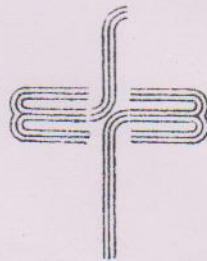


PUNJAB STATE ELECTRICITY BOARD

Regulations of Conduct of Business, 1980



Published by :

Punjab State Electricity Board
PATIALA

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PUNJAB STATE ELECTRICITY BOARD

OFFICE ORDER NO. 4348/P.S.E.B. Dated 3-9-1980

REGULATIONS OF BUSINESS

In supersession of order No. 3098/PSEB dated 1-12-1967 and the various other additions/alterations made therein from time to time, the Punjab State Electricity Board is pleased to make the following regulations, in exercise of the powers conferred by clause (k) of Section 79 of the Electricity (Supply) Act, 1948 (LIV of 1948):—

1. These regulations may be called "Punjab State Electricity Board Regulations of Conduct of Business, 1980". These shall come into force at once.
2. (i) In these regulations unless there is anything repugnant to the subject or context :—
 - (a) 'Act' means the Electricity (Supply) Act, 1948 (LIV of 1948) and shall include any statutory amendment, modification or re-enactment thereof for the time being in force.
 - (b) 'Govt.' means the Government of the State of Punjab.
 - (c) 'Board' means the Punjab State Electricity Board constituted by Government under Section 5 of the Act and shall include its successors and assigns.

- (d) 'Chairman' means the Chairman of the Board duly appointed by Government under Sub-Section (5) of Section 5 of the Act and includes the officiating Chairman appointed under Section 11 of the Act.
- (e) 'Member' means a Member of the Board duly appointed under Sub-Section (2) of Section 5 of the Act and includes an officiating Member appointed under Section 11 of the Act.
- (f) 'Legal Advisor' means the Legal Advisor of the Board appointed from time to time.
- (g) 'Section' means a branch of the administrative set up of the Board's Head Office dealing with a particular subject.
- (h) 'Schedule' means a Schedule appended to these regulations.
- (i) 'Suit' means a suit by or against or affecting the Board or a Board employee in his official capacity or which is brought or defended by a Board employee at the Board's expenses, and includes an appeal, and application for revision or review or execution of decree, and any type of Legal proceeding in which the Board or a Board employee in his official capacity is a party or has any interest.
- (ii) Other terms and expressions used in these regulations shall have the meanings respectively assigned to them under the Indian Electricity Act, 1910, (Act IX of 1910), Indian Electricity Rules, 1956, the Electricity (Supply) Act, 1948 (Act LIV of 1948) and the rules framed there-under as amended from time to time.

PART I — DISPOSAL OF BUSINESS

3. The Board shall be collectively responsible for all executive orders issued on its behalf in accordance with these regulations.
4. (i) All cases referred to in the First Schedule appended to these regulations shall be brought before the Board in accordance with the provisions of regulations contained in Part-II of these regulations.
- (ii) All cases referred to in the Second Schedule shall be disposed of collectively by the Whole-time-Members of the Board on its behalf. "Collectively" means by majority. The Chairman shall have a casting vote when Whole-time-Members are evenly divided. However, where the Whole-time-Members decide a case in circulation and one or more Members disagree with the decision being taken, the case shall be discussed by the next higher authority i.e. the Board before a final decision is taken.
5. No case in regard to which the Finance Section is required to be consulted under Regulation 19 shall be discussed by the Board or the Whole-time-Members, as the case may be, unless the Finance Section had an opportunity for its consideration.

Provided that consultation with Finance Section shall not be necessary in the case of proposals which are governed under the Board's Purchase Regulations.

- Chairman empowered*
6. It shall not be necessary to bring any other case before the Board. All other cases shall be disposed of in accordance with the general or special orders passed by the Chairman.
 7. All orders or instruments made or executed by or on behalf of the Board shall be expressed to be made or executed in the name of the Board.
 8. Every order or decision of the Board shall be authenticated by the signatures of the Chairman or in his absence by the signatures of a Whole-time-Member. All other instruments issued or executed by or on behalf of the Board shall be authenticated by the signatures of the Secretary, Deputy Secretaries, Personnel Officer/Under Secretaries or any other Officer as may be specifically empowered by the Chairman in this behalf.
 9. The orders or decisions of the Board, after their due authentication by the Chairman or a Whole-time-Member in the manner stated in Regulation 8, shall be communicated by the Secretary Deputy Secretaries, Personnel Officer/Under Secretaries, or such other officer as may be specifically empowered by the Chairman in this behalf.

PART-II PROCEDURE OF THE BOARD

10. The Secretary shall be the Chief Executive Officer of the Board and shall put-up cases in the meetings of the Board and Whole-time-Members.
11. All cases referred to in the First Schedule shall be submitted to the Board in accordance with Regulation 7.2 of "Punjab State Electricity Board (Conduct of

- meetings) Regulations, 1959". For purposes of disposal of such cases Secretary may requisition any papers from any office of the Board or may call for such further information as may be deemed necessary or expedient for such disposal.
12. The Chairman may direct that any case, instead of being brought up for discussion in a meeting of Board be circulated to all the Members for opinion and if the Chairman thinks that a discussion at a meeting is un-necessary, the cases shall be decided in accordance with the opinion of majority without such discussion.
 13. In cases which are circulated for opinion under regulation 12, the Chairman may direct, if the matter be urgent, that if any Member fails to communicate his opinion to the Secretary by a date to be specified by him in the memorandum for circulation, it shall be assumed that he has accepted the recommendation contained therein.
 14. All cases brought before the Board shall, unless the Chairman otherwise directs, be accompanied by a Memorandum indicating with sufficient precision the salient facts of the case and the points for decision. Such memorandum and such other relevant papers as are necessary to enable disposal of the case shall be circulated to the Members.
 15. The meetings of the Board shall be held in accordance with the provisions of the Punjab State Electricity Board (Conduct of Meetings) Regulations, 1959.

PART III

DEPARTMENTAL DISPOSAL OF BUSINESS

A-GENERAL

16. Except as otherwise provided, cases shall ordinarily be

disposed of by or under the authority of the Member-incharge as per distribution of duties and functions amongst the Whole-time-Members of the Board, issued by the Chairman, in exercise of the powers vested in him vide Rule 14 of the Punjab State Electricity Board (Chairman's Powers) Rules, 1959.

Without prejudice to the provisions of Regulation 3 the Members-incharge shall be primarily responsible for the disposal of the business pertaining to his charge.

17. Each such Member shall issue orders as to what cases or classes of cases will require to be submitted to him.
18. For cases which concern more than one Member, the Members concerned shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the memorandum, to be submitted to the Board in accordance with Regulation 1^d above, shall contain the joint recommendations of the Members concerned, and, if no agreement is reached, the memorandum shall contain the points of difference and the recommendation of each of the Member concerned.

B-FINANCE SECTION

19. (i) The Finance Section of the Board shall be consulted before the issue of orders relating to proposals which affect the funds of the Board. No Section shall, without previous consultation with the Finance Section, authorise any orders (other than orders pursuant to any general delegation of powers made by the Board) which;
 - (a) either immediately or by their consequent re-percussions will, in any manner, affect the funds of the Board ;

- (b) relate to the number, grading or cadre of posts or the emoluments or other conditions of service or posts involving financial implications;
 - (c) involving proposal for abandonment of revenue or involving an expenditure for which no provision has been made in the Budget;
- (ii) No appropriation shall be made by any Section other than Finance Section, except in accordance with such general delegation as the Board may have made.
20. The views of the Finance Section shall be brought on to the permanent record of the Section to which the case relates and shall form part of the case.
 21. The Finance Section may prescribe cases in which its assent may be presumed to have been given.
 22. The Finance Section may issue instructions to govern financial procedure in general in all Sections and to regulate the business of the Finance Section and the dealings of other Section with the Finance Section.
- #### C—LEGAL SECTION
23. When-ever it is proposed :—
 - (i) to issue a statutory regulation, notification or order, or
 - (ii) to sanction under a statutory power the issue of any regulation, by law, notification or order by a subordinate authority; or
 - (iii) to submit to Government any draft statutory regulation, notification or order for issue by them;

the draft shall be referred to the Legal Section for opinion and advice.

24. (1) All Sections shall consult the Legal Section on :
- (a) The construction of statutes, Acts, Regulations and Statutory Regulations, orders and Notifications;
 - (b) any general legal principles arising out of any case and;
 - (c) the institution or withdrawal of any prosecution or any other legal proceedings at the instance of any section.
- (2) Every such reference, shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the Legal Section is desired.
25. No suit on behalf of the Board or Public Officer as such shall be instituted/defended without the prior sanction of the Competent Controlling Authority as per specimen copy of sanction enclosed as Annexure-'B' to these Regulations.
25. For the institution of (i) a suit on behalf of the Board (ii) the defence of any threatened suit to which the Board has been made a party (iii) intervention by the Board in any suit in which the Board shall/is interested or (iv) the institution or defence of a suit by or against a Board employee in his official capacity, the following officers shall act as Competent Controlling Authorities in matters relating to their charge:—
- (i) Secretary
 - (ii) Chief Engineers

- (iii) Chief Accounts Officer
- (iv) Chief Auditor
- (v) Superintending Engineers
- (vi) Deputy Secretaries
- (vii) Executive Engineers

27. The procedure laid down in Annexure-'A' to these regulations shall be followed in matters provided in Regulation 26.
28. In the event of any material departure or deviation in the observance of these regulations, the Secretary shall personally bring the matter to the notice of the Chairman.

By order of the Board.

Encl : Schedules
First & Second
and Annexure
'A & B'

(G. CHAHAL)
Secretary,
Punjab State Electricity Board,
Patiala.

FIRST SCHEDULE

The following classes of cases shall be referred to the Board for decision :—

- A. 1. Annual financial statement and demand for supplementary additional and excess grants.
(Section 61 of the Electricity (Supply) Act, 1948 refers).
 2. Unbudgeted expenditure required to be expended by the Board.
(Section 62 *ibid* refers)
 3. Consideration of the Annual Audit Report on the accounts of the Board by the Comptroller and Auditor General of India or his representative.
(Section 69 *ibid* refers)
 4. Consideration of the annual report, required to be submitted to the State Government.
 5. Proposal relating to Regulations to be made by the Board under Section 79 *ibid*, including any proposals for amendment of such regulations.
 6. Recommendations to the State Government regarding any draft or amendment thereto required to be made by the State Government under Section 78 *ibid*.
 7. Any dispute arising between the Board and the State Government in respect of any direction given by the State Government.
(Section 78 (a) *ibid* refers)
8. Banking arrangements.
 9. Loans, Borrowings, Investments and Reserves.
 10. Revision of tariffs and other charges prescribed for different classes of consumers.
 11. Planning Schemes.
 12. Sanction of Project Estimates.
 13. Sanction of Budget Estimates.
 14. Grants of loans or advances to licensees.
 15. Contributions to Associations or Societies.
(Section 24 *ibid* refers)
 16. Exercise of option to purchase Undertakings of Licensees.
 17. Delegation and modification in the financial powers of the officers of the Board.
 18. Classification of Services and pay scales.
 19. Proposals for the creation of gazetted posts/charges.
 20. Policy relating to direct recruitment of gazetted services of the Board.
 21. Appointment of Consulting Engineers.
(Section 25 *ibid* refers).
 22. Cases relating to purchases beyond the competency of Whole-time-Members as provided in Board's Purchase Regulations.
 23. Cases relating to procurement of stationery, printing material and uniform cloth beyond the competency of Whole-time-Members as provided in the Board's Purchase Regulations.
 24. Cases relating to sale of Stores including sale/disposal of scrap and unservicable material beyond the competency of Whole-time-Members i.e. exceeding RS. one crore.

25. Grant of special/additional or personal pay/allowances.
- B. The following cases of all gazetted officers shall be submitted to the Board for orders:—
- (1) Retirement on attaining the age of 55 years.
 - (2) Re-employment.
- C. The following cases relating to Chief Engineers and officers of equivalent ranks shall be submitted to the Board for decision :—
- (1) Appointment/promotions.
 - (2) Retention/retirement on attaining the age of 55 years.
 - (3) Acceptance of resignation.
 - (4) Posting and transfers.

—0—

SECOND SCHEDULE

The following classes of cases shall be referred to the Whole-time-Members:—

- I. (i) Creation of non-gazetted posts and continuance of temporary charges/posts to which Finance Section do not concur.
- (ii) (a) Cases involving advance increments in relaxation of rules.
(b) Cases involving fixation of pay in relaxation of rules in-respect of Xens and equivalent posts and above.
- (iii) Remission of revenue beyond the limits of delegations to Chief Engineers and Chief Accounts Officer.
- (iv) Allowing of special chances to officers to pass Department Accounts Examination.
- (v) Proposals for the retention of Officers beyond the age of 55 years, except those of Chief Engineers and officers of equivalent rank.
- (vi) Proposals other than those covered by First Schedule, which require consultation with Finance Section and to which Finance Section do not concur.
- (vii) Selection and appointment of all gazetted officers to represent the Board on various Committees set-up by the State or Central Government where

any final commitment on behalf of the Board is involved.

- (viii) (a) All important audit objections and inspection reports etc., involving a loss/recovery beyond Rs. 25,000/- in which conduct of officers is involved and responsibility for lapses/losses is to be determined.
- (b) Cases involving write off losses where no responsibility can be fixed exceeding Rs. 50,000/-

II. CASES OF S. Es. AND ABOVE

- (i) Appointment/promotion, acceptance of resignation (except of Chief Engineers and Officers of equivalent rank).
- (ii) Initial deputation to Government of India/State Government or other State Electricity Boards in-respect of Chief Engineers, Superintending Engineers, Chief Accounts Officer/Chief Auditor.
- (iii) Issue of warning after prior investigation/inquiry a copy of which is to be placed on the qualification report file of the officer concerned.

III. CASES RELATING TO NON-GAZETTED STAFF

- (i) Extending date of superannuation and fixing of minimum age for first entry into service.
- (ii) Re-employment.

IV. MISCELLANEOUS CASES :

- (i) Cases relating to purchases beyond the competency of Purchase Committees as provided in Board's Purchase Regulations.

- (ii) To accept modification to purchase proposals approved by the Board so long as total price of particular equipment does not exceed the approved price by more than 5%.
- (iii) Cases relating to sale of stores including sale/disposal of scrap and unservicable material beyond the competency of ~~Store Purchase Committee~~ upto RS. 1 Crore. *Disposal Committee*
- (iv) Estimates : (a) Having no project provision or inadequate project provision although chargeable to sanctioned projects, and
- (b) Chargeable to a project/scheme which is yet to be sanctioned by the competent authority.
- (v) Cases relating to procurement of stationery, printing material and uniform cloth beyond the competency of the Purchase Committee as provided in Board's Purchase Regulations.
- (vi) Meeting the representatives of Unions/Associations of the Board's employees for hearing their demands.

ANNEXURE 'A'

CONTROLLING AUTHORITY AND PROCEDURE
FOR INSTITUTION OR DEFENCE OF A SUIT.1. SECRETARY BOARD

- (i) In the case of suits by or against a Board employee in which tortious conduct is imputed to a Board employee in the execution of his official duty.
- (ii) All proceedings in the High Court, Supreme Court or Special tribunals.

Provided that where tortious conduct is imputed against the Chairman or Members of the Board, approval of the Board will be necessary.

2. SECRETARY, CHIEF ENGINEERS, DEPUTY
SECRETARIES

- (i) In respect of cases other than Land Acquisition cases affecting his administration not exceeding Rs. 50,000/- in value or amount, provided that in cases involving an amount exceeding Rs. 50,000/- Secretary will act as Controlling authority with the prior approval of the Member-in-charge.
- (ii) In respect of Land Acquisition cases affecting his administration not exceeding Rs. 5 lacs in value or amount, Secretary, Deputy Secretary, Chief Engineers can act as a controlling authority to accord sanction for the defence of the cases in the District Courts.

3. SUPERINTENDING ENGINEERS

In respect of cases not exceeding Rs. 25,000/- in value or amount.

4. EXECUTIVE ENGINEERS

In respect of cases not exceeding Rs. 15,000/-

- 5. In respect of any other civil proceedings before a Court of Law/Tribunal/Labour Court/Arbitration proceedings, Secretary/Chief Engineer/Chief Accounts Officer/Chief Auditor/Superintending Engineers and Executive Engineers respectively would be competent controlling authority for the purpose of sanction of institution or defence of the proceedings.
- 6. The powers of controlling authority as mentioned in the preceding sub-rules shall be exercised in consultation with Legal Section of the Board.
- 7. The following officers are authorised to sign, attest and authenticate any plaint, application, petition, written statement, replication, affidavit and any other legal instrument or document or power of attorney to any counsel on behalf of the Punjab State Electricity Board in connection with all Legal proceedings by or against the Punjab State Electricity Board pending or to be instituted in Court or before any authority or Tribunal or in any Arbitration proceedings by or on behalf of the Punjab State Electricity Board :—
 - (i) Secretary, Deputy Secretaries, Under Secretaries of the Punjab State Electricity Board, generally for all cases arising on behalf of or against the Punjab State Electricity Board, in any Court or Arbitration proceedings within or without the Punjab State.
 - (ii) All officers not below the rank of an Executive Engineer and above upto the Chief Engineers in-respect of cases/proceedings arising within their jurisdiction/zones/charge.
 - (iii) Chief Accounts Officer /Chief Auditor and Senior Accounts Officers in respect of cases/proceedings arising within their jurisdiction/charge.

ANNEXURE 'B'

PROFORMA FOR SANCTION**Punjab State Electricity Board**

In exercise of the powers conferred by Regulations 25 & 26 of the P.S.E.B. Regulations of Conduct of Business, 1980 framed under Section 79 (k) of the Electricity (Supply) Act, 1943 sanction of the Board is accorded to the institution*/defence of the Suit*/Appeal/Revision/Review* Civil Writ Petition*/Letters Patent Appeal, Arbitration proceedings*/Land Acquisition proceedings. Sales Tax*/Income Tax proceedings or any other legal proceedings

Name of the party*/parties Plaintiff* (s) Applicant* (s)
 Versus
 Name of the party*/parties Defendant* (s) Respondent (s)

Name & Designation of the
 Competent Controlling Authority.

(*if inapplicable may be scored out).

Endst. No.....

Dated.....

Copy forwarded to the :-

1. Secretary/Legal Section, PSEB, Patiala, with reference to his Memo No.....dated.....
2. C.E./S.E./Xen. (As the case may be).

Punjab State Electricity Board

OFFICE ORDER NO.4353 /PSEB /Bd-639 Dated25-11-80

In exercise of the powers conferred by Regulation 8 of the P.S.E.B. Regulations of Conduct of Business, 1980 issued vide this office order No. 4348/PSEB dated 3.9.80 the Chairman has empowered Chief Engineer/DS (North), Director/Commercial and Deputy Directors of Commercial Directorate for issuing instructions/amendments relating to Power tariffs on behalf of the Board.

Sd/-

Under Secretary/P & R
 for Secretary, PSEB, Patiala.