

ANDHRA PRADESH POWER GENERATION CORPORATION LIMITED

ABSTRACT

APGENCO – Amendment – Counting of EOL for sanction of notional increments and Pension – Adoption of Government orders - Orders - Issued.

G.O.O.No.552/JS(Per)/2012,

Date:16.01.2013

Read the following:-

G.O.Ms.No.307, Finance (FR.II) Deptt., dated: 03.12.2012.

ORDER:-

The APGENCO directs that the orders issued in G.O.Ms.No.307, Finance (FR.II) Department, dated: 03.12.2012 (copy enclosed) shall be made applicable to the employees of APGENCO.

2. Necessary amendments to APSEB Service Regulations as adopted by APGENCO will be issued separately.

**V.USHA
JOINT SECRETARY(PER)(A/c)**

To
All Chief General Managers/APGENCO.
All Chief Engineers/APGENCO.
All Financial Advisor & Chief Controllers of Accounts/APGENCO.
The Joint Secretary (Per)/APGENCO.

Copy to the:

PS to Chairman/APGENCO
PS to Managing Director/APGENCO
Dy.CCA to Joint Managing Director/APGENCO.
DE/ADE(T)/EE(T)/PO to All Directors/APGENCO.
Chief of Vigilance & Security/APGENCO.
Company Secretary/APGENCO.
All Superintending Engineers/APGENCO.
Deputy Superintending of Police(Vigilance)/APGENCO.
All Deputy Secretaries/Assistant Secretaries/Divisional Engineers/APGENCO.
Pay Officer/AO(CPR)/DE (MPP)/APGENCO
DS (General)/GAD/A.P. Secretariat/Hyderabad.
The General Secretary, A.P.E.E.Union(Regd.No.1104)(Recognized), Mint Compound, Hyderabad.
The Secretary General, APSEB Employees Union(Regd.No.327)(Regd), Mint compound, Hyderabad.
The General Secretary, Telugunadu Vidyut Karmika Sangham (Regd.No.B-1245), (Recognized), Mint Compound, Hyderabad.
The General Secretary, A.P.Power Generating Employees Union(Regd.No.E-1535), H.Q.SRT-30, A.Colony, VTPS, Ibrahimpatnam, Krishna District.
The Secretary General, APSE Board Engineers Association (Regd.No.874) ,Somajiguda, Hyderabad.
The Secretary General, APGENCO Diploma Engineers Association(Regd.No.H-48), Affiliated to APPGEU-E-1535, H.Q.SRT-30 .A.Colony,VTPS,Ibrahimpatnam.
The Secretary, APGENCO Accounts Officers Association , (Affiliated to APSEB Accounts Officers Association) (Regd.No.C5), III floor, .A. Block, Vidyut Soudha, Hyderabad.
The General Secretary,A.P.Power Diploma Engineers Association(Regd.No.B-473), (Recognized), H.No.5-9-22/55, Adarsh Nagar, Hyderabad.
The General Secretary, APSEB Chemists Association(R.No.756), Paloncha,-507115.
The General Secretary, Andhra Rashtra Power Employees Union (Regd.No.G-445), H.No.1-8-565/5, RTC .X. Road, Hyderabad-20.
The General Secretary, State Scheduled Tribe Employees Welfare Association, (Regd.No.956/78), Mint Compound, Hyderabad.
The General Secretary, Junior Accounts Officers Association(R.No.880),Vidyut Soudha, Hyderabad.
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The General Secretary, United Electricity Employees Union(Regd.No.B-1829), 1-1-60/4, Musheerabad, Hyderabad-20.
The General Secretary, APSEB Asst Engineers Association(Regd.No.1185),New Paloncha-507115.
The Secretary General, APSEB Secretariat Employees Association(Regd.No.54/69), Vidyut Soudha, Hyderabad.
The General Secretary, A.P.S.E.B. Technical Employees Union(Regd.No.B-2275), C/o Sri K.Sampath Reddy, H.No.6-1-49/5, Mint Compound, Hyderabad.
The Secretary General, APSEB SC & ST Employees Welfare Association, (Regd.No.1589), H.O: Mint Compound, Opp. A.P.Text Book Press, Khairatabad, Hyderabad.
The General Secretary, APEE P&G and Officers Association (Regd.No.EEA 10656),Mint Compound, Hyderabad.

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The President, APSEB Retired Employees Welfare Association 7/26-3,Bhagya Nagar, Guntakal.
The Secretary, APSEB Retired Welfare Association 12-2-323/A/77, Santosh Nagar, Mehdiapatnam, Hyderabad.
The General Secretary, APSEB Retired Officers Welfare Association 1-24-47, Venkatapuram, Secunderabad.
The General Secretary, The District APSEB Retired Officials Welfare Association (Regd.No.418/02), D.No.7-8-13, Velamuri Street,, Ramaraopeta, Kakinada -533004.
The General Secretary, A.P.S.E.B Security Officers Welfare Association, (Regd.No.4024/91) O/o ASO/ Vidyut Soudha, Hyderabad.
The General Secretary, Machkund Workers Union(Regd.No.301),Onukudelli.
The President Power Gen. Coprn., BC Employees Welfare Association (Regd.No.1204/01), H.No.14-3-237, Goshamahal, Begum Bazar, Hyderabad - 12.
The General Secretary, Telangana Electricity Employee.s Association (Regd.No.H-61/05), H.No.14-3-237, Goshamahal, Begambazar, Hyderabad-12.
The General Secretary, Telangana Rashtra Vidyut Karmika Sangam (Regd.No.H-58), Affiliated to TRS, Q.No.3-7-443, Besides 132/33 KVSS, Jagtial Road, Karimnagar.
The General Secretary, Andhra Pradesh Electricity Staff & Workers Union (Regd.No. H-64), Affiliated to AITUC, H.No.3-5-912, Himayatnagar, Hyderabad.
The General Secretary, Telangana Vidyut Engineers Assn., (Regd.No.1438/2007),KTPS, Paloncha.
The General Secretary, GENCO Engineers Assn. (1269/09/T5), Omshanti Towers, Plot No.144, Motinagar, Hyderabad.
The General Secretary, APGENCO JAOs Association (Regd.No.1967 of 2005) Stores Section, O/o FA&CCA (A/cs) A. Block, 3rd Floor, Accounts Wing, VS/Hyderabad.
The General Secretary, APGENCO Employees Union (Regd.No.H-67), HQ: DT-3, RTPP, V.V.Reddy Nagar, Kadapa (Dt).
The General Secretary, Machkund Hydro Elec. Employees Union, (Regd.No.189,Jey), Onukudelli.
The General Secretary, Elec. B.C. Employees Welfare Association (Reg.No.1681/2006), Q.NO.E-40,APGENCO Housing Colony,KTPP,Chelpur, Bhupalapally, Warangal-500168.
The General Secretary, APGENCO Personnel Services Employees Welfare Association, (Regd. No. 299/08), H.No.6-3-572, Room No.502, B-Block, VS, Hyderabad.
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The General Secretary, Genco Mechanical Engineers Association (Regd.No.1805/02), Qr.No.BED-5, KTPS-.C. Colony, Paloncha . 507115.
The Secretary General, AP Power Engineers Association, (Regd.No.279/09), H.No.1-9-286/2/4/2/A, Ram Apartments, Vidyanagar, Hyderabad - 44.
The General Secretary, A.P. Transco & Genco SC/ST & Dalith Christian Employees Association, Plot.No.216, Behind Donald Church, Shivanagar Colony, Hyderguda, Hyderabad-48
The Secretary General, Telangana Genco Transco Discoms SC/ST Employees Association (Regd.No.202/2007), C-7, 'A' Colony, Ramagundam – 505208, Karimnagar Dist.
The Secretary, APGENCO Pensioner's Welfare Association (Regd.No.97/09), HQs, KTPS, Paloncha, Before Shuttle Indoor Court, PALONCHA – 507115.
The Secretary General, Telangana Electricity Engineers' Association (Regd.No.319/07) Prof.Jaya Shankar Bhavan, Mint Compound, Khairathabad, Hyderabad – 500004.
The Secretary General, APGENCO Civil Engineers' Association, (Regd. No.1344/12), Q.No.C-7, APGENCO Housing Colony, Old Paloncha, Khammam Dist. – 507154.
The Secretary General, YSR APGENCO Employees Union (Regd.No.B–2845),RTPP,V.V.Reddy Nagar, Q.No-F–472, Kalamala, Yerraguntla Mandalam, YSR Dist.– KADAPA.

C.No.JS(Per)/DS(Estt)/AS(P–NT)/PO(Reg)/229/2012.

// FORWARDED:: BY ORDER //

PERSONNEL OFFICER

Copy of:-

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Fundamental Rules – Amendment to F.R. 54 (5) and FR 54-(B)(7), F.R.26 (b)(ii) for counting EOL for sanction of notional increments and Pension – Orders – Issued.

FINANCE (FR.II) DEPARTMENT

G.O. Ms. No. 307

Dt. 03-12-2012

1. G.O. Ms. No.3, Finance (FR.II) Dept. dt. 4-1-2006
2. U.O. No. 37392/Vig.I(2)/2009, dt. 29-01-2011 from Revenue Dept.

O R D E R:

In the G.O. 1st read above the discretion of the competent authority for counting the not-duty period for a specific purpose was withdrawn when the period of deemed suspension/suspension is regularized as "not duty". Hence, the Govt. servant would not be entitled for leave, increments and pension for suspension and dismissal period when it is treated as "not duty".

2. In the U.O. Note 2nd read above it has come to the notice of Finance Department that in many cases, the Hon'ble High Court of Andhra Pradesh/A.P. Administrative Tribunal while acquitting the Public Servant in Criminal Appeals from the Criminal Charge ordered to regularize the suspension period and dismissal period as not duty and to count the interregnum periods (suspension/dismissal) for the purpose of pensionary benefits and also to pay interest on certain issues. In such matters when consulted the Law Department, while citing the Apex Court judgements, advised that the suspension period and the interregnum period between the date of dismissal and reinstatement of a Public servant be counted for purpose of pensionary benefits. But, there is no provision in Fundamental Rules for such payments to the Public Servant for any pay and allowances for the above periods except the subsistence allowance, as per the rules in force now.

3. According to FR. 54 (5), and FR. 54-(B)(7) when period of deemed suspension/suspension is regularized as 'not duty' the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty and the authority competent may convert the above periods into leave of any kind due and admissible to the Govt. servant, if he so requests.

4. It is observed that in cases where there is long pendency of litigation, there is no benefit due to conversion of leave of any kind due and admissible to the Public servant, since the Public servant would not have such long period of leave at his credit. Hence, if such long periods are treated as Extra-ordinary leave, they will not count for increments and affecting pay and allowances culminating in the reduction of pension which will be a double jeopardy on the public servant. The long pendency of the trial in lower court and also in Appellate Court may not be attributable to the public servant. In such cases there is case for counting the Extra-ordinary Leave granted for regularizing the suspension/dismissal period for the purpose of pensionary benefits and notional increments on the request of the individuals.

5. As there is no provision now in Fundamental Rules for counting the 'not duty' period for purpose of leave, increments and pension, Government after careful examination have decided to amend the clauses under FR. 54 (5) and FR. 54-(B)(7) by adding the words "that the leave granted on EOL under the above clause, after exhaustion of other types of leave like Earned Leave, Half-pay Leave may be counted for purpose of notional increments and pension"

6. Further, a note may be added under FR. 26 (b)(ii) to the above effect.

7. Accordingly, the following notification shall be published in the Extraordinary issue of A.P. Gazettee.

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendment to the Fundamental rules as subsequently amended from time to time.

AMENDMENT

In the said rules;

- i) under the proviso to sub-rule (5) of FR. 54, the following shall be added as Note "(C)"

"that the Extraordinary leave granted after exhaustion of all available leave under the above clause may be counted for the purpose of notional increments and pension"

- ii) Under the proviso to sub-rule (7) of rule 54-(B) the following shall be added as Note "(C)"

"that the Extraordinary Leave granted after exhaustion of all available leave under the above clause may be counted for the purpose of notional increments and pension"

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- iii) Under the proviso to FR. 26 (b) (ii) after the existing Note, the following shall be added as Note-2;

“The Extraordinary Leave granted on the request of the individual for regularization of the dismissal/deemed suspension/suspension period, after exhausting all the available leave may also be counted for the purpose of notional increments and pension”

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. D. SAMBASIVA RAO
PRINCIPAL SECRETARY TO GOVT. (FP)

To

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All the Heads of Departments (including Collectors and District Judges).
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All the District Treasury Officers.
The Secretary, Andhra Pradesh GENCO/TRANSCO]
The General Manger, A.P. State Road Transport Corpn, Hyderabad (with covering letter).
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