

**:: TAMIL NADU POWER DISTRIBUTION CORPORATION LIMITED ::
(Erstwhile TANGEDCO)**

ADMINISTRATIVE BRANCH
N.P.K.R.R.MAALIGAI,
144, ANNASALAI,
CHENNAI -02.

Memo. No.045349/G.28/G.282/2024-1, dated 21.01.2025

Sub : CONTRACT LABOURERS - Absorption of contract labourers as per Justice Khalid Commission Report and based on the policy decision taken by the erstwhile TNEB/TANGEDCO - Production of bogus educational certificates as the proof of age and qualification - Orders issued for alternative punishment instead of dismissal/removal from service - Recovery of monetary equivalent from the terminal benefits of the employees when the punishment cannot be given effected fully - Instructions - Regarding.

Ref : (Per) B.P. (F.B) No. 27 (Adm.Br.) dated 07.11.2002

In the reference cited orders were issued for alternative punishment of "reduction of pay to the minimum time scale of pay of the post held on the date of imposing the punishment for a period of 3 years which will operate for future increments" for the employees who were absorbed into service from contract labourers and produced bogus educational certificates in support of their age and qualification.

2) Even though, necessary instructions have been issued from time to time to the Regional and in turn to the Divisional authorities concerned to verify the educational certificate either for the proof of age or for the qualification, some of the authorities concerned had failed to do so within the stipulated time and later, taken steps to verify the genuineness of the certificates at the verge of the employees' retirement. As and when, the certificates produced by them are found as bogus, the competent authorities at their level have initiated Disciplinary Proceedings and imposed the punishment for the proved charges as per the proceedings in the reference cited, despite the fact that it cannot be implemented fully while on the date of imposing the punishment.

3) Consequently, there are incidents of recovery of 3 times of the monetary equivalent to the amount of reduction in the time scale of pay for the unimplemented/unexpired period of punishment from the terminal benefits of the workmen and fixation of minimum time scale of pay as last drawn wages for the workmen who retired during the intervening period of punishment even after recovery of monetary value equivalent to the punishment which ultimately affect the pension/terminal benefits of the workmen. Clarifications have been sought for in this regard and individual/union representations have also been received to alter the punishment or to drop the charges when it cannot be given effected fully.

4) The provisions laid down in 31 (1) (v) & 20 (1) (v) of TNEB Standing Orders in respect of Workmen and Clerical Staff are as stated below;

"Reduction in the time scale of pay for a specific period.

Explanation:

Where an order of reduction in the time scale of pay cannot be given effect to, the monetary equivalent to the amount of reduction in the time scale ordered may be recovered from the pay/wages of the workman."

5) Further, the provisions laid down in the 39 (2) (b) of TNEB Service Regulations are as stated below;

"(b) The question as to what should be the pay of an employee on the expiry of the period of reduction should be decided as follows,

- (i) If the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the employee should be allowed the pay which he would have drawn in the normal course but for the reduction.
- (ii) If the order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the employee shall be fixed in accordance with (i) above but after treating the period for which the increment were to be postponed as not counting for increments.

6) In light of the above provisions, the matter has been examined in detail and it has been decided to issue necessary suitable instructions to all the competent authorities when the punishment as ordered in (Per) B.P (FB) No. 27 (Adm.Br.) dated 07.11.2002 cannot be effected fully on the employees absorbed from contract labourers for production of bogus educational certificate.

7) Accordingly, orders are hereby issued as follows,

- (i) All the authorities concerned are directed to identify the number of employees who had been absorbed from contract labourers in the regular time scale of pay and are working under their control presently and to take immediate swift action to verify the genuineness of the educational certificates if any produced by them during absorption for whom the educational certificates are not yet verified. After verification, to initiate Disciplinary Proceedings if need be and to pass final orders within a period of 3 months from the date of receipt of genuineness report. The compliance report on the above should be sent to this office in the format enclosed (Annexure-I).
- (ii) When the punishment as ordered in (Per) B.P (F.B) No. 27 (Adm.Br.) dated 07.11.2002 cannot be given effected fully on the delinquents,

the authorities concerned are directed that the monetary equivalent to the amount of reduction in the time scale of pay ordered shall be recovered from the terminal benefits of the individual for the unimplemented/unexpired period of punishment as per the explanation provided under reduction of pay in the TNEB Standing Orders applicable to Workmen and Clerical Staff. The illustration for the above is enclosed in Annexure –II.

- (iii) The authorities concerned are also directed to identify the employees under their control to whom 3 times of the monetary equivalent to the amount of reduction ordered had been recovered from the terminal benefits for the unimplemented/unexpired period of punishment. If any, the monetary equivalent to the amount of reduction based on the explanation provided under reduction of pay in the TNEB Standing Orders applicable to workmen and Clerical staff shall alone be withheld and the remaining balance amount shall be refunded to the individuals/legal heirs concerned based on their request immediately. The illustration for the above is enclosed in Annexure –III.
- (iv) Further, it is directed that in respect of employees where the monetary equivalent to the amount of reduction in the time scale of pay ordered for the unexpired period of punishment has been recovered from the terminal benefits, the employee shall be eligible to draw the revised pay fixation based on the pay prior to the commencement of punishment without counting the increments for the punishment period based on the provisions laid down in 39 (2) (b) (ii) of "TNEB Service Regulations".
- (v) The responsibility shall be fixed on the officials/staff concerned for the delay in verification of educational qualification certificates and subsequent lapses. If any lapses are found in future, necessary action should be initiated against such officials/staff concerned.

8) Further, all the authorities are hereby directed to follow the instructions scrupulously and it is informed that the aforesaid instructions are issued in order to sort out the litigations in the current scenario, and hereafter, if any lapses are found in future (i.e) after completion of all process as stated in para 5 above, severe action should be initiated against the officers/ staff concerned under the provisions for major punishment.

9) It is also informed that the reduction of pay to a lower stage in a time-scale is not permissible under the TNEB Service regulations either for an unspecified period or as a permanent measure. Hence, all the authorities are directed to impose the said punishment carefully while imposing on the individuals at the verge of their retirement.

10) They are also directed to furnish the details in the Annexure-I to this office within 15 days from the date of receipt of this order without fail.

11) Receipt of this memo shall be acknowledged.

(BY ORDER OF THE CHAIRMAN-CUM-MANAGING DIRECTOR)

M.SUDARSAN
CHIEF ENGINEER/PERSONNEL

To

All Chief Engineers / Superintending Engineers/ Executive Engineers.

Copy to :-

The Secretary, Secretariat Branch, Chennai - 02.

The Chief Internal Audit Officer, Audit Branch, Chennai - 02.

The Chief Financial Controller/ General / TNPDC, Chennai - 02.

The Chief Financial Controller/ TANTRANSCO, Chennai - 02.

The Financial Controller/ TNPGL and TNGECL, Chennai - 02.

The Personnel Officer/ Disciplinary Proceedings, Adm. Branch, Chennai - 02.

G.29, G.30 Sections, Adm. Branch, Chennai - 02.

Stock file.

:: TRUE COPY :: FORWARDED :: BY ORDER ::


SUPERINTENDENT 23/01/25

Annexure-II

(Memo. No.045349/G.28/G.282/2024-1, dated 21.01.2025)

Illustration :

If an employee has been awarded punishment of reduction of pay in the minimum scale of pay of the post held (Foreman Grade –II) for a period of 3 years (36 months) which will operate for future increments, having implemented for 18 months but have not implemented for 18 months due to retirement.

Sl. No.	Details	Recovery as per Standing orders
1.	Pay in the post of Foreman Grade-II prior to punishment imposed	Rs.38,300/-
2.	Pay fixed at the minimum scale of pay in the pay matrix for Foreman Grade-II for punishment as per BP.27 dated 07.11.2002. (21,100- 67,100)	Rs.21,100/-
3.	Difference amount	Rs.17,200/-
4.	Punishment implemented	18 months
5.	Balance amount to be recovered as monetary equivalent to the amount of reduction for unexpired period of punishment (18 months) from the terminal benefits of the employee	Rs.3,09,600/- (17,200*18)

Annexure-III

(Memo. No.045349/G.28/G.282/2024-1, dated 21.01.2025)

Illustration :

If an employee has been awarded punishment of reduction of pay in the minimum scale of pay of the post held (Foreman Grade –II) for a period of 3 years (36 months) which will operate for future increments, having implemented for 18 months but have not implemented for 18 months due to retirement and if 3 times of monetary equivalent to the amount of reduction for unexpired period of punishment (18 months) has been recovered from his terminal benefits.

Sl. No.	Details	Amount
1.	Pay in the post of Foreman Grade-II prior to the punishment imposed	Rs.38,300/-
2.	Pay fixed at minimum scale of pay in the pay matrix for Foreman Grade-II for the punishment as per B.P.27 dated 07.11.2002. (21,100- 67,100)	Rs.21,100/-
3.	Difference amount	Rs.17,200/-
4.	Punishment implemented	18 months
5.	Amount recovered as 3 times of monetary equivalent to the amount of reduction for the unexpired period of punishment (18 Months) from the terminal benefits of the employee due to retirement	Rs.9,28,800/- (17,200*18*3)
6.	Actual amount to be recovered for reduction of pay as per Standing orders applicable for workmen and Clerical staff and the amount to be withheld.	Rs.3,09,600/- (17,200*18)
7.	Amount to be refunded to the individual/legal heir if recovered fully as stated in Sl. No.5	Rs.6,19,200/- (Sl.No.5 - 6)