed' at the disposal of a company, a corporation, an organisation, a 'local authority the Central Government or the Government of another State by the U.P. Government, shall, for the purposes of these rules be deemed to be a government servant notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of Uttar Pradesh:

- (c) "Member of the family" in relation to government servant includes -
 - (i) the wife, son, step-son, un- married daughter, or unmarried step-daughters of such government servant whether residing with him or not and in relation to a government servant who is a woman, the husband residing with her and dependent on her, and
 - (ii) any other person related whether by blood or by marriage, to the government servant or to such government servant's wife or her husband, and wholly dependent on such government servant, but does not include a wife or husband legally separated from the government servant or a son, step-son, unmarried daughter or unmarried step-daughter who is no longer, in any way dependent upon him or her, or of whose custody, the government servant has been deprived by law.

3. General -

- (1) Every government servant shall at all times maintain absolute integrity and devotion to duty.
- (2) Every government servant shall at all time conduct himself in accordance with the specific or implied orders of Government regulating behavior and conduct which may be in force.

4. Equal treatment for all -

- (1) Every government servant shall accord equal treatment to people irrespective of their caste, sect or religion.
- (2) No government servant shall practice untouchability in any form.

4-A. Consumption of intoxicating drinks and drugs –

A government servant shall-

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duty at any time is not affected in any way by the influence of such drink or drug;
- (c) refrain from consuming any intoxicating drink and drug in a public place;
- (d) not appear in a public place in a state of intoxication;
- (e) not use any intoxicating drink or drug to excess.

Explanation –

For the purposes of this rule, 'public place' means any place or premises (including a conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

5. Taking part in politics and election -

- (1) No government servant shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any movement or organization which is, or tends directly or indirectly to be subversive of the Government as by law established.
- (2) It shall be the duty of every government servant to endeavor to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly, to be, subversive of the Government as by law established and where a government servant, fails to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

5-A Demonstration and strikes-No government servant shall –

- (1) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court defamation or incitement to an offence, or
- (2) resort to or in any way abet, any form of strike in connection with any matter pertaining to his service or the service of any other government servant,

5-B Joining of associations by government servants –

No government servant shall join, or continue to be a member of an association, the objects or activities of which are prejudicial to the - interest of the sovereignty and integrity of India or public order or morality.

6. Connection with press or radio -

- (1) No government servant shall except with the previous sanction of the Government, own wholly or in part or conduct or participate in editing or managing of any newspaper or other periodical publication.
- (2) No government servant, shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

7. Criticism of Government -

No government servant shall in any radio broadcast or in any document published anonymously or in his own name. or in the name of any person or in any communication to the Press or in any public utterance, make any statement of fact or opinion –

- (i) which has the effect of any adverse criticism of any decision of his superior officers or of any current or recent policy or action of the Uttar Pradesh Government or the Central Government or the Government of any other State or a local authority; or
- (ii) Which is capable of embarrassing the relations between the Uttar Pradesh Government and Central Government or the Government of any other State; or
- (iii) Which is capable of embarrassing the relations between the Central Government and the Government of any foreign State;

Provided that nothing in this rule shall apply in any statement made or views expressed by a government servant in his official capacity or in the due performance of the duties assigned to him.

8. Evidence before committee or any other authority

- (1) Same as provided in sub rule (3) no government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.
- (2) Where any sanction has been accorded under sub-rule (1) no government servant giving such evidence shall criticize the policy of the Uttar Pradesh Government, the Central Government or any other State Government.
- (3) Nothing in the rule shall apply to –
 - (a) evidence given at an enquiry before an authority appointed by the Government by the Central Government. by the Legislature of Uttar Pradesh or by Parliament, or
 - (b) evidence given in any judicial enquiry.

9. Unauthorized communication of information -

No government servant shall except in accordance with any general or special order of the Government or in the performance in good faith, of the duties assigned to him communicate directly or indirectly, any official document or information to any government servant or any other person to whom he is not authorised to communicate such document or information.

Explanation –

Quotation by a government servant in his representation to his official superiors,- of or from the notes on any file shall amount to unauthorized communication of information within the meaning of this rule.

Subscription –

A government servant may, with the previous sanction of the Government ask for, or accept or participate in the raising of a subscription or other pecuniary assistance for a charitable, purpose connected with medical relief education or other objects of public utility but it shall not be permissible for him to ask for subscription etc. for any other purpose whatsoever.

11. Gifts -

A government servant shall not without previous approval of the government –

- (a) accept directly or indirectly on his own behalf or on behalf of any other person, or
- (b) permit any member of his family, who is dependent on him to accept any gift, gratuity or reward from any person other than a close relation:

Provided that he may accept or permit any member of his family to accept from a personal friend a wedding present or a present on a ceremonial occasion, of a value not exceeding Rs.51. All government servants shall, however, use their best endeavor to discharge even the tender of such presents

12. Acceptance of gift etc. by Medical Officer -

Subject to the departmental rules governing the question, a medical officer may accept any gift, gratuity or reward of a value not exceeding Rs. 51 offered in good faith by any person or body of person in recognition of his professional services. If however, the value of the gift, etc, exceeds Rs. 51, it shall be reported to the Government.

13. Presentation of trowels etc. at ceremonial function -

A government servant may, with the previous sanction of the Government, accept for himself any trowel key or other similar article, offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

14. Public demonstrations in honour of government servants -

No government servant shall, except with the previous sanction of the Government receive any complimentary or valedictory address, or accept any testimonial or attend any meeting or public: entertainment held in his honour or in the honour of any other government servant:

Provided that nothing in this rule shall apply to a farewell entertainment of a substantially private or informal character and held in honour of a government servant on the occasion of his

retirement or transfer or of any person who has recently quitted service of the government.

15. Private trade or employment -

No government servant shall except with the previous sanction of the Government engage directly or indirectly in any trade, business or undertake any employment:

Provided that a government servant may, within such sanction undertake honorary work of a 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 and that he informs his Head of Department, and when he is himself the Head of the Department, the Government within one month of *his* undertaking such work, but he shall not undertake or shall discontinue, such work if so directed by the Government.

16. Registration, promotion and management of companies -

No government servant, shall, except with the previous sanction of the Government, take part in the registration, promotion or management of any bank or other company registered under the Indian Companies Act, 1913, *or* under any other law for the time being in force:

Provided that a government servant may take part in the registration promotion or management of a co-operative society registered under the Co-operative Society Act, 1912 (Act II of 1912) or under any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (Act XXI of 1860), or under any corresponding law in force.

17. Insurance business -

A government servant shall not permit his wife or any other relative who is either wholly dependent on him or is residing with him to act as an insurance agent in the same district in which he is posted.

18. Guardianship of minors -

A government servant may not, without the previous sanction of the appropriate authority, act as a legal guardian of the person or property of a minor other than his dependent.

19. Action in respect of a relation -

- (1) Where a government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him, whether the relationship be distant or near, he shall with every such proposal opinion or action, expressly state whether the individual is or is not related to him and if so related the nature of the relationship
- (2) Where a government servant has by any law, rule or order in force power of deciding Finally any proposal, opinion or any other action and that proposal, opinion or action is in respect of an individual related to him, whether the relationship be distant or near and whether that proposal, opinion or action affects the individuals favorably or otherwise he shall not take a decision, but shall submit the case to his superior officer after explaining the reasons and the

nature of relationship.

20. Speculation -

- (1) No government servant shall speculate in any investment..

Explanation –

The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this rule.

- (2) If any question arise whether a security or investment is of the nature referred to in sub-rule (1), the decision of the Government thereon shall be final.

21. Investments

- (1) No government servant shall make, or permit his wife or any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.
- (2) If any question arise whether a security or investment is of the nature referred to above, the decision of the Government thereon shall be final.

22. Lending and borrowing

- (1) No government servant shall, except with the previous sanction of the appropriate authority, lend money to any person possessing land or valuable property within the local limits of his authority, or at interest to any person:

Provided that a government servant may make an advance of pay to a private servant, or give a loan of a small amount free of interest to the personal friend or relative, even if such person possess land within local limits of his authority.

- (2) No government servant shall, save in the ordinary course of business with a bank, co-operative society or a firm of standing borrow money from, or otherwise place himself under pecuniary obligation to any person within the local limits of his authority, nor shall he permit any member of his family except with the previous sanction of the appropriate authority to enter into any such transaction:

Provided that a government servant may accept a purely temporary loan of small amount free of interest from a personal friend or relative or operate a credit account with a bonafide tradesman.

- (3) When a government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (1) or sub-rule (2), he shall forthwith report the circumstances to the appropriate authority, and shall, thereafter act in accordance with such orders as may be passed by the appropriate authority,
- (4) The appropriate authority in the case of government servants who are gazetted officers shall be the Government and in other cases the Head of the Office.

23. Insolvency and habitual indebtedness -

A government servant shall so manage his private affairs as to avoid habitual indebtedness

or insolvency. A government servant who becomes the subject of legal proceedings for insolvency shall forthwith report the full facts to the head of the office or department in which he is employed.

24. Movable, immovable and valuable property -

- (1) No government servant shall, except with the previous knowledge of the appropriate authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family:

Provided that any such transaction conducted otherwise than through a regular and reputed dealer shall require the previous sanction of the appropriate authority.

25. Vindication of acts and character of government servants -

No government servant shall except with the previous sanction of the Government, have recourse to the press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of defamatory character.

Explanation –

Nothing in this rule shall be deemed to prohibit a government servant from vindicating his private character or any act done by him in private capacity.

*26. (Deleted vide notification No. 3116/11-8-32-52, dated the 13th August, 1960).

27. Canvassing of non-official or other outside influence -

No government servant shall bring or attempt to bring whether himself personally or through a member of his family, any political or other outside influence to bear upon any question relating to his interest in respect of matters pertaining to his service.

Explanation –

Any act done by the wife or husband, as the case may be, or any member of the family of a government servant and falling within the purview of this rule, shall be presumed to have been done at the instance, or with the connivance of the government servant concerned, unless the contrary shall have been proved.

27.A- Representations by Government servants

No government servant shall whether personally or through a member of his family, make any representation to Government or any other authority except through the proper channel and in accordance with such directions as the Government may issue from time to time. The Explanation to Rule 27 shall apply to this rule also.

28. Unauthorised pecuniary arrangements

No government servant shall enter into any pecuniary arrangement with another government servant or any other person so as to afford any kind or advantage to either or both of them in any unauthorized manner or against the specific, or implied provisions of any rule for the time being in force.

29. Bigamous marriages -

- (1) No government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such to him.
- (2) No female government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

30. Proper use of amenities -

No government servant shall misuse, or carelessly use. amenities provided for him by the Government to facilitate the discharge of his public duties.

31. Payment for purchases -

Unless payment by installments is customary, or specially provided, or a credit account is maintained with a bonafide tradesman, no government servant shall withhold prompt and full payment for the article purchased by him whether the purchases are made on tour or otherwise.

32. Use of services without payment -

No government servant shall without making proper and adequate payment, avail himself of any service or entertainment for which a hire or price or admission fee is charged.

33. Use of conveyances belonging to others -

No government servant shall, except in exceptional circumstances, use a conveyance belonging to a private person or government servant who is subordinate to him.

34. Purchases through subordinates -

No government servant shall himself ask or permit his wife, or any other member of his family living with him to ask any government servant who is subordinate to him, to make purchases, locally or from outstation, on behalf of him, his wife or other member of his family, whether on advance payment or otherwise:

Provided that this rule shall not apply to the purchases which the inferior staff attached to the government servant may be required to make.

35. Interpretation:

If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

36. Repeal and saving:

Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to government servant under the control of the Government of Uttar

Pradesh are hereby repealed.

Provided ~hat an order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

The Uttar Pradesh State Electricity Board (Issue of Bonds) Rules, 1964

1. Short title and commencement -

- (i) These Rules may be called the Uttar Pradesh State Electricity Board (Issue of Bonds) Rules, 1964.
- (ii) They shall come into force with effect from the date of their publication in the Uttar Pradesh Gazette.

2. Definitions In these rules, unless the context otherwise requires -

- (i) "Act" means the Electricity (Supply) Act, 1948 (Act No. 54 of 1948);
- (ii) "Board" means the Uttar Pradesh State Electricity Board constituted under Section 5 of the Electricity (Supply) Act, 1948 (Act No. 54 of 1948); and
- (iii) "State Government" means the Government of Uttar Pradesh.

3. Particulars of borrowing to be furnished to Government -

- (i) The Board may borrow by the issue of bonds only with the previous sanction of the State Government and subject to such conditions as regards the amount, rate of interest, date and method of issue of such bonds, the arrangement for the application and repayment of the proceeds as have been previously approved by the State Government, and no variation of any such arrangement or condition except as otherwise provided in the rules shall be made without the prior approval of the State Government.
- (ii) While applying for previous sanction of the State Government for borrowing any money, the Board shall furnish particulars of the amount proposed to be borrowed, purpose of the loan, security to be offered, if any, amount already borrowed by the Board and the nature of security on which such amount has been borrowed, assets of the Board, the manner in which the proposed loan is to be repaid, and such other particulars as the State Government may require.

4. Application of money borrowed -

Except with the previous sanction of the state Government, money raised by the issue of any bonds shall not be applied to purposes, other than those for which the money was raised.

5. Temporary investments -

The Board may, from time to time, invest temporarily, in such manner as the State Government may by general or special order approve, any sum raised by the issue of any bonds but not required for the time being for the purpose for which it was raised.

6. Power to issue and renew bonds -

- (i) Subject to the provisions of these rules, the Board may by resolution issue bonds.
- (ii) The Board may issue such class or classes of bonds as it may determine but each class of bonds shall have a distinct title and shall be issued subject to the condition that all bonds at any time belonging to that class shall bear one and the same rate of interest, and shall become redeemable at the same time and shall in all other aspects be of the same character.
- (iii) All bonds issued by the Board shall be redeemable.
- (iv) Bonds issued by the Board shall be called the U. P. State Electricity Board Bonds.
- (v) Bonds and applications for Bonds shall be for amounts of Rs. 100 or in such multiples of Rs. 100 as may be decided by the Board.

7. Redeemabilities of Bonds -

The Bonds issued by the Board shall be redeemable on such date within the period determined by the State Government as may be specified in the bonds, being not less than five years from the date of the Bonds.

8. Government Guarantee for Bonds -

The State Government may, under Section 66 of the Act, guarantee in such manner as it think fit the payment of the principal and of interest, or of either the principal or the interest, of any bonds issued by the Board.

9. Extinction of Bonds redeemed or purchased -

If any bond issued under these rules is redeemed or purchased by the Board, it shall stand extinguished.

- 10. The Board may for maintaining a register of bonds appoint an officer on such terms as it may determine, who shall be called the Registrar of Bonds, hereinafter referred to as the Registrar.

11. Register of Bonds -

The Registrar shall maintain a register relating to bonds containing the name address and occupation of each holder of bonds, the amount, the period and the date of redemption.

12. Right to transfer bonds -

A bond may be transferred by endorsement and delivery.

13. No Notice of Trusts

No notice of any trusts express, implied or constructive in respect of any bond, shall be entered in any register, or in any other book kept by the Board or the Registrar or in any certificate, or in any transfer of any bond or be receivable by the Board or the Registrar, and the receipt of any person in whose name any bond stands in the register relating thereto shall be a sufficient discharge to the Board for any money paid in respect of such bond.

14. Transfer on death -

- (i) The interest of a deceased holder of any bond shall be transferable by his executors or administrators.
- (ii) The Board or the Registrar may refuse to allow any executors or administrators to transfer any bond until the probate of the will or the letters of administrations to the estate of the deceased or a succession certificate under the Indian Succession Act, 1925 (Act No XXXIX of 1925) has or have been left with the Registrar for registration and may require all the executors or the administrators to join in the transfer.

15. Transfer otherwise than by death of holder-Transfer in Books or by Deed -

- (i) If the interest in any bond has been transferred by any lawful means other than a transfer in books or a deed in accordance with these rules on the death of a holder of the bond, satisfactory evidence of the transfer shall be furnished to the Registrar by an affidavit of one or more competent persons or in such other manner as the Registrar, with the previous approval of the Board, may require.
- (ii) The name of the person entitled under the transfer shall be entered in the Register.
- (iii) Until evidence has been furnished in accordance with sub-rule (1), the Board or the Registrar shall not recognize the transfer and no person claiming under the transfer shall be entitled to receive any interest on the bond.

Explanation - For the purpose of this rule, the expression "transfer" includes any case of endorsement in the name of the holder of bond.

16. Registration Fees -

- (i) Except as otherwise provided by the conditions on which any bond is issued, the Registrar shall be entitled to charge a fee not exceeding Re. 1, as the Board may from time to time specify, in respect of the registration of each one of the following
 - (a) any transfer,
 - (b) probate of will or letters of administration.
 - (c) change of name
 - (d) power of attorney,
 - (e) order of Court. And
 - (f) any other document affecting the registration of a bond.
- (ii) If any such registration affects more than one class of bonds, a separate fee may be charged in respect of each class.

17. Defaced or lost certificate -

- (i) If any certificate of any bond is worn or defaced, the Registrar shall, on surrender of the

certificate and payment of a fee of Rs. 1 issue a new certificate to the person entitled to the surrendered certificate.

- (ii) If it is shown to the satisfaction of the Registrar that any such certificate has been lost or destroyed, he shall, on an application made in writing by or on behalf Of the registered holder of the bond and after due notification in the U. P. Gazette and on receiving indemnity to his satisfaction against all claims in respect of the lost or destroyed certificate and on payment of the charges of notification and fee of Re. 1 issue a new certificate to the person entitled to the certificate so lost or destroyed.
- (iii) A memorandum of the issue of a new certificate shall be made thereon and in the register.

18. Board to adopt provision of Companies Act, 1955 in respect of the issue, transfer etc. of Bonds -

Save as provided in these rules, the Board shall adopt, as far as circumstances may permit, in all matters in connection with or incidental to the issue, transfer, devolution, or registration of bonds, the provisions of the Indian Companies Act, 1956 (Act No.1 of 1956) and the rules made thereunder.

19. Closing of Transfer Books etc.

- (i) The Registrar, with the approval of the Board, and after giving the notice by public advertisement may close the register of transfers of any class of bonds for a period not exceeding thirty days immediately preceding the date for the payment of interest on the bonds.
- (ii) The persons who on the day of closing in accordance with sub-rule (1) are registered as holders of any bonds shall be entitled to the interest next payable thereon.

20. Arrangement with Bankers etc. -

The Board may, subject to the provisions of these rules make any arrangement with, and provide for the proper remuneration of, any banking or other company or corporation, brokers of financial agents with respect to the issue of bonds, the registration and transfer of bonds, the payment of interest on bonds, the keeping of books and other matter Incidental to the issue, management; redemption and repayment of bonds.

21. Protection of lenders and holders of Bonds

A person holding any bond shall not be under any obligation to inquire into, or to take notice of, whether the borrowing or the creation of issue or grant of such bond was or was not within the competence of the Board under the Act or these rules or whether or not the Board or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Board were legal or regular or to see to the application of any money borrowed or raised by any bond or be answerable for any loss or misappropriation there of.

22. Payment of interest -

Interest on a bond shall be paid by the office of issue of the Bank or in case payment at any other office of the Bank is permitted in the relative Bond Prospectus by such other office, subject to compliance by the holder with such formalities as the office of issue may require, on presentation of the Bond, by interest warrant in favour of the holder payable at the office of issue or any other office of the Bank, as the case may be.

Explanation –

In this rule 'Bank' means banking or other company or corporation appointed by the Board as its bankers for the issue, management and repayment of bonds.

23. Residuary provision relating to incidental matters

Except as otherwise expressly provided by these rules, the procedure prescribed in the Government Securities Manual shall, mutatis mutandis, apply to all matters incidental to the issue, management and repayment of bonds.

24. Saving for other obligations -

Nothing in these rules shall relieve the Board from any obligation which may be imposed on it in relation to any borrowing power conferred by or under any enactment for the time being in force in U. P.

UTTAR PRADESH STATE ELECTRICITY BOARD

(SUBMISSION OF REPORTS) RULES, 1969

1. Short title -

These Rules may be called the "Uttar Pradesh State Electricity Board (Submission of Reports) Rules, 1969".

2. Definitions -

In these rules unless there is anything repugnant in the subject or context –

- (i) "Act" means the Electricity (Supply) Act, 1948 (Act No. 54 of 1948);
- (ii) "State Government" means the Government of Uttar Pradesh;
- (iii) "Consultative Council" means the Uttar Pradesh State Electricity Consultative Council constituted under sub-section (1) of Section 16 of the Act;
- (iv) "Board" means the Uttar Pradesh State Electricity Board;
- (v) The other expressions shall have the meanings respectively assigned to them in the Electricity (Supply) Act, 1948 (Act No. 54 of 1948) or the Indian Electricity Act, 1910 (Act No. 10 of 1910) and the rules made thereunder.

3. Date before which annual report is to be submitted -

The Board shall, as soon as possible, after the 31st day of March each year but not later than the 30th September of that year or such further time as may be granted by the State Government, submit to the Government a report giving an account of its operations during the previous financial year together with statistical data and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the next financial year.

4. Form of annual report -

The report referred to in rule 3 shall be in the ten sections containing information on the following, namely:

Section - Constitution of the Board

Number of meetings of the Board held, important developments during the financial year on the administrative, financial and technical sides, review of the work of the Consultative Council future programme;

Section II - Operation of the Grid

Production, Purchase, distribution and delivery of power, maintenance work of the generating stations, lines and sub-stations;

Section III - Financial particulars

Operation and maintenance expenditure on capital works, investments and such like matters;

Section IV - Construction activities

Technical branch works, progress of work in major projects under execution, transmission lines under erection and commissioning of new substations;

Section V - Rural Electrification

Villages electrified, pump sets connected up and other rural industries provided with electrical energy;

Section VI - Manufacture and testing

Meter and relay test, laboratory works, special maintenance activities at the manufacturing and other regional workshops;

Section VII - Licensees

Development in licensees area in general –

Names of the licensees in respect of whom rating committees were constituted by the Board during the previous financial year under Section 57-A of the Act, to examine charges for supply of power, details of directions given to Local Authority licensees under Section 58 of the Act;

Section VIII - personnel administration

Improvement in service conditions, amenities provided for the staff, recruitment, retirement of senior officers, foreign training facilities for the gazetted technical officers, number of students trained in the Board;

Section IX

Important activities to be undertaken in the next financial year;

Section X

Statistical data on the following –

- (a) List of works undertaken - Capital outlay on electricity schemes with expenditure to the end of March;
- (b) Percentage of progress in construction work;
- (c) Load development in each system, if running in isolation from the main grid;
- (d) Budget provision for capital works;
- (e) Details of establishment charges and the recoveries thereto, together with excess of income over expenditure and surplus;
- (f) Statement showing the cost of generation as delivered for each grid system units of power

generated gross revenue, working expenses and cost per unit of power generated under each main head of expenditure for the Board as a whole;

- (g) Statement showing cost of operation and maintenance expenses as a percentage on revenue per unit sold for the Board;
- (h) Line and Transformer loss (in million units) during the financial year under review;
- (i) Utilization of power in million units and revenue by sale of power in lakhs of rupees during the previous financial year;
- (j) Tariffs (changes in rates during the previous financial year);
- (k) Annual accounts of the Board (balance sheet) Latest Account available;
- (l) List of staff employed as on the 31st March;
- (m) Total capacity of plants installed in the power stations in service in the State and effective capacity of each plant;
- (n) Major transmission and distribution lines under operation, their length in circuit Kilometer;
- (o) Major sub-stations at Extra High Voltage and high Voltage System with capacity of transformers;
- (p) Number of consumers and connected load statement;
- (q) List of new H.T. consumers to whom, supply was given during the previous financial year;
- (r) List of towns and villages electrified during the previous financial year;
- (s) Scale of pay of staff (if revised during the previous financial year);
- (t) Review of accidents during the financial year;
- (u) Details of Investment;
- (v) Statistical data pertaining to licensees' area; and
- (w) Any other matter which the Board likes to mention.

"THE UPSEB EMPLOYEES (TRANSFERS) REGULATIONS' 1980"

- 1.(1) These Regulations may be called the Uttar Pradesh State Electricity Board Employees' (Transfer) Regulations, 1980.
 - (2) They shall come into force at once.
2. For purposes of these Regulations unless there is anything repugnant in the subject or context –
 - (a) "Board" means the U.P. State Electricity Board.
 - (b) "Employee (s)" means servants of the Board and includes Persons of Ex-licensee Company/Undertakings taken over by the Board whether on Board's terms & conditions or on their old terms & conditions as under the ex-licensee.
3. (1) Notwithstanding anything contained in any standing orders framed under the Industrial Employment (Standing orders) Act, 1946, to govern the conditions of service of any Electrical Company/Undertaking/Administration taken over by the Board, or in any other Boards Regulations as in force from time to time: the services of all employees shall be liable to transfer to any place under the Board in Uttar Pradesh or outside Uttar Pradesh.
 - (2) For implementation of the provisions of sub-clause (1), the Board may from time to time issue such executive orders as it may consider necessary in the interest of the Board. The orders regulating transfer of employees hitherto issued and in force shall continue to be in force a3 if they were issued under this sub-regulation.

**The Uttar Pradesh Electric Wire & Transformers
(Prevention & Punishment of Theft) Rules, 1977**

1. Short title and commencement -

- (i) These Rules may be called the Uttar Pradesh Electric Wire and transformers (Prevention and Punishment of Theft) Rules, 1977.
- (ii) They shall come into force at once.

2. Definitions -

In these Rules unless the context otherwise requires:

- (a) 'Form' means a form appended to these Rules;
- (b) 'License' means a license granted by the Licensing Authority under rule 4 of these Rules;
- (c) 'Act' means the Uttar Pradesh Electric Wire and Transformers (Prevention and Punishment of Theft) Act, 1976 (U. P. Act No. 42 of 1976);
- (d) 'Section' means a section of the Act;
- (e) Words and expressions used in these Rules and defined in the Act; shall have the meanings assigned to them in the Act.

CHAPTER – II

3. Licensing of dealers, Section 3 (I).

- (i) No person shall carry on business of purchase or/or sale of aluminum or copper or store it for carrying on such business unless he obtains a license from the 'licensing Authority' of the district in which he ordinarily resides and carries on business.
- (ii) A separate license shall be necessary for each place of business or store.

4. Issue of license, Section 3 (2)

- (i) Every application for a licence shall be made to the licensing authority in Form 'A'.
- (ii) Every application for the renewal of a licence shall be made so as to reach the licensing authority at least fifteen days before the date of expiry of the licence. The application for renewal of licence shall be in form 'B'.
- (iii) Every Licence issued or renewed under these rules shall be in form 'C'.

5. Validity of Licence, Section 3(2)

- (i) A licence issued under these rules shall be valid up to the 31st day of December of the year .in which it is issued and may be renewed for a further period of one year.

Provided that if an application for .renewal of licence is made for less than one year, it shall not be refused merely on the ground that it has not been made for one year.

(ii) The fee specified below shall be charged in respect of each licence;

- | | | | |
|-----|----------------------------------|---|---------|
| (a) | for issue of licence | - | Rs. 200 |
| (b) | for renewal of Licence | - | Rs. 50 |
| (c) | for issue of a duplicate Licence | - | Rs. 50 |

5. Amended w.e.f. 8.12.1978

(i) The fee specified below shall be charged in respect of each licence and shall be credited to the head "120-Udyog-Ka-Samanya (Kha) Anugaypti Shulk ke adheen ek prathak up sheershak". Aluminium Tatha Tambey ke Byapariyon se Uttar Pradesh Bijli ke Tar aur Transformers (Chorike Nivaran tatha Dand (Niyamawali ke adheen prapt anugaypti Shulk:-

- | | | | |
|-----|----------------------------------|---|---------|
| (a) | for issue of licence | - | Rs. 200 |
| (b) | for renewal of Licence | - | Rs. 50 |
| (c) | for issue of a duplicate Licence | - | Rs. 50 |

6. Power to refuse licence,

The licensing authority may, after affording the applicant an opportunity of being heard or stating his case in writing may refuse to grant or renew a licence for reasons to be recorded in writing.

7. Suspension or Cancellation of Licence, Section 3 (2)

(i) If the licensing authority is satisfied that a licensee or his agent or any other person acting on his behalf has contravened any of the provisions of these rules or of the Act or of any of the terms and conditions of the licence. he may without prejudice to any other action that may be taken against the licensee or other persons as aforesaid suspend or cancel the licence:

Provided that no order shall be made under this clause unless the licensee has been given an opportunity of furnishing an explanation in respect of the allegations made against him.

(ii) A copy of the order suspending or cancelling a licence shall be given to the licensee also.

8. Appeals Section 3 (2)

Any person aggrieved by any order of the licensing authority refusing to grant or renew a licence or suspending or cancelling a licence may appeal to the State Government or to any officer authorised by the State Government in this behalf, within 30 days of the receipt of such order and the State Government or the Officer as aforesaid may pass such orders on the appeal as may in the circumstances appear to it or him to be just and proper.

9. Restriction on storage. Section 3 (3)

(i) Where at any time any person has in his stock aluminium or copper in any quantity

exceeding 5 (Five) quintals each, he shall for purposes of section 3 be deemed to have stored it for carrying on the business of purchase or sale of such aluminium or copper.

Amended with effect from 08-12-1978

- (i) Where at any time any person has in his stock aluminium or copper in any quantity exceeding 7 (Seven) quintals each, he shall for purposes of section 3 be deemed to have stored it for carrying on the business of purchase or sale of such aluminium or copper.

Declaration of Stocks Section 4

- (ii) For the purposes of declaration of stocks of materials under section 4 Form 'G' shall be used.

10. Maintenance of Registers and Accounts. Section 3 (2)

- (i) A licensee shall keep at every place of storage of stocks a register of stocks in Form 'D' and a separate register for sale and purchase of the stocks in Form 'E'.
- (ii) The entries in the prescribed registers shall be made as soon as a transaction takes place and shall be kept ready for inspection whenever required.
- (iii) A licensee shall submit to the Licensing Authority on the first working day of every month a return showing the transactions made during the preceding month and the position of stocks of aluminium or copper held by him at the close of the month concerned. The return of transactions regarding purchase and sale of stocks shall be submitted in Form 'E' and that for the position of stocks held, in Form 'F'.

Amended w.e.f. 08-12-1978

- (iii) A licensee shall submit to the Licensing Authority on the first working day of every month a return showing the transactions made during the preceding month and the position of stocks of aluminium or copper held by him at the close of the month concerned. The return of transactions regarding purchase and sale of stocks shall be submitted in Form 'E' and that for the position of stocks held in Form 'F'

Provided that a licensee who keeps stock of eight quintals or less of copper or aluminium each shall not be required to maintain the registers under clause (i) and to submit returns under clause (iii).

विविध

इलैक्ट्रीसिटी (सप्लाई) एक्ट 1948 की धारा 79 (सी) द्वारा प्रदत्त अधिकारों को प्रयोग करते हुए उत्तर प्रदेश राज्य विद्युत परिषद एतद्वारा अपने अधीन समस्त कार्यालयों/परियोजनाओं/कार्यस्थलों एवं विद्युत उपसंस्थानों हेतु भूमि अध्याप्ति से प्रभावित परिवार के सदस्य की नियुक्ति हेतु निम्नलिखित विशेष विनियम बनाते हैं :-

1. संक्षिप्त नाम तथा प्रारम्भ :-

- क- ये विनियम उत्तर प्रदेश राज्य विद्युत परिषद (भूमि अध्याप्ति से प्रभावित परिवार के सदस्य की नियुक्ति विनियम 1987 कहलायेंगे।
- ख- ये शासकीय गजट में प्रकाशन के दिनांक से प्रभावी होंगे।

2. परिभाषाएँ :-

जब तक, प्रसंग में अन्यथा अपेक्षित न हो इन विनियमों में :

- क- “एक्ट” का तात्पर्य इलैक्ट्रीसिटी (सप्लाई) एक्ट 1948 से है (1948 का एक्ट संख्या 54)।
- ख- “नियुक्ति प्राधिकारी” का तात्पर्य परिषद द्वारा जारी किये गये किसी विनियम या आदेश द्वारा किसी पद या सेवा में नियुक्ति करने के लिए प्राधिकृत अधिकारी से है।
- ग- “परिषद” का तात्पर्य एक्ट की धारा 6 के अंतर्गत गठित उत्तर प्रदेश राज्य विद्युत परिषद से है।
- घ- “कार्यालय का प्रधान” का तात्पर्य उस कार्यालय के प्रधान से है जिसके द्वारा भूमि अध्याप्ति की गयी है।
- ङ- “प्रभावित परिवार” का तात्पर्य ऐसे परिवार से है जिसकी भूमि परिषद द्वारा अपनी परियोजनाओं के निर्माण आदि कार्य के लिये अधिग्रहण कर ली गयी हो तथा इसमें केवल परिवार का प्रमुख भूस्वामी उसकी पत्नी उन पर पूर्णतयः आश्रित पुत्र एवं अविवाहित पुत्री अथवा विधवा पुत्री जिन्हें सम्बन्धित कलक्टर द्वारा प्रमाणित किया गया हों, मान्य होंगे।

3. स्थिति :-

यह विनियमावली परिषद के आधीन समस्त कार्यालयों/परियोजनाओं/कार्यस्थलों एवं विद्युत उपसंस्थानों के अन्तर्गत तृतीय श्रेणी (इसके अन्तर्गत परिचालन वर्ग, लिपिक वर्ग एवं ड्राइंग स्टाफ भी सम्मिलित हैं) एवं चतुर्थ श्रेणी के ऐसे सभी पदों पर नियुक्ति हेतु लागू होगी जिन पर सीधी भर्ती की जाती है, प्रतिबन्ध यह है कि :-

- क- जिस परिवार की 50 प्रतिशत या उससे अधिक भूमि अध्याप्ति कर ली गयी है, उस परिवार के एक सदस्य की नियुक्ति करना अनिवार्य होगा तथा अन्य सदस्यों की नियुक्ति में सामान्य अभ्यर्थियों के साथ अवसर की समानता के आधार पर वरीयता दी जा सकती है।

ख- जिस परिवार की 50 प्रतिशत से कम भूमि अध्याप्ति की गयी है, उस परिवार के किसी एक सदस्य को नियुक्ति के समय अवसर की समानता के आधार पर वरीयता प्रदान की जायेगी। उपरोक्त (क) व (ख) में उल्लिखित प्रभावित परिवार के सम्बन्ध में सम्बन्धित कलक्टर द्वारा जारी किया गया प्रमाण-पत्र देना आवश्यक होगा।

4. भर्ती :-

इस विनियमावली के प्रभावी होने के पश्चात यदि परिषद द्वारा कोई भूमि अध्याप्ति की जाय तो भूमि अध्याप्ति से प्रभावित परिवार जिनकी 50 प्रतिशत या इससे अधिक भूमि अध्याप्ति कर ली गयी है के ऐसे सदस्य को, जो केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या उसके द्वारा नियुक्ति किसी निगम या राज्य विद्युत परिषद के आधीन पहले से ही सेवायोजित न हो, इस प्रयोजन के लिये आवेदन करने पर, भर्ती के सामान्य नियमों को शिथिल करते हुए परिषदीय सेवा में यथा सम्भव उसी इकाई/परियोजना आदि में जिसके लिए भूमि अध्याप्ति की गई है, विनियम 3 के अनुसार सेवायोजन प्रदान किया जायेगा।

प्रतिबन्ध यह है कि वह सदस्य उस पद के लिए निहित शैक्षिक अर्हता रखता है तथा अन्य प्रकार से भी परिषदीय सेवा के लिए योग्य है।

5. सेवायोजन के लिए आवेदन पत्र :-

इस विनियमावली के अधीन किसी पद पर नियुक्ति के लिए आवेदन पत्र उस पद के नियुक्ति प्राधिकारी को संबोधित किया जायेगा किन्तु आवेदन पत्र उस कार्यालय के प्रधान के माध्यम से भेजा जायेगा जिसके द्वारा भूमि अध्याप्ति की गयी है। आवेदन पत्र में अन्य बातों के अतिरिक्त निम्नलिखित सूचना दी जायेगी :-

- क- अध्यापित भूमि का विवरण अध्यापित के दिनांक सहित तथा प्रयोजन जिसके लिए भूमि अध्यापित की गयी है तथा प्रभावित परिवार की कुल भूमि।
- ख- भूमि अध्याप्ति से प्रभावित परिवार के सदस्यों के नाम, उनकी आयु तथा अन्य ब्योरे विशेषताया उनके विवाह सेवायोजन तथा आय सम्बन्धी ब्योरे।
- ग- आवेदक की शैक्षिक योग्यता तथा अन्य अर्हतायें, यदि कोई हो।
- घ- मूल निवास का स्थान (गांव, तहसील तथा जिला सहित)
- ड- जन्म तिथि।

6. परिवार के एक से अधिक सदस्यों द्वारा सेवायोजन के लिए आवेदन की दशा में प्रक्रिया :-

यदि भूमि अध्याप्ति से प्रभावित परिवार के एक से अधिक सदस्य इस विनियमावली के आधीन सेवा चाहते हों तो कार्यालय का प्रधान सेवा के लिए आवेदकों की उपयुक्तता को विनिश्चित करेगा तथा समस्त परिवार के सदस्यों के कल्याण के निर्मित उनके हितों तथा विनियम 3 को ध्यान में रखते हुए निर्णय लेगा।

7. आयु तथा अन्य उपेक्षाओं में शिथिलता :-

- क- इस विनियमावली के आधीन नियुक्ति चाहने वाले अभ्यर्थी की आयु चयन के वर्ष में 1 जनवरी को 18 वर्ष से कम तथा 28 वर्ष से अधिक नहीं होनी चाहिए।
- ख- अधिकतम आयु सीमा में 10 वर्ष की छूट नियुक्ति प्राधिकारी द्वारा इस प्रतिबन्ध के साथ दी जा सकती है कि सम्बन्धित अभ्यर्थी कलक्टर द्वारा प्रदत्त/इस आशय का प्रमाण पत्र प्रस्तुत करें की उसके परिवार का कोई अन्य सदस्य 28 वर्ष से कम आयु का नहीं है जिसे इस विनियमों के अन्तर्गत नियुक्ति दी जा सके।
- ग- चयन के लिए प्रक्रिया सम्बन्धी अपेक्षाओं, यथालिखित परीक्षा या चयन समिति द्वारा साक्षात्कार से मुक्त कर दिया जायेगा, किन्तु यह आवश्यक है कि अभ्यर्थी पद विषयक प्रत्याशित कार्य तथा दक्षता का न्यूनतम स्तर रखत है जिसके समाधान के उद्देश से अभ्यर्थी का साक्षात्कार करने के लिए नियुक्ति प्राधिकारी स्वाधीन होगा। प्रतिबन्ध यह है कि यदि किसी पद या सेवा में नियुक्ति के लिए टंकण की योग्यता रखना अनिवार्य है, तो ऐसे अभ्यर्थी को, जो इस विनियमों के अन्तर्गत अन्य अर्हतायें रखता है, उस पद या सेवा में नियुक्ति केवल इस कारण से रोकी नहीं जायेगी कि वह टंकण की योग्यता नहीं रखता है। ऐसे अभ्यर्थी की नियुक्ति 2 वर्ष के लिए परीवीक्षा पर की जायेगी और जब तक वह टंकण परीक्षा उत्तीर्ण नहीं कर ले तब तक वह अपने पद पर स्थायी नहीं किया जायेगा और न किसी प्रोन्नति के लिए अधिकारी होगा। इस प्रयोजन हेतु नियुक्ति प्राधिकारी द्वारा प्रत्येक छः माह पश्चात् टंकण परीक्षा का आयोजन किया जायेगा।
- घ- इस विनियमावली के आधीन नियुक्ति केवल किसी विद्यमान रिक्त पद के प्रति की जायेगी।

8. सामान्य अर्हताओं के सम्बन्ध में नियुक्ति प्राधिकारी का समाधान :-

किसी अभ्यर्थी को नियुक्त करने के पूर्व नियुक्ति प्राधिकारी अपना यह समाधान करेगा कि :-

- क- अभ्यर्थी का चरित्र ऐसा है कि परीषदीय सेवा में सेवायोजन के लिए सभी प्रकार से उपयुक्त है।
- टिप्पणी : संघ सरकार या किसी राज्य सरकार द्वारा अथवा केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या उसके द्वारा नियन्त्रित किसी निगम या राज्य विद्युत परिषद द्वारा पदच्युत व्यक्ति सेवा में नियुक्ति के लिए पात्र नहीं समझे जायेंगे।
- ख- वह मानसिक तथा शारीरिक रूप से स्वस्थ है और किसी ऐसे शारीरिक दोष से मुक्त है जिसके कारण उसके द्वारा अपने कर्तव्यों का दक्षतापूर्वक पालन करने में बाधा पड़ने की सम्भावना हो तथा इस बात के लिए अभ्यर्थी से उस मामले में लागू नियमों के अनुसार समुचित चिकित्सा प्राधिकारी के समक्ष उपस्थित होने और स्वस्थता का प्रमाण पत्र प्रस्तुत करने की अपेक्षा की जायेगी।
- ग- पुरुष अभ्यर्थी की दशा में, उसकी एक से अधिक पत्नी जीवित न हो और किसी महिला अभ्यर्थी की दशा में उसने ऐसे व्यक्ति से विवाह न किया हो जिसकी पहले से ही एक पत्नी जीवित हो।

सम्बन्धित विनियमावली का लागू होना

इस विनियमावली के अधीन नियुक्ति कर्मचारी उन सभी मामलों में जो इस विनियमावली में उल्लिखित नहीं है सम्बन्धित विनियमावली द्वारा नियंत्रित (Govern) होगा।

9. छूट :-

परिषद इन विनियमों के किसी उपबन्ध के कार्यन्वयन में कठिनाई को (जिसके विद्यमान होने के बारे में परिषद की एकमात्र निर्णायक होगी) दूर करने के प्रयोजनार्थ कोई ऐसे सामान्य या विशेष आदेश दे सकती है जिसे वह उचित व्यवहार या लोकहित में आवश्यक या समीचीन समझे।

10. इस विनियमावली का अध्यारोही प्रभाव :-

इस विनियमावली के प्रारम्भ होने के समय प्रवृत्त किन्हीं नियमों, विनियमों या आदेशों में अन्तर्विष्ट किसी प्रतिकूल बात के होते हुए भी, यह विनियमावली या, तद्धीन जारी किया गया कोई आदेश प्रभावी होगा।

उत्तर प्रदेश राज्य विद्युत परिषद सेवा काल में मृत परिषदीय सेवकों के आश्रितों की भर्ती नियमावली 1975

1. संक्षिप्त नाम तथा प्रारम्भ —

- (1) यह नियमावली उत्तर प्रदेश राज्य विद्युत परिषद सेवा काल में मृत परिषदीय सेवकों के आश्रितों की भर्ती नियमावली, 1975 कहलायेगी।
- (2) यह 20 जून 1974 से प्रवृत्त समझी जायेगी। जून 1974 से पहले के मामलों पर अध्यक्ष को यह विशेष अधिकार होगा कि वह प्राविधानों से अनावरित (अनकवर्ड) मामलों को अपने स्तर से निस्तारित कर सकें।

2. परिभाषाएं —

जब तक कि संदर्भ में अन्यथा अपेक्षित न हो, इस नियमावली में

क— “परिषदीय सेवक” का तात्पर्य उत्तर प्रदेश के कार्य-कलाप के सम्बन्ध में सेवायोजित ऐसे परिषदीय सेवक से है जो —

- (1) ऐसे सेवायोजन में स्थाई था, या
- (2) यद्यपि अस्थायी है तथापि ऐसे सेवायोजन में नियमित रूप से नियुक्त किया गया था, या
- (3) यद्यपि नियमित रूप से नियुक्त नहीं है तथापि ऐसे सेवायोजन में नियमित रिक्ति में तीन वर्ष की निरन्तर सेवा की है।

स्पष्टीकरण :—

‘नियमित रूप से नियुक्त’ का तात्पर्य, यथास्थिति पद पर या सेवा में भर्ती के लिए अधिकथित प्रक्रिया के अनुसार नियुक्त किए जाने से है।

ख— ‘मृत परिषदीय सेवक’ का तात्पर्य ऐसे परिषदीय सेवक से है जिसकी मृत्यु सेवा में रहते हुए हो जावे,

ग— ‘कुटुम्ब’ के अन्तर्गत मृत परिषदीय सेवक के निम्नलिखित सम्बन्धी होंगे :—

- (1) पत्नी या पति
- (2) पुत्र जिसका तात्पर्य केवल हिन्दु कर्मचारियों के मामले में दत्तक पुत्र से भी होगा।
- (3) अविवाहित पुत्रियाँ तथा विधवा पुत्रियाँ।

घ— ‘कार्यालय का प्रधान’ का तात्पर्य उस कार्यालय के प्रधान से है जिस कार्यालय में मृत परिषदीय सेवक अपनी मृत्यु के पूर्व सेवारत था।

3— नियमावली का लागू किया जाना —

यह नियमावली परिषद के अन्तर्गत जुनियर इन्जीनियर तथा उसके समकक्ष से नीचे के पदों पर ही लागू होगी।

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यह नियमावली परिषद के अन्तर्गत समस्त ऐसे पदों पर नियुक्ति हेतु लागू होगी, जिन पर सीधी भर्ती की जाती है।

4— इस नियमावली का अध्यारोही प्रभाव —

इस नियमावली के प्रारम्भ होने के समय प्रवृत्त किन्हीं नियमों विनियमों या आदेशों में अन्तर्विष्ट किसी प्रतिकूल बात के होते हुए भी, यह नियमावली तथा तदधीन जारी किया गया कोई आदेश प्रभावी होगा।

5— मृतक के कुटुम्ब के किसी सदस्य की भर्ती —

यदि इस नियमावली के प्रारम्भ होने के पश्चात, किसी परिषदीय सेवक की सेवा काल में मृत्यु हो जाये तो उसके कुटुम्ब के ऐसे एक सदस्य को जो केन्द्रीय सरकार या राज्य सरकार के अथवा केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या उसके द्वारा नियंत्रित किसी निगम या राज्य विद्युत परिषद के आधीन पहले से सेवायोजित न हो, इस प्रयोजन के लिए आवेदन करने पर, भर्ती के सामान्य नियमों को शिथिल करते हुए, परिषदीय सेवा में जूनियर इन्जीनियर तथा उनके समकक्ष से नीचे के पदों पर सेवायोजन प्रदान किया जायेगा। किन्तु प्रतिबन्ध यह है कि वह सदस्य उस पद के लिए निहित शैक्षिक योग्यता अविलम्ब और यथाशक्य उसी इकाई में दी जानी चाहिए जिसमें मृत परिषदीय सेवक अपनी मृत्यु के पूर्व योजित था।

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यदि इस नियमावली के प्रारम्भ होने के पश्चात किसी परिषदीय सेवक की सेवा काल में मृत्यु हो जाये जो उसके कुटुम्ब के ऐसे एक सदस्य को, जो केन्द्रीय सरकार या राज्य सरकार के अथवा केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या उसके द्वारा नियंत्रित किसी निगम या राज्य विद्युत परिषद के अधीन पहले सेवायोजित न हो, इस प्रयोजन के लिए आवेदन करने पर, भर्ती के सामान्य नियमों को शिथिल करते हुए, परिषदीय सेवा में ऐसे पद पर जिस पर सीधी भर्ती की जाती है सेवायोजन प्रदान किया जायेगा। किन्तु प्रतिबन्ध यह है कि वह सदस्य उस पद के लिए निहित शैक्षिक अर्हता रखता हो तथा वह अन्य प्रकार से परिषदीय सेवा के लिए अर्ह हो।

6— सेवायोजन के लिए आवेदन पत्र की विषयवस्तु —

इस नियमावली के अधीन नियुक्ति के लिये आवेदन पत्र जिस पर नियुक्ति अभिलाषित है, उस पद से सम्बन्धित नियुक्ति प्राधिकारी को सम्बोधित किया जायेगा, किन्तु वह उस कार्यालय के प्रधान को भेजा जायेगा, जहां मृत परिषदीय सेवक अपनी मृत्यु के पूर्व कार्य कर रहा था। आवेदन पत्र में, अन्य बातों के साथ-साथ

निम्नलिखित सूचना दी जायेगी।

- (क) मृत परिषदीय सेवक की मृत्यु का दिनांक वह इकाई जहां और वह पद जिस पद वह अपनी मृत्यु के पूर्व कार्य कर रहा था।
- (ख) मृतक के कुटुम्ब के सदस्यों के नाम उनकी आयु तथा अन्य ब्यौरें विशेषतया उनके विवाह सेवायोजन तथा आय सम्बन्धी ब्यौरे।
- (ग) कुटुम्ब की वित्तीय दशा का ब्यौरा और
- (घ) आवेदक की शैक्षिक तथा अन्य अर्हतायें, यदि कोई हो।

7— प्रक्रिया जब कुटुम्ब के एकाधिक सदस्य सेवायोजन चाहते हों —

यदि मृत परिषदीय सेवक के कुटुम्ब के एकाधिक सदस्य इस नियमावली के अधीन सेवायोजन चाहते हों तो कार्यालय का प्रधान सेवायोजित करने के लिए व्यक्ति की उपयुक्तता को विनिश्चित करेगा। समस्त कुटुम्ब विशेषतया उसके विधवा तथा आवश्यक सदस्यों के कल्याण के निमित्त उसके सम्पूर्ण हित को भी ध्यान में रखते हुए निर्णय लिया जायेगा।

8— आयु तथा अन्य अपेक्षाओं में शिथिलता —

- (1) इस नियमावली के अधीन नियुक्ति चाहने वाले अभ्यर्थी की आयु नियुक्ति के समय 18 वर्ष से कम नहीं होनी चाहिए।
- (2) चयन के लिए प्रक्रिया सम्बन्धी अपेक्षाओं यथालिखित परीक्षा या चयन समिति द्वारा साक्षात्कार से मुक्त कर दिया जायेगा, किन्तु अभ्यर्थी पद विषयक प्रत्याशित कार्य तथा दक्षता के न्यूनतम स्तर को बनाये रखेगा इस बात का समाधान करने के उद्देश्य से अभ्यर्थी का साक्षात्कार करने के लिए नियुक्ति प्राधिकारी स्वाधीन होगा।
- (3) इस नियमावली के अधीन कोई नियुक्ति केवल किसी विद्यमान रिक्ति के प्रति की जायेगी।

9— सामान्य अर्हताओं के सम्बन्ध में नियुक्ति प्राधिकारी का सामाधान —

किसी अभ्यर्थी की नियुक्ति करने के पूर्व नियुक्ति प्राधिकारी अपना यह समाधान करेगा कि :-

- (क) अभ्यर्थी का चरित्र ऐसा है कि वह परिषदीय सेवा में सेवायोजन के लिए सभी प्रकार से उपयुक्त है,

टिप्पणी : संघ सरकार का किसी राज्य सरकार अथवा केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधान—याने उसके द्वारा नियंत्रित किसी निगम या राज्य विद्युत परिषद द्वारा पदच्युत व्यक्ति सेवा में नियुक्ति के लिए पात्र नहीं समझे जायेंगे।

- (ख) वह मानसिक तथा शारीरिक रूप से और किसी ऐसे शारीरिक दोष से मुक्त है जिसके कारण उसके द्वारा अपने कर्तव्यों का दक्षतापूर्वक पालन करने में बाधा पड़ने की सम्भावना हो तथा इस बात के लिए अभ्यर्थी से उस मामले में लागू नियमों के अनुसार समुचित चिकित्सा प्राधिकारी के समक्ष उपस्थित होने और

स्वस्थता का प्रमाण पत्र प्रस्तुत करने की अपेक्षा की जायेगी।

- (ग) पुरुष अभ्यर्थी की दशा में उसकी एक से अधिक पत्नी जीवित न हो और किसी महिला अभ्यर्थी की दशा में उसने ऐसे व्यक्ति से विवाह न किया हो जिसकी पहले से ही एक पत्नी जीवित हो।

10- कठिनाइयों को दूर करने की शक्ति -

राज्य सरकार अथवा परिषद इस नियमावली के किसी उपबन्ध के कार्यान्वयन में किसी कठिनाई को (जिसके विद्यमान होने के बारे में वह एक मात्र निर्णायक होंगी) दूर करने के प्रयोजनार्थ कोई ऐसा सामान्य या विशेष आदेश दे सकती है जिसे वह उचित व्यवहार या लोक हित में आवश्यक या समीचीन समझे।

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परिषद एक नियमावली के किसी उपबन्ध के कार्यान्वयन में कठिनाई को (जिसके विद्यमान होने के बारे में वह एकमात्र निर्णायक होगी) दूर करने के प्रयोजनार्थ कोई ऐसा सामान्य या विशेष आदेश दे सकती है, जिसे वह उचित व्यवहार या लोक हित में आवश्यक या समीचीन समझे।

**THE U. P. STATE ELECTRICITY BOARD SERVICE OF ENGINEERS
(XTH AMENDMENT) REGULATIONS, 1988**

1. Short Title and Commencement

- (i) These Regulations may be called the UPSEB Service of Engineers (Xth amendment) Regulations, 1988.
- (ii) They shall come into force at once.

2. Insertion of New Para 7 in Appendix 'D'

In Appendix 'D' of the UPSEB Service of Engineers Regulations, 1970:

- (1) The following shall be inserted as new para 7 after the existing para 6:-

7. Preparation of eligibility List:- At the time of promotion an eligibility list (zone of consideration) containing the names of the senior most eligible candidates fulfilling the qualifying conditions as mentioned herein above so far as may be possible shall be prepared in the following proportion for consideration by the respective Selection Committee:

- (1) Where the criterion for promotion is 'Merit and suitability in all respects' or 'Merit with due regard to seniority' or 'Merit':-

For 1 to 5 vacancies-5 times the number of vacancies subject to minimum of 15;

For 6 to 12 vacancies-4 times the number of vacancies subject to a minimum of 25;

For over 12 vacancies-3 times the number of vacancies subject to a minimum of 50;

Note: Modified as "THREE TIMES OF THE VACANCIES SUBJECT TO A MINIMUM OF 8"
Vide B. O. No 163-P/SEB-29-110P/87 dated July 13, 1988.

Provided that if recruitment is to be made for vacancies occurring during more than one year of recruitment, separate eligibility lists will be prepared in respect of each such year and in such a case while preparing the eligibility list of second and subsequent years (If recruitment the number of candidates to be included in the eligibility list shall be:-

- (a) for the second year - The number according to the said proportion plus the number of vacancies in the first year;
- (b) for the third year - The number according to the said proportion plus the number of vacancies in the first and second year and so on;

Provided further that candidates who are not considered suitable, prima facie, for promotion shall not be taken into account in calculating the said proportion, and a note to the effect that they are not so considered shall be added against their names;

Explanation – 1

In this rule 'the number of vacancies' means the total number of substantive, temporary or officiating vacancies occurring during the year of recruitment or the subsequent year(s).

Explanation – II

A single eligibility list shall be prepared to cover all types of vacancies.

Where the criterion for promotion is 'Seniority subject to rejection of unfit:-

for 1 to 5 vacancies...2 times the number of vacancies subject to a minimum of 5.

for over 5 vacancies... 1.5 times the number of vacancies subject to a minimum of 10.

Provided that if recruitment is to be made for vacancies occurring during more than one year of recruitment, separate eligibility lists will be prepared in respect of each such year and in such a case while preparing the eligibility list for second and subsequent years of recruitment, the number of candidates to be included in the eligibility list shall be:-

- (a) for the second year - the number according to the said proportion plus the number of vacancies in the first year.
 - (b) for the third year - the number according to the said proportion plus the number of vacancies in the first and second years; and so on:
- 2. The existing paras 7 and 8 shall be renumbered as paras 8 and 9 respectively.
 - 3. The amendments in regulation 2 above should suo moto apply to Civil Engineering cadres also.

**UTTAR PRADESH STATE ELECTRICITY BOARD (OFFICERS AND SERVANTS)
(CONDITIONS OF SERVICE) (SIXTH AMENDMENT) REGULATIONS 1975**

1. Short title and commencement

- (i) These regulations may be called the UPSEB (Officers and Servants) (Conditions of Service) (Sixth Amendment) Regulations, 1987;
- (ii) They shall come into force with immediate effect.

2. Amendment of Regulation 1-A

In the UPSEB (Officers and Servants) (Conditions of Service) Regulations, 1975 for the existing regulation I-A as set out in column I below, regulation I-A as set out in column II shall be substituted –

| Column I Existing Regulation I-A | Column II Regulation I.A as hereby substituted |
|---|---|
| I-A The Authority who is empowered by or under any of the Board's regulations for the time being in force to appoint an officer or servant of the Board or any authority to which such authority is subordinate shall be competent authority to dismiss, remove, reduce in rank or compulsorily retire such officer or servant. | <p>I-A The authority who is empowered by or under any Regulation of the Board for the time being in force, to appoint an officer or servant of the Board, or any authority to whom such authority is subordinate, shall be the competent authority to compulsorily retire and to impose all or any of the following punishments on such officer or servant of the Board;</p> <ol style="list-style-type: none">1. Censure;2. Withholding of increment, including stoppage at an efficiency bar;3. Reduction to a lower post or time-scale or to a lower stage in a time scale;4. Recovery from pay of the whole or part of any pecuniary loss caused to Board by negligence or breach of orders;5. Suspension;6. Removal from the service of the Board, which does not disqualify for future employment;7. Dismissal from the service of the Board, which ordinarily disqualifies for future employment;8. Fine (for members of Class IV only) |

provided' that the amount of such fine, shall in no case, exceed one-quarter of a month's basic pay in respect of the month in which the fine is imposed;

Provided that the power to inflict all the punishments, except removal, dismissal and reduction in rank or compulsory retirement may also be exercised by officers to whom such power is or has been delegated by the Board.

**UPSEB ADMINISTRATIVE TRIBUNALS REGULATIONS
(IIND AMENDMENT), 1988:**

1. Short Title and Commencement: -

- (i) These Regulations may be called the Uttar Pradesh State Electricity Board Administrative Tribunals (iind Amendment) Regulations, 1988
- (ii) They shall come into force at once.

2. Substitution of Regulation: -

In the Uttar Pradesh State Electricity Board Administrative Tribunals Regulations, 1973 for the existing regulations 4 and 11 as set out below in column I, the regulations as set out in column II shall be :-

| Column-I Existing regulations | Column-II Regulations as amended |
|--|---|
| 4 The Chairman may refer to the Tribunal cases relating to an individual employee of the Board or to a class of such employees in respect of any imputation of misconduct or misbehaviour. | 4.(1) The Chairman may, and if so directed by the State Government shall, refer to the Tribunal cases relating to individual employee of the Board or to a class of such employees in respect of any imputation of misconduct or misbehaviour. |
| | (2) No reference made to the Tribunal under sub-regulation (1) shall be withdrawn without the prior approval of the State Government. |
| 11 (1) On receipt of the recommendations of the Tribunal, the Chairman may pass an order awarding the punishment recommended by the Tribunal or a higher or lesser punishment or pass such other order as he may deem fit. | 11 (1) On receipt of the recommendations of the Tribunal the appointing authority may pass an order awarding the punishment recommended by the Tribunal or a higher punishment. |
| (2) Before awarding any punishment the appointing authority shall give reasonable opportunity to the charged employee of making representation against the proposed punishment. | (2) Where the appointing authority is of the opinion that no punishment or a punishment lesser than that recommended by the Tribunal, should be awarded, the matter shall be referred to the State Government and the State Government shall award such punishment or pass such other order as it may deem fit. |

Explanation: A copy of the recommendation of the Tribunal as to

Explanation: A copy of the recommendation of the Tribunal as to

penalty shall also be furnished to be charged employee where a penalty of dismissal, removal, compulsory retirement or reduction in rank is porposed to be imposed on him.

penalty shall also be furnished to the charged employee where a penalty of dismissel, removal, compulsory retirement or reduction in rank is proposed to be imposed on him.

2. Procedure for Releasing Electricity Connection :-

Application for new connection

Any application for release of a new connection shall be submitted along with documents listed below and shall be processed by the licensee as given hereafter:

- (1) A prospective consumer desirous of obtaining a new electric connection shall make an application to the licensee for this purpose on the prescribed application form given in Annexure 1.
- (2) Prescribed application forms can be obtained free of cost from licensee's sub-divisional office or any other office or the same can be download from the official website of the licensee viz www.uttaranchalpower.com and www.upcl.org or even photocopied.
- (3) The documents required to be submitted along with the application form are given below:

[a] Proof of Owner ship or Occupancy

The applicant shall submit any one of the following documents as proof of ownership or occupancy over premises for which the connection is required –

- (i) Copy of sale deed or lease deed or copy of the khasra or khatauni or
- (ii) Registered General Power of attorney or
- (iii) Municipal tax receipt or Demand notice or any other related document or
- (iv) Letter of allotment.
- (v) An applicant who is not an owner but an occupier of the premises shall along with any one of the documents listed at (i) to (iv) above also furnish a no objection certificate from owner of the premises.

[b] Identity Proof

- If the applicant is an individual, copy of any of following documents shall be furnished as identity proof
 - (i) Electoral identity card or
 - (ii) Passport or
 - (iii) Driving license or
 - (iv) Photo ration card or
 - (v) Photo identity card issued by Government Agency or
 - (vi) Certificate from village Pradhan or any village level Govt. functionary like Patawari/Lekhpal/village level worker/village chowkidar/Primary school teacher/in-charge of primary health centre etc.
- If the applicant is a company, trust, school/college, government department etc, application shall be signed by competent authority, like Branch Manager, Principal, Executive Engineer along with relevant resolution/authority letter of the institution concerned etc.

[c] Undertaking

An undertaking in the format given in Annexure 1.1 certifying that the wiring and other electrical works in the premises has been done in accordance with the provisions of the applicable Act /rules & regulations.

- (1) On receipt of duly filled application form from the applicant, the authorized officer of the licensee shall check the application form and deficiencies, if any, observed in the application shall be got rectified from the applicant immediately.
- (2) No application for new connection shall be returned by the licensee for reasons such as “technically not feasible” or due to any material constraint.

5. Processing of an application by the licensee

- (1) On receipt of an application form, the licensee shall issue dated acknowledgement of the same.
- (2) The licensee shall inspect and test the applicant’s installation, as required of him under Rule 47 of IE Rule 1956, in the presence of the applicant or his representative within 5 days from the date of receipt of the application. Testing of installation shall be done as per procedure laid down in Rule 48 of IE Rules 1956 and the inspecting officer shall maintain a record of test results obtained in the form given at Annexure 1.2 as required of him under Rule 47 of IE Rule 1956.
- (3) If upon inspection, the Licensee finds any defect, like the installation having not been completed or bare ends of conductor or joints having not been properly covered with insulating tape or that the wiring is of such nature that it is dangerous to life /property etc., he shall intimate the same to the applicant on the spot under proper receipt in the form given at Annexure 1.2
- (4) Licensee shall also record correct and full address of the premises, if not provided in the application, along with land mark near the property and also pole number from where service connection is proposed to be given. This information is necessary for future meter reading and billing.
- (5) The applicant shall get all the defects removed within 15 days and inform the licensee in writing under acknowledgement. In case applicant fails to remove such defects or fails to inform the licensee about removal of the defects, the application shall stand lapsed and applicant will have to apply afresh.
- (6) Upon receipt of information from applicant about removal of defects, the Licensee shall reinspect and test the installations within 5 days from receipt of such information and if the defects pointed out earlier are found to persist, the licensee shall again record the same in the form given at Annexure 1.2 and hand over a copy of the same to applicant or his representative available on site. The application shall then stand lapsed and applicant shall be informed accordingly in writing under acknowledgement. If the applicant feels aggrieved by this action of the licensee, he may appeal to the Electrical Inspector, whose verdict in the matter will be final and binding.
- (7) Licensee shall also ascertain whether any dues are outstanding on the premises, and if so, the licensee shall issue a demand note within 5 days from date of application giving full details of such outstanding amount. The applicant shall be required to deposit outstanding dues within 15 days failing which his application shall lapse and the applicant shall be informed accordingly in writing under acknowledgement.

- (8) If on inspection the deficiencies are found to have been removed and there are no outstanding dues or the same have been cleared, the Licensee shall sanction the load determined as per predefined unit norms, as may be approved by the Commission or the load applied for, whichever is higher and intimate the same to the applicant in writing within 5 days.
- (9) In case applicant does not receive any deficiency note or demand note for the outstanding dues within 5 days from the date of application, the load applied for shall be deemed to have been sanctioned and licensee shall not deny grant of the connection on these grounds.
- (10) Within 5 days from sanction of the load, the applicant shall deposit in cash or through demand draft the prescribed charges given below:

Service Line Charge and Initial Security

| Sl. No | Contracted Load (kW) | Contracted Load (kW) (Rs.) | | Initial Security (Rs./kW)) | | | |
|--------|---|----------------------------|--------------|----------------------------|--------------|------------|-----|
| | | Over-head | Under ground | Domestic | Non-Domestic | Industrial | PTW |
| 1 | BPL/Life line (If not covered under Kutir Jyoti or similar scheme of Central/state Government) | 100 | NA | 100 | NA | NA | NA |
| 2 | Less than or equal to 4kW | 400 | 800 | 400 | 1000 | 1000 | 100 |
| 3 | More than 4 kW and equal to 10kW | 1000 | 2000 | | | | |
| 4 | More than 10kW and equal to 20kW | 2000 | 4000 | | | | |
| 5 | More than 20kW and equal to 50kW | 5000 | 10000 | | | | |
| 6 | More than 50kW and equal to 75kW | 7500 | 15000 | | | | |

Conditions for grant of HT/EHT connections

- (1) All connections above 88 kVA shall be released on HT/EHT only with contracted load in kVA.
- (2) All loads more than 1 MVA shall be sanctioned with independent feeders emanating from nearest 33 kV/66 kV/132 kV/220 kV substation with metering arrangements at both ends.

Provided that if the right of way for the proposed independent feeder is not available, such loads above 1 MVA may be sanctioned either through underground cables or from the existing feeder provided more than 50% spare capacity is available on such feeder.

Provided further that connection for Continuous Process Industries requiring continuous supply, irrespective of load applied for, shall be released through independent feeder only.

- (3) Voltage of supply shall be as under:

| | |
|---|--------|
| (a) Load more than 88 kVA and upto 3000 kVA | 11 kV |
| (b) Load more than 3000 kVA and upto 10000 kVA | 33 kV |
| (c) Load more than 10000 kVA and upto 50000 kVA | 132 kV |
| (d) Loads more than 50000 kVA | 220 kV |

Provided that applicants shall be allowed to take connection at voltage higher than voltage of supply indicated above. Provided further that all steel units like Induction/Arc furnaces or Rolling Mills, Re-rolling mills, Mini steel plants, etc., irrespective of load applied for, shall be sanctioned load at 33 kV or above and through independent feeder only.

- (4) A connection will be given to a new consumer only with a correct 3 phase 4 wire energy meter having specifications as provided in the Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006 and the same shall be installed as prescribed in the said Regulations.
- (5) For all new connections at HT and EHT, next higher standard single ratio Current Transformer (CT) of accuracy class as given in sub-regulation (7) below shall be used. Under no circumstances multi ratio CT shall be used for metering purpose. Cross-sectional area of cables between CT and meter shall not be less than 6 sq. mm.
- (6) For all new connections at HT and EHT, Potential Transformer (PT) of accuracy class as given in sub-regulation (7) below shall be used for metering. No other load shall be put on measuring PT. Cross-sectional area of cables between PT and meter shall be not less than 6 sq. mm.
- (7) Meters, Current Transformers (CT) and Potential transformers (PT) shall meet the following requirements of Accuracy Class as provided in the Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006:

| Voltage of Supply | Accuracy Class | |
|-------------------|----------------|----------------|
| | Meters | CT & PT |
| Above 650 Volts | 0.5S or better | 0.5S or better |
| Above 33 kV | 0.2S or better | 0.2S or better |

Provided that in case the CTs and PTs of the same accuracy class as that of the meters cannot be accommodated in the metering cubicle or panel due to space constraint, the CTs and PTs of the next lower accuracy class can be installed.

- (8) Applicant for a new HT/EHT connection will have to undertake that he shall abide by relevant and applicable provisions of UERC (Distribution Code) Regulations, 2007, UERC (State Grid Code) Regulations, 2007 and all other Rules/Regulations.
- (9) Where the new owner/occupier has purchased/taken on rent or otherwise legally occupied an existing property whose electricity connection has been disconnected, it shall be the duty of the new/prospective owner/occupier, before purchase/occupancy of the property, to verify that the previous owner/occupier has paid all dues to the distribution licensee and has obtained a “no-dues certificate” from the distribution licensee. In case, such “no-dues certificate” has not been obtained by the previous owner/occupier, the new/prospective owner/occupier may approach the concerned officer of the distribution licensee for such certificate even before purchase/occupancy of the property. The distribution licensee shall acknowledge the receipt of such request and shall either intimate in writing the dues outstanding on the premises, if any, or issue the “no-dues certificate” within one month from the date of receipt of such application. In case, the distribution licensee does not intimate the outstanding dues or issue the “no-dues certificate” within this time, new connection on the premises shall not be denied on ground of outstanding dues of the previous consumer. In such an event, the distribution licensee shall have to recover his outstanding dues from previous consumer as per provisions of law.

- (10) Provisions of sub-regulation (9) above shall not be applicable where property has been purchased in a public auction and distribution licensee shall have to recover his outstanding dues from previous consumer as per provisions of law.
- (11) Where a property has been legitimately sub-divided, the outstanding electricity dues on such undivided property, if any, shall be divided on pro-rata basis based on area of such sub-divided property.
- (12) A new connection to any portion of such sub-divided premises shall be given only after the share of outstanding dues attributed to such legitimately sub-divided premises is duly paid by the applicant. The distribution licensee shall not refuse connection to an applicant only on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the distribution licensee demand record of last paid bills of other portion(s) from such applicant.
- (13) In case of demolition and reconstruction of the entire premises or the building, consumer shall have to apply for suspension of the existing connection and Agreement. Consumer shall also indicate the period of such suspension. Consumer shall also apply for temporary connection for reconstruction purpose. Existing HT/EHT line shall not be removed. Distribution Licensee may utilise existing HT/EHT line for providing temporary connection by installing appropriate meter. Upon reconstruction, consumer shall get temporary connection disconnected and apply for re-energisation of suspended old connection. Old connection shall be re-energised only on payment of any outstanding dues and reconnection charges. In case, consumer desires to increase/decrease the load, the procedure as per Regulation 9 shall be followed.

Application for new HT/EHT connection

- (1) Any application for release of a new HT/EHT connection shall be submitted along with documents listed below and shall be processed by the distribution licensee as given hereafter.
- (2) A prospective consumer desirous of obtaining a new electricity connection shall make an application to the distribution licensee for this purpose on the prescribed application form given in **Annexure 1** at concerned divisional office, accompanied by non-refundable Registration-cum-Processing fee as given below:

| | |
|-------------------------------|--------------|
| Connection at 11 kV | Rs. 5,000/- |
| Connection at 33 kV | Rs. 10,000/- |
| Connection at 132 kV | Rs. 25,000/- |
| Connection at 220 kV or above | Rs. 50,000/- |

- (3) Prescribed application forms can be obtained free of cost from distribution licensee's divisional and sub-divisional office or any other office or the same can be downloaded from the official website of the distribution licensee (www.uttaranchalpower.com, www.upcl.org for UPCL) etc. or even photocopied.
- (4) The documents required to be submitted along with the application form are given below:
 - (a) **Proof of Ownership or Occupancy and Statutorymissions/Registrations** The applicant shall submit self attested copies of the following documents along with the application form:

- (i) Proof of ownership/occupancy of the premises in the form of:
 - a) Sale deed or lease deed (with latest rent receipt issued within three months prior to the date of application) or the khasra or khatauni (inclusion of applicant's name in the khasra or khatauni shall be sufficient for this purpose); or
 - b) Registered General Power of Attorney; or
 - c) Municipal tax receipt or Demand notice or any other related document; or
 - d) Letter of allotment; and
- (ii) Proof of making application for approval/permission/NOC of the competent authority such as Pollution Control Board, Director of Industries etc., if required under any law/statute.
- (iii) In case of a partnership firm, partnership deed and list of Partners alongwith their certified addresses.
- (iv) In case of a Limited Company, Memorandum, Articles of Association, Certificate of Incorporation and list of Directors alongwith their certified addresses.
- (v) An applicant who is not an owner but an occupier of the premises shall, along with the documents listed at (i) to (iv) above, also furnish a no objection certificate from owner of the premises.

Provided that in case the applicant is unable to submit any of the documents listed at (i) and (v) above then the applicant shall be charged thrice the amount of security given in regulation 5(12). The owner of the premises, if different from the applicant, shall not be liable for payment of any dues against such connection.

(b) Identity Proof

- (i) If the applicant is an individual, self attested copy of any of following documents shall be furnished as identity proof -
 - a) Electoral identity card; or
 - b) Passport; or
 - c) Driving license; or
 - d) Photo ration card; or
 - e) Photo identity card issued by Government Agency.
- (ii) If the applicant is a company, firm, trust, school/college, government department etc., application shall be signed by competent authority like Director, Proprietor, Partner, Branch Manager, Principal, Executive Engineer along with certified copy of relevant resolution/authority letter of the company/institution concerned etc. Such person shall also submit copy of any of the identity proofs mentioned above at (i).

3. Redressal of Consumers Grievances:

UERC has decided that the guidelines for the redressal of the grievances of the consumers issued by commission under section 181(2) read with section 42(5) of the Electricity Act, 2003 and the Electricity (Amendment) Rules, 2006 on 26.10.2006 under section 176 of the Electricity Act, 2003 notified by the govt. of India. These guidelines supersede and replace the Uttaranchal Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers) Regulations, 2004 notified on 10.02.2004.

- (1) In terms of subsection (5) of Section 42 of the Act, every distribution licensee shall establish one or more Forum as may be prescribed by the Commission for redressal of grievances of the consumers in accordance with these regulations.
- (2) Each Forum shall consist of three officers of the licensee to be appointed by the Distribution Licensee after prior approval of the Commission and possessing qualifications and experience as given below:
 - (a) Judicial Member of the Forum shall be a retired district judge/Additional District Judge or a retired judicial officer having at least 20 years of experience in legal/judicial profession or a retired civil servant not below the rank of a District Collector.
 - (b) Technical Member shall be a serving officer at the Headquarter of the licensee and not below the rank of General Manager or retired officer of the licensee company of the same rank, possessing degree in Electrical Engineering and having at least 15 years experience in matters relating to distribution of electricity or a retired Professor of the Electrical Engineering Department of any IIT or of any Government Engineering College.
 - (c) Consumer Member shall be nominated by the Commission and shall be a person of stature and repute having sufficient exposure to and experience of issues pertaining to consumers of electricity.
- (3) The member of the Forum appointed as per (2)(c) above along with one more member shall form the Quorum for Forum's meeting.
- (4) The Commission may direct the Distribution Licensee to substitute a member of the Forum with another person as per the composition and qualification provided in sub-clause (2) above if in the opinion of the Commission such substitution is necessary for the proper or effective redressal of the grievances of the Consumers.
- (5) Members shall hold office for the term not exceeding 3 years.
- (6) The Distribution Licensee shall ensure that no post of a member in the Forum remains vacant for a period exceeding 30 days.
- (7) No person shall be appointed and/or be entitled to continue as a member if he stands disqualified on account of his:
 - (a) Having been adjudged as an insolvent;
 - (b) Having been convicted of an offence, involving moral turpitude;

- (c) Having become physically or mentally incapable of acting as such member;
 - (d) Having acquired such financial or other interest as is likely to affect prejudicially his functions as a member;
 - (e) Having so abused his position as to render his continuance in office prejudicial to the public interest; or
 - (f) Having been guilty of misbehaviour;
 - (g) Having been guilty of action(s) inconsistent with norms of conduct expected of any judicial or quasi judicial functionary.
- (8) An existing member shall be liable to be removed from his office forthwith in the event of any of the disqualifications provided above arising or being discovered. Provided that no member shall be removed from his office on any ground specified in sub-regulation (7) unless the Distribution Licensee, has, on an inquiry held by it, concluded that such member ought, on such ground or grounds, be removed.
 - (9) The sitting fees, honorarium and/or other allowances (collectively called “Remuneration”) payable to all the members appointment under subregulation (2) above shall be uniform and such as may be prescribed by the Distribution Licensee.
 - (10) The office space, secretarial support and other facilities required by members for efficient functioning of the Forum shall be provided by the Distribution Licensee.
 - (11) Notwithstanding the foregoing provisions of sub-regulation (9) above, the terms and conditions of service of a member in the Forum who is in the employment of the Distribution Licensee shall be governed by the terms and conditions of his employment with such Distribution Licensee.
 - (12) All costs prudently incurred by a Distribution Licensee on the establishment and running of the Forum, to the extent reasonable and justifiable, shall be allowed in the determination of tariff of the Distribution Licensee in accordance with the regulations of the Commission.
 - (13) The Forum shall receive the complaints of consumers forwarded or filed with the Forum so long as such complaints are in writing and the Forum shall not insist on or prescribe any specific format for filing of complaints or for entertaining them.
 - (14) The Forum shall maintain a regular office at the principal place of business of the Distribution Licensee in each zone where the Forum shall receive the Complaints. The Forum shall have sittings at such Principal Office and also at any other place in the area of supply of the Distribution Licensee as may be decided by the Forum from time to time or as the Commission may direct from time to time considering the number of complaints received, the place from where the Complaints are received and the proximity to the principal place of business of the Distribution Licensees and other relevant factors.
 - (15) The Distribution Licensee shall from time to time give publicity of the constitution and existence of the Forum including in the bills raised for the supply of electricity to the consumers and in such other manner as the Commission may from time to time lay down. The names, designation of the Members and the concerned officers of the Forum, the address, e-mail, facsimile and phone numbers of the Forum and the members shall be displayed at all the offices of the Distribution Licensee and shall also be duly publicised including on the bills raised on the Consumers.

- (16) The office of the Forum shall issue acknowledgment of the receipt of the Complaint to the Complainant showing clearly the date of receipt of complaint and carrying Seal of the Forum. No complaint shall be returned to the Complainant without issuing acknowledgement of its receipt and the same shall be disposed off according to law.
- (17) The Forum shall maintain true and correct records of all Complaints received by the Forum from time to time and make available such records for inspection as the Commission may require from time to time.
- (18) The Forum shall decide the Complaints received expeditiously and shall communicate its decision to the Complainant within a period not exceeding 60 days of the receipt of the Complaint. The Forum shall give the reasons in support of its decisions.
- (19) If a member hearing the matter does not agree with the decision taken by other Members, he may record his note of dissent with reasons but the decision taken by majority of members hearing the case will prevail.
- (20) All decisions of the Forum shall strictly be in accordance with the provisions of the Act, Rules and Regulations framed thereunder and Orders and directions issued by the Commission from time to time.
- (21) If after the completion of the proceedings, the Forum is satisfied that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely-
 - (a) To return to the applicant the undue charges paid by it;
 - (b) To pay such amount as may be awarded by it as compensation to the applicant, provided however that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal theory;
 - (c) To remove the cause of Grievance in question;
 - (d) To comply with the order within stipulated time.
 - (e) To give a compliance report within the time limit specified in these regulations.
 - (f) To apprise the aggrieved person of the things he is required to do along with time limits, for compliance of the order.
 - (g) Any other order deemed appropriate in the facts and circumstances of the case.
- (22) The Forum, after considering all submissions written or oral made before it by complainant or licensee, shall pass speaking orders giving the reasons in support of its decisions. Every order passed by the Forum shall be signed by all the members deciding the case.
- (23) Certified copies of every order passed by the Forum shall be delivered to the parties within 3 days of the order.
- (24) The order of the Forum shall be binding on the Aggrieved Person and the Distribution Licensee.
- (25) The Distribution Licensee and the applicant shall comply with the order diligently and within the timeframe as specified in the Order and report compliance to Forum within 7 days

of the implementation of the order. In case of delay in compliance beyond the time limit stipulated by the Forum in its order, the applicant or the Distribution Licensee as the case may be, shall file the reasons for delay on its part within 7 days of the stipulated date and give the likely date by which compliance shall be made.

- (26) The Forum may take appropriate action, if deemed fit, for any delay in implementation of its order or in filing of the compliance report by the Distribution Licensee.
- (27) Non-compliance of Forum's Order by either party shall be in violation of these Regulations and shall be liable for appropriate remedial action against it under Section 142 and 146 read with Section 149 of the Electricity Act, 2003.
- (28) Any person aggrieved by the order made by the Forum or on account of non implementation of the same by either party or non-disposal of his complaint by the Forum within the specified time limit may prefer an appeal to the Ombudsman appointed by the Commission under the Act, in such form and manner, as may be laid down in the Regulations made by the Commission.
- (29) The Commission shall have the general powers of superintendence and control over the Forum and for this purpose may call for any record from the Forum/licensee and pass appropriate orders thereupon. The Forum/licensee shall duly comply with such directions as the Commission may issue from time to time.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd June, 2003/Jyaistha 12, 1925(Saka)

The following Act of Parliament received the assent of the President on the 26th May, 2003, and is hereby published for general information :—

THE ELECTRICITY ACT, 2003

[No. 36 OF 2003]

[26th May, 2003]

An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto.

THE ELECTRICITY ACT, 2003

[No. 36 OF 2003]

An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal

and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty- fourth Year of the Republic of India as follows: -

PART I

PRELIMINARY

Short title, extent
and
commencement

1. (1) This Act may be called the Electricity Act, 2003.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions

2. In this Act, unless the context otherwise requires,
 - (1) "Appellate Tribunal" means the Appellate Tribunal for Electricity established under section 110;
 - (2) "appointed date" means such date as the Central Government may, by notification, appoint;
 - (3) "area of supply" means the area within which a distribution licensee is authorised by his licence to supply electricity;
 - (4) "Appropriate Commission" means the Central Regulatory Commission referred to in sub-section (1) of section 76 or the State Regulatory Commission referred to in section 82 or the Joint Commission referred to in section 83, as the case may be ;
 - (5) "Appropriate Government" means, -
 - (a) the Central Government, -
 - (i) in respect of a generating company wholly or partly owned by it;
 - (ii) in relation to any inter-State generation, transmission, trading or supply of electricity and with respect to any mines, oil-fields, railways, national highways, airports, telegraphs, broadcasting stations and any works of defence, dockyard, nuclear power installations;
 - (iii) in respect of National Load Despatch Centre; and Regional Load Despatch Centre;
 - (iv) in relation to any works or electric installation belonging to it or under its control ;
 - (b) in any other case, the State Government, having jurisdiction under this Act;
 - (6) "Authority " means the Central Electricity Authority referred to in sub-section(1) of section 70;
 - (7) "Board" means, a State Electricity Board, constituted before the commencement of this Act under sub-section (1) of section 5 of the

commencement of this Act, under sub-section (I) of section 5 of the Electricity (Supply) Act, 1948;

- (8) "Captive generating plant" means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association;
- (9) "Central Commission" means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76;
- (10) "Central Transmission Utility" means any Government company which the Central Government may notify under sub-section (1) of section 38;
- (11) "Chairperson" means the Chairperson of the Authority or Appropriate Commission or the Appellate Tribunal as the case may be;
- (12) "Cogeneration" means a process which simultaneously produces two or more forms of useful energy (including electricity);
- (13) "company" means a company formed and registered under the Companies Act, 1956 and includes any body corporate under a Central, State or Provincial Act;
- (14) "conservation" means any reduction in consumption of electricity as a result of increase in the efficiency in supply and use of electricity;
- (15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;
- (16) "Dedicated Transmission Lines" means any electric supply line for point to point transmission which are required for the purpose of connecting electric lines or electric plants of a captive generating plant referred to in section 9 or generating station referred to in section 10 to any transmission lines or sub-stations or generating stations or the load centre, as the case may be;
- (17) "distribution licensee" means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- (18) "distributing main" means the portion of any main with which a service line is, or is intended to be, immediately connected;
- (19) "distribution system" means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;
- (20) "electric line" means any line which is used for carrying electricity for any purpose and includes
 - (a) any support for any such line, that is to say, any structure, tower, pole or other thing in, on, by or from which any such line is, or may be, supported, carried or suspended; and

1 of 1956

- (b) any apparatus connected to any such line for the purpose of carrying electricity;
- (21) "Electrical Inspector" means a person appointed as such by the Appropriate Government under sub-section (1) of section 162 and also includes Chief Electrical Inspector;
- (22) "electrical plant" means any plant, equipment, apparatus or appliance or any part thereof used for, or connected with, the generation, transmission, distribution or supply of electricity but does not include-
 - (a) an electric line; or
 - (b) a meter used for ascertaining the quantity of electricity supplied to any premises; or
 - (c) an electrical equipment, apparatus or appliance under the control of a consumer;
- (23) "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;
- (24) "Electricity Supply Code" means the Electricity Supply Code specified under section 50;
- (25) "electricity system" means a system under the control of a generating company or licensee, as the case may be, having one or more -
 - (a) generating stations; or
 - (b) transmission lines; or
 - (c) electric lines and sub-stations;

and when used in the context of a State or the Union, the entire electricity system within the territories thereof;
- (26) "electricity trader" means a person who has been granted a licence to undertake trading in electricity under section 12;
- (27) "franchisee" means a person authorised by a distribution licensee to distribute electricity on its behalf in a particular area within his area of supply;
- (28) "generating company" means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station;
- (29) "generate" means to produce electricity from a generating station for the purpose of giving supply to any premises or enabling a supply to be so given;
- (30) "generating station" or "station" means any station for generating electricity, including any building and plant with step-up transformer, switch yard, switch-gear, cables or other appurtenant equipment, if any used for that purpose and the site thereof, a site intended to be used for a generating station, and any building used for housing the operating staff of a generating station, and where electricity is

operating staff of a generating station, and where electricity is generated by water-power, includes penstocks, head and tail works, main and regulating reservoirs, dams and other hydraulic works, but does not in any case include any sub-station;

- (31) "Government company" shall have the meaning assigned to it in section 617 of the Companies Act, 1956;
- (32) "grid" means the high voltage backbone system of inter-connected transmission lines, sub-stations and generating plants;
- (33) "Grid Code" means the Grid Code specified by the Central Commission under clause (h) of sub-section (1) of section 79;
- (34) "Grid Standards" means the Grid Standards specified under clause (d) of section 73 by the Authority;
- (35) "high voltage line" means an electric line or cable of a nominal voltage as may be specified by the Authority from time to time;
- (36) "inter-State transmission system" includes -
 - (i) any system for the conveyance of electricity by means of main transmission line from the territory of one State to another State;
 - (ii) the conveyance of electricity across the territory of an intervening State as well as conveyance within the State which is incidental to such inter-State transmission of electricity;
 - (iii) the transmission of electricity within the territory of a State on a system built, owned, operated, maintained or controlled by Central Transmission Utility.
- (37) "intra-State transmission system" means any system for transmission of electricity other than an inter-State transmission system;
- (38) "licence" means a licence granted under section 14;
- (39) "licensee" means a person who has been granted a licence under section 14;
- (40) "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;
- (41) "local authority" means any Nagar Panchayat, Municipal Council, municipal corporation, panchayat constituted at the village, intermediate and district levels, body or port commissioners or other authority legally entitled to, or entrusted by the Union or any State Government with, the control or management of any area or local fund;
- (42) "main" means any electric supply-line through which electricity is, or is intended to be, supplied;
- (43) "Member" means the Member of the Appropriate Commission or Authority or Joint Commission, or the Appellate Tribunal, as the case

may be, and includes the Chairperson of such Commission or Authority or appellate tribunal;

- (44) "National Electricity Plan" means the National Electricity Plan notified under sub-section (4) of section 3;
- (45) "National Load Despatch Centre" means the Centre established under sub-section (1) of section 26;
- (46) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;
- (47) "open access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the regulations specified by the Appropriate Commission;
- (48) "overhead line" means an electric line which is placed above the ground and in the open air but does not include live rails of a traction system;
- (49) "person" shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
- (50) "power system" means all aspects of generation, transmission, distribution and supply of electricity and includes one or more of the following, namely:-
 - (a) generating stations;
 - (b) transmission or main transmission lines;
 - (c) sub-stations;
 - (d) tie-lines;
 - (e) load despatch activities;
 - (f) mains or distribution mains;
 - (g) electric supply-lines;
 - (h) overhead lines;
 - (i) service lines;
 - (j) works;
- (51) "premises" includes any land, building or structure;
- (52) "prescribed" means prescribed by rules made by the Appropriate Government under this Act;

- (53) "public lamp" means an electric lamp used for the lighting of any street;
- (54) "real time operation" means action to be taken at a given time at which information about the electricity system is made available to the concerned Load Despatch Centre;
- (55) "Regional Power Committee" means a committee established by resolution by the Central Government for a specified region for facilitating the integrated operation of the power systems in that region;
- (56) "Regional Load Despatch Centre" means the centre established under sub-section (1) of section 27;
- (57) "regulations" means regulations made under this Act;
- (58) "repealed laws" means the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 and the Electricity Regulatory Commissions Act, 1998 repealed by section 185; 9 of 1910
54 of 1948
14 of 1998
- (59) "rules " means rules made under this Act;
- (60) "schedule" means the schedule to this Act;
- (61) "service-line" means any electric supply line through which electricity is, or is intended to be, supplied -
- (a) to a single consumer either from a distributing main or immediately from the Distribution Licensee's premises; or
 - (b) from a distributing main to a group of consumers on the same premises or on contiguous premises supplied from the same point of the distributing main;
- (62) "specified" means specified by regulations made by the Appropriate Commission or the Authority, as the case may be, under this Act;
- (63) "stand alone system" means the electricity system set up to generate power and distribute electricity in a specified area without connection to the grid;
- (64) "State Commission" means the State Electricity Regulatory Commission constituted under sub-section (1) of section 82 and includes a Joint Commission constituted under sub-section (1) of section 83;
- (65) "State Grid Code" means the State Grid Code referred under clause (h) of sub-section (1) of section 86;
- (66) "State Load Despatch Centre" means the centre established under sub-section (1) of section 31;
- (67) "State Transmission Utility" means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39;
- (68) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway;
- (69) "sub-station" means a station for transforming or converting electricity for the transmission or distribution thereof and includes transformers,

converters, switchgears, capacitors, synchronous condensers, structures, cable and other appurtenant equipment and any buildings used for that purpose and the site thereof;

- (70) "supply", in relation to electricity, means the sale of electricity to a licensee or consumer;
- (71) "trading" means purchase of electricity for resale thereof and the expression "trade" shall be construed accordingly;
- (72) "transmission lines" means all high pressure cables and overhead lines (not being an essential part of the distribution system of a licensee) transmitting electricity from a generating station to another generating station or a sub-station, together with any step-up and step-down transformers, switch-gear and other works necessary to and used for the control of such cables or overhead lines, and such buildings or part thereof as may be required to accommodate such transformers, switch-gear and other works;
- (73) "transmission licensee" means a licensee authorised to establish or operate transmission lines;
- (74) "transmit" means conveyance of electricity by means of transmission lines and the expression "transmission" shall be construed accordingly;
- (75) "utility" means the electric lines or electrical plant, and includes all lands, buildings, works and materials attached thereto belonging to any person acting as a generating company or licensee under the provisions of this Act;
- (76) "wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62;
- (77) "works" includes electric line, and any building, plant, machinery, apparatus and any other thing of whatever description required to transmit, distribute or supply electricity to the public and to carry into effect the objects of a licence or sanction granted under this Act or any other law for the time being in force.

PART II

NATIONAL ELECTRICITY POLICY AND PLAN

National
Electricity Policy
and Plan

3. (1) The Central Government shall, from time to time, prepare the national electricity policy and tariff policy, in consultation with the State Governments and the Authority for development of the power system based on optimal utilisation of resources such as coal, natural gas, nuclear substances or materials, hydro and renewable sources of energy.

(2) The Central Government shall publish National Electricity Policy and tariff policy from time to time.

(3) The Central Government may, from time to time, in consultation with the State Governments and the Authority, review or revise, the National Electricity Policy and tariff policy referred to in sub-section (1) .

(4) The Authority shall prepare a National Electricity Plan in accordance with the National Electricity Policy and notify such plan once in five years:

Provided that the Authority in preparing the National Electricity Plan shall publish the draft National Electricity Plan and invite suggestions and objections thereon from licensees, generating companies and the public within such time as may be prescribed:

Provided further that the Authority shall -

- (a) notify the plan after obtaining the approval of the Central Government;
- (b) revise the plan incorporating therein the directions, if any, given by the Central Government while granting approval under clause (a).

(5) The Authority may review or revise the National Electricity Plan in accordance with the National Electricity Policy.

National policy on stand alone systems for rural areas and non-conventional energy systems.

4. The Central Government shall, after consultation with the State Governments, prepare and notify a national policy, permitting stand alone systems (including those based on renewable sources of energy and non-conventional sources of energy) for rural areas.

National policy on electrification and local distribution in rural areas.

5. The Central Government shall also formulate a national policy, in consultation with the State Governments and the State Commissions, for rural electrification and for bulk purchase of power and management of local distribution in rural areas through Panchayat Institutions, users' associations, co-operative societies, non-Governmental organisations or franchisees.

Obligations to supply electricity to rural areas.

6. The Appropriate Government shall endeavour to supply electricity to all areas including villages and hamlets.

PART III

GENERATION OF ELECTRICITY

Generating Company and requirement for setting up of generating station

7. Any generating company may establish, operate and maintain a generating station without obtaining a licence under this Act if it complies with the technical standards relating to connectivity with the grid referred to in clause (b) of section 73.

Hydro-electric generation

8. (1) Notwithstanding anything contained in section 7, any generating company intending to set-up a hydro-generating station shall prepare and submit to the Authority for its concurrence, a scheme estimated to involve a capital expenditure exceeding such sum, as may be fixed by the Central Government, from time to time, by notification.

(2) The Authority shall, before concurring in any scheme submitted to it under sub-section (1) have particular regard to, whether or not in its opinion,-

(a) the proposed river-works will prejudice the prospects for the best ultimate development of the river or its tributaries for power generation, consistent with the requirements of drinking water, irrigation, navigation, flood-control, or other public purposes, and for this purpose the Authority shall satisfy itself, after consultation with the State Government, the Central Government, or such other agencies as it may deem appropriate, that an adequate study has been made of the optimum location of dams and other river-works;

(b) the proposed scheme meets, the norms regarding dam design and safety.

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| | <p>(3) Where a multi-purpose scheme for the development of any river in any region is in operation, the State Government and the generating company shall co-ordinate their activities with the activities of the person responsible for such scheme in so far as they are inter-related.</p> |
| Captive Generation | <p>9. (1) Notwithstanding anything contained in this Act, a person may construct, maintain or operate a captive generating plant and dedicated transmission lines:</p> <p>Provided that the supply of electricity from the captive generating plant through the grid shall be regulated in the same manner as the generating station of a generating company.</p> <p>(2) Every person, who has constructed a captive generating plant and maintains and operates such plant, shall have the right to open access for the purposes of carrying electricity from his captive generating plant to the destination of his use:</p> <p>Provided that such open access shall be subject to availability of adequate transmission facility and such availability of transmission facility shall be determined by the Central Transmission Utility or the State Transmission Utility, as the case may be:</p> <p>Provided further that any dispute regarding the availability of transmission facility shall be adjudicated upon by the Appropriate Commission.</p> |
| Duties of Generating Companies | <p>10. (1) Subject to the provisions of this Act, the duties of a generating company shall be to establish, operate and maintain generating stations, tie-lines, sub-stations and dedicated transmission lines connected therewith in accordance with the provisions of this Act or the rules or regulations made thereunder.</p> <p>(2) A generating company may supply electricity to any licensee in accordance with this Act and the rules and regulations made thereunder and may, subject to the regulations made under sub-section (2) of section 42, supply electricity to any consumer.</p> <p>(3) Every generating company shall -</p> <p>(a) submit technical details regarding its generating stations to the Appropriate Commission and the Authority;</p> <p>(b) co-ordinate with the Central Transmission Utility or the State Transmission Utility, as the case may be, for transmission of the electricity generated by it.</p> |
| Direction to generating companies | <p>11. (1) The Appropriate Government may specify that a generating company shall, in extraordinary circumstances operate and maintain any generating station in accordance with the directions of that Government.</p> <p>Explanation. - For the purposes of this section, the expression “extraordinary circumstances” means circumstances arising out of threat to security of the State, public order or a natural calamity or such other circumstances arising in the public interest.</p> <p>(2) The Appropriate Commission may offset the adverse financial impact of the directions referred to in sub-section (1) on any generating company in such manner as it considers appropriate.</p> |

PART IV LICENSING

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| <p>Authorised persons to transmit, supply, etc., electricity</p> | <p>12. No person shall</p> <ul style="list-style-type: none"> (a) transmit electricity; or (b) distribute electricity; or (c) undertake trading in electricity, <p>unless he is authorised to do so by a licence issued under section 14, or is exempt under section 13.</p> |
| <p>Power to exempt</p> | <p>13. The Appropriate Commission may, on the recommendations, of the Appropriate Government, in accordance with the national policy formulated under section 5 and in public interest, direct, by notification that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, the provisions of section 12 shall not apply to any local authority, Panchayat Institution, users' association, co-operative societies, non-governmental organizations, or franchisees:</p> |
| <p>Grant of Licence</p> | <p>14. The Appropriate Commission may, on application made to it under section 15, grant any person licence to any person -</p> <ul style="list-style-type: none"> (a) to transmit electricity as a transmission licensee; or (b) to distribute electricity as a distribution licensee; or (c) to undertake trading in electricity as an electricity trader, <p>in any area which may be specified in the licence:</p> <p>Provided that any person engaged in the business of transmission or supply of electricity under the provisions of the repealed laws or any Act specified in the Schedule on or before the appointed date shall be deemed to be a licensee under this Act for such period as may be stipulated in the licence, clearance or approval granted to him under the repealed laws or such Act specified in the Schedule, and the provisions of the repealed laws or such Act specified in the Schedule in respect of such licence shall apply for a period of one year from the date of commencement of this Act or such earlier period as may be specified, at the request of the licensee, by the Appropriate Commission and thereafter the provisions of this Act shall apply to such business:</p> <p>Provided further that the Central Transmission Utility or the State Transmission Utility shall be deemed to be a transmission licensee under this Act:</p> <p>Provided also that in case an Appropriate Government transmits electricity or distributes electricity or undertakes trading in electricity, whether before or after the commencement of this Act, such Government shall be deemed to be a licensee under this Act, but shall not be required to obtain a licence under this Act:</p> |
| <p>14 of 1948</p> | <p>Provided also that the Damodar Valley Corporation, established under sub-section (1) of section 3 of the Damodar Valley Corporation Act, 1948, shall be deemed to be a licensee under this Act but shall not be required to obtain a licence under this Act and the provisions of the Damodar Valley Corporation Act, 1948, in so far as they are not inconsistent with the provisions of this Act, shall continue to apply to that Corporation:</p> <p>Provided also that the Government company or the company referred to in sub-section (2) of section 131 of this Act and the company or companies created in pursuance of the Acts specified in the Schedule, shall be deemed to be a licensee under this Act:</p> <p>Provided also that the Appropriate Commission may grant a licence to two or more persons for distribution of electricity through their own distribution system within the same area, subject to the condition that the applicant for grant of licence</p> |

within the same area, subject to the conditions that the applicant for grant of licence within the same area shall, without prejudice to the other conditions or requirements under this Act, comply with the additional requirements (including the capital adequacy, credit-worthiness, or code of conduct) as may be prescribed by the Central Government, and no such applicant who complies with all the requirements for grant of licence, shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose:

Provided also that in a case where a distribution licensee proposes to undertake distribution of electricity for a specified area within his area of supply through another person, that person shall not be required to obtain any separate licence from the concerned State Commission and such distribution licensee shall be responsible for distribution of electricity in his area of supply:

Provided also that where a person intends to generate and distribute electricity in a rural area to be notified by the State Government, such person shall not require any licence for such generation and distribution of electricity, but he shall comply with the measures which may be specified by the Authority under section 53:

Provided also that a distribution licensee shall not require a licence to undertake trading in electricity.

Procedure for
Grant of
Licence

15. (1) Every application under section 14 shall be made in such form and in such manner as may be specified by the Appropriate Commission and shall be accompanied by such fee as may be prescribed.

(2) Any person who has made an application for grant of licence shall, within seven days after making such application, publish a notice of his application with such particulars and in such manner as may be specified and a licence shall not be granted -

(i) until the objections, if any, received by the Appropriate Commission in response to publication of the application have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of thirty days from the date of the publication of such notice as aforesaid;

(ii) until, in the case of an application for a licence for an area including the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for defence purposes, the Appropriate Commission has ascertained that there is no objection to the grant of the licence on the part of the Central Government.

(3) A person intending to act as a transmission licensee shall, immediately on making the application, forward a copy of such application to the Central Transmission Utility or the State Transmission Utility, as the case may be.

(4) The Central Transmission Utility or the State Transmission Utility, as the case may be, shall, within thirty days after the receipt of the copy of the application referred to in sub-section (3), send its recommendations, if any, to the Appropriate Commission:

Provided that such recommendations shall not be binding on the Commission.

(5) Before granting a licence under section 14, the Appropriate Commission shall -

- (a) publish a notice in two such daily newspapers, as that Commission may consider necessary, stating the name of the person to whom it proposes to issue the licence;
- (b) consider all suggestions or objections and the recommendations, if any, of the Central Transmission Utility or State Transmission Utility, as the case may be.

(6) Where a person makes an application under sub-section (1) of section 14 to act as a licensee, the Appropriate Commission shall, as far as practicable, within ninety days after receipt of such application, -

- (a) issue a licence subject to the provisions of this Act and the rules and regulations made thereunder; or
- (b) reject the application for reasons to be recorded in writing if such application does not conform to the provisions of this Act or the rules and regulations made thereunder or the provisions of any other law for the time being in force:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(7) The Appropriate Commission shall, immediately after issue of licence, forward a copy of the licence to the Appropriate Government, Authority, local authority, and to such other person as the Appropriate Commission considers necessary.

(8) A licence shall continue to be in force for a period of twenty-five years unless such licence is revoked.

Conditions of licence.

16. The Appropriate Commission may specify any general or specific conditions which shall apply either to a licensee or class of licensees and such conditions shall be deemed to be conditions of such licence:

Provided that the Appropriate Commission shall, within one year from the appointed date, specify any general or specific conditions of licence applicable to the licensees referred to in the first, second, third, fourth and fifth provisos to section 14 after the expiry of one year from the commencement of this Act.

Licensee not to do certain things.

17. (1) No licensee shall, without prior approval of the Appropriate Commission, -

- (a) undertake any transaction to acquire by purchase or takeover or otherwise, the utility of any other licensee; or
- (b) merge his utility with the utility of any other licensee:

Provided that nothing contained in this sub-section shall apply if the utility of the licensee is situate in a State other than the State in which the utility referred to in clause (a) or clause (b) is situate.

(2) Every licensee shall, before obtaining the approval under sub-section (1), give not less than one month's notice to every other licensee who transmits or distributes, electricity in the area of such licensee who applies for such approval.

(3) No licensee shall at any time assign his licence or transfer his utility, or any part thereof, by sale, lease, exchange or otherwise without the prior approval of the Appropriate Commission.

(4) Any agreement relating to any transaction specified in sub-section (1) or sub-section (3), unless made with the prior approval of the Appropriate Commission, shall be void.

Amendment
of licence

18. (1) Where in its opinion the public interest so permits, the Appropriate Commission, may, on the application of the licensee or otherwise, make such alterations and amendments in the terms and conditions of a licence as it thinks fit:

Provided that no such alterations or amendments shall be made except with the consent of the licensee unless such consent has, in the opinion of the Appropriate Commission, been unreasonably withheld.

(2) Before any alterations or amendments in the licence are made under this section, the following provisions shall have effect, namely: -

- (a) where the licensee has made an application under sub-section (1) proposing any alteration or modifications in his licence, the licensee shall publish a notice of such application with such particulars and in such manner as may be specified;
- (b) in the case of an application proposing alterations or modifications in the area of supply comprising the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for defence purposes, the Appropriate Commission shall not make any alterations or modifications except with the consent of the Central Government;
- (c) where any alterations or modifications in a licence are proposed to be made otherwise than on the application of the licensee, the Appropriate Commission shall publish the proposed alterations or modifications with such particulars and in such manner as may be specified;
- (d) the Appropriate Commission shall not make any alterations or modification unless all suggestions or objections received within thirty days from the date of the first publication of the notice have been considered.

Revocation of
licence

19. (1) If the Appropriate Commission, after making an enquiry, is satisfied that public interest so requires, it may revoke a licence in any of the following cases, namely: -

- (a) where the licensee, in the opinion of the Appropriate Commission, makes wilful and prolonged default in doing anything required of him by or under this Act or the rules or regulations made thereunder;
- (b) where the licensee breaks any of the terms or conditions of his licence the breach of which is expressly declared by such licence to render it liable to revocation;
- (c) where the licensee fails, within the period fixed in this behalf by his licence, or any longer period which the Appropriate Commission may have granted therefor –
- (i) to show, to the satisfaction of the Appropriate Commission, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his licence; or

and obligations imposed on him by his licence; or

- (ii) to make the deposit or furnish the security, or pay the fees or other charges required by his licence;
- (d) where in the opinion of the Appropriate Commission the financial position of the licensee is such that he is unable fully and efficiently to discharge the duties and obligations imposed on him by his licence.

(2) Where in its opinion the public interest so requires, the Appropriate Commission may, on application, or with the consent of the licensee, revoke his licence as to the whole or any part of his area of distribution or transmission or trading upon such terms and conditions as it thinks fit.

(3) No licence shall be revoked under sub-section (1) unless the Appropriate Commission has given to the licensee not less than three months' notice, in writing, stating the grounds on which it is proposed to revoke the licence, and has considered any cause shown by the licensee within the period of that notice, against the proposed revocation.

(4) The Appropriate Commission may, instead of revoking a licence under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms or conditions so imposed shall be binding upon and be observed by the licensee and shall be of like force and effect as if they were contained in the licence.

(5) Where the Commission revokes a licence under this section, it shall serve a notice of revocation upon the licensee and fix a date on which the revocation shall take effect.

(6) Where an Appropriate Commission has given notice for revocation of licence under sub-section (5), without prejudice to any penalty which may be imposed or prosecution proceeding which may be initiated under this Act, the licensee may, after prior approval of that Commission, sell his utility to any person who is found eligible by that Commission for grant of licence.

Sale of utilities
of licensees.

20. (1) Where the Appropriate Commission revokes under section 19 the licence of any licensee, the following provisions shall apply, namely:-

- (a) the Appropriate Commission shall invite applications for acquiring the utility of the licensee whose licence has been revoked and determine which of such applications should be accepted, primarily on the basis of the highest and best price offered for the utility;
- (b) the Appropriate Commission may, by notice in writing, require the licensee to sell his utility and thereupon the licensee shall sell his utility to the person (hereafter in this section referred to as the "purchaser") whose application has been accepted by that Commission;
- (c) all the rights, duties, obligations and liabilities of the licensee, on and from the date of revocation of licence or on and from the date, if earlier, on which the utility of the licensee is sold to a purchaser, shall absolutely cease except for any liabilities which have accrued prior to that date;
- (d) the Appropriate Commission may make such interim arrangements in regard to the operation of the utility as may be

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| | considered appropriate including the appointment of Administrators; |
| | (e) The Administrator appointed under clause (d) shall exercise such powers and discharge such functions as the Appropriate Commission may direct. |
| | (2) Where a utility is sold under sub-section (1), the purchaser shall pay to the licensee the purchase price of the utility in such manner as may be agreed upon. |
| | (3) Where the Appropriate Commission issues any notice under sub-section (1) requiring the licensee to sell the utility, it may, by such notice, require the licensee to deliver the utility, and thereupon the licensee shall deliver on a date specified in the notice, the utility to the designated purchaser on payment of the purchase price thereof. |
| | (4) Where the licensee has delivered the utility referred to in sub-section(3) to the purchaser but its sale has not been completed by the date fixed in the notice issued under that sub-section, the Appropriate Commission may, if it deems fit, permit the intending purchaser to operate and maintain the utility system pending the completion of the sale. |
| Vesting of utility in purchaser | <p>21. Where a utility is sold under section 20 or section 24, then, upon completion of the sale or on the date on which the utility is delivered to the intending purchaser, as the case may be, whichever is earlier-</p> <p>(a) the utility shall vest in the purchaser or the intending purchaser, as the case may be, free from any debt, mortgage or similar obligation of the licensee or attaching to the utility:</p> <p>Provided that any such debt, mortgage or similar obligation shall attach to the purchase money in substitution for the utility; and</p> <p>(b) the rights, powers, authorities, duties and obligations of the licensee under his licence shall stand transferred to the purchaser and such purchaser shall be deemed to be the licensee.</p> |
| Provisions where no purchase takes place | <p>22. (1) If the utility is not sold in the manner provided under section 20 or section 24, the Appropriate Commission may, to protect the interest of consumers or in public interest, issue such directions or formulate such scheme as it may deem necessary for operation of the utility.</p> <p>(2) Where no directions are issued or scheme is formulated by the Appropriate Commission under sub-section (1), the licensee referred to in section 20 or section 24 may dispose of the utility in such manner as it may deem fit:</p> <p>Provided that, if the licensee does not dispose of the utility, within a period of six months from the date of revocation under section 20 or section 24, the Appropriate Commission may cause the works of the licensee in, under, over, along, or across any street or public land to be removed and every such street or public land to be reinstated, and recover the cost of such removal and reinstatement from the licensee.</p> |
| Directions to licensees. | 23. If the Appropriate Commission is of the opinion that it is necessary or expedient so to do for maintaining the efficient supply, securing the equitable distribution of electricity and promoting competition, it may, by order, provide for regulating supply, distribution, consumption or use thereof. |
| Suspension of distribution licence and sale of utility. | 24. (1) If at any time the Appropriate Commission is of the opinion that a distribution licensee – |

- (a) has persistently failed to maintain uninterrupted supply of electricity conforming to standards regarding quality of electricity to the consumers; or
- (b) is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (c) has persistently defaulted in complying with any direction given by the Appropriate Commission under this Act; or
- (d) has broken the terms and conditions of licence,

and circumstances exist which render it necessary for it in public interest so to do, the Appropriate Commission may, for reasons to be recorded in writing, suspend, for a period not exceeding one year, the licence of the distribution licensee and appoint an Administrator to discharge the functions of the distribution licensee in accordance with the terms and conditions of licence:

Provided that before suspending a licence under this section, the Appropriate Commission shall give a reasonable opportunity to the distribution licensee to make representations against the proposed suspension of license and shall consider the representations, if any, of the distribution licensee.

(2) Upon suspension of license under sub-section (1) the utilities of the distribution licensee shall vest in the Administrator for a period not exceeding one year or up to the date on which such utility is sold in accordance with the provisions contained in section 20, whichever is later.

(3) The Appropriate Commission shall, within one year of appointment of the Administrator under sub-section (1) either revoke the licence in accordance with the provisions contained in section 19 or revoke suspension of the licence and restore the utility to the distribution licensee whose licence had been suspended, as the case may be.

(4) In case where the Appropriate Commission revokes the licence under sub-section (3), the utility of the distribution licensee shall be sold within a period of one year from the date of revocation of the licence in accordance with the provisions of section 20 and the price after deducting the administrative and other expenses on sale of utilities be remitted to the distribution licensee.

PART- V

TRANSMISSION OF ELECTRICITY

Inter-State transmission

Inter-State,
regional and Inter-
Regional
transmission.

25. For the purposes of this Part, the Central Government may, make region-wise demarcation of the country, and, from time to time, make such modifications therein as it may consider necessary for the efficient, economical and integrated transmission and supply of electricity, and in particular to facilitate voluntary inter-connections and co-ordination of facilities for the inter-State, regional and inter-regional generation and transmission of electricity.

National Load
Despatch Centre.

26. (1) The Central Government may establish a centre at the national level, to be known as the National Load Despatch Centre for optimum scheduling and despatch of electricity among the Regional Load Despatch Centres.

(2) The constitution and functions of the National Load Despatch Centre shall be such as may be prescribed by the Central Government:

Provided that the National Load Despatch Centre shall not engage in the business of trading in electricity.

(3) The National Load Despatch Centre shall be operated by a Government company or any authority or corporation established or constituted by or under any Central Act, as may be notified by the Central Government.

Constitution of
Regional Load
Despatch Centre.

27. (1) The Central Government shall establish a centre for each region to be known as the Regional Load Despatch Centre having territorial jurisdiction as determined by the Central Government in accordance with section 25 for the purposes of exercising the powers and discharging the power and discharging the functions under this Part.

(2) The Regional Load Despatch Centre shall be operated by a Government Company or any authority or corporation established or constituted by or under any Central Act, as may be notified by the Central Government:

Provided that until a Government company or authority or corporation referred to in this sub-section is notified by the Central Government, the Central Transmission Utility shall operate the Regional Load Despatch Centre:

Provided further that no Regional Load Despatch Centre shall engage in the business of generation of electricity or trading in electricity.

Functions of
Regional Load
Despatch Centre.

28. (1) The Regional Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in the concerned region.

(2) The Regional Load Despatch Centre shall comply with such principles, guidelines and methodologies in respect of the wheeling and optimum scheduling and despatch of electricity as the Central Commission may specify in the Grid Code.

(3) The Regional Load Despatch Centre shall -

(a) be responsible for optimum scheduling and despatch of electricity within the region, in accordance with the contracts entered into with the licensees or the generating companies operating in the region;

(b) monitor grid operations;

(c) keep accounts of the quantity of electricity transmitted through the regional grid;

(d) exercise supervision and control over the inter-State transmission system; and

(e) be responsible for carrying out real time operations for grid control and despatch of electricity within the region through secure and economic operation of the regional grid in accordance with the Grid Standards and the Grid Code.

(4) The Regional Load Despatch Centre may levy and collect such fee and charges from the generating companies or licensees engaged in inter-State transmission of electricity as may be specified by the Central Commission.

Compliance of directions.

29. (1) The Regional Load Despatch Centre may give such directions and exercise such supervision and control as may be required for ensuring stability of grid operations and for achieving the maximum economy and efficiency in the operation of the power system in the region under its control.

(2) Every licensee, generating company, generating station, sub-station and any other person connected with the operation of the power system shall comply with the direction issued by the Regional Load Despatch Centres under sub-section (1).

(3) All directions issued by the Regional Load Despatch Centres to any transmission licensee of State transmission lines or any other licensee of the State or generating company (other than those connected to inter State transmission system) or sub-station in the State shall be issued through the State Load Despatch Centre and the State Load Despatch Centres shall ensure that such directions are duly complied with the licensee or generating company or sub-station.

(4) The Regional Power Committee in the region may, from time to time, agree on matters concerning the stability and smooth operation of the integrated grid and economy and efficiency in the operation of the power system in that region.

(5) If any dispute arises with reference to the quality of electricity or safe, secure and integrated operation of the regional grid or in relation to any direction given under sub-section (1), it shall be referred to the Central Commission for decision :

Provided that pending the decision of the Central Commission, the directions of the Regional Load Despatch Centre shall be complied with by the State Load Despatch Centre or the licensee or the generating company, as the case may be.

(6) If any licensee, generating company or any other person fails to comply with the directions issued under sub-section (2) or sub-section (3), he shall be liable to penalty not exceeding rupees fifteen lacs.

Intra-State transmission

Transmission within a State

30. The State Commission shall facilitate and promote transmission, wheeling and inter-connection arrangements within its territorial jurisdiction for the transmission and supply of electricity by economical and efficient utilisation of the electricity.

Constitution of State Load Despatch Centres

31. (1) The State Government shall establish a Centre to be known as the State Load Despatch Centre for the purposes of exercising the powers and discharging the functions under this Part.

(2) The State Load Despatch Centre shall be operated by a Government company or any authority or corporation established or constituted

Government company or any authority or corporation established or constituted by or under any State Act, as may be notified by the State Government.

Provided that until a Government company or any authority or corporation is notified by the State Government, the State Transmission Utility shall operate the State Load Despatch Centre:

Provided further that no State Load Despatch Centre shall engage in the business of trading in electricity.

Functions of State
Load Despatch
Centres

32. (1) The State Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in a State.

(2) The State Load Despatch Centre shall -

(a) be responsible for optimum scheduling and despatch of electricity within a State, in accordance with the contracts entered into with the licensees or the generating companies operating in that State;

(b) monitor grid operations;

(c) keep accounts of the quantity of electricity transmitted through the State grid;

(d) exercise supervision and control over the intra-state transmission system; and

(e) be responsible for carrying out real time operations for grid control and despatch of electricity within the State through secure and economic operation of the State grid in accordance with the Grid Standards and the State Grid Code.

(3) The State Load Despatch Centre may levy and collect such fee and charges from the generating companies and licensees engaged in intra-State transmission of electricity as may be specified by the State Commission.

Compliance of
directions

33. (1) The State Load Despatch Centre in a State may give such directions and exercise such supervision and control as may be required for ensuring the integrated grid operations and for achieving the maximum economy and efficiency in the operation of power system in that State.

(2) Every licensee, generating company, generating station, sub-station and any other person connected with the operation of the power system shall comply with the direction issued by the State Load Despatch Centre under sub-section (1).

(3) The State Load Despatch Centre shall comply with the directions of the Regional Load Despatch Centre.

(4) If any dispute arises with reference to the quality of electricity or safe, secure and integrated operation of the State grid or in relation to any direction given under sub-section (1), it shall be referred to the State Commission for decision:

Provided that pending the decision of the State Commission, the direction of the State Load Despatch Centre shall be complied with by the licensee or generating company.

(5) If any licensee, generating company or any other person fails to comply with the directions issued under sub-section(1), he shall be liable to penalty not exceeding rupees five lacs.

Other provisions relating to transmission

| | |
|--|---|
| Grid Standards | <p>34. Every transmission licensee shall comply with such technical standards, of operation and maintenance of transmission lines, in accordance with the Grid Standards, as may be specified by the Authority.</p> |
| Intervening transmission facilities. | <p>35. The Appropriate Commission may, on an application by any licensee, by order require any other licensee owning or operating intervening transmission facilities to provide the use of such facilities to the extent of surplus capacity available with such licensee.</p> <p>Provided that any dispute regarding the extent of surplus capacity available with the licensee, shall be adjudicated upon by the Appropriate Commission.</p> |
| Charges for intervening transmission facilities. | <p>36. (1) Every licensee shall, on an order made under section 35, provided his intervening transmission facilities at rates, charges and terms and conditions as may be mutually agreed upon :</p> <p>Provided that the Appropriate Commission may specify rates, charges and terms and conditions if these cannot be mutually agreed upon by the licensees.</p> <p>(2) The rates, charges and terms and conditions referred to in sub-section (1) shall be fair and reasonable, and may be allocated in proportion to the use of such facilities.</p> <p>Explanation. - For the purposes of section 35 and 36, the expression “intervening transmission facilities” means the electric lines owned or operated by a licensee where such electric lines can be utilised for transmitting electricity for and on behalf of another licensee at his request and on payment of a tariff or charge.</p> |
| Direction by appropriate Government. | <p>37. The Appropriate Government may issue directions to the Regional Load Despatch Centres or State Load Despatch Centres, as the case may be, to take such measures as may be necessary for maintaining smooth and stable transmission and supply of electricity to any region or State.</p> |
| Central Transmission Utility and functions. | <p>38. (1) The Central Government may notify any Government company as the Central Transmission Utility:</p> <p>Provided that the Central Transmission Utility shall not engage in the business of generation of electricity or trading in electricity:</p> <p>Provided further that, the Central Government may transfer, and vest any property, interest in property, rights and liabilities connected with, and personnel involved in transmission of electricity of such Central Transmission Utility, to a company or companies to be incorporated under the Companies Act, 1956 to function as a transmission licensee, through a transfer scheme to be effected in the manner specified under Part XIII and such company or companies shall be deemed to be transmission licensees under this Act.</p> |
| 1 of 1956 | <p>(2) The functions of the Central Transmission Utility shall be -</p> <p>(a) to undertake transmission of electricity through inter-State transmission system;</p> <p>(b) to discharge all functions of planning and co-ordination relating to inter-state transmission system with -</p> <p>(i) State Transmission Utilities;</p> |

- (ii) Central Government;
- (iii) State Governments;
- (iv) generating companies;
- (v) Regional Power Committees;
- (vi) Authority;
- (vii) licensees;
- (viii) any other person notified by the Central Government in this behalf;

(c) to ensure development of an efficient, co-ordinated and economical system of inter-State transmission lines for smooth flow of electricity from generating stations to the load centres;

(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 Central Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the Central Commission:

Provided also that such surcharge may be levied till such time the cross subsidies are not eliminated:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Central Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

State
Transmission
Utility and
functions

39. (1) 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 through a transfer scheme to be effected in the

function as transmission licensee through a transfer scheme to be effected in the manner specified under Part XIII and such company or companies shall be deemed to be transmission licensees under this Act.

(2) The functions of the State Transmission Utility shall be -

(a) to undertake transmission of electricity through intra-State transmission system;

(b) to discharge all functions 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 ensure development of an efficient, co-ordinated and economical system of intra-State transmission lines for smooth flow of electricity from a generating station to the load centres;

(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:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the State Commission:

Provided also that such surcharge may be levied till such time the cross subsidies are not eliminated:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the State Commission.

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

Duties of
Transmission
licensees

40. It shall be the duty of a transmission licensee -

(a) to build, maintain and operate an efficient, co-ordinated and economical intra-State transmission system or intra-State transmission

economical inter-State transmission system or intra-State transmission system, as the case may be;

(b) to comply with the directions of the Regional Load Despatch Centre and the State Load Despatch Centre as the may be;.

(c) 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:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the Appropriate Commission:

Provided also that such surcharge may be levied till such time the cross subsidies are not eliminated:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Appropriate Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

Other business of
Transmission
Licensee

41. A transmission licensee may, with prior intimation to the Appropriate Commission, engage in any business for optimum utilisation of its assets:

Provided that a proportion of the revenues derived from such business shall, as may be specified by the Appropriate Commission, be utilised for reducing its charges for transmission and wheeling:

Provided further that the transmission licensee shall maintain separate accounts for each such business undertaking to ensure that transmission business neither subsidies in any way such business undertaking nor encumbers its transmission assets in any way to support such business:

Provided also that no transmission licensee shall enter into any contract or otherwise engage in the business to in trading electricity :

PART VI

DISTRIBUTION OF ELECTRICITY

Provisions with respect to distribution licensees

Duties of
distribution
Licensee and
open access

42. (1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

(2) The State Commission shall introduce open access in such phases and

subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

Provided that such open access may be allowed before the cross subsidies are eliminated on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission :

Provided further that such surcharge shall be utilised to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee :

Provided also that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

(3) Where any person, whose premises are situated within the area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity in accordance with regulations made by the State Commission and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access .

(4) Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.

(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

(8) The provisions of sub-sections (5),(6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections.

Duty to supply on request

43. (1) Every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply :

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or

commissioning or within such period as may be specified by the Appropriate Commission.

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1) :

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission .

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

Exceptions from duty to supply electricity.

44. Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from doing so by cyclone, floods, storms or other occurrences beyond his control.

Power to recover charges

45. (1) Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.

(2) The charges for electricity supplied by a distribution licensee shall be -

(a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission ;

(b) published in such manner so as to give adequate publicity for such charges and prices.

(3) The charges for electricity supplied by a distribution licensee may include -

(a) a fixed charge in addition to the charge for the actual electricity supplied;

(b) a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.

(4) Subject to the provisions of section 62, in fixing charges under this section a distribution licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.

(5) The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in this behalf by the concerned State Commission.

Power to recover expenditure

46. The State Commission may, by regulations, authorise a distribution licensee to charge from a person requiring a supply of electricity in pursuance of section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply.

Power to require security.

47. (1) Subject to the provisions of this section, a distribution licensee may require any person, who requires a supply of electricity in pursuance of section 43, to give him reasonable security, as determined by regulations, for the payment to him of all monies which may become due to him -

(a) in respect of the electricity supplied to such persons; or

(b) where any electric line or electrical plant or electric meter is to be provided for supplying electricity to person, in respect of the provision of such line or plant or meter,

and if that person fails to give such security, the distribution licensee may, if he thinks fit, refuse to give the supply or to provide the line or plant or meter for the period during which the failure continues.

(2) Where any person has not given such security as is mentioned in subsection (1) or the security given by any person has become invalid or insufficient, the distribution licensee may, by notice, require that person, within thirty days after the service of the notice, to give him reasonable security for the payment of all monies which may become due to him in respect of the supply of electricity or provision of such line or plant or meter.

(3) If the person referred to in sub-section(2) fails to give such security, the distribution licensee may, if he thinks fit, discontinue the supply of electricity for the period during which the failure continues.

(4) The distribution licensee shall pay interest equivalent to the bank rate or more, as may be specified by the concerned State Commission, on the security referred to in sub-section (1) and refund such security on the request of the person who gave such security.

(5) A distribution licensee shall not be entitled to require security in pursuance of clause (a) of sub-section (1) if the person requiring the supply is prepared to take the supply through a pre-payment meter.

Additional terms of supply.

48. A distribution licensee may require any person who requires a supply of electricity in pursuance of section 43 to accept -

(a) any restrictions which may be imposed for the purpose of enabling the distribution licensee to comply with regulations made under section 53;

(b) any terms restricting any liability of the distribution licensee for economic loss resulting from negligence of the person to whom the electricity is supplied.

Agreements with respect to supply or purchase of electricity.

49. Where the Appropriate Commission has allowed open access to certain consumers under section 42, such consumers notwithstanding the provisions contained in clause (d) of sub-section (1) of section 62, may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as may be agreed upon by them.

The Electricity Supply Code.

50. The State Commission shall specify an Electricity Supply Code to provide for recovery of electricity charges, intervals for billing of electricity charges disconnection of supply of electricity for non-payment thereof; restoration of supply of electricity; tampering, distress or damage to electrical plant, electric lines or meter, entry of distribution licensee or any person acting on his behalf for disconnecting supply and removing the meter; entry for replacing, altering or maintaining electric lines or electrical plant or meter.

Other businesses of distribution licensees.

51. (1) A distribution licensee may, with prior intimation to the Appropriate Commission, engage in any other business for optimum utilisation of its assets:

Provided that a proportion of the revenues derived from such business shall, as may be specified by the concerned State Commission, be utilised for reducing its charges for wheeling :

Provided further that the distribution licensee shall maintain separate accounts for each such business undertaking to ensure that distribution business neither subsidies in any way such business undertaking nor encumbers its distribution assets in any way to support such business.

Provided also that nothing contained in this section shall apply to a local authority engaged, before the commencement of this Act, in the business of distribution of electricity.

Provisions with respect to electricity traders

Provisions with respect to electricity trader.

52. (1) Without prejudice to the provisions contained in clause (c) of section 12, the Appropriate Commission may, specify the technical requirement, capital adequacy requirement and credit worthiness for being an electricity trader.

(2) Every electricity trader shall discharge such duties, in relation to supply and trading in electricity, as may be specified by the Appropriate Commission.

Provisions with respect to supply generally

Provisions relating to safety and electricity supply

53. (1) The Authority may in consultation with the State Government, specify suitable measures for –

(a) protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant;

(b) eliminating or reducing the risks of personal injury to any person, or damage to property of any person or interference with use of such property ;

(c) prohibiting the supply or transmission of electricity except by means of a system which conforms to the specification as may be specified;

(d) giving notice in the specified form to the Appropriate Commission and the Electrical Inspector, of accidents and failures of supplies or transmissions of electricity;

(e) keeping by a generating company or licensee the maps, plans and sections relating to supply or transmission of electricity;

(f) inspection of maps, plans and sections by any person authorised by it or by Electrical Inspector or by any person on payment of specified fee;

(g) specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer for the purpose of eliminating or reducing a risk of personal injury or damage to property or interference with its use;

54. (1) Save as otherwise exempted under this Act, no person other than 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 63 of 1948.
or a mine within the meaning of the Mines Act, 1952; or 35 of 1952.

(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 days' 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 XI 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 provisions of the Railways Act, 1989. 24 of 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 provisions of this section shall be binding on the Government.

55. (1) No licensee shall supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with regulations to be made in this behalf by the Authority: Use, etc., of meters

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.

(2) For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the Authority may direct the installation of meters by a 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 regulations 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.

Disconnection of supply in default of payment.

56. (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits , under protest, -

(a) an amount equal to the sum claimed from him, or

(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,

whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity:

Consumer protection: Standards of performance

Standard of performance of licensee.

57. (1) The Appropriate Commission may, after consultation with the licensees and persons likely to be affected, specify standards of performance of a licensee or a class of licensees.

(2) If a licensee fails to meet the standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution be initiated, he shall be liable to pay such compensation to the person affected as may be determined by the Appropriate Commission:

Provided that before determination of compensation, the concerned licensee shall be given a reasonable opportunity of being heard.

(3) The compensation determined under sub-section (2) shall be paid by the concerned licensee within ninety days of such determination.

Different Standards of performance by licensee.

58. The Appropriate Commission may specify different standards under sub-section (1) of section 57 for a class or classes of licensee.

Information with respect to levels of performance.

59. (1) Every licensee shall, within the period specified by the Appropriate Commission, furnish to the Commission the following information, namely:-

(a) the level of performance achieved under sub-section (1) of the section 57;

(b) the number of cases in which compensation was made under sub-section (2) of section 57 and the aggregate amount of the compensation.

(2) The Appropriate Commission shall at least once in every year arrange for the publication, in such form and manner as it considers appropriate, of such of the information furnished to it under sub-section (1).

Market
destination

60. The Appropriate Commission may such issue directions as it considers appropriate to a licensee or a generating company if such licensee or generating company enters into any agreement or abuses its dominant position or enters into a combination which is likely to cause or causes an adverse effect on competition in electricity industry.

PART – VII

TARIFF

Tariff
Regulations.

61. The Appropriate Commission shall, subject to the provisions of this Act, specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the following, namely:-

(a) the principles and methodologies specified by the Central Commission for determination of the tariff applicable to generating companies and transmission licensees;

(b) the generation, transmission, distribution and supply of electricity are conducted on commercial principles;

(c) the factors which would encourage competition, efficiency, economical use of the resources, good performance and optimum investments;

(d) safeguarding of consumers' interest and at the same time, recovery of the cost of electricity in a reasonable manner;

(e) the principles rewarding efficiency in performance;

(f) multi year tariff principles;

(g) that the tariff progressively reflects the cost of supply of electricity and also, reduces and eliminates cross-subsidies within the period to be specified by the Appropriate Commission;

(h) the promotion of co-generation and generation of electricity from renewable sources of energy;

(i) the National Electricity Policy and tariff policy;

54 of 1948
14 of 1998

Provided that the terms and conditions for determination of tariff under the Electricity (Supply) Act, 1948, the Electricity Regulatory Commission Act, 1998 and the enactments specified in the Schedule as they stood immediately before the appointed date, shall continue to apply for a period of one year or until the terms and conditions for tariff are specified under this section, whichever is earlier.

Determination of
Tariff.

62. (1) The Appropriate Commission shall determine the tariff in accordance with provisions of this Act for –

(a) supply of electricity by a generating company to a distribution licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable prices of electricity;

(b) transmission of electricity ;

(c) wheeling of electricity;

(d) retail sale of electricity.

Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate Commission may, for promoting competition among distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity.

(2) The Appropriate Commission may require a licensee or a generating company to furnish separate details, as may be specified in respect of generation, transmission and distribution for determination of tariff.

(3) The Appropriate Commission shall not, while determining the tariff under this Act, show undue preference to any consumer of electricity but may differentiate according to the consumer's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required.

(4) No tariff or part of any tariff may ordinarily be amended more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified.

(5) The Commission may require a licensee or a generating company to comply with such procedures as may be specified for calculating the expected revenues from the tariff and charges which he or it is permitted to recover.

(6) If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee.

Determination of
tariff by bidding
process.

63. Notwithstanding anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.

Procedure for
tariff order.

64. (1) An application for determination of tariff under section 62 shall be made by a generating company or licensee in such manner and accompanied by such fee, as may be determined by regulations.

(2) Every applicant shall publish the application, in such abridged form and manner, as may be specified by the Appropriate Commission.

(3) The Appropriate Commission shall, within one hundred and twenty days from receipt of an application under sub-section (1) and after considering all suggestions and objections received from the public,-

(a) issue a tariff order accepting the application with such modifications or such conditions as may be specified in that order;

(b) reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of this Act and the rules and regulations made thereunder or the provisions of any other law for the time being in force:

Provided that an applicant shall be given a reasonable opportunity of being heard before rejecting his application.

(4) The Appropriate Commission shall, within seven days of making the order, send a copy of the order to the Appropriate Government, the Authority, and the concerned licensees and to the person concerned.

(5) Notwithstanding anything contained in Part X, the tariff for any inter-State supply, transmission or wheeling of electricity, as the case may be, involving the territories of two States may, upon application made to it by the parties intending to undertake such supply, transmission or wheeling, be determined under this section by the State Commission having jurisdiction in respect of the licensee who intends to distribute electricity and make payment therefor:

(6) A tariff order shall, unless amended or revoked, shall continue to be in force for such period as may be specified in the tariff order.

Provision of
subsidy by State
Government.

65. If the State Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the State Commission under section 62, the State Government shall, notwithstanding any direction which may be given under section 108, pay, within in advance in the manner as may be specified, by the State Commission the amount to compensate the person affected by the grant of subsidy in the manner the State Commission may direct, as a condition for the licence or any other person concerned to implement the subsidy provided for by the State Government:

Provided that no such direction of the State Government shall be operative if the payment is not made in accordance with the provisions contained in this section and the tariff fixed by State Commission shall be applicable from the date of issue of orders by the Commission in this regard.

Development of
market.

66. The Appropriate Commission shall endeavour to promote the development of a market (including trading) in power in such manner as may be specified and shall be guided by the National Electricity Policy referred to in section 3 in this regard..

PART – VIII

WORKS

Works of licensees

Provision as to opening up of streets, railways etc.

67. (1) A licensee may, from time to time but subject always to the terms and conditions of his licence, within his area of supply or transmission or when permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works such as -

(a) to open and break up the soil and pavement of any street, railway or tramway;

(b) to open and break up any sewer, drain or tunnel in or under any street, railway or tramway;

(c) to alter the position of any line or works or pipes, other than a main sewer pipe;

(d) to lay down and place electric lines, electrical plant and other works;

(e) to repair, alter or remove the same;

(f) to do all other acts necessary for transmission or supply of electricity.

(2) The Appropriate Government may, by rules made by it in this behalf, specify, -

(a) the cases and circumstances in which the consent in writing of the Appropriate Government, local authority, owner or occupier, as the case may be, shall be required for carrying out works;

(b) the authority which may grant permission in the circumstances where the owner or occupier objects to the carrying out of works;

(c) the nature and period of notice to be given by the licensee before carrying out works;

(d) the procedure and manner of consideration of objections and suggestion received in accordance with the notice referred to in clause (c);

(e) the determination and payment of compensation or rent to the persons affected by works under this section;

(f) the repairs and works to be carried out when emergency exists;

(g) the right of the owner or occupier to carry out certain works under this section and the payment of expenses therefor;

(h) the procedure for carrying out other works near sewers, pipes or other electric lines or works;

(i) the procedure for alteration of the position of pipes, electric lines, electrical plant, telegraph lines, sewer lines, tunnels, drains, etc.;

(j) the procedure for fencing, guarding, lighting and other safety measures relating to works on streets, railways, tramways, sewers, drains or tunnels and immediate reinstatement thereof;

(k) the avoidance of public nuisance, environmental damage and unnecessary damage to the public and private property by such works;

(l) the procedure for undertaking works which are not reparable by the Appropriate Government, licensee or local authority;

(m) the manner of deposit of amount required for restoration of any railways, tramways, waterways, etc.;

(n) the manner of restoration of property affected by such works and maintenance thereof;

(o) the procedure for deposit of compensation payable by the licensee and furnishing of security; and

(p) such other matters as are incidental or consequential to the construction and maintenance of works under this section.

(3) A licensee shall, in exercise of any of the powers conferred by or under this section and the rules made thereunder, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(4) Where any difference or dispute [including amount of compensation under sub-section (3)] arises under this section, the matter shall be determined by the Appropriate Commission.

(5) The Appropriate Commission, while determining any difference or dispute arising under this section in addition to any compensation under sub-section (3), may impose a penalty not exceeding the amount of compensation payable under that sub-section.

Provisions relating to overhead lines

Overhead lines.

68. (1) An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).

(2) The provisions contained in sub-section (1) shall not apply-

(a) in relation to an electric line which has a nominal voltage not exceeding 11 kilovolts and is used or intended to be used for supplying to a single consumer;

(b) in relation to so much of an electric line as is or will be within premises in the occupation or control of the person responsible for its installation; or

(c) in such other cases as may be prescribed.

(3) The Appropriate Government shall, while granting approval under sub-section (1), impose such conditions (including conditions as to the ownership and operation of the line) as appear to it to be necessary

(4) The Appropriate Government may vary or revoke the approval at any time after the end of such period as may be stipulated in the approval granted by it.

(5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity on the

to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.

(6) When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation. - For purposes of this section, the expression “tree” shall be deemed to include any shrub, hedge, jungle growth or other plant.

Notice to
telegraph
authority.

69. (1) A licensee shall, before laying down or placing, within ten meters of any telegraph line, electric line, electrical plant or other works, not being either service lines, or electric lines or electrical plant, for the repair, renewal or amendment of existing works of which the character or position is not to be altered,-

(a) submit a proposal in case of a new installation to an authority to be designated by the Central Government and such authority shall take a decision on the proposal within thirty days;

(b) give not less than ten days' notice in writing to the telegraph authority in case of repair, renewal or amendment or existing works, specifying-

- (i) the course of the works or alterations proposed ;
- (ii) the manner in which the works are to be utilised ;
- (iii) the amount and nature of the electricity to be transmitted;
- (iv) the extent to, and the manner in which (if at all), earth returns are to be used ,

and the licensee shall conform to such reasonable requirements, either general or special, as may be laid down by the telegraph authority within that period for preventing any telegraph line from being injuriously affected by such works or alterations:

Provided that in case of emergency (which shall be stated by the licensee in writing to the telegraph authority) arising from defects in any of the electric lines or electrical plant or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Where the works of the laying or placing of any service line is to be executed the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph authority a notice in writing of his intention to execute such works.

PART – IX

CENTRAL ELECTRICITY AUTHORITY

Constitution and functions of Authority

Constitution,
etc., of Central
Electricity
Authority.

54 of 1948.

70. (1) There shall be a body to be called the Central Electricity Authority to exercise such functions and perform such duties as are assigned to it under this Act.

(2) The Central Electricity Authority, established under section 3 of the Electricity (Supply) Act, 1948 and functioning as such immediately before the appointed date, shall be the Central Electricity Authority for the purposes of this Act and the Chairperson, Members, Secretary and other officers and employees thereof shall be deemed to have been appointed under this Act and they shall continue to hold office on the same terms and conditions on which they were appointed under the Electricity (Supply) Act, 1948.

(3) The Authority shall consist of not more than fourteen Members (including its Chairperson) of whom not more than eight shall be full-time Members to be appointed by the Central Government.

(4) The Central Government may appoint any person, eligible to be appointed as Member of the Authority, as the Chairperson of the Authority, or, designate one of the full time Members as the Chairperson of the Authority.

(5) The Members of the Authority shall be appointed from amongst persons of ability, integrity and standing who have knowledge of, and adequate experience and capacity in, dealing with problems relating to engineering, finance, commerce, economics or industrial matters, and at least one Member shall be appointed from each of the following categories, namely:-

(a) engineering with specialisation in design, construction, operation and maintenance of generating stations;

(b) engineering with specialisation in transmission and supply of electricity;

(c) applied research in the field of electricity;

(d) applied economics, accounting, commerce or finance.

(6) The Chairperson and all the Members of the Authority shall hold office during the pleasure of the Central Government.

(7) The Chairperson shall be the Chief Executive of the Authority.

(8) The head quarters of the Authority shall be at Delhi.

(9) The Authority shall meet at the head office or any other place at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify.

(10) The Chairperson, or if he is unable to attend a meeting of the Authority, any other Member nominated by the Chairperson in this behalf and in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves shall preside at the meeting.

(11) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the Members present and voting, and in

the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.

(12) All orders and decisions of the Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorised by the Chairperson in this behalf.

(13) No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy in, or any defect in, the constitution of, the Authority.

(14) The Chairperson of the Authority and other full time Members shall receive such salary and allowances as may be determined by the Central Government and other Members shall receive such allowances and fees for attending the meetings of the Authority, as the Central Government may prescribe.

(15) The other terms and conditions of service of the Chairperson and Members of the Authority including, subject to the provisions of sub-section (6), their terms of office shall be such as the Central Government may prescribe.

Members not to have certain interest.

71. No Member of the Authority shall have any share or interest, whether in his own name or otherwise, in any company or other body corporate or an association of persons (whether incorporated or not), or a firm engaged in the business of generation, transmission, distribution and trading of electricity or fuel for the generation thereof or in the manufacture of electrical equipment.

Officers and staff of Authority.

72. The Authority may appoint a Secretary and such other officers and employees as it considers necessary for the performance of its functions under this Act and on such terms as to salary, remuneration, fee, allowance, pension, leave and gratuity, as the authority may in consultation with the Central Government, fix:

Provided that the appointment of the Secretary shall be subject to the approval of the Central Government.

Functions and duties of Authority.

73. The Authority shall perform such functions and duties as the Central Government may prescribe or direct, and in particular to -

(a) advise the Central Government on the matters relating to the national electricity policy, formulate short-term and perspective plans for development of the electricity system and co- ordinate the activities of the planning agencies for the optimal utilisation of resources to subserve the interests of the national economy and to provide reliable and affordable electricity for all consumers;

(b) specify the technical standards for construction of electrical plants, electric lines and connectivity to the grid;

(c) specify the safety requirements for construction, operation and maintenance of electrical plants and electric lines;

(d) specify the Grid Standards for operation and maintenance of transmission lines;

(e) specify the conditions for installation of meters for transmission and supply of electricity;

(f) promote and assist in the timely completion of schemes and projects for improving and augmenting the electricity system;

(g) promote measures for advancing the skill of persons engaged in the electricity industry;

(h) advise the Central Government on any matter on which its advice is sought or make recommendation to that Government on any matter if, in the opinion of the Authority, the recommendation would help in improving the generation, transmission, trading, distribution and utilisation of electricity;

(i) collect and record the data concerning the generation, transmission, trading, distribution and utilisation of electricity and carry out studies relating to cost, efficiency, competitiveness and such like matters;

(j) make public from time to time information secured under this Act, and provide for the publication of reports and investigations;

(k) promote research in matters affecting the generation, transmission, distribution and trading of electricity;

(l) carry out, or cause to be carried out, any investigation for the purposes of generating or transmitting or distributing electricity;

(m) advise any State Government, licensees or the generating companies on such matters which shall enable them to operate and maintain the electricity system under their ownership or control in an improved manner and where necessary, in co-ordination with any other Government, licensee or the generating company owning or having the control of another electricity system;

(n) advise the Appropriate Government and the Appropriate Commission on all technical matters relating to generation, transmission and distribution of electricity; and

(o) discharge such other functions as may be provided under this Act.

Certain powers and directions

Power to require statistics and returns.

74. It shall be the duty of every licensee, generating company or person generating electricity for its or his own use to furnish to the Authority such statistics, returns or other information relating to generation, transmission, distribution, trading and use of electricity as it may require and at such times and in such form and manner as may be specified by the Authority.

Directions by Central Government to Authority.

75. (1) In the discharge of its functions, the Authority shall be guided by such directions in matters of policy involving public interest as the Central Government may give to it in writing.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.

PART X

REGULATORY COMMISSIONS

Constitution, powers and functions of Central Commission

Constitution of Central Commission.

76. (1) There shall be a Commission to be known as the Central Electricity Regulatory Commission to exercise the powers conferred on, and discharge the functions assigned to, it under this Act.

14 of 1998.

(2) The Central Electricity Regulatory Commission, established under section 3 of the Electricity Regulatory Commissions Act, 1998 and functioning as such immediately before the appointed date, shall be deemed to be

the Central Commission for the purposes of this Act and the Chairperson, Members, Secretary, and other officers and employees thereof shall be deemed to have been appointed under this Act and they shall continue to hold office on the same terms and conditions on which they were appointed under the Electricity Regulatory Commissions Act, 1998.

Provided that the Chairperson and other Members of the Central Commission appointed, before the commencement of this Act, under the Electricity Regulatory Commissions Act, 1998, may, on the recommendations of the Selection Committee constituted under sub-section (1) of section 78, be allowed, to opt for the terms and conditions under this Act by the Central Government.

(3) The Central Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(4) The head office of the Central Commission shall be at such place as the Central Government may, by notification, specify.

(5) The Central Commission shall consist of the following Members namely:-

(a) a Chairperson and three other Members;

(b) the Chairperson of the Authority who shall be the Member, ex officio.

(6) The Chairperson and Members of the Central Commission shall be appointed by the Central Government on the recommendation of the Selection Committee referred to in section 78.

Qualification for appointment of Members of Central Commission.

77. (1) The Chairperson and the Members of the Central Commission shall be persons having adequate knowledge of, or experience in, or shown capacity in, dealing with, problems relating to engineering, law, economics, commerce, finance or, management and shall be appointed in the following manner, namely:-

(a) one person having qualifications and experience in the field of engineering with specialisation in generation, transmission or distribution of electricity;

(b) one person having qualifications and experience in the field of finance;

(c) two persons having qualifications and experience in the field of economics, commerce, law or management:

Provided that not more than one Member shall be appointed under the same category under clause (c).

(2) Notwithstanding anything contained in sub-section (1), the Central Government may appoint any person as the Chairperson from amongst persons who is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court:

Provided that no appointment under this sub-section shall be made except after consultation with the Chief Justice of India.

(3) The Chairperson or any other Member of the Central Commission shall not hold any other office.

(4) The Chairperson shall be the Chief Executive of the Central Commission

Commission.

Constitution of
Selection
Committee to
recommend
Members

78. (1) The Central Government shall, for the purposes of selecting the Members of the Appellate Tribunal and the Chairperson and Members of the Central Commission, constitute a Selection Committee consisting of –

- (a) Member of the Planning Commission
incharge of the energy sector Chairperson;
- (b) Secretary-in-charge of the Ministry of the Central Government
dealing with the Department of the Legal Affairs Member;
- (c) Chairperson of the Public Enterprises Selection Board Member;
- (d) a person to be nominated by the Central Government
in accordance with sub-section (2) Member ;
- (e) a person to be nominated by the Central Government
in accordance with sub-section (3) Member ;
- (f) Secretary-in-charge of the Ministry of the Central
Government dealing with power Member.

1 of 1956

(2) For the purposes of clause (d) of sub-section (1), the Central Government shall nominate from amongst persons holding the post of chairperson or managing director, by whatever name called, of any public financial institution specified in section 4A of the Companies Act, 1956.

(3) For the purposes of clause (e) of sub-section (1), the Central Government shall, by notification, nominate from amongst persons holding the post of director or the head of the institution, by whatever name called, of any research, technical or management institution for this purpose.

(4) Secretary-in-charge of the Ministry of the Central Government dealing with Power shall be the Convenor of the Selection Committee.

(5) The Central Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of a Member of the Appellate Tribunal or the Chairperson or a Member of the Central Commission and six months before the superannuation or end of tenure of the Member of the Appellate Tribunal or Member of the Central Commission, make a reference to the Selection Committee for filling up of the vacancy.

(6) The Selection Committee shall finalise the selection of the Chairperson and Members referred to in sub-section (5) within three month from the date on which the reference is made to it.

(7) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(8) Before recommending any person for appointment as Member of the Appellate Tribunal or the Chairperson or other Member of the Central Commission, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as the Chairperson or Member.

(9) No appointment of the Chairperson or other Member shall be invalid merely by reason of any vacancy in the Selection Committee:

Provided that nothing contained in this section shall apply to the appointment of a person as the Chairperson of the Central Commission where such person is or has been a Judge of the Supreme Court or the Chief Justice of a High Court.

person is, or has been , a Judge of the Supreme Court or the Chief Justice of a High Court.

Functions of
Central
Commission

79. (1) The Central Commission shall discharge the following functions, namely:-

- (a) to regulate the tariff of generating companies owned or controlled by the Central Government;
- (b) to regulate the tariff of generating companies other than those owned or controlled by the Central Government specified in clause (a), if such generating companies enter into or otherwise have a composite scheme for generation and sale of electricity in more than one State;
- (c) to regulate the inter-State transmission of electricity ;
- (d) to determine tariff for inter-State transmission of electricity;
- (e) to issue licenses to persons to function as transmission licensee and electricity trader with respect to their inter-State operations.
- (f) to adjudicate upon disputes involving generating companies or transmission licensee in regard to matters connected with clauses (a) to (d) above and to refer any dispute for arbitration;
- (g) to levy fees for the purposes of this Act;
- (h) to specify Grid Code having regard to Grid Standards;
- (i) to specify and enforce the standards with respect to quality, continuity and reliability of service by licensees.
- (j) to fix the trading margin in the inter-State trading of electricity, if considered, necessary;
- (k) to discharge such other functions as may be assigned under this Act.

(2) The Central Commission shall advise the Central Government on all or any of the following matters, namely :-

(a) Advise the Central Government on all or any of the following matters, namely:-

- (i) formulation of National electricity Policy and tariff policy;
- (ii) promotion of competition, efficiency and economy in activities of the electricity industry;
- (iii) promotion of investment in electricity industry;
- (iv) any other matter referred to the Central Commission by that Government.

(3) The Central Commission shall ensure transparency while exercising its powers and discharging its functions.

(4) In discharge of its functions, the Central Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published under section 3.

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| Central Advisory Committee | 80 | <p>(1) The Central Commission may, by notification, establish with effect from such date as it may specify in such notification, a Committee to be known as the Central Advisory Committee.</p> <p>(2) The Central Advisory Committee shall consist of not more than thirty-one members to represent the interests of commerce, industry, transport, agriculture, labour, consumers, non-governmental organisations and academic and research bodies in the electricity sector.</p> <p>(3) The Chairperson of the Central Commission shall be the ex-officio Chairperson of the Central Advisory Committee and the Members of that Commission and Secretary to the Government of India in charge of the Ministry or Department of the Central Government dealing with Consumer Affairs and Public Distribution System shall be the ex-officio Members of the Committee.</p> |
| Objects of Central Advisory Committee | 81. | <p>The objects of the Central Advisory Committee shall be to advise the Central Commission on:--</p> <ul style="list-style-type: none"> (i) major questions of policy; (ii) matters relating to quality, continuity and extent of service provided by the licensees; (iii) compliance by the licensees with the conditions and requirements of their licence; (iv) protection of consumer interest; (v) electricity supply and overall standards of performance by utilities. <p style="text-align: center;"><i>Constitution, powers and functions of the State Commissions</i></p> |
| Constitution of State Commission | 82. | <p>(1) Every State Government shall, within six months from the appointed date, by notification, constitute for the purposes of this Act, a Commission for the State to be known as the (name of the State) Electricity Regulatory Commission:</p> |
| 14 of 1998 | | <p>Provided that the State Electricity Regulatory Commission, established by a State Government under section 17 of the Electricity Regulatory Commissions Act, 1998 and the enactments specified in the Schedule, and functioning as such immediately before the appointed date shall be the State Commission for the purposes of this Act and the Chairperson, Members, Secretary, and other officers and other employees thereof shall continue to hold office, on the same terms and conditions on which they were appointed under those Acts.</p> <p>Provided further that the Chairperson and other Members of the State Commission appointed before the commencement of this Act under the Electricity Regulatory Commissions Act, 1998 or under the enactments specified in the Schedule, may on the recommendations of the Selection Committee constituted under sub-section (1) of Section 85 be allowed to opt for the terms and conditions under this Act by the concerned State Government.</p> <p>(2) The State Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.</p> <p>(3) The head office of the State Commission shall be at such place as the State Government may, by notification, specify.</p> |

(4) The State Commission shall consist of not more than three Members, including the Chairperson.

(5) The Chairperson and Members of the State Commission shall be appointed by the State Government on the recommendation of a Selection Committee referred to in section 85.

Joint Commission 83. (1) Notwithstanding anything to the contrary contained in section 82, a Joint Commission may be constituted by an agreement to be entered into -

(a) by two or more Governments of States; or

(b) by the Central Government, in respect of one or more Union territories, and one or more Governments of States,

and shall be in force for such period and shall be subject to renewal for each further period, if any, as may be stipulated in the agreement:

14 of 1998 Provided that the Joint Commission, constituted under section 21 A of Electricity Regulatory Commissions Act, 1998 and functioning as such immediately before the appointed day, shall be the Joint Commission for the purposes of this Act and the Chairperson, members, Secretary and other officers and employees thereof shall be deemed to have been appointed as such under this Act and they shall continue to hold office, on the same terms and conditions on which they were appointed under the Electricity Regulatory Commissions Act, 1998.

(2) The Joint Commission shall consists of 1 Member from each of the participating States and Union Territories and the Chairperson shall be appointed from amongst the Members by consensus, failing which by rotation.

(3) An agreement under sub-section (1) shall contain provisions as to the name of the Joint Commission, the manner in which the participating States may be associated in the selection of the Chairperson and Members of the Joint Commission, manner of appointment of Members and appointment of Chairperson by rotation or consensus, places at which the Commission shall sit, apportionment among the participating States of the expenditure in connection with the Joint Commission, manner in which the differences of opinion between the Joint Commission and the State Government concerned would be resolved and may also contain such other supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

(4) The Joint Commission shall determine tariff in respect of the participating States or Union Territories separately and independently.

(5) Notwithstanding anything contained in this section, the Central Government may, if so authorised by all the participating States, constitute a Joint Commission and may exercise the powers in respect of all or any of the matters specified under sub-section (3) and specifically so authorized by the participating States.

Qualifications of appointment of Chairperson and Members of State Commission.

84. (1) The Chairperson and the Members of the State Commission shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or management.

(2) Notwithstanding anything contained in sub-section (1), the State Government may appoint any person as the Chairperson from amongst persons who

is, or has been, a Judge of a High Court:

Provided that no appointment under this sub-section shall be made except after consultation with the Chief Justice of that High Court.

(3) The Chairperson or any other Member of the State Commission shall not hold any other office.

(4) The Chairperson shall be the Chief Executive of the State Commission.

Constitution of
Selection
Committee to
select Members of
State Commission.

85. (1) The State Government shall, for the purposes of selecting the Members of the State Commission, constitute a Selection Committee consisting of –

- (a) a person who has been a Judge of the High Court.... Chairperson;
- (b) the Chief Secretary of the concerned State..... Member;
- (c) the Chairperson of the Authority or
the Chairperson of the Central Commission Member:

Provided that nothing contained in this section shall apply to the appointment of a person as the Chairperson who is or has been a Judge of the High Court.

(2) The State Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or end of tenure of the Chairperson or Member, make a reference to the Selection Committee for filling up of the vacancy.

(3) The Selection Committee shall finalise the selection of the Chairperson and Members within three month from the date on which the reference is made to it.

(4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(5) Before recommending any person for appointment as the Chairperson or other Member of the State Commission, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as Chairperson or Member, as the case may be.

(6) No appointment of Chairperson or other Member shall be invalid merely by reason of any vacancy in the Selection Committee.

Functions of
State
Commission

86. (1) The State Commission shall discharge the following functions, namely: -

(a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:

Providing that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through

agreements for purchase of power for distribution and supply within the State;

(c) facilitate intra-state transmission and wheeling of electricity;

(d) issue licences to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;

(e) promote congeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licence;

(f) adjudicate upon the disputes between the licensees, and generating companies and to refer any dispute for arbitration;

(g) levy fee for the purposes of this Act;

(h) specify State Grid Code consistent with the Grid Code specified under clause (h) of sub-section (1) of section 79;

(i) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;

(j) fix the trading margin in the intra-State trading of electricity, if considered, necessary; and

(k) discharge such other functions as may be assigned to it under this Act.

(2) The State Commission shall advise the State Government on all or any of the following matters, namely :-

(i) promotion of competition, efficiency and economy in activities of the electricity industry;

(ii) promotion of investment in electricity industry;

(iii) reorganization and restructuring of electricity industry in the State;

(iv) matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government.

(3) The State Commission shall ensure transparency while exercising its powers and discharging its functions.

(4) In discharge of its functions the State Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published under section 3.

State
Advisory
Committee

87. (1) The State Commission may, by notification, establish with effect from such date as it may specify in such notification, a Committee to be known as the State Advisory Committee.

(2) The State Advisory Committee shall consist of not more than twenty-one members to represent the interests of commerce, industry, transport, agriculture, labour, consumers, non-governmental organisations and academic and research bodies in the electricity sector.

(3) The Chairperson of the State Commission shall be the ex-officio Chairperson of the State Advisory Committee and the Members of the State Commission and the Secretary to State Government in charge of the Ministry or

Commission and the Secretary to State Government in charge of the Ministry or Department dealing with Consumer Affairs and Public Distribution System shall be the ex-officio Members of the Committee.

Objects of State
Advisory
Committee

88. The objects of the State Advisory Committee shall be to advise the Commission on –

- (i) major questions of policy;
- (ii) matters relating to quality, continuity and extent of service provided by the licensees;
- (iii) compliance by licensees with the conditions and requirements of their licence;
- (iv) protection of consumer interest; and
- (v) electricity supply and overall standards of performance by utilities.

Appropriate Commission – Other Provisions

Term of office and
conditions of
service of
members

89. (1) The Chairperson or other Member shall hold office for a term of five years from the date he enters upon his office;

Provided that the Chairperson or other Member in the Central Commission or the State Commission shall not be eligible for re-appointment in the same capacity as the Chairperson or a Member in that Commission in which he had earlier held office as such :

Provided further that no Chairperson or Member shall hold office as such after he has attained the age of sixty-five years.

(2) The salary, allowances and other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed by the Appropriate Government.

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

(3) Every Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form and in such manner and before such authority as may be prescribed.

(4) Notwithstanding anything contained in sub-section (1), a Member may-

(a) Relinquish his office by giving in writing to the Appropriate Government a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 90.

(5) Any member ceasing to hold office as such shall –

(a) not accept any commercial employment for a period of two years from the date he ceases to hold such office; and

(b) not represent any person before the Central Commission or any State Commission in any manner.

Explanation. - For the purposes of this sub-section "commercial employment" means employment in any capacity in any organisation which has been a party to the proceedings before the Appropriate Commission or employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in electricity industry and includes a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

Removal of member. 90. (1) No Member shall be removed from office except in accordance with the provisions of this section.

(2) The Central Commission, in the case of a Member of the Central Commission, and the State Government, in the case of a Member of the State Commission, may by order remove from office any Member, if he-

(a) has been adjudged an insolvent;

(b) has been convicted of an offence which, in the opinion of the Appropriate Government, involves moral turpitude;

(c) has become physically or mentally incapable of acting as a Member;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;

(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(f) has been guilty of proved misbehaviour:

Provided that no Member shall be removed from his office on any ground specified in clauses (d), (e) and (f) unless the Chairperson of the Appellate Tribunal on a reference being made to him in this behalf by the Central Government, or the State Government, as the case may be, has, on an inquiry, held by him in accordance with such procedure as may be prescribed by the Central Government, reported that the Member ought on such ground or grounds to be removed.

(3) The Central Government or the State Government, as the case may be, may, in consultation with the Chairperson of the Appellate Tribunal suspend any Member of the Appropriate Commission in respect of whom a reference has been made to the Chairperson of the Appellate Tribunal, under sub-section (2) until the Central Government or the State Government, as the case may be, has passed orders on receipt of the report of the Chairperson of the Appellate Tribunal, on such reference :

Provided that nothing contained in this section shall apply to the Chairperson of the Appropriate Commission who, at the time of his appointment as such is a sitting Judge of the Supreme court or the chief Justice of a High Court or a Judge of a High Court.

Proceedings and powers of the Appropriate Commission

Secretary Officers and other 91. (1) The Appropriate Commission may appoint a Secretary to exercise such powers and perform such duties as may be specified.

employees of
Appropriate
Commission .

such powers and perform such duties as may be specified.

5 of 1908

(2) The Appropriate Commission may, with the approval of the Appropriate Government, specify the numbers, nature and categories of other officers and employees.

(3) The salaries and allowances payable to, and other term and conditions of service of, the Secretary, officers and other employees shall be such as may be specified with the approval of the Appropriate Government.

(4) The Appropriate Commission may appoint consultants required to assist that Commission in the discharge of its functions on the terms and conditions as may be specified.

Proceedings of
Appropriate
Commission.

92. (1) The Appropriate Commission shall meet at the head office or any other place at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify.

(2) The Chairperson, or if he is unable to attend a meeting of the Appropriate Commission, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Appropriate Commission shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) Save as otherwise provided in sub-section (3), every Member shall have one vote.

(5) All orders and decisions of the Appropriate Commission shall be authenticated by its Secretary or any other officer of the Commission duly authorised by the Chairperson in this behalf.

Vacancies, etc.,
not to invalidate
proceedings.

93. No act or proceedings of the Appropriate Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Appropriate Commission.

Powers of
Appropriate
Commission .

94. (1) The Appropriate Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely: -

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issueing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The Appropriate Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before the Appropriate Commission, as that Commission may consider appropriate.

(3) The Appropriate Commission may authorise any person, as it deems fit, to represent the interest of the consumers in the proceedings before it.

Proceedings
before
Commission.

45 of 1860.
2 of 1974.

Powers of entry
and seizure.

2 of 1974

95. All proceedings before the Appropriate Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Appropriate Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

96. The Appropriate Commission or any officer, not below the rank of a Gazetted Officer specially authorised in this behalf by the Commission, may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, insofar as it may be applicable.

Delegation .

97. The Appropriate Commission may, by general or special order in writing, delegate to any Member, Secretary officer of the Appropriate Commission or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers to adjudicate disputes under Section 79 and Section 86 and the powers to make regulations under section 178 or section 181) as it may deem necessary.

Grants, Fund, Accounts, Audit and Report

Grants and loans
by Central
Government

98. The Central Government may, after due appropriation made by Parliament in this behalf, make to the Central Commission grants and loans of such sums of money as that Government may consider necessary.

Establishment of
Fund by Central
Government

99. (1) There shall be constituted a Fund to be called the Central Electricity Regulatory Commission Fund and there shall be credited thereto-

- (a) any grants and loans made to the Central Commission by the Central Government under section 98;
- (b) all fees received by the Central Commission under this Act;
- (c) all sums received by the Central Commission from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting –

- (a) the salary, allowances and other remuneration of Chairperson, Members, Secretary, officers and other employees of the Central Commission;
- (b) the expenses of the Central Commission in discharge of its function under section 79;
- (c) the expenses on objects and for purposes authorised by this Act.

(3) The Central Government may, in consultation with the Comptroller and Auditor-General of India, prescribe the manner of applying the Fund for meeting the expenses specified in clause (b) or clause (c) of sub-section (2).

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| Accounts and Audit of Central Commission. | <p>100. (1) The Central Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.</p> <p>(2) The accounts of the Central Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Central Commission to the Comptroller and Auditor General of India.</p> <p>(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the auditing of the accounts of the Central Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Central Commission.</p> <p>(4) The accounts of the Central Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.</p> |
| Annual Report of Central Commission | <p>101. (1) The Central Commission shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.</p> <p>(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.</p> |
| Grants and Loans by State Government | <p>102. The State Government may, after due appropriation made by Legislature of a State in this behalf, make to the State Commission grants and loans of such sums of money as that Government may consider necessary.</p> |
| Establishment of Fund by State Government | <p>103. (1) There shall be constituted a Fund to be called the State Electricity Regulatory Commission fund and there shall be credited thereto-</p> <ul style="list-style-type: none"> (a) any grants and loans made to the State Commission by the State Government under Section 102; (b) all fees received by the State Commission under this Act; (c) all sums received by the State Commission from such other sources as may be decided upon by the State Government. <p>(2) The Fund shall be applied for meeting –</p> <ul style="list-style-type: none"> (a) the salary, allowances and other remuneration of Chairperson, Members, Secretary, officers and other employees of the State Commission; (b) the expenses of the State Commission in discharge of its function under Section 86; and (c) the expenses on objects and for purposes authorised by this Act. <p>(3) The State Government may, in consultation with the Comptroller and Auditor-General of India, prescribe the manner of applying the Fund for meeting the expenses specified in clause (b) or clause (c) of sub-section (2).</p> |

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| Accounts and audit of State Commission | <p>104. (1) The State Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such forms as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.</p> <p>(2) The Accounts of the State Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor- General of India.</p> <p>(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.</p> <p>(4) The accounts of the State Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government and that Government shall cause the same to be laid , as soon as may be after it is received, before the State Legislature.</p> |
| Annual report of State Commission | <p>105. (1) The State Commission shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government.</p> <p>(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before the State Legislature.</p> |
| Budget of Appropriate Commission | <p>106. The Appropriate Commission shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of that Commission and forward the same to the Appropriate Government.</p> |
| Directions by Central Government. | <p>107. (1) In the discharge of its functions, the Central Commission shall be guided by such directions in matters of policy involving public interest as the Central Government may give to it in writing.</p> <p>(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.</p> |
| Directions by State Government. | <p>108. (1) In the discharge of its functions, the State Commission shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing.</p> <p>(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the State Government thereon shall be final.</p> |
| Directions to Joint Commission. | <p>109. Notwithstanding anything contained in this Act, where any Joint Commission is established under section 83 –</p> <p>(a) the Government of the State, for which the Joint Commission is</p> |

established, shall be competent to give any direction under this Act only in cases where such direction relates to matter within the exclusive territorial jurisdiction of the State;

(b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertaining to a Union territory if the participating Governments fail to reach an agreement or the participating States or majority of them request the Central Government to issue such directions.

CHAPTER XI

APPELLATE TRIBUNAL FOR ELECTRICITY

Establishment of
Appellate
Tribunal.

110. The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Appellate Tribunal for Electricity to hear appeals against the orders of the adjudicating officer or the Appropriate Commission under this Act.

Appeal to
Appellate
Tribunal.

111. (1) Any person aggrieved by an order made by an adjudicating officer under this Act (except under section 127) or an order made by the Appropriate Commission under this Act may prefer an appeal to the Appellate Tribunal for Electricity:

Provided that any person appealing against the order of the adjudicating officer levying and penalty shall, while filling the appeal, deposit the amount of such penalty:

Provided further that where in any particular case, the Appellate Tribunal is of the opinion that the deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

(2) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order made by the adjudicating officer or the Appropriate Commission is received by the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the concerned adjudicating officer or the Appropriate Commission, as the case may be.

(5) The appeal filed before the Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within one hundred and eighty days from the date of receipt of the appeal:

Provided that where any appeal could not be disposed off within the said period of one hundred and eighty days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within the said period.

(6) The Appellate Tribunal may, for the purpose of examining the

legality, propriety or correctness of any order made by the adjudicating officer or the Appropriate Commission under this Act, as the case may be, in relation to any proceeding, on its own motion or otherwise, call for the records of such proceedings and make such order in the case as it thinks fit.

Composition of Appellate Tribunal.

112. (1) The Appellate Tribunal shall consist of a Chairperson and three other Members.

(2) Subject to the provisions of this Act,-

(a) the jurisdiction of the Appellate Tribunal may be exercised by Benches thereof;

(b) a Bench may be constituted by the Chairperson of the Appellate Tribunal with two or more Members of the Appellate Tribunal as the Chairperson of the Appellate Tribunal may deem fit;

Provided that every Bench constituted under this clause shall include at least one Judicial Member and one Technical Member;

(c) the Benches of the Appellate Tribunal shall ordinarily sit at Delhi and such other places as the Central Government may, in consultation with the Chairperson of the Appellate Tribunal, notify;

(d) the Central Government shall notify the areas in relation to which each Bench of the Appellate Tribunal may exercise jurisdiction.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson of the Appellate Tribunal may transfer a Member of the Appellate Tribunal from one Bench to another Bench.

Explanation. - For the purposes of this Chapter,-

(i) “Judicial Member” means a Member of the Appellate Tribunal appointed as such under sub-clause (i) of clause (b) of sub-section (1) of section 113, and includes the Chairperson of the Appellate Tribunal;

(ii) “Technical Member” means a Member of the Appellate Tribunal appointed as such under sub-clause (ii) or sub-clause (iii) of clause (b) of sub-section (1) of section 113.

Qualifications for appointment of Chairperson and Member of the Appellate Tribunal.

113. (1) A person shall not be qualified for appointment as the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal unless he-

(a) in the case of the Chairperson of the Appellate Tribunal, is, or has been, a judge of the Supreme Court or the Chief Justice of a High Court; and

(b) in the case of a Member of the Appellate Tribunal,-

(i) is, or has been, or is qualified to be, a Judge of a High Court; or

(ii) is, or has been, a Secretary for at least one year in the Ministry or Department of the Central Government dealing with economic affairs or matters or infrastructure; or

(iii) is, or has been, a person of ability and standing, having adequate knowledge or experience in dealing with the

matters relating to electricity generation, transmission and distribution and regulation or economics, commerce, law or management.

(2) The Chairperson of the Appellate Tribunal shall be appointed by the Central Government after consultation with the Chief Justice of India.

(3) The Members of the Appellate Tribunal shall be appointed by the Central Government on the recommendation of the Selection Committee referred to in section 78.

(4) Before appointing any person for appointment as Chairperson or other Member of the Appellate Tribunal, the Central Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member.

Term of office.

114. The Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall hold office as such for a term of three years from the date on which he enters upon his office:

Provided that such Chairperson or other Member shall be eligible for reappointment for a second term of three years:

Provided further that no Chairperson of the Appellate Tribunal or Member of the Appellate Tribunal shall hold office as such after he has attained,-

(a) in the case of the Chairperson of the Appellate Tribunal, the age of seventy years;

(b) in the case of a Member of the Appellate Tribunal, the age of sixty-five years.

Terms and conditions of service.

115. The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson of the Appellate Tribunal and Members of the Appellate Tribunal shall be such as may be prescribed by the Central Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall be varied to his disadvantage after appointment.

Vacancies.

116. If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal, the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

Resignation and removal

117. (1) The Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of term of office, whichever is the earliest.

(2) The Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall not be removed from his office except by an order by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a judge of the Supreme Court as the Central

Government may appoint for this purpose in which the Chairperson or a Member of the Appellate Tribunal concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of such charges.

Member to act as Chairperson in certain circumstances.

118. (1) In the event of the occurrence of any vacancy in the office of the Chairperson of the Appellate Tribunal by reason of his death, resignation or otherwise, the senior-most Member of the Appellate Tribunal shall act as the Chairperson of the Appellate Tribunal until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairperson of the Appellate Tribunal is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member of the Appellate Tribunal shall discharge the functions of the Chairperson of the Appellate Tribunal until the date on which the Chairperson of the Appellate Tribunal resumes his duties.

Officers and other employees of Appellate Tribunal..

119. (1) The Central Government shall provide the Appellate Tribunal with such officers and other employees as it may deem fit.

(2) The officers and other employees of the Appellate Tribunal shall discharge their functions under the general superintendence of the Chairperson of the Appellate Tribunal.

(3) The salaries and allowances and other terms and conditions of service of the officers and other employees of the Appellate Tribunal shall be such as may be prescribed by the Central Government.

Procedure and powers of Appellate Tribunal.

120. (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure.

5 of 1908

(2) The Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:-

5 of 1908

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decisions;
- (g) dismissing a representation of default or deciding it *ex parte*;
- (h) setting aside any order of dismissal or any representation for default or any order passed by it *ex parte*;
- (i) any other matter which may be prescribed by the Central Government.

1 of 1872

(3) An order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court and, for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(4) Notwithstanding anything contained in sub-section (3), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

45 of 1860.

(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian

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| 2 of 1974. | Penal Code and the Appellate Tribunal shall be deemed to be a civil court for the purposes of section 345 and 346 of the Code of Criminal Procedure, 1973 . |
| Power of Chairperson of Appellate Tribunal | 121. The Chairperson of the Appellate Tribunal shall exercise general power of super-intendence and control over the Appropriate Commission. |
| Distribution of business amongst Benches and transfer of cases from one Bench to another Bench. | 122. (1) Where Benches are constituted, the Chairperson of the Appellate Tribunal may, from time to time, by notification, make provisions as to the distribution of the business of the Appellate Tribunal amongst the Benches and also provide for the matters which may be dealt with by each Bench. (2) On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson of the Appellate Tribunal may transfer any case pending before one Bench, for disposal, to any other Bench. |
| Decision to be by majority. | 123. If the Members of the Appellate Tribunal of a Bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson of the Appellate Tribunal who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Appellate Tribunal and such point or points shall be decided according to the opinion of the majority of the Members of the Appellate Tribunal who have heard the case, including those who first heard it. |
| Right of appellant to take assistance of legal practitioner and of Appropriate Commission to appoint presenting officers. | 124. (1) A person preferring an appeal to the Appellate Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Appellate Tribunal, as the case may be. (2) The Appropriate Commission may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised may present the case with respect to any appeal before the Appellate Tribunal, as the case may be. |
| Appeal to Supreme Court. | 125. Any person aggrieved by any decision or order of the Appellate Tribunal, may, file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908: |

5 of 1908

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

PART – XII

INVESTIGATION AND ENFORCEMENT

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| Assessment. | 126 (1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or by any other person benefited by such use. (2) The order of provisional assessment shall be served upon the |
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person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.

(3) The person, on whom a notice has been served under sub-section (2) shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who may, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment of the electricity charges payable by such person.

(4) Any person served with the order of provisional assessment, may, accept such assessment and deposit the assessed amount with the licensee within seven days of service of such provisional assessment order upon him:

Provided that in case the person deposits the assessed amount he shall not be subjected to any further liability or any action by any authority whatsoever.

(5) If the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, it shall be presumed that such unauthorized use of electricity was continuing for a period of three months immediately preceding the date of inspection in case of domestic and agricultural services and for a period of six months immediately preceding the date of inspection for all other categories of services, unless the onus is rebutted by the person, occupier or possessor of such premises or place.

(6) The assessment under this section shall be made at a rate equal to one-and-half times the tariff rates applicable for the relevant category of services specified in sub-section (5).

Explanation.- For the purposes of this section,-

- (a) “assessing officer” means an officer of a State Government or Board or licensee, as the case may be, designated as such by the State Government ;
- (b) “unauthorised use of electricity” means the usage of electricity –
 - (i) by any artificial means; or
 - (ii) by a means not authorised by the concerned person or authority or licensee; or
 - (iii) through a tampered meter; or
 - (iv) for the purpose other than for which the usage of electricity was authorised.

Appeal to
Appellate
Authority.

127. (1) Any person aggrieved by a final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.

(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to one third of the assessed amount is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the assessing officer and the appellant.

(4) The order of the appellate authority referred to in sub-section (1) passed under sub-section (3) shall be final.

(5) No appeal shall lie to the appellate authority referred to in sub-section (1) against the final order made with the consent of the parties.

(6) When a person default in making payment of assessed amount, he, in addition to the assessed amount shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent per annum compounded every six months.

Investigation of
certain matters

128. (1) The Appropriate Commission may, on being satisfied that a licensee has failed to comply with any of the conditions of licence or a generating company or a licensee has failed to comply with any of the provisions of this Act or rules or regulations made thereunder, at any time, by order in writing, direct any person (hereafter in this section referred to as "Investigating Authority") specified in the order to investigate the affairs of any generating company or licensee and to report to that Commission on any investigation made by such Investigating Authority:

Provided that the Investigating Authority may, wherever necessary, employ any auditor or any other person for the purpose of assisting him in any investigation under this section.

(2) Notwithstanding anything to the contrary contained in section 235 of the Companies Act, 1956, the Investigating Authority may, at any time, and shall, on being directed so to do by the Appropriate Commission, cause an inspection to be made, by one or more of his officers, of any licensee or generating company and his books of account; and the Investigating Authority shall supply to the licensee or generating company, as the case may be, a copy of his report on such inspection.

(3) It shall be the duty of every manager, managing director or other officer of the licensee or generating company, as the case may be, to produce before the Investigating Authority directed to make the investigation under sub-section (1), or inspection under sub-section (2), all such books of account, registers and other documents in his custody or power and to furnish him with any statement and information relating to the affairs of the licensee or generating company, as the case may be, as the said Investigating Authority may require of him within such time as the said Investigating Authority may specify.

(4) Any Investigating Authority, directed to make an investigation under sub-section (1), or inspection under sub-section (2), may examine on oath any manager, managing director or other officer of the licensee or generating company, as the case may be, in relation to his business and may administer oaths accordingly.

(5) The Investigating Authority, shall, if it has been directed by the Appropriate Commission to cause an inspection to be made, and may, in any other case, report to the Appropriate Commission on any inspection made under this section.

(6) On receipt of any report under sub-section (1) or sub-section (5), the Appropriate Commission may, after giving such opportunity to the licensee or generating company, as the case may be, to make a representation in connection with the report as in the opinion of the Appropriate Commission, seems reasonable, by order in writing—

(a) require the licensee or the generating company to take such action in respect of any matter arising out of the report as the Appropriate Commission may think fit; or

(b) cancel the licence; or

(c) direct the generating company to cease to carry on the business of generation of electricity.

(7) The Appropriate Commission may, after giving reasonable notice to the licensee or the generating company, as the case may be, publish the report submitted by the Investigating Authority under sub-section (5) or such portion thereof as may appear to it to be necessary.

(8) The Appropriate Commission may specify the minimum information to be maintained by the licensee or the generating company in their books, the manner in which such information shall be maintained, the checks and other verifications to be adopted by licensee or the generating company in that connection and all other matters incidental thereto as are, in its opinion, necessary to enable the Investigating Authority to discharge satisfactorily its functions under this section.

Explanation.- For the purposes of this section, the expression “licensee or the generating company” shall include in the case of a licensee incorporated in India—

(a) all its subsidiaries formed for the purpose of carrying on the business of generation or transmission or distribution or trading of electricity exclusively outside India; and

(b) all its branches whether situated in India or outside India.

(9) All expenses of, and incidental to, any investigation made under this section shall be defrayed by the licensee or generating company, as the case may be, and shall have priority over that debts due from the licensee or the generating company and shall be recoverable as an arrear of land revenue.

Orders for
securing
compliance

129 (1) Where the Appropriate Commission, on the basis of material in its possession, is satisfied that a licensee is contravening, or is likely to contravene, any of the conditions mentioned in his licence or conditions for grant of exemption or the licensee or the generating company has contravened or is likely to contravene any of the provisions of this Act, it shall, by an order, give such directions as may be necessary for the purpose of securing compliance with that condition or provision.

(2) While giving direction under sub-section (1), the Appropriate Commission shall have due regard to the extent to which any person is likely to sustain loss or damage due to such contravention.

Procedure for
issuing
directions by
Appropriate
Commission.

130. The Appropriate Commission, before issuing any direction under section 129, shall--

(a) serve notice in the manner as may be specified to the concerned licensee or generating company;

(b) publish the notice in the manner as may be specified for the purpose of bringing the matters to the attention of persons, likely to be affected, or affected;

(c) Consider suggestions and objections from the concerned licensee or generating company and the persons, likely to be affected, or affected.

PART – XIII

REORGANISATION OF BOARD

Vesting of
property of Board
in State
Government.

131. (1) With effect from the date on which a transfer scheme, prepared by the State Government to give effect to the objects and purposes of this Act, is published or such further date as may be stipulated by the State Government (hereafter in this Part referred to as the effective date), any property, interest in property, rights and liabilities which immediately before the effective date belonged to the State Electricity Board (hereafter referred to as the Board) shall vest in the State Government on such terms as may be agreed between the State Government and the Board.

(2) Any property, interest in property, rights and liabilities vested in the State Government under sub-section (1) shall be re-vested by the State Government in a Government company or in a company or companies, in accordance with the transfer scheme so published along with such other property, interest in property, rights and liabilities of the State Government as may be stipulated in such scheme, on such terms and conditions as may be agreed between the State Government and such company or companies being State Transmission Utility or generating company or transmission licensee or distribution licensee, as the case may be :

Provided that the transfer value of any assets transferred hereunder shall be determined, as far as may be, based on the revenue potential of such assets at such terms and conditions as may be agreed between the State Government and the State Transmission Utility or generating company or transmission licensee or distribution licensee, as the case may be.

(3) Notwithstanding anything contained in this section, where,-

(a) the transfer scheme involves the transfer of any property or rights to any person or undertaking not wholly owned by the State Government, the scheme shall give effect to the transfer only for fair value to be paid by the transferee to the State Government;

(b) a transaction of any description is effected in pursuance of a transfer scheme, it shall be binding on all persons including third parties and even if such persons or third parties have not consented to it.

(4) The State Government may, after consulting the Government company or company or companies being State Transmission Utility or generating company or transmission licensee or distribution licensee, referred to in sub-section (2) (hereinafter referred to as the transferor), require such transferor to draw up a transfer scheme to vest in a transferee being any other generating company or transmission licensee or distribution licensee, the property, interest in property, rights and liabilities which have been vested in the transferor under this section, and publish such scheme as statutory transfer scheme under this Act.

(5) A transfer scheme under this section may-

(a) provide for the formation of subsidiaries, joint venture companies or other schemes of division, amalgamation, merger, reconstruction or arrangements which shall promote the profitability and viability of the resulting entity, ensure economic efficiency, encourage competition and protect consumer interests;

(b) define the property, interest in property, rights and liabilities to be allocated -

- (i) by specifying or describing the property, rights and liabilities in question; or
- (ii) by referring to all the property, interest in property, rights and liabilities comprised in a described part of the transferor's undertaking; or
- (iii) partly in one way and partly in the other;
- (c) provide that any rights or liabilities stipulated or described in the scheme shall be enforceable by or against the transferor or the transferee;
- (d) impose on the transferor an obligation to enter into such written agreements with or execute such other instruments in favour of any other subsequent transferee as may be stipulated in the scheme;
- (e) mention the functions and duties of the transferee;
- (f) make such supplemental, incidental and consequential provisions as the transferor considers appropriate including provision stipulating the order as taking effect; and
- (g) provide that the transfer shall be provisional for a stipulated period.

(6) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by the Board, with the Board or for the Board, or the State Transmission Utility or generating company or transmission licensee or distribution licensee, before a transfer scheme becomes effective shall, to the extent specified in the relevant transfer scheme, be deemed to have been incurred, entered into or done by the Board, with the Board or for the State Government or the transferee and all suits or other legal proceedings instituted by or against the Board or transferor, as the case may be, may be continued or instituted by or against the State Government or concerned transferee, as the case may be.

(7) The Board shall cease to be charged with and shall not perform the functions and duties with regard to transfers made on and after the effective date.

Explanation.- For the purpose of this Part, -

- (a) "Government company" means a Government Company formed and registered under the Companies Act, 1956. 1 of 1956
- (b) "company" means a company to be formed and registered under the Companies Act, 1956 to undertake generation or transmission or distribution in accordance with the scheme under this Part. 1 of 1956

Use of proceeds of sale or transfer of the Board etc.

132. In the event that a Board or any utility owned or controlled by the Appropriate Government is sold or transferred in any manner to a person who is not owned or controlled by the Appropriate Government, the proceeds from such sale or transfer shall be utilised in priority to all other dues in the following order, namely :-

- (a) dues (including retirement benefits due) to the officers and employees of such Board or utility, who have been affected by the aforesaid sale or transfer;
- (b) payment of debt or other liabilities of the transferor as may be

required by the existing loan covenants.

Provisions relating to officers and employees.

133. (1) The State Government may, by a transfer scheme, provide for the transfer of the officers and employees to the transferee on the vesting of properties, rights and liabilities in such transferee as provided under section 131.

(2) Upon such transfer under the transfer scheme, the personnel shall hold office or service under the transferee on such terms and conditions as may be determined in accordance with the transfer scheme:

Provided that such terms and conditions on the transfer shall not in any way be less favourable than those which would have been applicable to them if there had been no such transfer under the transfer scheme:

Provided further that the transfer can be provisional for a stipulated period.

Explanation: - For the purposes of this section and the transfer scheme, the expression "officers and employees" shall mean all officers and employees who on the date specified in the scheme are the officers and employees of the Board or transferor, as the case may be.

Payment of compensation or damages on transfer.

134. Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law for the time being in force and except for the provisions made in this Act, the transfer of the employment of the officers and employees referred to in sub-section (1) of section 133 shall not entitle such officers and employees to any compensation or damages under this Act, or any other Central or State law, save as provided in the transfer scheme.

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PART – XIV

OFFENCES AND PENALTIES

Theft of Electricity.

135. (1) Whoever, dishonestly, --

(a) taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee; or

(b) tampers a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted; or

(c) damages or destroys an electric meter, apparatus, equipment, or wire or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity,

so as to abstract or consume or use electricity shall be punishable with imprisonment for a term which may extend to three years or with fine or with both:

Provided that in a case where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use -

(i) does not exceed 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction the fine imposed shall not be less than six times the financial gain on account of such theft of electricity;

(ii) exceeds 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction, the sentence shall be imprisonment for a term not less than six months but which may extend to five years and with fine not less than six times the financial gain on account of such theft of electricity:

Provided further that if it is proved that any artificial means or means not authorized by the Board or licensee exist for the abstraction, consumption or use of electricity by the consumer, it shall be presumed, until the contrary is proved, that any abstraction, consumption or use of electricity has been dishonestly caused by such consumer.

(2) Any officer authorized in this behalf by the State Government may -

(a) enter, inspect, break open and search any place or premises in which he has reason to believe that electricity has been, is being, or is likely to be, used unauthorisedly;

(b) search, seize and remove all such devices, instruments, wires and any other facilitator or article which has been, is being, or is likely to be, used for unauthorized use of electricity;

(c) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-section (1) and allow the person from whose custody such books of account or documents are seized to make copies thereof or take extracts therefrom in his presence.

(3) The occupant of the place of search or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list:

Provided that no inspection, search and seizure of any domestic places or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises.

2 of 1974

(4) The provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall apply, as far as may be, to searches and seizure under this Act.

Theft of electric
lines and
materials.

136. (1) Whoever, dishonestly --

(a) cuts or removes or takes away or transfers any electric line, material or meter from a tower, pole, any other installation or place of installation or any other place, or site where it may be rightfully or lawfully stored, deposited, kept, stocked, situated or located including during transportation, without the consent of the licensee or the owner, as the case may be, whether or not the act is done for profit or gain; or

(b) stores, possesses or otherwise keeps in his premises, custody or control, any electric line, material or meter without the consent of the owner, whether or not the act is committed for profit or gain; or

(c) loads, carries, or moves from one place to another any electric line, material or meter without the consent of its owner, whether or not the act is done for profit or gain.

done for profit or gain,

is said to have committed an offence of theft of electric lines and materials, and shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) If a person, having been convicted of an offence punishable under sub-section (1) is again guilty of an offence punishable under that sub-section, he shall be punishable for the second or subsequent offence for a term of imprisonment which shall not be less than six months but which may extend to five years and shall also be liable to fine which shall not be less than ten thousand rupees.

Punishment for receiving stolen property

137. Whoever, dishonestly receives any stolen electric lines or materials knowing or having reasons to believe the same to be stolen property, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

Interference with meters or works of licensee.

138. (1) Whoever, -

(a) unauthorisedly connects any meter, indicator or apparatus with any electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line; or

(b) unauthorisedly reconnects any meter, indicator or apparatus with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected; or

(c) lays or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee; or

(d) maliciously injures any meter, indicator, or apparatus belonging to a licensee or willfully or fraudulently alters the index of any such meter, indicator or apparatus or prevents any such meter, indicator or apparatus from duly registering,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a daily fine which may extend to five hundred rupees; and if it is proved that any means exist for making such connection as is referred to in clause (a) or such re-connection as is referred to in clause (b), or such communication as is referred to in clause (c), for causing such alteration or prevention as is referred to in clause (d), and that the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved, that such connection, reconnection, communication, alteration, prevention or improper use, as the case may be, has been knowingly and willfully caused by such consumer.

Negligently wasting electricity or injuring works.

139. Whoever, negligently causes electricity to be wasted or diverted or negligently breaks, injures, throws down or damages any material connected with the supply of electricity, shall be punishable with fine which may extend to ten thousand rupees.

Penalty for maliciously wasting electricity or injuring works.

140. Whoever, maliciously causes electricity to be wasted or diverted, or, with intent to cut off the supply of electricity, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punishable with fine which may

extend to ten thousand rupees.

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| Extinguishing public lamps. | 141. Whoever, maliciously extinguishes any public lamp shall be punishable with fine which may be extend to two thousand rupees. |
| Punishment for non-compliance of directions by Appropriate Commission. | 142. In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any provisions of this Act or rules or regulations made thereunder, or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction. |
| Power to adjudicate. | 143 (1) For the purpose of adjudging under this Act, the Appropriate Commission shall appoint any of its Members to be an adjudicating officer for holding an inquiry in such manner as may be prescribed by the Appropriate Government ,after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty. (2) While holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of section 29 or section 33 or section 43, he may impose such penalty as he thinks fit in accordance with the provisions of any of those sections. |
| Factors to be taken into account by adjudicating officer. | 144. While adjudicating the quantum of penalty under section 29 or section 33 or section 43, the adjudicating officer shall have due regard to the following factors, namely:- (a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default; (b) the repetitive nature of the default. |
| Civil court not to have jurisdiction | 145. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an assessing officer referred to in section 126 or an appellate authority referred to in section 127 or the adjudicating officer appointed under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act. |
| Punishment for non-compliance of orders or directions. | 146. Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence. |
| Penalties not to affect other liabilities. | 147. The penalties imposed under this Act shall be in addition to, and not in derogation of, any liability in respect of payment of compensation or, in the case of a licensee, the revocation of his licence which the offender may have incurred. |

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| Penalty where works belong to Government. | 148. The provisions of this Act shall, so far as they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of electricity supplied by or of works belonging to the Appropriate Government. |
| Offences by companies. | <p>149. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was 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 having committed the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p> <p>(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 having committed such offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i> - For the purpose of this section,-</p> <p>(a) "company" means a body corporate and includes a firm or other association of individuals; and</p> <p>(b) "director", in relation to a firm, means a partner in the firm.</p> |
| Abatement. 45 of 1860. | <p>150. (1) Whoever abets an offence punishable under this Act, shall, notwithstanding anything contained in the Indian Penal Code, be punished with the punishment provided for the offence.</p> <p>(2) Without prejudice to any penalty or fine which may be imposed or prosecution proceeding which may be initiated under Act or any other law for the time being in force, if any officer or other employee of the Board or the licensee enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any theft of electricity is committed, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.</p> |
| Cognizance of offences. | 151. No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by Appropriate Government or Appropriate Commission or any of their officer authorized by them or a Chief Electrical Inspector or an Electrical Inspector or licensee or the generating company, as the case may be, for this purpose. |
| Compounding of offences. 2 of 1974. | 152. (1) Notwithstanding anything contained in the Code of Criminal Procedure 1973, the Appropriate Government or any officer authorized by it in this behalf may accept from any consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence as specified in the Table below: |

TABLE

| Nature of Service | Rate at which the sum of money for Compounding to be collected per Kilowatt(KW)/Horse Power(HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere(KVA) of contracted demand for High Tension (HT) |
|-------------------------|---|
| (1) | (2) |
| 1. Industrial Service | twenty thousand rupees; |
| 2. Commercial Service | ten thousand rupees; |
| 3. Agricultural Service | two thousand rupees; |
| 4. Other Services | four thousand rupees: |

Provided that the Appropriate Government may, by notification in the Official Gazette, amend the rates specified in the Table above.

(2) On payment of the sum of money in accordance with sub-section (1), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.

(3) The acceptance of the sum of money for compounding an offence in accordance with sub-section (1) by the Appropriate Government or an officer authorised in this behalf empowered in this behalf shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973.

(4) The Compounding of an offence under sub-section (1) shall be allowed only once for any person or consumer.

PART – XV

SPECIAL COURTS

Constitution of
Special Courts.

153. (1) The State Government may, for the purposes of providing speedy trial of offences referred to in sections 135 to 139, by notification in the Official Gazette, constitute as many Special Courts as may be necessary for such area or areas, as may be specified in the notification.

(2) A Special Court shall consist of a single Judge who shall be appointed by the State Government with the concurrence of the High Court.

(3) A person shall not be qualified for appointment as a Judge of a Special Court unless he was, immediately before such appointment, an Additional District and Sessions Judge.

(4) Where the office of the Judge of a Special Court is vacant, or such Judge is absent from the ordinary place of sitting of such Special Court, or he is incapacitated by illness or otherwise for the performance of his duties, any urgent business in the Special Court shall be disposed of –

(a) by a Judge, if any, exercising jurisdiction in the Special Court;

(b) where there is no such other Judge available, in accordance with the direction of District and Sessions Judge having jurisdiction over the ordinary place of sitting of Special Court, as notified under sub-section(1).

154. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sections 135 to 139 shall be triable only by the Special Court within whose jurisdiction such offence has been committed.

(2) Where it appears to any court in the course of any inquiry or trial that an offence punishable under sections 135 to 139 in respect of any offence that the case is one which is triable by a Special Court constituted under this Act for the area in which such case has arisen, it shall transfer such case to such Special Court, and thereupon such case shall be tried and disposed of by such Special Court in accordance with the provisions of this Act :

2 of 1974

Provided that it shall be lawful for such Special Court to act on the evidence, if any, recorded by any court in the case of presence of the accused before the transfer of the case to any Special Court :

Provided further that if such Special Court is of opinion that further examination, cross-examination and re-examination of any of the witnesses whose evidence has already been recorded, is required in the interest of justice, it may re-summon any such witness and after such further examination, cross-examination or re-examination, if any, as it may permit, the witness shall be discharged.

(3) The Special Court may, notwithstanding anything contained in subsection (1) of section 260 or section 262 of the Code of Criminal Procedure, 1973, try the offence referred to in sections 135 to 139 in a summary way in accordance with the procedure prescribed in the said Code and the provisions of sections 263 to 265 of the said Code shall, so far as may be, apply to such trial :

Provided that where in the course of a summary trial under this subsection, it appears to the Special Court that the nature of the case is such that it is undesirable to try such case in summary way, the Special Court shall recall any witness who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the said Code for the trial of such offence:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding five years.

(4) A Special Court may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to, any offence tender pardon to such person on condition of his making a full and true disclosure of the circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof, and any pardon so tendered shall , for the purposes of section 308 of the Code of Criminal Procedure, 1973, be deemed to have been tendered under section 307 thereof.

(5) The Special Court may determine the civil liability against a consumer or a person in terms of money for theft of energy which shall not be less than an amount equivalent to two times of the tariff rate applicable for a period of twelve months preceding the date of detection of theft of energy or the exact period of theft if determined which ever is less and the amount of civil liability so determined shall be recovered as if it were a decree of civil court.

(6) In case the civil liability so determined finally by the Special Court is less than the amount deposited by the consumer or the person, the excess amount so deposited by the consumer or the person, to the Board or licensee or the concerned person, as the case may be, shall be refunded by the Board or licensee or the concerned person, as the case may be, within a fortnight from the date of communication of the order of the Special Court together with interest at the prevailing Reserve Bank of India prime lending rate for the period from the date of such deposit till the date of payment.

Explanation. - For the purposes of this section, "civil liability" means loss or damage incurred by the Board or licensee or the concerned person, as the case may be, due to the commission of an offence referred to in sections 135 to 139.

2 of 1974.

155. Save as otherwise provided in this Act, the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings before the Special Court and for the purpose of the provisions of the said enactments, the Special Court shall be deemed to be a Court of Session and shall have all powers of a Court of Session and the person conducting a prosecution before the Special Court shall be deemed to be a Public Prosecutor.

Special Court to have powers of court of session

2 of 1974.

156. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973, as if the Special Court within the local limits of the jurisdiction of the High Court is a District Court, or as the case may be, the Court of Session, trying cases within the local limits of jurisdiction of the High Court.

Appeal and revision.

157. The Special Court may, on a petition or otherwise and in order to prevent miscarriage of justice, review its judgment or order passed under section 154, but no such review petition shall be entertained except on the ground that it was such order passed under a mistake of fact, ignorance of any material fact or any error apparent on the face of the record :

Review.

Provided that the Special Court shall not allow any review petition and set aside its previous order or judgment without hearing the parties affected.

Explanation.- For the purpose of this Part, "Special Courts" means the Special Courts constituted under sub-section (1) of section 153.

PART XVI

DISPUTE RESOLUTION

Arbitration

Arbitration.

158. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the licence of a licensee, be determined by such person or persons as the Appropriate Commission may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act, 1996.

26 of 1996.

PART XVII

OTHER PROVISION

Protective clauses

Protection of railways, highways, airports and canals, docks, wharfs and piers.

159. No person shall, in the generation, transmission, distribution, supply or use of electricity, in any way injure any railway, highway, airports, tramway, canal or water-way or any dock, wharf or pier vested in or controlled by a local authority, or obstruct or interfere with the traffic on any railway, airway, tramway, canal or water-way.

Protection of telegraphic, telephonic and electric signalling

160. (1) Every person generating, transmitting, distributing, supplying or using electricity (hereinafter in this section referred to as the "operator") shall take all reasonable precautions in constructing, laying down and placing his electric

lines.

lines, electrical plant and other works and in working his system, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephone or electric signalling communication, or the currents in such wire or line.

(2) Where any difference or dispute arises between the operator, and the telegraph authority as to whether the operator has constructed, laid down or placed his electric lines, electrical plant or other works, or worked his system, in contravention of sub-section (1), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Central Government and the Central Government, unless it is of opinion that the wire or line has been placed in unreasonable proximity to the electric lines, electrical plant or works of the operator after the construction of such lines, plant or works, may direct the operator to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the operator shall make such alterations or additions accordingly:

Provided that nothing in this sub-section shall apply to the repair, renewal or amendment of any electric line or electrical plant so long as the course of the electric line or electrical plant and the amount and nature of the electricity transmitted thereby are not altered.

(3) Where the operator makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Explanation. - For the purposes of this section, a telegraph line shall be deemed to be injuriously affected if telegraphic, telephonic or electric signalling communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by an electric line, electrical plant or other work or by any use made thereof.

Notice of
accidents and
inquiries.

161. (1) If any accident occurs in connection with the generation, transmission, distribution, supply or use of electricity in or in connection with, any part of the electric lines or electrical plant of any person and the accident results or is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal, such person shall give notice of the occurrence and of any such loss or injury actually caused by the accident, in such form and within such time as may be prescribed, to the Electrical Inspector or such other person as aforesaid and to such other authorities as the Appropriate Government may by general or special order, direct.

(2) The Appropriate Government may, if it thinks fit, require any Electrical Inspector, or any other person appointed by it in this behalf, to inquire and report-

(a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with, the generation, transmission, distribution, supply or use of electricity, or

(b) as to the manner in, and extent to, which the provisions of this Act or rules and regulations made thereunder or of any licence, so far as those provisions affect the safety of any person, have been complied with.

(3) Every Electrical Inspector or other person holding an inquiry under sub-section (2) shall have all the powers of a civil court under the Code of Civil Procedure, 1908 for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by an Electrical Inspector be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

5 of 1908.

45 of 1860.

Appointment of
Chief Electrical
Inspector and
Electrical
Inspector.

162. (1) The Appropriate Government may, by notification, appoint duly qualified persons to be Chief Electrical Inspector or Electrical Inspectors and every such Inspector so appointed shall exercise the powers and perform the functions of a Chief Electrical Inspector or an Electrical Inspector under this Act and exercise such other powers and perform such other functions as may be prescribed within such areas or in respect of such class of works and electric installations and subject to such restrictions as the Appropriate Government may direct.

(2) In the absence of express provision to the contrary in this Act, or any rule made thereunder, an appeal shall lie from the decision of a Chief Electrical Inspector or an Electrical Inspector to the Appropriate Government or if the Appropriate Government, by general or special order so directs, to an Appropriate Commission.

Power for licensee
to enter premises
and to remove
fittings or other
apparatus of
licensee.

163. (1) A licensee or any person duly authorised by a licence may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been, supplied by him, of any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of –

(a) inspecting, testing, repairing or altering the electric supply lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee; or

(b) ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or

(c) removing where a supply of electricity is no longer required, or where the licensee is authorised to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee.

(2) A licensee or any person authorised as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty-four hours notice in writing to the occupier, –

(a) enter any premises or land referred to in sub-section (1) for any of the purposes mentioned therein;

(b) enter any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires fittings, works and apparatus for the use of electricity belonging to the consumer.

(3) Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises or land in pursuance of the provisions of sub-section (1) or, sub-section (2), when such licensee or person has so entered, refuses to allow him to perform any act which he is authorised by those sub-sections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.

Exercise of
powers of
Telegraph
Authority in
certain cases.

164. The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of

13 of 1885.

telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.

Amendment of
Sections 40 and
41 of Act I of
1894.

165. (1) In section 40, sub-section (1) of clause (b) and section 41, sub-section (5) of the Land Acquisition Act, 1894, the term "work" shall be deemed to include electricity supplied or to be supplied by means of the work to be constructed. 1 of 1894.

(2) The Appropriate Government may, on recommendation of the Appropriate Commission in this behalf, if it thinks fit, on the application of any person, not being a company desirous of obtaining any land for its purposes, direct that he may acquire such land under the provisions of the Land Acquisition Act, 1894 in the same manner and on the same conditions as it might be acquired if the person were a company. 1 of 1894.

PART- XVIII

MISCELLANEOUS

Coordination
Forum

166. (1) The Central Government shall constitute a Coordination Forum consisting of the Chairperson of the Central Commission and Members thereof, the Chairperson of the Authority, representatives of generating companies and transmission licensees engaged in inter-State transmission of electricity for smooth and coordinated development of the power system in the country.

(2) The Central Government shall also constitute a forum of regulators consisting of the Chairperson of the Central Commission and Chairpersons of the State Commissions.

(3) The Chairperson of the Central Commission shall be the Chairperson of the Forum of regulators referred to in sub-section (2).

(4) The State Government shall constitute a Coordination Forum consisting of the Chairperson of the State Commission and Members thereof representatives of the generating companies, transmission licensee and distribution licensees engaged in generation, transmission and distribution of electricity in that State for smooth and coordinated development of the power system in the State.

(5) There shall be a committee in each district to be constituted by the Appropriate Government -

(a) to coordinate and review the extension of electrification in each district;

(b) to review the quality of power supply and consumer satisfaction;

(c) to promote energy efficiency and its conservation.

Exemption of
electric lines or
electrical plants
from attachment
in certain cases.

167. Where any electric lines or electrical plant, belonging to a licensee are placed in or upon any premises or land not being in the possession of the licensee, such electric lines or electrical plant shall not be liable to be taken in execution under any process of any civil court or in any proceedings in insolvency against the person in whose possession the same may be.

Protection of
action taken in
good faith.

168. No suit, prosecution or other proceeding shall lie against the Appropriate Government or Appellate Tribunal or the Appropriate Commission or any officer of Appropriate Government, or any Member, Officer or other employees of the Appellate Tribunal or any Members, officer or other employees of the

Appropriate Commission or the assessing officer or any public servant for anything done or in good faith purporting to be done under this Act or the rules or regulations made thereunder.

Members,
officers, etc., of
Appellate
Tribunal,
Appropriate
Commission to be
public servants
45 of 1860.

169. The Chairperson, Members, officers and other employees of the Appellate Tribunal and the Chairperson, Members, Secretary, officers and other employees of the Appropriate Commission and the assessing officer referred to in section 126 shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code.

Recovery of
penalty payable
under Act.

170. Any penalty payable by a person under this Act, if not paid, may be recovered as if it were an arrear of land revenue.

Service of notices,
orders or
documents

171. (1) Every notice, order or document by or under this Act required, or authorised to be addressed to any person may be served on him by delivering the same after obtaining signed acknowledgement receipt therefor or by registered post or such means of delivery as may be prescribed -

(a) where the Appropriate Government is the addressee, at the office of such officer as the Appropriate Government may prescribe in this behalf;

(b) where the Appropriate Commission is the addressee, at the office of the Appropriate Commission;

(c) where a company is the addressee, at the registered office of the company or, in the event of the registered office of the company not being in India, at the head office of the company in India;

(d) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

Transitional
provisions.

172. Notwithstanding anything to the contrary contained in this Act,-

(a) a State Electricity Board constituted under the repealed laws shall be deemed to be the State Transmission Utility and a licensee under the provisions of this Act for a period of one year from the appointed date or such earlier date as the State Government may notify, and shall perform the duties and functions of the State Transmission Utility and a licensee in accordance with the provisions of this Act and rules and regulations made thereunder:

Provided that the State Government may, by notification, authorise the State Electricity Board to continue to function as the State Transmission Utility or a licensee for such further period beyond the said period of one year as may be mutually decided by the Central Government and the State Government.

(b) all licences, authorisations approvals, clearances and permissions granted under the provisions of the repealed laws may, for a period not exceeding one year from the appointed date or such earlier period; as may be notified by the Appropriate Government, continue to operate as if the repealed laws were in force with respect to such licence, authorisations, approvals,

clearances and permissions, as the case may be, and thereafter such licences, authorisations, approvals, clearances and permissions shall be deemed to be licences, authorisation, approvals, clearances and permission under this Act and all provisions of this Act shall apply accordingly to such licences authorisations approvals, clearances and permissions.

54 of 1948

(c) the undertaking of the State Electricity Boards established under section 5 of the Electricity (Supply) Act, 1948 may after the expiry of the period specified in clause (a) be transferred in accordance with the provisions of Part XIII of this Act;

(d) the State Government may, by notification, declare that any or all the provisions contained in this Act, shall not apply in that State for such period, not exceeding six months from the appointed date, as may be stipulated in the notification.

Inconsistency in laws

173. Nothing contained in this Act or any rule or regulation made thereunder or any instrument having effect by virtue of this Act, rule or regulation shall have effect in so far as it is inconsistent with any other provisions of the Consumer Protection Act, 1986 or the Atomic Energy Act, 1962 or the Railways Act, 1989.

68 of 1986
33 of 1962

Act to have overriding effect.

174. Save as otherwise provided in section 173, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Provisions of this Act to be in addition to and not in derogation of other laws.
Power of Central Government to make rules.

175. The provisions of this Act are in addition to and not in derogation of any other law for the time being in force.

176. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

(a) the time within which the objection and suggestions on the draft National Electricity Plan to be invited by the Authority under the proviso to sub-section (4) of section 3;

(b) the additional requirements (including the capital adequacy, creditworthiness or code of conduct) under sixth proviso to section 14;

(c) the payment of fees for application for grant of licence under sub-section (I) of section 15;

(d) the constitution and functions of the National Load Despatch Centre under sub-section (2) of section 26;

(e) the works of licensees affecting the property of owner or occupier under sub-section (2) of section 67;

(f) such other works which may be prescribed under clause (c) of sub-section (2) of Section 68;

(g) allowances and fees payable to others Members for attending the meetings of Authority under sub-section (14) of section 70.

(h) other terms and conditions of service of the Chairperson and Members of the Authority under sub-section (15) of section 70;

- (i) the functions and duties of the Central Electricity Authority under section 73;
- (j) the salary, allowances and other conditions of service of Chairperson and Member of Central Commission under sub-section (2) of section 89;
- (k) the form and manner in which and the authority before whom oath of office and secrecy should be subscribed under sub-section (3) of section 89;
- (l) the procedure to be prescribed by the Central Commission under the proviso to sub-section (2) of section 90;
- (m) any other matter required to be prescribed under clause (g) of sub-section (1) of section 94;
- (n) the form in which the Central Commission shall prepare its annual statements of accounts under sub-section (1) of section 100;
- (o) the form in which and time at which the Central Commission shall prepare its annual report under sub-section (1) 101;
- (p) the form in which and time at which the Central Commission shall prepare its budget under section 106;
- (q) the form and the manner of verifying such form, and fee for filing appeal under sub-section (2) of section 111;
- (r) the salary and allowances payable to and the other terms and conditions of service of the Chairperson of the Appellate Tribunal and Members of the Appellate Tribunal under section 115;
- (s) the salary and allowances and other conditions of service of the officers and employees of the Appellate Tribunal under sub-section (3) of section 119;
- (t) the additional matters in respect of which the Appellate Tribunal may exercise the powers of a civil court under clause (i) of sub-section (2) of section 120;
- (u) the authority to whom the appeal shall be filed under sub-section (1) of section 127;
- (v) manner of holding inquiry by an adjudicating officer and sub-section (1) of section 143;
- (w) the form in which and the time at which service of notices to any person or to the Central Government for the purpose under sub-section (1) of section 161;
- (x) the powers to be exercised and the functions to be performed by the Inspectors under sub-section (1) of section 162;
- (y) the manner of delivery of every notice, order or document to be served under sub-section (1) of section 171;
- (z) any other matter which is required to be, or may be, prescribed.

Powers of Authority to make regulations.

177. (1) The Authority may, by notification, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred in sub-section (1), such regulations may provide for all or any of the following matters, namely:--

- (a) the Grid Standards under section 34;
 - (b) suitable measures relating to safety and electric supply under section 53;
 - (c) the installation and operation of meters under section 55;
 - (d) the rules of procedure for transaction of business under sub-section (9) of section 70;
 - (e) the technical standards for construction of electrical plants and electric lines and connectivity to the grid under clause (b) of section 73;
 - (f) the form and manner in which and the time at which the State Government and licensees shall furnish statistics, returns or other information under section 74.
 - (g) any other matter which is to be, or may be, specified;
- (3) All regulations made by the Authority under this Act shall be subject to the conditions of previous publication.

Powers of Central Commission to make regulations.

178. (1) The Central Commission may, by notification make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the power contained in sub-section (1), such regulations may provide for all or any of following matters, namely:-

- (a) period to be specified under the first proviso to section 14;
- (b) the form and the manner of the application under sub-section (1) of section 15;
- (c) the manner and particulars of notice under sub-section (2) of section 15;
- (d) the conditions of licence under section 16;
- (e) the manner and particulars of notice under clause (a) of sub-section (2) of section 18;
- (f) publication of alterations or amendments to be made in the licence under clause(c) of sub-section (2) of section 18;
- (g) Grid Code under sub-section (2) of section 28;
- (h) levy and collection of fees and charge from generating companies or transmission utilities or licensees under sub-section (4) of section 28;
- (i) rates, charges and terms and conditions in respect of intervening transmission facilities under proviso to section 36;
- (j) payment of the transmission charges and a surcharge under-sub-

clause (ii) of clause (d) of sub-section (2) of section 38;

(k) reduction and elimination of surcharge and cross subsidies under second proviso to sub-clause (ii) of clause (d) of sub-section (2) of section 38;

(l) payment of transmission charges and a surcharge under sub-clause (ii) of clause (c) of section 40;

(m) reduction and elimination of surcharge and cross subsidies under the second proviso to sub-clause (ii) of clause (c) of section 40;

(n) proportion of revenues from other business to be utilised for reducing the transmission and wheeling charges under proviso to section 41;

(o) duties of electricity trader under sub-section (2) of section 52;

(p) standards of performance of a licensee or class of licensees under sub-section (1) of section 57;

(q) the period within which information to be furnished by the licensee under sub-section (1) of section 59;

(r) the period within which the cross-subsidies shall be reduced and eliminated under clause (g) of section 61;

(s) the terms and conditions for the determination of tariff under section 61;

(t) details to be furnished by licensee or generating company under sub-section (2) of section 62;

(u) the procedures for calculating the expected revenue from tariff and charges under sub-section (5) of section 62;

(v) the manner of making an application before the Central Commission and the fee payable therefor under sub-section (1) of section 64;

(w) the manner of publication of draft tariff order under sub-section (3) of section 64;

(x) issue of tariff order with modifications or conditions under sub-section (4) of section 64;

(y) the manner by which development of market in power including trading specified under section 66;

(z) the powers and duties of the Secretary of the Central Commission under sub-section (1) of section 91;

(za) the terms and conditions of service of the Secretary, officers and other employees of Central Commission under sub-section (3) of section 91;

(zb) the rules of procedure for transaction of business under sub-section (1) of section 92;

(zc) minimum information to be maintained by a licensee or the generating company and the manner of such information to be maintained under sub-section (8) of section 128;

(zd) the manner of service and publication of notice under section 130;

(ze) any other matter which is to be, or may be, specified by regulations.

(3) All regulations made by the Central Commission under this Act shall be subject to the conditions of previous publication.

Rules and regulations to be laid before Parliament.

179. Every rule made by the Central Government, every regulation made by the Authority, and every regulation made by the Central Commission shall be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Powers of State Governments to make rules

180. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely: -

(a) the payment of fees for application for grant of licence under sub-section (1) of section 15;

(b) the works of licensees affecting the property of other persons under sub-section (2) of section 67;

(c) such other matters which may be prescribed under clause (c) of sub-section (2) of section 68;

(d) the salary, allowances and other terms and conditions of service of the Chairperson and Members of the State Commission under sub-section (2) of section 89;

(e) the form and manner in which and the authority before whom oath of office and secrecy should be subscribed under sub-section (3) of section 89;

(f) any other matter required to be prescribed by the State Commission under clause (g) of sub-section (1) of section 94;

(g) the manner of applying the Fund under sub-section (3) of section 103;

(h) the form in which and time at which the State Commission shall prepare its annual accounts under sub-section (1) of section 104;

(i) the form in which and time at which the State Commission shall prepare its annual report under sub-section (1) of section 105;

(j) the form in which and time at which the State Commission shall prepare its budget under section 106;

(k) manner of service of provisional order of assessment under sub-section (2) of section 126;

(l) manner of holding inquiry by an adjudicating officer under sub-section (1) of section 143;

(m) the form in which and the time at which notice to the Electrical

Inspector under sub-section (1) of section 161;

(n) the manner of delivery of every notice, order or document under sub-section (1) of section 171; and

(o) any other matter which is required to be, or may be, prescribed.

Powers of State
Commissions to
make regulations.

181. (1) The State Commissions may, by notification, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the power contained in sub-section (1), such regulations may provide for all or any of the following matters, namely: -

(a) period to be specified under the first proviso of section 14;

(b) the form and the manner of application under sub-section (1) of section 15;

(c) the manner and particulars of application for licence to be published under sub-section (2) of section 15;

(d) the conditions of licence section 16;

(e) the manner and particulars of notice under clause(a) of sub-section (2) of section 18;

(f) publication of the alterations or amendments to be made in the licence under clause (c) of sub-section (2) of section 18;

(g) levy and collection of fees and charges from generating companies or licensees under sub-section (3) of section 32;

(h) rates, charges and the term and conditions in respect of intervening transmission facilities under proviso to section 36;

(i) payment of the transmission charges and a surcharge under sub-clause (ii) of clause(d) of sub-section (2) of section 39;

(j) reduction and elimination of surcharge and cross subsidies under second proviso to sub-clause (ii) of clause (d) of sub-section (2) of section 39;

(k) manner and utilisation of payment and surcharge under the fourth proviso to sub-clause(ii) of clause (d) of sub-section (2) of section 39;

(l) payment of the transmission charges and a surcharge under sub-clause(ii) of clause (c) of section 40;

(m) reduction and elimination of surcharge and cross subsidies under second proviso to sub-clause (ii) of clause (c) of section 40;

(n) the manner of payment of surcharge under the fourth proviso to sub-clause (ii) of clause (c) of section 40;

(o) proportion of revenues from other business to be utilised for reducing the transmission and wheeling charges under proviso to section 41;

(p) reduction and elimination of surcharge and cross-subsidies under the third proviso to sub-section (2) of section 42;

(q) payment of additional charges on charges of wheeling under sub-section (4) of section 42;

(r) guidelines under sub-section (5) of section 42;

(s) the time and manner for settlement of grievances under sub-section (7) of section 42;

(t) the period to be specified by the State Commission under sub-section (1) of section 43;

(u) methods and principles by which charges for electricity shall be fixed under sub-section (2) of section 45;

(v) reasonable security payable to the distribution licensee under sub-section (1) of section 47;

(w) payment of interest on security under sub-section (4) of section 47;

(x) electricity supply code under section 50;

(y) the proportion of revenues from other business to be utilised for reducing wheeling charges under proviso to section 51;

(z) duties of electricity trader under sub-section (2) of section 52;

(za) standards of performance of a licensee or a class of licensees under sub-section (1) of section 57;

(zaa) the period within which information to be furnished by the licensee under sub-section (1) of section 59;

(zb) the period within which the cross-subsidies shall be reduced and eliminated under clause (g) of section 61;

(zc) the terms and conditions for the determination of tariff under section 61;

(zd) details to be furnished by licensee or generating company under sub-section (2) of section 62;

(ze) the methodologies and procedures for calculating the expected revenue from tariff and charges under sub-section (1) of section 62;

(zf) the manner of making an application before the State Commission and the fee payable therefor under sub-section (1) of section 64;

(zg) issue of tariff order with modifications or conditions under sub-section (3) of section 64;

(zh) the manner by which development of market in power including trading specified under section 66;

(zi) the powers and duties of the Secretary of the State Commission under sub-section (1) of section 91;

(zj) the terms and conditions of service of the secretary, officers and other employees of the State Commission under sub-section (2) of section 91;

(zk) rules of procedure for transaction of business under sub-section (1) of section 92;

(zl) minimum information to be maintained by a licensee or the generating company and the manner of such information to be maintained under sub-section (8) of section 128;

(zm) the manner of service and publication of notice under section 130;

(zn) the form of and preferring the appeal and manner in which such form shall be verified and the fee for preferring the appeal under sub-section (1) of section 127;

(zo) any other matter which is to be, or may be, specified.

(3) All regulations made by the State Commission under this Act shall be subject to the condition of previous publication.

Rules and regulations to be laid before State Legislature

182. Every rule made by the State Government and every regulation made by the State Commission shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Power to remove difficulties.

183. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Provisions of Act not to apply in certain cases.

184. The provisions of this Act shall not apply to the Ministry or Department of the Central Government dealing with Defence, Atomic Energy or such other similar Ministries or Departments or undertakings or Boards or institutions under the control of such Ministries or Departments as may be notified by the Central Government.

Repeal and saving.

185. (1) Save as otherwise provided in this Act, the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 and the Electricity Regulatory Commissions Act, 1998 are hereby repealed.

9 of 1910.
54 of 1948.
14 of 1998.

(2) Notwithstanding such repeal, -

(a) anything done or any action taken or purported to have been done or taken including any rule, notification, inspection, order or notice made or issued or any appointment, confirmation or declaration made or any licence, permission, authorisation or exemption granted or any document or instrument executed or any direction given under the repealed laws shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

9 of 1910

(b) the provisions contained in sections 12 to 18 of the Indian Electricity Act, 1910 and rules made thereunder shall have effect until the rules under section 67 to 69 of this Act are made;.

9 of 1910

(c) Indian Electricity Rules, 1956 made under section 37 of the Indian Electricity Act, 1910 as it stood before such repeal shall continue to be in force till the regulations under section 53 of this Act are made

force till the regulations under section 53 of this Act are made.

(d) all rules made under sub-section (1) of section 69 of the Electricity (Supply) Act, 1948 shall continue to have effect until such rules are rescinded or modified, as the case may be;

(e) all directives issued, before the commencement of this Act, by a State Government under the enactments specified in the Schedule shall continue to apply for the period for which such directions were issued by the State Government.”.

(3) The provisions of the enactments specified in the Schedule, not inconsistent with the provisions of this Act, shall apply to the States in which such enactments are applicable. 10 of 1897

(4) The Central Government may, as and when considered necessary, by notification, amend the Schedule.

(5) Save as otherwise provided in sub-section (2), the mention of particular matters in that section, shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

THE SCHEDULE

ENACTMENTS

(See sub-Section (3) of Section 185)

1. The Orissa Electricity Reform Act, 1995 (Orissa Act no. 2 of 1996)
2. The Haryana Electricity Reform Act, 1997 (Haryana Act no. 10 of 1998)
3. The Andhra Pradesh Electricity Reform Act, 1998 (Andhra Pradesh Act no. 30 of 1998)
4. The Uttar Pradesh Electricity Reform Act, 1999 (Uttar Pradesh Act no. 24 of 1999)
5. The Karnataka Electricity Reform Act, 1999 (Karnataka Act no. 25 of 1999)
6. The Rajasthan Electricity Reform Act, 1999 (Rajasthan Act no. 23 of 1999)
7. The Delhi Electricity Reforms Act, 2000 (Delhi Act No.2 of 2001)
8. The Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (Madhya Pradesh Act No. 4 of 2001)
