

# THE DDA CONDUCT DISCIPLINARY AND APPEAL REGULATIONS, 1999

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**Notification No. G.S.R. 624(E), New Delhi, the 7<sup>th</sup> September, 1999.** - In exercise of powers conferred by Section 57 of Delhi Development Act, 1957 (61 of 1957) read with Sub-rule (4) of the Delhi Development (Misc.) Rule - 1959, the Delhi Development Authority hereby makes with the previous approval of the Central Government, DDA Conduct, Disciplinary & Appeal Regulations 1999 which may be read as under :-

**1. Short Title and Commencement.** - (i) These regulations may be called the D.D.A. Conduct, Disciplinary and Appeal Regulations, 1999.

(ii) They shall come into force from the date of publication in the Gazette of India.

**2.** These regulations shall apply to every employee of the DDA except.

(i) Those in casual employment holding work-charged posts or paid from contingencies;

(ii) These regulations have been framed based in C.C.S. (Conduct Rules) 1964 and CCS (CCA) Rules 1965. DDA is following necessary changes. However, for facility of reference separate Conduct and Disciplinary and Appeal Regulations are being codified. Therefore, whenever change takes place in the Conduct/ Disciplinary Appeal Rules on the Civil Side, the same will be followed by the DDA. Each time wherever an amendment/ addition is carried out to CCS (Conduct) Rules 1964 and CCS (CCA) Rules, 1965, it may not be necessary to carry out formal amendments in the DDA Conduct/ Disciplinary and Appeal Regulations and the amendment carried out by the Civil Side may be adopted mutatis mutandis by the DDA with the approval of Vice-Chairman, DDA.

**3. Definitions.** - In these regulations, unless the context otherwise requires -

(a) "Employee" means a person in the employment of the Delhi Development Authority other than casual, work charged or contingent staff or workman as defined in the Industrial Disputes Act, 1947 but includes a person on deputation to the authority.

(b) Chairman/ Vice Chairman means the Chairman/ Vice-chairman or the authority.

(c) "Disciplinary Authority" means the authority specified in the schedule appended to these rules and competent to impose any of the penalties specified in Regulation 23.

(d) "Competent Authority" means the authority empowered by Authority by any general or special rule or order to discharge the function or use the powers specified in the rule or order.

(e) "Appellate Authority" means the authority specified in the Schedule appended to these regulations.

(f) "Family" in relation to an employee includes:<sup>1</sup>

(i) the wife or husband, as the case may be, of the employee, whether residing with

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1. As Published in GOI, Part II 3(i)(E), dt. 8.9.1999

him or not but does not include a wife of 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 of 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.

(g) "Public Servant" shall mean and include a person as mentioned in Section 21 of Indian Penal Code as amended from time to time.

**4. General Conduct.** - (1) Every employee of the Authority shall at all times:

(i) Maintain absolute devotion to duty.

(ii) maintain absolute integrity.

(iii) do nothing which is unbecoming of a public servant.

(2) Every employee of the Authority holding a supervisory post shall take all possible steps to ensure integrity and devotion to duty of all employees for the time being under his control and authority.

(3) No employee in the performance of his official duties or in the exercise of powers conferred to him, act otherwise than in his best judgment except when he is acting under the direction of his official superior.

(4) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided as far as possible. Where the issue of oral directions becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.

(5) An employee who has received oral directions from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

**4A. Promptness and Courtesy.** - No employee shall :

(a) In the performance of his official duties act in a discourteous manner.

(b) In his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in the disposal of the work assigned to him.

**4B. Observation of Authority's Policies.** - Every employee of the Authority shall

at all times:

(i) Act in accordance with Authority's policies regarding of wild life marriage, preservation of Environment, protection of wild life and cultural heritage.

(ii) Observe Government Politics Reg. Prevention of Crime against Women.

**5. Misconduct.** - Without prejudice to the generally 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 Authority or property of another person/within the premises of the Authority.

2. talking 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 employees can not satisfactorily account for.

4. furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.

5. action in a manner prejudicial to the interest of the Authority.

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 overstaying the sanctioned leave for more than four consecutive days without sufficient grounds of proper or satisfactory explanation.

8. habitual late or irregular attendance

9. neglect of work or negligence in the performance of duty including lingering or slowing down of work.

10. damage to any property of the Authority.

11. interference or tampering with any safety devices installed in or around the premises of the Authority.

12. drunkenness or riotous or disorderly or indecent behaviour in the premises of the Authority or outside such premises where such behaviour is related to or connected to 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 Authority except as sanctioned by any law of the land for the time being in force or rules of the Authority.

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 Authority 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 of abetment of any act which amounts to misconduct.

**Note.**- The above instances of misconduct are illustrative only and not exhaustive.

**6. Employment of Near Relatives of the Employees in any Company or firm enjoying Patronage of the Authority.** - 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 company or firm with which he has official dealings, or with any company or firm, having official dealing with the authority.

Provided that where the acceptance of the employment can not 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 the employee shall refer every such matter or contract to his superior official and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference

is made.

**6A. Taking Part in Politics and Elections.** - (1) No employee shall be a member or be otherwise associated with any political party or any organisation, which takes part in politics nor shall take part in politics nor shall take part in, subscribe in aid of or assist in any other manner in political movement or activity.

(2) It shall be duty of every employee to endeavour to prevent any member of his family from taking part in subscribing in aid of or assisting in any other manner any movement or activity which is or tends directly or indirectly to be subversive of government/authority as by-law established and where an employee is unable to prevent a member of his family from taking part in or subscribing in aid or or assisting in any manner, in any such movement or activity, he shall make a report to that effect to the Authority.

(3) If any question arises whether the party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule 1, the decision of the Central Government thereon shall be final.

(4) No employee shall canvass or otherwise interfere with or use his influence in connection with or take part in any election to any legislature or local authority.

Provided that:

(i) An employee qualified to vote at such elections may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(ii) An employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of election, in the due performance of duty imposed on him or under any law for the time being in force.

Explanation. - The display by an employee on his personal vehicle or residence of any electoral symbol amounts to using his influence in connection with an election within the meaning of this sub-rule.

**6B. Joining of Association by Employees of the Authority.** - No employee shall join or continue to be a member of an association, the object or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.

**7. Demonstration and Strikes.** - No employee shall

(i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public decency or morality or which involves contempt of court, defamation or incitement to an offence.

(ii) result to or in any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other employee.

**8. Connection with Press or Radio.** - (1) No employee of the Authority 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 newspapers or other periodical publication or electronic media.

(2) No employee of the Authority, shall except with the previous sanction of the competent authority (the prescribed authority), or in the bona fide 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.

(3) An employee publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of the Government/Authority.

**9.** No employee shall, in any radio broadcast/telecast through any electronic media or 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 the name of any other person or in any communication to the press, or in any public utterances, make any statement of fact or opinion.

(a) which has the effect of adverse criticism of any policy or action of the Central or State Government or of the Authority, or

(b) which is capable of embarrassing the relations between the Authority and the Central Government/State Government or any foreign State.

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 bona fide expression of views by him as an office bearer of a recognised trade union for the purpose of safeguarding the conditions of service of such employees or for securing an improvement thereof.

**10. Evidence before Committee or any other Authority.** - (1) Save as provided in sub-rule (3), no employee of the Authority 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 criticise the policy or any action of the Central Government or a State Government or of the Authority.

(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 Government, Parliament or a State Government/Legislature.

(b) evidence given in any judicial enquiry; or

(c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

**11. Unauthorized Communication of Information.** - No employee shall, except in accordance with any general or special order of the Authority or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof to any officer or other employee, or any other person to whom he is not authorised to communicate such document or information.

**11-A.** No employee shall, except with previous sanction of the Authority or prescribed Authority, ask for or accept contribution to or otherwise associate himself with the raising or any funds or other collections in cash or in kind in pursuance of any object whatsoever.

**11-B. Gifts.** - (1) Save as otherwise provided in these rules, no employee of the Authority shall accept or permit any member of his 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 dealings with the employee.

Note - (1) An employee of the Authority shall avoid acceptance of lavish or frequent hospitality from any individual or firm etc. 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, any employee of the Authority may accept gifts from his near relatives or personal friends having no official dealing with him but he shall make a report to the competent authority if the value of the gift exceeds.

(i) Rupees five thousands in the case of an holding any group "A" posts.

(ii) Rupees three thousands in the case of any officer holding any group "B" posts.

(iii) Rupees one thousands in the case of officer holding any group "C" posts.

(iv) Rupees five hundred in the case of an officer holding any group "D" post.

(3) In any other case, an employee of the Authority shall not accept or permit any other member of his family or any other person acting on his behalf to accept any gifts without the sanction of the competent authority if the value thereof exceeds

(i) Rupees one thousands in the case of an officer holding any group A or B post.

(ii) Rupees two fifty in the case of an employee holding any Gr. C or Gr. D posts.

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. 1000 of Rs. 250/ as mentioned above.

**12. Dowry.** - No employee of the Authority 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 purpose of this rule Dowry has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

**12-A. Public Demonstration in honour of employees of the DDA.** - No employee shall except with the previous sanction of the 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 retirement or transfer or any person who has recently quited the service 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 to subscribe towards any farewell entertainment, if it is of substantially private or informal character and the collection of subscription from Group C and D employees under any circumstances for the entertainment of any employee not belonging to Group C and D, is forbidden.

**13. Private trade or employment.** - (1) Subject to the provisions of sub-rule (2), no Government Servant shall, except with the previous sanction of the Government

- (a) Engage directly or indirectly on any trade or business, or
- (b) negotiate for, or undertake, any other employment, or
- (c) hold an elective office, or canvass for a candidate or candidate for an elective office, in any body whether incorporated or not, or.
- (d) Canvass in support of any business of insurance agency, commission agency, etc. owned or managed by any member of his family, or.
- (e) take part except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered under the companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any cooperative society for commercial.

(f) participate in or associate himself in any manner in the making of:

- (i) a sponsored media (radio or television) programme; or
- (ii) A media programme commissioned by Government media but produced by a private agency; or
- (iii) a privately produced media programme including video magazine:

Provided that no previous permission shall be necessary in the case where the employee participates in a programme produced or commissioned by Government media in his official capacity.

(2) An employee may, without the previous sanction of the authority

- (a) undertake honorary work of a social or charitable nature or
- (b) undertake occasional work of a literary, artistic or scientific character, or
- (c) participate on sports activities as an amateur, or
- (d) take part in the registration, promotion or management (Not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organisation, the aims or objects of which relate or promotion or sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860) or any other law for the time being in force.
- (e) take part in the registration, promotion or management (not involving the holding of elective office) of a cooperative society substantially for the benefit of the employee registered under the Co-op. Societies Act, 1912 (2 of 1912) or any other law for the time being in force:

Provided that

(i) he shall discontinue taking part in such activities, if so directed by the Authority and

(ii) in a case falling under clauses (d) or clause (e) of this sub-rule his official duties shall not suffer thereby and he shall within a period of one month of his taking part in such activity, report to the authority giving details of the nature of his participation.

3. Every Government servant shall report to the Authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

4. Unless otherwise provided by general or special orders of the authority, no employee may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

Explanation - The term "fee" used here shall have the meaning assigned to it in Fundamental Rule 9(6-A).

**13-A. Subletting and vacation of Authority Accommodation.** - 1. Save as otherwise provided in any other law for the time being in force, no employee shall sublet lease or otherwise allow occupation by any other person of Authority accommodation which has been allotted to him.

2. An employee shall after the cancellation of allotment of accommodation vacate the same within the time limit prescribed by the allotting authority.

**14. Investment Lending and Borrowing.** - 1. No employee shall speculate in any stock, share or other investments.

Provided that nothing in this sub-rule shall apply to occasional investments made through stockbrokers or other persons duly authorised and licenced or who have obtained a certificate of registration under the relevant law:

Explanation. - Frequent purchase or sale or both of share, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule:

2. 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 him in the discharge of his official duties. For this purpose any purchase of shares out of the quotes reserved for Directors of Companies or their friends and associates shall be deemed to be an investment which is likely to embarrass the employee.

3. If any question arises whether any transaction is of the nature referred to in sub-rule (1) of sub rule (2), the decision of the Authority thereon shall be final.

4 (i). No employee shall have in the ordinary/ course of business with a bank or a public limited company, 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 principal or an agent to, or from or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to 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 credit account with a bona fide tradesman or make an advance of pay to his private employee.

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

(ii) When an employee is appointed or transferred to a post of such nature as would involve him in breach of any of the provisions of sub-rule (2) or sub rule (4) he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

**15. Insolvency and Habitual Indebtedness.** - (1) An employee of the Authority 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 Authority who applies to be or is adjudged or declared insolvent shall forthwith report the fact to the competent authority.

**16. Movable, Immovable and valuable property.** - (1) No employee of the Authority shall except with the previous knowledge of the competent authority acquire or dispose of any immovable property by leave mortgage; purchase, sale, and or otherwise, either in his own name or in the name of any member of his family. No employee of the authority shall speculate in any stock, share or other investment. Frequent purchase or sale or both of shares, debentures or other investment shall be deemed to be speculation within the meaning of this sub-rule.

2. No employee of the authority 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 Authority shall report within one month, 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 his family, if the value or such property exceeds Rs. 10000/- in case of Group C & D employees and Rs. 15,000/- in case of Group A & B officers. An intimation shall also be made (on the protorma) where cumulative transaction

i.e. sale, purchase or both in share, debentures or mutual funds etc. in a year exceeds Rs. 25,000/- in case of Group C and D employees Rs. 50,000/- in case of Group A and B officers.

Explanation I - The term "every transaction concerning movable property owned or held by him" includes all transactions of sale or purchase.

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

(a) jewellery, insurance policies the annual premia of which exceeds Rs. 10,000/- or one sixth of the total annual emoluments received from the Authority whichever is less.

(b) shares, securities and debentures:

(c) loans advanced or taken by such employee whether secured or not.

(d) motor cars, motor cycles horses or any other means of conveyance; and

(e) refrigerators, radio (radiogram and television sets).

Explanation II - Transaction entered into by the spouse or any other member of family of an employee of the Authority out of his or her own funds (including stridhan, gifts, inheritance etc.) as distinct from the funds of the employee of the Authority himself, in his or her own name and in his or her own right would not attract the provisions of the above sub-regulation.

2. Every employee shall, on first appointment in the Authority submit a return of assets and liabilities in the prescribed form giving the particulars regarding.

(a) the immovable property inherited by him or gained 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. 5000/- in case of Group C and D employees and Rs. 10,000/- in cases of Group A and B officers.

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

(e) Every employee shall, beginning 1st Jan, submit an annual return of immovable property inherited, owned/ acquired by him during the year.

3. 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.

**16-A. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners etc.** - Notwithstanding anything contained in Regulation 16(1) and 16(2) no employee shall except with the previous sanction of prescribed authority -

(a) acquire by purchase mortgage, lease, gift or otherwise, wither 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 or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him wither 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 organisation 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 and immovable property which was acquired or is held any him either in his own name or in the name of any member of his family.

Explanation. - In this regulation prescribed authority has the same meaning as in regulation 16.

**16-B. Vindication of acts and character of employees.** - (1) No employee shall except with the previous sanction of the authority have recourse to any Court or to the press for the vindication of any official art which has ben the subject matter or adverse criticism or any attack of a defamatory character.

Provided that if no such sanction is received by the employee within a period of three months from the date of receipt of his request by the Government, he shall be from to assume that the permission bought for has been granted to him.

2. Nothing in this rule shall be demanded to prohibit an employee from vindication his private character or any act done by him in his private capacity and where any action for vindication has private character or any act done by him in private capacity to taken the employees shall submit a report to the prescribed authority regarding such action.

**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 respects of matters pertaining to his service in the Authority.

**18. Bigamous Marriages.** - (1) No employee shall enter into or contract marriage with a person having a spouse 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 Authority may permit an employee to enter into a contract any such marriage as is ref. to in clause (1) or clause (2) if it is satisfied that :

(i) such marriage is permissible under the Personal law applicable to such employee and other party to the marriage and

(ii) There are grounds for so doing.

(3) If an employee who has married or marries a person other than of Indian Nationality he shall forthwith intimate the fact to the Authority.

**19. Consumption of Intoxicating Drink & Drugs.** - (i) Every employee shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which be may happen to be for the time being.

(ii) not be under the influence of any intoxicating drink or drug during the course of his duty 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.

(iii) refrain from consuming any intoxicating drink or drug in a public place.

(iv) not appear in a public place in a state of intoxication.

(v) not use any intoxicating drink or drug in excess.

Explanation - For the purpose of this rule "Public place" means any place or premises including clubs, even exclusively meant for members where it is permissible for the members to invite non-members as guests, bars and permitted to have access, whether on payment or otherwise.

**20. Suspension.** - (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any authority empowered in that behalf by the authority by general or special order may place an employee under suspension :-

(a) Where 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 inquiry or trial.

Provided that where an order of suspension is made by an Authority, lower than the Appointing Authority such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

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 affect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

2A. W.e.f. the date of his conviction, if in the event of conviction for an offence he is sentenced to a term of imprisonment exceeding 48 hrs and he is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

3. Where a penalty of dismissal or removal or compulsorily retirement 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 direction, the order of his suspension shall be deemed to have continue inforce on an from the date of the original order of the dismissal or removal an shall remain in force until further orders.

4. Where a penalty of dismissal or removal or compulsorily retirement 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 in consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal or removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original orders of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.

5(a). An order of suspension made or deemed to have been placed under suspension by the appointing authority from the date of the original orders of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceedings us commenced against him during the continuation of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

**21. Subsistence Allowance.** - (1) An employee under suspension shall be entitled to draw subsistence allowance upto first three months of the period of suspension 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 vacation. 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 employee continued to meet the expenditure for which the allowance was granted.

2. When the period of suspension exceeds three 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 three months as follows.

(i) the amount of subsistence allowance may be increased 25% of basic pay and allowance thereon if in the opinion of 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 allowance 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 any 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 he is granted bail.

**22. Treatment of the Period of Suspension.** - (1) When the employee under suspension is reinstated the competent authority may grant 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 Regulation 23 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 pay and allowances as the competent authority may prescribe.

2. In a case falling under sub-rule (a) the period of absence from duty will be treated as a period spent on duty. In cases falling under sub-clause (b) it will not be treated as period spent on duty unless the competent authority so directs.

**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) Censure

(b) With-holding of increments of pay

(c) With-holding of promotion

(d) Recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Authority by negligence or breach of orders.

(e) Reductions to a lower stage in the time scale of pay for period not exceeding 3 years without cumulative effect and not adversely effecting his pension.

Major Penalties. -

(f) save as provided for 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 the future increments of his pay.

(g) reduction to 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 of service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restoration to that grade post or service.

(h) Compulsory retirement.

(i) removal from service which shall not be a disqualification for further employment.

(j) Dismissal from service which shall ordinarily be a disqualification for further employment under the Government.

Provided that in every case in which 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 clauses (i) or clause (j) shall be imposed.

Provided further that in any exceptional case and for special reasons recorded in written any other penalty may be imposed.

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

(i) with-holding of increment of any 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 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 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 an 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.

(vii) Replacement of the service of an employee whose services have been borrowed from the state government or any authority under the control of State Government at the disposal of the State Government or the Authority from which the service of such Government servant have been borrowed.

(viii) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement.

**24. Disciplinary Authority.** - The Disciplinary authority as specified in the schedule or any authority higher than it, may impose any of the penalties specified in Regulation 23 on any employee.

**24A. Authority to Institute Proceedings.** - (1) The chairman or any other authority empowered by him by general or special order or Disciplinary Authorities mentioned in the Schedule to these regulations may institute disciplinary proceedings against any employee.

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in classes (a) to (e) of regulations 23 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in

clauses (f) to (j) of regulation 23 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.

**25. Procedure for Imposing Major Penalties.** - (1) No order imposing any of the penalties specified in clauses (f) to (j) of regulation 23 shall be made except after an inquiry held as far as may be in the manner provided in this Regulation and Regulation 26 or in the manner provided by the Public Servant (Inquiries) Act 1850 (37 of 1850) where such inquiry is held under that Act.

2. Whenever the disciplinary authority is of the opinion that there are grounds for inquires into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servant (Inquires), Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Explanation : Where the disciplinary authority itself holds the inquiry, any reference in sub-regulation (7) to sub-regulation (20) and in sub-regulation (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

3. Where it is proposed to hold an inquiry against an employee under this regulation and Regulation 26 the disciplinary authority shall draw up or cause to be drawn up.

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge.

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain.

(a) a statement of all relevant facts including any admission or confession made by the employee.

(b) a list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained.

4. The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and state whether he desires to be heard in person.

5. (a) On receipt of the written statements of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or if it considers it necessary to do so, appoint under sub-regulation (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in regulation

26.

(b) If no written statement of defence is submitted by the employee the disciplinary authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-regulation (2), an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any articles of charge or appoints an inquiring authority for holding any inquiry into such charge, it may, by an order, appoint an employee or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

6. The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority.

(i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour.

(ii) a copy or the written statement of the defence, if any, submitted by the employee.

(iii) a copy of the statements of witnesses, if any, ref. to in sub-regulation (3) to the employee and

(iv) evidence proving the delivery of the documents ref. to in sub-regulation (3) to the employee and

(v) a copy of the order appointing the "Presenting Officer".

7. The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding 10 days, as the inquiring authority may allow.

8. (a) The employee may take the assistance of any other employee posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presentation Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, so permits:

Provided that the employee may take the assistance of any other employee posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing so permits.

Note. The employee shall not take the assistance of any other employee who has 3 pending disciplinary cases on hand in which he has to give assistance.

(b) The employee may also take the assistance of a retired employee to present the case on his behalf subject to such conditions as may be specified by the Authority from time

to time by general or special order in this behalf.

9. If the employee who had not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is 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 thereon.

10. The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.

11. The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and 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 within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list ref. to in sub-regulation (3).

(ii) submit a list of witness to be examined on his behalf.

Note. If the employee applies orally or in written for the supply of copies of the statements of witnesses mentioned in the list ref. to in sub-regulation (3). The inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witness on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of the Authority, but not mentioned in the list ref. to in sub-regulation (3).

Note. - The Employee shall indicate the relevance of the documents Reg. by him to be discovered or produced by the Authority.

12. The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition :

Provided that the inquiring authority may for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

13. On receipt of the requisition ref. to in sub-regulation (12), every authority having

the custody or possession of the requisitioned documents, shall produce the same before the inquiring authority.

Provided that if the authority having the custody or possession of the requisitioned documents to satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicative the information to the employee and withdraw the requisition made by it for the production or discovery of documents.

14. 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 witness shall be examined by or on behalf of the Presenting Officers and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witness on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witness as it thinks fit.

15. If it shall appear necessary before the close of the case on behalf on the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and on adjournment of the inquiry for three clear days before production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary, in the interest of justice.

Note. - New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence, such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

16. When the case for the disciplinary authority is closed, the employee shall 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.

17. 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 provisions applicable to the witnesses for the disciplinary authority.



18. The inquiring authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstance appearing against him in the evidence for the purpose of enabling the employee to explain any circumstance appearing in the evidence against him.

19. The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed and the employee, or permit them to file written briefs of their respective case, if they so desire.

20. If the employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiring ex-parte.

21.(a) Where a disciplinary authority competent to impose any of the penalties specified in clause (a) to (e), of Regulations 23 (but not competent to impose any of the penalties specified in clause (f) to (j) of Regulation 23, has itself inquired into or caused to be inquired into the articles of any charge and that authority having regard to its own findings or having regard, to its decision on day of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clause (f) to (j) of Rules 33 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the limit mentioned penalties.

(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the employee such penalty as it may deem fit in accordance with these regulations.

22. 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 inquiry 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.

23. (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain

(a) The articles of charge and the statement of the imputations of misconduct or misbehaviour.

- (b) 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 reasons therefor.

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 articles of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority shall forward to the disciplinary authority the records of inquiry which shall include.

- (a) the report prepared by it under clause (i)
- (b) the written statement of defence, if any, submitted by the employee.
- (c) the oral and documentary evidence produced in the course of the inquiry.
- (d) written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the inquiring and
- (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

**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 further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Regulation 25 as far as may be.

(1A) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority to the employee who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days irrespective of whether the report is favourable or not to the employee.

(1B) The disciplinary authority shall consider the representation if any, submitted by the employee before proceeding further in the manner specified in sub-regulation (2) to (4).

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, records its reasons for such disagreement and record its own findings on such charge if the evidence 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 clauses (a) to (e) of Regulation 23 should be imposed on the employee it shall, notwithstanding anything contained in Regulation 26 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 and on the basis of the evidence adduced during the inquiring is of the opinion that any of the penalties specified in clauses (f) to (j) of Regulation 23 should be imposed on the employee, it shall make order imposing such penalty and it shall not be necessary to give employee any opportunity of making representation on the penalty proposed to be imposed.

**27. Procedure for imposing minor penalties.** - (1) Subject to the provisions of sub-regulation (3) of Regulation 26, no order imposing on an employee any of the penalties specified in clause (a) to (e) of regulation 23 shall be made except after:

(a) Informing the employee in writing of the proposal to the action against him and of the imputation of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representative as he may wish to make against the proposal.

(b) holding an inquiry in the manner laid down in sub-regulation (3) to (2) of Regulation 25 in every case in which the disciplinary authority is of the opinion that such inquiry is necessary.

(c) taking the representation, if any, submitted by employee under clause (a) and the record of inquiry, if any held under clause (b) into consideration.

(2) Notwithstanding anything contained in clause (b) of sub-regulation (1) if in a case it is proposed after consideration the representation, if any, made by the employee under clause (a) of that sub-regulation to with-hold increments of pay and such with-holding of increments is likely to adversely effect the amount of pension payable to the employee or to with-hold increments of pay for a period exceeding effect for any period, an inquiry shall be held in the manner laid down in sub-regulation (3) to (23) of Regulation 25 before making any order imposing on the employee such penalty.

(3) The record of the proceedings in such cases shall include,

(i) a copy of the intimation to the employee of the proposal to take action against him.

(ii) a copy of the statement of imputation of misconduct or misbehaviour delivered

to him.

(iii) his representation, if any.

(iv) the evidence produced during the inquiry.

(v) the findings on each imputation of misconduct or misbehaviour, and

(vi) the orders on the case together with the reason therefor.

**28. Communication of orders.** - Order made by the Disciplinary Authority under Regulation 26 or Regulation 27 shall be communicated to the employee concerned who shall also be supplied with a copy of the report of inquiry, if any, its findings on each article of charge or where disciplinary authority is the Inquiring Authority, a statement of findings of the disciplinary authority together with the brief reasons for its disagreement, if any with the findings of the inquiry authority.

**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 the disciplinary proceedings against all of them be taken in a common proceedings and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

**30. Special procedures in certain cases.** - Notwithstanding anything contained in Regulation 25 or 26 or 27, 28 and 29, the disciplinary authority may impose any of the penalties specified in Regulation 25 in any of the following circumstances.

(1) The employee has been convicted on a criminal charge or on the strength of facts or conclusions arrived at by a judicial trial, or

(2) 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

(3) Where the Chairman of the Authority is satisfied that in the interest of the security of the State/ authority it is not expedient to hold any inquiry in the manner provided in these rules.

Provided the employee may be given an opportunity of making representation on the penalty proposed in (1) above before the penalty is imposed.

**30-A.** Notwithstanding anything, contained to the contrary in any other regulation the service of any employee may be terminated by the Authority if;

(a) his post is abolished.

(b) he is declared on medical grounds to be unfit for service in the Authority, or

(c) be remains on unauthorised absence for sixty days or more.

Explanation. - (1) In the cases of (a) and (b) above, the service shall be terminated after giving three months notice to a permanent employee and one month notice to a temporary employee or pay in lieu thereof in both the cases.

(2) In the case of (c) above, services of an employee shall be terminated if he fails to explain satisfactorily within 15 days from the date of receipt of the Show Cause Notice by him. The management shall be empowered to take decision without resorting to further inquiries.

(3)(a) The decision in case of (c) above would be taken only with the prior approval of the competent authority.

(b) The reason for the decision would be recorded in writing.

**31. Employees on deputation from the Central Government or the State Government etc.** - (i) Where an order of suspension is made or disciplinary proceedings is taken against an employee, who is on deputation to the Authority from the Central or State Government or another public undertaking or a local authority, the authority lending his services (hereinafter ref. 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.

(ii) In the light of the findings in the disciplinary proceeding 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 order 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 the 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 nay of the major penalties should be imposed on him, it should replaces his services at the disposal of the Lending Authority and transmit to it the proceedings of inquiry 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-regulation (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 places at the disposal of the Lending Authority and the proceedings of the case shall be transmitted to the authority for such action it deems necessary.

(i) any order made by the Authority.

(ii) any order of an interlocutory nature or of the nature of a step in aid of the final disposal of a disciplinary proceeding, other than an order of suspension;

(iii) any order passed by an inquiring authority in the course of an inquiry under regulation 25.

**32A. Orders against which appeal lies.** - Subject to the provisions of Regulation 32 an employee may prefer an appeal against all or any of the following orders, namely :-

(i) an order of suspension made or deemed to have been made under Regulation 20.

(ii) an order imposing any of the penalties specified in Regulation 23 whether made by the disciplinary authority or by any appellate or revising authority.

(iii) an order enhancing any penalty, imposed under Regulation 20

(iv) an order which :-

(a) denies or varies to his disadvantage his pay, allowance, pension or other conditions of service as regulated by rules or by agreement; or

(b) interprets to his disadvantage the provisions of any such rule or agreement.

(v) an order -

(a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar.

(b) reverting him while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty.

(c) reducing or with-holding the pension or denying the maximum pension admissible to him under the rules.

(d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof.

(e) determining his pay and allowances :

(i) for the period of suspension, or

(ii) for the period from the date of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower service. grade, post. time scale or stage in a time scale of pay. to the date of his reinstatement or restoration to his service,

grade or post; or

(f) determining whether or not the period from the date of his suspension or from the date of his dismissal removal compulsory retirement or reduction to a lower service, grade, post, time scale, of pay or stage in a time scale of pay to the date of his reinstatement or restoration to this service, grade or post, shall be treated as a period spent on duty for any purpose.

Explanation. - In this Regulation

(i) the expression "employee" includes a person who has ceased to be in Government service,

(ii) the expression pension; includes additional pension. gratuity and any other retirement benefit.

**32B. Appeals.** - (i) An employee may appeal against an order imposing upon him any of the penalties specified in regulation 23 or against the order of suspension ref. to in Regulation 20. The appeal shall lie to the Authority specified in the Schedule.

(ii) Notwithstanding anything contained in sub-regulation (1) above an appeal against an order in a common proceeding held under Regulation 29 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate ;

(iii) Where the person who made the order appealed against becomes, by virtue of his subsequent appointment otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

**32C. Period of limitation of appeals.** - No appeal preferred under Regulation 32(B) shall be entertained unless such date is preferred within a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant.

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

**32D. Form and Contents of appeal.** - (1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the Authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statement and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall, on receipt of a copy

of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidance delay, and without waiting for any direction from the appellate authority.

**32E. Consideration of appeal.** - (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Regulation 20 and having regard to the circumstances of the case, the order of suspension is justified and not confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in Regulation 23 or enhancing any penalty imposed under the said regulation, the appellate authority shall consider.

(a) whether the procedure laid down in these circumstances has been complied with and if not, whether such circumstance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice.

(b) Whether the findings of the disciplinary authority are warranted by the evidence on the record; and

(c) Whether the penalty or the enhanced penalty imposed is adequate or inadequate or severe and pass orders.

(i) confirming, enhancing, reducing or setting aside the penalty;

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of these cases.

Provided that :

(i) if such enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (f) to (j) of regulation 23 and inquiry under Regulation 25 has not already been held in the case, the appellate authority shall, subject to the provisions of Regulation 30, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Regulation 25 and thereafter, on a consideration of the proceedings of such inquiry, make such orders as it may deem fit;

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (f) to (j) of Regulation 23 and an enquiry under Regulation 25 has been held in the case, the appellate authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and

(iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of Regulation 27 of making a representation against such enhance penalty.



(3) In an appeal against any other order specified in Regulation 32A appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

**32F. Implementation of orders in appeal.** - The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

**32G. Revision.** - (1) Notwithstanding anything contained in these rules-

(i) The Authority

(ii) Chairman/ Vice-Chairman

or

(iii) the appellate authority, within six months of the date of the order proposed to be revised or

(iv) any other authority specified in this behalf by the Authority by a general or special order, and within such time as may be prescribed in such general or special order, may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these regulation and may.

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit.

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (f) to (j) of Regulation 23 or to enhance the penalty imposed by the orders sought to be revised to any of the penalties specified in these clauses and if an enquiry under Regulation 25 has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in Regulation 25 subject to the provisions of Regulation 30.

Provided further that no power of revision shall be exercised by the Head of the Deptt. unless

(i) the authority which made the order in appeal, or  
(ii) the authority to which an appeal would lie, where no appeal has been preferred,  
is subordinate to him.

(2) No proceedings for revision shall be commenced until after

(i) the expiry of the period of limitation for an appeal, or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

**33. Review.** - The Authority may, at any time, either on his own motion or otherwise review any order passed under these rules, when any new material or evidence, which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice.

Provided that no order imposing or enhancing any penalty shall be made by the Authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in Regulation 23 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under Regulation 25 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Regulation 25, subject to the provisions of Regulation 30.

**34. Service of order 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.

**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.

**36. Savings.** - (1) Nothing in these regulation shall be construed as depriving any person to whom these regulation apply, of any right of appeal which had occurred to him under the rules, which have been superseded by these rules.

(2) An appeal pending at the commencement of these regulation against an order made before the commencement of these regulation shall be considered and orders thereon shall be made, in accordance with these regulations.

(3) The proceedings pending at the commencement of these regulations shall be continued and disposed of as far as may be, in accordance with the provisions of these regulations, as if such proceedings were proceedings under these regulations.

(4) Any misconduct etc., committed prior to the issue of these regulations which was a misconduct under the supersede regulations shall be deemed to be misconduct under these regulations.

**37. Removal of Doubts.** - Where a doubt arises as to the interpretation of any of these rules, the matter shall be ref. to the competent authority for final decision.

**38. Amendments.** - The competent authority 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.