

HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED

(A State Govt. undertaking)



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IMMEDIATE

No.HPSEBL(SECTT)/R&E-Misc./2021-58720-58900

Dated: 14-12-21

To

All the Chief Engineers/MD/CAO/
All the Superintending Engineers/
All the Sr. Executive Engineers
in HPSEBL.

Subject: Non-implementation of instructions imparted by Headquarter.

Sir(s),

It has generally been noticed that as and when any urgent information is sought by this office from the field offices, the same is never received in time from the concerned field offices consequently this office has to face awkward situation at times. In this regard, though the field units are requested time and again in writing, verbally, telephonically as well as in meetings but no concrete action is being taken to comply the instructions imparted by the higher authorities. For faster communication, a WhatsApp Group has also been created by this office wherein messages of important nature are being floated every now and then but it seems that this practice is also not worth-proving. In spite of repeated reminders through this group, some of the field units are not furnishing the information in time. Thus the very purpose of creating this group has defeated. This is not justifiable and acceptable at any cost. A brief gist of latest information sought from field units but is still awaited, is appended below:-

1. **Uploading of data of pending/disposed of cases on the website of HPSEBL – furnishing an Undertaking thereof.**

Initially one month time was afforded to all concerned to complete the process of uploading the data of all pending/disposed of cases on the website of HPSEBL vide this office letter No.HPSEBL(SECTT)/LS/Digitization of court cases/2021-

423-673 dated 09.07.2020. All concerned Controlling Officers have not taken any step for one year over this issue. Then a reminder was issued vide letter of even file No.36775-37020 dated 26.08.2021, and a weeks' time was afforded to complete this process. Even repeated messages have been floated on the WhatsApp group but of no vain. Finally, 15th September, 2021 was fixed the last date to complete this process and an Undertaking to this effect was required to be submitted to this office latest by 15.09.2021 at 03:00 PM. But it is strange to note that inspite of repeated requests this process has still not been completed by most of the Controlling Officers. As on date, there are more than 3000 court cases pending in various courts but about 1800 cases have been uploaded on the portal so far.

Concern: This portal was got developed with a motive to keep abreast the Board Authorities with the latest status of the court cases. In some cases either Managing Director or Executive Director (Pers.) has to appear in person in the Courts and face awkward situation. In many cases adverse orders are passed by the Courts due to non-presence of Board authorities for which Board has either to file appeals or go to the Apex Court resulting in time and financial loss to the organization.

2. **Furnishing of information of outsourced workers with regard to deduction of EPF & ESIC subscriptions:**

92
This office had sought this information from all concerned vide letter No.HPSEBL/ Sectt/DDP/321-11(out sourced)/2020-56767-83 dated 30.12.2020 followed by reminders vide No.58112-267 dated 06.01.2021, No.66080-260 dated 02.02.2021, No.66941-42 dated 06.02.2021, No.72764-72864 dated 15.03.2021. However, vide latest letter No.33229-449 dated 06.08.2021, all concerned were requested to furnish this information within a weeks' time but as usual here again the result is zero. Since a news was published in the newspaper with caption **"There is a scam of more than Rs.200 crore with regard to non-deposition of EPF & ESIC subscriptions of outsourced workers"** the Regional P.F. Commissioner issued a Show Cause Notice to HPSEBL vide No.19(14)/RO/ HP/ Intelligence/CAIU/28 dated 17.06.2021 and afforded an opportunity to explain our position within 15 days of serving the notice, failing which action as per the provision of EPF & MP Act, 1952 is to be initiated against HPSEBL being a

Principle Employer. Due to non-cooperation of all Controlling Officers of field units and non-receipt of information, a request was made vide letter No.23157-58 dated 28.06.2021 to grant at least two months time to submit the reply, which period has also elapsed and the information is still awaited from the field units (format on which information was sought has already been provided). In this connection, a meeting was also held at headquarter with the field units to expedite the information but of no use. Further, a committee was also constituted by the Chief Accounts Officer to conduct the special audit to find out whether the EPF & ESIC subscriptions of the outsourced workers are being deposited by the Service Provider or not. But the Chief Accounts Officer has pointed out that despite repeated requests, the requisite information is not being submitted by many field units and even no record is being produced before the special audit committee.

Issue: Since the reply to the Show Cause Notice was to be submitted to the Regional P.F. Commissioner-II within 15 days. However, a request was made to grant two months more time to file the reply which period has also expired, therefore, any adverse stricture can be passed against the HPSEBL being Principle Employer by the P.F. Commissioner. It is mandatory under the provision of EPF Act/Labour Law that EPF should be deposited by the Contractor monthly and Principle Employer (DDOs) to ensure it. But all in vain. No action has been taken after giving so much relaxation. If it was done, the entire responsibility shall rest with the erring field officers/concerned DDOs.

92

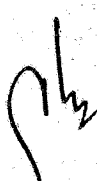
3. Furnishing of replies to Audit Paras/CAG/PUC/PAC Reports etc:

In this connection also numerous reminders have been issued to the field units to settle the paras and furnishing the updated and desired replies to the Pratedans of PUC. This issue has also been discussed several times in meetings but of no vain. The latest reminder in this regard has been issued to all the Chief Engineers & CAO vide letter No.HPSEBL(SECTT)/PUC-Misc-21/21 dated 14.10.2021 but the desired information/reply is still pending with the concerned Controlling Officers for the last more than one year. Because of non-receipt of reply/information from the field Units, recently the Board Management has faced awkward situation in an oral presentation before the Chairman/Vidhan Sabha Committee.

Issue: The replies of PUC and CAG Paras are to be placed before Vidhan Sabha Committee by GoHP. In absence of proper reply, it is very difficult to submit reply within time. Govt. is pressing hard.

4. Furnishing of information with regard to posting of technical staff in the offices:

It was brought to the notice of the Management by the Technical Union that in most of the offices the technical manpower has been deployed to perform the work of clerical nature. The Union had stressed to post them back in the field due to scarcity of staff in the field. This issue was raised by the Union almost three years back. Accordingly, this office has issued instructions to all the field units time and again and the latest is vide letter No. HPSEBL(SECTT)/ FTE-2/321-36(Union Demands)/2021-30905-31105 dated 29.07.2021 whereby all concerned were instructed to shift the technical staff deployed in the offices to their original place of work and simultaneously furnish an undertaking to the effect that **"No technical staff is posted in the offices"** to this office on the proforma already supplied to them. But it is regretted to point out here that this undertaking is still awaited from most of the concerned Controlling Officers.

 **Issue:** Since the technical staff is specifically recruited to work in the field but it was noticed that some of them are still deployed in various offices by the field officers at their own level and simultaneously got promoted to the next post. While working in the offices they lack working experience of field and at later stage involve in court cases if stressed to post them back in field.

5. Implementation of transfer orders:

In this regard clear instructions had been issued to all concerned to implement the transfer orders issued by this office vide letter No.HPSEB(SECTT)/R&E-Misc./2021-7002-7152 dated 29.04.2021. It is regretted to point out that still transfer orders issued by this office are not being implemented in its letter and spirit and past practice is being followed. It is noticed that the Controlling Officers are not relieving the transferred employee within time and are providing adequate time to the individual concerned to get him/her adjusted according to their choice. The Hon'ble High Court of HP in CWP No.5801 of 2020 has also passed directions in transfer matters.

Further directions of Hon'ble High Court of HP in transfer matter have clearly been incorporated in this office letter dated 29.04.2021. In spite of Hon'ble High Court directions and instructions of this office, the field officers are not adhering properly. This tactics on the part of field officers is not at all desirable.

Issue: Transfer orders are being issued by this office on the specific approval of competent authority but are not being implemented in right perspective by the field units. This practice must be curbed forthwith and field officers should have to honour the directions passed by the Hon'ble High Court of HP and implement the instructions imparted by this office as well.

6. Misappropriation & Embezzlement of Board's fund:

Of late, some instances of misappropriation and embezzlement of Board's fund in the field units have been noticed. This aspect is not being brought to the notice of the Board Authorities in time by the concerned Controlling Officers. Moreover, it is observed that cases of misappropriation and embezzlement are intentionally being kept hide.

Besides, it has also been observed that so many vigilance cases are pending for inquiry with the Inquiry Officers for years together. Inquiry Officers are not completing the inquiry entrusted to them in time thus defeating the very purpose of initiating disciplinary proceedings against the accused. It is also seen that in many cases the accused have been retired long back and the inquiry is still going on against them.

Issue: As and when any case of misappropriation or embezzlement is noticed by the field units that should be brought to the notice of Board Authorities immediately so that quick action is taken against the culprit. The Inquiry Officers must complete the inquiry in a time bound manner so that timely action is also taken to settle the case otherwise defaulters are escaping.

In this regard, all SEs/Controlling Officers are requested to take immediate steps to address the issues discussed above under intimation to this office. It has, therefore, been emphasized upon all the Chief Engineers/ Superintending Engineers to intervene in the matter personally and direct the concerned field officers to comply with the instructions as and when imparted by this office. Also convene monthly meeting and take compliance from all subordinate officers.

Action Taken Report be submitted to this office within 15 days positively
It may further be noted that above points shall be reviewed every month by the
concerned SEs/CEs.



Executive Director (Pers.),
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Shimla-171 004.