

The U.P. Electricity Reforms (Transfer of the Officers and Employees from U.P. Power Corporation Limited to Uttar Pradesh Power Transmission Corporation Limited) Scheme, 2010

UTTAR PRADESH

India

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Rule

THE-U-P-ELECTRICITY-REFORMS-TRANSFER-OF-THE-OFFICERS-AND-EMPLOYEES-FROM-U.P. POWER CORPORATION LIMITED TO UTTAR PRADESH POWER TRANSMISSION CORPORATION LIMITED) SCHEME, 2010

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The U.P. Electricity Reforms (Transfer of the Officers and Employees from U.P. Power Corporation Limited to Uttar Pradesh Power Transmission Corporation Limited) Scheme, 2010 Published vide Notification No. 2974/24-P-2-2010, dated 23.12.2010. In exercise of powers conferred under Section 133 of the Electricity Act, 2003, and in partial modification of the scheme made under Section 23 of the Uttar Pradesh Electricity Reforms Act, 1999 (U.P. Act No. 24 of 1999), the State Government hereby makes the following Transfer Scheme for the purpose of transfer of the personnel and proceedings related thereto to the Transmission Undertaking from the U.P. Power Corporation Limited and for determining the terms and conditions on which such transfer shall take effect.

1. Short title and extent.

(1) This scheme shall be called the Uttar Pradesh Electricity Reforms (Transfer of Officers and Employees from U.P. Power Corporation Limited to Uttar Pradesh Power Transmission Corporation Limited) Scheme, 2010. (2) This scheme shall be applicable to the Officers and Employees and related proceedings thereto of U.P. Power Corporation Limited, its associated Companies and Uttar Pradesh Power Transmission Corporation Limited.

2. Definitions.

(1) In this scheme unless the context otherwise requires : (a) "Central Act" means the Electricity Act, 2003; (b) "Commission" means the commission defined under the Uttar Pradesh Electricity Reforms Act, 1999 (U.P. Act No. 24 of 1999) and also referred to in Section 82 of the Central Act; (c) "Date of Transfer" means the date to be notified by the State Government in accordance with this scheme; (d) "Effective Date" means the date as specified by the State Government; (e) "Personnel" means officers and employees including workmen, trainees of the Transferor by whatever name called and also includes officers and employees on deputation from the Transferor to other organizations or institutions; (f) "Proceeding" includes all proceedings of whatever nature, suits, appeals, complaints, petitions, applications, conciliatory, arbitration whether civil or criminal or otherwise; (g) "Schedule" means a Schedule appended to this Transfer Scheme; (h) "State" means the State of Uttar Pradesh; (i) "State Act" means the Uttar Pradesh Electricity Reforms Act, 1999 as amended from time to time; (j) "State Government" means the Government of Uttar Pradesh; (k) "Transferor" means the U.P. Power Corporation Limited, owned and controlled by the State Government; (l) "Transferee" means the Uttar Pradesh Power Transmission Corporation Limited, a State Government Company and a company incorporated under the Companies Act, 1956; (m) "Transmission Undertaking" means the undertaking related to the activities of Transmission, State Transmission Utility and State Load dispatch Centre presently being undertaken by Transferor and acts incidental and ancillary thereto. (2) Words and expressions used in this scheme and defined in the Central Act or in the State Act but not specifically defined in this scheme shall have the same meaning as assigned to them in the Central Act or the State Act.

3. Transfer of personnel.

(1) The transfer of personnel in terms of this scheme shall be subject to the terms and conditions contained in the Act. (2) Subject to sub-clause (1), the personnel on the effective date of Transfer shall stand transferred as under : (a) The personnel classified in Schedule-A(a) shall stand transferred to and absorbed in Transmission Company on a provisional basis, subject to finalisation by the State Government according to clause 4; (b) Personnel not identifiable to the units of the U.P. Power Corporation Limited as covered, under Schedule-A(b) shall stand, transferred to and absorbed in Uttar Pradesh Power transmission Corporation Limited on a provisional basis, subject to finalisation by the State Government according to clause 4; (3) Notwithstanding the provisional nature of transfer of personnel to the Transmission Company as per sub-clause (1) of clause 4 of this scheme, the personnel shall discharge the duties and functions as may be assigned by the Transmission company, and the Transmission Company shall have the power to exercise all administrative and disciplinary control over such personnel transferred to them as per this scheme. (4) The transfer of personnel shall be further subject to the following conditions, namely : (a) that the terms and conditions of the services applicable to personnel on the effective date of transfer, shall not in any way be less favourable than those applicable to them immediately before the said effective date of transfer. Accordingly the salary, allowances and other pecuniary benefits including terminal benefits including terminal benefits applicable on the effective date of transfer shall be protected and shall not be adversely changed; (b) all benefits of service accrued before the said effective date of transfer shall be fully recognised and taken into account for all purposes

including the payment of terminal benefits;(c)Subject to this scheme, the personnel transferred to and absorbed in the transmission companies shall cease to be in the service of the U P. Power Corporation Limited;(d)Subject to the Act and this scheme the transferred shall frame regulations governing the conditions of personnel transferred to the Transferee under this scheme and till (sic that) time the existing service Rules, Regulations of the U.P. Power Corporation Limited shall apply mutatis mutandis.(5)Subject to the: provisions contained in the notification No. 149/P-1/2000-24 dated 14 January , 2000 and the notifications No. 348/P-I/2001-24. dated 25 January, 2001, all obligations in respect of pension and other retirement benefits including provident fund, superannuation and Gratuity to the employees; who have retired from the services of the U.P Power Corporation Limited or rendered services before the collective date of transfer, shall be discharged by the Government of Uttar Pradesh or the Uttar Pradesh Power Sector Employees Trust as the case may be.(6)All proceedings including disciplinary proceedings pending against the personnel prior to the effective date of transfer from the U.P. Power Corporation Limited to Transferee or which may relate to misconduct, lapses or acts of commission or omission committed before the effective date of transfer shall not abate and will be continued with the Transferee consistent with the applicable Service Regulations.

4. The transfer of the personnel to be provisional in the first instance.

(1)All transfer of personnel from the U.P. Power Corporation Limited to the transmission company under clause 3 shall be provisional for a period of twelve months from the date of issue of Notification of this scheme and after this period the transfer shall be treated as final, subject to any other order passed by the State Government under the sub-clause (3).(2)The State Government shall, within thirty days from the date of issue of Notification of this scheme constitute a committee to receive representations from personnel covered at (a) and options from personnel covered at (b) of Schedule-A. The Committee shall consider representations and options so received based on the need of the transferees, suitability of personnel, organisational requirements and other relevant factors, keeping consistency with the overall objectives of the Act and make recommendations of the State Government within 6 months of the constitution of committee by State Government.(3)(a)At any time within a period of twelve months from the date of issue of Notification of this scheme, the State Government may, by order to be notified, amend, vary, modify or otherwise change the transfer of personnel to transferee, under sub-clause (2) of clause 3, as the State Government may consider appropriate. Upon such orders having been passed the relevant Schedules shall stand amended accordingly.(b)The transfer and absorption of personnel to the Transferee, in accordance with the amended Schedules shall be final and shall be effective as if it has been made on the effective date of transfer.

5. Rights and obligations of third parties restricted.

- Upon the transfer being effected in accordance with the provisions of the Act and this scheme, the rights and obligations of all persons in regard to the Transmission Undertaking transferred to the Transferee as per this scheme shall be restricted to the Transferee and withstanding anything to the contrary' contained in any deed, documents, instruments, agreements or arrangements which such person has with the Transferor, he shall not claim any right or interest against the State

Government, the Transferor or any person other than the Transferee.

6. Pending suits and proceedings.

(1) All proceedings of whatever nature by or against the Transferor pending on the date of the transfer relating to the Transmission Undertaking shall not abate or discontinue or otherwise in any way prejudicially be affected by reason of this scheme and the proceedings may be continued, prosecuted and enforced by or against the Transferee. (2) The proceedings referred to in sub-clause (1) above may be continued in the same manner and to the same extent as it would or might have been continued, prosecuted and enforced by or against the Transferor if the transfers specified in this scheme had not been made.

7. Classification and transfer provisional.

(1) The transfer of personnel under this scheme shall be provisional and shall be final upon the expiry of 12 months from the date of issue of notification of this scheme. (2) At any time within a period of 12 months from the date of issue of notification of this scheme, the State Government may by order to be notified amend, vary, modify, add, delete or otherwise change terms and conditions of the transfer in such manner and on such terms and conditions as the State Government may consider appropriate. (3) On the expiry of the period of 12 months from the date of issue of notification of this scheme and subject to any directions, if any given by the State Government the transfer of personnel and proceedings made in accordance with the scheme shall become final.

8. Miscellaneous.

(1) The transfers under this scheme shall operate and be effective on the date of the transfer notified for the purpose under clause (2)(1)(d) as a statutory transfer and without any further act, deed or thing to be done by the State Government, the Transferor, the Transferee or any other person. (2) If any doubt, dispute, difference or issue shall arise in regard to the transfers under this scheme, subject to the provisions of the Central Act, the decision of the State Government thereon shall be final and binding on all parties. (3) The State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of the Act as may appear to be necessary' for removing the difficulties arising in implementing the transfers under the scheme.

A

See Clause 3(2) Arrangements For The Transfer Of Personnel To The Transmission Undertaking (a) Personnel belonging to the units of the U.P. Power Corporation Limited along with its subordinate offices will stand transferred to Transmission Company on the effective date of transfer as shown in the list below :

1. Chief Engineer (Transmission), Lucknow (Now Chief Engineer Operation & Chief Engineer Project as per Uttar Pradesh Power Transmission Corporation Limited s Order No. 151 dated 21.04.2010).

2. Chief Engineer (Transmission Central), Lucknow.

3. Chief Engineer (Transmission East), Allahabad.

4. Chief Engineer (Transmission West), Meerut.

5. Chief Engineer (Transmission South), Agra.

6. Chief Engineer (Civil), Transmission-I, Lucknow.

7. Chief Engineer (Civil), Transmission-II, Lucknow (except Superintending Engineer (H.Q) Shakti Bhawan & its subordinate offices).

8. Chief Engineer (Communication & Control), Lucknow (Except Electricity Export, Import & Payment Circle).

9. Chief Engineer (A.P.T P.), Lucknow.

10. Chief Engineer (Design & Purchase), Lucknow.

11. Chief Engineer (Power Systems), Lucknow/LDC including All area Load dispatch Stations.

12. Chief Engineer/Supdated Engineer Trans. Planning & Power Organisation.

(b)The personnel (Posts) have also been identified to be transferred to Uttar Pradesh Power Transmission Corporation Limited from following units of U.P. Power Corporation Limited :-

1. Uttar Pradesh Power Corporation Limited Headquater (Posts as per Schedule-B)

2. Electricity Import Export & Payment Circle (Posts as per Schedule-B).

3. Power Purchase Agreement Directorate (Posts as per Schedule-B)

4. Human Resources and Development Organisation (Posts as per Schedule-(B)).

5. Commercial and energy Account (Posts as per Schedule-B)

6. Computerisation Unit (Posts as per Schedule-B)

7. Project Management Unit (Posts as per Schedule-B)

8. Regulatory Affairs Unit (Posts as per Schedule-B)

9. Accounts Headquarter (Posts as per Schedule-B)

10. Chief Engineer (Hydel) (Posts as per Schedule-B).

Note : Upon transfer of posts from the U.P. Power Corporation Limited to Uttar Pradesh Power Transmission Corporation Limited, Uttar Pradesh Power Transmission Corporation Limited will analyze/review the requirement of personnel (Posts) in view of the organisational need and send the proposal of creation of posts, if any, to appropriate authority for approval/sanction.

2. If the nomenclature of some posts have been changed by some act of the Board of the Transferor or Transferee, the same shall automatically apply to the present scheme, as per the new nomenclature.

B

The Statement Of Transfer Of Personnel (Posts) From U.P. Power Corporation Limited To Uttar Pradesh Power Transmission Corporation Limited

1. (a) U.P. Power Corporation Limited Headquarter (Engineer Cadre).

SI. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Chief Engineer (Level-2) (Addl. Secty.)	2	1
2.	Supdt. Engineer (Joint Secty.)	8	2
3.	Executive Engineer (Dy. Secty.)	12	3
	Total	22	6

1. (b) U.P. Power Corporation Limited Headquarter

Sl. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Dy. Secretary	4	1
2.	Under Secretary	12	3
3.	Section Officer	29	7
4.	Review Officer	137	34
5.	Asstt. Review Officer	109	27
6.	Officer Assistant-III	20	5
7.	Private Secretary (Spl. Grade)	4	1
8.	Private Secretary (Grade-I)	5	1
9.	Private Secretary (Grade-II)	10	2
10.	Addl. Private Secretary	25	6
11.	Class-IV (Lower Scale)	110	27
12.	Class-IV (Higher Scale)	19	5
13.	Driver	23	6
14.	Sweeper	10	2
	Total	517	127

2. Electricity Import Export & Payment Circle

Sl. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Executive Engineer	8	2
2.	Assistant Engineer	8	2
3.	Office Asstt.-III (RGC)	8	2
4.	Steno-II	4	1
5.	Assistant Accountant	4	1
6.	Draftsman	3	1
7.	Tracer	8	2
8.	Peon/Runner	13	3
	Total	56	14

3. Power Purchase Agreement Directorate

SI. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Executive Engineer	4	1
2.	Assistant Engineer	8	2
3.	Office Asstt.-III (RGC)	10	2
4.	Steno-II	6	2

5.	Junior Engineer	4	1
6.	Peon/Runner	14	3
	Total	46	11

4. Human Resources and Development Organisation

SI. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Supdt. Engineer	3	1
2.	Executive Engineer	3	1
3.	Office Asstt. I	3	1
4.	Office Asstt. III (RGC)	4	1
5.	Junior Engineer	7	2
6.	Driver	3	1
7.	Peon/Runner	7	2
	Total	30	9

5. Commercial and energy Account

Sl. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Executive Engineer	25	6
2.	Assistant Engineer	5	1
3.	Office Superintendent	6	1
4.	Technical Asstt.	4	1
5.	Office Asstt. -I	16	4
6.	Office Asstt. - II	4	1
7.	Office Asstt. - III (RGC)	35	9
8.	Steno-II	12	3
9.	Steno-III	14	3
10.	Accountant	3	1
11.	Assistant Accountant	5	1
12.	Junior Engineer	4	1
13.	Driver	4	1
14.	Peon/Runner	26	6
15.	Complier	4	1
	Total	169	40

6. Computerisation Unit

Sl. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Supdt. Engineer	3	1
2.	Junior Engineer	6	2

Total 9 3

7. Project Management Unit

SI. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Executive Engineer	4	1
2.	Office Asstt. - III (RGC)	2	1
3.	Steno-II	4	1
4.	Peon/Runner	4	1
	Total	14	4

8. Regulatory Affair Unit

Sl. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Executive Engineer	2	1
2.	Assistant Engineer	2	1
3.	Office Asstt. III (RGC)	2	1
4.	Steno-II	2	1
	Total	8	4

9. Accountants Headquarter

SI. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	General Manager	3	01
2.	Dy. General Manager	4	02
3.	Dy. Chief Accounts Officer	4	02
4.	Senior Accounts Officer	12	04
5.	Accounts Officer	17	07
6.	Asstt. Accounts Officer	50	19
7.	Accountant	39	13
8.	Asstt. Accountant	108	27
9.	Accounts Clerk	23	11
10.	Steno-II	7	03
11.	Office Asstt. II	44	12
12.	Peon	44	15
	Total	355	116

10. Chief Engineer (Hydci)

SI. No.	Post	Sanctioned post in UPPCL	Posts Transferred to UPPTCL
1.	Office Supdt. (Spl. Grade)	11	03

2.	Office Assistant-I	37	09
3.	Office Assistant-II	32	08
4.	Office Assistant-III (RGC)	42	10
5.	Steno-II	07	02
6.	Junior Engineer	03	01
7.	Draftsman	03	01
8.	TG-II (Electric/Line)	04	01
9.	Peon	36	09
10.	Sweeper	03	01
11.	Guard	05	01
12.	Daftari	03	01
13.	Skilled Labour	03	01
	Total	189	48