

ARTIFICIAL LIMBS MANUFACTURING CORPORATION OF INDIA
(A GOVERNMENT OF INDIA UNDERTAKING)
G.T. ROAD, KANPUR – 209217 (U.P.)

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G.T. ROAD, KANPUR-209217 (U.P.) INDIA

CONDUCT, DISCIPLINE AND APPEAL RULES

RULE - 1 : **SHORT TITLE AND COMMENCEMENT**

- (i) These rules may be called the Artificial Limbs Manufacturing Corporation of India, Kanpur, Conduct, Discipline and Appeal Rules, 1975.
- (ii) They shall come into force on 1st November, 1975.

RULE - 2 : **APPLICATION**

These Rules shall apply to all employees except :

- (i) Those in casual employment or paid for contingencies;
- (ii) Those governed by the Standing Orders under the Industrial Dispute Act, 1947.

RULE - 3 : **DEFINITION**

In these Rules, unless the context otherwise requires :

- (a) “Employee” means a person in the employment of the undertaking other than the casual, work-charged or contingent staff or workmen as defined in the Industrial Disputes Act, 1947, but includes a person on deputation to the Corporation.
- (b) “Workmen” means a person as defined in the Industrial Dispute Act, 1947, and to whom the provisions of these Rules shall not apply.
- (c) “Corporation” means the Artificial Limbs Manufacturing Corporation of India, Kanpur.
- (d) “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 undertaking to whom the Board delegates any of its powers.
- (e) “Chairman/Managing Director” means the Chairman/Managing Director of the Corporation.
- (f) “Disciplinary Authority” means the authority specified in the Schedule-I appended to these rules and competent to impose any of the penalties specified in Rule 23.

- (g) “Competent Authority” means the authority empowered by Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- (h) “Government” means the Government of India.
- (i) “Appellate Authority” means the authority specified in schedule-I appended to these rules.
- (j) “Reviewing Authority” means the authority specified in schedule –I attached to these rules.
- (k) “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.
- (l) “Head of the Department” means those officers who head a department of the Corporation or nominated as such by the Managing Director.

RULE – 4 : GENERAL

- (1) Every employee of the Corporation shall at all times :
 - (i) maintain absolute integrity’
 - (ii) maintain devotion to duty; and
 - (iii) do nothing which is unbecoming of an employee of the Corporation.
- (2) Every employee of the Corporation 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.

RULE – 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 of 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 can not satisfactorily account for.
- (4) Furnishing false information regarding name, age, father's name, qualification, ability or previous services 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 interest 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.
- (9) (a) Neglect of work or negligence in the performance or duty including malingering or slowing down of work.
- (9) (b) The case involving any of the lapses such as gross or willful negligence, recklessness, exercise of discretion without or in excess of powers/jurisdiction, causing undue loss to the organization or a concomitant gain to an individual and flagrant violation of systems and procedures.
- (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.

(4)

- (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 competent authority.
- (20) Commission of any act subversive of discipline or of good behaviour.
- (21) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (22) Obtaining donations/advertisement/sponsorship etc. by the associations/NGOs formed by either employees or their spouse/family members etc. from the contractors, vendors, customers or other persons having commercial relationship / official dealings with the CPSE will be treated as misconduct.

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

RULE – 6 : **EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES OF THE CORPORATION IN PRIVATE UNDERTAKINGS INVOLVING PATRONAGE OF THE CORPORATION.**

- (1) No employee shall use his 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 private firm with which he has official dealings or with any other firm, having official dealings with the Corporation.

Provided that whether 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 firm or any other person if any member of his family is employed in that firm or under that person or if he or any member of his family is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his official superior and the matter of the contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

RULE – 7 : TAKING PART IN DEMONSTRATIONS

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

RULE – 8 : CONNECTION WITH PRESS, RADIO AND POLITICAL PARTIES.

- (1) No employee of the Corporation 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 news paper or other periodical publication.
- (2) No employee of the Corporation shall, except with the previous sanction of the competent authority or the prescribed 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 news paper or periodical.
- (3) The employees of the Corporation are prohibited from the following :
- (a) To be an office bearer of a political party or an organization which take part in politics;
 - (b) To take part in or assist in any manner in any movement/agitation or demonstration of political nature;
 - (c) To take part in an election to any legislature or local authority;
 - (d) To canvass in any election to any legislature or local authority.

RULE – 9 : CRITICISM OF GOVERNMENT AND THE CORPORATION

No employee shall, in any radio broadcast or in any document published under his name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement :

- (a) which has the effect of adverse criticism of any policy or action of the Central or state Governments or of the Corporation;

- (b) which is capable of embarrassing the relations between the Corporation and the public;

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

Provided further that nothing contained in this clause shall apply to bonafide expression of views by him as an office-bearer of a recognized trade union for the purpose of safe guarding the conditions of service of such employees or for securing an improvement thereof.

RULE – 10 : EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY.

- (1) Save as provided in sub-rule (3), no employee of the Corporation 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 (1), no employee giving such evidence shall criticize the policy or any action of the Central Government or of a State Government, or of the Corporation.
- (3) Nothing in this rule shall apply to –
 - (a) Evidence given at an 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.

RULE – 11 : UNAUTHORISED COMMUNICATIN 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 o information to any officer or other employee, or any other person to whom he is not authorised to communicate such document or information.

RULE – 12 : **GIFTS**

(1) Save as otherwise provided in these rules, no employee of the Corporation shall accept or permit any member of his family or any 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 dealings with the employee.

NOTE : An employee of the Corporation shall avoid acceptance of lavish or frequent hospitality from 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 of the Corporation may accept gifts from his near relatives but he shall make a report the competent authority if the value of the gift exceeds Rs.500/-

(3) On such occasions as are specified in sub-rule (2), an employee of the Corporation may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the competent authority, if the value of any such gift exceeds Rs.250/-.

(4) In any other case, an employee of the Corporation shall not accept any gifts 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 gifts exceeds Rs.250/-.

RULE – 13 : **PRIVATE TRADE OR EMPLOYMENT**

(1) No employee of the Corporation shall, except with the previous sanction of the competent authority, engage directly 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, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

(2) Every employee of the Corporation shall report to the competent authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(3) No employee of the Corporation 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, (2 of 1956) or other law for the time being in force or any co-operative society for commercial purposes :

Provided that an employee of the Corporation 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 of the Corporation any 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 the competent authority.

RULE – 14 : **INVESTMENT, LENDING AND BORROWING**

No employee shall, save n the ordinary course of business with a Bank, Life Insurance Corporation, or a firm of standing, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family.

RULE – 15 : **INSOLVENCY AND HABITUAL INDEBTEDNESS**

(1) An employee of the corporation 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 of the Corporation who applies to be or is adjudged or declared insolvent shall forthwith report the fact to his competent authority.

RULE – 16 : MOVABLE, IMMOVABLE AND VALUABLE PROPERTY

- (1) No employee of the Corporation 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.
- (2) No employee of the Corporation shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate.
- (3) Every employee of the Corporation shall report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of the family, if the value of such property exceeds Rs.10,000/-.

Explanation No. 1 :

The term “every transaction concerning movable property owned or held by him” includes all transactions of sale or purchase.

For the purposes of this sub-rule, the definition of movable property would include :

- (a) Jewellery, Insurance Policies – the total premium of which exceeds Rs.10,000/- or one sixth of the total annual emoluments received from company whichever is less, Shares, Securities and Debentures;
- (b) Loans, advances by such employee whether secured or not;
- (c) Motor Car, Motor Cycle, horses or any other means of conveyance, and;
- (d) Refrigerators, Radios (Radiogram and Television set).

Explanation No. 2 :

Transaction entered into by the spouse or any other member of family of an employee of the company out of his or her own funds (including Stridhan, Gifts, Inheritance etc.) as distinct from the funds of the employee of the company himself, in his or her own name and in his own right, would not attract the provisions of the above sub-rule.

(4) Every employee shall, on first appointment in the Corporation, submit a return of assets and liabilities in the prescribed form (Schedule-II) giving the particulars regarding :

(a) Immovable property inherited by him, or owned or acquired by him, held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

(b) Shares, Debentures, and cash including bank deposits inherited by him or similarly owned, acquired or held by him;

(c) Other movable property inherited by him or similarly owned, acquired or held by him, if the value of such property exceeds Rs. 10,000/-;

(d) Debts and other liabilities incurred by him directly or indirectly;

(e) Every employee shall, beginning 1st January submit a return of immovable property inherited/owned/acquired once in very two years.

(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 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) In addition to the above every employee of the Corporation shall report to the competent authority in the prescribed form (Schedule-III) if the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rs.50,000/- during the calendar year. “(Rs.25,000/- in case of Group C & D equivalent officials)”.

RULE – 17 ; 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.

RULE – 18 : 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 grounds for so doing.
- (3) The Public Sector employees who have married or marries a person other than that of Indian nationality, shall forthwith intimate the fact to this employer.

RULE – 19 : CONSUMPTION OF INTOXICATING DRINKS AND DRUGS

An employee of the Corporation shall take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug.

RULE–19 (a) : PROHIBITION OF SEXUAL HARASSMENT OF WORKING WOMEN

- (1) No government servant shall indulge in any act of sexual harassment of any women at her working place.
- (2) Every government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any women at such work place.

Explanation :

For the purpose of this Rule, “Sexual Harassment” includes such unwelcome sexually determined behaviour , whether directly or otherwise, as --

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

RULE – 20 : 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 management by general or special order may place an employee under suspension --

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- (c) 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 the 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 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, decide to hold a further inquiry against him on the allegations 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

RULE –20 (A) : HEADQUARTER DURING SUSPENSION :

- (i) The order of suspension should specify the Headquarter of the officer during the period that the order will remain in force. It should normally be the last place of duty. The competent authority may, however, for reasons to be recorded in writing, fix any other place as his Headquarter in the interest of public service.

- (ii) If the officer (under suspension) requests for a change of Headquarter, the competent authority may accede to the request if it is satisfied that such a course will not put Government to any extra expenditure like grant of traveling allowance etc, or create difficulty in investigation or in processing the departmental proceeding etc.
- (iii) An officer (under suspension) is subject to all the conditions of service applicable to Government servants and cannot leave the Headquarter without prior permission.

RULE – 21 : SUBSISTENCE ALLOWANCE

- (1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50% 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 (DA) 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 or 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% of basic pay and allowances 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% 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 competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date is granted bail.
- (4) Officer concerned will be paid subsistence allowance subject to the condition that he reports to the place of posting and sign in a separate register meant for suspended officers for taking the cognizance of his attendance for making the payment of subsistence allowance.

RULE – 22 : TREATMENT OF THE PERIOD OF SUSPENSION

(1) When the employee under suspension is reinstated, the competent authority 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 23, the full pay & allowances which he would have been entitled to if he had been suspended, less the subsistence allowance already paid to him and;
- (b) If otherwise, such proportion of pay & allowances as the competent 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 competent authority so directs.

RULE – 23 : 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) Reduction to a lower stage in the time scale of pay for a period of not exceeding three years, without cumulative effect and not adversely affecting his pension.
- (b) Withholding of increment of pay.

MAJOR PENALTIES :

Removal/Dismissal/Compulsory Retirement.

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 a prescribed test or examination.
- (ii) Stoppage of increment 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 his 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 contractor agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
 - (c) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement;
 - (d) of an employee on reduction of establishment.

RULE – 24 : DISCIPLINARY AUTHORITY

The Disciplinary Authority, as specified in the Schedule-I, or any authority higher than it may impose any of the penalties specified in Rule-23 of any employee.

RULE – 25 : PROCEDURE FOR IMPOSING MAJOR PENALTIES

- (1) No order imposing any of the major penalties specified in Rule-23 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, it may itself inquire into or appoint any person (hereinafter called the Inquiry Authority) to inquire into the truth thereof. The Disciplinary Authority may also appoint Inquiry officer (hereinafter called as Inquiry Authority) if he so desires from among the serving/retired Executives/Officers of CPSEs/Central Govt./ State Govt. in consultation with the Chief Vigilance Officer (CVO) of the Corporation to inquire into the truth thereof.
- (3) Wherever it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite charges 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 charges 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 charge sheet or any other document 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 inquiry may be held by the Disciplinary Authority itself, or by any other person 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.

(6) Where the disciplinary authority itself inquires or appoints an Inquiring Authority for holding an inquiry, it may by an order appoint an employee to be known as the “Presenting Officer” to present on its behalf the case in support of the articles of charge.

(7) The employee may take the assistance of any other employee but may not engage a legal practitioner for the purpose.

(8) 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 notice. 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 charges, 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 guilty in respect of the those articles of charges 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;

- (i) inspect the documents listed with the charge sheet;
- (ii) submit a list of additional documents and witnesses that he wants to examine,
- (iii) be supplied with the copies of the 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 of the requisitioned 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. 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 charge sheet 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 witness 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 15 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 hereinbefore provided.

- (19) (i) After the conclusion of the inquiry, report shall be prepared and it shall contain :
- (a) a gist of the articles of charges and the statement of the imputations of misconduct or mis-behaviour;
 - (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 therefor.

EXPLANATION :

If in the opinion of the Inquiring Authority the proceeding 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 charges 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) report of the inquiry prepared by it under sub-clause (i) above;
- (b) written statement of defence, if any, submitted by the employee referred to in sub-rule (13) ;
- (c) oral and documentary evidence produced in the course of the inquiry;
- (d) written brief referred to in sub-rule (16), if any, and
- (e) orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

RULE – 26 : **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 inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provisions of Rule 25 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority or 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 23 should be imposed on the employee it shall notwithstanding anything contained in Rule 27 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.

RULE – 27 : PROCEDURE FOR IMPOSING MINOR PENALTIES

- (1) Where it is proposed to impose any of the minor penalties specified in Rule 23, 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 15 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 :
- (a) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
 - (b) his defence statement, if any, and;
 - (c) the orders of the disciplinary authority together with the reasons therefor.

RULE – 28 : COMMUNICATION OF ORDERS

Orders made by Disciplinary Authority under Rule 26 or Rule 27 shall be communicated to the employee concerned who shall also be supplied with a copy of the report of inquiry, if any.

RULE – 29 : 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 proceeding and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

RULE – 30 : SPECIAL PROCEDURE IN CERTAIN CASES

Notwithstanding anything contained in Rule 25 and 26 or 27, the Disciplinary Authority may impose any of the penalties specified in Rule 23 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,
- (i) Where the Disciplinary Authority 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,

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- (ii) 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.

RULE – 30 (A): **CONSTITUTION OF DISCIPLINARY PROCEEDINGS
AFTER RETIREMENT FOR GRAVE MISCONDUCT.**

1. 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.

2. During the pendency of the disciplinary proceedings, the disciplinary authority may withhold the payment of gratuity for ordering the recovery from gratuity of the whole or part of the 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 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 the service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) & 7(3A) of Payment of Gratuity Act, 1972, should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

RULE – 31 : **EMPLOYEES ON DEPUTATION FROM THE CENTRAL
GOVERNMENT OR THE STATE GOVERNMENT ETC.**

(1) Where an order of suspension is made or disciplinary proceeding 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 proceedings, as the case may be.

(2) 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.
- (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 it to the proceedings of the inquiry for such action as it deems necessary.

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(3) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (ii)(a), it will be disposed off 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.

RULE – 32 : APPEALS

(1) An employee may appeal against an order imposing upon him any of the penalties specified in Rule 23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the authority specified in the Schedule – I.

(2) 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-I 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 15 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 settling 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 is a major penalty specified in Rule –23 and an inquiry as provided in Rule-25 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 25 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 26, 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 representation, if any, submitted by the employee.

RULE – 33 : REVIEW

Notwithstanding anything contained in these rules, the reviewing authority as specified in Schedule-I 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, is a major penalty specified in Rule 23 and an inquiry as provided under Rule 25 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 25 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 in accordance with the provisions of Rule 25, the Reviewing Authority shall give 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 representation, if any, submitted by the employee.

RULE – 34 : (A) 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.

RULE – 34 : (B) PREMATURE RETIREMENT

Clause. (j) of Rule 56 of the Fundamental Rules of the Govt. of India are as under:-

Notwithstanding anything contained in this rule, the Appropriate Authority shall, if it is of the opinion that it is in the Corporation interest so to do have the absolute right to retire employees by giving him notice of not less than three month in writing or three months pay and allowance in lieu of such notice.

- (i) If he is in Group A or Group B Service or post in a substantive quasi-permanent or temporary capacity and had entered in corporation service before attaining the age of 35 years, after he has attained the age of 50 years.
- (ii) In any other case he has attained the age of fifty-five years.

Note: (1) While dealing with the cases of such premature retirement, the other criteria, procedures and guidelines as stipulated in FR 56(j) of Government of India Rules shall be followed
 (2) The Group A/Group B indicated above means executives of the Corporation only
 (3) In any other case indicated above means workers of the Corporation

RULE – 35 : POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY.

Save 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.

RULE – 36 : 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.

- (1) 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.
- (2) The proceedings pending at the commencement of the rules shall be continued and disposed as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.
- (3) Any misconduct etc. committed prior to the issue of these rules which was misconduct under the superseded rules shall be deemed to be a misconduct under these rules.
- (4) Any misconduct etc. committed prior to the issue of these rules which was misconduct under the superseded rules shall be deemed to be a misconduct under these rules.

RULE – 37 : 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.

RULE – 38 : AMENDMENTS

The Board of Directors of the Corporation 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.

RULE – 39 : INTERPRETATION :

CMD is authorized to interpret the CDA Rules of any ambiguity wherever required in line with the Vigilance Manual vis-à-vis CDA Rules applicable in case of Central Government employees as well as Standing Orders applicable to the workmen of the Corporation.

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SCHEDULE - I

Sl. No.	Grade	Pay Scale with effect from		Appointing Authority	Nature of Penalty	Disciplinary Authority	Appellate Authority	Reviewing Authority
		01.01.1997	01.01.2007					
1.	Supervisor Gd.III	Rs.5200-140-8000/-	Rs.11,120-25,300/-	As per approved	Minor penalty as per Rule 23	DGM/Senior Manager/HOD	General Manager	Chairman & Managing Director
	Supervisor Gd.II	Rs..5600-150-8600/-	Rs.11,500-25,700/-					
	Supervisor Gd.I	Rs.6000-160-9200/-	Rs .11,970-25,900/-					
	Foreman	Rs.6550-200-11,350/-	Rs .12,600-32,500/-					
2.	'E-0' Grade Officers	Rs..6550-200-11,350/-	Rs .12,600-32,500/-	Recruitment and Promotion	Major penalty as per Rule 23	DGM/Senior Manager/HOD	General Manager	Chairman & Managing Director
	'E-1' Grade Officers	Rs.8600-250-14,600/-	Rs .16,400-40,550/-					
	'E-2' Grade Officers	Rs.10,750-300-16,750/-	Rs.20,600-46,500/-					
3.	'E-3' Grade Officers	Rs.13,000-350-18,250/-	Rs.24,900-50,500/-	Policy	All penalties as per Rule 23	General Manager	Chairman & Managing Director	Board of Directors
	'E-4' Grade Officers	Rs.14,500-350-18,700/-	Rs.29,100-54,500/-					
	'E-5' Grade Officers	Rs.16,000-400-20,800/-	Rs.32,900-58,000/-					
4.	'E-6' Grade Officers	Rs.17,500-400-22,300/-	Rs.36,600-62,000/-	Manual from time to time.	All penalties as per Rule 23	Chairman & Managing Director	Board of Directors	Board of Directors
	'E-7' Grade Officers	Rs.18,500-450-23,900/-	Rs.43,200-66,000/-					

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SCHEDULE - II

**STATEMENT OF IMMOVABLE PROPERTY ON FIRST APPOINTMENT TO THE YEAR
(VIDE PROVISION 4 TO RULE 16 OF THE DISCIPLINE AND APPEAL RULES)**

1. Name of the employee, in full, Personal No. & Department_____
2. Present post held_____
3. Present Pay_____

Name of district sub-division, Taluk and village in which property is situated	Name and details of property			Present value	If not in own name, state in whose name held/and his/her relationship to the employee	How acquired whether by purchase lease mortgage, inheritance, and gift or otherwise with date of acquisition and name with details of person/persons from whom acquired.	Annual Income from property	Remarks
	Housing and other building	Land	Any other property such as shares, Debentures and cash including bank deposit inherited, owned acquired or held					
Signature Date :-								

Inapplicable clause to be struck out in cases where it is not possible to assess the value accurately the approximate value in relation to Present conditions may be indicated. Include short-term lease also.

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SCHEDULE – III

FORM FOR GIVING INTIMATION UNDER RULE 16(6) OF CDA RULES, 1975,
FOR TRANSACTIONS IN SHARES, SECURITIES, DEBENTURES AND
INVESTMENT IN MUTUAL FUND SCHEMES ETC.

1. Name and Designation :
2. Scale of Pay and Present Pay :
3. Details of each transaction made in :
Shares, Securities, Debentures,
Mutual Funds Scheme etc. during
the calendar year.
4. Particulars of Party/Firm with whom :
transaction is made :
 - (a) Is party related to the applicant ?
 - (b) Did the applicant have any dealings with the
party in his official capacity at any time or
is the applicant likely to have any dealings
with him in the near future.
5. Source or Sources from which financed :
 - (a) Personal Savings.
 - (b) Other Sources giving details
6. Any other relevant fact which applicant may like to mention.

DECLARATION :

I hereby declare that the particulars given above are true.

Signature : _____

Designation : _____

Station :

Date :