

## **General Insurance (Conduct, Discipline And Appeal) Rules, 1975**

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## **SCHEDULE 1 :- SCHEDULE I**

### **General Insurance (Conduct, Discipline And Appeal) Rules, 1975**

General Insurance Corporation of India Amended upto 17.3.2000

#### **1. Short Title, Commencement And Application :-**

- (1) These rules may be called the General Insurance (Conduct, Discipline and Appeal) Rules, 1975.
- (2) They shall come into force at once.
- (3) Save as otherwise provided, these rules shall apply to every person appointed to any post under the General Insurance Corporation of India and/or its subsidiary company/ies except:
  - (i) Officers of All India Services or Central Services Class I or State Services Class I (Senior Scale) who are on deputation;
  - (ii) Those in casual employment or paid from contingencies.

#### **2. Definitions :-**

- (a) Appellate Authority means the authority specified in the Schedule appended to these rules.
- (b) The Act means the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972).
- (c) Chairman means the Chairman of the Corporation.
- (d) Chairman-cum-Managing Director means the Chairman-cum-Managing Director of the Subsidiary.
- (e) Corporation means the General Insurance Corporation of India referred to under Section 9 of the General Insurance Business (Nationalisation) Act, 1972.
- (f) Competent Authority means the authority specified in the Schedule appended to these rules.
- (g) Employee means any employee of the Corporation and/or its Subsidiaries other than the casual, work-charged or contingent staff. "Public Servant" shall mean and include a person as mentioned in Section 21 of Indian Penal Code as amended from

time to time. Explanation :- In the case of a female employee "he", "him" and "his" where appearing in these Rules are to be read as "she", "her" and "her" respectively.

(h) 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 employees wife or husband and wholly dependent on such employee.

(i) Managing Director means the Managing Director of the Corporation.

(j) Retired Officer shall mean and include a person who has retired from the \*services of the Corporation or Subsidiary on reaching superannuation. \*(k) Subsidiary means a subsidiary company of the Corporation.

### **3. General :-**

(1) Every employee shall at all times :

(i) maintain absolute integrity;

(ii) maintain devotion to duty;

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

(iv) conform to and abide by these Rules and shall observe, comply with and obey all orders and directions which may, from time to time, be given to him, in the course of his official duties by any person or persons under whose jurisdiction, superintendence or control he may, for the time being, be placed;

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

(3) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is

not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible. Explanation :- Nothing in sub-rule (3) shall be construed as empowering an employee to evade his responsibility by seeking instructions from, or approval of, superior officer or authority when such instructions are not necessary under the schemes of distribution of powers and responsibilities.

#### **4. Misconduct :-**

Without prejudice to the generality of the term (Misconduct), the following acts of omission and/or commission shall be treated as misconduct :-

(1) Theft, fraud or dishonesty in connection with the business or property of the Corporation/Subsidiaries or of the property of another person within the premises of the Corporation/Subsidiaries; \*Inserted by Amendment approved by the Board at its meeting dated 17.3.2000

(2) Taking or giving bribes or any illegal gratification;

(3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person which the employee cannot satisfactorily account for;

(4) Furnishing false information regarding name, age, fathers name, qualifications, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment;

(5) Acting in a manner prejudicial to the interest of the Corporation/subsidiaries;

(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) Neglect of work or negligence in the performance of duty including malingering or slowing down of work;

(10) Damage to any property of the Corporation/Subsidiaries;

(11) Interference or tampering with any safety devices installed in or about the premises of the Corporation/Subsidiaries;

(12) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Corporation/Subsidiaries or outside such

premises where such behaviour is related to or connected with the employment;

(13) Gambling within the premises of the Establishment;

(14) Collection without the permission of the competent authority of any money within the premises of the Corporation/Subsidiaries accept as sanctioned by any law of the land for the time being in force or rules of the Corporation;

(15) Sleeping while on duty;

(16) Commission of any act which amounts to a criminal offence involving moral turpitude;

(17) Absence from the employees appointed place of work without permission or sufficient cause;

(18) Smoking within the premises of the establishment where it is prohibited;

(19) Purchasing properties, machineries, stores etc. from, or selling properties, machineries, stores, etc. to the Corporation/Subsidiaries 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. NOTE :- The above instances of misconduct are illustrative in nature, and not exhaustive.

#### **5. Scope Of An Employees Service :-**

Unless in any case it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Corporation/Subsidiary, as the case may be, and he shall serve the Corporation/ Subsidiary in its business in such capacity and at such places as he may, from time to time, be directed.

#### **6. Employees Not To Seek Outside Employment :-**

No employee shall accept, solicit or seek any outside employment or office whether stipendiary or honorary, without the previous sanction of the competent authority.

#### **7. Part-Time Work :-**

No employee shall undertake part-time work for a private or public body or a private person or accept fees therefore without the sanction of the competent authority which shall grant sanction only in exceptional cases when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The competent authority may, in cases in which it

thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid, in whole or part, to the Corporation/Subsidiary.

**8. Obligation To Maintain Secrecy :-**

No employee shall, while in service or after his retirement, resignation or discharge, except in accordance with any general or special order of his superior officer/s or Corporation/Subsidiaries or in performance in good faith, of the duties assigned to him, communicate directly or indirectly any official document or information to any employee/s or any other person/s to whom he is not authorised to communicate such document or information.

**9. Evidence Before Committee Or Any Other Authority :-**

(1) Save as provided in sub-rule

(3) below, no employee shall, except with the previous sanction of the competent authority, give evidence in connection with any inquiry 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 Corporation or any of its Subsidiaries or of the Government.

(3) Nothing in this rule shall apply to :

(a) evidence given to an inquiry before an authority appointed by the Government, by Parliament, or by a State Legislature, or Corporation or any of its Subsidiaries; or

(b) evidence given in any judicial inquiry or

(c) evidence given at any departmental inquiry ordered by the Corporation/Subsidiary or by any authority subordinate to it or by the Government.

**10. Prohibition Against Participation In Politics And Standing For Election :-**

(1) It shall be the 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 which is or tends directly or indirectly to be subversive of the Corporation or any of its subsidiaries or of the Government 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 of, or assisting in any other manner, any such movement or activity, he shall make a

report to that effect to the Corporation/Subsidiary as the case may be.

(2) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Corporation thereon shall be final.

(3) No employee shall take part in any election to any legislature or local authority. Provided that,

(i) An employee qualified to vote at such election 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 rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force; \*(iii) Deleted Explanation : The display by an employee on his personal vehicle or residence, of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

### **11. Participation In Demonstration :-**

No employee of the Corporation/Subsidiary shall engage himself or participate in any demonstration which involves incitement to an offence nor shall he resort to or abet any form of strike.

### **12. Connection With Press And Radio :-**

(1) No employee shall, except with the previous sanction of the Corporation, own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other periodical publication.

(2) No employee shall, except with the previous sanction of the Corporation or any other Authority empowered in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter anonymously, pseudonymously or in his own name or in the name of other person to any newspaper or periodical. \* Deleted vide B.M. dated 26.10.94. Provided that no such sanction shall be required if such broadcast or such contribution is occasional or is of a purely literary, artistic or scientific character. Provided further that this rule will not apply to any statements to the press made by office-bearers of a registered Trade Union of the employees in any matter which is of the nature of a trade dispute and does not contravene the provisions of rule 8.

### **13. Acceptance Of Gifts :-**

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

Explanation : The explanation 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 Corporation/Subsidiary 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 practice, an employee of the Corporation/Subsidiary may accept gifts from his near relatives but he shall make a report to 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/Subsidiary 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/Subsidiary 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/-.

### **14. Private Trading :-**

(1) No employee shall act as an insurance agent, nor shall he allow any member of his family to act as an insurance agent.

(2) No employee shall except with the previous sanction of the Corporation, engage directly or indirectly in any trade, business or profession.

(3) No employee shall canvass in support of any business, trade, commission agency etc. owned or managed by his spouse or any other member of his family.

(4) No employee shall without the previous sanction of the

Corporation 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 or any other law for the time being in force or any co-operative society for commercial purposes. Provided that an employee may take part in registration, promotion or management of a co-operative society, substantially for the benefit of employees, registered under the Cooperative Societies Act, 1912 or any other law for the time being in force or any noncommercial, non-profit making institution, organisation or body of cultural, social, educational or philanthropic nature.

**15. Speculating In Stocks, Shares Etc :-**

No employee shall speculate in any stock, share or other investment. Explanation : Frequent purchase and/or sale of stock, shares, securities or other investment shall be deemed to be speculation within the meaning of this rule.

**16. Restriction On Borrowing And Investments :-**

No employee shall save 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 a 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.

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid; Provided that an employee may, give to, or accept from, a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee. Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the Corporation.

**16A. Xxx :-**

(1) Every employee shall on his first appointment submit a return of his Assets and Liabilities, in such form as may be decided by the Competent Authority, giving full particulars regarding :-

(a) The immovable property inherited, owned or acquired by him or held by him

either in his own name or in the name of any member of his family, or in the name of any other person, solely or jointly. \* Inserted vide B.M. dt. 11.10.91 & amended vide B.M. dt. 26.10.94

(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.25,000/-.

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

(2) Every existing employee shall submit to the Competent Authority return referred to in sub rule (1) above before a date as may be prescribed by the MD, GIC/CMD of the Company.

(3) Every employee shall thereafter submit to the Competent Authority an Annual Return of immovable property acquired by him either in his own name or in the name of any member of his family, solely or jointly during the year. The Annual Return shall be submitted by 30th April each year for the period ending 31st March immediately preceding.

(4) No employee shall except with the previous sanction of the Competent Authority enter into any transactions concerning any immovable or movable property with a person or firm having official dealings with the employee concerned or his subordinate/(s).

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

(6) Every employee shall report in the prescribed format to the Competent Authority all transactions 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 of such movable property exceeds Rs.25,000/-. Such Returns shall be furnished within 30 days of the transaction.

(7) The Competent Authority may, at any time, require an employee to submit within a period to be specified a full and complete statement of immovable or movable property held or acquired by him or on his behalf by any member of his family including details of the means by which or the sources from which such property was acquired.

(8) \*deleted

## **17. Employees In Debt :-**

An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who is in debt shall furnish to the competent authority a signed statement of his position half-yearly on the 30th June and 31st December, and shall indicate in the statement the steps he is taking to rectify his position. An employee who makes a false statement under the rule or who fails to submit the prescribed statement or appears unable to liquidate his debts within a reasonable time or applies for the protection of an insolvency court shall be liable to disciplinary action. Explanation :

(1) For the purpose of this rule an employee shall be deemed to be in debt if his total liabilities exclusive of those which are fully secured or those taken from the Employees Cooperative Credit Society exceed his salary for 6 months. \* Deleted vide B.M. dated 26.10.1994

(2) An employee shall be deemed to be unable to liquidate his debts within a reasonable time if it appears, having regard to his personal resources and unavoidable current expenses that he will not cease to be in debt within a period of three years.

**18. Employees Not To Be Absent From Duty Without Permission Or Be Late In Attendance :-**

(1) An employee shall not absent himself from his duties without having obtained the permission of the competent authority, nor shall he absent himself in case of sickness or accident without submitting a medical certificate satisfactory to the competent authority. Provided that in case of an emergency an employee may be allowed to avail of one days casual leave without prior sanction, subject to the condition that the competent authority is promptly advised of the circumstances in which prior sanction could not be obtained.

(2) An employee, who absents himself from duty without leave or overstays his leave, shall not be entitled to draw any pay or allowances during such absence or overstayal and shall further be liable to such disciplinary measures as the competent authority may deem necessary. Provided however, that the competent authority may treat such period of absence or overstayal if not followed by termination of service, as period spent on Casual Leave, Earned Leave, Sick Leave or Leave on Loss of Pay, but the employee shall not be entitled as of right to such treatment. Provided further that the competent authority may treat such absence or overstayal as period spent on leave on loss of pay, irrespective of whether the employee has any other leave to his credit or not.

(3) An employee who frequently attends the office late and/or leaves the office early shall in addition to such other penalty as the competent authority may deem fit to impose, have half-a-day of casual leave forfeited for the fourth and the subsequent occasions of late attending and/or early leaving in a calendar month. Where such an employee has no casual leave due to him, the period of leave to be forfeited may be treated as earned leave or loss of pay as the competent authority may determine. Explanation : The competent authority may, at its absolute discretion condone late attendance and/or early leaving upto three occasions in a calendar month, provided that the circumstances under which the employee had to attend late or leave early were beyond his control and in that case such late attendance and/or early leaving will not be

taken into consideration for debiting the casual leave account in accordance with sub rule

(3).

**19. Absence From Station :-**

No employee shall absent himself from his station overnight, without the prior sanction of the competent authority.

**20. Suspension :-**

(1) The Appropriate Authority may place an employee under suspension.

(a) Where a disciplinary proceeding against him is contemplated or is pending; or

(b) Where a case against him in respect of any criminal offence is under investigation or trial.

(2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appropriate authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory 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 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, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory 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 competent authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appropriate authority from the date of the original order of dismissal, removal or compulsory retirement 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.

## **21. Subsistence Allowance :-**

(1) An employee under suspension shall be entitled to draw Subsistence Allowance equal to 50% of the monthly gross emoluments (comprising of basic salary, dearness allowance, city compensatory allowance, house rent allowance, hill station allowance, qualification pay, personal pay, special pay and deputation allowance) drawn on the date immediately prior to the date on which the employee is suspended.

(2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of Subsistence Allowance for any period subsequent to the period of the first six months as follows :-

(i) The amount of Subsistence Allowance may be increased to 75% of the monthly gross emoluments (comprising of basic salary, dearness allowance, city compensatory allowance, house rent allowance, hill station allowance, qualification pay, personal pay, special pay and deputation allowance) drawn on the date prior to the date on which the employee is suspended, if in the opinion of the said authority, the period of suspension has been prolonged due to the 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 the monthly gross emoluments (comprising of basic salary, dearness allowance, city compensatory allowance, house rent allowance, hill station allowance, qualification pay, personal pay and deputation allowance) drawn on the date prior to the date on which the employee is suspended, 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 Appropriate Authority decides to continue the suspension, the employee shall be entitled to Subsistence Allowance from the date he is granted bail. Note : For Rules 20 and 21 the "Appropriate Authority" shall be the authority competent to impose a major penalty on the concerned employee as specified in the Schedule provided that the Appropriate Authority in case of

Assistant, Record Clerk, Sub-staff and equivalent cadres shall be the Head of concerned office or department.

## **22. Treatment Of The Period Of Suspension :-**

When the suspension of an employee is held to be unjustified or not wholly justified, or when an employee who has been dismissed, removed or suspended is reinstated, the competent authority, whose decision shall be final, may grant to him for the period of his absence from duty :

- (a) if he is honourably acquitted, the full pay and allowance which he would have been entitled to if he had not been dismissed, removed or suspended, less the subsistence allowance;
- (b) if otherwise, such proportion of pay and allowances as the competent authority may prescribe. In a case falling under clause (a), the period of absence from duty will be treated as period spent on duty. In a case falling under clause (b), the period of absence shall not be treated as period spent on duty, but the competent authority may, at its discretion, grant leave for the period to the extent admissible to the employee under the rules. Any period of absence which has not been treated as period spent on duty or on leave shall not count as service for any purpose under these rules but will not constitute break in service. No order passed under this rule shall have the effect of compelling any employee to refund the subsistence allowance payable under Rule 21.

## **23. Penalties :-**

Without prejudice to the provisions of other rules, any one or more of the following penalties may for good and sufficient reasons, and as hereinafter provided, be imposed by the competent authority on an employee who commits a breach of discipline, or who is guilty of any other act prejudicial to good conduct :- Minor Penalties :-

- (a) censure; \*(b) withholding of one or more increments for a specified period; \* Amended vide B.M. dated 26.10.1994
- (c) 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 Corporation/Subsidiary by negligence or breach of orders; Major Penalties :- \*\* (d) withholding of one or more increments permanently;
- (e) reduction to a lower service or post or to a lower time-scale, or to a lower stage in a time-scale;
- (f) compulsory retirement;
- (g) removal from service which shall not be a disqualification for future employment;

(h) dismissal. 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 un-connected 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 contract or agreement, on the expiry 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 \*\*  
Inserted vide B.M. dated 26.10.1994

(d) of any employee on reduction of establishment.

#### **24. Disciplinary Authority :-**

The Disciplinary Authority as specified in these Rules or in the Schedule or any authority higher than it may impose any of the penalties specified in Rule 23 on an employee.

#### **25. Procedure For Imposing Major Penalties :-**

(1) No order imposing any of the major penalties specified in Clauses (d), (e), (f), (g) and (h) of Rule 23 shall be made except after any inquiry is held in accordance with this rule.

(2) Whenever the competent 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 a retired Officer\* or any Public Servant (hereinafter called the inquiring authority) to inquire into the truth thereof.

(3) Where it is proposed to hold an inquiry, the competent 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 charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the competent authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the Articles of Charge. Explanation : It will not be necessary to show the documents listed with the chargesheet 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 enquiry may be held by the competent authority itself, or a retired Officer \*or by any Public Servant appointed as an inquiring authority under subclause (2).

(5) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint a retired Officer\* or any Public Servant to be known as the "Presenting Officer" to present on its behalf the case in of the articles of charge.

(6) The employee may take the assistance of any other employee but may not engage a legal practitioner for the purpose. \*(6A) No employee while on duty shall act as Defence Assistant in any disciplinary proceeding conducted outside the regional office area where he is posted; nor shall he act as Defence Assistant in more than two cases at a time. An employee acting as Defence Assistant in breach of this rule shall not be entitled to any TA/DA in connection with the disciplinary proceedings. \* retired Officer - inserted vide Amendment approved by the Board at the meeting dt 17.3.2000 \*\*Inserted vide B.M. dated 26.10.94

(7) On the date fixed by the inquiring authority, the employee shall appear before the inquiring Authority at the time, place and date specified in the 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 charge, the inquiring

authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilty in respect of those articles of charge to which the employee concerned pleads guilty.

(8) If the employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence:

(i) inspect the documents listed with the charge-sheet;

(ii) submit a list of additional documents and witnesses that he wants to examine; and

(iii) be supplied with the copies of 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/Subsidiary. In that event, it shall inform the inquiry 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 competent 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 Inquiry Authority. The Inquiry Authority may also put such questions to the witnesses as it thinks fit.

(12) Before the close of the prosecution case, the inquiry 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 competent authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally; it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiry authority according to the provision applicable to the witnesses for the competent 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 subrule

(3) on or before the date specified for the purpose or does appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provision 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 reexamine any such witnesses as hereinbefore provided.

(19)(i) After the conclusion of the inquiry, report shall be prepared and it shall contain :-

(a) a list of the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(b) a gist of the defence of the employee in respect of each article of charge;

(c) an assessment of the evidence in respect of each articles of charge;

(d) the findings on each article of charge and the reasons therefor.

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

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

(ii) The inquiring authority, where it is not itself the competent authority, shall forward to the competent authority the records of inquiry which shall include :-

(a) the report of the inquiry prepared by it under sub-clause (i) above;

(b) the written statement of defence, if any submitted by the employee referred to in sub-rule (13);

(c) the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs referred to in sub-rule (16), if any, and

(e) the orders, if any, made by the competent authority and the inquiring authority in regard to the inquiry.

## **26. Action On The Inquiry Report :-**

(1) The competent 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 thereupon proceed to hold the further inquiry according to the provisions of rule 25 as far as may be.

(2) The competent authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its

reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the competent 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 competent 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.

### **27. Procedure For Imposing Minor Penalties :-**

(1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (c) of 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 Competent Authority before passing orders.

(2) The record of the proceedings shall include :-

- (i) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
- (ii) his defence statement, if any, and
- (iii) the orders of the competent authority together with the reasons therefor.

### **28. Communication Of Orders :-**

Orders made by the competent 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. All communications under Rules 23, 24, 25, 26 and 27 and copies of orders passed thereunder may be delivered personally to the employee if he is attending the office; otherwise they shall be sent by registered post to the address noted in the service record. Where such communications or copies of orders cannot be served on him personally or by registered post, copies thereof shall be affixed on the notice board of the office in which the employee is employed, and on such affixing, such communications and orders shall be deemed to have been properly served on him.

### **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 proceedings and the specified authority may function as the competent authority for the purpose of such common proceedings.

### **30. Special Procedure In Certain Cases :-**

Notwithstanding anything contained in Rule 25 or 26 or 27, the competent 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
- (ii) where the competent 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
- (iii) where the competent authority is satisfied that in the interest of the security of the Corporation/Subsidiary it is not expedient to hold any inquiry in the manner provided in these rules.
- (iv) where an employee has abandoned his post, the competent authority may consider the circumstances of the case and pass such orders thereon as it deems fit. Explanation : For the purpose of this rule, an employee shall be deemed to have abandoned his post if he absents himself from duty without leave or overstays his leave for a continuous period of 90 days without any intimation therefor in writing.

### **31. Right Of Appeal :-**

Every employee shall have a right of appeal to the appellate authority against an order imposing upon him any of the penalties specified under Rule 23. An appeal against an order of suspension passed under Rule 20 shall be on the authority to which the authority which made or is deemed to have made the order of suspension is immediately subordinate. Notwithstanding anything contained in this rule and subject to the provisions of the Act and the Rules framed thereunder, no appeal shall lie against an order made by the Corporation/Subsidiary under rule 20 or rule 23.

### **32. Period Of Limitation For Appeals :-**

No appeal under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against.

### **33. Form And Contents Of Appeal :-**

(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

### **34. Submission Of Appeals :-**

Every appeal shall be submitted through the authority which made the order appealed against. Provided further that a copy of the appeal may be submitted direct to the appellate authority.

### **35. Withholding Of Appeals :-**

(1) The authority which made the order appealed against may withhold the appeal if :-

(i) it does not comply with any of the provisions of Rule 33; or

(ii) it is not submitted within the period specified in Rule 32 and no cause is shown for the delay; or

(iii) it is a repetition of an appeal already decided and no new facts of circumstances are adduced. Provided that an appeal withheld under this sub-rule shall be returned to the appellant and if resubmitted within one month thereof after complying with the provisions of rule 33 shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

3) At the commencement of each quarter a list of the appeals withheld by any authority during the previous quarter, together with the reasons for withholding them, shall be furnished by that Authority to the Appellate Authority.

### **36. Transmission Of Appeals :-**

(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under Rule 35 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld Rule 35 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

### **37. Consideration Of Appeals :-**

(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 Rule 20 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoked the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in Rule 23, the appellate authority shall consider :-

(a) whether the procedure prescribed in these Rules has been complied with, and if not, whether such non-compliance has resulted in failure of justice;

(b) whether the findings are justified; and

(c) whether the penalty imposed is excessive, adequate, or inadequate, and pass orders :-

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

(ii) 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 :-

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty ; and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties in clause (b) to (h) of Rule 23, and an inquiry under the said rule has not already been held in the case, the appellate authority shall itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

3) All appeals should be disposed of as expeditiously as possible and in any event not later than 6 months from the date of receipt of the appeal by the appellate authority.

### **38. Appeals Against Other Orders :-**

(1) An employee may appeal against an order which :-

(a) denies or varies to his disadvantage his salary or other

conditions of service as regulated by any orders, regulations, rules or agreement ; or

(b) interpret to his disadvantage the provisions of any such orders, regulations, rules or agreements, to the Corporation/Subsidiary if the order is passed by the authority which made the orders or regulations or rules or agreements, as the case may be, or by any authority to which such authority is subordinate, and to the authority which made such orders or regulations or rules or agreements if the order is passed by any other authority.

(2) An appeal against an order :-

(a) stopping an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar ;

(b) determining the salary and allowance for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as period spent on duty for any purpose, shall lie to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

(3) In the case of an appeal under this rule, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

### **39. Review :-**

Notwithstanding anything contained in these Rules, the Corporation/ Subsidiary may, on its own motion or otherwise, after calling for the records of the case, review any order which is made or is appealable under these Rules, and

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

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order ;

(c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as it considers proper in the circumstances of the case; or

(d) pass such other orders as it deems fit. Provided that an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.

(2) The authority to which an appeal against an order imposing any of the penalties specified in Rule 23 lies, may of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case and pass such

orders as it deems fit, as if the employee had preferred an appeal against such order. Provided that an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty. Provided further that no action under this sub-rule shall be initiated more than six months after the date of the order to be reviewed.

(3) The Chairman or Managing Director or the Chairman-cum-Managing Director may on his own motion or otherwise call for the records of the case of any employee in any proceedings pending before any competent or appellate authority subordinate to him, and remit the case to any authority in any office who, if the employee had been working in that office would have adequate disciplinary powers to deal with the case, with such direction as the Chairman or the Managing Director or the Chairman-cum-Managing Director may deem fit in the circumstances of the case with regard to further proceedings in the case.

#### **40. Memorial :-**

An employee whose appeal under these Rules has been rejected by the appellate authority subordinate to the Chairman/Chairman-cum-Managing Director or in whose case such appellate authority has enhanced the penalty on appeal under Rule 24 or on review under Rule 39(2) may address a memorial to the Chairman/Chairman-cum-Managing Director in respect of that matter within a period of 6 months from the date the appellant received a copy of the order of such appellate authority.

#### **41. Canvassing Non-Official Or Outside Influence :-**

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

(2) No appeal, petition, memorial shall be addressed by any employee to the members of the Corporation or any of the Subsidiaries by name or to any outside authority or an authority not prescribed in these Rules.

#### **42. Interpretation :-**

If any question arises relating to the interpretation of these rules, it shall be referred to the Board whose decisions thereon shall be final.

### **43. Amendments :-**

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.

### **44. Administrative Instructions :-**

The MD, GIC/CMD of the Company may, from time to time issue instructions or directions as may be necessary to give effect to and carry out the provisions of these rules and in order to secure effective control over the employees. \* Inserted vide B.M. dated 26.10.94

#### SCHEDULE 1

#### SCHEDULE I

<b>Rule No.</b>	<b>Category of Employees</b>	<b>Competent Authority</b>
(6) (a)	All Employees	Officer-in-Charge
(b)	Officer-in-Charge	His superior to whom he reports.
(7) (a)	All Employees	Officer-in-Charge
(b)	Officer-in-Charge	His superior to whom he reports.
(9)	All Employees	Chairman-cum-Managing Director/Managing Director
(12)	All Employees	Chairman-cum-Managing Director/Managing Director
(13)	All Employees	Chairman-cum-Managing Director/Managing Director
(16A)(a)	Development Officers	Manager (other than RM) or Deputy Manager at Controlling Regional Office designated for this purpose.
(b)	AAOs/AOs at BO/DO/RO of Companies	Regional Incharge of Controlling Regional Office.
(c)	AAOs/AOs at HO of Companies/GIC.	Manager, HO/GIC designated for this purpose.
(d)	AM/Deputy Managers	AGM, HO/GIC designated for this purpose
(e)	Manager/AGM	CMD/MD
(f)	GM/CMD/MD	Chairman, GIC.
(17) (a)	All Employees	Officer-in-Charge
(b)	Officer-in-Charge	His superior to whom he reports.
(18) (a)	All Employees	Officer-in-Charge
(b)	Officer-in-Charge	His superior to whom he reports.
(19) (a)	All Employees	Officer-in-Charge
(b)	Officer-in-Charge	His superior to whom he reports
(22)	All employees	Chairman-cum-Managing Director/Managing Director

\*(23) DISCIPLINARY AUTHORITY

<b>Rule No.</b>	<b>Category of Employees</b>	<b>Appointing Authority</b>	<b>Disciplinary Authority</b>	<b>Appellate Authority</b>
23	(a) Posts in the cadres of General Managers/ Assistant General Managers and equivalent cadres.	Chairman	Chairman	Corporation
	(b) Posts in the cadres of Managers/Dy. Managers and equivalent cadres	General Manager	General Manager	Managing Director/ Chairman-cum Managing Director
	(c) Posts in the cadres of Assistant Managers, AOs, AAOs and equivalent cadres	Assistant General Manager	Assistant General Manager	General Manager
	(d) Posts in the cadre of Development Staff, Superintendents, Senior Assistants and equivalent cadres.	Manager	Deputy Manager	Assistant General Manager
	(e) Posts in the cadre of Assistants and equivalent cadres and Record Clerks	Deputy Manager	Assistant Manager	Manager
	(f) Subordinate Staff	Deputy Manager	Administrative Officer	Manager

NOTE : Notwithstanding the provisions contained in this Schedule :

(i) the immediate superior Officer shall have authority impose the penalty of censure under Rule 23(a) and any appeal against the imposition of such penalty shall lie to an Officer one step higher;

(ii) the penalty of removal from service and dismissal shall not be imposed by an authority lower than the Appointing Authority. In such cases, the next higher Authority will be the Appellate Authority.

\* Inserted vide B.M. dated 26.10.94