

THE STATE TRADING CORPORATION OF INDIA LIMITED
EMPLOYEES' (CONDUCT, DISCIPLINE & APPEAL) RULES, 1975

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(LAST AMENDMENT ON 18.10.2011
IN RULE 18.3)

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Employees' (Conduct, Discipline & Appeal) Rules, 1975

THE STATE TRADING CORPORATION OF INDIA LIMITED**EMPLOYEES' (CONDUCT, DISCIPLINE & APPEAL) RULES, 1975****1. SHORT TITLE AND COMMENCEMENT**

- i) These rules may be called "The State Trading Corporation of India Ltd. Employees (Conduct, Discipline and Appeal) Rules, 1975".
- ii) They shall come into force w.e.f. 19.10.76.

2. APPLICATION

These rules shall apply to all employees except those in casual employment or paid from contingencies.

3. DEFINITIONS

In these rules, unless the context otherwise requires :

a) Employee

Means a person in the employment of the Corporation other than the casual, work-charged or contingent staff including any employee whose services are placed at the disposal of a Government owned Company, Corporation, Organization or a local authority, Central or State Govt. or the Railway Department by the Corporation notwithstanding that his salary is drawn from sources other than from the Funds of the Corporation and also including a person on deputation to the corporation.

b) Corporation

Means the State Trading Corporation of India Limited.

c) Board

Means the Board of Directors of the Corporation and includes in relation to the exercise of powers, any committee of the Board/Management or any officer of the Corporation to whom the Board delegates any of its powers.

d) Chairman

Means the Chairman of the Corporation.

e) Disciplinary Authority

Means the authority specified in the schedule appended to these rules and competent to impose any of the penalties specified in Rule 25.

f) Competent Authority

Means the Chairman in regard to Class-I and II officers (i.e. DMM and above) and Chief Personnel Manager at Headquarters and Head of Branch/Foreign offices in regard to Class III & IV employees (i.e. Office Managers and below) in their respective offices

Competent Authority (for the purpose of Rule 18 (1,2,&3))

- Chairman in respect of Directors and CGMs
- Director (Vig.) in respect of Class I and II Officers (i.e. Assistant Managers and above upto the rank of GM).
- Whenever the post of Director (Vig.) is vacant the Head of Vigilance Division will act as Competent Authority except in his own case for whom the Competent Authority will be Director, if any, nominated for the purpose of overseeing the Vigilance work or Chairman in the absence of any such Director.

Head of Vigilance Division (or a manager from Vigilance Division nominated by him for this purpose) at Head-quarters and Head of Branch/Foreign Offices in regard to class III and IV Employees (i.e. Office Manager and below) in their respective offices.

g) Government

Means the Government of India.

h) Appellate Authority

Means the authority specified in the Schedule appended to these Rules.

i) Reviewing Authority

Means the authority specified in the Schedule attached to these Rules.

j) Family

In relation to an employee includes;

- i) the wife or husband as the case may be of the employee, whether residing with him or not but does not include a wife or husband as the case may be, separated from the employee by a decree or order of a competent court.
- ii) Sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
- iii) Any other person related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.

k) Public Servant

Means and includes a person as mentioned in Section 21 of Indian Penal Code as amended from time to time.

l) Head of Division/Branch/Foreign office

An officer appointed as such but not below the rank of Chief Marketing Manager.

m) Service

Means service in connection with the affairs of the Corporation.

n) Appointing Authority

In relation to an employee means;

- i) the authority empowered to make appointments to the category of post of which the employee is for the time being a member or to the grade in which the employee is for the time being included, or
- ii) the authority empowered to made appointments to the grade or post which the employee for the time being holds, or
- iii) the authority which appointed the employee to such grade or post as the case may be or whichever authority is the highest authority.
- iv) Where the employee having been a permanent member of any other service or having substantively held any other permanent post, has been in continuous employment of the Corporation, and has not been absorbed in the Corporation, the authority which appointed him to that service or to the post.

4. GENERAL

- 1) Every employee shall at all times :
 - i) maintain absolute integrity;
 - ii) maintain devotion to duty; and
 - iii) do nothing which is unbecoming of a public servant.
- 2) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.
- 3) Every employee who is incharge of a work place shall take appropriate steps to prevent the sexual harassment to any women employee at such work place.

5. MISCONDUCT

Without prejudice to the generality of the term “misconduct” the following acts of omission and commission shall be treated as misconduct:-

- 1) Theft, fraud or dishonesty in connection with the business or property of the Corporation or the property of another person within the premises of the Corporation.
- 2) Taking or giving bribes or any illegal gratification.
- 3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person which the employee cannot satisfactorily account for.
- 4) Furnishing false information regarding name, age, father’s name, qualifications, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- 5) Acting in a manner prejudicial to the interests of the Corporation.
- 6) Willful insubordination or disobedience, whether or not in combination with others of any lawful and reasonable order of his superior.
- 7) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- 8) Habitual late or irregular attendance and habitual absence from his seat with the view to avoid work.
- 9) Neglect of work or negligence in the performance of duty including maligning or slowing down of work.
- 10) Damage to any property of the Corporation.
- 11) Interference or tampering with any safety devices installed in or about the premises of the Corporation.
- 12) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Corporation or outside such premises where such behaviour is related to or connected with the employment.
- 13) Gambling within the premises of the establishment.
- 14) Smoking within the premises of the establishment where it is prohibited.
- 15) Collection without the permission of the competent authority of any money within the premises of the Corporation except as sanctioned by any law of the land for the time being in force or rules of the corporation.
- 16) Sleeping while on duty.

- 17) Commission of any act which amounts to a criminal offence involving moral turpitude.
- 18) Absence from the employee's appointed place of work without permission or sufficient cause.
- 19) Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores etc. to the Corporation without express permission in writing from the Chairman.
- 20) Commission of any act subversive of discipline or of good behaviour.
- 21) Holding meetings, demonstrations, slogan shouting etc. within the premises of the Corporation without permission of the Chairman.
- 22) Slowing down of work after reporting for duty.
- 23) Unauthorized use of sub-letting of the Corporation's quarters.
- 24) Acceptance of gifts from subordinate employees.
- 25) Gherao.
- 26) Picketing within the office premises.
- 27) Sympathetic strike
- 28) Avoiding or refusing to receive official communication.
- 29) Carrying lethal weapons inside office premises except under any law.
- 30) Indulging in any act of sexual harassment of any women.

EXPLANATION TO ITEM NO.30:

"For the purpose of this rule "Sexual harassment" includes such un-welcome sexually determined behaviour (whether directly OR otherwise) as :-

- (a) Physical contact and advances;
- (b) Demand or request for sexual favours;
- (c) Sexually coloured remarks;
- (d) Showing any pornography; and
- (e) Any other un-welcome physical verbal OR non-verbal conduct of a sexual nature.

Any act of mis-conduct relating to sexual harassment to be actionable should be brought to the notice of the incharge of work place and the Complaints Committee which has been set-up in the Company to deal with complaints of such nature in writing by the employee concerned. The Complaints Committee will be deemed to be an Inquiry Authority and the report of the Complaints Committee shall be deemed to be an Inquiry Report for taking action against the erring official under these rules.."

- 31) Non-prevention of sexual harassment of any woman.
- 32) Abetment of or attempt at abetment of any act which amounts to misconduct.

NOTE : The above instances of misconduct are merely illustrative in nature and not exhaustive.

6. EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES OF THE CORPORATION IN ANY COMPANY OR FIRM ENJOYING PATRONAGE OF THE CORPORATION

- 1) No employee shall use his official position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.
- 2) No employee shall, except with the previous sanction of the Competent Authority, permit his son, daughter or any member of the family to accept employment with any company or firm with which he has or ever had official dealings, or with any company or firm, having official dealings with the Corporation.

Provided that where the acceptance of the employment cannot await the prior permission of the Competent Authority, the employment may be accepted provisionally subject to the permission of the Competent Authority to whom the matter shall be reported forthwith.

- 3) No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person, if any, member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instruction of the authority to whom the reference is made.

7. TAKING PART IN POLITICS AND ELECTIONS

- 1) No employee shall take part in, subscribe in aid of or assist in any other manner any movement or activity which is, or tends directly and indirectly to be, subversive of the Government as by law established. It shall also be his duty to endeavour to prevent any member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity and where he is unable to do so, he shall make a report to that effect to the Chairman.
- 2) No employee shall be an office-bearer of a political party or an organization which takes part in politics.
- 3) No employee shall take part in or assist in any manner in any movement/agitation or demonstration of a political nature.
- 4) No employee shall take part in an election to any legislature or local authority.
- 5) No employee shall canvass in any election to any legislature of local authority.

8. TAKING PART IN DEMONSTRATIONS

No employee shall engage himself or participate in any demonstration which involves incitement to an offence.

9. CONNECTION WITH PRESS OR RADIO

- 1) No employee shall, except with the previous sanction of the Competent Authority, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publications.
- 2) No employee shall, except with the previous sanction of the Competent Authority or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical.

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

10. CRITICISM OF GOVERNMENT AND THE CORPORATION

No employee shall in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the Press or in any public utterance, make any statement of fact or opinion:

- a) Which has the effect of adverse criticism of any policy or action of the Central Government or a State Government of the Corporation or
- b) Which is capable of embarrassing the relations between:
 - (i) the Central Government and the Government or any State/Government of any foreign state.
 - (ii) the Corporation and the Central Government or any State Government or Government of any foreign state.
 - (iii) the Corporation and the Public.

Provided that nothing in these rules shall apply to any statement made or views expressed by an employee, of a purely factual nature which are not considered to be a confidential, in his official capacity or in due performance of the duties assigned to him.

11. EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY

- 1) Save as provided in Sub-rule(3), no employee shall, except with the previous sanction of the Competent Authority, give evidence in connection with any enquiry conducted by any person, committee or authority.
- 2) Where any sanction has been accorded under Sub-rule (I), no employee giving such evidence shall criticise the policy or any action of the Central Government or a State Government, or of the Corporation.
- 3) Nothing in this rule shall apply to :-
 - a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or any Corporation.
 - b) Evidence given in any judicial enquiry; or
 - c) Evidence given at any departmental enquiry ordered by authorities subordinate to the Government/Corporation.

12. UNAUTHORISED COMMUNICATION OF INFORMATION

No employee shall, except in accordance with any general or special order of the Corporation or in the performance in good faith of the duties assigned to him communicate, directly or indirectly, any official document or any part thereof or information to any officer or other employee, or any other person to whom he is not authorized to communicate such document or information.

13. GIFTS

- 1) Save as otherwise provided in these rules, no employee shall accept or permit any member of his/her family or any other person acting on his behalf, to accept any gift.

EXPLANATION: The expression “**gift**” shall include free transport, board, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealing with the employee.

NOTE : An employee shall avoid acceptance of lavish or frequent hospitality for any individual or firm having official dealings with him.

- 2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee may accept gifts from his near relatives but he/she shall make a report to the Competent authority if the value of the gift exceeds :-
 - i) Rs.1,000/-in the case of Managers and
 - ii) Rs. 500/-in the case of Staff

- 3) On such occasions as are specified in Sub-rule (2) an employee may accept gifts from his/her personal friends having no official dealings with him/her, but he/she shall make a report to the Competent authority if the value of any such gift exceeds :-
- i) Rs.400/-in the case of Managers and
 - ii) Rs.250/-in the case of Staff
- 4) In any other case, an employee of the Corporation shall not accept or permit any member of his/her family or any other person acting on his/her behalf to accept any gift without the sanction of the Competent authority if the value thereof exceeds Rs.250/-.

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the Competent authority if the aggregate value of the gift exceeds Rs.250/-.

- 5) Notwithstanding anything contained in Sub-Rules (2),(3) & (4), and employee being a member of Indian delegation or otherwise may receive and retain gifts from foreign dignitaries if the market value of gifts received on one occasion does not exceed Rs.1,000/- . In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Corporation in this regard from time to time.

13. A(6) NO EMPLOYEE OF THE CORPORATION SHALL

- i) Give or take or abet the giving or taking of dowry; or
- ii) Demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

EXPLANATION: For the purposes of this Rule “**DOWRY**” has the same meaning as in the ***DOWRY PROHIBITION ACT, 1961 (28 of 1961)***

14. PUBLIC DEMONSTRATIONS IN HONOUR OF CORPORATION EMPLOYEES

No employee shall, except with the previous sanction of the Competent Authority receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other employee.

Provided that nothing in this rule shall apply to :

- i) a farewell entertainment of a substantially private and informal character held in honour of an employee or any other employee on the occasion of his/her retirement or transfer or leaving the service or Corporation; or
- ii) the acceptance of simple and inexpensive entertainment arranged by Public bodies or institutions.

NOTE : Exercise of pressure or influence of any sort on any employee to induce him/her to subscribe towards any farewell entertainment even if it is of a substantially private or informal character is forbidden.

15) PRIVATE TRADE OR EMPLOYMENT

- 1.) No employee shall, except with the previous sanction of the Competent authority, engage directly or indirectly in any trade or business or undertake any other employment.

Provided that an employee, may without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, academic, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

- 2.) Every employee shall report to the Competent Authority if any member of his/her family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

EXPLANATION : Canvassing by an employee in support of the business, Insurance agency, commission agency etc. owned or managed by his wife or any other member of his family shall be deemed to be a breach of this rule.

- 3.) No employee shall, without the previous sanction of the Competent authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or other law for the time being in force or any Co-operative Society for commercial purposes.

Provided that an employee may take part in the registration, promotion or management of a Consumer/House Building Co-operative Society, substantially for the benefit of employees of the Corporation, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

- 4.) No employee may accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of Authority.

16) INVESTMENT, LENDING AND BORROWING

- i) "That no employee should purchase the shares out of the quota reserved for the friends and associates of Directors of Companies."
- ii) No employee shall make or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence in the discharge of his official duties.
- iii) If any question arises whether any transaction is of the nature referred to in Sub-rule (i) or (ii), the decision of the Competent authority thereon shall be final.

IV) No employee shall save in the ordinary course of business with a bank or the Life Insurance Corporation either himself or through any member of his family or any other person acting on his behalf:

- a) lend or borrow or deposit money as a principal or an agent, to or from or with any person or firm or company within the local limits of his authority or with whom he is likely to have official dealing or otherwise place himself under any pecuniary obligation to the such person or firm or private limited company or
- b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

Provided that an employee may give to or accept from a relative or a personal friend a purely temporary loan of a small amount free of interest or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee.

Provided further that nothing contained in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the Competent authority.

iv) when an employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (ii) or sub-rule(iv) he shall forthwith report the circumstances to the Competent Authority and shall thereafter act in accordance with such order as may be made by such authority.

17) INSOLVENCY AND HABITUAL INDEBTEDNESS

- 1) An employee shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
- 2) An employee who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to the Competent Authority.

18. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY

- 1) No employee shall, except with the previous knowledge of the Competent Authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family.

The construction of a house or any addition to the *immovable property* shall, however, require prior sanction of the Competent Authority.

- 2) No employee shall, except with the previous sanction of the Competent Authority enter into any transaction concerning any *immovable* or a *movable property* with a person or a firm having official dealings with the employee or his subordinate.

- 3) “Where an employee of the Corporation enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds two months’ basic pay of the employee.

Provided that the previous sanction of the prescribed authority shall be obtained by the employee if any such transaction is with a person having official dealings with him”.

- 4) Henceforth, every employee shall on the first appointment in the Corporation and thereafter on 1st January of each calendar year, submit a return of assets and liabilities in the following prescribed Forms No. 1 and 2.

Form No.1 Statement showing details of immovable property on first appointment and also on 1st January of each calendar year (i.e. Lands, Houses, Shops, other Buildings etc.)

Form No.2 **STATEMENT OF ASSETS & LIABILITIES (WITH ANNEXURE)**

Statement showing details of assets (other than immovable property) Liabilities on first appointment and also submission of return on 1st January of each calendar year.

- 5) The Competent Authority may, at any time, by general or special order require an employee to submit, within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Competent Authority, include details of the means by which, or the source from which such property was acquired.
- 6) Notwithstanding anything contained in Sub-rule (2) of Rule-18 no employee shall, except with the previous sanction of the Competent authority
- a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family any *immovable property* situated outside India.
 - b) dispose of, by sale, mortgage, gift or otherwise, grant any lease in respect of any *immovable property* situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family.
 - c) Enter into any transaction with any foreigner, foreign Government, foreign Organization or concern:
 - i) for the acquisition, by purchase, mortgage, lease gift or otherwise, either in his own name or in the name of any member of his family, of any immovable property;
 - ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

(7) Dealings in shares of the CPSEs.

- (i) A full-time Director or any executive / employee involved in the decision making process of fixation of price of an IPO/FPO of shares of the company shall not apply either himself/herself or through any member of his/her family or through any other person acting on his/her behalf for allotment of shares (which includes all types of equity related instruments) in an IPO/FPO offered by the Company, provided that Directors/employees of the Company may apply for allotment of shares out of the category of preferential quota reserved for employees/Directors of the Company.
- (ii) All executives/employees including full-time Directors of the Company who are in possession of unpublished price sensitive information would be prohibited from dealing / transacting either in their own name or through any member of their family in the shares of their own company.
- (iii) Full-time director or executives/employee of the Company or any member of his/her family or any person acting on his/her behalf shall not apply for shares out of any preferential quota reserved for employees/Directors of other companies.

All employees of the Company would be required to disclose to the company all transactions of purchase/sale in shares worth Rs.20,000/- or more in value or existing holding/interest in the shares worth Rs.20,000/- or more in his/her own company either in his/her own name or in the name of any family member indicating quantity, price, date of transaction and nature of interest within 4 working days.

19. CANVASSING OF NON-OFFICIAL OR OTHER INFLUENCE

No employee shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the Corporation.

20. BIGAMOUS MARRIAGES

- 1) No employee shall enter into, or contract, a marriage with a person having a spouse living and
- 2) No employee, having a spouse living, shall enter into or contract, a marriage with any person;

Provided that the Board may permit an employee to enter into, or contract, any such marriage as is referred to in Clause (1) or Clause (2), if it is satisfied that:

- a) Such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
- b) There are other ground for so doing
- 3) An employee who has married or marries a person other than that of Indian Nationality and shall forthwith intimate the fact to the Corporation.

20.A. ADOPTION OF SMALL FAMILY BY CORPORATION EMPLOYEES

Every employee shall ensure that the number of his/her children does not exceed three provided that nothing in this rule shall apply to an employee who has more than three children on the 30th day of September, 1977.

Provided further that an employee referred to in the proceeding proviso shall ensure that the number of his/her children does not exceed the number of children he /she has on that day.

21. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS

An employee shall:

- a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- b) not be under the influence of any intoxicating drinks during the course of his duties and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- c) not appear in a public place in a state of intoxication;
- d) not use in excess any intoxicating drink or drug.

22. SUSPENSION

- 1) The Appointing Authority or any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the Board of Directors by general or special order may place an employee under suspension:
 - a) Where a disciplinary proceeding against him is contemplated or is pending or
 - b) Where a case against him in respect of any criminal offence is under investigation or trial.
- 2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of Appointing Authority, and shall remain under suspension until further orders.
- 3) Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set-aside on appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- 4) Where a penalty of dismissal or removal from service imposed upon an employee is set-aside or declared or rendered void in consequence of or by a decision of a court of law and the Disciplinary Authority, on consideration of the circumstances of the case,

decides to hold a further inquiry against him on the allegation on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

- 5) An order of suspension made or deemed to have been made under this Rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

23. SUBSISTENCE ALLOWANCE

- 1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent of his basic pay provided the Disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension provided the Suspending Authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
- 2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-
 - i) The amount of subsistence allowance may be increased to 75 per cent of basic pay and allowance thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension;
 - ii) the amount of subsistence allowance may be reduced to 25 per cent of basic pay and allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee under suspension.
- 3) If an employee is arrested by the Police on a criminal charge and bail is not granted no subsistence allowance is payable. On grant of bail, if the authority competent to do so decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

24. TREATMENT OF THE PERIOD OF SUSPENSION

- 1) When the employee under suspension is re-instated, the authority competent to do so may grant to him the following pay and allowances for the period of suspension:
 - a) if the employee is exonerated and not awarded any of the penalties mentioned in Rule-25, the full-pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him; and

- b) if otherwise, such proportion of any pay and allowances as the said authority may prescribe.
- 2) In a case falling under Sub-clause(a) the period of absence from duty will be treated as a period spent on duty. In case falling under Sub-clause(b) it will not be treated as a period spent on duty unless the said authority so directs.

25. PENALTIES

The following penalties may be imposed on an employee as hereinafter provided, for misconduct committed by him or for any other good and sufficient reasons:-

MINOR PENALTIES

- a) Censure;
- b) Withholding of increments of pay with or without cumulative effect;
- c) Withholding of promotion;
- d) Recovery from pay or such other amount as may be due to him of the whole or part or any pecuniary loss caused to the Corporation by negligence or breach of orders.
- e) Reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his terminal benefits.

MAJOR PENALTIES

- f) same as provided in clause (e), reduction to a lower stage in the time-scale of pay for a specified period with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing future increments of his pay;
- g) reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which he was reduced and his seniority & pay on such restoration;
- h) Compulsory retirement;
- i) removal from service which shall not be a disqualification for future employment under the Govt. or the Corporation/Company owned or controlled by the Govt. ;
- j) dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Corporation/Company owned or controlled by the Govt.;

provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (i) or (j) shall be imposed.

Provide further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

EXPLANATION :

The following shall not amount to a penalty within the meaning of this rule:-

- (i) withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard or for failure to pass prescribed test or examination;
- (ii) stoppage of an employee at the efficiency bar in a time-scale, on the ground of his unfitness to cross the bar;
- (iii) non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) reversion to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that he is considered after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
- (v) reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation in accordance with the terms of the appointment;
- (vi) Termination of service:
 - a) of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment;
 - b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
 - c) of employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
 - d) of any employee on reduction of establishment.

26. DISCIPLINARY AUTHORITY

- 1) The Disciplinary Authority, as specified in the schedule, or any authority higher than it may impose any of the penalties specified in Rule 25 on any employee.
- 2) In a case where the prescribed Disciplinary Authority is unable to function as the Disciplinary Authority in respect of any official, on account of his being personally concerned with the charges or being a material witness in support of the charges, the next higher authority in the schedule i.e the Appellate Authority will appoint an 'Ad-hoc Disciplinary Authority'. The Appellate Authority and the Reviewing Authority as mentioned in the Schedule of Authorities shall remain unchanged.

27. PROCEDURE FOR IMPOSTING MAJOR PENALTIES

- 1) No order imposing any of the major penalties specified in Clause (f), (g), (h), (i) & (j) of Rule-25 shall be made except after an inquiry is held in accordance with this Rule.
- 2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee may itself enquire into or appoint any **servicing or retired public servant** (hereinafter called the ***Inquiring Authority***) to inquire into the truth thereof.
- 3) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite charge on the basis of the allegations against the employee. The charges, together with a statement of the allegations, on which they are based, a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the Articles of charges.

EXPLANATION :

It will not be necessary to show the documents listed with the chargesheet or any other documents to the employee at this stage.

- 4) On receipt of the Written Statement of the employee or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary authority itself, or by any other public servant appointed as an Inquiring Authority under sub-clause(2).

Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The Disciplinary Authority shall, however, record its findings on each such charge.

- 5) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint a servicing or retired public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- 6) The employee may take the assistance of another servicing or retired public servant to present his case, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority is a legal practitioner or unless the Disciplinary authority, having regard to the circumstances of the case, so permits.
- 7) On the date fixed by the Inquiring Authority, the employee shall appear before the Inquiring authority at the time, place and date specified in the notes. The Inquiring Authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.

- 8) If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence :
 - k) inspect the documents listed with the charge-sheet;
 - ii) submit a list of additional documents and witnesses that he wants to examine; and
 - iii) be supplied with the copies of statements of witnesses, if any, listed in the charge-sheet.

NOTE : Relevancy of the additional documents and the witnesses referred to in Sub-clause 8(ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the Inquiring authority is satisfied about their relevance to the charges under inquiry.

- 9) The Inquiring authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.
- 10) The authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition notice.

Provided that the authority having the custody or possession the documents may claim privilege if the production of such documents will be against the public interest or the interest of the Corporation. In that event, it shall inform the Inquiring Authority accordingly.

- 11) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the Inquiring Authority. The Inquiring authority may also put such questions to the witnesses as it thinks fit.
- 12) Before the close of the prosecution case, the Inquiring Authority may in its discretion, allow the Presenting Officer to produce evidence not included in the chargesheet or may itself call for new evidence or recall or re-examine any witness. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record; or to cross-examine a witness, who has been so summoned.
- 13) When the case for the Disciplinary authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

- 14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provision applicable to the witnesses for the Disciplinary Authority.
- 15) The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- 16) After the completion of the production of the evidence, the employee and the Presenting Officer may file written briefs of their respective cases within fifteen days of the date of completion of the production of evidence.
- 17) If the employee does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the Inquiring Authority may hold the inquiry ex-parte.
- 18) Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding Inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

- 19) (1) After the conclusion of the inquiry, report shall be prepared and it shall contain:
 - (a) a gist of the articles of charge and the statement of the imputations or misconduct or misbehaviour;
 - (b) a gist of the defence of the employee in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each article of charge;
 - (d) the findings on each article of charge and the reasons thereof.

EXPLANATION: If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge.

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- ii) The Inquiring Authority, where it is not itself the Disciplinary Authority shall forward to the Disciplinary Authority the records of inquiry which shall include:
- a) the report of the inquiry prepared by it under sub-clause (ii) above;
 - b) the written statement of defence, any submitted by the employee referred to in sub-rule (13).
 - c) The oral and documentary evidence produced in the course of the inquiry;
 - d) Written briefs referred to in sub-rule (16), if any, and
 - e) The orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

28. ACTION ON THE INQUIRY REPORT

- (1) The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by it in writing remit the case to the Inquiring Authority for fresh or further enquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule-27 as far as may be.
- (2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge if the evidence on record is sufficient for the purpose.
- (3) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rule 25 should be imposed on the employee it shall, notwithstanding anything contained in Rule 29 make an order imposing such penalty.
- (4) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

29. PROCEDURE FOR IMPOSING MINOR PENALTIES

- (1) Where it is proposed to impose any of the minor penalties specified in clause (a) to (e) of Rule 25, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding fifteen days. The defence statement, if any, submitted by the employee shall be taken into consideration by the Disciplinary Authority before passing orders.
- (2) The record of the proceedings shall include :-
 - (i) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
 - (ii) his defence statement, if any; and
 - (iii) the orders of the Disciplinary Authority with the reasons therefor

30. COMMUNICATION OF ORDERS

Orders made by the Disciplinary Authority under Rule 28 or Rule 29 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of Inquiry, if any.

30-A. CONTINUATION OF DISCIPLINARY PROCEEDINGS AFTER RETIREMENT

- (i) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
- (ii) During the pendency of the disciplinary proceedings, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section(6) of Section (4) of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the Company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3-A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

31. COMMON PROCEEDINGS

Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken in a common proceedings and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

32. SPECIAL PROCEDURE IN CERTAIN CASES

Notwithstanding anything contained in Rule 27 or 28 or 29, the Board may impose any of the penalties specified in Rule 25 in any of the following circumstances:-

- (i) the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- (ii) where the Board is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these Rules, or
- (iii) where the Board is satisfied that in the interest of the security of the Corporation, it is not expedient to hold any inquiry in the manner provided in these Rules.

33. EMPLOYEES ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENTS ETC.

(i) Where an order of suspension is made or disciplinary proceedings is taken against an employee, who is on deputation to the Corporation from the Central or State Government, or another Public undertaking, or a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.

(ii) In the light of the findings in the disciplinary proceedings taken against the employee.

(a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority;

Provided that in the event of a difference of opinion between the Disciplinary and Lending authority, the services of the employee shall be placed at the disposal of the Lending Authority.

(b) If the Disciplinary authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.

(iii) If the employee submits an appeal against an order imposing a minor penalty on him under Sub-rule (ii) (a), it will be disposed of after consultation with the Lending Authority;

Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

34. EMPLOYEES LENT TO CENTRAL GOVERNMENT OR STATE GOVERNMENT ETC.

(1) Where the services of an employee are lent to the Central or a State Government or an authority subordinate thereto or to a local or other authority or a Government owned organization, company or corporation (hereinafter in this Rule referred to as "the Borrowing authority"), the Borrowing Authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and the Disciplinary Authority for the purpose of taking Disciplinary Proceeding against him.

Provided that the Borrowing Authority shall forthwith inform the Corporation which lent his services of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings as the case may be.

- 2) In the light of the findings in the disciplinary proceeding taken against the employee:-
- i) if the Borrowing Authority is of the opinion that any of the minor penalties specified under rule 25 should be imposed on him, it may transmit the records of proceeding with its recommendations to the Corporation for appropriate action.

Provided that in the event of difference of opinion between the Borrowing Authority and the Corporation, the services of the employee shall be replaced at the disposal of the Corporation.

- ii) If the Borrowing Authority is of the opinion that any of the major penalties specified in Rule 25 should be imposed on him, it shall replace his services at the disposal of the Corporation and transmit to it the proceedings of the enquiry and thereupon the Disciplinary Authority in the Corporation may pass such orders thereon as it deems necessary.

Provided that in passing any such order, the Disciplinary authority shall comply with the provisions of sub-rule 3 & 4 of the Rule 28.

EXPLANATION : The Disciplinary Authority may make an order under this clause on the record of the enquiry transmitted by the Borrowing Authority or after holding such further inquiry as it may deem necessary.

35. APPEALS

- i) An employee may appeal against an order imposing upon him any of the penalties specified in Rule 25 or against the order of suspension referred to in Rule 22. The appeal shall lie to the authority specified in the schedule.
- ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the schedule and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the Appellate Authority within fifteen days. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The Appellate Authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the Appellate Authority proposes to impose a major penalty specified in Clauses (f), (g), (h), (i) & (j) of Rule 25 and an inquiry as provided under Rule 27 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of Rule 27 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in Rule 27, the Appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate

Authority shall pass final order after taking into account the representations, if any, submitted by the employee.

36. REVIEW

Notwithstanding anything contained in these Rules, the Reviewing Authority as specified in the schedule may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit.

Provided that if the enhanced penalty which the Reviewing Authority proposes to impose a major penalty specified in Clauses (f), (g),(h), (i) & (j) of Rule 25 and an inquiry as provided under Rule 27 has not already been held in the case, the Reviewing Authority shall direct that such an inquiry be held in accordance with the provisions of Rule 27 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in Rule 27, the Reviewing authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Reviewing Authority shall pass final order after taking into account the representations, if any, submitted by the employee.

37. SERVICE OF ORDERS, NOTICES ETC.

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address.

38. POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY

Same as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

39 MISCELLANEOUS

Notwithstanding anything contained in these Rules, the Central Vigilance Commission shall exercise jurisdiction over the employees of the Corporation and the vigilance and anti-corruption rules/instructions/orders and the clarifications on any corresponding rules, issued by the Central Vigilance Commission and the Government from time to time shall be applicable to the employees of the Corporation.

NOTE : The Central Vigilance Commission means the Commission set-up by the Government vide Ministry of Home Affairs Resolution No.24/7/64-AVD dated 11.02.1964.

39. SAVINGS

- 1) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, which have been superseded by these rules;
- 2) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules;
- 3) The proceedings pending at the commencement of the rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules;
- 4) Any misconduct etc. committed prior to the issue of these rules which was a misconduct under the superseded rules shall be deemed to be misconduct under these rules.

41. REMOVAL OF DOUBTS

Where a doubt arises as to the interpretation of any of these rules, the matter shall be referred to the Board for final decision.

42. AMENDMENTS

The Board may amend, modify or add to these rules, from time to time, and all such amendments, modifications or additions shall take effect from the date stated therein.
