



HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED.

(A State Govt. undertaking)

Registered office: Vidyut, Bhawan, HPSEBL, Shimla-4(H.P)
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To

1. The Chief Engineer(OP) South
HPSEBL, Shimla-4
2. The Chief Engineer(OP) CZ
HPSEBL, Mandi, HP.
3. The Chief Engineer(OP) North,
HPSEBL, Dharamshala, HP.

Subject: - Regarding handling of the Court matters/cases-Instructions thereof.

Sir,

It has been noticed that the court cases/legal matters are not being given due priority. Many times instructions have been issued in this regard. Moreover, the cases/legal issue(s) are sent for seeking legal opinion /clarification without being properly examined/scrutinized by the concerned office(s)/Section(s), at their own level, at the first instance and on many occasion it has been observed that the concerned office(s)/Section(s) also failed to provide/supply the complete factual matrix /background alongwith the relevant records of the case(s)/issue(s), under which the matter needs to be examined also do not offer or indicate comments/implications/precedents/financial implications etc. involved thereof.

The proposal/cases should in fact be self explanatory along with views/comments of Head of the Deptt./Section, wherever required and points/ issues which needs opinion/examination should invariably be high highlighted. Usually the cases which falls under the purview of the Head of Deptt. are also referred/forwarded to the legal cell of the HPSEBL resulting in undue/unwanted delay in deciding the matter, which could other wises

be decided at appropriate level(s), under the already assigned/delegated power(s). It has further been noticed that the concerned offices/Sections of the HPSEBL keep the cases/legal issues with them for long time and without taking requisite action and forward the cases/legal issues to the Legal Cell of the Board at the fag end of limitation period, for examination/vetting, sometimes even after the expiry of period of limitation, resultantly leaves no scope for further appeal or to redress other available legal remedy and thus put the Board- HPSEBL in an awkward and embarrassing situation before the different level of the Court, which is highly regrettable and such lethargic attitude will not be tolerated in future.

It has further been observed/noticed that while submitting the cases for examination/ legal opinion/vetting etc. many times Jr. officials viz. Asstt. Line Man/Line Man/T/Mate and others Jr. staff/officials are deputed for the purpose, who are neither conversant with the facts of the case/issue nor they are in a position to render effective assistance during the course of examination which resultantly cause delay, as well as, unnecessary expenditure/cost, henceforth, this thing should be looked/viewed very seriously and if these things are not improved the explanation of the concerned officer/Section Head may be called to explain the reason for ignoring the time and again circulated instructions in the instant matter(s) and if anyone found negligent then personal liability of that officer/official will be fixed accordingly.

In addition to above, it is also observed that despite clear instruction with regard to payment of compensation under the Employees Compensation Act 1923, on account of fatal/non fatal accidents, the same are not being adhered by the field units, resulting into unwarranted litigation and huge financial loss to the HPSEBL. As per the Employees Compensation Act, 1923 (Amendment) Act 2017 compensation under Section 4A shall be paid as soon as it falls due as the employer shall be

bound to make provisional payment based on the extent of liability which he accepts. Where any employer makes default in paying the compensation due under this Act within one month from the date it fell due, the Commissioner may direct to pay simple interest thereon @ 12% per annum and if, in his opinion, there is no justification for delay in that eventuality he may also direct the employer to pay a further sum not exceeding 50% by way of penalty of the awarded amount of compensation.

Besides, a scheme for providing compensation/Relief to accident victims (Private person) stands circulated vide **the Executive Director (Pers.) bearing letter No. 27265-465 dated 18-06-2012** whereby maximum amount of Rs.2.00 Lacs has been fixed as compensation.

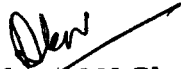
In view of above and in order to obviate the above situations, you are requested to issue suitable directions to all the Dy. Chief Engineer(s), Superintending Engineer(s), Addl. Superintending Engineer(s), Sr. Executive Engineer(s) & Asstt. Engineer(s) and Administrative Heads, as well as, to the officer/officials deputed for the above assigned work under your control, that such instances be not allowed to occur and action be initiated in all the court cases/legal issues, besides responsible officers/officials fully conversant with the facts of the case(s)/legal issue(s) together with complete connected record of the matter, invariably be made available during the course of examination/vetting of the matter. The field officers are further advised that to accord top priority and due importance to the court cases, as well as, legal issues involved thereof, and shall defend/prosecute the same with proper care and not in casual manner, in consultation with Id. SC-cum-LAs engaged for the purpose at various level of the courts. It is also advised that due compensation under the Employees Compensation Act, 1923 be paid to the individual/legal heirs without any delay as per the already circulated instructions in the instant matter by the

HPSEBL, reference of which is already made in Para Supra and cases for compensation/relief to accident victims (Private Persons) may be sent to the competent authority immediately after observing requisite codal formalities, so that some immediate relief to such accidentals victim(s) can be provided on behalf of HPSEBL.

Any lapse thereto shall be viewed very seriously. Also, the responsibility be fixed on the officer(s)/official(s) who are responsible for such unwarranted delay, vis-a-vis on whom the responsibility for monitoring /pursuing of the cases/legal issues in an effective manner is assigned.

Encls: - Nil.

Yours faithfully,


(Dr. AK Sharma)
Executive Director (Pers.)
HPSEBL, Shimla-4.

Copy of above is forwarded to the following for information and similar necessary action please.

1. The Chief Accounts Officer, F&A Wing, HPSEBL, Shimla-4.
2. All the Dy. Secretaries/ Under Secretaries/DD(P)/IR, in the Board (Sectt.) of HPSEBL.
3. All the Superintending Engineers/Sr. Executive Engineers in the HPSEBL.
- ✓ 4. The Superintending Engineer, IT, HPSEBL, Shimla -4 for uploading the same in the HPSEBL Web site.

Encls: - Nil.


(Dr. AK Sharma)
Executive Director (Pers.)
HPSEBL, Shimla-4.