

Rubber Board Service (Classification, Control And Appeal) Rules, 1961

CONTENTS

PART 1 :- GENERAL

1. Short Title And Commencement
2. Interpretation
3. Application
4. Protection Of Rights And Privileges Conferred By Any Law Or Agreement

PART 2 :- CLASSIFICATION

5. Classification Of Posts
6. Constitution Of The Boards Service

PART 3 :- APPOINTING AUTHORITIES

7. Appointments To The Service

PART 4 :- SUSPENSION

8. Suspension
9. Nature Of Penalties
10. Disciplinary Authorities
11. Procedure For Imposing Major Penalties
12. Procedure For Imposing Minor Penalties
13. Joint Inquiry
14. Special Procedure In Certain Cases
15. Provisions Regarding Officers Borrowed From The Central Government Or A State Government

PART 5 :- PART V

PART 6 :- APPEALS

16. Orders Made By The Central Government Not Appealable
17. Appeals Against Orders Of Suspension
18. Appeals Against Orders Imposing Penalties
19. Appeal Against Other Orders
20. Period Of Limitation Or Appeals
21. Form And Contents Of Appeal
22. Submission Of Appeals
23. Withholding Of Appeals
24. Transmission Of Appeals

- 25. Consideration Of Appeals
- 26. Implementation Of Orders In Appeal
- 27. Section 27

PART 7 :- REVIEW

- 28. Central Governments Power To Review
- 29. Chairmans Power Of Review

PART 8 :- MISCELLANEOUS

- 30. Savings
- 31. Removal Of Doubts

Rubber Board Service (Classification, Control And Appeal) Rules, 1961

In exercise of the powers conferred by clause (xv) of sub-section (2) of Section 25 of the Rubber Act, 1947 (24 of 1947), the Central Government hereby makes the following rules, namely:-

PART 1 GENERAL

1. Short Title And Commencement :-

- (a) These rules may be called the Rubber Board Service (Classification, Control and Appeal) Rules, 1961.
- (b) They shall come into force at once.

2. Interpretation :-

In these rules, unless the context otherwise requires -

- (a) Appointing Authority in relation to a Boards employee means,
 - (i) the authority empowered to make appointments to the post which the Boards employee for the time being holds, or
 - (ii) the authority which appointed the Boards employee to the post which he for the time being holds;
- (b) Board means the Rubber Board;
- (c) Boards employee means any person employed under Board and includes a servant of the Cetnral Government of State Government so employed;
- (d) Chairman means the Chairman of the Board;
- (e) Disciplinary Authority in relation to the imposition of a penalty on a Boards employee means the authority competent under these rules to impose on him that penalty;
- (f) Pay means the amount drawn monthly by a Boards employee as
 - (i) the pay, other than pay granted in view of his personal

qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre , and

(ii) overseas pay, technical pay, special pay and personal pay and,
(iii) any other emoluments which may specially be classed as pay by the Government of India

(g) Schedule means the Schedule to these rules;

(h) Rubber Production Commissioner means the Rubber Production Commissioner of the Board;

(i) Secretary means the Secretary of the Board;

(j) Service means under the Board.

3. Application :-

(1) These rules shall apply to all the Boards employees except-

(a) persons in casual employment;

(b) persons on daily wages; and

(c) persons not brought to regular establishment.

(2) Notwithstanding anything contained in sub-rule (1) the Central Government may by order exclude from the operation of all or any of these rules any employee or classes of employees of the Board.

(3) If any doubt arises whether these rules or any of them apply to any person, the matter shall be referred to the Central Government whose decision thereon shall be final.

4. Protection Of Rights And Privileges Conferred By Any Law Or Agreement :-

Nothing in these rules shall operate to deprive any Boards employee of any right or privilege to which he is entitled -

(a) by or under any law for the time being in force, or

(b) by the terms of any agreement subsisting between such person and the Board at the commencement of these rules.

PART 2 CLASSIFICATION

5. Classification Of Posts :-

All posts under the Boards service shall be classified as follows, namely:-

Sl. No.	Description of post	Classification of Posts
1.	A post carrying a pay or a scale of pay with a maximum of not less than Rs.950/-	Class I
2.	A post carryings a pay or a scale of pay with a maximum of not less than Rs.575/- but lesth an	Class II

3.	Rs.950/- A post carrying a pay or a scale of pay with a maximum of over Rs.110/- but less than Rs.575/-	Class III
4.	A post carrying a pay or a scale of pay with a maximum of which is Rs.110/- or less	Class IV

6. Constitution Of The Boards Service :-

The service shall consist of posts or categories of posts as detailed below:-

1. ADMINISTRATION

(a) Non-Technical Posts:-

(i) Non-Ministerial:

1. Finance & Accounts Officer
2. Accountant
3. Legal Assistant
4. Driver
5. Rotaprint Operator
6. Senior Gestetner Operator

(ii) Ministerial:

1. Superintendent
2. Assistant
3. Stenographer Grade I
4. Upper Division Clerk
5. Stenographer Grade II
6. Lower Division Clerk

(iii) Class IV Staff:

1. Attender
2. Jamadar
3. Peon/Watcher
4. Sweeper

(b) Technical Posts:

(i) Administration:

1. Caretaker-cum-Electrician Mechanic
2. mechanic

ii) Statistical Section:

1. Statistical Officer
2. Statistical Assistant
3. Comptist

(iii) Cost Accounts Section

1. Cost Account

(iv) Market Intelligence Section:

1. Market Intelligence Officer
2. Economic Assistant Any other post or posts not falling under any

of the categories mentioned above that may be created with the approval of the Board or the Central Government.

II. DEVELOPMENT

Technical Posts:

1. Deputy Rubber Production Commissioner
2. Assistant Development Officer
3. Field Officer
4. Junior Field Officer
5. Surveyor

Any other post or posts not falling under any of the categories mentioned above that may be created with the approval of the Board or the Central Government.

III RESEARCH

(a) Technical Posts (Scientific):

1. Director of Research
2. Deputy Director
3. Assistant Rubber Chemist (Organic Chemistry)
4. Assistant Soil Chemist
5. Cyto Anatomist
6. Assistant Microbiologist
7. Research Assistant
8. Junior Research Assistant

(b) Technical Posts (Non-Scientific):

1. Technical Assistant
2. Liaison Assistant
3. Artist-cum-Photographer
4. Laboratory Assistant
5. Rubber Maker
6. Museum Assistant
7. Field Assistant (Selection Grade).
8. Field Assistants
9. Rubber Tapping Demonstrator
10. Electrician
11. Carpenter
12. Blacksmith
13. Plumber-cum-Boiler Room Mechanic
14. Turner
15. Mechanic
16. Moulder
17. Welder
18. Laboratory Attender
19. Gardener

Any other post or posts not falling under any of the categories

mentioned above that may be created with the approval of the Board or the Central Government.

IV. PUBLICITY SECTION

Technical Posts:

1. Editor
2. Publicity Assistant
3. Commercial Artist
4. Driver-cum-Projector Operator

Any other post of posts not falling under any of the categories mentioned above that may be created with the approval of the Board or the Central Government.

V. LIBRARY

Technical Posts:

1. Librarian
2. Assistant Librarian

Any other post of posts not falling under any of the categories mentioned above that may be created with the approval of the Board or the Central Government

PART 3 APPOINTING AUTHORITIES

7. Appointments To The Service :-

Appointments to posts mentioned in Section 6A of the Rubber Act, 1947, shall be made by the Central Government. Appointments to the other posts shall be made by the authorities specified in this behalf in the Schedule.

PART 4 SUSPENSION

8. Suspension :-

(1) The Appointment Authority or any authority to which it is subordinate or the Chairman may place a Boards 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.

Provided that, where the 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) A Boards employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of

the Appointing Authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Boards employee under suspension is set aside in 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 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 a Boards employee is set aside or declared or rendered void in consequence of or by a decision of a court of law, and the Disciplinary authority on a 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 Boards employee shall be deemed to have been placed under suspension by the Appointing 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.

9. Nature Of Penalties :-

The following penalties, may, for good and sufficient reasons, be imposed on a Boards employee namely:-

Minor penalties:

(i) censure;

(ii) withholding of increments or promotion;

(iii) recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders. Major penalties:

(iv) reduction to a lower service, grade or post or to a lower time scale or to a lower stage in a time scale;

(v) compulsory retirement;

(vi) removal from service which shall not be a disqualification for future employment;

(vii) dismissal from service which shall ordinarily be a disqualification for future employment.

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

(i) withholding of increments of a Boards employee for failure to pass a departmental examination in accordance with the rules or orders governing the service or post of the terms of his appointment;

(ii) stoppage of a Boards employee at the efficiency bar in the timescale on the ground of his unfitness to cross the bar;

(iii) non-promotion whether in a substantive or officiating capacity of a Boards employee, after consideration of his case, to a grade or post for promotion to which he is eligible;

(iv) reversion to a lower service, grade or post of a Boards employee officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for a such higher service, grade or post or on administrative grounds unconnected with his conduct;

(v) reversion to his permanent service, grade or post of a Boards employee appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and order governing probation;

(vi) replacement of the services of a Boards employee whose services have been borrowed from a State Government or the Central Government or an authority under the control of a State Government or an authority under the control of a State Government or the Central Government at the disposal of the authority which had lent his services;

(vii) compulsory retirement of a Boards employee in accordance with the provisions relating to his superannuation or retirement;

(viii) termination of the services-

(a) of a Boards employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing probation; or

(b) of a temporary Boards employee in accordance with the terms of his appointment; or

(c) of a Boards employee employed under an agreement in accordance with the terms of such agreement.

10. Disciplinary Authorities :-

(1) The Central Government may impose any of the penalties specified in rule 9 on any Boards employee.

(2) Without prejudice to the provisions of sub-rule (1), any of the penalties specified in rule 9 may be imposed on any Boards employee by the Appointing Authority or the authorities specified in the Schedule in this behalf or any other authority empowered in this behalf by a general or a special order of the Central Government.

(3) No penalty specified in clauses (iv) to (vii) of rule 9 shall be imposed by any authority lower than the Appointing Authority.

11. Procedure For Imposing Major Penalties :-

(1) No order imposing on a Boards employee any of the penalties specified in clauses (iv) to (vii) of rule 9 shall be passes except after an inquiry, held as far as may be, in the manner hereinafter provided.

(2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which those are based, shall be communicated in writing to the Boards employee, and he shall be required to submit, within such time as may be specified by the Disciplinary authority (a) to such authority, or (b) where a Board of Inquiry or Inquiring Officer has been appointed under sub-rule 2(a) to that Board or Officer, a written statement of his defense and also to state whether he desired to be heard in person.

Explanation. In this sub-rule and in sub-rule (3), the expression "the Disciplinary Authority" shall include the authority competent under these rules to impose upon the Boards employee any of the penalties specified in clauses (i) to (iii) of rule 9.

(a). The Disciplinary Authority may inquire into the charges itself or, if it considers it necessary so to do, it may, either at the time of communicating the charges to the Boards employee under sub rule (2) or at any time thereafter, appoint a Board of Inquiry or Inquiring Officer for the purpose.

(3) The Boards employee shall, for the purpose of preparing his defence be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused, if for reasons to be recorded in writing, in the opinion of the Disciplinary Authority, such records are not relevant for the purpose or it is against public interest to allow him access thereto.

(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary

Authority or, as the case may be, the Board of Inquiry or the Inquiring Officer may inquire into such of the charges as are not admitted.

(5) The Disciplinary Authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The Boards employee may present his case with the assistance of any other Boards employee approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary authority as aforesaid is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(6) The Inquiring Authority shall, in the case of the inquiry, consider such documentary evidence as may be relevant or material in regard to the charges. The Boards employee shall be entitled to cross examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the Boards employee and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the Inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If, in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the Boards employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include:

(i) the charges framed against the Boards employee and the statement of allegations furnished to him under sub-rule (2);

(ii) his written statement of defence, if any;

(iii) the oral evidence taken in the course of the inquiry;

(iv) the documentary evidences considered in the course of the inquiry;

(v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and

(vi) a report setting out the finding on each charge and the reasons

therefore.

(9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge.

(10) (i) If the Disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 9 should be imposed, it shall, --

(a) furnish to the Boards employee a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority; and

(b) 2 give the Boards employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against he proposed penalty: Provided that such representation shall be based only on the evidence adduced during the inquiry.

(ii) The Disciplinary Authority shall consider the representation if any, made by the Boards employee in response to the notice under clause (i) and determine what penalty, if any, should be imposed on the Boards employee and pass appropriate orders on the case.

(11) If the Disciplinary Authority, having regard to its findings, is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 9 should be imposed, it shall pass appropriate orders in the case.

(12) Orders passed by the Disciplinary Authority shall be communicated to the Boards employee who shall also be supplied with a copy of the Report of the Inquiring Authority, and where the Disciplinary Authority is not the Inquiring Authority, and where the Disciplinary Authority is not he Inquiring Authority, a statement of its findings together with the brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.

12. Procedure For Imposing Minor Penalties :-

(1) No order imposing any of the penalties specified in clauses (i) to (iii) of rule 9 shall be passed except after ----

(a) the Boards employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and is given an opportunity to make any representation he may wish to make; and

(b) such representation, if any, is taken into consideration by the Disciplinary Authority.

(2) The record of proceeding in such cases shall include -

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

(ii) a copy of the statement of allegations communicated to him;

(iii) his representation, if any; and

(iv) the orders on the case together with the reasons therefore.

13. Joint Inquiry :-

(1) Where two or more Boards employees are concerned in any case, the Central Government or any other authority competent to impose the penalty of dismissal from service on all such Boards employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding

(2) Any such order shall specify -

(i) the authority which may function as the Disciplinary Authority for the purpose of such common proceedings;

(ii) the penalties specified in rule 9 which such Disciplinary Authority shall be competent to impose; and

(iii) whether the procedure prescribed in rule 11 or rule 12 may be followed in the proceeding.

14. Special Procedure In Certain Cases :-

Notwithstanding anything contained in rules 11, 12 and 13 -

(i) where a penalty is imposed on a Boards employee on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules, or

(iii) where the Central Government is satisfied that in the interest of the Board, it is not expedient to follow the procedure the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

15. Provisions Regarding Officers Borrowed From The Central Government Or A Stat Government :-

(1) Where an order of suspension is made or a disciplinary proceeding is taken against a Boards employee whose services have been borrowed from the Central Government or a State Government, the authority lending his services (herein after in this

rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be. (2) In the light of the findings in the disciplinary proceeding taken against the Boards employee -

(i) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of rule 9 should be imposed on him, it may, after consultation with the lending authority, pass such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the Disciplinary Authority and the lending authority the services of the Boards employee shall be replaced at the disposal of the lending authority;

(ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 9 should be imposed on him, the services of the Boards employee shall be replaced at the disposal of the lending authority and the proceedings of the inquiry shall be transmitted to it for such action as it might deem necessary.

PART 5 PART V

PART 6 APPEALS

16. Orders Made By The Central Government Not Appealable :-

Notwithstanding anything contained in this part, no appeal shall lie against any order made by the Central Government.

17. Appeals Against Orders Of Suspension :-

A Boards employee may appeal against an order of suspension to the authority to which the authority which made or is deemed to have the order is immediately subordinate

18. Appeals Against Orders Imposing Penalties :-

A Boards employee may appeal against an order imposing upon him any of the penalties specified in rule 9 to the authority specified in this behalf in the Schedule.

Explanation : In this rule, the expression Board employee includes a person who has ceased to be a Boards employee.

19. Appeal Against Other Orders :-

(1) A Boards employee may appeal against an order which -

(a) denies or varies to his disadvantage, his pay, allowances,

provident fund, or other conditions of service as regulated by any rules or agreement , or

(b) interprets to his disadvantage the provisions of any such rules or agreement to the Central Government.

(2) An appeal against an order -

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

(b) reverting to a lower service, grade or post, a Boards employee officiating in a higher service, grade or post other wise than as a penalty

(c) determining the pay and allowances for the period of suspension to be paid to a Boards employee on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose, shall lie ---

(i) in the case of an order made in respect of a Boards employee on whom the penalty of dismissal from service can be imposed only by the Central Government to the Central Government; and

(ii) in the case of an order made in respect of any other Boards employee, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

Explanation. In this rule, the expression, Boards employee includes a person who has ceased to be a Boards employee.

20. Period Of Limitation Or Appeals :-

No appeal under this part shall be entertained unless it is submitted within a period of three months for the date on which the appellant receives a copy of the order appealed against;

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 submitting the appeal in time.

21. 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.

22. Submission Of Appeals :-

Every appeal shall be submitted to the authority which made the order appealed against; Provided that a copy of the appeal may be

submitted direct to the Appellate Authority.

23. Withholding Of Appeals :-

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

- (i) if it is an appeal against an order from which no appeal lies; or
- (ii) it does not comply with any of the provisions of rule 21; or
- (iii) it is not submitted within the period specified in rule 20 and no cause is shown for the delay; or
- (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced.

Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 21 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with said provisions shall not be withheld.

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

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

24. 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 23, 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 under rule 23 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

25. 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 8 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of appeal against an order imposing any of the penalties specified in rule 9, 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 violation of any provisions of the Constitution or 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 specified in clauses (iv) to (vii) of rule 9 and an inquiry under rule 11 has not already been held in the case, the Appellate Authority shall, subject to the provisions of rule 14, itself hold such inquiry to 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) In the case of an appeal against any order specified in rule 19, the Appellate Authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

26. Implementation Of Orders In Appeal :-

The authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.

27. Section 27 :-

Notwithstanding anything contained in the Part, where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the Appellate Authority under rules 17 to 19 in respect of the appeal against such order, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall, in relation to

that appeal, be deemed to be the Appellate Authority for the purposes of the rules 25 and 26.

PART 7 REVIEW

28. Central Governments Power To Review :-

Notwithstanding anything contained in these rules, the Central Government 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 ---

- (i) 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 enhances penalty;
- (ii) if the Central Government proposes to impose any of the penalties specified in clauses (iv) to (vii) of rule 9 in the case where an inquiry under rule 11 has not been held, it shall subject to the provisions of rule 14, direct that such inquiry to be held and thereafter on consideration of the proceedings of such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

29. Chairmans Power Of Review :-

The Chairman may on his own motion or otherwise, call for the records of the case in a disciplinary proceedings, taken by the Rubber Production Commissioner and the Secretary, review any order passed in such a case and pass such orders as he deems fit, as if the Boards employee has preferred an appeal against such order: Provided that no action under this rule shall be initiated more than six months after that date of the order to be reviewed.

PART 8 MISCELLANEOUS

30. Savings :-

(1) Any proceedings pending at the commencement of these rules shall be continued and disposed of as far as may be in accordance with the provisions of these rules.

(2) An appeal or application for review pending at or preferred after the commencement of these rules on any matter on which an appeal or review lies under these rules shall be considered and orders thereon shall be passed in accordance with these rules.

31. Removal Of Doubts :-

Where a doubt arises as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provision of these rules, the matter shall be referred to the Central Government whose decision thereon shall be final.