

DEPARTMENTAL EXAMINATION**November 2016****Answer Key****I.**

1. (b) Chief Engineer/ Personnel TNEB SR (Page. 149)
2. (c) 11 % SR (Page. 78)
3. (a) 39 SR 49 (Page. 42)
4. (b) fresh enquiry TNEB Employee's Discipline and Appeal Regulations (Page. 20)
5. (c) Fourteen TNEB Conduct Regulation (Page.3)
6. (a) 24 months L.R (Page. 26)
7. (c) Suspension TNEB Discipline and Appeal Regulation (page.26)
8. (a) Judge in civil court TNEB Employee's Discipline Appeal Regulations (Page. 46)
9. (b) Director of Medical Education TN Pension Rules 1978 (Page. 39)
10. (a) 30 L.R. (Page. 34)
11. (c) Governor (RTI Act 2005)
12. (a) Election Commissioner (RTI Act 2005)
13. (d) 01.01.2004 New Pension Scheme (Page. 9)
14. (b) 1st July (TNEB SR Page. 5)
15. (a) Fifty years, Twenty Years TN Pension Rules 1978 (Page. 43)
16. (b) No additional pay (SR Page. 42)
17. (a) Chief Engineer (SR Page. 44)
18. (d) Honorarium (SR Page. 46)
19. (b) shall be paid by the Foreign Employer (SR Page. 53)
20. (b) 48 hours SR (Page. 57)

Ans :-**5 Marks****II (a) TNEB Employee's Discipline and Appeal Regulations****(Page.13) (clause 10.b)**

(b) If a Board's employee is on foreign service, the foreign employer shall not impose any punishment on him without the concurrence of the Board. If any of the major punishments of reduction, compulsory retirement, removal (or) dismissal is to be imposed the foreign employer shall conduct the necessary enquiry, send the complete papers to the Board and also revert the employee concerned to the Board's service for such action as is considered necessary by the Board against him.

Ans :-**5 Marks****II (b) TNEB Leave Regulations****(Page.4)**

8 kinds of leave :-

(a) The following are the kinds of leave to which an employee may be eligible.

- 1) Earned Leave
- 2) Unearned Leave (ie) leave on private affairs (or) leave on medical certificate
- 3) Extraordinary leave
 - I. With M.C
 - II. Without M.C
 - III. Leave on employment abroad
- 4) Special disability leave
- 5) Study Leave
- 6) Maternity Leave
- 7) Casual Leave
 - i. Special casual leave
 - ii. Restricted Holiday
 - iii. Compensatory Holiday

Ans :-**II(c) TNEB Employees conduct Regulations :****(Page. 27)**

27.A Obtaining of No objection certificate before applying for passport or undertaking any foreign trips :-

No Board employee shall except after obtaining 'No Objection Certificate' from the Board, apply for grant or renewal of passport or undertake trip to foreign country while applying for such No Objection certificate information regarding the purpose of the visit, the duration of stay and the names of countries proposed to be visited shall be furnished provided that no such information shall be required for the grant of No Objection Certificate to obtain passport to seek employment abroad. He shall not. However, leave India without the prior permission of the Board.

Qn : ஒரு அதிகாரிக்கு ஒன்றுக்கு மேற்பட்ட பதவிகளுக்கு கூடுதல் பொறுப்பு வழங்கலாமா? அப்படியானால் அவருக்கு அனைத்து பதவிகளுக்கும் கூடுதல் பொறுப்புபடி வழங்கலாமா?

Ans:-

5 Marks

II(d) Sanction of Additional charge Allowance :-

Amendment to Regulation 49 of TNEB Service Regulations.

Memo.No. (Per) No.13379/A18/A181/2012-1 BOSB Dt.16.07.2012 July-2012

(Page.12)

As per Regulation 49 of TNEB Service Regulations, an employees may be appointed to hold full additional charge or to discharge the current duties of one or more independent posts at one time, as a temporary measure and granted additional pay for the same.

The term Independent means "Separate" and "Distinct". Hence, an Independent officer is an officer, who is empowered to take independent decisions.

Hence, additional charge allowance may be allowed for all the posts. However, while making such arrangement, it must be ensured that all the posts are independent posts.

The need for making such appointments should be periodically reviewed by the competent Authority.

Ans:- III

(Page.46,47)

TNEB Employees Disciplines and Appeal Rugulation.

Guide lines to Enquiry Officer :-

- 1) Enquiry Officer's function is like a judge in Civil Court and he shall remain unbiased and neutral.
- 2) The Enquiry Officer should have a clear and open mind and determination to conduct and complete the enquiry.
- 3) The Enquiry Officer should not be an eye witness to the incident or should not be a person who detected the case.
- 4) The Enquiry Officer should be one having no personal ill will towards the accused.
- 5) The Enquiry Officer should not be one subordinate in rank to that of the accused.
- 6) The Enquiry Officer should be very calm and give patient hearing and at the same time firm enough to over rule wherever necessary any objection not related to the charge and enquiry is raised,
- 7) The Enquiry Officer should not be perturbed if any objection is raised by the delinquent.
- 8) The function of the Enquiry Officer is to enquire the charges only.(ie.) to elicit fact on the charges and he is not to propose what should be appropriate penalty assuming the guilt is proved.
- 9) The Enquiry Officer should limit his questioning to matters well connected with the charges only.
- 10) All reasonable opportunity to cross examine the prosecution witness by the delinquent and also to produce the defence witness should be given.
- 11) Enquiry Officer may not put leading questions.
- 12) Delinquent should not be examined first. He should be examined only last.

- 13) Though law does not require that the enquiry should be in the local language, it would be better, If the proceedings are conducted in the local language particularly when the delinquent insists on that.
- 14) The Enquiry Officer should deal with the matter before him objectively, fairly and impartially.

THE TAMILNADU PENSION RULES, 1978

Ans :-

IV. Invalid Pension :- (1) A Government servant who is declared by the appropriate medical authority to be permanently incapacitated for further service in accordance with the instructions on the subject, may be granted invalid pension.

Explanation – For the purpose of this rule –

- a) If the officer submitting the application for invalidation is in India, then the examining medical authority shall be –
- (i) A Medical Board in the case of all ¹[self drawing Government servants] and those ¹[non-self drawing Government servants] whose pay as defined in rule 9(21) of the Fundamental Rules exceeds ²[Rs.2500/-] and above.
- (ii) (a) Civil Surgeon or a District Medical Officer or a Medical Officer of equivalent status in other cases.
- (b) If the officer submitting the application is on leave elsewhere than in India, then the examination shall be arranged through the Indian Missions abroad by a Medical Board consisting of a Physician, a Surgeon and an Ophthalmologist, each of them having the status of a consultant. A lady doctor shall be included as a member of the Medical Board wherever a women candidate is to be examined.

If any doubt arises regarding the validity of a certificate (as in Form 23) by the Medical Board arranged by the India Mission abroad, the Audit Officer must not of his own motion reject the certificate as invalid but must submit the matter for the decision of Government.

[***] Government may delegate its power under this rule to Heads of Departments.

(c) Except in the case of the officer on leave elsewhere than in India, no medical certificate of incapacity for service may be granted unless the applicant produced a letter to show that the head of his office or department, is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the head of the office or department in which the applicant is employed with a statement of what appears from official records to be applicant's age. Where the applicant has a service book, the age there recorded should be reported.

NOTE 1:- Honorary Surgeons and Physicians may issue certificates (as in Form 24) invalidating for further service to Government servants who are patients in their wards on receipt of a requisition from the heads of offices or departments to which the Government servant belong. Such invalidating certificates issued in Madras City should be countersigned by the Director of Medical Education. The countersignature of the Director of Medical Education in the invalid certificate of an officer serving in the mofussil is not necessary.

THE TAMILNADU PENSION RULES, 1978

- NOTE 2:-** In cases where the disease from which an applicant is suffering is curable by an operation, but this, he refuses to undergo and is therefore invalided. In these cases, no pension or gratuity is admissible. Each case of invalidation on account of a curable disease should be decided on merits. The Accountant General should forward such cases for the orders of Government.
- NOTE 3:-** Government may dispense with a medical certificate of incapacity for further service in a case of gratuity and sanction the application.
- NOTE 4:-** An officer discharged on other grounds has no claims under this Rule even though he can produce medical evidence of incapacity for service.
- NOTE 5:-** The system of taking finger prints by Medical Officers on the medical certificates in the case of invalid pension and commutation of pension should remain in force.
- NOTE 6:-** An Officer who has submitted a medical certificate of incapacity for further service shall, if he is on duty be invalided from service from the date of relief of his duties, which should be arranged without delay on receipt of the medical certificate, or if he is on leave, on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalided from service on the expiry of that leave or extension of leave, if any granted to him under S.R. 24 under Rule 74 (a) contained in Annexure II, Part I of the Fundamental Rules.
- NOTE 7:-** All ¹[non-self drawing Government servants] as to whose fitness for further service there may be doubt, should unless they happen to be absent in other districts, on long leave, be sent for examination before the District Medical Officer of the district in which they are serving, where a Government servant's jurisdiction falls within more than one Revenue district as may be departmentally convenient. If, in special cases, he may be required to appear before the District Medical Officer of such district as may be departmentally convenient. If, in special cases, this procedure has necessarily to be departed from, the reasons therefore should be recorded in writing and communicated to the commissioned Medical Officer, who is asked to examine the applicant.
- NOTE 8:-** Invaliding medical certificates under this rule should be given by Medical Officer registered under Medical Registration Act 1914, and if any doubt arises in a particular case, it should be referred to the Director of Medical Education for decision or counter signature.
- NOTE 9:-** The Director, Central Leprosy, Teaching and Research Institute, Taramani is deemed to be a Civil Surgeon for the purpose of granting invalidating certificates to Government servants under his treatment for leprosy. The Medical certificate in these cases should also be countersigned by the Director of Medical Education.
- NOTE 10:-** All cases in which it is certified that the incapacity for service is due to irregular or intemperate habits, should be submitted to Government for orders through the proper channel, together with the opinion of the Director of Medical Education

Rule 36(1)(c) in Note 7, for the words "non-gazetted Government servants", the words "non-self drawing Government servants" submitted – G.O.Ms.No.118, Finance (Pension) Department, dated 14.03.1997.

THE TAMILNADU PENSION RULES, 1978

NOTE 11:- In the case of [non-self drawing mofussil police officers] residing in Chennai during their period of leave, the certificate of unfitness for further service should be granted by the police Surgeon.

(2) Where the medical authority referred to in sub-rule (1) has declared Government servant fit for further service of less laborious character than that which he has been doing, he may, if possible, be employed on lower pay and if there be no means of employing him even on a lower pay he may be admitted to pension.

(3) (a) If the incapacity is directly due to the irregular or intemperate habits of a Government servant, no pension may be granted.

(b) If the incapacity has not been accelerated or aggravated by them, it should be for the pension sanctioning authority to decide what reduction should be made on this account.

Rule 36(1)(c) in Note 11, for the words "non-gazetted mofussil police officers", the words "non-self drawing mofussil police officers" submitted – G.O.Ms.No.118, Finance (Pension) Department, dated 14.03.1997.

**TAMILNADU ELECTRICITY BOARD
Employees Conduct Regulations**

(Page. 2& 3)

Ans :

V General :

- (a) Every employee shall at all times maintain absolute integrity and devotion to duty.
- (b) Every employee shall be obedient to his Superiors and shall behave well with the members of the public and also with his colleagues and subordinates.
- (c) Every employee shall observe rules of procedure in all matters and also abide by rules, regulations, orders and circulars that may be issued from time to time by the Board or by any appropriate officers of the Board.
- (d) Every employee shall be at work punctually at the prescribed time. Late and irregular attendance constitute a breach of discipline which shall be punishable under the Tamilnadu Electricity Board Employees' Discipline and Appeal Regulations.
- (e) Every member of the service shall take all possible steps to ensure integrity and devotion to duty by all employees for the time being under his control and authority.
- (f) (i) No Board employee shall in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior.
- (ii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.

- (iii) A Board employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.
- (iv) No Board employee shall, in the performance of his official duties or in the exercise of powers conferred on him evade the responsibility devolving legitimately on him and seek instruction from or approval of a superior authority when such instruction or approval is not necessary in the scheme of distribution of powers and responsibilities.

EXPLANATION : A Board employee who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of sub-regulation(a).

- (g) an employee whose services are placed by the Board at the disposal of a company, Corporation, Organization or a local authority shall, for the purpose of these rules, be deemed to be an employee serving under the Board, notwithstanding that his salary is drawn from sources other than from the funds of the Board.

Ans : VI

ANNEXURE

TNEB Leave Regulations

(Page. 25,26)

1. Conditions for grant of study leave.

- (1) Study leave may be granted to an employee of the Board with due regard to the exigencies of Board's Service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialized training in a Professional or a technical subject having a direct and close connection with the sphere of his duty.
- (2) Study leave may also be granted for a course of training or study tour in which an employee of the Board may not attend a regular academic or semi-academic course, if the course of training or the study tour is certified to be of definite advantage to the Board from the point of view of Board's interest and is related to the sphere of duties of the employee.
- (3) Study leave shall not be granted unless-
 - i) It is certified by the Chief Engineer in the case of employees in the offices under his control and by the Chairman in the case of employees in the Board's Secretariat that the proposed course of study or training shall be of definite advantage from the point of view of Board's interest.
 - ii) It is for prosecution of studies in subjects other than academic or literary subjects; and
 - iii) The release of foreign exchange involved in the grant of study leave, if such leave is out of India, is agreed to by the Government of India.
- (4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the schemes administered by the Government of India.
- (5) Study leave shall not ordinarily be granted to an employee.
 - i) Who has rendered less than five year's service under the Board; or

- ii) Who does not hold a post in Class I or II Service under the Board; or
- iii) Who is due to retire or has the option to retire from the Board's Service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(6) Study leave shall not be granted to an employee with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

(7) Leave of any other kind shall not be granted to a Board employee during the period of study leave.

2. **Authority competent to Sanction Study Leave :** The Tamil Nadu Electricity Board alone shall grant study leave under regulation 25.

3. **Maximum amount of study leave that may be granted at a time and during the entire service.**

The maximum amount of study leave that may be granted to an employee shall be –

- i) ordinarily twelve months at any one time, which shall not be exceeded save for exceptional reasons; and
- ii) twenty four months in all during his entire service.

Ans : VII

Qn : How will a public information officer dispose a request?

Right to information Act 2005

(Chapter II – Right to information and obligations of public authorities)

Disposal of request – (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State public Information officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request. Either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person , the same shall be provided within forty-eight hours of the receipt of the request.

(2) if the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section, the Central Public Information Officer, or State Public Information Officer as the case may be, shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving –

- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section, requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that subsection;

(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed, or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed. Provided that the fee prescribed under sub section of section 6 and sub-sections and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(6) Notwithstanding anything contained in sub section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in subsection.

(7) Before taking any decision under sub-section, the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 1.

(8) Where a request has been rejected under sub-section, the Central Public Information officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,--

- i) the reasons for such rejection;
- ii) the period within which an appeal against such rejection may be preferred; and
- iii) WO the particulars of the appellate authority.

Ans : VIII

Chapter –II

(TNEB Employee's Discipline Appeal Regulations (Page. 21)

Suspension

Implications of Suspension :-

- (1) An order of suspension has the effect of debarring a Board Employee from exercising the powers and discharging the duties of his office for the period, the order remains in force. By reason of suspension, the person suspended does not lose his office nor does he suffer any reduction in rank. He only ceases to exercise the powers and to discharge the duties of the office for the time being. His powers, functions and privileges remain in abeyance but he continuous to be subject to the same authority. He cannot seek employment elsewhere though he does not perform his normal duties. During the period of suspension he is paid "subsistence allowance" which is normally less than his salary, instead of the pay and allowances he would have been entitled to if he had not been suspended. However, suspension may cause a lasting damage to the concerned Board employee's reputation even if he is ultimately exonerated or found guilty of only a minor misconduct. Suspension causes great mental agony to the person concerned. The suspended

Board employee suffers from a sense of degradation in the eyes of his colleagues, friends and relations. A suspended Board employee also suffers from certain other disadvantages in his service conditions like confirmation and promotion. For the Board, it has to pay the suspended Board employee subsistence allowance during the period of suspension without taking any work from him. In the case of a Board employee who is exonerated of his charges in a departmental proceeding or who, if prosecuted in a criminal charge, is acquitted of his criminal charge, he is entitled to payment of full pay and the Board for this period. Because of this wide and deep implications of suspension for both the Board and the Board employee concerned, the discretion vested in the competent authority in this regard should be exercised with care and caution after taking all factors into account. The power of ordering suspension should be exercised carefully and with restraint. Before a suspension order is issued one must be clear in one's mind that it is necessary and unavoidable. Prolonged suspension means that Board pays a Board employee without getting any work from him but at the same time the person concerned is by no means happy.

- (2) A Board employee should be placed under suspension only if his continuance in office will be clearly detrimental to the public interest – e.g by giving him an opportunity to continue in his malpractices or to tamper with the investigation or conduct of the disciplinary proceedings.

If it is possible to retain a person in an unimportant post, pending investigation, or enquiry, suspension should not be resorted to. If a transfer from one place to another is considered sufficient, suspension should be avoided. Suspension not only causes hardship and mental agony to the Board employee concerned but also causes additional expenditure to Board. The suspended official will have to be paid subsistence allowance and the substitute in his place will also have to be paid, not to mention the liability to pay the full Board employee is placed under suspension, there should not be any complacency in processing and finalizing the disciplinary case against him. Immediately after placing an employee under suspension, specific charges should be framed and there should be no delay or time lag whatsoever between the suspension of an employee and the service of the charge memo.

- (3) All cases of suspension beyond the period of four months should be reviewed periodically either by the Chief Engineer or Chairman or by the Superintending Engineer as case may be. In cases where the suspension is not justified for valid reasons, the appropriate authority can revoke the suspension. In cases involving corruption, if the matter has been referred to Director of Vigilance and Anti Corruption the suspension may be revoked after consulting the Director of Vigilance and Anti Corruption not only as a measure to avoid hardship to the Board employee concerned, but also to reduce additional expenditure to Board. The competent authorities should make a review of all such cases and examine whether the suspension could not be revoked pending the disciplinary proceedings, in the light of the criteria laid down in the matter of suspension.