

Punjab State Electricity Board

From

Secretary,
Legal Section,
PSEB, Patiala.

To

1. All Er.-in-Chief/C.Es/GMs/S.Es/Xens in PSEB (including Hydrel)
2. All Dy. Secretaries/Under Secretaries in PSEB
3. All Sectional Heads in PSEB
4. CAO/CA/CPO/P.O/CCF/L.A, PSEB
5. Directors/IR, Director/Personnel PSEB
6. L.A.C, PSEB. Patiala
7. ADGP/ V&S, PSEB Patiala

Memo No. 29484/30384/LB-2 (General)Policy/96
Dated 14.2.96

Subject:- Institution and defence of cases on behalf of the Board.

It has come to the notice of the Board that the matters with regard to institution and defence of suits/cases in the various courts are not being attended to by the officers concerned with the requisite speed and attention. The Board in its meeting held on 5.1.96 and 8.1.96 has observed that at present the legal cases of the Board are not followed up with due diligence in the respective courts. The result is that in quite a few cases the Board's interests are jeopardized. Even some times the cases are decided against us by default. Even the civil suit against the Board instituted by the officials are not defended with the requisite attention which results in an ex-parte decree being awarded in favour of the plaintiff. Not only this, even the remedy against the ex-parte decree is not being sought within the available period of limitation and the Board has to face with a 'fait accompli' at the nick of time to pay the decretal amount. This is certainly a very unsatisfactory state of affairs.

In this connection, it might be relevant to recapitulate that the field offices have already been duly authorised to make timely arrangements for the defence/institution of legal cases on behalf of the Board at District/Divisional level. Under the provisions of Reg. 25 & 26 of PSEB Conduct of Business, Regulations, 1980, they are already authorised to sign plaints, documents, applications, affidavits, the Power of Attorney and the like. They can also

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counsel, from out of the approved panel of Advocates. The object behind this delegation was to achieve prompt, timely, adequate and effective action so as to safeguard the Board's interests.

It is, hereby, reiterated that institution and defence of suits etc. in the field offices of the Board is the personal and direct responsibility of the Xen. concerned after observing the pre-requisite formalities. They have to follow up in all such cases during various proceedings. The instructions on the subject have already been issued on 30.3.77 and even prior to that they also find mention in the PSEB Manual of Instructions Vol-II.

The Board has now decided that the authority competent to appoint a counsel in a case must simultaneously appoint a 'PAIRVI OFFICER' who will be an official of the Board to pursue the case in the court.

Therefore, keeping in view the decision of the Board, a 'PAIRVI OFFICER' must be appointed for the institution and defence of the suit/cases in the various courts. For this purpose Divisional Supdt./Divisional Acctt. may be appointed as 'PAIRVI OFFICER' in cases of field offices and Supdt. in Head office for the cases to be followed up by the Head office branches. These appointments are to be made simultaneously as and when Power of Attorney is signed by the officer competent to do so as prescribed in the PSEB Conduct of Business Regulation, 1980.

It has further been decided by the Board that A.M of the Board will hold monthly meetings to review all the legal cases of the Board in such a manner that each case comes for review atleast quarterly. For this purpose, month-wise list of pending court cases may be sent to the Legal Section through their respective Heads of Department so as to reach in the first week of every month for onward transmission to the A.M for review.

Sd/-
Secretary,
PSEB, Patiala.

CC: 1. Dy. Secy. to Chairman, PSEB, Patiala.
2. Sr. P.S to Members, PSEB, Patiala.

Endst. No. / Dated
Copy of the above is forwarded to Dy. Secy./Meetings,
PSEB, Patiala w.r.t. his office U.O No. 269/M-1/96 dated 14.1.96.

Sd/-
Under Secretary /Legal
for Secy. PSEB, Patiala.