

# **The U.P. State Electricity Board, Disciplinary Proceedings (Administrative Tribunal) Regulations, 1973**

UTTAR PRADESH

India

## **The U.P. State Electricity Board, Disciplinary Proceedings (Administrative Tribunal) Regulations, 1973**

### **Rule**

### **THE-U-P-STATE-ELECTRICITY-BOARD-DISCIPLINARY-PROCEEDINGS of 1973**

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### **1.**

(1) These rules may be called the U.P. State Electricity Board, Disciplinary Proceedings (Administrative Tribunal) Regulations, 1973. (2) They shall come into force with effect from November 1, 1973. (3) They shall apply to all employees of the U.P. State Electricity Board under the regulations making control of the Board, and will be applicable to any acts, omissions or conduct arising before the date of the commencement of these Regulations as they are applicable to those arising after that date.

### **2.**

For the purpose of these Regulations unless there is anything repugnant in the subject or context-(a)"Board" means the U.P. State Electricity Board;(b)"Chairman" means the Chairman of the U.P. State Electricity Board;(c)"Tribunal" means the Administrative Tribunal to be constituted by the Board under the provisions of Regulation 3;(d)"Corruption" shall have the same meaning as "criminal misconduct" in the discharge of official duties under sub-section (1) of Section 5 of the

Prevention of Corruption Act, 1947 (Act No. II of 1947);(e)"Failure to discharge duties properly" includes all such acts and omissions on the part of a servant of the Board as are likely to weaken the position and prestige of the Board or which indicate an absence of loyalty and devotion to the Union of India or any feeling of loyalty towards any State outside the Indian Union; and(f)"Personal immorality" means vicious habits relating to drink, sex and gambling which reduce the utility of an employee of the Board so as to damage the Board of the official generally in public esteem.

### 3.

(1)The Board may from time to time constitute one or more tribunals, as it may consider necessary for enquiry into such cases or classes of cases as the Board may by general or special order direct.(2)Each tribunal shall consist of one member who shall be a judicial officer, who is or has been District Judge or is qualified for appointment as such.(3)Without prejudice to the generality of its power to replace any; Presiding Officer of the Tribunal or assessor, whose services cease to be available for functioning as such, the Board may if it is satisfied that it is expedient so to do for the ends of justice - (1) transfer any case pending before any Tribunal either to another Tribunal, or (2) replace the assessor appointed to assist the Tribunal.(4)Each Tribunal will be assisted by an assessor in a proceeding who will be nominated by the Board taking into account the rank of the charged employee/so that he shall always be an employee higher in rank than the charged officer and in case such an assessor is not available then an employee drawing pay in a scale higher than the charged employee. Where in the same proceedings more than one delinquent employees are involved, the status of the assessor shall be determined taking into consideration the status of the delinquent employee. who has the highest rank or the highest pay-scale among the charged employees.

### 4.

(1)The Chairman may refer to the Tribunal cases relating to an individual employee of the Board or class of such employees or class of Board's employees in a particular area in respect, among others of matter involving-(a)Corruption;(b)Failure to discharge duties properly;(c)Irremediable general inefficiency in an employee of more than seven years standing;(d)Personal immorality; and(e)Wilful and flagrant violation of any rules, regulations or orders of the Board or other competent authority.(2)The Chairman may also, in respect of an employee of the rank of Assistant Engineer or above of the Board on his own request, refer his case to the Tribunal in respect of matters referred to in sub-rule (1) :

### 5.

(1)In forwarding any case to the Tribunal, the Board shall state-(a)the particulars of the employee involved;(b)the particular matter or matters mentioned in Regulation 4 on which it is proposed to take action ; and(c)any other material bearing on the case.(2)The Tribunal shall be entitled to the perusal of all records having a bearing on the case before it.

**6.**

Subject to the general or special directions of the Chairman, the Tribunal may hold its sitting at any place in the State.

**7.**

The proceedings of the Tribunal will be in camera and neither the prosecution nor the defence shall have the right to be represented by counsel.

**8.**

(1)The Tribunal shall, in each case, make such enquiry as may be appropriate.(2)In conducting such enquiry, the Tribunal shall be guided by rules of equity and natural justice and shall not be bound by formal rules relating to procedure and evidence.(3)Before formulating its recommendations, the Tribunal shall give a concise summary of the charges against the employee and shall, if he is not absconding or untraceable, give him an opportunity orally or in writing within the time to be prescribed by the Tribunal to offer his explanation in respect of the charge. If it be offered, the oral explanation of the delinquent employee shall be recorded as far as may be in his own words.

**9.**

The replacement of the Presiding Officer of the Tribunal or assessor by a new one, should be at any time cease to be available for functioning as such, and the transfer of any case from one Tribunal to another shall not necessitate the reopening of proceedings de novo in any case or cases under inquiry at the time of such replacement or transfer as the case may be.

**10.**

(1)After completing its proceedings the Tribunal shall make a record of the case in which it shall state the charges, the explanation, its own findings and the views of the assessor. It shall, where satisfied that punishment be imposed, also formulate its recommendations about punishment to the appointing authority of the delinquent employee.(2)In addition to or as an alternative to the punishment defined in the Civil Service (Classification, Control and Appeal) Rules, as applicable to the Board's employees, the Tribunal may also recommend the compulsory retirement, with or without full or proportionate pension, or with or without gratuity or compassionate allowance, as it may deem suitable :Provided that the recommendation for compulsory retirement shall not be made in cases where the act or omission or conduct which is the subject-matter of proceedings took place, prior to the commencement of these Regulations.

**11.**

(1)The appointing authority shall pass an order of punishment, in terms recommended by the Tribunal after giving reasonable opportunity to the delinquent official of making representation against the penalty proposed :Provided that the appointing authority may for sufficient reason award lesser punishment.(2)The appointing authority may, before passing final orders, consult the Tribunal, if necessary, in such manner as may be deemed fit.(3)No appeal shall lie against the order so passed by the appointing authority.

**12.**

During or in contemplation of the proceedings under these rules, the delinquent employee may be suspended by the appointing authority subject to the ordinary rules and regulations of the Board.

**13.**

Nothing in these Regulations shall be deemed to affect the conduct of disciplinary proceedings in cases other than those specifically dealt with under the provisions of these Regulations.

**14.**

The Chairman may delegate the power under Regulation 4 to refer to the Tribunal cases of the employees below the rank of Assistant Engineer of the Board to the Member Secretary/Additional Secretary/Joint Secretary of the Board.