



PUNJAB STATE TRANSMISSION CORPORATION LIMITED
Regd. Office: PSEB, Head Office, The Mall, Patiala-147001
Corporate Identity Number: U40109PB2010SGC033814
O/O LEGAL SECTION SHAKTI SADAN, PATIALA
(Fax No. 0175-2300387)

To

Regd. →

1. CE/TS, PSTCL, Patiala.
2. CE/P&M, PSTCL, Ludhiana.
3. CE/HIS&D, PSTCL, Patiala.
4. CE/SLDC, PSTCL, Patiala.
5. CFO, PSTCL, Patiala.
6. CAO (Finance & Audit), PSTCL, Patiala.

Memo no. 961/66 /LB-2(104)T-2021(Pb. Govt. Ref.)

Dated: 04/8/21

Subject: - Action to be taken against Government employee convicted on a criminal charge and eligibility of convicted persons for appointment in the Government.

Supdt., Govt. of Punjab, Deptt. of Power (EB) has e-mailed the latest instructions issued by Under Secy./Personnel, Government of Punjab Department of Personnel (Personnel Policy-2 Branch) No. 03/02/2020-2PP2/97 dt. 22.07.2021 on the subject cited above alongwith 'Annexure-A' (Offences involving Moral Turpitude) are enclosed for information & meticulous compliance.

DA/-as above

967
04/8/21

Law Officer Gr. I,
PSTCL, Patiala.

cc.

Company Secretary, PSTCL, Patiala.

No.03/02/2020-2PP2/97
GOVERNMENT OF PUNJAB
DEPARTMENT OF PERSONNEL
(PERSONNEL POLICY- 2 BRANCH)

Dated, Chandigarh: 22/07/2021

To

All the Heads of Departments,
Registrar, Punjab and Haryana High Court,
All Commissioners of Divisions,
All Deputy Commissioners, and
All Sub divisional Magistrates in the State of Punjab.

Subject: Action to be taken against Government employees convicted on a criminal charge and eligibility of convicted persons for appointment in the Government.

1. This is in reference to the latest instructions of Department of Personnel, Government of Punjab No. 3/14/2018-2PP2/337 dated 09.07.2020 directing the Departments to take action against the employees convicted on a criminal charge under the service rules. Department of Personnel has, from time to time issued instructions reiterating the action to be taken against Government employees who are convicted on a criminal charge. Action against convicted employees is taken at various levels eg. District level, Directorate level, Government level etc., and therefore, in order to ensure the strict compliance of Government instructions issued from time to time, there is a need to have practicability and uniformity of decision. There is also a need to clarify the nature of offence, conviction in respect of which will require action against the employee. Accordingly, detailed instructions are issued on this subject.

2. It has been clarified in the circular dated 09.07.2020 that an appeal against an order or even a stay on the sentence will have no effect unless the conviction itself is stayed. It has further been emphasized that in cases of serious charges of misconduct, particularly involving moral turpitude, the Department should immediately act upon the judgments of Court and take action against the Government servants under the relevant Punishment and Appeal Rules. It has further been clarified that there is no bar on taking simultaneous criminal action and initiation of departmental proceedings against the Government employees.

Earlier Department of Personnel, Government of Punjab vide its letter No. 3/23/1998-1PP2/10394 dated 05.08.1998 circulated an order in compliance with decision of Hon'ble Supreme Court in Civil Appeal No. 2992/1995 wherein it was held that employees convicted of a serious charge are not to be retained in service. It was further held that mere suspension of sentence will be of no use to the employees, unless the conviction itself was stayed or set aside. It would be relevant to examine the conduct of the Government servant which has led to his conviction on a criminal charge. If the employee is held guilty and convicted of a serious charge, then such an employee would not be retained in service.

3. The instructions and service rules contemplate that employees convicted of serious offences particularly offences involving moral turpitude are not to be retained in service and such employees are either to be dismissed or removed from service. The term 'moral turpitude' has not been defined in the rules or anywhere else and it may convey different meaning in different contexts, but it has generally been taken to mean a conduct contrary to justice, honesty, modesty or good morals. A list of offences involving moral turpitude has been drawn up in consultation with the Directorate of Prosecution and Litigation, a copy of which is enclosed herewith(Annexure-I). This list, however, is not exhaustive and there might be offences which are not included in the Annexure-I but which, in certain situations and circumstances, may involve moral turpitude.

4. Action against serving State Government employees is to be taken under Punjab Civil Services (Punishment and Appeal) Rules, 1970 or Punjab Police Rules, 1934 or other relevant Rules, while action against All India Services officers will be taken under All India Service (Discipline and Appeal) Rules 1969. As regards retired employees, the Punjab Civil Services Rules (Vol.II, Chapter II) and All India Service (Death-cum-Retirement Benefits) Rules, 1958 will be relevant. The appointing authorities may go through the instructions and rules carefully and take action as under:-

- (a) Persons convicted of offences involving moral turpitude will not be eligible for appointment under the Government.
- (b) The employees convicted of offences involving moral turpitude are not to be retained in service. They are to be either dismissed or

removed from service depending upon the conduct of the employees which led to the conviction on a criminal charge.

- (d) Action against retired employees shall be taken under the Punjab Civil Services (Volume-II, Chapter-II), All India Service (Death- cum-Retirement Benefits) rules, 1958 or any other relevant Rules.
- (e) The employees who are convicted on a criminal charge involving moral turpitude would ordinarily be awarded the penalty of dismissal and forfeiture of full pension, as the case may be, unless the punishing authority after reasons to be recorded, is of the opinion that there are some extraordinary extenuating circumstances which justify the lesser penalty of removal or the withholding of part of the pension.

Annexure-1

Offences involving moral turpitude

Other Acts.

- (1) Conviction for offences under Prevention of Corruption Act, 1988.
- (2) The Narcotic Drugs and Psychotropic Substances Act 1985.
- (3) Prevention of Money Laundering Act (PMLA).
- (4) The Protection of Children from Sexual Offences Act, 2012.
- (5) The Immoral Traffic (Prevention) Act, 1956.
- (6) Punjab Travel Professional Regulation Act, 2012.
- (7) Immigration Act, 1983.
- (8) Arms Act, 1959.

Indian Penal Code

121. Waging or attempting to wage war or abetting to wage war against the Government of India.
- 121-A. Conspiracy to commit offences punishable under section 121.
122. Collecting arms, etc., with intention of waging war against the Government of India.
123. Concealing with intent to facilitate design to wage war.
124. Assaulting President, Governor, etc. with intent to compel or restrain the exercise of any lawful power.
- 124-A. Sedition.
125. Waging war against any Asiatic power in alliance with the Government of India.
126. Committing depredation on territories of Power at peace with the Government of India.
127. Receiving property taken by war or depredation mentioned in section 125 and 126.

- 128. Public servant voluntarily allowing prisoner of state or war to escape.
- 129. Public servant negligently suffering such prisoner to Escape.
- 130. Aiding escape of, rescuing or harbouring such prisoner.
- 167. Public servant framing an incorrect document with intent to cause Injury.
- 193. Punishment for false evidence.
- 194. Giving or fabricating false evidence with intent procure conviction of capital offence if innocent person be there by convicted and executed.
- 195. Giving or fabricating false evidence with intent procure conviction of offence punishable with imprisonment for life or imprisonment.
- 195-A. Threatening any person to give false evidence.
- 196. Using evidence known to be false.
- 197. Issuing or signing false certificate.
- 198. Using as true a certificate known to be false.
- 199. False statement made in declaration which is by law receivable as evidence.
- 200. Using as true such declaration knowing it to be false.
- 201. Causing disappearance of evidence of offence or giving false information, to screen offender- If a capital offence;
If punishable with imprisonment for life.
If punishable with less than ten years imprisonment; Giving false information respecting an offences committed; Destruction of document to prevent its production as evidence.
- 217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
- 218. Public servant framing incorrect record on writing with Intent to save person from punishment or property from forfeiture.
- 302. Punishment for murder.
- 304. Punishment for culpable homicide not amounting to murder.
- 304-B. Dowry death.
- 307. Attempt to murder.

- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 326-A. Voluntarily causing grievous hurt by use of acid etc.
- 326-B. Voluntarily throwing or attempting to throw acid.
- 354. Assault of criminal force to woman with intent to outrage her modesty.
- 354-A. Sexual harassment and punishment for sexual harassment.
- 354-B. Assault or use of criminal force to woman with intent to disrobe.
- 354-C. Voyeurism.
- 354-D. Stalking.
- 363. Punishment for kidnapping.
- 363-A. Kidnapping or maiming a minor for purposes of begging.
- 364. Kidnapping or abducting in order to murder.
- 364-A. Kidnapping for ransom etc.
- 365. Kidnapping, abducting with intent secretly and wrongfully to confine person.
- 366. Kidnapping abducting or inducing woman to compel her marriage, etc.
- 366-A. Procuration of minor girl.
- 366-B. Importation of girls from foreign country.
- 367. Kidnapping or abducting in order to subject person to grievous hurt slavery, etc.
- 368. Wrongfully concealing or keeping in confinement kidnapped or abducted person.
- 369. Kidnapping or abducting child under ten years with intent to steal from its person.
- 372. Selling minor for purposes of prostitution, etc.
- 373. Buying minor for purposes of prostitution, etc.
- 376. Punishment for rape.
- 376-A. Punishment for causing death or resulting in persistent vegetative state of victim.
- 376-AB. Punishment for rape on woman under twelve years of age.
- 376-B. Sexual intercourse by husband upon his wife during separation.
- 376-C. Sexual intercourse by a person in authority.

- 11
- 376-D. Gang rape.
 - 376-DA. Punishment for gang rape on woman under sixteen years of age.
 - 376-DB. Punishment for gang rape on woman under sixteen years of age.
 - 376-E. Punishment for repeat offenders.
 - 377. Unnatural offences.
 - 379. Punishment for theft.
 - 380. Theft in dwelling house, etc.
 - 381. Theft by clerk or servant of property in possession of master.
 - 382. Theft after preparation made for causing death hurt or restraint in order to the committing of the theft.
 - 384. Punishment for extortion.
 - 392. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
 - Punishment for robbery, attempt to commit robbery.
 - Voluntarily causing hurt in committing robbery.
 - 395. Punishment for dacoity.
 - 396. Dacoity with murder.
 - 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
 - 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
 - 399. making preparation to commit dacoity.
 - 400. Punishment for belonging to gang of dacoits.
 - 403. Dishonest misappropriation of property.
 - 404. Dishonest misappropriation of property possessed by deceased person at the time of his death.
 - 406. Punishment for criminal breach of trust.
 - 407. Criminal breach of trust by carrier, etc.
 - 408. Criminal breach of trust by clerk or servant.
 - 409. Criminal breach of trust by public servant, or by banker, merchant or agent.
 - 418. Cheating with knowledge that wrongful loss may ensure to person whose interest offender is bound to protect.
 - 419. Punishment for cheating by personation.
 - 420. Cheating and dishonestly inducing delivery of property.

421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
449. House-trespass in order to commit offences punishable with death.
450. House-trespass in order to commit offence punishable with imprisonment for life.
453. Punishment for lurking house-trespass or house-breaking.
454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.
455. Lurking house-trespass or house-breaking after preparation for hurt assault or wrongful restraint.
456. Punishment for lurking house-trespass or house-breaking by night.
457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
460. All persons jointly concerned in lurking house trespass or house breaking by night punishable where death or grievous hurt or caused by one of them.
465. Punishment for forgery.
466. Forgery of record of Court or of public register, etc.
467. Forgery of valuable security, will, etc.
468. Forgery for purpose of cheating.
471. Using as genuine a forged document or electronic record.
472. making or possessing counterfeit seal, etc. with intent to commit forgery punishable under section 467.
473. Making or possessing counterfeit seal, etc. with intent to commit forgery punishable otherwise.
474. Having possession of document described in section 466 to 467, knowing it to be forged and intending to use as genuine.
475. Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material.

- 476. Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.
- 477-A. Falsification of accounts.
- 489-A. Counterfeiting currency notes or bank-notes.
- 489-B. Using as genuine, forged or counterfeit currency notes or bank-notes.
- 489-C. Possession of forged or counterfeit currency notes or bank notes.
- 489-D. Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes.
- 489-E. Making or using documents resembling currency-notes or bank-notes.
- 493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.
- 494. Marrying again during lifetime of husband or wife.
- 495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.
- 496. Marriage ceremony fraudulently gone through without lawful marriage.
- 498. Enticing or taking away or detaining with criminal intent a married women.
- 498-A. Husband or relative of husband to women subjecting her to cruelty.

Swarnjit Kaur
 Under Secretary Personnel, ^{20.7.2021}
 GOVERNMENT OF PUNJAB,
 DEPARTMENT OF PERSONNEL.