

**COMMITTEE ON SUBORDINATE LEGISLATION****(2022-2023)****(SEVENTEENTH LOK SABHA)****THIRTY-FIRST REPORT**

**ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/  
RECOMMENDATIONS CONTAINED IN THE FIFTEENTH REPORT OF THE  
COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTEENTH LOK  
SABHA) ON "APPELLATE TRIBUNAL FOR ELECTRICITY SALARY  
ALLOWANCES AND OTHER CONDITIONS OF SERVICE OF THE  
OFFICERS AND EMPLOYEES (AMENDMENT) RULES, 2017 [G.S.R. 39 (E)  
OF 2017]"**.

**(PRESENTED TO LOK SABHA ON 09.08.2023)****सत्यमेव जयते**

**LOK SABHA SECRETARIAT  
NEW DELHI  
August, 2023/Sravana, 1945 (Saka)**

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## **INTRODUCTION**

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the Report on their behalf, present this Thirty First Action Taken Report.

2. This Report relates to the Action Taken on the Observations/ Recommendations of the Committee contained in the Fifteenth Report (2020-2021) (Seventeenth Lok Sabha) which was presented to Lok Sabha on 08.02.2022.

3. The Committee considered and adopted this Report at their sitting held on 07.08.2023.

4. The Extracts of the Minutes of the Twentieth Sitting of the Committee relevant to this Report are brought out in Appendix I of the Report.

5. An analysis of the action taken by Government on the Observations/ Recommendations contained in the Fifteenth Report of the Committee (Seventeenth Lok Sabha) is given in Appendix II of the Report.

**New Delhi;**  
**07 August, 2023**  
**16 Sravana, 1945 (Saka)**

**BALASHOWRY VALLABHANENI**  
**Chairperson,**  
**Committee on Subordinate Legislation**

## REPORT

### CHAPTER-I

This Report of the Committee on Subordinate Legislation (2022-23) deals with the Action Taken by the Government on the Observations/Recommendations contained in the Fifteenth Report (Seventeenth Lok Sabha) of the Committee which was presented to Lok Sabha on 08.02.2022. The Fifteenth Report dealt with the Infirmities in the "Appellate Tribunal for Electricity Salary Allowances and other conditions of Service of the Officers and Employees (Amendment) Rules, 2017 [G.S.R. 39 (E) of 2017 dated 17.01.2017]".

2. The shortcomings observed in the above Recruitment Rules and the Observations/Recommendations made by the Committee in respect of these shortcomings are contained in paras 1.4, 1.6, 1.9 and 1.10 of the Fifteenth Report (Seventeenth Lok Sabha). The Report, after presentation was forwarded to the Ministry of Power for implementation of the recommendations contained therein. The Ministry of Power *vide* their O.M. No. H-11021/05/2022-Parl. dated 13 December, 2022 furnished their action taken replies on the Observations/ Recommendations contained in the Report.

3. Replies to the observations/recommendations contained in the Report have been categorized as follows:

- |   |                          |
|---|--------------------------|
| (i) Observations/Recommendations which have been accepted by the Government<br>Sl. Nos. 1.4, 1.6, 1.9 and 1.10                          | Total Four<br>Chapter II |
| (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the Government's reply.<br>Sl. No. Nil         | Total Nil<br>Chapter III |
| (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee<br>Sl. No. Nil | Total Nil<br>Chapter IV  |
| (iv) Observations/Recommendations in respect of which final replies of the Government are still awaited<br>Sl. No. Nil                  | Total Nil<br>Chapter V   |

4. The main Observations/Recommendations made by the Committee in its Fifteenth Report (Seventeenth Lok Sabha) pertaining to "The Appellate Tribunal for Electricity Salary Allowances and other conditions of Service of the Officers and

Employees (Amendment) Rules, 2017 [G.S.R. 39 (E) of 2017]" and the Action Taken thereon by the Ministry of Power are briefly given as follows:-

(i) **Infirmity in Rule 1(c) regarding, overlapping of benefits of available Medical schemes:**

Rule 1(c) defines 'Empanelled Hospital & Diagnostic Centre' as the Government Hospitals or Diagnostic Centres including of recognized Private Hospitals and Diagnostic Centres under Central Government Health Scheme for specialized and general purpose treatment and diagnostic procedures recognized vide Ministry of Health and Family Welfare O.M. No. 24/2001/JD(M)/CGHS(P), dated 7<sup>th</sup> September, 2001 as amended from time to time, or any private hospital or diagnostic centre notified or Authorised by the Appellate Tribunal. Keeping this in view, the Committee had noted that as per the above definition given under the Rule, the Officers and Staff of Appellate Tribunal for Electricity (APTEL) had the option to take treatment from all hospitals or diagnostic centres as recognised by the CGHS or any private hospital or diagnostic centre notified or authorized by the Appellate Tribunal, which tantamounted to running of two parallel medical benefit schemes at a given time and misuse of same. The Committee had, therefore, opined that either the CGHS or the Appellate Medical attendance or the reimbursement scheme should be followed so as to prevent misuse or overlapping of the benefits being drawn from both the available Schemes. The Committee had, on receipt of clarification from the Ministry, expressed their satisfaction that APTEL has informed that they have empanelled CGHS recognized hospitals for treatment of their Officers and Staff and agreed to delete the words "or any private hospital or diagnostic centre notified or authorized by the Appellate Tribunal" from the definition of 'empanelled hospital and diagnostic centre' given in the order and had desired to notify the amendment at the earliest.

The Ministry of Power in their Action Taken Reply has informed the Committee that considering the recommendation of the Committee, the provisions in Para 1(c) of Schedule II of the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017 have been further amended suitably and notified vide GSR 857 (E) dated 29 November, 2022 [**Annexure-I**] to prevent misuse or overlapping of the benefits being drawn from both the schemes.

**(Recommendation Para no. 1.4)**

(ii) **Infirmity regarding the usage of legislation by reference while mentioning the word 'family' in the Rule 1(d) of the Appellate Tribunal for Electricity Salary Allowances and other conditions of Service of the Officers and Employees (Amendment) Rules, 2017.**

While examining the Rules, the Committee had noted that in Rule 1(d) of the Appellate Tribunal for Electricity Salary Allowances and other conditions of

Service of the Officers and Employees (Amendment) Rules, 2017 " the Ministry, instead of defining the word 'Family' made a reference to the definition of 'Family' as appearing in the Central Services (Medical Allowances) Rules, 1944. The Committee reiterated its earlier Recommendation that as far as possible the definitions used in Rules should either be defined in the relevant Act/Statutes or in the Rule itself and legislation by reference should be avoided. Further, in matters where such reference cannot be avoided, the Ministry should append the relevant extract of the legislation being referred, to the Rules, so that no difficulty is caused to the public in locating the said reference. On receiving written clarification from the Ministry, the Committee expressed their satisfaction that the Ministry had agreed to the views of the Committee and stated that definition of 'family' as appearing in the Central Service (Medical Attendance) Rules, 1944 would be incorporated in the definition of 'Family' in the Schedule II to The Appellate Tribunal for Electricity Salary Allowances and other conditions of Service of the Officers and Employees (Amendment) Rules, 2017 and notify the amendment at the earliest.

**(Recommendation Para no. 1.6)**

The Ministry of Power in their Action Taken Reply has informed the Committee that they had suitably amended the provisions in this regard and notified the same vide GSR 857 (E) dated 29 November, 2022 **[Annexure-I]**.

**(iii) Infirmity in Rule 5 regarding the discrimination between medical benefits for serving employees and superannuated employees of the Appellate Medical Tribunal**

Under the heading 'Outdoor Treatment' as per Rule 5 pertaining to 'Entitlements', the Committee had noted that in subrule (1) of the Rule, reimbursement of medical expenses on actual basis for the serving employees and their family Members had been prescribed. Whereas in sub-rule (2) of Rule 5, in case of the superannuated employees of Appellate Tribunal, an annual ceiling of the expenses incurred on outdoor treatment had been prescribed which shall be as per CGHS package deal rates or maximum to the level in the respective Pay Matrix of a serving employee holding equivalent post, whichever is lower. The Committee were of the view that the said provision was ethically unjustified and partial to have two different medical reimbursement processes for Serving and Superannuated Officers of the same Organisation and had desired that medical benefits should be same for both. On receipt of reply from the Ministry, the Committee had expressed their satisfaction to note that on being pointed out, the Ministry of Power had submitted that as informed by APTEL, the reimbursement of outdoor treatment in respect of both serving employees and the superannuated employees would be made on actual basis i.e. as per CGHS approved rates only in empanelled hospitals. The

Committee had desired that suitable amendment to the said Rule should be notified at the earliest.

**(Recommendation Para No. 1.9)**

The Ministry of Power in their Action Taken Reply has informed the Committee that considering the recommendation of the Committee, they had suitably amended the provisions in this regard i.e. Schedule II of the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017 and notified the same vide GSR 857 (E) dated 29 November, 2022 **[Annexure-I]**.

(iv) **Timely implementation of suggestions/ recommendations of the Committee**

The Committee had expressed their concern over delay by the Ministry in issuing notifications for suitable amendments in the said Rules, despite agreeing to all their suggestions in July, 2019 and had, therefore, recommended the Ministry to immediately notify suitable amendments in all the three Rules as agreed to by the Ministry.

**(Recommendation Para No. 1.10)**

The Ministry of Power in their Action Taken Reply submitted that the recommendations of the Committee were examined in consultation with APTEL and Department of Health and Family Welfare and after considering the recommendations of the Committee, the Ministry had suitably amended the provisions in this regard and notified the same vide GSR 857 (E) dated 29 November, 2022 **[Annexure-I]**.

**5. The Committee, therefore, are satisfied to note that the Ministry of Power has accepted all the three infirmities pointed out by the Committee and has rectified the same through suitable amendments notified vide GSR 857 (E) dated 29 November, 2022.**

**6. The Observations/Recommendations made by the Committee and the Action Taken Replies received from the Ministry concerned have been reproduced in the subsequent Chapters of the Report.**

## **CHAPTER II**

### **OBSERVATIONS/ RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Infirmity regarding overlapping of benefits of available schemes:**

The Committee note that as per the definition given under the Rule, the Officers and Staff are entitled to have treatment either from Government hospitals or diagnostics centres including all recognized private hospitals or diagnostic centres under the CGHS or any private hospitals or diagnostic centre notified or authorised by the Appellate Tribunal. The Committee are surprised to note that inclusion of all hospital or diagnostic centres as recognized by CGHS or any private or diagnostic centre notified or authorised by the Appellate Tribunal would give the option to the Officers and Staff of Appellate Tribunal for Electricity to take treatment from anywhere resulting in running of two parallel medical benefit schemes at a time. The Committee are of the firm opinion that by doing so the medical benefit scheme can be misused, thus either the CGHS or the Appellate Medical attendance or reimbursement scheme should be followed so as to avoid misuse or overlapping of the benefits being drawn from both the available Schemes. The Committee however, be satisfied to note that on being pointed out, the Ministry of Power in response have submitted that APTEL has informed that they have empanelled on CGHS recognized hospital for treatment of its Officers and Staff. The Committee are satisfied to further note from the reply furnished by the Ministry of Power that the Ministry has agreed to delete the words "..... or any private hospital or diagnostic centre notified or authorised by the Appellate Tribunal from the definition of 'empanelled hospital and diagnostic centre' given in the order.

**[Para nos. 1.4 of the 15th Report, 17th Lok Sabha]**

#### **Reply of the Government**

The recommendations of the Committee on Subordinate Legislation were examined in this Ministry in consultation with Appellate Tribunal for Electricity (APTEL) and Department of Health and Family Welfare. Considering the recommendation of the Committee, Ministry of Power has suitably amended the provisions in this regard i.e. Schedule II of the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017. A copy of notification dated 29.11.2022 is attached at **Annexure - I**.

**(Ministry of Power O.M.No.27/3/2019-R&R dated 5.12.2022)**

**Infirmity regarding the usage of legislation by reference while mentioning the word 'family' in the Rule**

Rule 1(d) of the Rules gives definition of "family" as "family shall have the same meaning as assigned to in the Central Services Medical Allowances Rules, 1944". The Committee are of the view that as far as possible the definitions used in Rules should either be defined in the relevant Act/Statutes itself or should be defined in the Rules itself. The Committee have from time to time emphasized that the Rules should as far as possible be self contained and legislation by reference should be avoided. The Committee are of the firm opinion that Rules should be drafted in such manner that no difficulty is caused to the public in locating the reference made in the Rules. The Committee, therefore, would like to reiterate its off repeated recommendation that, Rules as far as possible should be drafted as such where legislation by reference is avoided and where such reference cannot be avoided, the Ministry should append the relevant extract of legislation being referred, to the Rules, so that no difficulty is caused to the public in locating the reference made. The Committee, however, express their satisfaction that on being pointed out, the Ministry of Power have agreed and stated that definition of family as appearing in the Central Service (Medical Attendance) Rules, 1944 may be incorporated in the definition of 'Family' in the Schedule II to APTEL, Salary Allowances and other conditions of Service of the Officers and Employees (Amendment) Rules, 2017. The Committee, therefore, also recommend that the requisite amendment to the Rules be carried out at the earliest and the Committee be apprised of the action taken in this regard.

**[Para nos. 1.6 of the 15th Report, 17th Lok Sabha]**

**Reply of the Government**

The recommendations of the Committee on Subordinate Legislation were examined in this Ministry in consultation with Appellate Tribunal for Electricity (APTEL) and Department of Health and Family Welfare. Considering the recommendation of the Committee, Ministry of Power has suitably amended the provisions in this regard i.e. Schedule II of the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017. A copy of notification dated 29.11.2022 is attached at **Annexure - I**.

**(Ministry of Power O.M.No.27/3/2019-R&R dated 5.12.2022)**

**Infirmity regarding the discrimination in benefits for serving employees versus superannuated officials**

The Committee note that under the Heading 'Outdoor Treatment' in sub-rule ( 1 ) of Rule 5 of the Rules under examination, pertaining to 'Entitlements' for reimbursement of medical expenses for Officers and Staff, it has been prescribed on actual basis for non-hospitalisation cases for themselves and their family members

including dependents. Whereas, under sub-rule(2) of Rule 5 of the Rules, in cases of superannuated employees of the Appellate Tribunal, the annual ceiling of the expenses incurred on outdoor treatment shall be as per CGHS package deal rates or maximum of the level in the respective Pay Matrix of a serving employee holding equivalent post, whichever is lower has been prescribed. The Committee are surprised to know that there are two different medical reimbursement processes prescribed for serving and superannuated officers of the same organisation. The Committee are of the view that this is ethically unjustified and partial and feel that medical benefits should be same for both serving and superannuated employees of any organisation. The Committee, however, express their satisfaction that on being pointed out the Ministry has informed that APTEL has informed that reimbursement of outdoor treatment in respect of serving Officers and Staff is being made on actual basis i.e. as per CGHS approved rates only in empanelled hospitals." The Committee recommend that, accordingly, necessary amendment in the Rules may also be brought out and the same be notified at the earliest and the Committee be apprised of the action taken in this regard.

**[Para nos. 1.9 of the 15th Report, 17th Lok Sabha]**

### **Reply of the Government**

The recommendations of the Committee on Subordinate Legislation were examined in this Ministry in consultation with Appellate Tribunal for Electricity (APTEL) and Department of Health and Family Welfare. Considering the recommendation of the Committee, Ministry of Power has suitably amended the provisions in this regard i.e. Schedule II of the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017. A copy of notification dated 29.11.2022 is attached at **Annexure - I**.

**(Ministry of Power O.M.No.27/3/2019-R&R dated 5.12.2022)**

### **Timely implementation of suggestions/ recommendations of the Committee**

The Committee, however further express their concern to note that despite agreeing to all the three suggestions as given above by the Committee in July, 2019, the required amendments in the Rules have not yet been notified by the Ministry so far. The Committee, therefore, recommend the Ministry to immediately make suitable amendments in all the three Rules as pointed above and apprise the Committee of conclusive action taken in this regard within 3 months of the Report presented to the House.

### **Reply of the Government**

The recommendations of the Committee on Subordinate Legislation were examined in this Ministry in consultation with Appellate Tribunal for Electricity (APTEL) and Department of Health and Family Welfare. Considering the recommendation of the

Committee, Ministry of Power has suitably amended the provisions in this regard i.e. Schedule II of the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2017. A copy of notification dated 29.11.2022 is attached at **Annexure - I**.

(Ministry of Power O.M.No.27/3/2019-R&R dated 5.12.2022)

### CHAPTER III

**OBSERVATIONS/ RECOMMENDATIONS WHICH THE COMMITTEE DO NOT  
DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY**

**-NIL-**

#### CHAPTER IV

**OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION**

**-NIL-**

**CHAPTER V**

**OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED**

**-NIL-**

**New Delhi;  
07 August, 2023  
16 Sravana, 1945 (Saka)**

**BALASHOWRY VALLABHANENI  
Chairperson,  
Committee on Subordinate Legislation**

  
सत्यमेव जयते

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MINISTRY OF POWER  
NOTIFICATION

New Delhi, the 29th November, 2022

G.S.R. 857(E).—In exercise of the powers conferred by clause(s) of sub-section (2) of section 176 of the Electricity Act, 2003(36 of 2003), the Central Government hereby makes the following rules further to amend the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees Rules, 2004, namely:-

1. (1) These rules may be called the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Appellate Tribunal for Electricity Salary, Allowances and other Conditions of Service of the Officers and Employees Rules, 2004 (hereinafter referred to as the said rules), In Schedule II, in paragraph 1, for clause (c), the following clause shall be substituted, namely:-

"(c) empanelled hospital and diagnostic centre" means the Government Hospitals or Diagnostic Centers including all recognized Private Hospital or Diagnostic Centers under Central Government Health Scheme for Specialized and General Purpose Treatment and Diagnostic Procedures recognized vide Ministry of Health and Family Welfare O.M. No. 24/2001/JD(M)/CGHS/Delhi/CGHS(P), dated 7.9.2001 as amended from time to time."

3. In the Schedule to the said rules, in paragraph 1, for clause (d), the following clause shall be substituted, namely:-

“(d) “Family” means a Government servant's wife or husband, as the case may be, and parents, sisters, widowed sisters, widowed daughters, minor brothers, children, stepchildren divorced or separated daughters and stepmother wholly dependent upon the Government servant and are normally residing with the Government servant.”

4. In the Schedule to the said rules, for paragraph 5, the following paragraph shall be substituted, namely:-
5. “The employees shall be entitled to the reimbursement of medical expenses as per Central Government Health Scheme rates as amended from time to time”.

[F. No. 27/3/2019-R&R]

PIYUSH SINGH, Jt. Secy.

Note:- The principal rules were published vide number G.S.R.721(E), dated the 28<sup>th</sup> October, 2004 and subsequently amended vide numbers G.S.R. 281(E), dated the 6<sup>th</sup> May, 2005; G.S.R. 548(E) dated the 22<sup>nd</sup> July, 2008; G.S.R. 558(E) dated the 20<sup>th</sup> July, 2011; and G.S.R. 39(E) dated 16.1.2017.



**APPENDIX-II**  
**(Vide Para 6 of the Introduction of the Report)**

**ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THE FIFTEENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (17<sup>th</sup> LOK SABHA)**

|     |   |           |
|-----|---|-----------|
| I   | Total No. of Observations/Recommendations made  | 4         |
| II  | Recommendations that have been accepted by the Government<br>[vide recommendations at Sl. Nos.1.4, 1.6, 1.9 and 1.10<br>Percentage of total | 4<br>100% |
| III | Recommendations which the Committee do not want to pursue<br>in view of Government replies<br>Percentage of total                           | NIL<br>0% |
| IV  | Recommendations in respect of which replies of Government<br>have not been accepted by the Committee<br>Percentage of total                 | NIL<br>0% |
| V   | Recommendations in respect of which final replies of Government<br>are still awaited<br>Percentage of total                                 | NIL<br>0% |