

## **HARYANA STATE ELECTRICITY BOARD**

### **NOTIFICATION**

**THE 13<sup>th</sup> , SEPTEMBER 1990**

No. 78 / REG-22/L-I In exercise of the Powers conferred by Clause (C) of Section-79 of the Electricity (Supply) Act, 1948 and all other enabling powers in this behalf, the Haryana State Electricity Board is pleased to make the following Regulations governing the conditions of service (Punishment and Appeal) of its employees :-

1. **SHORT TITLE & COMMENCEMENT :**

- (a) these regulations, may be called the "Haryana State Electricity Board Employees (Punishment and Appeal) Regulations, 1990."
- (b) These Regulations shall come into force with immediate effect.

1-A SCOPE

- (i) These Regulations shall apply to every Board employee except the following :-
  - a. Government employees who are holding substantive permanent pensionable posts in the erstwhile Electricity Branch of the Punjab Public Works Department on 31.1.1959, including those on 'Probation' against permanent posts in the said Branch while they were on 'Foreign Service' with the composite Punjab State Electricity Board or when their services, were transferred to the Board. Such employees will be governed by the provision as contained in Appendix - 'A' hereto, till such time that they opt to come under these Regulations within a period of three months from the date of Notification.
  - b. A person in casual/daily wage/contingent employee.
  - c. A person subject to discharge from service with----- notice or less than one month's notice.
  - d. (i) A person for whom special provisions are made in respect of matters covered by these Regulations or under any law for the time being in force or under any agreement entered into or with the previous approval of the Board before or after the commencement of these Regulations in regard to matters covered by such special provisions.
  - (ii) An employee, between whom and the Board a specific contract or agreement subsists in respect of any matter dealt with herein to the extent to which

specific provision, is made in the contract or agreement; provided that in respect of any matter for which no provision has been made in the agreement, the provisions of these Regulations shall apply.

(2) Notwithstanding anything contained in Sub – Regulation (1) these Regulations shall apply to every Board employee temporarily transferred to a service or post coming within Clause (d) or Sub-Regulation – (1) to whom, but for such transfer these Regulations would apply. The Board may by order for reasons to be recorded in writing, exclude any class of Board employees from the Operation or all or any of these Regulations.

(3) If any doubt arises whether or not these Regulations or any of them applies to any person, the matter shall be referred to the Board, whose decision shall be final.

## 2. **DEFINITIONS;**

In these Regulations, unless the context otherwise requires :-

- (a) “Appointing Authority” in relation to a Board employees means:-
- i) the authority empowered to make appointments to the service of which the Board employee is for the time being a member; or to the grade of the service in which the Board employee is for the time being included; or
  - ii) the authority empowered to make appointments to the post, which the Board employee for the time being holds ; or
  - iii) the authority which appointed the Board employees to a such service, grade or post, as the case may be ; or
  - iv) where the Board employees having been a permanent member of any other service of having substantively held any other permanent post, has been in continuous employment of the Board, the authority which appointed him to that service or to any grade in that service or to that post whichever authority is higher in rank;

## **EXPLANATION:**

If a permanent employee switches over from one class of Establishment to other class, the appointing authority for

such an employee will be the authority on which the employee holds permanent lien.

- b) "Board" means the Haryana State Electricity Board constituted under Section-5 of the Electricity (Supply) Act, 1948 and shall include its successors and assigns.
- c) "Chairman" means the Chairman of the Board appointed under Section-5 of the Electricity (Supply) Act, 1948.
- d) "employee" means a person appointed to any service or post in connection with the affairs of the Board.
- e) "Foreign Service" means service in which an employee of the Board receives his pay, with the sanction of the Board from any source other than the funds of the Board.
- f) "Government" means the Government of the State of Haryana.
- g) "Punishing Authority" means the authority notified under the Service Regulations, to inflict, on a Board employee, any of the penalties specified in Regulation - 4.
- h) "service" means a service constituted in connection with the affairs of the Board.

3. **SAVING CLAUSE:**

All Powers, rights and remedies provided by these Regulations, shall be, in addition to and not repugnant to the provisions of such regulations as in force or may be made by the Board from time to time for regulating the recruitment and conditions of service of persons appointed to Board's service.

4. **PENALTIES:**

The following penalties may, for good and sufficient reasons, and as hereinafter provided, be inflicted on an employee :

**A - MINOR PENALTIES:**

- i) Warning with a copy to be placed in the personal/(character roll)file ;
- ii) Censure;
- iii) Withholding / stoppage of increments of pay With or without cumulative effect. (The word "With cumulative effect" deleted vide notification No. 170 dated 23.12.93).
- iv) Withholding of promotion for a specific period.
- v) Recovery from pay of the whole or part of any pecuniary loss, caused by negligence or breach of orders of the aboard or Central Government or a State Government or to a Company Association or body of individuals, whether incorporated or not,

which is wholly or substantially owned or controlled by Government or to a local authority set-up by an Act or Parliament or of the Legislature of a State, during discharge of official duty.

**B- MAJOR PENALTIES:**

- V-a) “Withholding /stoppage of increment of pay with cumulative effect”. (added vide notification No. 170 dated 23.12.1993).
- vi) Reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of post-poning the future increments of his pay.
- vii) Reduction to a lower scale of pay or grade, post or service, which shall ordinarily be a bar to the promotion of the employee to the time scale of pay or grade or post or service, from which he was reduced with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and seniority and pay on such restoration to that grade or post or service ;
- viii) Compulsory retirement ;
- ix) Removal from service which shall not be a disqualification for future employment under the Board;
- x) Dismissal from service which shall ordinarily be a disqualification for future employment under the Board / State Govt. State Govt. Undertakings.

**EXPLANATION:**

The following shall not amount to a penalty / penalties within the meaning of this Regulation: -

- i) withholding of increments of pay of employee for his failure to pass any Departmental Examination in accordance with the Rules / Regulations or orders governing the Service to which he belongs or post which he holds or the terms of his appointment ;
- ii) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the efficiency bar ;
- iii) non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his record to a service or grade or post for promotion to which he is eligible.

- iv) reversion of an employee officiating in a higher service or grade or post to a lower service or grade or post, on the ground that he is considered to be unsuitable for which higher service or grade or post on any administrative ground unconnected with his conduct ;

NOTE: If an employee of the Board is promoted to the higher post subject to the condition that he shall have to qualify any departmental test within a stipulated period, but he does not qualify the said examination. In that eventuality, he shall be liable to be reverted to the post from which he was promoted and it shall not be treated as penalty under *ibid* Regulations.

- v) Reversion of an employee appointed on probation to any other service or grade or post, to his permanent service or grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules/ regulations and orders, governing such probation;
- vi) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement ;
- vii) Termination of the service:-
  - a) of an employee appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or the rules / regulations and orders governing such probation ; or
  - b) of a temporary employee appointed otherwise than under contract, on the expiry of the period of appointment, or on the abolition of the post or before the due time in accordance with the terms of his appointment ‘ or
  - c) of an employee employed under an agreement in accordance with the terms of such agreement.

NOTE : 1

A punishing Authority, may publish the reasons for dismissal of a particular employee and reasons thereof, in any News Paper / Publication, where it considers desirable in public interest.

NOTE: 2

The authority passing an order of dismissal in case of employees, shall intimate to all concerned officers of the Board and to the Deputy Inspector – General, Policy, Haryana, Criminal Investigation Department, Dy. Commissioner and Superintendent of Police of the District of which the person concerned is a permanent resident, the name of such a person and any other particulars required for purposes of identification, unless the dismissal, has been notified in the Haryana Government Gazette. similarly, if a person happens to be a resident of another State, the Aforesaid officers of that State, should be informed accordingly.

NOTE: 3

The provisions of this regulation, shall not be construed to be derogatory from the provisions of Section-36 of the Punjab Courts Act, 1918 the payment of Wages Act, 1936, or any other Law authorizing the imposing of fines on the employees governing by these Laws and the authority competent to award the Punishment of fine, may do so in addition to the Punishment mentioned in this regulation.

NOTE:- 4

The seniority on re-promotion of an employee, reduced to a lower post or time-scale, would be determined by the date of such re-promotion in accordance with the orders issued by the competent authority. Such an employee, should not be restored to his original position, unless this is specifically laid down at the time the order of punishment, is passed or revised on appeal.

NOTE-5

Un-authorized desertion of his post by an employee in the face of enemy action or threat of enemy action clearly amounts to grave misconduct and would, therefore, constitute a 'good' and 'sufficient' reason within the meaning of Regulation-4 for removal, or dismissal in addition to any penalty provided in the Haryana Essential Services (Maintenance) Act, 1974 or

any statutory modification, amendment or re-enactment thereof for the time being in force.

NOTE :- 6

Abandonment of service shall not be tantamount to any penalty under Regulation-4.

4-A SUSPENSION:

1) Notwithstanding any thing contained in Rule-7.5 read with Rule 7.6 of Punjab C.S.R. Vol. I, Part-I (as applicable to Haryana State Employees\_, the Appointing Authority or any other authority to which it is subordinate or the Punishing authority or any other authority empowered in that behalf by the Board by general or special order, may place an employee under suspension :-

- a) Where a disciplinary proceeding against him, is contemplated or is pending ; or
- b) where a case against him in respect of any criminal offence, is under investigation or inquiry or trial;

Provided that where the order of suspension, is made by an authority lower than the appointing authority or any other authority empowered in that behalf by the Board, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

Provided further that the suspended employee, shall be bound to mark his presence on all working days in the office where his head-quarter, during the period of his suspension; is fixed and in not doing so, would be an act of misconduct.

2) An employee, shall be deemed to have been placed under suspension by an order of competent authority :-

- a) with effect from the date of his detention, if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty eight hours;
- b) with effect from the date of his conviction, if in the even of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

## EXPLANATION”

The period of forty eight hours referred to in clause (b) of this Sub-regulation, shall be counted from the commencement of the imprisonment after the conviction and for this purpose, intermittent period of imprisonment, if any, shall be taken into account.

3) Where a penalty of dismissal or removal or compulsory retirement from service inflicted upon an employee under suspension, is set-aside in appeal or on review under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of his suspension, shall be deemed to have continued in-force on and from the date of the original order of dismissal or removal or compulsory retirement and shall remain in force until further orders.

4) Where a penalty of dismissal or removal or compulsory retirement from service inflicted upon an employee, is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Punishing Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal or compulsory retirement was originally inflicted, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal or compulsory retirement and shall continued to remain under suspension until further orders.

5) An order of suspension made or deemed to have been made under this regulation, shall continue to remain in force until it is modified or revoked by the authority competent to do so.

### 5. WITHHOLDING OF PAYMENT OF EMOLUMENTS OF AN EMPLOYEE SUSPECTED OF EMBEZZLEMENT, MISAPPROPRIATION ETC.

When an employee is suspected of being involved in the embezzlement / misappropriation of the Board money / property or fails to submit the M.A.S. accounts etc. within the prescribed period and is placed under suspension, the authority competent to order his dismissal, may direct that unless he furnishes security for the re-imburement of the said money/property to the satisfaction of his immediate superior, the payment of any sums due to him by the Board on the date of his suspension, shall be deferred until such time as the said authority passes final orders on the charges framed against him.

Provided that such an employee, shall be entitled to the payment of a subsistence allowance in respect of the period for which, the admissible emoluments, if any, are withheld.

Provided further that in case an employee, who is involved in the mis-appropriation/embezzlement and non rendering of accounts pertaining to Boar's property and before the finalization of such case in which he is involved, he happens to have attained the age of superannuation, then his pension / gratuity and any other dues as admissible to such an employee, shall not be released to him and shall be adjusted against the recoveries due against him.

6. AUTHORITY TO INSTITUTE PROCEEDINGS AND INFLICT PENALTIES.

Subject to the provisions of Clause (b) of Sub-Regulation (2) of Regulation-7 of these Regulations, the authorities competent to inflict any of the penalties specified in Regulation-4 upon a person to whom these regulations apply, shall be such as may be prescribed by the Board in the Regulations governing the appointment and conditions of service of such a persons.

7. PROCEDURE FOR INFLICTING MAJOR PENALTIES:

(1) Without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850; no order of inflicting a major penalty, shall be passed against a person to whom these Regulations are applicable unless he has been given a reasonable opportunity of showing cause against the action purposed to be taken in regard to him.

(2) (a) The grounds on which it is proposed to take such action, shall be reduced to the form of definite charge or charges which shall be communicated in writ9ing to the persons charged, together with a statement of allegations on which each charge is based alongwith a list of documents and witness to be relied-upon and of any other circumstances which it is proposed to take into considerati9on in passing orders on the case and he shall required within a reasonable time to state in writing whether he admits the truth of all if any, of the charges, what explanation of defence, if any, he has to offer and whether he desires to be heard in person. If he so desires, or if the authority empowered to inflict major penalty upon him so directs, an enquiry shall be held at which all evidence(s) shall be heard as to such if the charges as are not admitted.

(b) The Board employee may on his request, be permitted to peruse or take extracts from the records pertaining to the case for the

purpose of preparing his written statement provided that the disciplinary or other authority referred to above, may for reasons to be recorded in writing, refuse him such access, if in its opinion such records are not strictly relevant to the case or it is not desirable in the public interest to allow such access.

(c) The Enquiry Officer shall follow the principles of natural justice in the conduct of enquiry and ensure that all reasonable opportunity is given to the person so charged. He may, if so requested, by the Presenting Officer or the person charged, issue summons to the witness (s) so desired to be produced at the risk and cost of the person (Presenting Officer or person charged) to the witness (s) under his signatures.

(d) The person charged shall, subject to the conditions described in Sub-Regulations (3), be entitled to cross – examine the witnesses) to give evidence in person and to have such witness(s) called, as he may wish, provided that the Officer conducting the enquiry may, for reasons to be recorded in writing, refuses to call any witness. The proceedings shall contain a sufficient recorded or the evidence and statement of the findings and the grounds thereof:-

Provided that:-

- i) It shall not be necessary to frame any additional charge when it is proposed to take action in respect of any statement or allegation made by the person charged, in the course of his defence ; and
- ii) The provisions of the foregoing Sub-Regulation, shall may not apply 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 where an authority empowered to dismiss or remove him, or reduce him in rank is satisfied that, for some reasons to be recorded by him in writing, it is not reasonable practicable to give him an opportunity of showing cause against the action proposed to be taken against him, or where in the interest of the Security of the Board, it is considered not expedient to give to that person such on opportunity.

(e) If the person so charged does not appear before the Enquiry Officer, the Enquiry Officer may proceed ex-parte against him but it shall be ensured that such proceedings are resorted to after giving due notice (either through Registered Letter or through Press Note) to the person. In case the person charged joins at any stage he shall be allowed to

participate only from the stage at which the enquiry is, at that time. No request for starting the enquiry afresh, shall be entertained.

(f) After conclusion of the enquiry, a report shall be prepared and it shall contain :-

- (i) the articles of charge and the statement of allegations;
- (ii) the defence of the employee in respect of each article of charge;
- (iii) an assessment of the evidence in respect of each article of charge ;
- (iv) the findings on each article of charge and the reasons therefore.

EXPLANATION:

If in the opinion of the enquiry officer the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge.

Provided that the findings on such article of charges, shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

If any question arises whether it is reasonably practicable to give to any person an opportunity to defend himself under Sub-Regulation (2), the decision thereon of the Punishing Authority shall be final.

(a) Where any person has made a statement on oath in evidence before any criminal or civil Court, in Civil Court in any case in which the Board employee charged was party and had opportunity to cross – examine such person and where it is intended to prove the same facts as deposed to by such person in such statement in any inquiry under the Public Servants (Inquiries) Act, 1850, it shall not be necessary to call such person to give oral evidence in corroboration of that statement. The certified copy of the statement previously made by him in any such case, may be read as part of the evidence ;

Provided that an officer conducting the inquiry may, in the interest of justice, order the production of witness (s) in person either for further examination or for further cross – examination by person so charged.

(b) The Board employee charged shall not be allowed, except at the discretion of the Enquiry Officer to be exercised in the interest of

justice, to call as a witness in his defence any person whose statement has already been recorded and whom he has had opportunity to cross-examine, or whose previous statement has been admitted in the manner herein provided.

(5) Where the punishing authority itself enquires into any charge or charges or appoints an Enquiry Officer for holding enquiry against a person in the service of the Board it may, by an order, appoint a Board employee or a legal practitioner to be known as a "Presenting Officer" to present on its behalf the case, in support of the charge or charges.

The person against whom charges are being enquired into, shall be allowed to obtain the assistance of a Board employee or a retired Board employee, if he so desires, in order to produce his defence before the Enquiry Officer, be represented by counsel.

NOTE : (1) Charges need not necessarily be framed in relation only to specific incidents or acts of misconduct. When reports received against an officer or a preliminary enquiry show that his general behavior has been such as to be unbecoming to his position, or that he has failed to reach or maintain a reasonable standard of efficiency, he may and should be charged accordingly, and a finding on such a charge may be valid ground for the infliction of any penalty, which may be considered suitable in the circumstances of the case. It will still be necessary to communicate the charges of misbehaviours or of inefficiency or of both, as the case may be, to the employee concerned but the statement which is to be communicated to the employee in support of the charges, need not specify particular acts of misconduct. It will be sufficient in the statement to give the gist of the reports on the basis of which misbehaviours or inefficiency is alleged.

(2) This Regulation shall not apply where it is proposed to order the compulsory retirement from service of any Board employee, subject to the rule – making power of the Board, who after the 14<sup>th</sup> August, 1947, has been in the employment of a Government outside the Union of India, for any period and whose retention in the Public service in the opinion of the Board, is prejudicial to National Security. In every such case, as aforesaid, it shall be sufficient for the Board to inform the person concerned of such opinion, and that in pursuance of that opinion it is proposed to order his compulsory retirement and to pass orders after taking into consideration, his representation, if any.

Any person compulsorily retired from service in accordance with the proceeding prescribed by this Regulation will be granted such compensation, pension, gratuity, or Provident Fund benefits as would have been admissible to him, had he been discharged from service due to

the abolition of his post without any alternative suitable employment being provided, under the Regulations applicable to his service or post on the date of his retirement.

(6) After the enquiry against a Board employee has been completed, and after the punishing authority has arrived at a provisional conclusion in regard to the penalty to be inflicted, the Board employee shall if the penalty proposed to be inflicted is major penalty, be supplied with a copy of the report of the Enquiry Officer and be called-upon to show cause, within reasonable time, not ordinarily exceeding one month against the particular penalty proposed to be inflicted upon him. Any representation submitted by him in this behalf, shall be taken into consideration before final orders are passed.

The 4<sup>th</sup> line of para -6, has been deleted as “if the penalty proposed to be inflicted is major penalty vide O/O No. 4/REG dated 27.8.98”.

Provided that if the punishing authority dis-agrees with any part or whole of the findings of the enquiry officer, the point or points of such disagreement, together with a brief statement of grounds thereof, shall also be supplied to the Board employees.

(7) Where an employee pays for a personal hearing in reply to the show cause notice after the conclusion of enquiry, such personal hearing shall ordinarily be granted. It may be declined in exceptional circumstances by way of speaking order by such authority.

(8) Where an employee has been charge-sheeted under this regulation and the Competent Authority, on receipt of his reply to the charge sheet, is of the opinion that no major punishment as laid down in Regulation-4(vi to x) is called for, it may be dispense with the holding of enquiry and inflict straight away, any of the minor penalties as laid down in Clause (i) to (v) of the ibid Regulation by a speaking order.

## 8. PROCEDURE FOR INFLICTING MINOR PENALTIES:

a) Without prejudice to the provisions of Regulation-7, an order for inflicting minor penalty shall not be passed on an employee unless he has been given a show-cause notice thereof and a reasonable opportunity of making representation there-against. If he requests for access to relevant record, it may be allowed and opportunity of personal hearing, be also given. Request for personal hearing, may be rejected by the punishing authority by passing a speaking order.

b) Provided that this condition shall not apply in a case where an order based on facts, has led to his conviction in a Criminal Court or an order has been passed superseding him for promotion to a higher post on the grounds of his unfitness for that post on account of the existence of unsatisfactory record.

9. RIGHT OF APPEAL:

Every person to whom these Regulations apply, shall be entitled to appeal, as hereinafter provided to such higher authority, as may be prescribed by Board in the Regulations, regulating his conditions of service against an order, not being an order of Board connected with the imposing upon him any of the penalties specified in Regulation-4.

10 PERIOD OF LIMITATIONS OF APPEAL:

No appeal preferred under Regulation-9 shall be entertained unless such appeal, is preferred within a period of 60 days from the date on which a copy of the order appealed against, is delivered to the appellant;

Provided that the appellate authority, may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

11. ORDER WHICH MAY BE PASSED BY APPELLATE AUTHORITY.

The appellate authority shall, while disposing of the appeal, consider the following:-

- a) Whether the facts on the order was based, have been established;
- b) Whether the facts established afford sufficient ground for taking action ; and
- c) whether the penalty is excessive, adequate or inadequate and shall thereafter pass such order as it thinks proper;

Provided that no penalty, shall be enhanced unless an opportunity, has been given to the person concerned to show cause against such enhancement.

12. Notwithstanding anything contained in these Regulations where the punishing authority, by virtue of his subsequent appointment or otherwise becomes the appellate authority under Regulation-9 in respect

of the appeal against such order, the said authority shall forward the appeal to the next higher authority and such higher authority shall, in relation to that, be deemed to be the appellate authority and shall be competent to take all necessary steps in that direction.

13. SECOND APPEAL WHERE PENALTY IS ENHANCED

In every case in which an appellate authority, other the Board, enhances the penalty inflicted by an authority subordinate to it, such affected person shall be entitled to submit a second appeal within 90 days of the receipt of such orders to the authority prescribed in the Regulation regulating his conditions of service, and in case no such authority is prescribed, to the Chairman.

14. POWERS OF SUPERIOR AUTHORITY FOR REVISION / REVIEW :

A) REVISION:

After an appeal or the second appeal provided in Regulation 12 and 13 has been rejected, a person to whom these regulations apply, may apply for revision within a period of six months from the date on which the appeal or the 2<sup>nd</sup> appeal, as the case may be, has been rejected, to such superior authority as may be prescribed by the Board in the rules / regulations governing his conditions of service and in the absence thereof to the next higher authority.

Provided that the authority competent to revise orders may entertain the application for revision after the expiry of the said period of six months if it is satisfied that the applicant has sufficient case for not submitting his application in time.

APPLICATION FOR REVISION

On receipt of the application for revision, the authority competent to revise the orders will exercise its power only :-

- a) if the appellate authority is one other than the Board ; and
- b) only on the ground of material irregularity in the proceedings of the enquiring or appellate authority, or on the discovery of new and important matter of evidence, which after exercise of diligence, was not within the knowledge of the petitioner, or could not be produced by him when the orders were made against him or on account of some mistake or error apparent on the face of the record.

Provided that the Board may at any time, revise any order passed by it in exercise of its appellate powers under these regulations.

B) REVIEW:

Notwithstanding any thing contained in these regulations :-

- i) the Board or
- ii) the appellate authority, within six months of the date of the order proposed to be reviewed, or
- iii) any other authority, specified in this behalf by the Board by a general or special order, and within such time as may be prescribed in such general or special order ;

may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and review any order made under these regulations or under the regulations repealed by Regulation-18 from which appeal is allowed , but from which no appeal has been preferred or from which no appeal is allowed, and may :-

- a) confirm, modify or set aside the order; or
- b) confirm, reduce, enhance or set aside the penalty inflicted by the order or inflict any penalty where the penalty has been inflicted.
- c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case ; or
- d) pass such other orders as it may deem proper.

Provided that no order inflicting or enhancing any penalty shall be made by any reviewing authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to inflict any of the penalties specified in clauses (vi) to (x) of Regulation-4 or to enhance the penalty inflicted by the order sought to be reviewed to any of the penalties specified in those clauses, no such penalty shall be inflicted except after an enquiry in the manner laid down in these Regulations and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.

15. COMMON PROCEEDINGS:

(1) where two or more employees are concerned in any case the Board or any other authority competent to impose the penalty of dismissal from service on all such employees,, may make an order directing that disciplinary action against any or all of them, may be taken in common proceedings.

Provided that where the authorities competent to impose the penalty of dismissal, on such employees, are different, an order for taking disciplinary action in a common proceeding, may be made by the highest of such authorities.

- 2) An order under sub-regulation (1) shall specify :-
- i. the authority which may function as the punishing authority for the purpose of such common proceedings;
  - ii. the penalties specified in Regulation-4 which such punishing authority shall be competent to impose;
  - iii. whether the procedure laid down in Regulation-7 and Regulation-8 shall be followed in the proceedings.

16. MANNER OF PRESENTATION OF APPEAL OR APPLICATION FOR REVISION.

Every appeal & application with spare copies or revision preferred under these regulations, shall contain arterial statements and arguments relied upon by the appellant or applicant. There shall be no dis-respectful of improper language, and shall be complete in itself. Every such appeal or application for revision, shall be submitted through proper channel.

17. WITHHOLDING OF APPEAL OR APPLICATIONS FOR REVISION.

(1) An appeal or application for revision, may be withheld by the controlling officer, if :-

- a) It is an appeal or application for revision in a case in which under these regulations, no appeal or application for revision lies; or
- b) It does not comply with the provisions of Regulation – 16 ; or
- c) It is an appeal and is not preferred within prescribed time limit and no reasonable cause is shown for the delay ; or
- d) It is a repetition for a previous appeal or application for revision and is made to the same appellate or revisional

authority by which such appeal or application for revision, has been decided and no new facts or circumstances, are adduced which afford ground for a reconsideration of the matter.

Provided that in every case in which an appeal or application for revision is withheld, the appellant or applicant, shall be informed of the fact with brief reasons for doing so and a copy thereof, shall be forwarded to the authority to which the appeal or revision was addressed.

Provided further that an appeal or application for revision withheld on the ground mentioned in Regulation 17 (b), may be re-submitted at any time within one month of the date on which the appellant or applicant, has been informed of the withholding of the appeal or application and if re-submitted in a form which complies with those provisions, shall be forwarded to the concerned appellate or revisional authority.

(2) Any appellant or revisional authority, may call for the record of any appeal or application for revision withheld by the controlling officer, which under these Regulations, may be made to it and may pass such order thereon as it considers fit.

## 18. APPEAL AND SAVING

(1) The Haryana State Electricity Board Employees (Punishment and Appeal), Regulations, 1980 notified vide office order No.3/Reg.22 dated 4.9.80 and amended from time to time, are hereby repealed;

Provided that:

- (a) such repeal, shall not affect the previous operation of the said regulations or any notification or order made, or anything done, or any action taken, there under ; and
  - (b) any proceedings under the said regulations, pending at the commencement of these regulations, shall be continued and disposed of, as far as may be, in accordance with the provisions of those regulations, as if such proceedings were proceedings under those regulations.
- (2) Nothing in these regulations shall be construed as depriving any person to whom these regulations apply, of any right of appeal which had

accrued to him under the regulations, notification or order in force the commencement of these regulations.

(3) Any appeal pending at the commencement of these regulations against any order, shall be considered and orders thereon, shall be made in accordance with those regulations.

(4) As from the commencement of these regulations any appeal or application for revision against any orders made before such commencement, shall be preferred or made under these regulations and not the regulations so repealed ;

Provided that nothing in these regulations, shall be construed as a reducing any period of limitation for any appeal or revision provided by any regulation in force, before the commencement of these regulations.

Sd/-  
SECRETARY,  
HARYANA STATE ELECY.BOARD  
PANCHKULA.

**A P P E N D I X - 'A'**  
**(Referred to in Regulation 1-A(a))**

Regulations applicable to permanent Government Employees of the Erstwhile Electricity Department of the Punjab Government (including those on probation against permanent posts ), who were transferred on "Foreign Service' terms to the Punjab State Electricity Board on 31.1.1959.

**DISCIPLINE:**

In respect of disciplinary matters, they will be under the administrative control of this Board, instead of the Punjab Government. The Board and its subordinate authorities in accordance with the delegation, on similar lines as under Government, will be the final authority but before a penalty is imposed , the provisions of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time, will be followed, except that relating to consultation with the Public Service Commission.