

PUNJAB STATE TRANSMISSION CORPORATION LIMITED

Departmental Accounts Examination – 2024

AE Paper-II(Ist Session)

Category-

(Service Rules and Regulations)

Roll No.....

Time Allowed: 3hours

Max. Marks : 100

Note: All Questions are Compulsory

Q.1(a) Mr. A drawing pay of Rs.7250 in pay scale 6300-10700+4500 w.e.f. 01-08-1998 with DNI as on 01.03.1999.His 2AGI were stopped without future effect vide o/o order no. 5 dtd 09-05-1998 and 1AGI was stopped with future effect vide o/o order no. 8 dtd. 08-12-1998. Fix his pay upto 2001. 5

(b) Can an employee be allowed 10 days leave encashment in respect of LTC availed by his private vehicle? 5

(c) What quantum of additional Pension/family Pension is admissible to the old Pensioners/family Pensioners? 10

Q2(a) Benefit of one increment is allowed on promotion in lower scale. Is there any rule to allow the same for granting TBPs in lower scale? Comment

(b) Can option on deem date promotion be given by the retired employee? Comment

(c) While granting 23 year advance promotional increment w.e.f. 01-10-2018 to an employee where benefit was due before 01-10-2018. Notional pay was fixed from the due date and arrear was also given from due date to which audit objected. Comment

(d) Mr. A working as RTM died in 2019 and cannot opt for induction post as RTM. Now his wife gave option for opting the induction post as RTM to which audit objected. Comment regarding audit objection.

(e) Can employee placed under suspension be allowed TA for himself & his family?

5x4

Q.3 (a) What special pensionary benefits are admissible to the family of regular Corporation employee who die while performing official duties and become victims of fatal accident while on duty ? 10

(b) Is LTC and Old age allowance admissible to retirees where enquiry (departmental or judicial) is pending? Comment. 5

(c) Please write revised rates of ex-gratia grant. 5

Q.4 (a) In which cases no claim to pension is admitted? 10

(b) An employee joined PSTCL as AE on 18.05.2011 in the pay scale 16650-39100+5800. He was promoted as AEE on 25.10.2015, as Sr.Xen on 15.12.2021 and opted his pay to be fixed from the date of his next increment on both occasions. Fix his pay upto date. What will be his pay if he is promoted as Sr.Xen on 14.05.2019. 10

Q.5(a) What are the instructions regarding 9/16/23 HTB Scale /advance promotional increment in case an employee forgoes his promotion? 5

(b) What are the instructions regarding recovery of excess payment made by the employer due wrong fixation of pay? 10

(c) How to fix the pay in the revised pay scale of 2016 of AM/IT and AM/HR who have been granted Grade pay of Rs.6850 during the period of 1.1.2016 to 30.06.2021. If initial pay of Rs.71400 is admissible in these cases what will be DNI if pay is fixed at initial stage of Rs.71400 and which level is to be granted in case of AM/IT and AM/HR. 5

Solution Paper II Service Rules and Regulations

Ans.1(a)	6300-10700+4500
1-8-1998	7250
1-3-1999	7250 (7500) 2 AGI stopped o/o 5 dtd.09.05.1998
1-3-2000	7250 (7750)
1-3-2001	8000

The next increment is stopped with future effect vide, o/o 8 dtd.08.12.1998,so on 1-3-2002 ,pay will remain same i.e.8000.

(b)10 days leave encashment in respect of LTC availed by his private vehicle is allowed as per finance circular 02/2022 dtd. 07.01.2022 but has to submit proof of stay at declared place of visit or any other proof of that place subject to satisfying competent authority and audit. In the absence of proper proof as above claim of leave encashment will not be permissible.

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The quantum of Additional pension/family pension to the old pensioners/family pensioners shall be admissible as follows:

Age pensioners/family pensioners	Rate of additional pension/family pension
From 65 years to less that 70 years	5 percent of revised basic pension/family pension
From 70 years to less that 75 years	10 percent of revised basic pension/family pension
From 75 years to less that 80 years	15 percent of revised basic pension/family pension
From 80 years to less that 85 years	20 percent of revised basic pension/family pension
From 85 years to less that 90 years	35 percent of revised basic pension/family pension

From 90 years to less than 95 years	45 percent of revised basic pension/family pension
From 95 years to less than 100 years	55 percent of revised basic pension/family pension
100 years or more	100 percent of revised basic pension/family pension

Note:

The additional quantum of pension/family pension on attaining of 65 years and above would be admissible from the first day of the month in which his date of birth falls. For example, if a pensioner/family pensioner completes the age of 80 years in the month of August, 2018 he will be entitled to additional pension/family pension with effect from 1st August, 2018. Those pension/family pensioners whose date of birth is 1st August will also be entitled to additional pension/family pension with effect from 1st August, 2018 on attaining the age of 80 years and above. Dearness relief shall be admissible on the additional quantum of pension available to the old pensioners and family pensioners in accordance with the orders issued from times to time.

The existing provisions relating to Travel Concession shall continue to be in force. However, no arrears on this account shall be admissible up to the month during which these instructions are issued.

The pension/family pension as consolidated shall be subject to minimum of Rs. 9000/- per month with effect from 01.01.2016 (excluding the element of additional pension to old pensioners) for the employee recruited before 1.1.2004 and recovers under the old pension scheme. Where the consolidated pension/family pension in terms of Para 5.1 above works out to be an amount less than Rs. 9000/- the same shall be brought to Rs. 9000/-. This will be regarded to pension/family pension with effect from 01.01.2016.

2.

(a) Benefit of one increment is allowed on promotion in lower scale as per instructions of PSEB now PSPCL/PSTCL w.e.f 1.1.2016 as per FC 32/2010 dtd 10.8.2010, 53 and 54/2011 dtd.18.11.2011 , 26 and 27/2012 dtd.1.11.2012. Before 1.1.2016 as per FC 17/1990 and 34/93 benefit of one increment is not allowed on promotion in lower scale .Further these instructions do not allow benefit of one increment for granting TBPs in lower scale.

(b) Option on deem date promotion can also be given by the retired employee in the same manner as can be given by an employee while in service on deem date promotion as per FC 19/2018 dtd.6.9.2018 and 12/2019 dtd.7.3.2019.

© While granting 23 year advance promotional increment w.e.f. 01-10-2018 to an employee where benefit was due before 01-10-2018. Notional pay was fixed from the due date but arrear was to be given from the date of issue of finance circular 17/2018 dtd.21.08.2018 and 20/2018 dtd .1.10.2018 .Hence audit objection is correct.

(d) Mr. A working as RTM died in 2019 and cannot opt for induction post as RTM as per FC 5/2013 dtd.7.1.2013 while in service. Now his wife can not give option for opting the induction post as RTM as she is not an employee of PSPCL/PSTCL. Hence audit objection is correct.

(e) As per TA Regulation 42 MSR 1972 Volume III, An employee placed under suspension will be allowed Travelling Allowance as on tour if he is required by the competent authority to travel to a place other than the place of his normal duty before suspension. Travelling allowance claim of such an employee will be regulated with reference to the pay drawn by him immediately before suspension.

As per TA Regulation 43 MSR 1972 Volume III, An employee who is placed under suspension and his head quarters are shifted to some other place he will be entitled to travelling allowance as on transfer for himself and his family.

3(a)

As per Secretary PSEB (Now PSPCL/PSTCL) memo no. 121572/2472 G-106 dtd.24.06.1986 reiterated vide Dy.Secy P&R PSPSCL Patiala memono.1909/1958 dtd.4.5.2023, special pensionary benefits to the families of the regular Board Employees who die while performing official duties and become victims of fatal accident while on duty are granted as under:.

- i) These pensionary benefits will be equal to the last pay drawn by the deceased employee along with relief sanctioned from time to time up to the date when the employee would have retired on the date of superannuation. Thereafter the family will be entitled to the family pension in accordance with the family pension rules.
- ii) The above relief will be admissible only in case of death and in case of injury the employee shall be governed by the Workmen Compensation Act, 1923 as may be applicable to a particular employee.
- iii) The employee may give an undertaking to the Board that in case of his death the benefits as per the proposed scheme be extended to his dependents instead of payment compensation under the Workmen Compensation Act, 1923 and this undertaking will amount to relinquishment by the employee concerned of his right of compensation under the said dot.
- iv) The dependent who will be eligible for the special pensionary benefits, shall be the same as defined under the Workmen Compensation Act, 1923.
- v) The family of the employee who has given on undertaking to the Board for being governed under the special pensionary scheme after his death, as envisaged under clause(ii) above, can also, after the death of the employee, opt for the compensation being paid under the Workmen Compensation Act, 1923 and in the event of such a respect being made the compensation under the said shall be paid and not the pensionary benefits under the special pensionary scheme.

(b) As per FC 01/2023 LTC and Old age allowance is not admissible to retirees where enquiry (departmental or judicial) is pending and provisional pension is being granted.

Further employees who are fully exonerated in departmental or judicial cases, LTC and Old age allowance will be paid along with arrears of regular pension

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The Revised rate of as Ex-Gratia Grant shall be paid as below:

Category	Rates(in Rs.)
Employee who dies in service	2.00 lakh
Death occurring due to accidents in course of performance of duties	2.00 lakh
Death in performance of duty such as dealing with riots, terrorist's attack or enemy's action	20.00 lakh
Accidental or homicidal death of Government employees or who incurs complete permanent disability during performance of duty.	10.00 lakh

4(a) As CSR regulation 2.4 in the following cases no claim to pension is admitted:-

- a) When a Government employee is appointed for a limited time only, or for a specified duty on the completion of which he is to be discharged
- b) When a person is employed temporarily on monthly wages without special limit of time or duty; but a month's notice of discharge should be given to such a person, and his wages must be paid for any person by which such falls short of a month.
- c) When a person's whole-time is not retained for the public service, but he is merely paid for work done, such a Government Pleaders and Law Officers not debarred from private practice.
- d) When a public employee holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause (c) or in respect of duties paid for by a compensatory allowance.
- e) When Government employee serves under an agreement which contains no stipulation regarding pension, unless the competent authority specially authorizes him to count such service towards pension.

The agreement should be so worded as to preserve inviolate the indefeasible right of Government to modify the rules from time to time, at their discretion, so that no claim may arise to the benefits of the rules as they stood at the date when the agreement was executed.

(b) 16650-39100+5800(initial 18030)

18.05.2011 23830 Joined as AE

1.5.2012 24450

1.5.2013 25290

1.5.2014 26050

1.5.2015 26840

18.5.2015 4 year scale GP 6850 28650

25.10.2015 promoted as AEE GP 6850 28650 opted for next increment

1.1.2016 75700 PB 4 Level 19

1.5.2016 80300

1.5.2017	82700	
1.5.2108	85200	
1.5.2019	87800	
1.5.2020	90400	
18.5.2020 Ist HTS GP 8500		94200 Level 20 PB 4
1.5.2021		97000
15.12.2021 promoted as Sr. Xen in the same scale		
		97000 opted for next increment
1.5.2022		102900 Level 20 PB 4
1.5.2023		106000
1.5.2024		109200
when the above employee is promoted as Sr.Xen on 14.05.2019 his pay will be fixed as under:		
1.05.2019		87800 Level 19 GP 6850
14.05.2019 Promoted as Sr.Xen		
		91500 Level 20 PB 4 GP 8500
1.05.2020		94200
1.05.2021		97000
1.05.2022		99900
1.05.2023		102900
1.05.2024		106000

5(a)

As per Dy.Chief Engineer/Personnel memo no.3832/4572/GN113/vol:28/loose dtd.1.9.2021,if an employee forgoes his promotion for 3 years then 9/6/23 HTBS/Promotion increment are not allowed as per previous instructions.

If an employee again forgoes his promotion after 3 years then his promotion will be considered as forged forever and his case for promotion will not be considered and 9/6/23 HTBS/Promotion increment are not allowed as per previous instructions.

The employees who forgo their promotion for 3 years will lose their seniority of next post till the joining on promotion post after 3 years. These employees will become junior to those who are promoted earlier to those who forgo their promotion and these employee's seniority will be fixed after the junior employees promoted earlier.

5(b) As per FC 9/2023 dtd 3.4.2023,3/2020 dtd 14.2.2020,2/2016 dtd.9.2.2016 9/2013 dtd.16.1.2013 and 17/2012 dtd 3.8.2012 the following instructions have been issued regarding excess payment due to wrong fixation of pay:

The Hon'ble Supreme Court of India. In its recent order dated 16.12.2014 in Civil Appeal No. 11527 of 2014 arising of SLP (C) No. 11684 of 2012 –State of Punjab and others Vs Rafiq Masih (White Washer) and others. In Para No. 12 of the aforesaid judgment dated 18.12.2014 , Apex Court has made the following observations regarding recovery of wrongly paid benefits to employees of the state of its instrumentalities.

“ It is not possible to postulate all situations of hardship , which would govt. employee on the issue of recovery, where payments have mistakenly been made by the employer . In excess of their entitlement. Be that as it may based on the decisions referred to herein above, we may , as a ready reference, summaries the following few situations., where in recoveries by the employers, would be impermissible in law.”

- i) Recovery from employees belonging to Class-III and Class-IV service (of Group 'C' and Group 'D' Service)
- ii) Recovery from retired employees, or employees who are due to retire within one year of the order of recovery.

iii) Recovery from employees, when the excess payment has been made for a period in excess of five years , before the order of recovery is issued .

iv) Recovery from employee has wrongfully been required to discharge duties of a higher post , and has been paid accordingly, even though he should have rightfully been required to work against and inferior post.

v) In any other case, where in the Court arrives at the conclusion , that recovery , if made from the employee, would be iniquitous or harsh or arbitrary to such an extent , as would far ou the equitable balance of the employer's right to recover.

In future recovery of excess payment made to the employees is to be regulated as per ratio of the judgment dated 18.12.2014.

All recoveries required to be made shall be effected after following the due procedure .

5© As Per Finance Circular No. 4/2019 and 5/2019 pay of Rs, 6850 is to be granted after completion of 4 years of regular service to AM/HR and AM/IT in the same scale of 16650-39100+Grade Pay 5800 without any increment .

It is clarified that pay of AM/HR and AM/IT who have been granted Grade Pay of Rs. 6850/- (in pre-revised scales) should be fixed in level 19 of FC 12/2021, as is being done in case of AE/AOs.

It is further clarified that due to such pay fixation , in cases where benefit of fitment is of one increment , DNI shall be kept old and in cased where benefit of fitment is more than one increment , DNI shall be kept after one year of the date of completion of minimum length of qualifying service.