

Chapter 76

CONDUCT, DISCIPLINE AND APPEAL RULES

RULE 1

1. Short Title and commencement

These Rules shall be called the 'Chennai Petroleum Corporation Limited Conduct, Discipline and Appeal Rules' and shall come into force on 1st June, 1983.

RULE 2

2. Application

These rules shall apply to all employees except those governed by the Standing Orders under the Industrial Employment (Standing Orders) Act, 1946.

RULE 3

3. Definitions

In these rules, unless the context otherwise requires –

- 3.1 '**Employee**' means a person in the employment of the Company other than the one as defined in the Industrial Disputes Act, 1947, but includes a person on deputation to the Company.
- 3.2 '**Workman**' means a person as defined in the Industrial Disputes Act, 1947, and to whom the provisions of these rules shall not apply.
- 3.3 '**Company**' means **Chennai Petroleum Corporation Limited** and includes the Refinery owned and operated by it and situated at Manali, Ambattur Taluk, Thiruvallur District, Tamil Nadu; CPCL Cauvery Basin Refinery, Panangudi, Nannilam Taluk, Nagapattinam and its Registered Office at 536, Anna Salai, Teynampet, Chennai -600018, its Liaison Office at New Delhi and its Project / City Offices at Chennai.
- 3.4 '**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.
- 3.5 '**Managing Director**' means the Chairman / Managing Director of the Company and includes any other person authorised to act as such for the time being.

- 3.6 **'Disciplinary Authority' / 'Competent Authority'** means the Authority specified in the Schedule appended to these Rules, or any Authority higher than it, and competent to impose any of the penalties specified in Rule 23.
- 3.7 **'Government'** means the Government of India.
- 3.8 **'Appellate Authority'** means the Authority specified in the Schedule appended to these Rules.
- 3.9 **'Reviewing Authority'** means the Appellate Authority or any Authority higher than it.
- 3.10 **'Family'** in relation to an employee includes-
- (i) The wife or husband, as the case may be, of the employee, whether residing with him / her 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 (including adopted sons or daughters) or stepsons or stepdaughters of the employee and wholly dependent on him / her, but does not include a child or an adopted child, or a stepchild who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
 - (iii) Any other person related, whether by blood or marriage, to the employee or to such employee's wife or husband and wholly dependent on such employee.
- 3.11 **'Public Servant'** shall mean and include a person as mentioned in Section 21 of the Indian Penal Code as amended from time to time and also a 'Retired Public Servant',
- 3.12 **'General Managers'** means any person(s) designated as such or any other person acting as such or authorised to act in their place or any other person authorised by them.
- 3.13 **'Singular'** includes plural and vice versa.
- 3.14 **'Masculine'** includes Feminine and vice versa.
- 3.15 **'Refinery'** means the Refinery owned and operated by the Company situated at Manali/ Nagapattinam including such utilities as are adjacent or ancillary to the Refinery including the marine loading and unloading facilities, connecting lines, Company rail road lines, landing, etc., and includes offices forming part of one or other departments of the Refinery.
- 3.16 **'Premises'** means the area or properties owned, leased to or hired by **Chennai Petroleum Corporation Limited**.
- 3.17 **'Satisfactory' or 'Satisfactorily'** means to the satisfaction of the Company.

RULE 4

4. General

- 4.1 Every employee of the Company shall at all times
- i) Maintain absolute integrity;
 - ii) Maintain devotion to duty; and
 - iii) Do nothing which is unbecoming of an employee.
- 4.2 Every employee of the Company holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.
- 4.3 No employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement in the interest of the Company except when he is acting under the direction of his official superior.
- 4.4 The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.
- 4.5 An employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

EXPLANATION - 1

An employee who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of Rule 4.1 (ii).

EXPLANATION - 2

Nothing in Clause No.4.4 shall be construed as empowering an employee 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.

RULE 4 A

4A Intimation about conviction

It shall be the duty of every employee covered in this rule to inform his immediate superior in case of conviction that he has been convicted by a court of law. The circumstances of the conviction shall also be intimated. Failure to inform the immediate superior shall be regarded as suppression of material information and will

render him liable to disciplinary action on this ground alone apart from the penalty called for on the basis of the offence on which his conviction was passed.

RULE 4B

4B Intimation about detention

It shall be the duty of every employee who may be arrested for any reason to intimate the fact of his arrest and the circumstances connected therewith to his immediate superior promptly. Failure to inform will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the action that may be called for on the outcome of the police action against him.

RULE 5

5. Misconduct

Without prejudice to the generality of the term 'misconduct', the following acts of omission and commission shall be treated as misconduct :

- 5.1 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.
- 5.2 Taking or giving bribes or any illegal gratification.
- 5.3 Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- 5.4 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.
- 5.5 Acting in a manner prejudicial to the interest of the Company.
- 5.6 Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of a superior.
- 5.7 Absence without leave or overstaying the sanctioned leave for more than four consecutive days without sufficient grounds or satisfactory explanation.
- 5.8 Habitual late or irregular attendance.
- 5.9 Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- 5.10 Damage to any property of the Company.
- 5.11 Interference or tampering with any safety devices installed in or around the premises of the Company.

- 5.12 Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Company or outside such premises where such behaviour is related to or connected with the employment.
- 5.13 Gambling within the premises of the Company.
- 5.14 Smoking within the premises of the Company where it is prohibited.
- 5.15 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.
- 5.16 Sleeping while on duty.
- 5.17 Commission of any act, which amounts to a criminal offence involving moral turpitude.
- 5.18 Absence from the employee's appointed place of work without permission or sufficient cause.
- 5.19 Purchasing properties, machinery, stores, etc., from or selling properties, machinery, stores, etc. to the Company without express permission in writing from the Competent Authority.
- 5.20 Commission of any act subversive of discipline or of good behaviour.
- 5.21 Abetment of or attempt at abetment of any act, which amounts to misconduct.
- 5.22 Striking work either singly or with other employees in contravention of any statute, law, rule or enactment for the time being in force, or inciting any employee while within the precincts of the Company to strike work.
- 5.23 Surrounding, blocking or detaining or gheraoing any employee or employees either inside or outside the premises of the Company.
- 5.24 Use of impolite or insulting or abusive language, threat, intimidation, or coercion within the premises of the Company against any other employee or person authorised to work in the Company, an assault or threat of assault within the premises of the Company on any employee and any such act outside the premises of the Company if it directly affects the discipline of the Company.
- 5.25 Holding or attending a meeting within the premises of the Company without previous written permission of the Company.
- 5.26 Refusal to accept a charge sheet, order or any communication from the Company.
- 5.27 Failure to attend work beyond normal working hours or on a weekly or other holiday when required to do so.

- 5.28 Possession of weapons, explosives, ignitable or inflammable materials, cameras or radios within the premises of the Company without Company's permission.
- 5.29 Engaging in trade, or money lending or doing private or personal work, within the premises of the Company during working hours with or without tools or materials belonging to the Company without the previous permission of the Company.
- 5.30 Unauthorised removal or aiding or abetting unauthorised removal of Company property and failure to report knowledge of unauthorised removal of Company property.
- 5.31 Refusal to be searched by any Company security personnel or any other authorised person.
- 5.32 Causing disfigurement, destruction or alteration of any records of the Company.
- 5.33 Leaving one's place of work during or at the end of shift without being properly relieved.
- 5.34 Failure to observe duly notified Company's regulations for the prevention of fire.
- 5.35 Not obeying instructions relating to fire precautions, fire drill practice or willfully refraining from doing or conducting fire drill practice when required to do so.
- 5.36 Engaging in self-employment or in employment of others to the detriment of the Company. Ownership wholly or in part of a newspaper or other publication or association with a newspaper or periodical without Company approval.
- 5.37 Acts or omissions which lower the quality of goods manufactured and/or reduce the production.
- 5.38 Carrying unauthorised persons in Company's vehicle.
- 5.39 Allowing unauthorised persons to operate Company vehicles or equipments.
- 5.40 Breach of driving rules or Motor Vehicles Act or breach of the Company's health, security and/or safety regulations.
- 5.41 Distributing or exhibiting within the premises of the Company any newspapers, handbills, pamphlets, or posters, or causing to be displayed by means of signs or writing or other visible representation any matter without the prior written permission of the Company.
- 5.42 Disclosing to any unauthorised person or persons any information in regard to the working or process of the Company, which might come into the possession of the employees during the course of their work.

- 5.43 Making false or malicious statements, public or otherwise against the Company or any employee of the Company.
- 5.44 Publication or dissemination of matters relating to the Company or oil industry either through the press or broadcasts or speeches without prior written approval of the Company.
- 5.45 Loitering whilst on duty or otherwise in the Company premises.
- 5.46 Sale or canvassing for sale of any tickets, articles or commodity within the precincts of the Company without Company's written permission.
- 5.47 Issuing or giving certificates or testimonials of service to another employee or ex-employee of the Company without permission.
- 5.48 Any act which violates local body or State or Central Government laws or Company's rules and regulations.
- 5.49 Leaving Headquarters without the prior permission of the Company.
- 5.50 Violation of the Code of Internal Procedure and conduct for prevention of insider trading in dealing with the securities of the Company by designated employees.
- 5.51 Using Official email, Internet or other electronic equipment or facilities provided by the Company for the purpose other than the affairs related to the business of the Company.
- 5.52 Any non-compliance or violation of the Company's Information Security Policy.
- 5.53 Obtaining any advance or withdrawal from the Company or any provident or other fund or Trust administered by the Company or administered by Trustees appointed by the Company in whole or part by fraudulent means or misrepresentation or false pretences.

RULE 6

6. Employment of near relatives of the employees of the Company in any Company or Firm enjoying patronage of the Company

- 6.1 No employee shall use his position or influence, directly or indirectly, to secure employment for any person related whether by blood or marriage to the employee or the employee's wife or husband, whether such person is dependent on the employee or not.
- 6.2 No employee shall, except with the previous sanction of the Competent Authority, permit his son, daughter or any member of the family to accept employment with any Company or firm with which he has official dealings, or with any Company or firm having official 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.

- 6.3 No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any Company or firm or any other person if any member of his family is employed in that Company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his 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.

RULE 7

7. Taking part in demonstrations

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

RULE 8

8. Connections with press or radio

- 8.1 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.

No employee of the Company shall, except with the previous sanction of the Competent Authority or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical or any other media.

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

RULE 9

9. Criticism of Government and / or the Company

- 9.1 No employee shall, in any radio broadcast or in any document published under his name or in the name of any other person or in any communication to the press or in any public utterances, make any statement :
- i) Which has the effect of adverse criticism of any policy or action of the Central or State Governments, or of the Company; or

- ii) Which is capable of embarrassing the relations between the Company and the public.

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

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

9A Restriction on political activities of the employees

The following kinds of activities of the employees are prohibited :

- a) To be an office bearer of a political party or an organisation which takes part in politics.
- b) To take part in or assist in any manner in any movement/ agitation or demonstration of a political nature.
- c) To take part in an election to any legislature or local authority.
- d) To canvass in any election to any legislature or local authority.

RULE 10

10. Evidence before Committee or any other Authority

- 10.1 Save as provided in sub-rule (3) below, 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.
- 10.2 Where any sanction has been accorded under sub rule (1) above, no employee giving such evidence shall criticise the policy or any action of the Central Government or of a State Government, or of the Company.
- 10.3 Nothing in this rule shall apply to-
 - a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or any Corporation/ 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

11. Unauthorised communication of information

11.1 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 him, communicate, directly or indirectly, any official document or any part thereof or information to any officer or other employee, or any other person to whom he is not authorised to communicate such document or information.

11.2 No employee, whether during the period of his service or after leaving the service of the Company, shall, except with the previous sanction of the Competent Authority, by writing to any person (including a co-employee) or by communicating to newspapers, journals or books, or by speech or discussion or in any manner disclose or cause to be disclosed any information or documents relating to the activities of the Company or its subsidiaries.

No employee shall, except in the ordinary course of his duties, give or cause to be given to any person any advice on matters relating to the activities of the Company or its subsidiaries.

11.3 No employee shall, except in the ordinary course of his duties, disclose or cause to be disclosed to any person any secret process, know-how, cost of production of any or all of the products of the Company or its subsidiaries or any information regarding purchase made by or contracts entered into by the Company or any information regarding settlement of claims by the Company in or out of courts or any other information, knowledge or matters of trade or business secrets of the Company or its subsidiaries.

The provisions of this rule shall apply also to ex-employees.

11.4 No employee shall, except with the previous sanction of the Competent Authority, carry with him or cause to be carried outside the office/factory premises any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of the Company or its subsidiaries, notes or copy thereof.

Provided that this provision shall not apply to employees who are specially authorised by the Competent Authority to take out of the office/factory premises any papers, books, documents, etc., for study or other purposes approved by the Competent Authority in writing.

11.5 Any manuscript, books, or other literary work, drawings, sketches, paintings, photographs or similar papers containing notes or information relating to the business of the Company shall be the property of the Company whether prepared by the employee or otherwise. No royalty shall, however, be payable to the employee. Every employee when called upon by the Competent Authority, shall sign such documents, applications, deeds or other instruments which, in the opinion of the said authority, are necessary to vest the property including copyright thereof in the Company solely and exclusively for its use. Breach of anyone of these provisions shall be a misconduct under Rule 5.

RULE 11 A

11A Inventions

11 A1 Every employee shall, within one month of taking up his employment furnish the Company with:

- i) A list of all patents held by him or applied for in India or abroad whether in his own name or jointly with any other person(s)
- ii) Titles and nature of any inventions in his possession prior to his taking up the appointment, which shall be treated as confidential.

No employee of the Company shall except with the previous sanction of the Competent Authority apply for or cause to permit any other person to apply for or to obtain in India or abroad any patent, patent of additions, license, rights, privilege, or the like protection in respect of any invention or process, under any Act, statute, statutory orders, regulations or otherwise.

If such invention or process has been made, discovered or obtained by the employee during the period of his service with the Company, he shall upon request by the Competent Authority forthwith disclose full and complete description of the said invention or process and the mode of performing the same and assign and transfer in favour of the Company at their cost, such invention or process (whether patented or not) for its own absolute and exclusive use or for the use of its subsidiaries. In the event of such a request being made by the Competent Authority, the employee shall sign all applications, deeds, instruments, assurances, documents, papers, conveyances, etc., as the said authority may, in his opinion, require for the vesting of the rights under and by virtue of these provisions wholly and absolutely in the Company.

11 A2 All inventions including improvements or modifications thereon or process made or discovered by the employee during or in relation to the period of his services with the Company shall be absolute property of the Company and he shall hold the same in trust for them. The Company shall recognise the inventor/inventors in that their name / names will be mentioned in the patent. The Company shall not however be obliged to pay any fee, royalty or any other consideration for the use of any such inventions or process.

11 A3 Save as otherwise provided in these rules, no employee shall assign, grant any license, or create any charge or interest in favour of any person make use of or otherwise deal with any such invention or process (whether patented or not) he has made, discovered or obtained during the period of his service with the Company.

11 A4 No employee, whether during or after a period of his service with the Company shall, except for the purpose of the business of the Company and with the previous sanction of the Competent Authority publish or cause to be published, disclose or otherwise make known in any manner whatever such inventions or process.

Note: The word 'invention' occurring in these rules shall have the meaning assigned to it under the Patents Act, 1970.

Breach of anyone of these provisions shall be a misconduct under Rule 5.

RULE 12

12. Gifts

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

Explanation: The expression 'gift' shall include free transport, boarding, 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 dealing 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 him.

12.2 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 near relatives but he shall make a report to the Competent Authority if the value of the gift exceeds Rs. 500/-.

12.3 On such occasions as are specified in sub-rule 2 above an employee of the Company may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the Competent Authority, if the value of any such gift exceeds Rs. 250/-.

12.4 In any other case, an employee of the Company shall not accept or permit any member of his family or any other person acting on his behalf to accept any gift without the sanction of the Competent Authority if the value thereof exceeds Rs. 220/-.

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the Competent Authority if the aggregate value of the gift exceeds Rs. 250/-.

RULE 12A

12A Dowry

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 the Dowry Prohibition Act, 1961 (28 of 1961).

RULE 13

13. Private trade or employment

- 13.1 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 a literary, artistic or scientific character or participate in sports activities as amateur, subject to the condition that his official duties do not thereby suffer.

- 13.2 Every employee of the Company shall report to the Competent Authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

- 13.3 No employee of the Company shall, without the previous sanction of the Competent Authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other Company which is required to be registered under the Companies Act, 1956 (1 of 1956) or other law for the time being in force or any co-operative 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 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 in force.

- 13.4 Unless otherwise provided by general or special orders of the Company, no employee of the Company shall accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the Competent Authority.

RULE 13 A

13 A Employment of Functional Directors after Retirement

No functional Director of the Company including the Chief Executive, who has retired / resigned from the service of the Company, after such retirement / resignation shall accept any appointment or post, whether advisory or administrative, in any firm or Company, whether Indian or foreign, with which the Company has or had business

relations, within one year from the date of his retirement without prior approval of the Government. The term retirement includes resignation; but not the cases of those whose term of appointment was not extended by Government for reasons other than proven misconduct. The term 'business relations' includes 'official dealings' as well.

RULE 14

14. Investment, lending and borrowing

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

RULE 15

15. Insolvency And Habitual Indebtedness

- 15.1 An employee of the Company shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
- 15.2 An employee of the Company who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to his Competent Authority.

RULE 16

16. Movable, Immovable And Valuable Property

- 16.1 No employee of the Company shall, except with the previous knowledge of the Competent Authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family.
- 16.2 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 subordinate.
- 16.3 Where an employee of the Company enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction report the same to the Competent Authority, if the value of such property exceeds Rs.20,000/-.

Explanation No.I:

For the purpose of this sub-rule, the expression “movable property” includes

- a) Gold/ gold ornaments, silver / silver ornaments.
- b) Other precious metals, items of jewellery, precious stones forming part of jewellery, etc.,
- c) Shares, securities, debentures, investments in Mutual Funds etc.
- d) Loans advanced by such employee whether secured or not
- e) Motor Cars, Motor cycles or any other means of conveyance;
- f) Refrigerators, Air-conditioners, Radios/ Television sets; and
- g) Any other articles, the value of which individually is more than Rs.20,000/-

Explanation No.II :

Transactions entered into by the spouse or any other members of the 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.

- 16.4 Every employee shall, on first appointment in the Company and also on 1st January of each calendar year submit returns / statements in the prescribed forms giving particulars regarding immovable properties.

The particulars of the immovable properties, which are to be furnished while submitting the returns / statements, shall be as follows:

- a) Immovable properties (eg. lands, houses, shops, other buildings etc.,)

Explanation:

Note1: If the property is not wholly owned the extent of the share may be indicated.

Note 2: The term lease would mean “a lease of immovable property from year to year or for any term exceeding one year of reserve yearly rent”. When however, the lease of immovable property is obtained from a person having official dealings with the employee, such a lease irrespective of the term of the lease whether it is short or a long term and the periodicity of the payment of rent should be stated.

Note 3: Where the property has been acquired by purchase, mortgage or lease, the price or premium paid may be indicated. In case it has been acquired by lease the total annual rent thereof may be stated. If the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired may be indicated.

Note 4: Where the property has been acquired by purchase, mortgage, lease, inheritance, gifts or otherwise, the details of person / persons from whom acquired including address and the relationship if any, with the person / persons concerned are also to be indicated.

b) Shares / debentures purchased under promoters' / employees' quota.

16.5 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 him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Competent Authority, include details of the means by which, or the source from which such property was acquired.

16.6 Every employee of the Company shall report to the Competent Authority as on 1 January of each calendar year in the prescribed proforma every transaction, if the total transactions in shares, securities, debentures or mutual fund schemes etc., exceed Rs.25000/- (Rupees twenty five thousand only) during the preceding calendar year.

Explanation:

It is clarified that since shares, securities, debentures etc., are treated as movable property for the purpose of Rule 16(3), if an individual transaction exceeds the amount prescribed in Rule 16(3), the intimation to the Competent Authority would still be necessary. The intimation prescribed in Rule 16(3) will be in addition to this where cumulative transactions i.e. sale, purchase or both in shares, securities, debentures or mutual funds, etc., in a year exceed the limits indicated above.

Rule 16 A

16 A Dealing in Shares

1. When the Company issues shares by way of Initial Public Offer / Follow-on Public Offer (IPO/FPO), a full-time Director or any executive/employee involved in the decision making process of fixation of price of an IPO/FPO of shares of the Company shall not apply, either himself/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 the Company, even out of the category of preferential quota reserved for employees/Directors of the Company.
2. When the Company issues shares by way of Initial Public Offer / Follow-on Public Offer (IPO/FPO), all executives/employees including full time Directors of the Company 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 the Company.

3. Full-time Director or executive/employee of the Company 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.
4. All employees of the Company would be required to disclose to the Competent Authority, all transactions of purchase/sale in Company's shares worth Rs.20,000/- or more in value or existing holding/interest in the shares of the Company worth Rs.20,000/- or more, either in his/her own name or in the name of any family member to report to the Competent Authority indicating quantity, price, date of transaction and nature of interest, within 4 working days.

RULE 17

17. Canvassing of Non-Official or Other Influence

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

RULE 18

18. BIGAMOUS MARRIAGES

- 18.1 No employee shall enter into or contract, a marriage with a person having a spouse living; and
- 18.2 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 sub-clause 1 or sub-clause 2 above, if it is satisfied that -

- a) such marriage is permissible under the personal law applicable to such employee and other party to the marriage; and
- b) there are other grounds for so doing.

RULE 18 A

18 A Prohibition Of Sexual Harassment Of Women

- 18 A1 No employee shall indulge in any act of sexual harassment of any woman at the work place.
- 18 A2 Every employee who is incharge of work place shall take appropriate steps to prevent such sexual harassment to any woman.

Explanation:

For the purpose of this Rule, "Sexual Harassment" includes such unwelcome sexually determined behaviour whether directly or by implication as:

- a) Physical contact and advances;
- b) Demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

18 A3 Any woman, who wishes to make a complaint of sexual harassment, may forward the complaint in writing to anyone of the following officers in the Company of her choice:

- a) General Managers
- b) Executive Directors
- c) Whole-Time Directors
- d) Managing Director

The Officer, other than being the Managing Director, receiving the complaint will refer such complaint to the Managing Director. The Managing Director shall refer the complaint immediately to the Complaints Committee. The guidelines for the constitution and other Rules / Procedures for the Complaints Committee will be laid down with the approval of the Managing Director.

In case, such complaint is made against the Managing Director himself, the complaint will be referred to the Board of Directors and the Board shall in turn refer the complaint to an appropriate Complaints Committee constituted by it.

18 A4 Complaints made about instances of sexual harassment, shall be made immediately and not later than one month. However, in exceptional cases, where sufficient reasons are shown for the delay, a complaint made about instances which had occurred within 6 months can be entertained and referred to the Complaints Committee by the Managing Director.

18 A5 The Complaints Committee would ensure time-bound treatment of such complaint. The Complaints Committee would require to satisfy itself with regard to the truth or falsehood of the allegations of sexual harassment and make determination of the fact as to whether the alleged conduct constitutes misconduct under these Rules.

- 18 A6 The Complaints Committee shall hear the complainant. The Complaints Committee may hear the witnesses or persons referred to by the complainant. The Complaints Committee shall also hear the person against whom the complaint is made.
- 18 A7 The Complaints Committee will submit its report to the Managing Director within the time specified or within such other time as may be extended. In the case of the Complaints Committee constituted by the Board, such report will be submitted to the Board of Directors within the time specified or within such other time as may be extended.
- 18 A8 The Complaints Committee shall be deemed to be an inquiry authority and the report of the Complaints Committee shall be deemed to be an inquiry report under the Conduct, Discipline and Appeal Rules. Action shall be taken only on the basis of the report of the Complaints Committee and no further disciplinary proceedings shall be initiated under these Rules. If the findings in the report indicate that the Committee has satisfied itself with regard to the truth of the allegations of sexual harassment, then the Managing Director/ Board of Directors, as the case may be, shall refer the report to the relevant Disciplinary Authority, who shall pass final orders imposing the penalty prescribed under the CDA Rules.

In addition to the above, if the Managing Director / Board of Directors, as the case may be, is of the view that the findings in the report indicate that the alleged conduct constitutes a criminal offence, then necessary proceedings under the Criminal Law also be initiated.

RULE 18 B

18B Marriage with Foreign Nationals

An employee who has married or marries a person other than of Indian nationality shall forthwith intimate the facts to the Company.

RULE 19

19. Consumption of Intoxicating Drinks and Drugs

- 19.1 An employee of the Company shall -
- a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being and
 - b) Take due care that the performance of his duties is not affected in anyway by the influence of any intoxicating drink or drug;
 - c) Refrain from consuming any intoxicating drink or drug in a public place;
 - d) Not appear in a public place in a state of intoxication;

- e) Not use any intoxicating drink or drug to excess.

Explanation:

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

- 19.2 The Company employees should also refrain from consuming intoxicating drinks even at official parties arranged by Foreign Missions whether within the Mission premises or in halls/lounges exclusively reserved. The same position would apply in respect of intoxicating drinks at parties arranged by Government Public Undertakings or Semi-Government Organisations where foreigners are entertained or at similar parties hosted by others.

RULE 19 A

19 A Premature Retirement

- 19 A1 Without prejudice to, and independent of the rights of the Company to dispense with the services of Supervisory employees either under the contract of employment or under these rules, an employee who has attained the age of 50 years and is considered to be inefficient or of doubtful integrity may be prematurely retired by the Competent Authority.

- 19 A2 The Criteria for judging inefficiency or doubtful integrity shall be as follows:

A) Inefficiency

Inefficiency will be evaluated on the basis of the Performance Appraisal and Development Systems (PADS) of the Officers. An Officer may be considered for premature retirement where in the summary appraisal of his PADS in the preceding minimum three or more consecutive years, he has been rated 'Poor', provided that during this period, his reports have been written by atleast two different superiors. If not, an opportunity will be afforded to the individual officer to be assessed by another superior for atleast one year.

The basic consideration in identifying such officer is the fitness / competence of the officer to continue in his present post which he is holding. If he is not fit to continue in his present post, his fitness / competence to continue in the lower post from where he had been previously promoted, may be considered. However, no employee shall ordinarily be retired on this ground, if he would be superannuating within a period of one year from the date of review.

B) Doubtful Integrity

An Officer may be considered for premature retirement when he gets an adverse comment on his integrity in his PADS in the preceding three or more consecutive years on the basis of proven instances of misconduct relating to his integrity in the said period, provided that during this period, his reports have been written by atleast two different superiors. If not, an opportunity will be afforded to the individual officer to be assessed by another superior for at least one year.

Note: This rule shall be administered as per the Criteria, Procedure and Guidelines approved by MD from time to time.

RULE 20

20. Suspension

20.1 The Disciplinary Authority or any other authority empowered in that behalf by the Company by general or special order may place an employee under suspension

- a) where a disciplinary proceeding against him is contemplated or is pending; or
- b) where a case against him in respect of any criminal offence is under investigation or trial.

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

20.3 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 enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.

20.4 Where a penalty or 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 a further enquiry against him 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 Competent Authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

20.5 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.

RULE 21

21. Subsistence Allowance

- 21.1 An employee under suspension shall be entitled to draw subsistence allowance equal to 50 (fifty) percent of his basic pay provided the Disciplinary Authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension provided the Disciplinary Authority is satisfied that the employee continues to meet the expenditure of which the allowance was granted.
- 21.2 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:
- a) The amount of subsistence allowance may be increased to 75 (seventy five) 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;
 - b) The amount of subsistence allowance may be reduced to 25 (twenty five) percent of the 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.
- 21.3 If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the Competent Authority decided to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

RULE 22

22. Treatment of the Period of Suspension

- 22.1 When the employee under suspension is re-instated, the Competent Authority may grant to him the following pay and allowances for the period of suspension
- a) If the employee is exonerated and not awarded any of the penalties mentioned in Rule 23, the full pay and allowance which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him and
 - (b) If otherwise, such proportion of pay and allowance as the Competent Authority may prescribe.

22.2 In a case falling under sub-clause (a) above, the period of absence from duty will be treated as a period spent on duty. In a case falling under sub-clause (b) above, it will not be treated as a period spent on duty unless the Competent Authority so directs.

RULE 23

23. Penalties

The following penalties may be imposed, on an employee, as hereinafter provided, for misconduct committed by him or for any other good and significant reasons:

MINOR PENALTIES

- a) Censure;
- b) Withholding of increments of pay with or without cumulative effect;
- c) Withholding of promotion;
- d) Recovery from pay of the whole or part of any pecuniary loss caused to the Corporation/ Company by negligence or breach of orders;
- e) Reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his 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 he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his 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 Corporation/ 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 Corporation/ 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.

RULE 24

24. Disciplinary Authority

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

RULE 25

25. Procedure For Imposing Major Penalties

- 25.1 No order imposing any of the major penalties specified in Clauses (f) to (j) of Rule 23 shall be made except after an enquiry is held in accordance with this rule.
- 25.2 Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misbehaviour against an employee, it may itself enquire into or appoint any Public Servant from within or outside the department or organization or any retired officer (hereinafter called the inquiring authority) to enquire into the truth thereof.
- 25.3 Where it is proposed to hold an enquiry, the Disciplinary Authority shall frame definite charges on the basis of the allegations, against the employee. The charges, together with a statement of the allegations, on which they are based, a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the Articles of Charge.

Explanation:

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

- 25.4 On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or by any other Public Servant from within or outside the department or organization or any retired officer appointed as an Inquiring Authority under sub-clause 2 above.

Provided that it may not be necessary to hold an enquiry in respect of the charges admitted by the employee in his written statement. The Disciplinary Authority shall, however, record its findings on each such charge.

- 25.5 Where the Disciplinary Authority itself inquires or appoints an Inquiring Authority for holding an enquiry, it may, by an order, appoint a Public Servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- 25.6 The employee shall not take the assistance of any other public servant who has two pending disciplinary cases on hand in which he has to give assistance.
- 25.7 On the date fixed by the Inquiring Authority the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The Inquiring Authority shall ask the employee whether he pleads guilty or has any defence to make, and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.
- 25.8 If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence:
- (i) Inspect the documents listed with the charge-sheet ;
 - (ii) Submit a list of additional documents and witnesses that he wants to examine; and
 - (i) Be supplied with the copies of the statements of witnesses, if any, listed in the charge-sheet.
- Note:** Relevancy of the additional documents and the witnesses referred to in sub-clause 8 (ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned, if the Inquiring Authority is satisfied about their relevance to the charges under inquiry.
- 25.9 The Inquiring Authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.
- 25.10 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 that event, it shall inform the Inquiring Authority accordingly.
- 25.11 On the day 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 employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.
- 25.12 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 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.
- 25.13 When the case for the Disciplinary Authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence, shall be given to the Presenting Officer, if any, appointed.
- 25.14 The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provision applicable to the witnesses for the Disciplinary Authority.
- 25.15 The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- 25.16 The Inquiring Authority may, after completion of the production of the evidence, hear the Presenting Officer, if any, appointed and the employee or permit them to file written briefs of their respective case, if they so desire.
- 25.17 If the employee does not submit the written statement of defence referred to in sub-rule 3 above 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.
- 25.18 Whenever an Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an enquiry, 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 hereinbefore provided.

- 25.19 (i) After the conclusion of the inquiry, report shall be prepared and it shall contain –
- 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 employees in respect of each article of charge;
 - c) an assessment of the evidence in respect of each article of charge;
 - d) the findings on each article of charge and 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 employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) The Inquiring Authority, where it is not itself the 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 above;
 - c) the oral and documentary evidence produced in the course of the inquiry;
 - d) written briefs referred to in sub-rule 16 above, if any; and
 - e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

RULE 26

26. Action on the Inquiry Report

- 26.1 The Disciplinary Authority, if it is not itself the Inquiring Authority, may for reasons to be recorded by it in writing remit the case to the Inquiring Authority for fresh or further inquiry and report, and the Inquiring Authority shall thereupon proceed to hold further inquiry according to the provisions of rule 25 as far as maybe.
- 26.2 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.
- 26.3 If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in rule 23 should be imposed on the employee it shall, notwithstanding anything contained in rule 27 make an order imposing such penalty.
- 26.4 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 27

27 Procedure for Imposing Minor Penalties

- 27.1 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 him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days. The defence statement, if any, submitted by the employee shall be taken into consideration by the Disciplinary Authority before passing orders.
- 27.2 The record of the proceedings shall include-
- i) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
 - ii) his defence statement, if any; and
 - iii) the order of the Disciplinary Authority together with the reasons therefor.

RULE 28

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 the report of inquiry, if any.

RULE 29

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

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 in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
- iii) where the Disciplinary Authority 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

30A Disciplinary Proceedings after Retirement of the Employee

- i) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed 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.
- ii) Disciplinary proceedings may also be initiated against an employee after retirement for grave misconduct in respect of any event which took place not more than four years earlier.
- iii) During the pendency of the disciplinary proceedings, 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 proceedings or judicial proceedings 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 service including service rendered on deputation or on re-employment after retirement. However, the provision 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

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

31.1 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 lending his services (hereinafter referred to as the 'Lending Authority') shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be.

31.2 In the light of the findings in the disciplinary proceedings taken against the employee :

- a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deemed 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 him, it should replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

31.3 If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule 2 (a) above, it will be disposed of after consultation with the Lending Authority.

Provided 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.

Grievance Procedure

- a) An employee who has a genuine grievance will discuss the matter with his immediate supervisor. His immediate supervisor will verbally give his answer as soon as possible. If there are further questions, the employee should discuss with his immediate supervisor at this time.
- b) If the employee still has a genuine complaint (or fails to receive an answer from his immediate supervisor) he should make arrangements through his supervisor to see the departmental head. The departmental head after discussion, will normally give a reply within one week.
- c) If the employee on hearing from the departmental head is of the view that all facts were not fully considered or that he has certain additional information to give, may appeal to the General Manager, in writing. The General Manager will normally give a reply within a week.
- d) Complaints relating to assault or abuse by any person, or to refusal of an application for urgent leave, will be enquired into immediately by the General Manager or such officer or officers as he may appoint.
- e) Employees must always obtain previous permission from his immediate supervisor to temporarily leave his job.

RULE 32

32. Appeals

- 32.1 An employee may appeal against an order imposing upon him 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 Appellate Authority specified in these Rules.
- 32.2 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 these rules, 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 enquiry 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 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 inquiry 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 him. The Appellate Authority shall pass final orders after taking into account the representation, if any, submitted by the employee.

RULE 33

33. Review

Notwithstanding anything contained in these rules, the Reviewing Authority as specified in the rules may call for the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit.

Provided that if the enhanced penalty, which the Reviewing Authority proposes to impose, is a major penalty specified in clauses (f) to (j) of Rule 23 and an inquiry 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 orders 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 him. The Reviewing Authority shall pass final orders after taking into account the representation, if any, submitted by the employee.

RULE 34

34. 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 him by registered post at his last known address, which shall be considered as sufficient and personal service of a communication under these rules.

RULE 35

35. Power to relax time-limit and to condone delay

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

RULE 36

36. Savings

- 36.1 Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal, which had accrued to him under the rules, which have been superseded by these rules.
- 36.2 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.
- 36.3 The proceedings at the commencement of the rules shall be continued and disposed of as far as may be in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.
- 36.4 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 37

37. Removal of doubts

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

RULE 38

38. Amendments

The Managing Director 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 herein.

**SCHEDULE OF DISCIPLINARY AUTHORITY / COMPETENT
AUTHORITY AND APPELLATE AUTHORITY**
(As prescribed under Rules 3.6 & 3.8)

Category of Employees	Disciplinary Authority / Competent Authority	Appellate Authority
In respect of Officers in Grade 'A', 'B', 'C', 'D' and 'E'	Concerned functional Head of the Department not below the rank of GM. In case a Department / Section does not come under the jurisdiction of the General Manager, GM (HR) will be the Disciplinary Authority / Competent Authority	Concerned functional Director
In respect of Officers in Grade 'F' and 'G'	Concerned Functional Director	Managing Director
Officers of the rank of GM	Managing Director	Board of Directors