

**JE (Electrical & Communication)**

**PAPER - II**

**(Service Rules, Acts & Labour Law)**

**Max Marks - 100**

**Time Allowed: 3 Hours**

**NOTE:**

- i) Attempt all the questions and part of a question continuously at one place.**
- ii) Support your answer with relevant rules/regulations.**

**Question No. 1**

- a. What are the provisions of Factories Act 1948 regarding annual leave with wages?
- b. The working hours including the rest interval of women employed in factory has been fixed from 2 pm to 11 pm. Are the working hours valid as per factories act 1948? Give reasons.

Marks 10 +10 = 20

**Question No. 2**

- a. Which information is not open to disclosure i.e. exempt for disclosure under the Right to Information Act, 2005?
- b. What is the Fee for Seeking Information from Central Government Public Authorities under RTI Act?
- c. Is there any organization(s) exempt from providing information under RTI Act?
- d. What do you mean by Third party information as per RTI Act?

Marks 4\*5 = 20

**Question No. 3**

- a. State TA admissibility in case of appearing in departmental exams.
- b. Which cases are covered under false TA claims? What is the punishment in such cases?
- c. What is the difference between partial and total disablement under The Workmen Compensation Act 1923?

(Marks 5+5+10 = 20)

**Question No. 4**

- a. Name the authorities and their power in respect of following as per Delegation of powers:

- i) To write off irrecoverable arrears of Misc. advances. (10 marks)
- ii) To sanction expenditure on postage stamp. (5 marks)
- iii) To incur expenditure on Advertisement of all sorts. (5 marks)

Marks 10+5+5 = 20

**Question No. 5**

- a. Explain the instructions regarding Child care leave.
- b. Define the punishment which shall not amount to penalty under Punishment and Appeal Regulations.

Marks 10 +10=20

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**Question No. 1**

**Marks 10 +10 = 20**

- A) What are the provisions of Factories Act 1948 regarding annual leave with wages?**

**Ans:** As per Section 79 of the Factories Act provides that every worker who has worked for a period of at least 240 days or more or more in a factory during the calendar year shall be allowed during the subsequent calendar year, year with wages for a number of days calculated at the rate of

- (a) one day for every twenty days worked in the case of adults, and
- (b) one day for every fifteen days worked in the case of children.

The leave admissible is exclusive of holidays that occur during or at either end of the leave period. Provision is also made for proportionate leave with wages for a worker who is discharged or dismissed before he has completed 240 days service. The days of lay off, by agreement or contract or as permissible under the standing orders, maternity leave in case of female workers not exceeding twelve weeks and the leave earned in the year prior to that in which leave is enjoyed shall be deemed to be the days worked in a factory for the purpose of computation of the period of 240 days or more but shall not earn leave for these days. While calculating leave, fraction of leave of half a day or more shall be treated as one full day's leave and fraction of less than half a day shall be omitted. If a worker does not take whole of leave entitled to him in anyone calendar year such leave not taken shall by him be added to the leave to be allowed to him in the succeeding calendar year. The total number of days of leave that may be carried forward to the succeeding year shall not exceed thirty in case of an adult and forty in case of a child.

- B) The working hours including the rest interval of women employed in factory has been fixed from 2 pm to 11 pm. Are the working hours valid as per factories act 1948? Give reasons.**

**Ans:** As per Section 66 of the Factory Act 1948, for the safety and well-being of the female gender, their working hours in a factory shall be between 6 A.M. to 7 P.M. only. Provided that the State Government may, by notification in the Official Gazette, in respect of any factory or group or class or description of factories, vary the limits laid down in clause (b), but so that no such variation shall authorize the employment of any woman between the hours of 10 P.M. and 5 A.M.; there shall be no change of shifts except after a weekly holiday or any other holiday.] Further in Sub Section 2 of Section 66 mentions that the State Government can prescribe Special Provisions for fish curing or fish canning factories where employment of women beyond particular hours is necessary to prevent damage to any raw material. Thus, as per provisions explained above the working hours are not valid as per factories act 1948.

**Question No. 2**

**Marks 4\*5 = 20**

**A) Which information is not open to disclosure i.e. exempt for disclosure under the Right to Information Act, 2005?**

Ans: The information which are not open to disclosure i.e. exempt for disclosure under the Right to Information Act, 2005 are as under: -

- 1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen.
- 2) Information, disclosure or which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, relation with the foreign state or lead to incitement of an offence.
- 3) Information, the disclosure of which would cause a breach of privilege of parliament or the state legislature.
- 4) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.
- 5) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public. Interest warrants the disclosure of such information.
- 6) Information received in confidence from foreign government.
- 7) Information, the disclosure of which would endanger the life or physically safety of any person or identity the source of information or assistant given in confidence for law enforcement or security purposes.
- 8) Information which would impede the process of investigation or apprehension or prosecution of offenders.
- 9) Cabinet papers including records of deliberations of the council of ministers, secretaries and other offices.
- 10) Information which relates to personal information the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual unless the central public information officer or the state public information officer or the appellate authority, as the case may be.

**B) What is the Fee for Seeking Information from Central Government Public Authorities under RTI Act?**

Ans: A person who desires to seek some information from a Central Government Public Authority is required to send, along with the application, a demand draft or a banker's cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Assistant Public Information Officer against proper receipt. However, the RTI Fee and the mode of payment may vary as under Section 27 and Section 28, of the RTI Act, 2005 the appropriate Government and the competent authority, respectively, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

**C) Is there any organization(s) exempt from providing information under RTI Act?**

**Ans:** Yes, certain intelligence and security organizations specified in the Second Schedule, are exempted from providing information excepting the information pertaining to the allegations of corruption and human rights violations. Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

**D) What do you mean by Third party information as per RTI Act?**

**Ans:** Third party in relation to the Act means a person other than the citizen who has made request for information. The definition of third party includes a public authority other than the public authority to whom the request has been made.

### Question No. 3

(Marks 5+5+10 = 20)

#### A) State TA admissibility in case of appearing in departmental exams.

Ans: The PSTCL employees are entitled to draw travelling allowances at the tour rates to appear for an obligatory department examination as per regulation 36 of MSR Vol-III of PSTCL erstwhile PSEB. But if the examination has been cancelled or a employee did not appear for the said departmental examination, then the employee will not be allowed to claim any kind of travelling allowance. Employee shall only be allowed claim for travelling allowance on appearing the exams, maximum 02 no.s of times.

#### B) Which cases are covered under false TA claims? What is the punishment in such cases?

Ans: Some of the cases which are concerned to false TA claims are as under:

- 1) Claiming TA for a journey not actually performed by the employee.
- 2) Claiming higher class to which employee is entitled to according to the designation for a journey performed in lower class.
- 3) Claiming TA on transfer by submitting false certificate and bogus receipts in respect of transportation of luggage.

Further, the punishment in false of TA cases is "Termination from service".

#### C) What is the difference between partial and total disablement under The Workmen Compensation Act 1923?

Ans} The workmen's compensation act, 1923 is an important legislation that provides for compensation to workers who suffer injuries or disabilities in the course of their employment. The Act covers both partial and total disablement and ensures that workers are adequately compensated for their loss of earning capacity and other related expenses.

Now, the Partial disablement refers to a situation where a worker suffers a permanent or temporary loss of earning capacity due to an injury or disability that is not total in nature. In case of temporary partial disablement, the disablement results in reduction of earning capacity in respect of only that employment in which he was engaged at the time of accident. This means the workman's earning capacity in relation to other employment is not affected. But in case of permanent partial disablement, the disablement results in reduction in his earning capacity is not only the employment in which he was engaged at the time of accident but in all other employment. Under the Act, partial disablement is compensated in proportion to the loss of earning capacity, subject to a maximum limit of 50% of the worker's monthly wages or Rs. 120000/- whichever is higher. Further, Total disablement on the other hand, refers to a situation where a worker is rendered permanently or totally incapable of earning a livelihood due to an injury or disability that is work-related. The permanent total disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II there of where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred per cent or more. In such cases, the Act provides for payment of a lump sum compensation equal to 60% of the worker's monthly wages, subject to a maximum limit of Rs. 1,40,000/-, whichever is higher.

A) Name the authorities and their power in respect of following as per Delegation of Powers:

i) To write off irrecoverable arrears of Misc. advances. (10 marks)

Ans: As per DOP 59 of PSTCL, to write off irrecoverable arrears of Misc. advances is as under:-

- |   |                        |
|---|------------------------|
| 1) Committee of Dir./Admin, Dir./F&C & Dir./Tech. | Rs 25,000 in each case |
| 2) C.Es. /HODs                                    | Rs.5,000 in each case  |
| 3) S.Es & equivalent                              | Rs. 1000 in each case  |
| 4) Sr. Xens & equivalent                          | Rs. 500 in each case   |

\*\*Provided that the above amounts have been outstanding for more than five years and is further declared as irrecoverable.

ii) To sanction expenditure on postage stamp. (5 marks)

Ans: As per DOP 69 of PSTCL

To Sanction contingent expenditure of a recurring nature i.e. expenditure on postage stamp, the powers have delegated as under:-

- |  |                         |
|--|-------------------------|
| 1) HOD                                   | Rs.25,000 in each case. |
| 2) S.E's & Equivalent                    | Rs. 10,000 in each case |
| 3) CS/Sr.Xen's/Dy.CAO's/Dy.Secy          | Rs. 5,000 in each case  |
| 4) AE's/AEE's/AO's/ Sr.AO's & equivalent | Rs. 2,000 in each case  |

iii) To incur expenditure on Advertisement of all sorts. (5 marks)

Ans: As per DOP 65 of PSTCL, only Chief Enggineers/HOD's has the full power to Sanction expenditure on Advertisement of all sorts,

**Explain the instructions regarding Child care leave.**

- A) Ans} As per the instruction issued by CE/HRD, PSPCL vide memo no. 73430/73500 dated 08.10.2012, a female employee may avail child care leave as under: -
- 1) Female employee can avail 01-year (365 Days) CCL during the whole service for minor children below the age of 18 years.
  - 2) This leave can be given for maximum of 02 Children for their care during examination or illness. Proof of illness/examinations should also be submitted by the employee.
  - 3) During the leave, leave salary as admissible during the earned leave is admissible.
  - 4) Child care leave can be taken in more than 01 spell which should not be more than 03 in a calendar year.
  - 5) This leave cannot be sanctioned less than 15 days.
  - 6) This leave is not admissible to will full absent female employee.
  - 7) Before availing the child care leave sanction of competent authority is required.
  - 8) Competent authority can reject/cancel the child care leave in public interest.
  - 9) Child care leave is not admissible to suspended employee, it is also not admissible to daily wages or work charged employee.
  - 10) Child care leave account is maintained on following Performa which is as under:-

Period of Child care leave taken		Balance of child care leave		Signature & designation of head office/ certifying officer.
From	To	From	To	

B) **Define the punishment which shall not amount to penalty under Punishment and Appeal Regulations.**

Ans} Punishment commonly known as the imposition of an undesirable or unpleasant outcome upon a group or individual, meted out by an authority. Following punishment shall not amount to a penalty within the meaning of punishment & appeals regulation: -

- 1) Withholding of increments of pay of an employee for his failure to pass departmental papers in accordance with the rules & regulations governing his/her service to which he belongs or as per the terms of his/her appointments.
- 2) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.
- 3) Non promotion of an employee whether in substantive or officiating capacity after consideration of his case, to a service, grade or post for promotion to which he is eligible.
- 4) Reversion of an employee officiating in a higher service, grade or post to lower service grade or post on the ground that he is considered to be unsuitable for such service, grade or post or any administrative ground unconnected with his conduct.
- 5) Reversion of an employee appointed on probation to any other service, grade or post to his permanent service grade or post during or at the end of probation.
- 6) Repatriation of service of an employee to his parent departments.
- 7) Compulsory retirement of an employee in accordance with the provision relating to superannuation or retirement.
- 8) Termination of the service of an employee, appointed on probation or of a temporary service or at a completion of an agreement as per terms of such agreement.