



PUNJAB STATE TRANSMISSION CORPORATION LIMITED
Regd. Office :PSEB, Head Office, The Mall, Patiala

ASE/IT & Secy/ERP

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15/9/14

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ASE/IT

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To

1. CE/SLDC, PSTCL, Ablowal.
2. CE/TS, PSTCL, Patiala.
3. CE/P&M, PSTCL, Ludhiana.
4. CE/HR, Plg. & IT, PSTCL, Patiala.
5. CFO(Corporate Accounts), PSTCL, Patiala.
6. Financial Advisor, PSTCL, Patiala.
7. Company Secretary, PSTCL, Patiala.

Regd.

Memo no. _____/LB-2 /Misc. Gen.

Dated: _____

Subject: - Consultation with Legal Section as per the Regulations of Conduct of Business , 1980.

The Regulation 24 of Regulations of Conduct of Business, 1980 as adopted by PSTCL read as under:-

- " 24 (1) All Sections shall consult 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."

The expression "**Shall Consult**" as appearing in the first line of the aforesaid Regulation 24 means that the various sections/offices of Corporation, while disposing off any matter covered under the said Regulation shall consult the Legal Section the advice/opinion given by legal section may not be construed as approval.. The decision to be taken upon such legal consultation should be with the approval of Competent Authority.

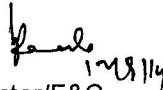
Similarly, in the departmental proceedings, the competent authority on receipt of inquiry report gives nod to the punishment recommended by the

inquiry officer and at the same time, the matter is referred to legal section for seeking opinion about the quantum of punishment to be imposed to delinquent official/officer. The competent authority is required to dispose off the matter based on the evidence on the record and finding recorded by the inquiry officer and the matter should not be referred to legal section.

In the matter of granting prosecution sanction as required under section 19 of Prevention of Corruption Act, 1988, the competent authority is required to go through the contents of investigating file of vigilance and then apply his/her mind in taking a decision for exercising the power to grant sanction. All such matters requires no consultation with the legal section for taking such decisions.

Therefore, legal opinion, where required and taken by the concerned office can only be used and considered as internal communication while arriving at a decision but such opinion should not directly be referred in the order.

The executive orders issued by the competent authority are subject to scrutiny of court. Where such orders become matters of litigation. Orders issued by the Competent Authority without adherence to the above guidelines are normally quashed by the Hon'ble Courts on the ground that the competent authority has not applied his mind and acted mechanically while issuing order.


Director/F&C,
PSTCL, Patiala.

12931/39
Endst.No. _____/LB-2(Misc. Gen.)

Dated 12.9.14

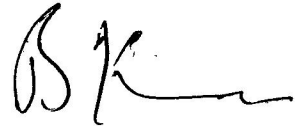
Copy of the above is forwarded to following for necessary action.

1. Addl. SE/Works-Cum-NODAL OFFICER O/O CE/SLDC, PSTCL, Ablawal, Patiala.
2. Addl. SE/Works-Cum-NODAL OFFICER O/O CE/TS, PSTCL, Patiala.
3. Addl. SE/Works-Cum-NODAL OFFICER O/O CE/P&M, PSTCL, Ludhiana.
4. Asst. Mgr./HR-Cum-NODAL OFFICER O/O CE/HR, Plg. & IT, PSTCL, Patiala.
5. Dy. CAO-HQ-Cum-NODAL OFFICER O/O Chief Accounts Officer, PSTCL, Patiala.
6. Dy. FA-I/Dy. CAO-I-Cum-NODAL OFFICER O/O Financial Advisor, PSTCL, Patiala.

Regd. ←

7. AO/Corporate Audit-Cum-NODAL OFFICER O/O Company Secretary,
PSTCL, Patiala.

✓ 8. SE/IT, PSTCL, Patiala. He is requested to upload on the website of
PSTCL.



Dy. Secy/Legal,
PSTCL, Patiala.

CC: -

OSD to Dir./F&C, PSTCL, Patiala.