

MAHARASHTRA STATE ELECTRICITY DIST.CO.LTD.

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Disciplinary Action Section
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Mumbai-400 051.

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CONFIDENTIAL

No.GAD/DAC/Circular/2724

Date : 11/11/2005.

CIRCULAR

Sub: Review of cases of employees placed under suspension in ACB/Criminal case and period exceeded six months.

The Committee for review and revocation of suspension exceeding six months in respect of employees placed under suspension in ACB/Criminal cases were notified vide C.S. No.431 dtd.06/06/2002 read with C.S.No.433 dt. 2/12/2002 to G.O.18(P) dt. 28-05-1963. After restructuring of MSEDCL into new entities in the form of Government Companies which have come in existence from 06/6/2005, the constitution of the aforesaid Committee needed change.

2. In view of above, the Committees for reviewing the cases in respect of employees of MSEDCL placed under suspension in ACB/Criminal case and period exceeded six months are reconstituted as follows.

A	For employees in Pay Gr.I, II & III in statewise seniority.	1. Director (Operation) - Chairperson 2. E.D.(Dist., Comm & Co-ord.) - Member 3. C.G.M.(Personnel) - Member 4. C.G.M.(F. & A.) - Member 5. C.G.M.(Tech. Estt.) - Member 6. G.M.(DC) - Member 7. Dy.Director(V&S) (Mumbai Region) - Member
B	For employees in Pay Gr.III (Circle Seniority) & IV(Division Seniority) in H.O.	1. C.G.M.(Personnel) - Chairperson 2. C.A.O.*(SB) - Member 3. G.M.(DC) - Member 4. Dy.G.M.(T/E) - Member 5. Dy.Director(V&S) (Mumbai Region) - Member
C	For employees in Pay Gr.III (Circle Seniority) & IV (Division Seniority) in field.	1. E.D.(Dist.&Comm) of the respective area - Chairperson 2. CE of the Zone - Member 3. C.A.O. /Jt. C.A.O. of the Zone - Member 4. E.O./Dy.E.O. of the Zone - Member 5. Dy. Director(V&S) of the Region - Member

*Mr Joshi
regulate in
- rules
of Dist Office
11/11/05*

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Note : 1) In case the Chairperson is not in a position to attend the meeting on date given by him, he may nominate senior officer as his representative to attend the meeting. In such case or in absence of the Chairperson or his nominee the meeting shall be presided over by the Senior Officer amongst the other members of the committee who are present. The quorum for meeting shall be of 3, excluding nominee.

2) In case of revocation of suspension of employees where two or more than two employees are involved in common offence the case shall be referred to the Committee Competent to deal with the case of highest level employee.

3. After restructuring the cases of many employees under suspension exceeding 6 months remained to be placed before the former Committees and there may also be fresh cases. Therefore, it is necessary to put up their cases for review immediately to the Committee. All the concerned authorities are, therefore, requested to forward full details of all such cases in the enclosed proforma. Separate form should be used for each case and the report submitted to the Establishment Officer(DC), Disciplinary Action Cell, H.O. for cases pertains to Head Office. The cases pertains to field may be forwarded to the concerned Chief Engineer directly by the Competent Authority (without routing through the normal channel).

4. In view of the urgency and importance of the above matter, Competent Authorities are requested to pay their personal attention and arrange to forward the proposal in respect of employees who are placed under suspension by them because of ACB/Criminal case and the period of suspension exceeded six months as on 30/09/2005. Such proposal should be forwarded to the E.O(DC) Disciplinary Action Cell, H.O. for the case pertaining to Head Office on or before 23/11/2005 and the proposal for the next quarters should be forwarded to the E.O.(DC) before 10th of month following the quarter for e.g. proposals for quarter ending December 2005 should be forwarded before 10th January 2006 and so on.

5. The Estt.Officer(DC) in the Head Office shall render necessary assistance to the Suspension Revocation Committee in the Head Office for preparing the report of review and arranging the meetings of the Committee. The Estt. Officer/Dy.Estt.Officer of the concerned Zone shall render necessary assistance to the Suspension Revocation Committee at Zonal level and also arrange the meetings in consultation with the Chairperson. The meetings of Suspension Revocation Committee are to be arranged quarterly. The first meeting in pursuance to this circular shall be arranged in the month of November 2005, for the cases where period of suspension exceeded six months as on 30/9/2005

6. The committee should take decision in individual case on its merit after considering the following guidelines/principles.

- (i) The Committee may consider to revoke suspension in respect of ACB trap cases where the suspension period is more than 2 years on the basis of gravity and merits of each case.
- (ii) In criminal cases (other than ACB cases) where crime committed is related to company affairs, the Committee may consider revocation of suspension after twelve months on the basis of gravity and merits of each case.

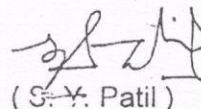
- (iii) In Criminal cases (other than ACB cases) filed by the police where company is not directly involved and the crime committed is outside the jurisdiction of company, the Committee may consider to revoke the suspension after six months, on the basis of merits of each case.
- (iv) On revocation of suspension, the reinstated employee in statewide seniority should be posted out of the zone and employee in Circlewise & Divisionwise seniority should be posted out of Circle. As far as possible the incumbent should be posted at a place where he will not come in contact with public/consumers. Their place of posting will be decided by Review Committee. On joining at the new place of posting as decided by the Review Committee the incumbent will not be transferred from that place till the ACB/Criminal case is decided or completion of 3 years whichever is later. If any change of posting is to be done before completion of three year by the Competent Authority, the same should be done with the prior approval of the Suspension Review Committee.
- (v) For revocation of suspension it is important to have the recommendation of the Competent Authority who has suspended the employee.

7. In case of employee whose period of suspension exceeded six months and who is acquitted from the ACB/Criminal case by the Competent Court may be decided by the Chairperson of the respective committee without placing the case to the revocation committee.

8. In case of employees placed under suspension after issue of Admn. Circular No.410, dated 31/1/2004, the proposal should not be submitted unless departmental action is initiated against them.

9. This Circular is issued with the approval of the Director (Operation), Director (Finance) and Managing Director, MSEDCL., Mumbai.

Encl. : Proforma.



(S. Y. Patil)

Chief General Manager (Personnel)

Copy submitted to:

- 1. The Managing Director, M.S.E.D.C.L., Mumbai.
- 2. The Director(Finance), M.S.E.D.C.L., Mumbai.
- 3. The Director(Operation), M.S.E.D.C.L., Mumbai.

Copy f.w.cs. to:

All Heads of Department in Head Office & Field of M.S.E.D.C.L., Mumbai.

Copy to:

All Superintending Engineers in field of M.S.E.D.C.L., Mumbai.

All Executive Engineers in field of M.S.E.D.C.L., Mumbai.

NO CE/KENZ/CAS/CONF-08/NO 4 7 5 5

23 NOV 200

The Supdg. Engineer
MSEDCL.

Kalyan (I) / Kalyan (II) / Waone / pm

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For information & further needful action as stated above by due date

Estt Officer (KYNZ)
MSEER Kalyan

PROFORMA

Annexure to the Confidential Circular No 2724 dt 11/11/2005

The form in which the competent authority should submit his report for revocation of employees placed under suspension

1	Name, Designation & CPF A/c No. of the Employee placed under suspension	
2	Place of work and exact name of Office of posting at the time of suspension	
3	No. & Date of letter/order of suspension (please enclose copy)	
4	The place where the Head Quarter is fixed on suspension	
5	If Head Quarter is changed subsequently, please quote the present place of Head Quarter	
6	Actual date on which the suspension is effected	
7	Whether the suspended employee is reporting at the place of his Head Quarter fixed as per suspension order or as modified later	
8	The amount of Subsistence Allowance paid	
9	If the reasons for suspension is ACB case then furnish following details:-	
	i) Case no.	
	ii) Brief account of the facts & circumstances of the case leading to the ACB case	
	iii) Date of trap, if trapped	
	iv) Date of arrest & period under custody	
	v) Date of release on bail	
	vi) Amount of bribe	

	vii) Is only on employee involved or more than one? If it is a case of common offence, please state the names, designations, etc. of all the employee involved and whether action for review in their cases is taken simultaneously?	
	viii) Whether the investigation is completed and final report for the ACB is received (Please enclose copy of report/letter etc)	
	ix) Whether sanction for prosecution granted. If yes please indicate the authority sanctioning prosecution letter no and date	
	x) If the sanction for prosecution is refused by the CA whether the approval from the Govt. is sought as per Govt. Resolution no. CDR/199/case No 62/99/11A dt 03/04/2000.	
	xi) Whether the charge sheet is filled by the ACB in the trial court. If so, Court Case No and name of court (please enclose copies), if possible	
	xii) Sections under which employee is charged	
	xiii) If the charge sheet is not filed by the ACB in the Trial Court, the reasons therefore	
	xiv) The reasons for not completing criminal investigation, enquiry trial within six months	
	xv) Steps taken to expedite the criminal investigation or trial as the case may be	
	xvi) If trial is completed whether employee is acquitted or convicted. Please furnish details with copy of judgment	
10	If the reasons for suspension is Criminal case the furnish following details:-	
	i) Case no.	

	ii) Brief account of the facts & circumstances of the case leading to the Criminal case	
	iii) Date of arrest & period under custody	
	iv) Date of release on bail	
	v) Is only one employee involved or more than one? If it is a case of common offence, please state the names, designations, etc. of all the employee involved and whether action for review in their cases is taken simultaneously?	
	vi) Whether the investigation is completed and final report for the Criminal is received (Please enclose copy of report/letter etc)	
	vii) Whether sanction for prosecution granted. If yes please indicate the authority sanctioning prosecution letter no and date	
	viii) If the sanction for prosecution is refused by the CA whether the approval from the Govt. is sought as per Govt. Resolution no. CDR/199/case No 62/99/11A dt. 03/04/2000.	
	ix) Whether the charge sheet is filled by the Police in the trial court. If so, Court Case No and name of court (please enclose copies), if possible	
	x) The Act and Sections under which employee is charged	
	xi) If the charge sheet is not filed by the Police in the Trial Court, the reasons therefore	
	xii) The reasons for not completing criminal investigation, enquiry trial within six months	
	xiii) Steps taken to expedite the criminal investigation or trial as the case may be	
	xiv) If trial is completed whether employee is acquitted or convicted. Please furnish details with copy of judgment	

11	i) Whether Departmental action initiated against the employee for indulging in other irregularities as per Admn. Circular No 410 dt 31/01/2004	
	ii) If action is taken as per Admn Circular No 410 then the present status of the same	
	iii) If action is not taken as per Adm Cir No 410 the reason for the same	
12	Observations of the competent Authority on the case	
13	If the suspension is proposed to be revoked by the Committee where does the Competent authority propose to post the employee and whether there exists a vacancy at that place/office	
14	Period of suspension as on the date of submission of proposal	
15	Remarks	

Place :

Date:

**Signature, Name, & Designation of the officer.
Authority who suspended the employee or issued
the suspension order**