

The U.P. State Electricity Board (Officers and Servants) (Conditions of Service) Regulations, 1978

UTTAR PRADESH

India

The U.P. State Electricity Board (Officers and Servants) (Conditions of Service) Regulations, 1978

Rule

THE-U-P-STATE-ELECTRICITY-BOARD-OFFICERS-AND-SERVANTS-C of 1978

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1. Short title and commencement.

(1) These regulations may be called the U.P. State Electricity Board (Officers and Servants) (Conditions of Service) Regulations, 1978.

1A. Authority competent to remove, dismiss etc.

- The Authority who is empowered by or under any of the Boards Regulations for the time being in force to appoint an officer or servant of the Board shall be the competent authority to dismiss, remove, reduce in rank or compulsorily retire such officer or servant.

2.

All matters relating to conduct and discipline (including matters relating to punishment) and to termination, reversion and compulsory retirement of persons appointed to the Board shall be regulated, mutatis mutandis and subject to any other regulations for the time being in force (including Regulations 1-A above and 3, 4 and 6, below) by rules and orders for the time being in force and applicable to corresponding categories of Government servants under the rule making

control of the Governor of Uttar Pradesh with the substitution of references in such rules to the Governor or the State Government by reference to the Board.

3.

(1) No such person as aforesaid shall be dismissed, removed or reduced in rank except after inquiry in which he has been informed of the charges against him and given a reasonable opportunity heard in respect of those charges : Provided that where it is proposed after such inquiry to impose upon him any such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed : Provided further that this clause shall not apply-(a) to an order of termination of service of a temporary officer or servant of the Board by the authority for the time being competent to make appointments to the post held by him or by any authority to which such authority is sub-ordinate, whether the same be founded on any charges against him or on administrative ground or due to his services being no longer required, provided that such charges, if any, are not mentioned in the order issued to him; or (b) to an order of reversion from an officiating appointment to the post substantively held by such officer or servant, whether on the basis of any charges against him or on administrative grounds, provided that such charges, if any, are not mentioned in the order issued to him; or (c) to an order of compulsory retirement at any time after his attaining the age of 50 years under the U.P. State Electricity Board (Employees' Retirement) Regulations, 1975; or (d) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or (e) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason to be recorded by that authority in writing it is not reasonably practicable to hold such inquiry; or (f) where the Governor is satisfied that in the interest of security of the State or of the Board it is not expedient to hold such inquiry or to give such opportunity and, accordingly directs the Board to dismiss or remove such officer or servant. (2) If in respect of any officer or servant of the Board the Governor issues any direction as is referred to in proviso (f) to sub-clause (1) the Board shall comply with such direction forthwith.

4.

The Chairman or Secretary shall have power to suspend any officer or servant of the Board pending or in contemplation of an inquiry or during the pendency of a criminal investigation inquiry or trial against him : Provided that in respect of officers of the rank of Superintending Engineer and above such power shall be exercised only by the Chairman : Provided further that in the case of officers of the rank of Superintending Engineer and above an appeal shall lie from such order of the Chairman to the Board and in the case of other officers an appeal shall lie from the order of Secretary to the Chairman : Provided also that in the case of other officers and servants the power of such suspension may also be exercised by any appointing authority or by any other authority to whom power of suspension is delegated under any other Regulation, and an appeal from the order passed by an authority under this proviso shall lie to the next higher authority.

5.

U.P. State Electricity Board (Officers and Servants) (Conditions of Service) Regulations, 1975 are hereby rescinded except as respects things done or omitted to be done thereunder,

6. Constitution of Committee to inquire into cases.

(1)The Board may from time to time constitute one or more enquiry Committees, as it may consider necessary, for enquiry into allegations, complaints or charges against officers and servants.(2)Every Inquiry Committee constituted under clause (1) shall consist of the following : (i)A Chief Engineer or Additional Chief Engineer U.P.S.E.B. (Convenor)(ii)A Law Officer or Additional Law Officer U.P.S.E.B. (Member)(iii)An officer from the Accounts Branch of U.P.S.E.B. not below the rank of Accounts Officer nominated by the Chairman in that behalf. (Member) :Provided that if at any stage of the proceedings, it comes to notice that the convenor or any member of the Inquiry Committee has in his capacity otherwise than as member of the Inquiry Committee already dealt with or expressed opinion in any case which is the subject-matter of inquiry under these Regulations the Chairman shall forthwith appoint another person to replace him. Until such replacement is made the proceedings of the case shall remain suspended and shall after such replacement recommence from the stage at which they were suspended.(3)The Chairman or Secretary, U.P. State Electricity Board may refer an inquiry against an officer or servant or against a group of officers or servants of the Board to the Inquiry Committee constituted under sub-regulation (1) and it shall be lawful for the Inquiry Committee to hold and conduct the inquiry, and take such action, including framing of charge-sheet, as may be necessary under the rules or orders referred to in Regulation 2, and forward its report together with recommendations, if any, regarding action to be taken against the person or persons proceeded against, to the Chairman or Secretary of the Board, as the case may be :Provided that where at the time of commencement of this regulation any disciplinary proceedings against Board's officers or servants covered by sub-regulation (1) are already pending under Regulations 2 and 3 the Chairman or, in the case of servants and officers not above the rank of Superintending Engineer the Secretary, U.P. State Electricity Board, may, in his discretion, in the interest of just and expeditious disposal of the case transfer such proceedings to the Inquiry Committee constituted under sub-regulation (1), on such transfer, it shall be open to the Inquiry Committee to proceed with the inquiry from the stage at which it was at the time of such transfer :Provided further that no inquiry or proceedings shall be referred or transferred, as the case may be, under this sub-regulation unless at least one of the officers involved in such enquiry or proceedings is of the rank of Assistant Engineer or above.(4)The Chairman shall in relation to officers and servants up to the rank of Superintending Engineer deal with the report and recommendations of the Inquiry Committee in accordance with the relevant regulations and pass final orders. In the case of officers above the rank of Superintending Engineer, the Chairman shall place the report of the Inquiry Committee along with its recommendations, if any, before the Board, who shall pass final orders.(5)An appeal or representation, as the case may be, from the orders of the Chairman passed under sub-regulation (4) shall lie to the Board.(6)Any action taken by the Inquiry Committee under sub-regulation (3) and any orders passed by the Chairman or the Board under sub-regulation (4) or sub-regulation (5) shall be valid, notwithstanding anything inconsistent in any other regulation in force at the commencement of this regulation, which shall to the extent of such inconsistency be deemed to have

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been modified.