

# **The Orissa State Electricity Board Service (Rehabilitation Assistance) Regulation, 1992**

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## **The Orissa State Electricity Board Service (Rehabilitation Assistance) Regulation, 1992**

### **Rule**

### **THE-ORISSA-STATE-ELECTRICITY-BOARD-SERVICE-REHABILITATION of 1992**

- Published on 24 February 1992
- Commenced on 24 February 1992
- [This is the version of this document from 24 February 1992.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa State Electricity Board Service (Rehabilitation Assistance) Regulation, 1992Published vide Notification Orissa Gazette Extraordinary No. 924/1.7.1992-Notification No. 13108/18.4.1992No. 13108. - In exercise of powers conferred by Section 79 (c) of the Electricity (Supply) Act, 1948 (Act 54 of 1948), the Orissa State Electricity Board, in its 316th meeting held on 24th February 1992 vide item No. 3 (Supplementary) has framed the following Regulations, namely : the Orissa State Electricity Board Service (Rehabilitation Assistance) Regulations, 1992, which is hereby published for general information.

### **1. Short title and commencement.**

- (i) These Regulations may be called-the Orissa State Electricity Board Service (Rehabilitation Assistance) Regulation, 1992.(ii)This shall come into force on the date of their publication in the Orissa Gazette.

### **2. Definitions.**

- In these Regulations, unless the context otherwise requires-(a)"deserving case" means a case where the appointing authority is satisfied, after making such enquiry as may be necessary-(i)that the death or incapacitation of the Employees has adversely affected his family financially because the family has no other alternative mode of livelihood, or(ii)that there is existence of indigent condition in the family after death or invalid retirement of the employees, and(iii)that none of the family members of the employee who has died or has suffered from permanent disability while in

service is already in the employment of the Board/Government/Public or Private Sector or engaged in independent business with an earning up to Rs. 12,000 (Rupees twelve thousand) a year, and(iv)that the family does not have adequate income from immovable properties to earn its livelihood;(b)"family members" shall mean and include the following members in order of preference -(i)wife/husband,(ii)sons/step-sons or sons legally adopted through a registered deed,(iii)unmarried daughters and unmarried step-daughters,(iv)widow daughters if they reside with the affected family, and(v)unmarried or widowed sisters permanently residing with the affected family;(c)"Board" means the Orissa State Electricity Board constituted under Section 5 of the Electricity (Supply) Act, 1948;(d)"Orissa Pension Rules, 1977" means the Pension Rules made by the Government of Orissa as amended from time to time and as adopted by the Board;(e)"Invalid retirement" means the retirement of a Board's employee under Rules 65 to 59 of the Orissa Pension Rules, 1977 of the Government of Orissa as amended from time to time and as adopted by the Board in its Resolution No. AW-CODE-1-1187-9469, dated 19.3.1991;(f)"Rehabilitation Assistance" means the assistance provided under these Regulations to the family members of Board's employee who dies or suffers any permanent disability while in service;(g)"year" means the calendar year;(h)"Chairman" means the Chairman of the Orissa State Electricity Board;(i)"Secretary" means the Secretary of the Orissa State Electricity Board;(j)"appointing authority" means the authority competent to make substantive appointment to the post and service under the Board;(k)"Board's employees" means the employees of Orissa State Electricity Board but does not include Casual Labourers and N. M. R.

### **3. Applicability.**

- The Assistance shall be applicable to a member of the family of a Board's employee who dies while in service or retires under the provisions of the Orissa Pension Rules, 1977 on the grounds of permanent incapacitation.

### **4. Objectives of the Scheme.**

- The Rehabilitation Assistance is conceived as a compassionate measure of saving the family of Board's employee from immediate distress when Board's employee suddenly dies or is permanently incapacitated. The concept is based on the premises that in case of sudden incapacitation or death the Boards' employee or his family would not face starvation. The Scheme has a direct relationship, therefore, with the economic conditions of the family of the, Board's employees. Appointment of the family members of the Board's employees under these Regulations shall be subject to the provisions contained in Regulation 9 and cannot be claimed as "Matter of Right".

### **5. Appointment to be made in deserving case.**

- In deserving cases, a member of the family of a Board's employee who is permanently incapacitated or who dies while in service may be appointed to any Class-III/Class-IV posts by the appointing authority provided he/she possesses the requisite minimum educational qualification prescribed for the post without following the procedure prescribed for recruitment to the post either by statutory regulations or otherwise irrespective of whether the recruitments made by notification

of vacancies to the Employment Exchange or through recruitment examination under relevant cadre regulations. At the time of notifying such vacancies to the Employment Exchange or the Examining Authority, the appointing authority shall clearly mention that the vacancy is proposed to be filled up under Rehabilitation Assistance Scheme, and so, sponsoring of candidates by the Employment Exchange or the Examining Authority is not necessary.

## **6. Authority competent to make compassionate appointment.**

- The authority competent to make substantive appointment to the post shall be the competent authority to make appointment under these Regulations.

## **7. Post to which such appointment can be made.**

- Appointment under these Regulations shall be made against Class-III/Class-IV post excluding the posts which are specially given the status of officers provided vacancies exist for such appointment and this shall further be subject to any restriction of filling up of the posts imposed by the Board/State Government.

## **8. Mode of appointment.**

(1)(a) Application for an appointment shall be made in the form prescribed in Annexure 'A' to these regulations to the appointing authority under whom the deceased or disabled Board's employee last worked. (b) On receipt of application, the appointing authority shall send a requisition to the Collector of the District in which the family ordinarily resides calling for a report as to whether the family is in financial distress. (c) On receipt of the requisition from the appointing authority under Regulation 8 (b) the Collector of the District concerned shall cause and enquire into the matter and furnish his report to the appointing authority within one month from the date of receipt of such requisition. (d) The appointing authority upon receipt of the report, consider the same and in case of favourable report, appoint the applicant in a suitable available vacancy under his control. If a vacancy does not exist under his administrative control, the appointing authority may forward the application to his immediate higher authority with suitable recommendation. On receipt of application, the concerned higher authority shall locate the vacancies in other offices under his administrative control and direct the Head of the said office where there is a vacancy to appoint the applicant. If no vacancy is immediately available, the application shall be considered for the immediate subsequent vacancy. In cases arising in offices of higher authorities other than the subordinate appointing authorities, the higher authority shall appoint the candidate in his office or in the offices subordinate thereto. (e) In the case of the Headquarters office of the Board or if any office attached thereto, the Secretary of the Board or the appointing authority, on receipt of application refer the case to the concerned Collector for enquiry and report as specified under Clauses (b) and (c) above and, on receipt of the report of the Collector shall follow the procedure as specified hereunder namely ; (2) Notwithstanding anything contained in Clause (b) of Sub-regulation (1) if the report of the Collector cannot be received within one month from the date of reference, the appointing authority, may in case of death, while in service appoint the applicant subject to the conditions that in case of adverse report his services will be terminated without assigning any reason

therefor notwithstanding anything contained in any other laws in force.

## **9. Conditions of service.**

(1) Appointment under these Regulations can be made only against the posts required to be filled up by direct recruitment and not against promotional post. (2) Subject to the provisions contained in Sub-regulation (3) applicant for appointment to a particular post under the Rehabilitation Assistance Scheme must have the requisite educational need or technical qualification as prescribed in the relevant recruitment regulation orders etc. (3) Where a widow of a deceased or disabled Board's employee is appointed on compassionate ground against a Class-IV post, she is not required to satisfy the educational qualification provided the duties of the post can be satisfactorily performed without having the requisite educational qualification. (4) Family of Board's employee who dies or becomes incapacitated during re-employment or extension of service shall not be eligible for such assistance. (5) The family of a Board's employee who has sought for retirement on the ground of invalidness within the last 5 years of his service preceding the date of his normal superannuation shall in no case be eligible for rehabilitation employment under these Regulations. (6) Application for appointment under these Regulations shall be considered if it is received within one year from the date of death or disability of the employee. (7) If at the time of death or invalid retirement of the employee, there is a ward who is minor and who alone is available for employment, he/she shall apply for a job under these Regulations as soon as he/she attains the age of 18 years and in no case beyond one year from such date. (8) The Assistance shall not be available to the families of the Board's employee who died or retired before the date of adoption of the Government of Orissa, Labour and Employment Department Resolution No. 17188, dated the 9th September, 1976 in the Board. (9) In exceptional cases the maximum age-limit may be relaxed by the competent authority in accordance with the provisions of the Orissa Service Code. (10) Before issue of appointment order, the appointing authority shall ensure production of the following documents : (i) Medical Certificate of health. (ii) Certificate of verification of character and antecedents. (iii) Character certificates from two Gazetted Officers. (iv) Undertaking that he/she has only one spouse living if he/she is married.

## **10. Termination of services.**

- Suppression of correct information or furnishing of false information in the application shall render the applicant liable for removal from service in addition to other legal action to which he/she may be liable under the existing laws and this will also debar other members of his family from getting appointment under these Regulations.

## **11. Extension of Scheme.**

(a) The facilities provided under these Regulations shall mutatis mutandis be applicable to the families of teachers recruited by the Board. They shall be eligible for appointment to Class-III or Class-IV posts under the Board including a post of Primary School Teacher/ High School Teacher of Orissa State Electricity Board as the case may be; provided they possess necessary qualifications for the same. These facilities are also applicable to the families of work-charged employees of the Orissa

State Electricity Board.

## **12. Repeals and Savings.**

- All instructions corresponding to these Regulations and in force immediately before the commencement of these Regulations are hereby repealed. Notwithstanding such repeal any order passed or action taken under the instructions so repealed shall be deemed to have been validly made or taken.

## **13. Seniority.**

- Seniority of persons, appointed under these regulations, in the grade or cadre, of the service or posts in which the appointment is made, shall be fixed below the persons recruited and appointed in that grade or cadre of the service or posts in that year-as per the provisions of the relevant Recruitment Rules and/or Regulations framed under Section 79 (c) of the Electricity (Supply) Act, 1948 by Orissa State Electricity Board and in other cases according to their date of joining in the post.

## **14. Interpretation.**

- If any question arises relating to the interpretation of any provision of these Regulations, it shall be referred to the Chairman, Orissa State Electricity Board for a decision.

## **15. Overriding effect.**

- The provisions of these rules shall have effect notwithstanding anything to the contrary in any other Recruitment Regulations made under Section 79 (c) of the Electricity (Supply) Act, 1948. Annexure 'A' [See Regulation 8 (1) (a)] Form of Application for appointment under the O.S.E.B. Service (Rehabilitation Assistance) Regulation, 1992 Part-I

**1. Name of the deceased/permanently disabled Employee :**

**2. Designation and Office of the Employee :**

**3. Whether permanent or temporary :**

**4. Total length of service rendered :**

**5. Date of death/permanent disability :**

**6. List of family members and income, status of each :**

**7. Is any of the members listed under Item 6 (six) has been appointed under compassionate ground, if so, give particulars of such appointment :**

**8. Total assets of the deceased/ permanently disabled Employee :**

(a)Details of immovable property, if any, in the name of the deceased/disabled Employee and members of family : (b)Movable property : (c)Pension, family pension, DORG/gratuity (payable under Payment of Gratuity Act, 1972), leave encashment etc. :Part-II

**9. Name of the candidate for appointment :**

**10. His/Her relationship with the deceased/permanent disabled Employee :**

**11. Date of birth :**

**12. Particulars of Educational/Technical qualifications and experience, if any :**

**13. Whether belongs to any of the following categories :**

(i)S.C./S.T.(ii)Ex-serviceman(iii)Physically handicapped(iv)Sportsman

**14. The post applied for :**

I.....Shri/Smt./Kumari son/daughter/wife of Shri.....hereby declare that the informations furnished above is true to the best of my knowledge and belief. If any of the facts herein mentioned are found to be incorrect or false at a future date my services can be terminated by the appointing authority without furnishing notice or reasonable opportunity of hearing. Signature of the ApplicantPart-IIIForwarded to the Collector ..... for enquiry and report, whether the family of the disabled Employee is in distress financially. Appointing Authority(Seal and Designation)Part-IV (Certificate by Collector of the district)Certified that the information furnished by the applicant in this application form have been enquired into and found correct/incorrect. The family of the disabled Employee is in distress. The annual income of the family is Rs ...../(Rupees .....) for the year .....Forwarded to the .....(Appointing Authority)Collector/A. D. M.,(Seal and Signature)(No authority except the Collector/A. D. M. shall sign this certificate).