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PUNJAB STATE TRANSMISSION CORPORATION LIMITED
Regd. Office: PSEB, Head Office, The Mall, Patiala- 147001
Corporate Identity Number: U40109PB2010SGC033814
LEGAL SECTION SHAKTI SADAN, PATIALA
(Fax No. 0175-2300387)

To

Regd. →

1. EIC/TS, PSTCL, Patiala.
2. CE/HIS & D, PSTCL, Patiala.
3. CE/P&M, PSTCL, Ludhiana.
4. CE/SLDC, PSTCL, Patiala.
5. CFO, PSTCL, Patiala.
6. FA, PSTCL, Patiala.

Memo No. 15902/07 /LB-7(30)17/T

Dated: 13/9/17

Sub: - **To file LPA against the order dt. 22.03.2017 in CWP No. 16288 of 1996 titled Executive Engineer, East Division, PSEB, Jalandhar V/s PO, Labour Court, Jalandhar & Ors.**

Ref:- **E-Mail dt. 16.09.2017 received from Sh. Vikas Chatrath, Sr. Advocate, Addl. SE/P&M Divn., PSTCL, Jamsher office memo No. 2252 dt. 20.09.2017.**

Sh. Pawan Kumar, Workman filed the reference before Labour Court that his services were illegally terminated/retrenched by the management of PSEB. The Erstwhile PSEB took the plea that he remained absent from duty from 13.07.1990 to 16.08.1990 despite directions of SDO/TL Sub Divn., Jalandhar to resume duty. The Labour Court, Jalandhar passed the award dt. 15.02.1996 and set aside the retrenchment of workman and award 1/3rd of the backwages to him. The Erstwhile PSEB through Sr. XEN/East Divn., Jalandhar as well as the workman filed the writ petitions against the above said order. The Hon'ble High Court after disposing of the writ petition filed by the Erstwhile PSEB decided that no valid and substantial reason interfere with the Judicial discretion exercise by the labour court is no substantial reason to interfere with the award of Labour Court in crafting a well moulded award. The same leaves sufficient room to the management by its victory on 2/3rds of past wages even after the officers of the department acted in defiance of law and opted to litigate for which the petitioning department will have to be saddled with costs of Rs. 25,000/- in favour of the respondent to defray litigation expenses which must have been incurred by a hapless (helpless) workman. While winding up the order I cannot help restating our valuable inheritance that in exercise of powers of judicial review under Article 226 of the Constitution of India, this Court would not interfere with the findings of fact based on evidence by embarking upon a reappraisal of the evidence to arrive at its own conclusion. No merit. The petition was dismissed.

This office advised to file LPA as opined by Corporation Counsel against the order dt. 22.03.2017 vide memo No. 5427 dt. 24.04.2017 (Copy enclosed).

Sh. Vikas Chatrath, Sr. Advocate filed the LPA before the Hon'ble High Court. He has informed that The Registry of Hon'ble High Court raised the objection regarding the competency of PSTCL to file appeal and it has transpired from the Transfer

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Scheme that Principal Employer of Pawan Kumar if any would be PSPCL and PSTCL is only to pay etc. though eventually if the LPA etc. is dismissed the entire liability of regularization, pension etc. would be of PSPCL therefore the advocate should be given the authorization on behalf of PSPCL to file appeal etc. or in the alternative the said fact brought into the notice of PSPCL being directly affected by the Judgment of Single Judge.

The Advocate is also felt that necessary applications for amended memo of parties should be filed in all pending cases to avoid the unnecessary difficulties which can arise like in the present case.

It is informed that the Member/Managing Committee for Administering POWERCOM and TRANSCO Electricity Patiala issued necessary instructions regarding amendment of parties by filing application before the court through counsels already appointed in all the legal proceedings pending before any Court, Commission, Forum, Tribunal, Authority etc. for continuation of proceedings by or against respective Corporation (POWERCOM or TRANSCO) vide memo No. 1898/3398 dt. 23.04.2010 (copy enclosed). The concerned offices are not following the instructions issued by The Managing Committee of POWERCOM and TRANSCO Electricity Patiala as referred above.

This office also issued office order No. 1 dt. 02.03.2016 with the approval of CMD, PSTCL and circulated vide endst. No. 2643/56 dt. 02.03.2016 to examine all the court cases filed by the employees on deputation/secondment to PSTCL on the terms and conditions provided in the Transfer Scheme.

Keeping in view the above and difficulty arises in the instant case, you are once again requested to direct the concerned offices under your control to examine all the pending cases keeping in view the conditions provided in Transfer Scheme and instructions issued by Managing Committee of POWERCOM and TRANSCO as referred above and get ensure the transfer of all the cases pending before 16.04.2010 to PSPCL for amendment of parties as per instructions issued by Member Managing Committee POWERCOM and TRANSCO Electricity Patiala without any further delay so that PSPCL may pursue/defence the cases on behalf of Erstwhile PSEB in order to avoid any complication under intimation to this office.

Treat it most urgent.

This issues with the approval of Competent Authority.

DA/-As above

13.10.2017

Company Secretary,
PSTCL, Patiala.

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Endst. No. 15908/13/LB-7(30)17/T Dated 13.10.17

Copy of the above is forwarded to following with a request to monitor the pending cases and ensure that all the pending cases filed before 16.04.2010 by or against Erstwhile PSEB has been transferred to PSPCL for taking further necessary action:-

egd. →
1. Addl. SE/Works-Cum- Nodal Officer O/O EIC/TS, PSTCL, Patiala.
2. Dy. Secy./Estt.-Cum-Nodal Officer O/o CE/HIS&D, PSTCL, Patiala.
3. Addl. SE/Works-Cum-Nodal Officer O/O CE/P&M, PSTCL, Ludhiana.
4. Addl. SE/Works-Cum-Nodal Officer O/O CE/SLDC, PSTCL, Ablowal, Patiala.
5. Dy. CAO-HQ-Cum-Nodal Officer O/O Chief Financial Officer, PSTCL, Patiala.
6. Dy./FA-1-Cum-Nodal Officer O/O FA, PSTCL, Patiala.

13.10.2017
Company Secretary,
PSTCL, Patiala.

Endst. No. 15914/LB-7(30)17/T Dated 13.10.17

Copy of the above is forwarded to Legal Advisor, PSPCL, Patiala with the request to advise the concerned offices of PSPCL to make the amendment in memo of parties in cases transferred by PSTCL to PSPCL as per letter issued by Member Managing Committee PSPCL/PSTCL vide memo No. 1898/3398 dt. 23.04.2010 as the Registry of Hon'ble High Court has raised objection that PSTCL has no authority to defend the cases of Erstwhile PSEB as PSPCL is the Principal Employer of employees as per the notification dt. 16.04.2010 and can pursue the cases on behalf of Erstwhile PSEB. **Matter is urgent.** He is further informed that instant case has already been transferred to Addl. SE/East Divn., PSPCL, Jalandhar by the office of Addl. SE/P&M Divn., Jamsher vide probable memo No. 2328 dt. 26.09.2017.

DA/-As above

13.10.2017
Company Secretary,
PSTCL, Patiala.
13/10/2017