

THE BRAITHWAITE BURN & JESSOP CONSTRUCTION CO. LTD
(A GOVT. OF INDIA ENTERPRISE)

CONDUCT, DISCIPLINE AND APPEAL RULES, 2008

Rule1. Short title and commencement

- i) These rules may be called The Braithwaite Burn & Jessop Construction Co. Ltd, Conduct, Discipline and Appeal Rules 2008.
- ii) They shall come into force with effect from 21-05-2008.

Rule2. Application

These rules shall apply to all employees except:

- i) Those in casual employment or paid from contingencies;
- ii) Those governed by the Standing Orders Framed under the Industrial Employment (Standing Orders) Act, 1946
- iii) Those governed by the Industrial Disputes Act, 1947.

Rule3. Definitions

In these rules, unless the context otherwise requires-

- a. "CPSE" means The Braithwaite Burn and Jessop Construction Co. Ltd
- b. "Employee" means a person in the employment of the Company other than the casual, work-charged or contingent staff or workman covered by the Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 or governed by the Industrial Disputes Act, 1947, but includes a person on deputation to the Company.
- c. "Workman" means a person covered by the Industrial Employment (Standing Orders) Act, 1946 or governed by the Industrial Disputes Act 1947 and to whom the provision of these rules shall not apply.

- d. "Company" means The Braithwaite Burn And Jessop Construction Co. Limited.
- e. "Board" means the Board of Directors of the Company and includes in relation to the exercise of powers, any committee of the Board/ Management or any officer of the Company to whom the Board delegates any of its powers.
- f. "Chairman & Managing Director" means the Chairman & Managing Director of the Company.
- g. "President" means the President of India
- h. "Disciplinary Authority" means the authority specified in the Schedule appended to these rules and competent to impose any of the penalties specified in Rule 23.
- i. "Competent Authority" means the authority empowered by the Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- j. "Government" means the Government of India.
- k. "Appellate Authority" means the authority specified in the Scheduled appended to these rules.
- l. "Reviewing Authority" means the authority specified in the Schedule attached to these rules.
- m. " Family" in relation to an employee includes:—
 - i. The wife or husband as the case may be of the employees, whether residing with the employee or not but does not include a wife or husband as the case may be separated from the employee by a decree or order of a Competent court.
 - ii. Sons or daughters or stepsons or stepdaughters of the employee and wholly

dependent on the employee, but does not include a child or stepchild who is no longer in any way dependent on the employee or of whose custody the employee has been deprived of by or under any law.

iii. Any other person related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.

n. "Public Servant" shall mean and includes a person as defined in Section 2(1) (o) read with Section 14 (f) of the Lokpal and Lokayukta Act, 2013 as amended from time to time.

o. "Inquiry Authority" means an Employee or Committee of Employees duly constituted under these rules by disciplinary authority to enquire into allegations of misconduct levelled against one or more than one charge sheeted employee.

Rule 4. General

1. Every employee of the Company shall at all times-

(i) Maintain absolute integrity;

(ii) Maintain devotion to duty and quality and crave for excellence in all spheres of activity; and

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

(iv) commit oneself to and uphold the supremacy of the Constitution and democratic values;

(v) defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;

(vi) maintain high ethical standards and honesty;

(vii) maintain political neutrality;

- (viii) promote the principles of merit, fairness and impartiality in the discharge of duties;
- (ix) maintain accountability and transparency;
- (x) maintain responsiveness to the public, particularly to the weaker section;
- (xi) maintain courtesy and good behavior with the public;
- (xii) take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;
- (xiii) declare any private interests relating to the Employee's public duties and take steps to resolve any conflicts in a way that protects the public interest;
- (xiv) not place oneself under any financial or other obligations to any individual or organization which may influence the employee in the performance of one's official duties;
- (xv) not misuse one's position as public servant and not take decisions in order to derive financial or material benefits for oneself, one's family or one's friends;
- (xvi) make choices, take decisions and make recommendations on merit alone;
- (xvii) act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;
- (xviii) refrain from doing anything which is or maybe contrary to any law, rules, regulations and established practices;
- (xix) maintain discipline in the discharge of one's duties and be liable to implement the lawful orders duly communicated to the employee;
- (xx) maintain confidentiality in the performance of one's official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic

interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;

(xxi) perform and discharge one's duties with the highest degree of professionalism and dedication to the best of his/her abilities.

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

(ii) No Employee of Company shall, in the performance of his/her official duties, or in the exercise of powers conferred on the employee, act otherwise than in his/her best judgement except when employee is acting under the direction of his/her official superior;

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

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

Explanation I.- An employee who habitually fails to perform the task assigned to the employee within the time set for the purpose and with the quality of performance expected of the employee shall be deemed to be lacking in devotion to duty within the meaning the clause (ii) of sub-rule (1).

Explanation II.- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering an Employee to evade his/her 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.

2A. Promptness and Courtesy

No Employee shall

(a) in the performance of his/her official duties, act in a discourteous manner;

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

2B. Observance of Government's policies

Every Employee shall, at all times-

- i) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
- ii) observe the Government's policies regarding prevention of crime against women.

Rule 5. Misconduct

Without Prejudice to the generality of the term "misconduct", the following acts of omission and commission shall be treated as misconduct:—

1. Theft, fraud or dishonesty in connection with the business or property of the Company or of property of another person within the premises of the Company.

2. Taking or giving bribes or any illegal gratification.

2A. Obtaining donations/ advertisement / sponsorship etc. for the associations/NGOs formed by either employee or their spouse / employee's family members etc. from the contractors, vendors, customers or other persons having commercial relationship / official dealings. This will be treated as misconduct".

3. Possession of pecuniary resources or property disproportionate to the known source of income by the employee or on his/her behalf by another person, which the employee cannot satisfactorily account for.

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

5. Acting in a manner prejudicial to the interests of the Company.
6. Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of employee's superior.
7. Absence without leave or over-staying the sanctioned leaves for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
8. Habitual late or irregular attendance.
9. Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
10. Damage to any property of the Company.
11. Interference or tampering with any safety devices installed in or about the premises of the Company.
12. Drunkenness or riotous or disorderly or indecent behaviour in the premises of the CPSE or outside such premises where such behaviour is related to or connected with the employment.
13. Gambling within the premises.
14. Smoking within the premises.
15. Collection without the permission of the competent authority of any money within the premises of the Company except as sanctioned by any law of the land for the time being in force or rules of the Company.
16. Sleeping while on duty.
17. Commission of any act, which amounts to a criminal offence involving moral turpitude.
18. Absence from the employee's appointed place of work without permission

or sufficient cause, loitering, gossiping, idling and wasting time during working hours.

19. Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores etc., to the CPSE without express permission in writing from the competent authority.

20. Commission of any acts subversive of discipline or which amount to a criminal offence.

21. Abetment of or attempt at abetment of any act which amounts to misconduct.

22. Damage to any property of the Company.

*Note: The above instances of misconduct are illustrative in nature, and not exhaustive.

Rule 6. Employment of near relatives of the employees in any company or firm enjoying patronage of the Company.

1. No employee shall use his/her position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.

2. No employee shall, except with the previous sanction of the competent authority, permit his/her son, daughter or any member of the family to accept employment with any company or firm / entity with which the employee has official dealings, or with any company or firm / entity, having official dealings with the Company.

Provided that where the acceptance of the employment cannot await the prior permission of the competent authority the employment may be accepted provisionally subject to the permission of the competent authority, to whom the matter shall be reported forthwith.

3. No employee shall in the discharge of his/her official duties deal with any matter or give or sanction any contract to any company or firm / entity or any other person if any member of his/her family is employed in that company or firm or under that person or if employee or any member of his/her family is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his/her official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made and the same would be dealt as per terms of the rules and laws as would be applicable.

Rule 7. Taking part in demonstration

No employee of the Company shall engage oneself or participate in any demonstration, which involves incitement to an offence.

Rule 7-A. Restriction on political activities of employees of CPSEs'

The following kinds of activities of the employees are prohibited, as the case may be:

- (i) to be an office-bearer of a political party or an organization which takes part in politics;
- (ii) to take part in or assist in any manner in any movement/agitation or demonstration of a political nature ;
- (iii) to take part in an election to any legislature or local authority ;
- (iii) to canvass in any election to any legislature or local authority.

Rule 8. Connection with electronic and print Media

1. No employee of the Company shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

2. No, employee of the Company shall, except with the previous sanction of the Competent authority or the prescribed authority, or in the bonafide discharge of his/her duties, participate in a broadcast or contribute any article or write any letter either in his/her own name or anonymously, pseudonymously, or in the name of any other person to any publication. Provided further that nothing prevents the Organization Head to participate at the interview with the news agencies and discuss the matters concerning the Business Scenario in which the Company is engaged.

Provided that no such sanction shall be required if such publication, broadcast or such contribution of is a purely literary, artistic or scientific character.

Rule 9. Criticism of Government and the Company

No employee shall in any electronic and print media or in any document published under his/her name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement:

- a. which has the effect of adverse criticism of any policy or action of the Central or State Governments, or of the Company; or
- b. which is capable of embarrassing the relations between the CPSE and the public.

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

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

Rule 10. Evidence before Committee or any other Authority

1. Save as provided in sub-rule (3), no employee of the Company shall, except with the previous sanction of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority in case those are repugnant to the context and/or prejudice to the Company's interest.
2. Where any sanction has been accorded under sub-rule (1), no employee giving such evidence shall criticize the policy or any action of the Central Government or of State Governments, or of the Company.
3. Nothing in this rule shall apply to-
 - a. evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislator or any Company;
 - b. evidence given in any judicial enquiry; or
 - c. evidence given at any departmental enquiry ordered, by authorities subordinate to the Government.

Rule 11. Unauthorized communication or information

No employee shall, except in accordance with any general or special order of the Company or in the performance in good faith of the duties assigned to the employee, communicate, directly or indirectly, any official document or any part thereof to any officer or other employee, or any other person to whom employee is not authorized to communicate such document or information.

Rule 12. Gifts

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

Explanation -

The expression "gift", shall include free transport, board, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee.

Note -An employee of the Company shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with the employee.

2. On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee of the Company may accept gifts, from his/her near relatives but employee shall make a report to the competent authority if the value of the gift exceeds

(i) rupees twenty five thousand in the case of Executives;

(ii) rupees fifteen thousand in the case of an Non-Executives;

3. On such occasions as are specified in sub-rule (2), an employee of the Company may accept gifts from his/her personal friends having no official dealings with the employee, but employee shall make a report to the competent authority if the value of any such gift exceeds rupees one thousand five hundred in the case of Executives and Non-Executives;

4. In any other case, an employee of the Company shall not accept or permit any other member of his/her family or any other person acting on his/her behalf to accept any gifts without the sanction of the competent authority if the value thereof exceeds rupees one thousand five hundred in the case of Executives and Non-Executives;

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds Rs.25,000/-, Rs.15000/- and Rs7500/- in case of Executives and Non-Executives respectively.

Rule 12A. No employee of the Company shall-

- i. give or take or abet the giving or taking of dowry; or
- ii. demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation: For the purposes of this rule dowry has the same meaning as in Dowry Prohibition Act, 1961 (28 of 1961) or any amendment, if any.

Rule 12B: Donation

Obtaining donation/advertisement/sponsorship etc. by the associations/NGOs formed by either employees or their spouse/family members etc. from the contractors, vendors, customers or other persons having commercial relationship/official dealings with the Company will be treated as misconduct.

Rule 13. Private Trade or employment

1. No employee of the Company shall except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business or undertake any other employment; Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of literacy, artistic or scientific character, subject to the condition that his/her official duties do not thereby suffer.
2. Every employee of the Company shall report to the competent authority; any member of his/her family is engaged in a trade or business or owns or manages an insurance agency or Commission agency.
3. No employee of the Company shall, without the previous sanction of the competent authority except in the discharge of his/her official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 2013 or other law for the time being in force or any cooperative society for commercial purposes;

Provided that an employee of the Company may take part in the registration,

promotion or management of a consumer/House Building Co-operative society substantially for the benefit of employees of the Company, registered under the Cooperative Societies Act, 1912 (2 of 1912) or any other law / amendment for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law / amendment in force.

4. No employee of the Company shall accept any fee or any pecuniary advantage for any work done by him/her for any public body or any private person without the sanction of the competent authority.

But in exceptional circumstances e.g. for taking classes in a professional institution etc. an honorarium can be accepted by an individual provided permission is granted by the Competent Authority.

Nothing contains in this section is applicable to acceptance of fess for attending Board of the other body corporate whether by nomination or not including others incidental there to.

Rule 13-A. With regard to dealing in the shares of Company.

(i) A full-time Director or any employee involved in the decision making process of fixation of price of an IPO/FPO of shares of a Company shall not apply either oneself/herself or through any member of his/her family or through any other person acting on his/her behalf for allotment of shares (which includes all types of equity related instruments) in an IPO/FPO of such Company, even out of the category of preferential quota reserved for employees/Directors of the Company.

(ii) Employees including full time Directors who are in possession of unpublished price sensitive information would be prohibited from dealing/transacting either in their own name or through any member of their family in the shares of their own Company.

(iii) Full-time Director or employee or any member of his/her family or any person acting on his/her behalf shall not apply for shares out of any preferential quota reserved for employees/Directors of other companies.

(iv) Employees would be required to disclose to the Company all transactions of purchase/sale in shares worth two months Basic pay or more in value or existing holding/interest in the shares worth Rs. two months Basic pay or more in his/her own Company either in his/her own name or in the name of any family member of employee to report to the Company indicating quantity, Price, date of transaction and nature of interest within 4 working days.

Rule14. Investment, lending and borrowing

No employee shall, save in the ordinary course of business with a bank, financial institution or a firm of standing, borrow money from or lend money to or otherwise place oneself under pecuniary obligation to any person with whom employee has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligation in his/her name or for his/her benefit or for the benefit of any member of his/her family.

Rule 14-A. Speculation of stock / shares of companies

Employee shall not speculate in any stock, share or other investment. It may also been explained that 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.

With a view to enable the administrative authorities to keep a watch over such transactions, intimation may be sent in the Proforma to the prescribed authority in the following cases:

Executives:– If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceed Rs. 50000/- (or as may be specified by Company) during the calendar year.

Non-Executives:– If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 25000/- (or as may be specified by Company) during the calendar year.

Rule15. Insolvency and habitual indebtedness

1. An employee of the Company shall avoid habitual indebtedness unless employee proves that such indebtedness or insolvency is the result of circumstances beyond his/her control and does not proceed from extravagance or dissipation.
2. An employee of the Company who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to his/her competent authority.

Rule 16. Movable, Immovable and valuable property-Submission of Returns etc.

1. Every employee shall, on first appointment in the Company, submit a return of assets and liabilities in the prescribed form giving the particulars regarding:-
 - a. the immovable property inherited by the employee, or owned or acquired by the employee, held by the employee on lease or mortgage, either in his/her own name or in the name of any member of his/her family or in the name of any other person;
 - b. shares, debentures, and cash including bank deposits inherited by the employee (or similarly) owned, acquired, or held by the employee;
 - c. other movable property inherited by the employee or similarly owned, acquired or held by the employee if the value of such property exceeds Rs. 10,000/-.
 - d. debts and other liabilities incurred by employee directly or indirectly;
 - e. every employee shall, beginning 1st January, submit an annual return of immovable property inherited/owned/acquired by him/her.
2. No employee shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his/her own name or in the name of any member of his/her family.

3. No employee of the Company shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his/her subordinate.
4. Every employee of the Company shall report to the competent authority every transaction concerning movable property owned or held by the employee in his/her own name or the name of a member of his/her family, if the value of such property exceeds Rs. two months Basic pay.
5. The competent authority may, at any time, by general or special order require an employee to submit, within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by the employee or on his/her behalf or by any member of his/her family as may be specified in the order. Such statement shall, if so required by the competent authority, include details of the means by which, or the source from which such property was acquired.

Explanation I - For the purposes of this rule –

the expression "movable property" includes

- (a) jewellery, insurance policies, the annual premia of which exceeds 'two months' basic pay of the employee , shares, securities and debentures;
- (b) all loans, whether secured or not, advanced or taken by the employee;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios radiograms and television sets.

Explanation II.- For the purpose of this rule 'lease' means, except where it is obtained from, or granted to, a person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or reserving an yearly rent.

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

Rule 17. Canvassing of non-official or other influence

No employee shall bring or attempt to bring any outside influence to bear upon any superior authority to further his/her interests in respect of matters pertaining to his/her service in the Company.

Rule 18. Bigamous marriages

1. No employee shall enter into, or contract, a marriage with a person having a spouse living; and
2. No employee, having a spouse living, shall enter into, or contract, a marriage with any person;

Provided that the Board may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that-

- a. such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
 - b. There are other grounds for so doing.
3. The public sector employee who has married or marries a person other than that of Indian nationality, shall forthwith intimate the fact to his/her employer.

Rule 18A Prohibition of Sexual Harassment of Women

- (1) No employee shall indulge in any act of sexual harassment of any woman at any work place.
- (2) Every employee who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (I) For the purpose of this rule, -

(a) "sexual harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely : -

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -

(i) implied or explicit promise of preferential treatment in employment; or

(ii) implied or explicit threat of detrimental treatment in employment; or

(iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.

(c) "workplace" includes,-

(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;

(ii) hospitals or nursing homes;

(iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;

(v) a dwelling place or a house related to or connected in course of official dealings.

Rule19. Consumption of intoxicating drinks and drugs

Employee shall –

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

(b) not be under influence of any intoxicating drink or drug during the course of his/her duty and shall also take due care that the performance of his/her duties at any time is not affected in any way by the influence of such drink or drug; refrain from consuming any intoxicating drink or drug in a public place;

(c) not appear in a public place in a state of intoxication;

(d) not use any intoxicating drink or drug to excess.

Explanation: For the purposes of this rule, ‘public place’ means any place or premises (including a conveyance, the clubs, even exclusively meant for members where it is permissible for members to invite non-members as guests, bars and restaurants) to which the public have, or are permitted to have, access, whether on payment or otherwise.

Rule 19-A. Prohibition regarding employment of children below 14 years of age.

No Company employee shall employ to work any child below the age of 14 years.

Rule 20. Suspension

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

a. Where disciplinary proceeding against the employee is contemplated or is pending; or

b. Where case against the employee in respect of any criminal offence is under investigation or trial; or

c. Where, in the opinion of the authority aforesaid, he/she has engaged oneself in activities prejudicial to the interest of the security of the State;

Notwithstanding the provisions of this rule contained hereinabove, the management of the Company shall have the power to order immediate suspension of an employee if it is of the opinion that continuance of such employee in office will be prejudicial to the interest of the Company.

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

3. Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his/her suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.

4. Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances

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

5. An order of suspension made or deemed to have been made under this Rule may at any time be revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.

Note: Provided that nothing contain in this rule applicable to criminal proceeding initiated by or against any employee having proximate cause with the company or the company was connected either incidentally or ostensibly.

Rule 21. Subsistence Allowance

1. An employee under suspension shall be entitled to draw subsistence allowance equal to 50 percent, of his/her basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business, or profession or vocation. In addition employee shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which employee was in receipt on the date of suspension provided the suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
2. Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-
 - i. The amount of subsistence allowance may be increased to 75 percent of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension;
 - ii. the amount of subsistence allowance may be reduced to 25 percent of basic

pay and allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee under suspension.

3. If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from, the date employee is granted bail.

Rule 22. Treatment of the period of suspension

1. When the employee under suspension is reinstated, the competent authority may grant to the employee the following pay and allowances for the period of suspension:
 - a. If the employee is exonerated and not awarded any of the penalties mentioned in Rule 23 the full pay and allowances which employee would have been entitled to if employee had not been suspended, less the subsistence allowance already paid to the employee; and
 - b. If otherwise, such proportion of pay and allowances as the competent authority may prescribe.
2. In a case falling under sub-clause (a) the period of absence from duty will be treated as a period spent on duty. In case failing under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so directs.

Rule 23. Penalties

The following penalties may be imposed, on an employee, as hereinafter provided, for misconduct committed by the employee or for any other good and sufficient reasons.

Minor Penalties

- (a) Censure;
- (b) Withholding of increments of pay without cumulative effect;

- (c) Withholding of promotion;
- (d) Recovery from pay of the whole or part of any pecuniary loss caused to the Company by negligence or breach of order;
- (e) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and not adversely affecting his/her terminal benefits.

Major Penalties

- (f) save as provided in clause (e), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on expiry of such period, the reduction will or will not have the effect of postponing the future increment of pay;
- (g) reduction to a lower time scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post from which employee was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his/her seniority and pay on such restoration to that grade or post;
- (h) compulsory retirement;
- (i) removal from service which shall not be a disqualification for future employment under the Govt. or the Company owned or controlled by the Govt.;
- (j) dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Company owned or controlled by the Govt.;

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or

reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (i) or (j) shall be imposed:

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

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

- i) Withholding of increment of any employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination.
- ii) Stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;
- iii) Non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- iv) Reversion to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;
- v) Reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment;
- vi) Termination of service-
 - a) Of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment;

- b) Of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiry of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
- c) Of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement;
- d) Of an employee on reduction of establishment; and
- e) Of an employee in terms of his conditions of appointment as contained in Service Agreement/Rules.

Rule 24. Disciplinary Authority to impose penalties

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

Rule 25. Procedure for imposing major penalties

1. No order imposing any of the major penalties specified in Clauses (f) to (j) of Rule 23 shall be made except after an inquiry is held in accordance with this rule.
2. Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint any inquiring authority to inquire into the truth thereof. Provided that where there is a complaint of sexual harassment within the meaning of Rule 18 A above, the complaints Committee for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

EXPLANATION - Where the disciplinary authority itself holds the inquiry, the inquiring authority shall be construed as a reference to the disciplinary authority.

3. Where it is proposed to hold an inquiry, the disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article or charges is proposed to be sustained. On receipt of the articles of charge, the employee shall be required to submit his/her written statement of defence, if employee so desires, and also state whether employee desires to be heard in person, within a period of fifteen days, which may be further extended for a period not exceeding fifteen days at a time for reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorised by the Disciplinary Authority on his/her behalf:

Provided that under no circumstances, the extension of time for filing written statement of defence shall exceed forty-five days from the date of receipt of articles of charge.

Explanation—It will not be necessary to show the documents listed with the charge-sheet or any other document to the employee at this stage.

4. On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge 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 charged sheeted Employee in his/her 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 rule 26.

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

5. Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint an employee to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

6. The employee may take the assistance of any other public servant but may not

engage a legal Practitioner for the purpose *unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, so permits.*

7. On the date fixed by the inquiring authority, the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether employee pleads guilty or has any defence to make and if employee pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the charged sheeted employee concerned pleads guilty.

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

- i. Inspect the documents listed with charge-sheet.
- ii. Submit a list of additional documents and witnesses that employee wants to examine; and
- iii. be supplied with the copies of the statements of witnesses, if any, listed in the charge-sheet.

Note : Relevancy of the additional document and the witnesses referred to in sub-clause 8 (ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the charges under inquiry.

9. The inquiring authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents or issue a non-availability certificate before the Inquiring Authority within one month of the receipt of such requisition: Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be

against the public interest or security of the State, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the charged sheeted employee and withdraw the requisition made by it for the production or discovery of such documents.

10. The authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the inquiring authority on the date, place and time specified in the requisition notice.

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Company. In the event, it shall inform the inquiring authority accordingly.

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

12. Before the close of the prosecution case, the inquiring authority may, in its discretion allow the Presenting Officer to produce evidence not included in the charge sheet or may itself call for new evidence or recall or re-examine any witness. In such case the charged sheeted employee shall be given opportunity to inspect the documentary evidence before it is taken on record; or to cross-examine a witness, who has been so summoned.

13. When the case for the disciplinary authority is closed, the charged sheeted employee may be required to state his/her defence, orally or in writing as employee may prefer. If the defence is made orally, it shall be recorded and the charged sheeted employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.

14. The evidence on behalf of the charged sheeted employee shall then be produced. The charged sheeted employee may examine himself/herself in his/her own behalf if employee so prefers. The witnesses produced by the charged sheeted employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the disciplinary authority.

15. The Inquiring Authority may, after the charged sheeted employee closes his/her case, and shall, if the employee has not examined himself/herself, generally question the charged sheeted employee on the circumstances appearing against the charged sheeted employee in the evidence for the purpose of enabling the charged sheeted employee to explain any circumstances appearing in the evidence against him/her.

16. After the completion of the production of the evidence, the charged sheeted employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence.

17. If charged sheeted employee does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiring authority may hold the enquiry ex parte.

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

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

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

- a. a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- b. a gist of the defence of the charged sheeted employee in respect of each article of charge;
- c. and assessment of the evidence in respect of each article of charge;
- d. the findings on each article of charge and the reasons therefor.

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

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

ii. The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include-

- a) The report of the inquiry prepared by it under sub-clause (i) above;
- b) The written statement of defence if any submitted by the employee referred to in sub-rule (13)
- c) The oral and documentary evidence produced in the course of the inquiry;
- d) Written briefs referred to in sub-rule (16) if any; and
- e) The orders if any made by the disciplinary authority and the inquiring authority in regard to the inquiry.

20. (a) The Inquiring Authority should conclude the inquiry and submit his/her report within a period of six months from the date of receipt of order of his/her appointment as Inquiring Authority.

(b) Where it is not possible to adhere to the time limit specified in clause (a), the Inquiring Authority may record the reasons and seek extension of time from the disciplinary authority in writing, who may allow an additional time not exceeding six months for completion of the Inquiry, at a time.

(c) The extension for a period not exceeding six months at a time may be allowed for any good and sufficient reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorised by the Disciplinary Authority on his/her behalf.

Rule 26. Action on the inquiry report

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reason to be recorded by it in writing remit the case to the inquiring authority for fresh or further inquiry and report and the inquiry authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 25 as far as may be .

(2) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority, together with its own tentative reasons for disagreement, if any, with the findings of inquiring authority on any article of charge to the employee who shall be required to submit, if employee so desires, his/her written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the employee.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties that any of the penalties specified in Rule 23 should be imposed on the employee it shall, notwithstanding anything contained in Rule 27 make an order imposing such penalty.

(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

Rule 26-A. In the matter of promotion of employees against whom disciplinary / court proceedings are pending or whose conduct is under investigation, the procedure may be follow in accordance with the DoPT OM No. 22011/4/91-Estt.(A) dated 14.09.1992 and subsequent instructions of DOPT on sealed cover procedure.

Rule 27. Procedure for imposing minor penalties

(1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of Rule 23, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against the employee and give an opportunity to submit his/her written statement of defence within a specified period not exceeding 15 days. The defence statement, if any, submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.

(2) The record of the proceedings shall include –

- (i) A copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
- (ii) His/her defence statement, if any; and
- (iii) The orders of the disciplinary authority together with the reason therefor.

Rule 28. Communication of orders

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

- (i) its finding on each article of charge, or where the disciplinary authority is not the inquiring authority, 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 and

(ii) A copy of the advice, if any, given by the Commission, and

(iii) where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

Rule 29. Common proceedings

Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken in a common proceedings and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

Rule 30. Special procedure in certain cases

Notwithstanding anything contained in Rule 25 or 26 or 27, the disciplinary authority may impose any of the penalties specified in Rule 23 in any of the following circumstances:—

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

(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 enquiry in the manner provided in these Rules; or

(iii) where the Board is satisfied that in the interest of the security of the Company, it is not expedient to hold any inquiry in the manner provided in these rules.

Rule 30-A. Disciplinary proceedings/Imposition of Penalty on Employees after their Retirement.

- (i) The disciplinary authority may impose penalty on delinquent employees on conclusion of such departmental proceedings which were initiated during their service time and have continued beyond the date of their superannuation.
- (ii) Disciplinary proceedings, if instituted while the employee was in service whether before his/her retirement or during his/her re-employment, shall, after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
- (iii) During the pendency of the disciplinary proceeding, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the Company by misconduct or negligence, during his/her service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

Rule 31. Employees on deputation from the Central Government or the State Government, etc.

- (i) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Company from the Central or State Government, or another public undertaking, or a local authority, the authority ending his/her services (hereinafter referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his/her suspension, or the commencement of the disciplinary proceeding, as the case may be.

(ii) In the light of the findings in the disciplinary proceeding taken against the employee:–

(a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on the employee, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority; provided that in the event of a difference of opinion between the Disciplinary and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority.

(b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on the employee, it should replace his/her services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.

(iii) If the employee submits an appeal against an order imposing a minor penalty on the employee under sub-rule (ii) (a), it will be disposed of after consultation with the Lending Authority;

Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

Rule 32. Appeals

(i) An employee may appeal against an order imposing upon the employee any of the penalties specified in rule 23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the authority specified in the schedule.

(ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the schedule and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the appellate authority within 15 days. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or

inadequate and pass appropriate orders within three months of the date of appeal. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (f) to (j) of Rule 23 and an inquiry as provided in Rule 25 has not already been held in the case, the appellate authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held as provided in Rule 25, the appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon the employee. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Rule 33. Review

Notwithstanding anything contained in these rules, the reviewing authority as specified in the schedule may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders there on as it may deem fit.

Provided that if the enhanced penalty, which the reviewing authority purposes to impose; is a major penalty specified in clauses (f) to (j) of Rule 23 and an enquiry as provided under Rule 25 has not already been held in the case, the reviewing authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the enquiry and pass such order as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Rule 25, the reviewing authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon the employee. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Rule 34: Procedure for Premature Retirement of Employees covered under these Rules - Strengthening of Administration by incorporation of FR 56(j)/(I)

An employee covered under these rules who has attained the age of 50 years provided he had joined the company before attaining the age of 35 years and in any other case after he has attained the age of 55 years, and notwithstanding anything above after the employee has completed 30 years service and is considered to be medically unfit, inefficient or of doubtful integrity, may be prematurely retired after review by a Review Committee constituted for this purpose by the Chairman & Managing Director.

The criteria for judging the medical unfitness, inefficiency or doubtful integrity of executives proposed to be prematurely retired, follow:-

[i] Inefficiency:

Inefficiency would be evaluated on the basis of the Appraisal Reports. An employee covered under these rules who has secured consecutively Average for five years in his APAR may be deemed as a fit case for premature retirement.

[ii] Doubtful Integrity:

An employee covered under these rules who gets an adverse comment consecutively for five years on his integrity in his APAR may be deemed to be fit case for premature retirement

[iii] Medical Unfitness:

a. If an employee covered under these rules has been continuously on leave on leave on medical grounds for a period of 12 weeks [including Sundays and holidays] or he has been on leave for reasons of sickness for a total period of 120 days [including Sundays and holidays] or more during a continuous period of six months or if an employee covered under these rules though attending duties but is found to be mentally deranged, his departmental head may refer him to a medical Board for his thorough medical check-up and report:

- The disease he is suffering from;
- Whether it is curable or incurable;
- Whether the disease is infectious / contagious;
- In case of curable disease whether the person is likely to be fit to resume his normal duties within a period of 12 months

b.If the person is not fit to resume his duties within a period of 12 months and in cases of employees suffering from incurable and infectious / contagious disease or

suffering from lunacy or mental derangement and whose services cannot be utilized by the Company or whose attendance is likely to pose health hazard to others as may be certified by the Medical Board, pre-mature retirement will be considered on recommendations of Director In-Charge or HoD as applicable

c.This premature retirement on medical grounds is independent of and without prejudice to the right of the company under the contract of employment to dispense with the services of an employee on three months notice inter-alia on grounds of medical unfitness in case of an employee covered under these rules who might not have even attained the age of 50 years as is being presently done.

d.Time Schedule to be followed for doing the review of employees under this Rule: The time schedule given in the following table shall be followed for undertaking the exercise of review of performance of employees:

| Quarter in which review is to be made | Cases of employees in the quarter indicated below to be reviewed |
|---------------------------------------|--|
| January to March | July to September of the same year |
| April to June | October to December of the same year |
| July to September | January to March of the next year |
| October to December | April to June of the next year |

e.Maintenance of Registers: A register of the employees who are due to attain the age of 50/55 years or to complete 30 years of service, has to be maintained. The register will be scrutinized at the beginning of every quarter by HR Department and review undertaken.

f.Non-adherence to the time lines as indicated in para d above due to certain administrative does not take away the power to do the review. Review will be undertaken even after employee has attained 50/55 years in cases covered by FR 56(j) or after he has completed 30 years of qualifying service under FR 56(l)

g.There is no bar on the company to review such cases again where it was decided earlier to retain the officer, but the Chairman & Managing Director is of the opinion that it is expedient to undertake the review again on account of changed circumstances in public interest.

h.Constitution of Internal Committee for Review and Representation Committee: Review and Representation Committee will be constituted from time to time with due approval of the Chairman & Managing Director.

i. No employee shall be retired on the grounds of ineffectiveness if he would be

retiring on superannuation within a period of 01 year from the date of consideration of his case. However, in case of steep fall in competence, efficiency or effectiveness, it would be open to review such a case for premature retirement. The instruction for not retiring an employee within 01 year on the ground of ineffectiveness except in cases of sudden and steep fall in performance is relevant only when he is proposed to be retired on the grounds of ineffectiveness, but not on the ground of doubtful integrity.

j. Communication of orders: Orders of premature retirement are to be issued in writing by HR Department to the concerned employee

k. Representation against order or premature retirement: An employee in whose case orders have been issued for premature retirement may put up his representation within 03 weeks from the date of issuance of the order and the matter may be placed before the Representation Committee along with fresh input, if any. The examination of the representation should be completed by the Representation Committee within two weeks from the date of receipt of the representation and make its recommendations.

2. Benefits to be admissible in case of such premature retirement:

An executive who is prematurely retired will be entitled to the following benefits:

a. Pay for the notice period of one month/three months as may be applicable to him under his terms and conditions of service, plus leave salary for unavailed leaves. The quantum of leave salary will not exceed the maximum limit to which leaves can be accumulated under the Leave Rules applicable to the employee.

b. Full Provident Fund contribution of the employer with accretions thereto in the account of the employee subject to the provision of the Provident Fund Rules applicable to him.

c. Gratuity for each completed year of service or part thereof as admissible under the Gratuity Rules.

d. Transfer benefits for Self and family for proceeding to home-town or to the place where he intends to settle in India as admissible under the TA Rules.

e. Encashment of Leave as per Leave Rules of the company

Rule 35. Service of orders, notices, etc.

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to the employee by registered post at his/her last known address.

Rule 36. Power to relax time-limit and to condone delay

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rule for anything required to be done under these rules or condone any delay.

Rule 37 Savings

1. Nothing in these rules shall be constructed as depriving any person to whom these rules apply, of any right of appeal which had accrued to the employee under the rules, which have been superseded by these rules.
2. An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules.
3. The proceedings pending at the commencement of the rules shall be continued and disposed as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.
4. Any misconduct, etc., committed prior to the issue of these rules which was a misconduct under the superseded rules shall be deemed to be a misconduct under these rules.

Rule 38. Removal of doubts

Where a doubt arises as to the interpretation of any of these rules, the matter shall be referred to the Board for final decision.

Rule 39. Amendments

The Board may amend, modify or add to these rules, from time to time, and all such amendments, modifications or additions shall take effect from the date stated therein.

SCHEDULE

| Name of the Post/ Grade | Appointing Authority | Disciplinary Authority | Appellate Authority | Reviewing Authority |
|--|--|--|--|--------------------------------|
| Post of which appointments are made by the President | President | President | President | President |
| E-8 to E-6 | Director | Director | CMD | Board of Directors |
| E-5 to E-4 | General Manager/ Dy. General Manager Co. Secretary | General Manager/ Dy. General Manager | Director | CMD |
| E-3 & E-2 | Dy. General Manager Co. Secretary/ Manager | Head of the Department not below the rank of Manager | General Manager/Dy. General Manager | CMD |
| E-1 & E-0 | Manager | Head of the Department not below the rank of Manager | General Manager/Dy. General Manager | CMD |
| NUS(S-1 to S-4) | Manager | Head of the Department not below the rank of Manager | General Manager/Dy. General Manger | CMD |