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PUNJAB STATE ELECTRICITY BOARD
(SECRETARY /REGULATION SECTION,PATIALA)

To

1. All Ex-Inf-Chief/General Manager,PSEB,
2. All Chief Engineer,PSEB/BBMB Including Hydrel
4. DGF/V&S,PSEB,Patiala
5. OSD to Chairman,PSEB,Patiala
6. All Chief Accounts Officer/Chief Auditor,PSEB,Patiala
7. Chief Controller/Finance,PSEB,Patiala.
8. Cost Controller & Reduction Patiala.
9. RAO PSEB Patiala.
10. SE(I) to Members PSEB,Patiala
11. All SEs/Director./Director.I.R.PSEB
12. Financial Advisor and CAO O&M CGSSTP
13. Accounts & Finance Manager,GNDTP Bathinda

Memo No. 126048/ /ADP-110 Dated: 1.9.2005
126243.

Subj: Action to be taken in case where Government Employees are convicted on a criminal charge- Civil
Appeal No: 2992/1995-Supreme Court of India - Deputy Director of Collegiate Education
(Administration (Madras) Appellant Vs. S. Nagar Meera, Respondent.

Instructions on the above subject were issued vide this office memo No. 157556/157746/ADP-110 dated
26.6.2001 (Copy enclosed). but it has been observed that proper compliance of these instructions is not being made
The above instructions are hereby reiterated for information of all concerned for meticulous compliance.

DA/As above

B. Singh
Dy. Secretary/P&R
PSEB, Patiala.

Enclst.No. 126244/227044 /ADP-110

Dated 1.9.2005

Copy of the above is sent herewith for information and necessary action to the following :-

1. Member/Power/Secy.BMBB,Chandigarh.
2. All/Dy. CAO/Dy. CA/Dy.Financial Adviser including Ropar Thermal Project, Bhatinda
Thermal Plant & Lehra Mohabbat
3. All XEN/RE/Dy.Director,PSEB,All Sr. Accounts Officer/Field ,Pre-Audit,Thermal BMBB
4. S.E.Electrical UT Chandigarh
5. Dy. Financial Advisor & CAO BBMB Talwara Township.
6. Dy. Financial Advisor,& CAO, BBMB NANCAL.
7. All Joint Secy./Dy.Secy.Under Secy.PSEB,Patiala
8. Dy. Secy. to Chairman/Sr/Pvt.Secy. to Members/Secy.(H.O)
9. All Sectional Heads Patiala(H.O)
10. All Accounts Officer,PSEB,Including Hydrel & BBMB.

DA/As above

B. Singh
Dy. Secretary/P&R
PSEB, Patiala.

31/10/05
Instructions

ਪੰਜਾਬ ਰਾਜ ਇਜ਼ਾਜ਼ੀ ਬੋਰਡ
(ਸਕੂਲਰ / ਰੈਗੂਲੇਸ਼ਨ ਭਾਗ)

ਸਰਕੂਲਰ ਨੰ: 14/2001

ਵਿਸ਼:

1. ਸਾਰੇ ਇੰਜ: ਇੰਨ-ਚੀਫ/ਜਨਰਲ ਮੈਜਿਸਟਰ, ਪੰ:ਰਾ: ਜਿ: ਬੋ।
2. ਸਾਰੇ ਮੁਖ ਇਜ਼ਾਜ਼ੀਅਰ, ਪ:ਰਾ: ਜਿ: ਬੋ/ਬੀ. ਐਮ. ਡੀ. ਸਮੇਤ ਹਾਈਡਲ।
3. ਐਸ. ਡੀ (ਟੀ)ਟ ਚੇਅਰਮੈਨ, ਪ:ਰਾ: ਜਿ: ਬੋ, ਪਟਿਆਲਾ।
4. ਏ. ਡੀ. ਜੀ. ਪੀ/ਦਿਸ਼ੀ ਤੇ ਸੁਰੱਖਿਆ, ਪ:ਰਾ: ਜਿ: ਬੋ, ਪਟਿਆਲਾ।
5. ਸਾਰੇ ਮੁਖ ਠੇਕਾ ਅਫਸਰ/ਮੁਖ ਆਡੀਟਰ, ਪ:ਰਾ: ਜਿ: ਬੋ।
6. ਮੁਖ ਕੰਟਰੋਲਰ ਫਿੰਡ, ਪ:ਰਾ: ਜਿ: ਬੋ, ਪਟਿਆਲਾ।
7. ਚੀਫ ਕਾਸਟ ਟੈਕ ਟਰੇਨਰ ਅਤੇ ਰੀਡਕਸ਼ਨ ਪ:ਰਾ: ਜਿ: ਬੋ, ਪਟਿਆਲਾ।
8. ਐਸ. ਡੀ (ਟੀ)ਟ ਮੈਜਿਸਟਰ ਪੰ:ਰਾ: ਜਿ: ਬੋ।
9. ਸਾਰੇ ਨਿਯ: ਇੰਜ: /ਡਾਇਰੈਕਟਰਜ਼, ਪ:ਰਾ: ਜਿ: ਬੋ।
10. ਮੁਖ ਖ਼ਰੀਦ ਅਫਸਰ-1 ਅਤੇ 2 ਪ:ਰਾ: ਜਿ: ਬੋ, ਪਟਿਆਲਾ।
11. ਠੇਕਾ ਤੇ ਵਿੱਤ ਮੈਜਿਸਟਰ, ਜੀ. ਐਨ. ਡੀ ਟੀ. ਪੀ ਬਠਿੰਡਾ।

ਸੀਮੇ ਨੰ: 157556/157746/ਏ. ਡੀ. ਪੀ-110 ਮਿਤੀ 26.6.2001

ਵਿਸ਼ਾ: Action to be taken in cases where Government employees are convicted on a criminal charge-Civil Appeal No.2992/1995-Supreme Court of India Deputy Director of Collegiate Education (Administration (Madras) Appellant Vs. S. Nagoor Meera, Respondent.

ਪੰਜਾਬ ਸਰਕਾਰ, ਪਸੇਨਠ ਅਤੇ ਪਬਲਿਕ ਏਜ਼ਾਰ ਵਿਭਾਗ (ਪਸੇਨਠ ਪਾਠਿਸ਼ਾਲਾ ਸ਼ਾਖਾ-2) ਚੰਡੀਗੜ, ਦੇ ਗੜਤੀ ਪੱਤਰਨ: 3/23/98-1 ਪੀ ਪੀ-2/10394 ਮਿਤੀ 3.8.98 ਦੀ ਇਕ -ਇਕ ਕਾਪੀ ਸੂਚਨਾ ਤੇ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜੀ ਜਾਂਦੀ ਹੈ।

ਪੰ:ਰਾ: ਜਿ: ਬੋ, ਨੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਉਪਰੋਕਤ ਪੱਤਰ ਵਿਚ ਦਿੱਤੀਆ ਹਦਾਇਤਾਂ ਨੂੰ ਠੇਕੜ ਵਿਚ ਇੰਨ-ਬਿੰਨ ਪਾਠਨਾ ਕਰਨ ਨਈ ਅਪਣਾ ਨਿਆ ਹੈ।

ਨਬੀ/ਉਪਰੋਕਤ ਅਨੁਸਾਰ

ਸਹੀ/-
(ਮਨਜੀਤ ਸਿੰਘ)
ਅਧੀਨ ਸਕੂਲਰ/ਪੀ. ਟੇ ਆਰ,
ਵਾ: ਸਕੂਲਰ, ਪ:ਰਾ: ਜਿ: ਬੋ, ਪਟਿਆਲਾ।

ਪਿੰਨ ਅੰਕਣ ਨੰ: 157747/158469/ਏ. ਡੀ. ਪੀ-110 ਮਿਤੀ 26.6.2001

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਹੇਠ ਨਿਖਿਆ ਨੂੰ ਸਮੇਤ ਸਹਿਲਗ ਸੂਚਨਾ ਤੇ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ: -

1. ਮੈਜਰ ਪਾ ਵਰ, ਬੀ. ਡੀ. ਐਮ. ਡੀ., ਚੰਡੀਗੜ,
2. ਸਕੂਲਰ/ਬੀ. ਡੀ. ਐਮ. ਡੀ., ਚੰਡੀਗੜ,
3. ਸਾਰੇ ਉਪ ਮੁਖ ਠੇਕਾ ਅਫਸਰ/ਉਪ ਮੁਖ ਆਡੀਟਰ/ਉਪ ਵਿੱਤ ਸੂਨਾਹਕਾਰ ਸਮੇਤ ਰੋਪੜ ਥਰਮਲ ਪੇਜੈਕਟ ਅਤੇ ਨਹਿਰਾ ਮੁਹਬਤ ਥਰਮਲ ਪੇਜੈਕਟ ਅਤੇ ਬੁਠਿੰਡਾ ਥਰਮਲ ਪੇਜੈਕਟ।
4. ਸਾਰੇ ਕਾਰਜਕਾਰੀ ਇੰਜ+/ਜਜੀ: ਇੰਜ+ /ਡਿਪਟੀ ਡਾਇਰੈਕਟਰ ਅਤੇ ਖ਼ਰੀਦ ਅਫਸਰ।
5. ਸਾਰੇ ਸੀਨੀਅਰ ਠੇਕਾ ਅਫਸਰ/ਠੇਕਾ ਅਫਸਰ ਸਮੇ ਤ ਥਰਮਲ ਡੀ. ਡੀ. ਐਮ. ਡੀ. ਅਤੇ ਹਾਈਡਲ।

ਚਲਦਾ ਹੈ

Comptroller

- 6. ਨਿਰ: ਇੰਜ: /ਇਲੈਕਟ੍ਰੀਕਲ ਸੂਨੀਅਰਟੈਰੇਟਰੀ ਚੰਡੀਗੜ੍ਹ।
- 7. ਰੰਜੀ ਡੈਵ ਆ ਡਿਟ ਅਫਸਰ, ਪਟਿਆਲਾ।
- 8. ਉਪ ਵਿੱਤ ਸਨਾਹਕਾਰ ਅਤੇ ਮੁੱਖ ਠੇਕਾ ਅਫਸਰ ਡੀ. ਜੀ. ਐਮ. ਸੀ. ਨੰਗਲ।
- 9. ਵਿੱਤ ਸਨਾਹਕਾਰ ਅਤੇ ਮੁੱਖ ਠੇਕਾ ਅਫਸਰ ਵਿਆਸ ਪੇਜੈਕਟ ਤਰਵਾੜਾ ਟ/ਝਿਪ।
- 10. ਡਾ ਇੰਜੀਨੀਅਰ ਉਦਯੋਗਿਕ ਸੰਪਰਕ ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ।
- 11. ਉਪ ਸਕੱਤਰ ਟੂ ਦੇਅਰਮੈਂਟ, ਸਕੈਨੀ: ਨਿੱਜੀ ਸਕੱਤਰ ਟੂ ਮੈਂਬਰਜ਼ ਸਕੱਤਰ, ਪੰ: ਰਾ: ਇ: ਏ।
- 12. ਡਾ ਇੰਜੀਨੀਅਰ/ਫੈਕ ਸੰਪਰਕ ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ।
- 13. ਸਾਰੇ ਜੁਆ ਇੰਟਰਕੋਰ/ਉਪ ਸਕੱਤਰ/ਆ. ਨ ਸਕੱਤਰ, ਪੰ: ਰਾ: ਇ: ਏ।
- 14. ਸਾਰੇ ਡਾਗਾ ਦੇ ਮੁੱਖ ਹੋਡ ਆ ਫਿਸ ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ।

ਨੋਬੀ/ਉਪਰੋਕਤ ਅਨੁਸਾਰ

ਸਹੀ/-
ਅਜੀਠ ਸਕੱਤਰ/ਪੀ. ਡੇ. ਆਰ,
ਵਾ: ਸਕੱਤਰ, ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ।

ਪਿੱਠ ਅੰਕਣ: 158467/158468/ਏ ਡੀ. ਪੀ-110 ਮਿਤੀ 26.6.2001
ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸਮੇ ਤ ਸ਼ ਸਹਿਕਰ ਹੇਠ ਲਿਖਿਆ ਨੂੰ ਸੂਚਨਾ ਤੇ ਕਾਰਵਾਈ

ਵਿੱਧਿਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

- 1. ਕਾਨੂੰਨ ਅਫਸਰ, ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ ਨੂੰ ਉਹਨਾਂ ਦੇ ਟੈ: ਸ: ਪੱ: ਨੰ: 2932/
ਐਮ. ਸੀ-3(24)189/98 ਮਿਤੀ 20.3.2001 ਦੇ ਸਬੰਧ ਵਿ।
- 2. ਉਪ ਸਕੱਤਰ/ਮੀ ਵਿੰਗਜ਼ ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ ਨੂੰ ਉਹਨਾਂ ਦੇ ਟੈ: ਸ: ਪੱ: ਨੰ:
5539/ਡਾਗਾ ਟੀ ਐਮ-16/ 2001/2 ਮਿਤੀ 15.6.2001 ਦੇ ਸਬੰਧ ਵਿ।

ਨੋਬੀ/ਉਪਰੋਕਤ ਅਨੁਸਾਰ

ਸਹੀ/-
ਅਜੀਠ ਸਕੱਤਰ/ਪੀ. ਡੇ. ਆਰ,
ਵਾ: ਸਕੱਤਰ, ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ।

ਪਿੱਠ ਅੰਕਣ ਨੰ: 158469 /ਏ ਡੀ. ਪੀ. -110

ਮਿਤੀ 26.6.2001

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਪਰਾਈਵੇਟ ਸਕੱਤਰ ਟੂ ਮੰਤਰੀ ਪਾਵਰ ਪੰਜਾਬ ਸਰਕਾਰ,
ਪੰਜਾਬ ਸਿਵਲ ਸੈਕਟਰੀਏਟ ਚੰਡੀਗੜ੍ਹ ਨੂੰ ਸੂਚਨਾ ਵਿੱਚ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਸਹੀ/-
ਅਜੀਠ ਸਕੱਤਰ/ਪੀ. ਡੇ. ਆਰ,
ਵਾ: ਸਕੱਤਰ, ਪੰ: ਰਾ: ਇ: ਏ, ਪਟਿਆਲਾ।

Comparison
Bhar
11/8

No.3/23/98-1PP11/10394
 Government of Punjab
 Department of Personnel and Administrative Reforms
 (Personnel Policies Branch-II)

Dated, Chandigarh, the 5th August, 1998.

To.

All the Heads of the Departments,
 Commissioners of Divisions,
 Deputy Commissioners, and
 Sub-Divisional Magistrates in the
 State of Punjab.

Subject: Action to be taken in cases where Government employees
 are convicted & on a criminal charge-Civil Appeal No.
 2992/1995-Supreme Court of India-Deputy Director of Collo-
 gate Education (Administration) (Madras) Appellant Vs. S. Nagoor
 Meera, Respondent.

.....

Sir/Madam,

I am directed to refer to the subject noted above and
 to say that in the case cited, the Tamil Nadu High Court suspended
 the sentence imposed upon the respondent and released him on bail.
 The Appellant i.e. the Deputy Director of collegiate Education
 issued a notice to the respondent calling upon him to show cause
 why should he not be dismissed from service in view of his
 conviction by the criminal court. The show cause notice expressly
 recited that in as much as the High Court has only suspended
 the sentence, the conviction of the respondent was still in force.
 After receiving the show cause Notice, the respondent filed origi-
 nal Application No. 6851 of 1993 before the Tamil Nadu Administra-
 tive Tribunal. The submission of the respondent was upheld by the
 Tribunal, that in as much as the sentence imposed upon him by the
 Criminal Court has been suspended by the Appellate court (High-
 Court) no proceedings could be taken for terminating the services
 of the respondent under and with reference to clause (a) of the

Contd...2...

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second proviso to Article 311(2) of the constitution of India.

The Tribunal quashed the Show -Cause Notice on the following reasoning:-

"Therefore, it is clear that once the sentence has been suspended admitting the appeal, the criminal proceedings of the lower Court which ended in conviction and sentence of the applicant is being continued in the appellate court and it can end only when the proceedings in the appellate Court come to an end. Till then the applicant cannot be proceeded under the provisions of the JNCS (CCA) rules as has been done in this case. Yet another flaw is that there has been inordinate delay of two years and eight months after the conviction and sentence was passed by the lower Court in issuing the impugned show cause notice. This inordinate delay is unexplained. Therefore, the show cause notice to the applicant is not sustainable in law till the appellate Court disposes of the Criminal appeal."

2. The correctness of the said order of the Tribunal was questioned by the Deputy Director of Collegiate Education in the Appeal. The learned Hon'ble Judges (B.P. Jeevan Reddy and K.S. Paripoornan) of the Supreme Court of India in the Appeal cited observed as under:-

"We need not, however, concern ourselves any more with the power of the appellate court under the Code of Criminal procedure or the reason that what is relevant for clause (a) of the second provision to Article 311(2) is the "conduct which has led to his conviction on a criminal charge" and there can be no question of suspending the conduct. We are, therefore, of the opinion that taking proceedings for and passing orders of dismissal, removal or reduction in rank of a government servant who has been convicted by a criminal court is not barred merely because the sentence or order is suspended

Ampana
[Signature]

-3-

by the appellate court or on the ground that the said government servant- accused has been released on bail pending the appeal.

9. The Tribunal seems to be of the opinion that until the appeal against the conviction is disposed of, action under clause(a) of the second proviso to article 311(2) is not permissible. We see no basis or justification for the said view. The more appropriate course in all such cases is to take action under clause(a) of the second proviso to Article 311(2) once a government servant is convicted of a criminal charge and not to wait for the appeal or revision as the case may be. If, however, the government servant-accused is acquitted on appeal or other proceedings, the order can always be revised and if the government servant is reinstated, he will be entitled to all the benefits to which he would have been entitled to had he continued in service. The other course suggested, viz to wait till the appeal, revision and other remedies are over, would not be advisable since it would mean continuing in service a person who has been convicted of a serious offence by a criminal court. It should be remembered that the action under clause(a) of the second proviso to Article 311(2) will be taken only where the conduct which has led to his conviction is such that it deserves any of the three major punishments mentioned in Article 311(2). As held by this court in *Shankar Dass Vs. Union of India*, (1985) 2 SCC 358.

"Clause(a) of the second proviso to Article 311(2) of the constitution confers on the government the power to dismiss a person from service on the ground of conduct which has led to his conviction on a criminal charge. But, that power like every other power has to be exercised fairly, justly and reasonably. Surely, the Constitution does not contemplate that a government servant who is convicted for parking his scooter in a no parking area should be dismissed from service. He may, perhaps, not be entitled to be heard on the question of penalty since clause(a) of the second proviso to Article 311(2) makes the provisions of that article inapplicable when a penalty is to be imposed on a government servant on the ground of conduct which has

Completed

Contd...4.....

led to his conviction on a criminal charge. But the right to impose a penalty carries with it the duty to act justly."

10. What is really relevant thus is the conduct of the government servant which has led to his conviction on a criminal charge. Now, in this case, the respondent has been found guilty of corruption by a criminal court, until the said conviction is set aside by the appellate or other higher court, it may not be advisable to retain such person in service. As stated above, if he succeeds in appeal or other proceedings the matter can always be reviewed in such a manner that he suffers no prejudice.

11. The Tribunal has given yet another reason for quashing the show cause notice, viz. that where as the conviction of the criminal court was on 4.2.1994 the impugned show cause notice was issued only on 27.10.93. The appellant has explained that though the respondent (Sic appellant) had come to know the conviction soon after the judgement of the criminal court, there was a doubt whether action can be taken against the respondent in view of the order of the High Court suspending the sentence, it is stated that after obtaining legal advice, the show cause notice was issued. In our opinion the delay, if it can be called one, in initiating the proceedings has been properly explained and in any event, the delay is not such as to vitiate the action taken.

12. The appeal is accordingly allowed and the order of the Tribunal is set aside."

3. You are, therefore, requested to take action in similar cases in the light of the above judgement of the Supreme Court of India and these instructions may please be brought to the notice of all concerned for meticulous compliance.

4. The receipt of this letter may please be acknowledged.

Yours faithfully

Sd/-
(Meghraj)
Joint Secretary Personnel.

Copy to
Blal
3/12