

PUNJAB STATE TRANSMISSION CORPORATION LTD.

Departmental Accounts Examination-2023 (2nd Session)

Category – JE /E

Paper-II

Roll No.

Service Rules, Acts & Labour Laws

Time allowed : 3hours

Max.marks:100

Note:All questions are compulsory

Question No. 1:-

(Marks: 15+5=20)

- State the provisions of the Factories Act 1948 for ensuring health of the workers.
- State the procedure for the retrenchment of a worker under the Industrial disputes Act 1947.

Question No. 2:-

(Marks: 5+5+10=20)

- Brief penalties clause as per RTI Act.
- What do you mean by third party information?
- Explain the cases which are exempted from disclosure of information as per RTI Act 2005.

Question No. 3:- Define the following: -

(Marks: 12+8=20)

- Define the following:
 - Honorarium
 - Fees
 - Month
 - Lien
- What is subsistence allowance? How it is granted? What recoveries are to be made from Subsistence allowance?

(3x4)

Question No. 4:-

(Marks:6+6+8=20)

- What are conditions of child care leave to female employee of PSTCL?
- What is adoption leave and for how many days it can be granted
- What cases covered under False TA Claims. What is the punishment in this case?

Question No. 5:-

(Marks:6+6+8=20)

- Under what circumstances a tender may be reinvited as per works regulation.
- What is Mobilisation Advance
- What is the difference between single tender and limited tender

Qno. 1(a)

To take care of the health of workers in factories, the Factories Act, 1948 has provided for certain measures which are stated below:

A. Cleanliness of the factory premises

Under section 11 every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance. Accumulations of dirt and refuse shall be removed daily by some effective method. The floor and every work-room shall be cleaned at least once in every week by washing, using disinfectants, where necessary, or by some effective method.

B. Disposal of Wastes and Effluents

Effective arrangement shall be made for the disposal of wastes and effluents arising out of manufacturing process in the factories.

C. Ventilation and Temperature

Effective and suitable measures shall be adopted for securing and maintaining in every room -

- adequate ventilation by the circulation of fresh air, and
- such a temperature as will secure to workers reasonable conditions of comfort, and prevent injury to health

D. Dust and Fume

Section 14 of Factories Act, 1948 provided that in every factory, where due to manufacturing process, dust or fume or other impurity arise which is likely to be injurious to the health of workers employed, effective measures shall be taken to prevent its inhalation, and accumulation in any workroom. If it is necessary to install exhaust appliances, it would be installed near the point of origin of the dust, fumes, or other impurity. Measures shall be taken to enclose such points.

E. Artificial humidification

In respect of factories, where humidity of the air is artificially increased, it is provided to make rules prescribing standard of humidification; regulating the methods used for artificially increasing the humidity of the air; directing prescribed tests for determining the humidity of the air to be correctly carried out and recorded, and prescribing methods to be adopted for securing adequate ventilation and cooling of the air and the work rooms.

F. Overcrowding

No room in any factory shall be overcrowded to such an extent which becomes injurious to the health of the workers employed therein. The Chief Inspector of factories by order in writing shall fix the maximum number of workers to be employed in each room in the factory.

G. Lighting

Section 17 of the Factories Act provides for sufficient and suitable lighting, natural or artificial where workers are working or passing through. Provision of cleaning of inner and outer surface is provided for all glazed windows and skylights used for the lighting of the workrooms. In every factory, effective provision shall be made for the prevention of glare, either directly from a source of light or by reflection from a smooth or polished surface;

H. Drinking Water

In every factory, effective arrangement shall be made at suitable places for sufficient supply of wholesome drinking water. Such places shall be legibly marked 'Drinking Water' in a language understood by a majority of the workers employed in the factory. In case of factories employing more than 250 workers, provisions shall be made for cooling drinking water during hot weather by effective means, and for its distribution.

I. Latrines and Urinals

The Factories Act requires that provision should be made for sufficient latrine and urinal accommodation, separate for male and female workers, conveniently situated and accessible to workers while they are in the factory. Such accommodation being adequately lighted and ventilated and maintained in a clean and sanitary condition;

Floors and walls and the sanitary parts of latrines and urinals shall be thoroughly washed and cleaned at least once in every seven days with suitable detergents or disinfectants or with both.

J Spittoons

Sufficient number of spittoons must be provided in every factory and maintained in clean and hygienic condition. No person shall spit within the premises of a factory except in the spittoons.

Qno. 1(b)

No worker employed in an industrial establishment who has been in continuous service for not less than 1 year under an employer shall be retrenched by that employer until:-

- i) the worker has been given 3 months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice; and
- ii) prior permission of the appropriate government or such authority as may be specified by the Government has been obtained on an application made in this behalf.

Qno. 2(a)

Brief penalties clause as per RTI Act. 5 Marks

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

Provided that the central public information officer or the state public information officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

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

Qno. 2(a)

Qno. 2(b)

What do you mean by third party information as per RTI Act? 5 Marks

Ans. Third party information: -

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

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

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

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

Qno. 2(c)

Explain the cases which are exempted from disclosure of information.

Ans. Exemption from disclosure of information: -

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

Qno. 3(i) **Honorarium** means a recurring or non recurring payment granted to a corporation employee from the funds of the corporation as remuneration for special work of an occasional nature or intermittent character.

Qno. 3(ii) **Fee** means a recurring or non recurring payment to a corporation employee from a source other than the corporation funds, whether made directly to the corporation employee or indirectly through intermediary of corporation but does not include unearned income such as income from property, dividends and interest on securities and income from literary, cultural, artistic, scientific and income from participation in sports activities as amateur.

QNo. 3(III) 'Month' means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months should be calculated and the odd number of days added thereto.

Illustrations: (a) Calculate 3 months and 20 days on and from the 25th January the following method should be adopted:

	Y	M	D
25th January to 31st January	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
	<hr style="width: 100%; border: 0.5px solid black;"/>	<hr style="width: 100%; border: 0.5px solid black;"/>	<hr style="width: 100%; border: 0.5px solid black;"/>
	0	3	20

Qno 3(M) 'Lien' means the right or title of a Board employee to hold a Regular Post, whether Permanent or temporary, either immediately or on the termination of the period of absence.



Q No 3(b) When an employee is suspended from his duties he is paid subsistence allowance while under suspension. This allowance is called subsistence allowance. It is granted @ 50% of the last pay drawn immediately before suspension.

Various kinds of recoveries which can be made from subsistence allowance are as under:-

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

Q.No.4 a) Ans. An PSTCL female employee having minor children below the age of 18 years may be granted Child Care Leave for a maximum period of one year (365days) during her entire service for taking care of two elderly surviving children. Such leave may be granted in more than one spell but not more than three spells in a calendar year. It shall not be granted for a period less than 15 days. During the period of leave the employee shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave. The authority empowered to grant leave may refuse to sanction leave or cancel the leave already sanctioned in any case. Child Care Leave shall not be granted under any circumstances to an employee who remains on unauthorized absence from duty.

Qno. 4(b)

- a) As per Secretary /PSEB (now PSPCL) , Regulation Section , Patela circular no.12/2005 dated 28.10.2005, this leave is admissible to female employees upon their adopting a newly born child for 3 months from the date of adoption or the date on which the child becomes 3 months old, whichever is earlier. However the leave will start only when the child has been legally adopted.

Qno. 4(c)

(a) Preferring by Corporation employee of false TA claims is strictly deprecated. The following categories of cases are covered under false TA claims.

- 1. Charging travelling Allowance for a journey not actually performed.**
- 2. Charging by a higher class to which one is entitled according to status for a journey performed in lower class.**
- 3. Charging TA on transfer by submitting false certificate and bogus receipts in respect of transportation of luggage.**

The normal punishment shall be dismissal.

Qno. 5(a)

REINVITATION OF TENDERS:

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

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

In cases falling under the competency of WTMs/Board, approval of Member incharge will be obtained.

Qno. 5(b)

MOBILISATION ADVANCE :

In case of works exceeding Rs. one crore, mobilisation advance can be considered if so requested by the contractor in his bid, on the following terms & conditions:-

- 14/11/2011
- i) Advance will be upto 7.5% of the net value of the work (value after deducting the cost of the material, issued by the Board) and interest bearing. Interest will be charged at principal lending rate of B.B.I. at reducing amount of the advance.
Base 4.25%
- ii) The advance shall be given against irrevocable bank guarantee, (numbers to be decided by C.E.), valid for the period of contract. In case of extension of the Contract agreement period, validation of the bank guarantee of the balance amount, one month prior to its expiry will be the sole responsibility of the contractor otherwise without referring to the contractor, the Board will be within its rights to encash the bank guarantee.

Qno. 5(c)

Single Tenders

Single tenders may be invited for jobs such as maintenance and repairs of proprietary equipment etc. which can be got done only through a specialised firm/contractor.

Limited Tenders

For minor works tenders may be invited from all registered contractors through letters sent by registered post "acknowledgment due" giving a minimum period of 15 days from the date of issue of such letters for submission of tenders. In exceptional cases the period can be reduced as considered necessary by the competent authority.