

1) Taking part in Politics and Elections - Disuses (20)

(1) No employee shall be a member of or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of or assist in any other manner any political movement or activity.

(2) It shall be the duty of every employee to endeavour to prevent any member of his family taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is or tends directly or indirectly to be, subversive of the Government as by law established, any where an employee is unable to prevent a member of his family from taking part in or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Board or to the officer to whom he is subordinate.

(3) If any question arises whether any movement or activity falls within the scope of this regulation, the decision of the Board thereon shall be final.

(4) No employee shall canvass or otherwise interfere or use his influence in connection with or take part in an election to any legislature or local authority.

provided that.

(i) an employee qualified to vote at such election may exercise his right to vote but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(ii) an employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed

on him by or under any law for the time being in force.

Explanation: 1. Nothing contained in this sub-regulation shall be deemed to prohibit the wife of an employee or any other member of his family living with or in any way dependent on him from standing for election to any legislature or to any local authority and from canvassing for other candidates.

Explanation: 2. The display by an employee on his person, vehicle or ~~at~~ residence of any election symbol shall amount to using his influence in connection with an election within the meaning of this sub-regulation.

(5) Seditious propaganda or the expression of disloyal sentiments by an employee shall be regarded as sufficient ground for dispensing with his services. In the case of such conduct by a pensioner, the Board reserves to itself the right of withholding or withdrawing a pension ~~or any~~ or any part of it.

(6) An employee proposing or seconding the nomination of a candidate at an election or acting as a polling agent shall be deemed to have committed a breach of this regulation.

(7) This regulation shall apply to the part-time employees also of the Board other than the legal Adviser to the Board.

(Regulation 20 of TMBH Employees Conduct Regulation)

2) What are the Guiding Principles for the Disciplinary Authority to order suspension? (20)

(1) A member of a class of Service may be placed under suspension where

- (i) an enquiry into grave charges against him is contemplated or is pending or
- (ii) a complaint against him of any criminal offence is under investigation or trial and if so such suspension is necessary in the public interest.

A Board employee who is detained in custody whether on a criminal charge or otherwise, for a period longer than forty eight hours shall be deemed to have been suspended and the suspension order issued as soon as it is made known to the authority.

It is not possible to give an exhaustive list of charges that can be treated as "grave" for purpose of ordering suspension. However, the following categories of cases clearly involve grave charges.

- (i) case of corruption and those involving moral turpitude.
- (ii) Cases of misconduct which are likely to end in dismissal, removal or compulsory retirement of the delinquent and
- (iii) Cases of misconduct where reversion to a lower post is contemplated.

(2) The power of ordering suspension should be exercised carefully and with restraint by the competent authority. The illustration mentioned in paragraph (1) above should serve as guidance in the matter. Further guidelines are indicated below.

Board's interest should be the guiding factor in deciding whether Employee should be placed under suspension and the disciplinary authority should have the

discretion to decide this taking all factors into account. The following are the circumstances in which the disciplinary authority may consider it appropriate to place a Board Employee under suspension. Here it may be made clear that these guidelines are intended for guidance only and should not be taken as mandatory as these are not intended to fetter the discretion of the disciplinary authority.

- (i) Cases where continuance in office of the Board Employee will prejudice the investigation, trial or any enquiry (e.g. apprehended tampering with witnesses or documents).
- (ii) Where the continuance in office of the Board Employee is likely to seriously subvert discipline in the office in which the Board employee is working.
- (iii) Where the continuance in office of the Board Employee will be against the wider public interest other than those covered by (i) & (ii) above such as there is a public scandal and it is necessary to place the Board under suspension to demonstrate the policy of the Board to deal strictly with officers involved in such scandals, particularly corruption and
- (iv) when allegations have been made against the Board employee and the preliminary inquiry has revealed that a prima facie case is made out which would justify his prosecution or his being proceeded against in departmental proceedings and when the proceedings are likely to end in his conviction and/or dismissal, removal or compulsory retirement from service.

There are also certain types of Misdemeanours some of which are given below where suspension may be desirable.

- (i) Any offence or conduct involving moral turpitude;
- (ii) Corruption, embezzlement or misappropriation of Board money, the retention of disbursement to account misused.

- (iii) Serious negligence and dereliction of duty resulting in considerable loss to Board.
- (iv) Desertion of duty.
- (v) Refusal or deliberate failure to carry out written orders of superior officers.
- (vi) Unnuly, disorderly riotous behaviour within office premises/ work spots.
- (vii) Liberaos.

Here again it may be made clear that the above list is not exhaustive and is not intended to fetter the discretion of the competent authority to place a Board employee under suspension for other kinds of misdemeanours. It has, however, to be emphasised that the discretion to place the Board employee under suspension in respect of types of misdemeanours specified in item (iii), (iv) and (v) above should be exercised with greater care and restraint. Suspension should not be ~~resorted~~ resorted to as a matter of Censure in disciplinary proceedings even if they are likely to result in the imposition of a major penalty unless the nature of the misdemeanours or offence and the other attendant circumstances also justify such action.

(Regd. 4 in Chapter II - TA&A
Employee's ~~Discipline~~ Discipline and
Appeal Regulation)

3) Define the following:

(4 x 5 = 20)

(i) Age:

(a) Age, for the purpose of these regulations shall be computed from the date of birth, evidence of which shall be produced by the employee at the time of selection for appointment or within such period as the appointing authority may direct.

(b) If the year of birth of an employee is known but not the month and date, the 1st July should be treated as the date of birth.

(c) When both the year and month of birth are known but not the exact date, the 16th of the month should be treated as the date of birth.

(d) If the date of birth cannot be correctly ascertained, a certificate from the Medical Officer approved by the Board specifying the approximate year may be accepted for the purpose of fixing age.

(Rule 10 (1) of Service Regulations)

(ii) Duty: A person is said to be on duty.

(a) when he is performing the duties of a post or is undergoing the probation, instructions or training prescribed for a post in a class of service.

(b) when he is on joining time; or

(c) when he is absent from duty on authorised holidays or on casual leave taken in accordance with the instructions regulating such leave issued by the Board, having been on duty immediately before and after such absence.

(d) when he is absent during a course of instruction or training or deputations in India or abroad, authorised by the Board or when he is absent during a course of instruction or training in any one of the circles or Work Shops under the Tamil Nadu Electricity Board or in any outside agencies in the Tamil Nadu authorised by the competent authority.

(2) When he is permitted to attend any examination (optional or obligatory) the period of examination including the number of days actually required for proceeding to and returning from the station at which the examination is held. This concession shall not be granted more than twice for the same optional examination.

(Rule 10(9) of Service Regulation)

(iii) Appointed to a class of service:-

A person is said to be "appointed to a class of service" when in accordance with these regulations or in accordance with the regulation applicable at the time, as the case may be, he discharges for the first time the duties of a post borne on the cadre of such class of service or commences probation, instruction or training prescribed for members thereof.

Explanation: The appointment of a person holding a post borne on the cadre of one category or class of service to hold additional charge of a higher post in the same category or class of service or a post in another category or class of service or to discharge the current duties thereof does not amount to appointment.

(Rule 87(1) of Service Regulation)

(iv) Member of a class of service: means, a person who has been appointed to that class of service and who has not retired or resigned, been removed or dismissed, been substantively transferred or reduced to another class of service, or been discharged otherwise than for want of a vacancy. He may be a probationer, an approved probationer or a full member of that class of service.

(Rule 87(1) of Service Regulation)

4) Write about Reimbursement of transport charges at Delhi and other State Headquarters outside Tamil Nadu by the employees on Tour and special rates of daily allowance and mileage for special localities:-

The employees of the Board visiting Delhi or other State Headquarters outside Tamil Nadu for official purpose may be permitted to claim the actual transport charges if any incurred by them during their stay there along with their Travelling Allowance claims, subject to the following conditions:-

(i) If car is provided by the host Government or Electricity Board at Delhi or other State Headquarters outside Tamil Nadu, no transport charges will be admissible.

(ii) If the employee uses the Board's car available at Delhi, no transport charge will be admissible.

(iii) If the employee uses the Tamil Nadu House Car, he should produce the cash bill issued by the Reception officer, Tamil Nadu House, Delhi with the following certificate:-

" certified that the trip was undertaken for official purpose only.

(iv) If a private Taxi is engaged, the claim should be supported by the following certificates:-

(a) certified / at Delhi Board's car or the Tamil Nadu House car is not available and car is not provided by the host Government or Electricity Board and that at the other State Headquarters outside Tamil Nadu, car is not provided by Host Government or Electricity Board.

(b) certified the trip was undertaken for official purpose only

(e) Certified that the rate at which taxi charge is claimed in the bill is in accordance with the current rates prevailing in Delhi/other State Headquarters outside the Town/Vadodra.

(v) The actual transport charges payable shall be limited to a ceiling of Rs 30/- per day in the case of transport by Taxi and Rs 15/- per day in the case of transport by Auto-rickshaw.

(vi) If more than one employee travel in the same vehicle, the claim of the actual transport charges will be restricted to one employee only.

Special rates of daily allowance and mileage for special localities:

A list of special ~~localities~~ localities where travelling is usually difficult or expensive will be found in Annexure II. The rate of daily allowance and ~~allowance~~ mileage prescribed in Annexure I will be increased by 50 percent in the case of journeys in special tracts included in class I and by 33 1/2 percent in the case of journeys in the localities included in class II.

Note: The rate of daily allowance admissible for journey performed entirely in the special tract or partly in the special tracts and partly in the ordinary tracts and for journeys performed from and to headquarters situated in the special ~~that~~ tracts are given in the note b under

Annexure I.

(Rule 39-A & 40 of TA Regulation)

5) Exemptions from disclosure of Information - as briefly (20)

Ans. (1) Notwithstanding anything contained in this Act there shall be no obligation to give any citizen:-

(a) information, disclosure of which pre-judicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relations with foreign States or lead to incitement of an offence.

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of Court.

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.

(d) Information including Commercial Confidence, Trade Secrets or Intellectual Property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that large public interest warrants the disclosure of such information.

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.

(f) information ~~which~~ received in confidence from foreign government.

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purpose.

Or information which would impede the process of investigation or apprehension or prosecution of offenders.

(d) Cabinet papers including records of deliberation of the Council of Ministers, Secretaries and other officers,

provided that the decision of Council of Ministers; the reasons there of; and the material on the basis of which the decision were taken shall be made public after the decision has been taken; and the matter is complete or over.

Provided further that those matters which come under the exemption specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which does not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority as the case maybe, is satisfied that the larger public interest justifies the disclosure of such information.

provided that the information, which cannot be derived to the Parliament or a State Legislature

(2) not withstanding anything in the Official Secrets Act, 1923 (1949 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interest.

(3) Subject to the provisions of clause (a), (c) and (2) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.

provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the central Government shall be final, subject to the usual appeals provided for this Act.

(Section 8 of RTI Act 2005)

- 6) Write about counting of Service as apprentice, counting of service on Contract, counting of periods spent on leave, counting of period spent on training and counting of periods of suspension (20)

Counting of Service as apprentice: Service as an apprentice does not qualify for pension.

Counting of service on contract: (1) Any person who is initially engaged by the Government on a Contract for a specific period and is subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty, may opt either -

- (a) to retain the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service;
- (b) to agree to refund to the Government the monetary benefits referred to in clause (a), or to forgo the same if they have not been paid to him and count in lieu thereof of the service for which the aforesaid monetary benefits may have been payable.

(2) The option under sub-rule (1) shall be communicated ~~to the Head of Office under intimation to the Archt Officer within a period of three months from the date of issue of the order of permanent transfer to pensionable service, or if the Government Servant is on leave on that day, within three months of his return from leave, whichever ever is later.~~ to the Head of Office under intimation to the Archt Officer within a period of three months from the date of issue of the order of permanent transfer to pensionable service, or if the Government Servant is on leave on that day, within three months of his return from leave, whichever ever is later.

(3) If no communication is received by the Head of Office within the period referred to in sub-rule (2), the Government Servant shall be deemed to have opted for the retention of the monetary benefits payable or paid to him on account of service rendered on Contract.

Counting of periods spent on leave: All leave during service for which leave salary is payable and extraordinary leave granted on medical certificate shall count as qualifying service.

Provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a Government servant.

(i) due to his inability to join or rejoin duty on account of civil commotion; or

(ii) for prosecuting higher scientific and [technical studies; or

(iii) for taking up employment abroad, if necessary pension contributions are paid by the Government servant to the Accountant General, Tamil Nadu from time to time with appropriate interest for belated payments, if any.

Counting of period spent on training: The Government may by order, decide whether the time spent by a Government servant under training immediately before appointment to service under the Government shall count as qualifying service.

Notes: for the purpose of this Rule.

(1) The various kinds of training referred to in Annexure B to Fundamental Rules and subsidiary Rules, which have been ordered to be treated as such.

(2) Any State Forest Service Probationers who have not been appointed permanently to Government service before attaining the age of 23 will count as service towards pension any period of training or probationary service undergone after he attained that age.

(3) Training of all kinds in the case of subordinate officers of Police Department shall count as service.

Counting of periods of Suspension: Time passed under Suspension pending enquiry into Conduct Count in full where, on conclusion of the enquiry, the Government servant has been fully exonerated or the suspension is held to have been wholly unjustified. In other cases, the period of suspension does not count unless that authority competent to pass orders under fundamental Rule 54 expressly declares at the time that it shall count, and then it shall count only to such extent as the competent authority may declare. However, in the case of a Government servant who dies while under suspension before the enquiry is over, the period of suspension shall be treated as duty.

- [F.N. Pension Rule 13, 14, 18, 19 & 20]

7) What are the Terms and Conditions of Appointment of (2) Chairperson and members of interion Pension Fund Regulatory and development Authority (PFDA)?

(a) Tenure: The chair man and every member shall hold off for a period of two years or till a statutory PFDA is in place, whichever is earlier. However, chair man and Members will be eligible for reappointment under the statutory PFDA for a further term of three years or till they have attained the age of Sixty five years or sixty two years respectively, whichever is earlier.

(b) Eligibility for re-employment: Chairperson or a member would not be eligible for re-employment Under the central Government or any body/authority substantially financed by the central Government unless he has ~~been~~ Cooled off for a period of two years. Similarly, for two years, ~~no~~ ^{chair} person or member would be eligible to take up private employment after demitting office, in the organization/ conglomerates / associates that fall within the operational jurisdiction of the Concerned Regulatory Authority. A full-time member will sever all connections from the regulated entities. Both full time and part time members will declare particulars of employment and the holdi in regulated entity of the immediate family members is spouse, dependant children and parents.

(c) Pay: A Government Servant, if appointed as chairman, shall receive pay as admissible to the Secretary to the Government of India. The pay will be fixed in accordance with the prevailing order in pay minus pensionate. An official of Public Sector Undertaking (PSU), if appointed as a chairman shall draw the last ~~pay~~ draw pay in the PSU. A person from a private sector, if appointed as chairman, shall draw the pay decided by the Government. A Government official, if selected as a whole time member, shall receive pay as admissible to the Additional Secretary to the Government of India. An official of Public sector Under taking (PSU), if selected as a whole time member

shall draw the last draught pay in the PSU. A person from a private sector, if selected as a whole-time member, shall draw the pay as decided by the Government. A part-time member will be entitled to a sitting fee to be decided by the Government.

(d) Pension: The chairperson and Members would participate in the individual retirement account type new pension system based on defined contribution.

(e) DA & CEA: The chairperson and Members shall be entitled to Dearness Allowance and city compensatory Allowance at the rate admissible to officers of equivalent pay in the Government.

(f) LTC, TA & DA: Travelling Allowance and Daily Allowance on tour shall be paid to the chairperson and Members as applicable to Government servants drawing that basic pay. They would also be entitled to facility of temporary Government accommodation in Guest Houses / Inspection Bungalows under the control of the Central Government, wherever applicable, on payment of normal rent at outstations, of the class to which Government servant of equivalent pay are eligible.

(g) Visit Abroad: Official visits abroad by the chairperson and any Member up to 15 days would be undertaken without any Government approval. However, the visits beyond 15 days in a year would be undertaken only in accordance with the Government orders as applicable to officers of equal grade in Government of India. In regard to official delegations abroad in which both the administrative Secretary and chairperson or members of the Regulatory Authority are included, the Secretary would lead the delegations. For domestic tours, the chairperson would keep the Secretary of the administrative Ministry / Department inform.

(h) Accommodation: The chairperson or Members of PFRDA will be entitled to hire accommodation from the market within a radius of 8 kms, from the office and the maximum

Cost admissible for this arrangement, would not exceed Rs. 2500 per sq. ft. If a Government employee is appointed who has already been allotted a Government accommodation, then he will be entitled to retain the same after obtaining approval at appropriate level.

(ii) Sumptuary Allowance: The Chair person and Members would be entitled to Sumptuary Allowance as decided by the Government.

(j) Medical facilities: The Chair person and Members shall be reimbursed the actual premium paid to purchase the domestic medical insurance cover.

(k) Transport: The Chair person and Members shall be entitled to official cars as admissible to officers in the equivalent rank.

(l) Status: Chair person and members would not be accorded Ministerial Status and the pensions status of the appointee shall not be treated as a precedent for determining the Status accorded to the Chair person / member. In exceptionally meritorious cases, the Ministry of Home Affairs would be consulted, along with full justification, which would approach the Standing Committee of Secretaries, wherever necessary as laid down in cabinet Secretariat Instruction No 99/1/5795-Cab; dated 16.11.1986.

(m) Leave: A Chair person or members would be entitled to 30 days of Earned Leave for every year of service. The payment of leave salary during leave shall be governed by Rule 40 of CES (Leave) Rule 1972. A person would be entitled to encashment of 50% of Earned leave to his credit at any time. There will be no leave encashment for Chair person and members employed from the private sector.

(n) Administrative and other Residuary Matters: Administrative matters relating to the operations of PFRDA or the conditions of service of the Chair person and a member, with respect to which no express provision has been made in these instructions, shall be referred in each case to the Central Government for its decision and the decision of the Central Government thereon shall be binding on PFRDA. (Contributory Pension Scheme - Annexure I).

8) Following are the records of service of a Junior Engineer Igr, Voluntarily Retired on 24-5-2014 A.W. Calculate the Pay Last Drawn, Net qualifying Service, Pension, Death cum Retirement Gratuity and Capitalised Value.

~~As~~ Junior Engineer Igr.

(a) Date of Birth : 14-6-1965

(b) Date of 1st Appointment
as Helper : 27-6-1982

(c) Pay as on 1-1-2007 = ~~Rs~~ 7350/- (5600-175-10150)

(d) Promoted as Junior Engineer Igr on = 15-3-2011 and opted for promotion fixation on the date of promotion

(e) Pay Band and Grade Pay w.e.f 1-12-2007 } 9600-34800+4300
_____ x _____ and w.e.f 1-12-2011 }

Solution

(i) Pay last drawn calculation

Pay as on 1-1-2007 = 7350/- (5600+75-10150)

Golden Jubilee Increment = 7525/- - do -

Wage Revision w.e.f 1.12.2007 = 15170/+4300 GP (9600-34800+4300_{GP})

Normal Increment

" as on 1-1-2008 = 15760 + 4300 GP

" as on 1-1-2009 = 16370 + 4300 GP

" as on 1-1-2010 = 16990 + 4300 GP

" as on 1-1-2011 = 17630 + 4300 GP

Promoted as JE Igr

on 15-3-2011 = 18290 + 4300 GP

(and opted for date of promotion)

Wage Revision w.e.f 1-12-2011 = 20610 + 4300 GP

Normal Increment

" as on 1-1-2012 = 21360 + 4300 GP

" as on 1-1-2013 = 22130 + 4300 GP

" as on 1-1-2014 = 22930 + 4300 GP

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$$(i) (PLD) \text{ Pay Last Drawn} = \text{Rs } 22930/- + \text{Rs } 4300/- GP = \text{Rs } \underline{\underline{27230/-}}$$

(ii) Date of Birth \longrightarrow Y - M - D
 \longrightarrow 1965 - 06 - 14

Superannuation Age \longrightarrow 58

Date of Superannuation \longrightarrow 2023 - 06 - 30

Voluntarily Retired on \longrightarrow 2014 - 05 - 24

Date of IM Appointment as Helper \longrightarrow 1982 - 06 - 27

Gross Service \longrightarrow 31 - 10 - 28

Deduct = Boy Service \longrightarrow 0 - 11 - 18

Net qualifying Service \longrightarrow 30 - 11 - 10

(or) 62 Half years limited to 60 Half years for Pension

and 62 Half years for DCRA.

$$\text{Pay Last drawn} = \text{Rs } 22930 + 4300 = 27230/-$$

$$(iii) \text{ Pension} \longrightarrow \text{PLD} \times 50\% \times 60/60 \\ = 27230 \times 50/100 \times 60/60$$

$$\text{Pension} \longrightarrow = \text{Rs } \underline{\underline{13615/-}}$$

$$(iv) \text{ DCRA} \longrightarrow = (\text{PLD} + \text{DA @ } 100\%) \times 62/4 \\ = (27230 + 27230) \times 62/4$$

$$= \text{Rs } \underline{\underline{844130/-}}$$

$$(v) \text{ Capitalised Value} = \frac{1}{30} \text{ of Pension} \times 12 \times \text{Table value for 49 years}$$

$$= 4538 \times 12 \times 8.881$$

$$= \text{Rs } \underline{\underline{483624/-}}$$

