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Karnataka Small Industries
Development Corporation Limited

ADMINISTRATIVE OFFICE BUILDING
INDUSTRIAL ESTATE, RAJAJINAGAR, BANGALORE-560 044.

CONDUCT AND DISCIPLINARY RULES 1978.

THE KARNATAKA SMALL INDUSTRIES DEVELOPMENT
CORPORATION SERVANTS (CONDUCT AND DISCIPLINE)
RULES 1979.

In exercise of the powers conferred by Article 70 of the Articles of Association of the Karnataka Small Industries Development Corporation Limited and all other powers enabling them in this behalf, the Board of Directors of the Karnataka Small Industries Development Corporation Limited hereby makes the following rules.

These rules will come into force with effect from
2-3-79

PART I

PRELIMINARY

1. *Title and commencement*.—(a) These rules may be called the Karnataka Small Industries Development Corporation Servants (Conduct and Discipline) Rules 1979.

(b) They shall come into force on such date as the Corporation may appoint by publication of a notice specifying the date on the notice board of the Head Office of the Corporation at Bangalore.

2. *Definitions*.—In these regulations, unless the context otherwise requires—

(a) "Appellate authority" means the authority competent under these rules to exercise the powers of appellate authority;

(d) "Corporation" means The Karnataka Small Industries Development Corporation;

(c) "Corporation Servant" means an officer or servant of the Corporation whose conditions of appointment and service can be determined by the Corporation;

(d) "Disciplinary Authority" in relation to imposition of penalties on a Corporation servant means the

authority competent under these rules to impose on him that penalty ;

(b) " Member of family " in relation to a Corporation servant includes—

(i) the wife or husband as the case may be, of such Corporation servant whether residing with the Corporation servant or not but does not include a wife or husband as the case may be, separated from the Corporation servant by a decree or order of a competent court ;

(ii) the son or daughter or the step-son or step-daughter of such Corporation servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Corporation servant or of whose custody the Corporation servant has been deprived by or under any law ; and

(iii) any other person related whether by blood or marriage to the Corporation servant or to the Corporation servant's wife or husband and wholly dependent on the Corporation servant.

(f) " Schedule " means the schedule appended to these rules.

(g) " Service " means the service in the Corporation

2A. *Application.*— (1) These rules apply to every Corporation servant, but shall not apply to—

(a) any person in casual employment ;

(b) any person for whom special provision is made, in respect of matters covered by these rules by or under any agreement entered into in regard to matters covered by such specific provision.

(2) If any doubt arises whether these rules or any of them applies to any person, the matter shall be referred to the Corporation Board which shall decide the same.

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PART II

PROVISIONS RELATING TO CONDUCT

3. *General.*—(1) Every Corporation servant shall at all times :—

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty;
- (iii) do nothing which is unbecoming of a Corporation servant.

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

(ii) No Corporation servant shall in the performance of his official duties or in the exercise of the 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 clause (ii) of sub-rule (2) shall be construed as empowering a Corporation servant to evade his responsibilities by seeking instructions from, or approval of a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. *Private Trade or Employment.*—(1) No Corporation servant shall except with the previous sanction of the Corporation, engage directly or indirectly in any trade or business or undertake any other employment.

Explanation.—Canvassing by a Corporation servant in support of the business of insurance agency, commission agency and the like owned or managed by his wife or by

any other member of his family shall be deemed to be breach of this sub-rule.

(2) Notwithstanding anything contained in sub-rule (1), a Corporation servant may undertake any honary work of a social or charitable nature or occasion work of a literary, artistic or scientific character :

Provided that such work does not interfere in his official duties.

Provided further that he shall not under take and shall, if he has already under taken discontinue such work, if so directed by the corporation duties.

(3) Every Corporation servant shall report to the Corporation if any member of his family is engaged in trade or business or owns or manages an insurance agency or commison agency.

(4) Except in the course of the discharge of his official duties, no Corporation servant shall, without the previous sanction of the Corporation, 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 (Central Act I of 1956), or any other law for the time being in force or any Co-operative Society for commercial purposes.

Provided that a Corporation servant may take part in the registration, promotion or management of co-operative society substantially for the benefit of Corporation servants registered under the Mysore Co-operative Societies Act, 1959, or of a literary, scientific or charitable society registered under the Mysore Societies Registration Act 1960.

(5) No Corporation servant may accept any fee for any work done by him for any public body or any private person without the sanction of the Corporation.

5. *Insolvency and Habitual Indebtedness.*—A Corporation servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Corporation servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings to the Corporation.

Note.—The burden of proving that the insolvency or indebtedness was the result of circumstances which, with exercise of ordinary diligence, the Corporation servant could not have foreseen or over which he had no control, and had not proceeded from extravagant, or dissipated habits, shall be upon the Corporation servant.

6. *Demonstrations, etc.*—(1) No Corporation servant shall engaged himself or participate in any demonstration which is prejudicial to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, Public order, decency or morality or which involves contempt of court, defamation or incitement to an offence.

(2) No Corporation servant shall hold within the precincts of any office or any place under the control of the Corporation, any demonstration which is violent or which prevents or is calculated to prevent or which obstructs or is calculated to obstruct, the normal transaction of business in such office or place.

(3) No Corporation servant shall obstruct any person from lawfully entering or leaving any office or place under the control of the Corporation, or from carrying on any business in such office or place.

(4) No Corporation servant shall not in any manner calculated to undermine the confidence of the persons using the facilities provided by the Corporation.

7. *Consumption of intoxicating drinks and drugs.*—

(1) A Corporation servant shall—

(a) strictly abide by the law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being ;

(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of any intoxicating drink or drug.

(2) A Corporation servant shall not

(a) appear in a public place in a state of intoxication:

(b) if he is Driver, has taken or used any intoxicating drink or drug within eight hours of the commencement of duty or take such drink or drug during the course of duty.

8. *Employment of near Relatives of Corporation Servants in Private undertakings Enjoying Corporation Patronage:—*

(1) No Corporation servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertaking.

(2) (i) No Class I Officer shall, except with the previous sanction of the Corporation, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealings with the Corporation:

Provided that where the acceptance of the employment cannot await prior permission of the Corporation or is otherwise considered urgent the employment may be accepted and provisionally subject to the permission of the Corporation and the fact of such acceptance shall at once be reported to the Corporation.

(ii) A Corporation servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking intimate such acceptance to the Corporation and shall also intimate whether he has or has had any official dealings with that undertakings:

Provided that no such intimation shall be necessary in the case of Class I Officer if he had already obtained the sanction of, or sent a report to, the Corporation under Clause (i).

9. *Taking part in politics and elections.*—(1) No Corporation servant shall be member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of or assist or actively support in any other manner, any political movement or activity.

(2) It shall be the duty of every Corporation servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Corporation servant 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.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Corporation Board thereon shall be final.

(4) No Corporation servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any Legislature or local authority:

Provided that—

(i) a Corporation servant 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) a Corporation servant shall not be deemed to have contravened the provisions of this sub-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.

Explanation.—The display by a Corporation servant on his person, vehicle or residence of any electoral symbol

shall amount to using his influence in connection with an election within the meaning of the sub-rule.

10. *Unauthorised communication of information.*—No Corporation servant shall, except in accordance with any general or special order of the Corporation or in the performance in good faith of the duties assigned to him communicate, directly or indirectly any official document or any part thereof of information to any Government or Corporation servant or any other person to whom he is not authorised to communicate such document or information.

Explanation.—Quotation by a Corporation servant (in his representations to official superior authorities) of or from any letter, circular or office memorandum or from the notes on any file, to which he is not authorised to have access or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this rule.

11. *Subscriptions.*—No Corporation servant shall, except with the previous sanction of the Corporation or of the Competent Authority, ask for or accept contribution to or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

12. *Gifts.*—(1) Save as otherwise provided in this part, no Corporation servant shall accept or permit any member of his family or any person acting on his behalf to accept, any gift.

Explanation.—The expression "GIFT" shall include free boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Corporation servant.

Note.—A casual meal, lift or other form of social hospitality shall not be deemed to be a gift.

(2) A Corporation servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations and the like.

(3) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious or social practice, a Corporation servant may accept gifts from his near relatives but shall report of such acceptance to the Corporation if the value of any such gift exceeds:

(i) Rs. 500-00 (Rupees five hundred only) in the case of a Corporation servant holding Heads of Department and any Class I or Class II Post;

(ii) Rs. 250-00 in the case of a Corporation servant holding any Class III post; and

(iii) Rs. 100-00 in the case of Corporation servant holding any Class IV post.

(4) On such occasions as are specified in sub-rule (3), a Corporation servant may accept gifts from his personal friends having no official dealings with him but he shall make a report to the Corporation if the value of any such gift exceeds:

(i) Rs. 200-00 in the case of a Corporation servant holding Heads of Department and any Class I or Class II post,

(ii) Rs. 100-00 in the case of a Corporation servant holding any class III post.

(iii) Rs. 50-00 in the case of a Corporation servant holding any Class IV post.

(5) In any other case, a Corporation servant shall not accept any gift without the sanction of the Corporation if the value thereof exceeds:

(i) Rs. 75-00 in the case of a Corporation servant holding Heads of Department and any Class I or Class II post.

(ii) Rs. 25-00 in the case of a Corporation servant holding any Class III or Class IV post.

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Note.—Receipt of presents by Corporation servants at the time of their marriage, in the form of cash, ornaments, clothes, or other articles, otherwise than as consideration for marriage from relatives and personal friends will be regulated by sub-rule (3) & (4) above. The receipt of such presents, from persons other than relatives and personal friends, will be regulated by sub-rule (1), read with sub-rule (5) above.

13. *Investment, Lending & Borrowing.*—(1) No Corporation servant shall speculate in any stock, share or other investment.

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

(2) No Corporation servant shall, make, or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties.

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

(4) (i) No Corporation servant shall save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business either himself or through any member of his family or any other person acting on his behalf.

(a) lend or borrow money, as principal or agent, to or from any person with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

Provided that a Corporation servant 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 a pay to his private employee:

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Corporation servant with the previous sanction of the Corporation.

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

14/ Movable, Immovable & Valuable Property.—(1) Every Corporation servant shall on his first appointment to the Corporation service and thereafter at such intervals as may be specified by the Corporation, submit a return of his assests and liabilities, in such form as may be prescribed by the Corporation giving full particulars regarding—

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

(b) the 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;

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

Note.—(1) Sub-rule (1) shall not ordinarily apply to Class IV Corporation servants but the Corporation may in appropriate cases direct that it shall apply to any of such Corporation servants or any class of such Corporation servants.

Note.—(2) In every return, the values of items of movable property worth less than Rs. 1,000.00 may be

added and shown as a lumpsum. The values of articles of daily use such as clothes, utensils, crockery, books and the like need not be included in such return.

Note—(3) Every Corporation servant who is in service on the date of commencement of these rules shall submit a return under this sub-rule or before such date as may be specified by the Corporation after such commencement.

(2) No Corporation servant shall, except with the praiseworthy knowledge of the Corporation, 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:

(3) The Corporation or any authority empowered by it in this behalf may, at any time, by a general or special order, require a Corporation servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as so required by the Corporation or by the authority so empowered, include the details of the means by which, or the source from which, such property was acquired.

(4) The Corporation may exempt any category of Corporation servants belonging to Class III or Class IV from any of the provisions of this rule except sub-rule (3).

Explanation.—For the purpose of this rule, the expression 'movable property' includes:

(a) Jewellery, insurance policies the annual premia of which exceed Rs. 1,000-00 or one-sixth of the total annual emoluments received from Corporation whichever is less, shares, securities and debentures;

(b) loans advanced by such Corporation servants whether secured or not;

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

(d) refrigerators, radios and radiograms.

15. *Canvassing of non-official or other influence.*—No Corporation servant shall bring or attempt to bring any political or other influence to bear upon superior authority to further his interests in respect of matters pertaining to his service under the Corporation.

16. *Bigamous Marriage.*—(1) No Corporation servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Corporation servant having a spouse living shall enter into, or contract, a marriage with any other person:

Provided that the Corporation may permit a Corporation servant to enter into, or contract, any such marriage, as is referred to in clause (1) and Clause (2), if it is satisfied that—

(a) Such marriage is permissible under the personal law applicable to such Corporation servant and the other party to the marriage;

(b) There are other grounds for so doing.

17. *Obligation to abide by all Administrative Instructions.*—Notwithstanding anything contained in the rules in this part, a Corporation servant shall be governed by all the administrative instructions that may be issued from time to time in regard to the conduct of Corporation servants.

PART III

DISCIPLINARY PROCEEDINGS

18. *Nature of Penalties.*—Any one or more of the following penalties, may, for good and sufficient reasons and as hereinafter provided, be imposed on a Corporation servant, namely:—

A—Minor Penalties—

(i) Fine in the case of Class IV servants;

(ii) Censure

(iii) With-holding of increments ;
 (iv) Recovery from his wages or salary of the whole or part of any pecuniary loss caused by him to the Corporation by negligence or breach of orders ;

(v) Reduction to a lower stage in the time scale of wages or pay for a specified period, with further directions as to whether the Corporation servant will earn increments of wages or pay during the period of such reduction and whether, on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his wages or pay ;

(vi) Suspension for a period not exceeding 60 days with subsistence allowance of an amount equal to one-half of his pay to be defined by the Corporation Board from time to time which he would have drawn if he had been on duty ;

(vii) Reduction to a lower time scale of wages or pay, grade, post or service which shall ordinarily be a bar to the promotion of the Corporation servant to the time scale of wages or pay, grade, post or service from which the Corporation servant was reduced, with or without further directions regarding the conditions of restoration of the time scale of wages or pay, grade or service from which the Corporation servant was reduced and his seniority and wages or pay on such restoration to that time scale of wages or pay, grade, post or service.

B—Major Penalties—

(viii) Removal from service which would not be a disqualification for future employment ;

(ix) Dismissal from service which would ordinarily be a disqualification for future employment.

Explanation.—(1) The following shall not amount to penalties within the meaning of this rule namely :

(i) With-holding of increments of a Corporation servant for his failure to pass any departmental examination, in accordance with these rules or orders governing the service to which he belongs or post which he holds or the terms of his appointments.

(ii) Stoppage of a Corporation servant at the efficient bar in the time scale of wages or pay on the ground of his unfitness to cross the bar.

(iii) Suspension under rule 21.

(iv) Reversion of a Corporation Servant officiating in a higher service, grade or post to a lower service grade of post, on the ground that he is considered to be unsuitable to such higher service, grade or post or on any administrative ground unconnected with his conduct.

(v) Reversion of a Corporation servant, appointed on probation to any other service, grade or post, to his permanent 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 or orders governing such probation.

(vi) Termination of the services—

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

(b) of a temporary Corporation Servant in accordance with the terms of the employment; or

(c) of a Corporation Servant employed under an agreement, in accordance with the terms of such agreement.

Explanation — (2) That the penalty of suspension is imposed on any Corporation servant the period of such suspension, shall not be treated as period spent on duty, but the suspension shall not have the effect of suspending contract of service, and shall not be treated as a break in service the period of his service however being reckoned excluding the period of suspension.

19. *Disciplinary Authorities.*—(1) The Corporation Board may impose any of the penalties specified in rule 18 on any Corporation servant.

(1) any of the penalties specified in rule 18 may be imposed on a Corporation servant by the authority specified in the schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the Corporation.

20. *Authority to institute proceedings.*—(1) The Corporation Board or any other authority as indicated in the schedule may:

- (a) institute disciplinary proceedings against any Corporation servant;
- (b) direct a disciplinary authority to institute disciplinary proceedings against any Corporation servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 18.

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in Clauses (i) to (vii) of rule 18 may institute disciplinary proceedings against any Corporation servant for the imposition of any of the penalties specified in clauses (viii) and (ix) of rule 18 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.

21. *Suspension pending inquiry.*—(1) The disciplinary authority or any other authority to which it is subordinate or any other authority empowered in that behalf by the Corporation by general or special order, may place a Corporation servant 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, inquiry or trial;

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

(16A)

KARNATAKA STATE SMALL INDUSTRIES DEVELOPMENT CORPORATION LTD.
(A Government of Karnataka Concern)

Administrative Office Building,
Industrial Estate,
Rajajinagar, Bangalore 560 044,
Dated: AUG, 13, 1985.

No. EST:PER:DP:85

NOTIFICATION

Sub: Amendment to Schedule to Conduct &
Disciplinary Rules of the Corporation
- reg.

The Board in its 175th meeting held on 2-7-85 have amended the schedule to Conduct & Disciplinary Rules of the Corporation as under.

Sl. No.	EXISTING			AMENDMENT		
	Penalty Rule 18	Disciplinary Authority.	Appellate Authority	Penalty Rule 18	Disciplinary Authority.	Appellate Authority.
8.	Grade-Major IV (Head Office)	Chief-Manager (Per)	Managing Director	-	-	-
	Minor	Chief-Manager (Per)	Managing-Director	Minor Penalty	Deputy-Chief-Manager (Per)	Chief-Manager (Per)

Sd/-

MANAGING DIRECTOR,
KSSIDC LTD.,

To:

All the Heads of Department/Section, KSSIDC, Bangalore.

All the Branch Officers of KSSIDC.

mss/201186

SCHEDULE

Sl. No.	Name of the Officer against whom proceedings are taken up	Penalty (Rule 18)	Disciplinary Authority	Appellate Authority
1.	Heads of Departments (Chief Managers Grade-I Selection Grade)	Major & Minor Penalties	Managing Director	Board
2.	Deputy Chief Managers (Grade-I Senior)	Major & Minor Penalties	Managing Director	Board
3.	Managers/Branch Managers (Grade-I Junior)	Major & Minor Penalties	Managing Director	Board
4.	Grade-II	Major & Minor Penalties	Managing Director	Board
5.	Grade-III	Minor Penalty	Chief Manager of the concerned department	Managing Director
6.	Grade-III	Major Penalty	Managing Director	Board
7.	Grade-IV (Branches)	Minor Penalty Major Penalty	Concerned Branch Managers Chief Manager (Per)	Chief Manager (Per) Managing Director
8.	Grade-IV (Head Office)	Major & Minor Penalties MINOR PENALTY	Chief Manager (Per) Deputy Chief Manager (Per)	Managing Director Chief Manager (Per)

* Amended vide notification dt 13-8-85.

(2) A Corporation servant shall be deemed to have been placed under suspension by an order of the disciplinary authority:

- (a) With effect from the date of his detention if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
- (b) With effect from the date of his conviction, if in the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed consequent to such conviction.

Explanation.—The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment, after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal or removal from service imposed upon a Corporation servant under suspension is set aside in appeal or on revision under these rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have been continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.

(4) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Corporation servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension may for reasons to be recorded by him in writing, direct that the Corporation servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(5) (a) A Corporation servant who is placed under suspension under this rule shall, during the period of such suspension, be entitled to receive as subsistence allowance an amount equal to half of the wages or pay which he would have drawn if he had been on duty;

Provided that, where the period of suspension exceeds six months, it shall be within the competence of the suspending authority to increase or reduce the amount of subsistence allowance for any period subsequent to the period of the first six months, subject to the following conditions, namely:—

- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50% of the subsistence allowance drawn during the period of the first six months, if, in the opinion of the suspending authority, the period of suspension has been prolonged for reasons not directly attributable to the Corporation servant.
- (ii) the amount of subsistence may be reduced by a suitable amount not exceeding fifty per cent of the subsistence allowance during the first period of six months, if in the opinion of the suspending authority, the prolongation of the period of suspension has been done for reasons directly attributable to the Corporation servant;

Provided further that in addition to the subsistence allowance, the disciplinary authority may direct to such extent and subject to such conditions as it thinks fit the payment of—

- (i) any compensatory allowance admissible from time to time on the basis of the basic wages or pay, of which the Corporation servant was in

receipt on the date of suspension, or that may be subsequently sanctioned; and

- (ii) dearness allowance not exceeding the amount admissible as such had he been entitled to basic wages or pay, payable from time to time.

(b) No Corporation servant shall be entitled to receive payment under Clause (a) of this sub-rule, unless he furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

(6) (a) When a Corporation servant who has been dismissed, removed, or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the authority competent to order reinstatement shall consider and make order as to—

- (i) the wages or pay and allowance with shall be paid to the Corporation servant for the period of his absence from duty or for the period of suspension ending with the date of his retirement on superannuation as the case may be; and
- (ii) Whether or not the said period shall be treated as period spent on duty.

(b) (i) Where such competent authority holds that the Corporation servant has been exonerated or, in the case of suspension under this rule that it was unjustifiable, the Corporation servant shall be granted the full wages or pay to which he would have been entitled, had he not been dismissed, removed or suspended, as the case may be, together with any allowances of which he was in receipt immediately prior to his dismissal, removal or suspension or may have been sanctioned subsequently and made applicable to Corporation servant to his class.

(ii) in all other cases, the Corporation servant shall be granted such proportion of such wages or pay and allowances as such competent authority may direct.

Provided that the payment of allowances under this clause shall be subject to all other conditions subject to which such allowances are admissible:

Provided further that the wages or pay and allowances granted under this sub-clause shall not be less than the subsistence and other allowances admissible under sub-rule (5).

(c) (i) In case falling under sub-Clause (i) of Clause (b), the period of absence from duty shall for all purposes be treated as period spent on duty.

(ii) In case falling under sub-Clause (ii) or Clause (b), the period of absence from duty shall not be treated as period spent on duty unless the competent authority specifically directs, for reasons to be recorded in writing, that it shall be so treated for any specific purpose.

22 Procedure for imposing penalties.—(1) No order imposing any the penalties specified in rule 18 shall be made except after inquiry held, as far as may be in the manner provided in this rule.

(2) Whenever the disciplinary authority is of opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Corporation servant it may itself inquire into or appoint under this rules an authority to inquire into the truth thereof.

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

(3) Where it is proposed to hold an inquiry against a Corporation servant under this rule the disciplinary authority shall draw up or cause to be drawn up—

(i) the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct ^{and charge} of misbehaviour in support of each article of charge which shall contain—

(a) a statement of all relevant facts including any admission or confession made by the Corporation servant,

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

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

(5) (a) on receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charges as are not admitted, or if it considers it necessary so to do, appoint, under sub-rule (2), an inquiring authority for the purpose and where all the articles of charge have been admitted by the Corporation servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in sub-rule (24 to 26).

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

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

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

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

- (ii) a copy of the written statement of defence, if any, submitted by the Corporation servant;
- (iii) a copy of the statement of witness, if any, referred to in sub-rule (3);
- (iv) a copy of the order appointing the presenting Officer.

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

(8) The Corporation servant may take assistance of any other Corporation servant to present the case on his behalf but may not engage a legal partner for the purpose.

(9) If the Corporation servant who has not admitted any of the article of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty or has any defence to make and if he pleads guilty of any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the Corporation servant thereon.

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

(11) The inquiring authority, shall, if the Corporation servant fails to appear within the specified time or refuses or omits to plead, require the presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the

21)
Corporation servant may, for the purpose of preparing his defence—

(i) inspect within 5 days of the order or within such further time not exceeding 5 days, as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3);

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

Note.—If the Corporation servant applies orally or in writing for the supply of copies of statements of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(ii) give notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discover or production of any documents which are in the possession of the Corporation but not mentioned in the list referred to in sub-rule (3).

Note.—The Corporation servant shall indicate the relevance of the documents required by him to be discovered or produced by the Corporation.

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

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

(13) On receipt of the requisition referred to in sub-rule (21), every authority having the custody of possession

of the requisitioned documents shall produce the same before inquiring authority:

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

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Corporation servant, the Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined but not on any new matter, without the leave of the inquiring authority, the inquiring authority may also put such questions to the witnesses as it thinks fit.

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

production of such evidence is necessary in the interests of justice.

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

(16) When the case for the disciplinary authority is closed, the Corporation servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Corporation servant shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the Corporation servant shall then be produced. The Corporation servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Corporation servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

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

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

(20) If the Corporation servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date

specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (vii) of rule 18 but not competent to impose any of the penalties specified in clauses (viii) and (ix) of rule 18 has itself inquired into or causes to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision or any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (viii) and (ix) of rule 18 should be imposed on the employee that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

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

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself:

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

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

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

(b) the defence of the Corporation servant in respect of each article of charge;

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

(d) written briefs, if any, filed by the Presenting Officer or the Corporation servant or both during the course of the inquiry; and

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

(24) The disciplinary authority if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of this rule as far as may be.

(25) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(26) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that one or more of the penalties specified in rule I should be imposed on the Corporation servant, it shall make an order imposing such penalty.

23. *Summary procedure for imposing minor penalties in certain cases.*—(1) Summary proceedings may be held by the disciplinary authority as provided in sub-rule (2) in cases—

(a) Where a Corporation servant is caught red-handed having committed or while committing any act of misconduct or misbehaviour; or

(b) Where there is obvious evidence of misconduct or misbehaviour.

(2) The disciplinary authority may hold summary proceedings under this rule on the spot and take a decision on the evidence available after charge sheeting of the Corporation servant concerned and after giving him an opportunity to make a statement.

24. *Circumstances to be taken into consideration for imposition of penalties.*—Without prejudice to the provisions of any law for the time being in force any Corporation servant who is found guilty of any act of misconduct or misbehaviour shall be liable to one or more of the penalties specified in rule 18 according to the gravity of the misconduct or misbehaviour and also on his past record.

25. *Communication of orders.*—The orders may by the disciplinary authority shall be communicated to the Corporation servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority.

26. *Common proceedings.*—(1) Where two or more Corporation servants are concerned in any case, the Corporation or any other authority competent to impose the penalty of dismissal from service on all such Corporation servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Note.—If the authorities competent to impose the penalty of dismissal on such Corporation servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(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 18, which such disciplinary authority shall be competent to impose;

27. *Special procedure in certain cases.*—Notwithstanding anything contained in rules 22 to 26.

(i) where any penalty is imposed on a Corporation servant 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 by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deem fit.

28. *Orders against which no appeal lies.*—No appeal shall lie against—

(i) any order made by the Corporation Board;

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

(iii) any order passed by an inquiry authority in the course of an inquiry under rule 14.

29. *Orders against which appeal lies.*—Subject to the provisions of rule 29 and Corporation servant may prefer an appeal against all or any of the following orders, namely:—

(i) an order of suspension made or deemed to have been made under rule 21.

(ii) an order imposing any of the penalties specified in rule 18 whether made by the disciplinary authority or by any appellate authority;

(iii) an order enhancing any penalty imposed under rule 9.

Explanation.—In this rule the expression 'Corporation Servant' includes a person who has ceased to be in the Corporation Service.

30. *Appellate authorities.*—(1) A Corporation Servant including a person who has ceased to be a Corporation Servant, may prefer an appeal against any of the orders specified in rule 29 to the authority specified in this behalf either in the schedule or by a General or Special order of the Corporation or where no such authority is specified:—

(i) where such Corporation Servant is or was a Grade I or Grade II Servant—

(a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or

(b) to the Corporation where such order is made by any other authority;

(ii) where such Corporation servant is a Grade III or Grade IV Servant, to the authority to which the authority making the order appealed against is immediately subordinate.

(2) Notwithstanding anything contained in sub-rule (1).

(i), an appeal against the order is a common proceeding under rule 18 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate.

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

31. *Period of limitation for appeals.*—No appeal preferred under these rules shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant;

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

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

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

(3) The authority which made the order appealed against shall, on receipt of the copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

33. *Consideration of appeal.*—(1) In the case of an appeal against an order or suspension under rule 21, the appellate authority shall consider whether in the light of the provisions of the said rule 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 an appeal against an order imposing any of the penalties specified in rule 18 or enhancing any penalty imposed under the said rule, the appellate authority shall consider—

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

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

(c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;

- (i) confirming, enhancing, reducing or setting aside the penalty or;
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that—

- (i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (viii) or (ix) of rule 18 and an inquiry under rule 22 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 27 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 22 and thereafter, on a consideration of the proceedings of such inquiry make such orders as it may deem fit;
- (ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (viii) or rule 18 and an inquiry under rule 22 has already been held in the case, the appellate authority shall make such order as it deem fit; and
- (iii) no order imposing an enhanced penalty shall be made in any case unless the appellant has been given a reasonable opportunity as far as may be in accordance with the provisions of rule 22 of making a representation against such enhanced penalty.

34. *Revisions.*—(1) Notwithstanding anything contained in this rule—

- (i) the Corporation, or
- (ii) the appellate authority, within six months of the date of the order proposed to be revised, or

(iii) any other authority specified in this behalf by the Corporation by a general or special order and within such time as may be prescribed in such general or special order; may at any time either on its own motion or otherwise, call for the records of any inquiry and revise any order made under these rules or under the rules standing orders or other provisions repealed by rule 29 from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed, and may—

- (a) Confirm, modify or set aside the order; or
- (b) Confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed, or
- (c) Remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
- (d) Pass such other orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Corporation servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clause (vii) or (ix) of rule 18 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in these clauses, so such penalty shall be imposed except after the enquiry in the manner laid down in regulation 14.

(2) No proceeding for revision shall be commenced until after—

- (i) the expiry of the period of limitation for an appeal, or
- (ii) the disposal of the appeal, where any such appeal has been preferred;

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

35. *Service or order notices, etc.*.—Every order, notice and other process made or issued under these rules shall be served in person on the Corporation servant concerned or communicated to him by registered post or under certificate of posting. In case it is not possible to do as suggested above, then the concerned documents should be put up in Office Notice Board under Mahazr or published in newspapers.

36. *Power to relax time limit and to condone delay.*—Save as otherwise provided under these rules the authority competent under these rules to make any order may for good and sufficient reasons or if sufficient cause is shown, extend the time specified under these rules or condone any delay.

37. *Operation of other enactments.*—Wherein the case of any Corporation Servant, the provisions of any enactment or rule, or order made thereunder regulates any matter, in respect of which provisions is made in this part, such matter shall, notwithstanding anything contained in this part, be dealt with in accordance with the provisions of the said enactments, rule or order.

CHAPTER IV

MISCELLANEOUS

38. *Removal of doubts.*—If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Corporation or such other authority as may be specified by the Corporation by a general or special order and the Corporation or such other authority shall decide the same.

39. *Repeals and savings.*—Any rules, regulations, orders or instructions corresponding to this rule in force immediately before the commencement of these rules are hereby repealed.

Provided that such repeal shall not affect the previous operations of the rules, regulations, orders or instructions so recorded or anything done or any action taken there under.

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