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తెలంగాణ రాజపత్రము
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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 6th August, 2023.

L.A. BILL No. 11 OF 2023.

A BILL TO PROVIDE FOR THE ABSORPTION OF THE EMPLOYEES OF THE TELANGANA STATE ROAD TRANSPORT CORPORATION INTO THE GOVERNMENT SERVICE AND TO PROVIDE FOR THE MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Telangana in the Seventy-Fourth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Telangana State Road Transport Corporation (Absorption of Employees into Government Service) Act, 2023.

[1]

B. 38-1 (RSN)

**Short
title
and
com-
mence-
ment.**

(2) It shall come into force on such date as the Government may, by notification, in the Telangana Gazette, appoint.

**Defini-
tions.**

2. In this Act, unless the context otherwise requires,-

- (i) "Employees of Telangana State Road Transport Corporation (TSRTC)" means such regular employees borne on the rolls of the TSRTC working as on the date of the coming into force of this Act;
- (ii) "Government" means the Government of Telangana;
- (iii) "Government Service" means services in any office or department of the Government;
- (iv) "Notification" means a notification published in the Telangana Gazette.

Central
Act 64 of
1950.

- (v) "TSRTC" means the Telangana State Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950;

**Absorp-
tion of
TSRTC
Employ-
ees**

3. Notwithstanding anything to the contrary contained in the Telangana Prohibition of Absorption of Employees of State Government Public Sector Undertakings into Public Service Act, 1997, on and from the date of commencement of this Act, all the employees of the TSRTC shall stand absorbed into Government service into such department, as may be notified by the Government.

Act No.
14 of
1997.

**Applica-
tion of
Rules.**

4. Save as otherwise provided for by the Government, by notification, all the rules for the time being in force applicable to the TSRTC employees shall continue to be applicable to them after absorption into Government service under this Act.

5. It shall be competent for the Government to frame such rules to regulate the service conditions of the absorbed employees of TSRTC, and the same shall bind on the absorbed employees:

Regulation of Service Conditions.

Provided that the TSRTC Employees (Service) Regulations, 1964, TSRTC Employees (Conduct) Regulations, 1963 and TSRTC Employees (CC&A) Regulations, 1967 shall continue to govern the Service conditions of the employees absorbed under this Act until further rules consequent to the absorption are framed by the Government:

Provided further that no disciplinary proceedings shall be deemed to be invalidated solely on the grounds of the initiation of the said proceedings by the respective appointing authorities/disciplinary authorities as notified under the TSRTC Regulations previously applicable to the said employees absorbed into Government service.

6. If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make provision or give such direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty.

Power to remove doubts and difficulties.

7. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to override other laws.

8. (1) The Government, may, by notification in the Official Gazette make rules to carry out the purpose of this Act.

Power to make rules.

(2) Every rule made under this Act, shall immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Road Transport Corporations Act 1950 was enacted in the year 1950 by the Parliament in pursuance of the Legislative competence referable to Entry 43 and 44 of List-I of the Constitution of India as the same having been necessitated.

In exercise of the powers conferred under section 3 of the said Act, the State of Andhra Pradesh established APSRTC vide G.O.Ms.No.36, Home (Tr.IV) Department, dated 06.01.1958, duly merging Nizam State Railways and Road Transport Department (NSRTD) into the corporation.

Consequent on the formation of the State of Telangana, Telangana State Road Transport Corporation (TSRTC) has been constituted as a separate Corporation w.e.f 27.04.2016 under the Road Transport Corporations Act, 1950. TSRTC has been catering to the public transport requirements of the State. The management of the corporation is vested with the Board of Directors with the nominees of the State and the Central Government as contemplated under section 5 subject to general powers of supervision by the State Government, under section 34 read with section 45 of the said Act. In the Andhra Pradesh Re-organisation Act, 2014 (Act 6 of 2014), APSRTC was included in the Ninth Schedule of the said Reorganisation Act, subject to the division of assets to be under taken by the successor States under sections 68 and 71 of the said Act.

It has been generally seen that the operations of TSRTC for various reasons are found to be uneconomical and it has been suffering under accumulated losses for various reasons. The precarious financial position of the TSRTC is creating job insecurity to the thousands of employees working in the corporation. In view of such financial difficulty, modernisation of fleet and providing amenities to passengers is becoming difficult.

The matter was discussed and considered at length by the Council of Ministers. The unanimous view was that the Public transport services being provided by TSRTC in every nook and corner of the State are an essential service for students, NGOs and other concessional pass holders who together number 10.5 lakh, as also large sections of both rural and urban population. On a daily basis 50 lakh passengers use the services of TSRTC. Hence, it is necessary to sustain the services of the TSRTC and improve them further, in public interest.

Accordingly, it is felt necessary to create a new Head of Department under the administrative control of Transport, Roads & Buildings Department, who would also be the ex-officio V.C. and M.D. of TSRTC and absorb the establishment of TSRTC into government service on "as is where is" condition to ensure that TSRTC is run on more efficient lines, while also protecting the interest of its employees.

The operations of TSRTC would continue as before, while the employees would be absorbed into the Government at an appropriate level, to be subject to such rules may be framed by the Government regulating their service conditions, in accordance with the Law. The operations under taken hitherto under the TSRTC shall be continued with the newly created department, in conjunction with Board of Directors of TSRTC who shall continue to be responsible for the day to day operations and activities including up keep of movable and immovable assets. The subject matter involves absorption of the employees working in PSU into State Public Services referable to Entry 41 of List II of the Seventh Schedule of the Constitution. It is considered expedient to provide a Legislative basis to enable the process envisaged and to carry out the objectives contained in the policy decision of the Government.

There is a general prohibition of absorption of employees working in PSU into public service under Act 14 of 1997 and therefore in the facts and circumstances relevant to the operations of the TSRTC and the decision of the Government, a separate legislation is considered expedient to bring about the implementation of the above policy.

This Bill seeks to achieve the above objects.

PUVVADA AJAY KUMAR,
Minister for Transport.

FINANCIAL MEMORANDUM

Consequent on introduction the Telangana State Road Transportation Corporation (Absorption of Employees into Government Service) Bill, 2023 the expenditure on account of absorption of employees of TSRTC in Government service would be about approximately Rs.3000.00 Cr per annum towards pay, DA, HRA, Allowances and incentives, Gratuity provision, Leave Encashment provision etc., as entitled by the employees. There is no non-recurring expenditure.

PUVVADA AJAY KUMAR,
Minister for Transport.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1, 3, 4, 5, 6 and 8 of the Bill authorizes the Government to issue notifications or to make rules in respect of matters specified therein and generally to carry out the purposes of the Act. All such rules so made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of both the Houses of the State Legislature and will be subject to any modifications made by the State Legislature.

The above provision of the Bill regarding Delegated Legislation are thus of normal type and are mainly intended to cover matters of procedure.

PUVVADA AJAY KUMAR,
Minister for Transport.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY**

The Telangana State Road Transport Corporation (Absorption of Employees into Government Service) Bill, 2023, after it is passed by the Legislature of the State may be submitted to the Governor for her assent under Article 200 of the Constitution of India.

PUVVADA AJAY KUMAR,
Minister for Transport.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.