

**BYE LAWS**

**Of**

**ERNET India**

(UNDER RULE 16 OF THE RULES AND REGULATIONS FOR ADMINISTRATION  
AND MANAGEMENT OF THE SOCIETY)

1. Definition:

In these rules, unless there is anything repugnant to the subject or context, the following terminology and the associated meanings are used.

“Society” means ERNET India.

“Council” means the Governing Council of the Society.

“Chairman” means the Chairman of the Council / Committee of the Society. Committee means the Executive Committee of the Society.

“Executive Director” means the Chief Executive of the Society.

“Appointing Authority” in relation to any post in the Society, means the authority competent to make appointment to that post.

“Competent Authority” means the authority indicated for various purposes in these Rules or any other Rules applicable or in force in the Society.

“Administrative Ministry” means Department of Information Technology, Ministry of Communications and Information Technology, Government of India or the Ministry/Department that may be notified by the Government from time to time.

2. Residuary conditions of service:

The Chairman, Governing Council shall determine any matter relating to the conditions of service of the employees for which no provision is made in these rules. In exceptional circumstances, Executive Director may take decisions which cannot wait for convening a meeting of the Council. However, the matter should be placed before the Council at its next meeting and the actions taken should be sought to be ratified by the Council.

3. Power to relax:

Notwithstanding anything contained in these rules, the Governing Council of the Society may relax any of the provisions of these rules. Relaxation should, however, be in very exceptional and rare circumstances.

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

### 4. Interpretation:

In the matter of interpretation of any rules/orders, the decision of the Chairman of the Council, shall be final unless otherwise, specifically included in these rules. All other rules/orders not indicated in these rules, as applicable to employees of Administrative Ministry except pension, shall be applicable to the employees of the Society.

4.1 Notwithstanding anything contained in these rules, the Governing Council shall be empowered to modify/alter any of the provisions of these rules on any matter subject to the condition that the Council would keep the instructions issued by the Government from time to time in view, while making the modifications/alterations.

4.2 In these rules wherever it is stated that Central Govt. rules/orders shall be applicable, the word Govt. Servant in such cases shall be substituted and read as ERNET employee.

### 5. Definition of Family:

5.1 Definition of family shall be as defined in the respective rules of the Central Government for various purposes.

5.2 Dependant will have the same meaning as applicable to Central Government employees.

### 6. Repeal and saving:

6.1 These Bye-Laws shall not have any effect on the decisions taken by virtue of operation of any Rule or any other Order made earlier.

6.2 Any of the provisions of these rules can be repealed subject to the approval of DIT.

## 7. TERMS AND CONDITIONS OF THE SERVICE OF THE STAFF OF THE SOCIETY

7.1 The employees of the Society, other than the Chief Executive, are divided into the following four categories:

7.1.1 Member Scientific & Technical staff (Scientists)

7.1.2 Member Technical Support staff

7.1.3 Member Administrative/Finance staff. (Executives)

7.1.4 Member Administrative/Finance Support Staff

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

7.2. PAY & ALLOWANCES AND OTHER FACILITIES

7.2.1 PAY SCALES

7.2.1.1. MEMBER SCIENTIFIC AND TECHNICAL STAFF (Scientists)

ET I	BP .9,300-34,800,GP.4,600 (PB-2)
ET II	BP.15,600-39,100,GP.5,400 (PB-3)
ET III	BP.15,600-39,100,GP.6,600 (PB-3)
ET IV	BP. 15,600-39,100,GP.7,600 (PB-3)
ET V	BP. 37,400-67,000,GP.8,700 (PB-4)
ET VI	BP.37,400-67,000,GP.8,900 ( PB-4 )
ET VII	BP. 37,400-67,000,GP.10,000(PB-4)
ET VIII	BP. 67,000 (annual increment @3% -79,000-

ET stands for Executive Technical

7.2.1.2. MEMBER TECHNICAL SUPPORT STAFF

ST I	BP.4,,440-7,440 GP.1,400 (1S)
ST II	BP 4,,440-7,440 GP.1,600 (1S)
ST III	BP.5,200-20,200 GP.1,900 (PB-1)
ST IV	BP.5,200-20,200 GP.2,400 (PB-1)
ST V	BP.5,200-20,200 GP.2,800 (PB-1)
ST VI	BP.9,300-34,800 GP.4,200 (PB-2)
ST VII	BP.9,300-34,800 GP.4,200 (PB-2)

ST stands for Support staff Technical

7.2.1.3. MEMBER ADMINISTRATIVE/FINANCE STAFFS (EXECUTIVES)

EA I	BP.9,300-34,800,GP.4,600 (PB-2)
EA II	BP.9,300-34,800,GP.5,400 (PB-3)
EA III	BP.9,300-34,800,GP.6,600 (PB-3)
EA IV	BP.9,300-34,800,GP.7,600 (PB-3)
EA V	BP.37,400-67,000,GP.8,700 (PB-4)
EA VI	BP.37,400-67,000,GP.8,900 (PB-4)

EA stands for Executive Administration

7.2.1.4. MEMBER ADMINISTRATIVE/FINANCE SUPPORT STAFF

SA I	BP.4,440-7,440,GP-1,300 (IS)
SA II	BP.4,440-7,440,GP1,400 (IS)
SA III	BP 4,440-7,440,GP.16,000(IS)
SA IV	BP.5,200-20,200,GP.1,800(PB-1)
SA V	BP.5,200-20,200,GP.2,400(PB-1)
SA VI	BP.5,200-20,200,GP.2,800(PB-1)
SA VII	BP.9,300-34,800,GP.4200(PB-2)

SA stands for Support Staff of Administration

7.2.1.5. DESIGNATIONS

## Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)

Besides Grade designations viz. Executive Technical, Executive Administration, Member Support Staff Administration functional designations could be assigned by this society to senior officers of Scientific/Technical cadre and all officers in Administration/Purchase who are required to correspond with other agencies and where the requirement is of such a nature to identify the designation of the signatory.

### 7.2.1.6. PATTERN OF EMOLUMENTS AND REVISION:

The Pay and allowances have generally been patterned on the terms of employment in Central Government. Certain benefits that are available in Central Government are not available to the employees of the Societies. In few cases the benefits available in the Government have been liberalized.

The benefits under this bye-laws shall be applicable for all employees working in the regular scales of pay against sanctioned posts.

### 7.2.1.7. The following benefits under this Bye-Law will also be extended to contract employees :-

Leave @ 2 ½ days per month.

8 days casual leave in a year.

Other benefits like canteen facilities and TA/DA as admissible to equivalent regular employees may also be given to contractual ones.

Medical reimbursement upto one month's contractual pay per year for OPD expenditure. However reimbursement for in-patient treatment would be restricted to 50% of actual expenditure.

### 7.2.2. ALLOWANCES

#### 7.2.2.1. Allowances like City Compensatory Allowance (CCA), Dearness Allowance (DA), House Rent Allowance (HRA), Transport Allowance etc shall be as available under Central Govt. orders issued from time to time.

#### 7.2.2.2. Transport Allowance:

Transport Allowance shall be paid to the employees as follows: -

Employees drawing pay in the scale of	Rate of Transport Allowance per month	
	'A-1'/'A' Class City*	Other Places
BP,9300-34800,GP5400/-	800	400
BP,9300-34800,GP4200/-	400	200
Below GP,4200/-	100	75

## Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)

- 7.2.2.3. The grant of transport allowance will be subject to the following conditions:
- Not admissible to employees who are provided with accommodation by the Society within a distance of one kilometer or within a campus housing the place of work and residence.
  - Not admissible to employees who have been provided with facility of transport by the Society.
  - Not admissible during absence from duty exceeding 30 days due to leave/ training/ tour, etc.
  - Officers who have been provided with staff car for commuting between office and residence can have the option to retain the facility or to draw transport allowance. If they opt for transport allowance, the staff car facility will be withdrawn from the date they opt for the allowance.
  - Where pick up and drop facility is provided for staff at all levels, expenditure to be borne by the Society shall be limited to transport allowance payable to the staff availing the facility and the balance should be charged to the users.

### 7.2.2.4. CONVEYANCE

The officers required to sit late beyond 9 p.m., will be paid conveyance / provided vehicle for dropping with specific approval of Executive Director.

### 7.2.2.5. Shift Duty Allowance

- 7.2.2.5.1 ERNET carries out the operations of Network on three shift basis i.e. 7 a.m. to 3 p.m., 2.30 p.m. to 10.30 p.m. and 10 p.m. to 7.30 a.m. The staff attending shift duty in the evening and the night will be paid shift duty allowance @ Rs.150/- per shift.
- 7.2.2.5.2 The Staff of ERNET India who are required to perform regular duties on holidays including Saturday & Sunday, would be paid consolidated amount as under:

	PAY SCALE	CONSOLIDATED AMOUNT
'A'	BP,5200-20200 GP 2400/-	Rs.200/- per day
	BP,9300-34800, GP,4200/-	Rs.300/- per day
	BP,9300-34800, GP,4200/-	Rs.400/- per day
	BP,9300-34800, GP,5400/-	Rs.500/- per day
	BP,15600-39100,GP,6600/-	Rs.600/- per day
	BP,15600-39100,GP,7600/-	Rs.750/- per day
	BP,37400-37000 GP,8700/-	Rs.750/- per day
'B'	<i>Trainee Engineer</i>	Rs.500/- per day

## Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)

7.2.2.5.3 The employee who gets benefit of shift duty allowance will not be allowed any conveyance/transportation separately.

7.2.2.6. TA/DA RULES

7.2.2.6.1 The employees will be entitled for TA/DA as per Central Govt. Rules with following modifications:

- Accommodation charges would be 3 times the limits in Govt. Rules.
- Local conveyance would be limited to 2 times normal DA.

7.2.2.6.2 For entitlement of TA/DA, all Trainee Engineers will be treated at par with JSO. For other contract employees, the entitlement will be at par with the equivalent employees.

7.2.2.7. HONORARIUM FOR ATTENDING DIFFERENT MEETINGS. For outside members :

(i)	GC / EC	Rs. 1000/- (*)
(ii)	Selection Committee/ Screening Committee/ Tender Committee/ Negotiating Committee/ Departmental Promotion Committee	Rs.1000/- Full Day Rs. 500/- Half Day

(\*) They will also be entitled for TA/DA as per their entitlement subject to production of tickets and related vouchers.

7.2.2.8. Residential Telephone

Executive Director, Chief Finance Officer and Registrar shall be provided with residential telephone. Besides above, key functionaries of the Society may also be provided residential phone on functional grounds with the approval of Executive Director. Limits of calls on such telephone connections would be as under :-

1. Executive Director -To full extent towards official calls.
2. Other Officers - 650 official calls in 2 months over and above 120 free calls.
3. STD/ISD facilities - On functional ground

The Executive Director would be competent to approve payment/ reimbursement of excess calls on production of specific certificate by the concerned officer to the effect that excess calls were in connection with the official work. All officers would, however, maintain a register for STD/ISD calls.

7.2.2.9. Leased Accommodation facility:

This facility will be provided to the employees of the Society strictly as per instructions of Government of India.

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

### 7.2.2.10. Leave Travel concession:

Employees of the Society shall be encouraged to be away from work place and avail LTC to “Hometown” and “Any where in India” as per Government Rules.

### 7.2.2.11. Medical Facilities:

Employees of the Society and members of their families including dependants shall be eligible for medical reimbursement. For OPD treatment each employee shall be entitled for reimbursement per annum to the extent of one month's Basic Pay plus DA+DP as on 1<sup>st</sup> April of the respective financial year with no carry forward facility.

Consultancy fee, hospitalization charges and medicine costs with all special charges like surgery, dental treatment, diagnostic tests etc. will be reimbursed on production of prescription, bills & receipts.

Employees of ERNET India may obtain in-patient treatment in State/Central Government recognized hospitals or approved specialized hospitals for Central/State Government employees and reimbursement may be made as per actual. In cases of emergency necessitating treatment in private hospitals/nursing homes, Executive Director may allow this as a special case. In such cases reimbursement of expenditure will be as per actual expenditure incurred by the employee.

### 7.2.2.12. CPF:

Employees of the Society shall be admitted to Contributory Provident Fund under the Employees' Provident Fund Act, 1951 where the employee shall contribute a minimum amount as prescribed by the Law and a like amount shall be contributed by the Society as Employer contribution.

The Society shall have the option to create a Provident Fund Trust managed by itself; features of which shall broadly be the same as provided for under Central Govt. Rules. These are;

- A minimum of 10% of pay plus DP will be deducted every month from the salary of each employee as contribution to the provident fund.
- A matching contribution equal to the sum mentioned above will be made by the society in respect of each employee.
- Employees may contribute any additional amount voluntarily to the Provident Fund. However, the contribution by the society will be limited to the amount mentioned above.
- Interest will be allowed on the total amount at the rates applicable from time to time.
- Transfer of CPF from previous employer permissible.

### 7.2.2.13. Gratuity:

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

ERNET India will have a “Staff Gratuity Fund Trust”.

Gratuity payable after a staff member renders continuous service for not less than five year.

Amount of Gratuity shall be equal to fifteen days wages last drawn for every completed year of service.

Transfer of Gratuity permissible from previous employer.

“ERNET Staff Gratuity Fund Trust” Rules & Regulations will be formulated for details.

### 7.2.2.14. PENSION:

The employees of the Society shall be provided with CPF & Gratuity benefits and the services shall not be pensionery.

### 7.2.2.15. Membership of Professional Bodies/Institutions:

The Officers of the Society are encouraged to participate in professional bodies/institutions in the field of their specialization. The Society shall reimburse 90% of the membership fee of the annual subscription for one National and one International professional body. Life membership is not allowed. The maximum amount that can be reimbursed on this account is limited to Rs 10,000/- in a year. The list of professional bodies for membership both National and international shall be finalized by the Executive Director of the Society.

### 7.2.2.16. Group Insurance Scheme – Savings fund:

The Society shall formulate a similar scheme as the Central Govt. Group Insurance Scheme in association with any of the Insurance companies where there shall be no contribution by the Society. The Fund shall constitute contributions made by staff of the Society.

### 7.2.2.17. BENEVOLENT FUND:

The employees of the Society shall be provided with a Staff Benevolent Fund Scheme to render immediate financial assistance to members of the family of a member in the event of his death or if he is in dire distress. The Staff Benevolent Fund will consist of contributions of the employees of the Society.

## 7.2.3. ADDITIONAL FACILITIES

### 7.2.3.1. Reimbursement for newspapers / periodicals

Officers and Staff of the Society shall be reimbursed the expenditure incurred by them on Newspaper/Magazines/Periodicals at their residence as per limit given below :

Director General	As per actual subject to a maximum of Rs.1000/- per month
Director	Upto Rs.500/- per month
Officer of the level of Manager & above	Upto Rs.250/- per month

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

Officer below the level of Manager and upto Section Officer	Upto Rs.150/- per month
Other staff members	Rs.100/- per month

The staff of ERNET India will have the option of either returning the old newspapers or to make a deduction from the reimbursement bill @ 15% for retaining the newspapers.

7.2.3.2. Canteen facility:

A subsidized canteen will be made available for all members of the staff. Those who are not provided canteen facility shall be paid @ Rs 25/- per day irrespective of pay scale. All members of the staff of the Society would be provided free tea twice a day.

7.2.3.3. Children's Education Allowance / Tuition Fee Reimbursement:

The staff of the Society shall be provided Children Education Allowance @ Rs 200/- per child per month for 2 children but limited to studies up to 10 + 2 level and there shall be no separate payment of Book Allowance.

7.2.3.4. Entertainment Allowance :

The officers of the Society would be eligible for entertainment allowance for meeting expenses in connection with work of Society etc. on working lunch, etc. at the following rates:-

- i) Director General - Rs.5000/- per quarter subject to production of bills.
- ii) Officers of the level of Manager and above - Rs.2000/- per quarter subject to production of bills.

7.2.3.5. Reimbursement of Credit Card Membership:

The reimbursement of membership fee should be limited to one credit card per person and Rs.500/- per annum. The Official availing the facility shall not be sanctioned petty advances like tour advance etc. Fee on account of add on cards shall not be reimbursed.

7.2.3.6. House Building Advance, Scooter/car, Festival and other advances:

The interest subsidy to the employees shall be allowed, who have taken loan under Government recognized schemes/financial institutions. The interest subsidy shall be the difference in interest rate in Government and the rate at which employees has taken the loan.

7.3. LEAVE:

Employees of the Society shall be eligible for grant of Earned Leave, Half Pay Leave, Commuted Leave, Leave Not due, Extra Ordinary Leave, Maternity

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

Leave, Paternity Leave, Special Disability Leave, Hospital Leave, Study leave and Casual Leave in accordance with CCS (Leave) Rules, 1972.

### **7.3.1. SABBATICAL LEAVE:**

Scientists shall be allowed sabbatical leave as admissible to scientists of CSIR.

### **7.3.2. LEAVE ENCASHMENT:**

The leave encashment may be permitted @ one month per year during the last ten years of service of employees subject to maximum of 300 days during the entire tenure. The employees will however have the option to claim leave encashment upto a maximum of 300 days at the time of his/her superannuation as provided in the Govt. Rules.

### **7.4. SERVICE CONDITIONS:**

#### **7.4.1. Appointments:**

7.4.1.1. All appointments against sanctioned posts will be made as per Recruitment Rules of ERNET India.

7.4.1.2. All appointments against contract posts will be made on contract basis as per Delegation of Powers initially for a period of 1 year to be extended up to 3 years subject to satisfactory work & conduct of the respective contract employee.

7.4.1.3. The performance of the contract employees will be reviewed by a committee set up with the approval of the authority competent to engage the contract employees as per Delegation of Powers.

#### **7.4.2. Probation:**

A person appointed to Technical and non-Technical posts through direct recruitment shall be placed on probation for a period of one year and two years respectively from the date of joining the post. The appointing authority may declare successful completion, extend the period of probation or terminate the services of a temporary employee on probation, on the basis of evaluation of performance. The probation shall stand successfully completed on issue of orders in writing.

#### **7.4.3. Regularization in Service:**

On completion of probation period and issue of orders in writing to that effect, an employee would be treated as regular, unless otherwise provided under the terms and conditions of appointment.

#### **7.4.4. Resignation:**

Temporary employee, i.e. during probation period or extended period of probation may resign giving one month's notice in writing or as provided under the terms and conditions of appointment. The Society may also

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

terminate the services of a temporary employee on probation by giving one month's notice in writing or pay in lieu thereof.

Regular employee may resign from the Society by giving three month's notice in writing. The Society may also dispense with the services of a regular employee by giving three month's notice or three months pay in lieu thereof in case of a general reduction in the establishment.

### **7.4.5. Appointment on Contract for sponsored/short term assignments:**

The Executive Director shall be competent to engage a person on contract for sponsored/short term assignments. Persons appointed on contract basis will be paid consolidated emoluments. The emoluments and terms of appointment shall be settled in advance.

### **7.4.6. Engagement of Consultants:**

The Executive Director may engage Consultants in exceptional circumstances and on merits of each case, in accordance with the instructions of the Central Govt. on the subject.

### **7.4.7. Superannuation:**

7.4.7.1. The regular employees of the Society shall superannuate at the age of 60 years or the age that may be decided by the Government. As and when need arises for extension of service in rare & exceptional cases, Department may be approached on case to case basis.

7.4.7.2. For voluntary retirement and pre-mature retirement, the rules will be the same as applicable for Central Government employees, except pension.

### **7.4.8. Working Hours:**

The Society shall work for 5 days a week with Saturdays and Sundays as weekly off days. Every employee shall work for minimum 40 hours a week. The Executive Director of the Society shall be competent to declare any day as an off day and substitute the Saturday falling next as a working day to avoid disturbances during Bandh, strike etc. The Chief Executive shall decide the working hours of the Society. The working hours shall normally be 9.00 AM to 5.30 PM with 30 minutes lunch break, or as applicable to employees of the administrative ministry.

### **7.4.9. Attendance:**

Attendance shall be marked daily according to the methods prescribed from time to time. An employee who is absent from duty shall be liable for deduction of wages as provided in the Payment of Wages Act. Computerised punching attendance system will be introduced to regulate the attendance of employees.

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

Absence from Station: Employees are required to take permission from their reporting officer for being absent from the station. In case of emergent situations where such sanction cannot be taken, employee shall inform their reporting officer at the earliest opportunity.

Employees not to be absent from duty without permission or be late in attendance: Employee shall not absent himself from his/her duties or be late in attending office without having first obtained the permission of the competent authority, nor shall he/she absent himself /herself in case of sickness or accident without submitting a proper medical certificate:

- Provided that in the case of temporary indisposition the production of a medical certificate may, at the absolute discretion of the competent authority, be dispensed with in the case of an officer, and
- shall not be insisted upon in the case of any other employee if leave to be granted does not exceed two days and the competent authority is satisfied with the bonafides of the reasons for any such leave.

An employee who absents himself from duty without leave or overstays his/her leave or attends office late, except under circumstances beyond his/her control for which he/she must tender a satisfactory explanation, shall not be entitled to draw any pay and allowances during such absence or overstayal, and shall further be liable to such disciplinary measures as the competent authority may impose. The period of such absence or overstayed may, if not allowed by discharge or termination of services-or dismissal-be treated as period spent on extraordinary leave.

An employee has to put in 40 hours in a 5-day week. A employee who has a habitual shortfall in attendance shall, in addition to such other penalty as the competent authority may deem fit to impose, have one day casual leave forfeited for every three days of such late attendance in a month. Where such an employee has no casual leave due to him/her, the period of leave to be so forfeited may be treated as ordinary or extraordinary leave as the competent authority may determine.

### 7.4.10. Holidays:

The Society shall observe holidays as per Central Government directives.

### 7.4.11. Grievance:

The Society shall have an open door policy and members of staff at all levels are expected to discuss their grievances, personal / official difficulties with their immediate supervisors. There shall be Consultative machinery in place the details of which may be seen in the Policy Manual.

### 7.4.12. Posting / Transfer:

Members of staff of the Society are liable to be transferred/posted anywhere in India or abroad at the discretion of Executive Director to serve at any of the

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

other offices / units / PoPs of the Society. Such transfer/posting shall be made purely in the interest of the Society.

### **7.5. Whole time Service:**

An employee shall devote his whole time to the service of the Society and shall not take active part in politics, or without the previous permission of the Council in the case of the Executive Director in the case of others, engage directly or indirectly, in any trade, business, or occupation or enter into any remunerative commitment, or absent himself from duty except in the case of accident or sickness certified by a competent medical authority. Members of the staff shall not stand for election or accept nomination to any other body or authority without the previous permission of the Council in the case of the Executive Director and Directors, and of the Executive Director in the case of others.

### **7.6. Publishing of books and research papers**

No employee shall except with the previous sanction of the competent authority publish or cause to be published any book or any similar printed matter of which he is the author, or deliver talk or lecture in any public meeting or otherwise provided that no such sanction is however, required, if such broadcast or contribution or publication is of a purely literary, cultural, spiritual, religious or social character.

The society encourages publishing of books and research papers by employees in the areas of interest provided, the employee has acknowledged the sources used in the society and its contributions appropriately. Suitable and appropriate approvals from the Executive Director must be sought by the employee before publishing his work.

The society is entitled to share the royalty or the honorarium received by the employee on publication of a book or a research paper within the mechanism and according to the guidelines as prevalent at the time, where the employee has used his work or activity involved in the society.

### **7.7. Contribution to Professional / Technical Journals / Periodicals:**

Contributions to technical journals resulting from work carried on in the Society by members of the staff of the Society shall contain the Society's name and shall have prior approval of the Executive Director. A copy of every such contribution shall also be sent to the Executive Director as soon as it is published / presented. It shall be ensured and certified by the author that no classified / confidential material is contained in such contribution. Members of the staff of the Society may, with the prior permission of the Executive Director, accept invitations to deliver lectures in their field of work at universities or learned Societies, Scientific Conferences etc. and also act as expert members on the committees / bodies set up by Government or similar other agencies, provided that such assignment does not affect the work of the society.

## Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)

### 7.8. Intellectual Property

#### Rights Patents/Copyrights

All work of intellectual nature whether in the form of reports, charts, paper analysis, design, software or hardware etc; carried out by a employee shall be owned by the society without exception.

The society encourages its employees to actively pursue research. All the innovations and discoveries must be documented and reported to their reporting officers forthwith. the society shall obtain patents or copyrights on ideas, design, research, etc if it deems fit. Employees may be suitably rewarded at the discretion of the Society in accordance with the mechanisms and the guidelines existing at that time. Intellectual Property generated at any place including office, home, or any other place during or beyond his office hours shall be owned by the society.

The society may consider sharing commercial consideration received on sale of patent to a third party with the employee concerned in the proportion and within the mechanism as may be decided by the Society from time to time.

### 7.9. Consultancy

The society shall not permit its employees to engage in part-time consultancy /teaching with other organizations. The Consultancy Service shall be carried on Institutional basis only.

### 7.10. Private Trading

No employee shall engage in any commercial business or pursue either on his/her own account or as agent for others, nor act as an agent for or canvass business in favour of another organization.

Explanation: Canvassing by an employee in support of the business of other or similar Information Technology Company or activities carried on or managed by a employee of his family shall be deemed to be a breach of this sub-rule.

### 7.11. Press, Publicity Coverage, etc.

Executive Director is the spokesperson on the behalf of the Society for any Print Or Electronic Media, except when explicit permission has been given to any employee to speak on their behalf.

### 7.12. Official Language Implementation Act:

The instructions in regard to the Official Language Implementation Acts will be followed as per the Government guidelines.

### 7.13. CONDUCT, DISCIPLINE AND APPEAL RULES

#### 7.13.1. Discipline

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

Every employee of the Society shall at all times

- maintain absolute integrity
- maintain devotion to duty
- do nothing, which is unbecoming of his position.

### 7.13.2. Misconduct

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

- 7.13.2.1 Theft, fraud or dishonesty in connection with the business or property of the Society or of property of another person within the premises of the Society.
- 7.13.2.2 Taking or giving bribes or any illegal gratification.
- 7.13.2.3 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.
- 7.13.2.4 Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matters germane to the employment at the time of employment or at any time during the course of employment.
- 7.13.2.5 Acting in a manner prejudicial to the interests of the Society.
- 7.13.2.6 Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- 7.13.2.7 Absence without leave or over-staying the sanctioned leave for more than three consecutive days without sufficient grounds or proper or satisfactory explanation.
- 7.13.2.8 Habitual late or irregular attendance.
- 7.13.2.9 Neglect of work or negligence in the performance of duty including, malingering or slowing down of work.
- 7.13.2.10 Sabotage or Damage to any property of the Society.
- 7.13.2.11 Interference or tampering with any safety devices installed in or about premises of the Society.
- 7.13.2.12 Fighting, riotous, threatening, intimidating, disorderly or indecent behaviors in the premises of the Society or Society's township or elsewhere.
- 7.13.2.13 Drunkenness or gambling within the premises of the Society or as a regular feature outside Society.
- 7.13.2.14 Smoking within the premises of the Society where it is prohibited.
- 7.13.2.15 Collection without the permission of the competent authority of any money within the premises of the Society except as sanctioned by any law of the land for the time being in force or rules of the Society.

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- 7.13.2.16 Sleeping while on duty.
- 7.13.2.17 Commission of any act, which amounts to a criminal offence involving moral turpitude.
- 7.13.2.18 Absence from the appointed place of work or Headquarters without leave/permission or sufficient cause.
- 7.13.2.19 Purchasing properties, machinery, stores etc, from or selling properties, machinery, stores etc., to the Society without express permission in writing from the competent authority.
- 7.13.2.20 Commission of any act subversive of Discipline or of good behavior.
- 7.13.2.21 Abetment of or attempt at abetment of any act, which amounts to misconduct.
- 7.13.2.22 Approaching higher authorities for personal promotion or any other personal favor or gain either directly or indirectly or submission of joint representation or submitting representation without routing through proper channel.
- 7.13.2.23 Spreading false rumors or giving false information.
- 7.13.2.24 Unauthorised communication or disclosure of official documents or information relating to the Society's operations & business to any unauthorised persons.
- 7.13.2.25 Acceptance of gifts other than those permitted under Rules.
- 7.13.2.26 Carrying on money lending or any other private business.
- 7.13.2.27 Habitual indebtedness or insolvency.
- 7.13.2.28 Writing of anonymous or pseudonymous letters or associating oneself in writing such letters.
- 7.13.2.29 Striking work or inciting others to strike work.
- 7.13.2.30 Acting as Office-bearer of a political party or an organisation which takes part in politics.
- 7.13.2.31 No employee shall –
- i) Act as an office bearer of a political party or an organisation, which takes part in politics;
  - ii) Take part in or assist in any manner in any movement/agitation or demonstration of a political nature;
  - iii) Canvass or take part in an election to any legislature or local authority;
  - iv) Canvass in any election to any legislature or local Party.
- 7.13.2.32. Employment of near relatives of the employee in any Society or firm enjoying patronage of the Society or with whom the Society has business dealings:

### **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- i) 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 to the employee's wife or husband whether such a person is dependent on the employee or not.
- ii) 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 Society or firm with which he has any official dealings.
- iii) 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 forth with.
- iv) If any member of the family of an employee has been employed in any private firm having business dealings with the Society conducted directly or indirectly by the employee from a date prior to the employee joining the service of the Society, he shall bring such fact to the notice of the competent authority in writing immediately after taking up employment in the Society.
- v) No employee shall in the discharge of his official duties deal with any transaction or give or sanction any contract to any Society or firm or any other person if any member of the family of the employee is employed in that Society or firm or under that person or if the employee or any member of the family of the employee is interested in such transaction or contract either directly or indirectly, and the employee shall refer every such transaction or contract, to the competent authority and the transaction or the contract shall thereafter be dealt with according to the instructions of the authority to whom the reference is made.

7.13.2.33. Taking part in demonstrations AND strikes - No employee shall engage himself or participate in any demonstration, which involves incitement to an offence.

7.13.2.34. Connection with Media:

- i) No employee shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or managing of, any newspaper or other periodical publication.
- ii) No employee shall, except with the previous sanction of the competent authority, or any other authority empowered in this behalf by the competent authority, or in bonafide discharge of his duties, participate in a TV, radio broadcast or contribute any article or write any letter anonymously, pseudonymously or in his own name or in the name of any other person to any newspaper or periodical or other vehicle of publicity whatsoever.
- iii) No employee shall give any press, TV, Radio interview without the prior permission of the competent authority.

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

**Note:** No such sanction shall be required if such broadcast or such contribution is of purely social, literary scientific or artistic character.

### 7.13.2.35. Criticism of Government or of the Society:

- i) No employee shall, in any radio, TV broadcast or any document published anonymously, pseudonymously or in his own name, or in the name of any other person, or any communication to the press, or in any public utterances, make any statement of fact or express any opinion.
- ii) Which has the effect of an adverse criticism of any policy or action of the Central Government or a State Government or of the Society or any other public undertaking; or
- iii) Which is capable of embarrassing the relations between the Central Government and any State Government, or between the Society or the Central Government and Government of any State, or between the Society and the public; or
- iv) Which is capable of embarrassing the relations of the Government and the Government of any Foreign State.

Provided that nothing contained herein shall apply to bonafide expressing of views based on correct and verified statement, as an office-bearer of an association of employees for the purpose of safeguarding the service condition of such employees of securing an improvement to such service conditions.

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

### 7.13.2.36. Evidence before committee or any other authority:

- i) Save as provided in these Rules no employee shall, except with the previous sanction of the competent authority, give evidence in connection with enquiry conducted by any person, committee or authority.
- ii) Where any sanction has been accorded no employee giving such evidence shall criticise the policy or any action of the Central Government or of State Government or the Society.
- iii) Nothing in this Rule shall apply to:
  - Evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or any public undertaking; or
  - Evidence given in any judicial enquiry; or

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- Evidence given at any departmental enquiry ordered by authorities subordinate to the Government or by the Society.

### 7.13.2.37 Unauthorised communication of information:

No employee shall, while in service or thereafter, except in accordance with any general or special order of the competent authority or in the performance in good faith of the duties assigned to him, communicate directly or indirectly, any document on any part thereof of the Society or any information to any employee or any other person to whom he is not authorised to communicate such document or information.

#### Explanations:

Confidential information includes not only information disclosed by the Society but also information developed or learned by Employee during the course of his or her employment with the Society. Confidential information includes all proprietary information which has or could have commercial value or other utility in the business in which the society is engaged or contemplates engaging or the un authorized disclosure of which could be detrimental to the interests of the society, whether or not such information is identified as Confidential information by the society. By example all information concerning databases, source code, object code, assemblers, generators, compilers, subroutine libraries and other computer programmes, products, processes, formulas, trade secrets, innovations, inventions, discoveries, improvements, techniques, research or development and test results, specifications, data, know-how formats, marketing plans, business plans, strategies, forecasts, unpublished financial statements, budgets, projections, and customer and supplier identities, characteristics and agreements, are confidential.

7.13.2.38 Every employee shall maintain the strictest secrecy and confidentiality regarding the society 's affairs and the affairs of its constituents and shall not divulge, directly or indirectly, any financial, technical, marketing, R&D or any other information of proprietary or a confidential nature to any outside person unless compelled to do so by judicial or other statutory authority or unless instructed to do so by a superior officer in discharge of his duties.

### 7.13.2.39 Employee to promote the society 's Interest:

Every employee shall serve the Society honestly and faithfully and shall use his utmost endeavors to promote the interests of the society and shall show courtesy and attention in all transactions and dealings with the society's constituents.

### 7.13.2.40 Joining of Association prejudicial to the interests of the country:

No employee shall join, or continue to be an employee of an association, the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.

### 7.13.2.41. Gifts:

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

7.13.2.41.1. Save as otherwise provided in these Rules, no employee shall, except with the previous sanction of the competent authority accept or permit any member of his family or any other person, acting on his behalf to accept from any person, any gifts except of trifling value.

Explanation:

- I) The expression 'gift' shall include free transport, Council/ Committee in lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the employee.
- ii) A casual meal, lift or other social hospitality shall not be deemed to be a gift.
- iii) Whether or not a gift should be treated as of trifling value shall depend on who the donor is and the circumstances in which the gift is made. A gift exceeding Rs.1500/- in value from a person who is not a relation or a personal friend shall ordinarily be regarded as gift of a trifling value.
- iv) If a question arises whether any gift is of a trifling value or not, or where an employee is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the competent authority by such employee and the decision of the competent authority thereon shall be final.

7.13.2.41.2. An employee shall avoid accepting lavish or frequent hospitality from any individual having official dealings with him or from an industrial or commercial firm, organisation, body corporate etc., having business dealings with the Society.

7.13.2.41.3. 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 may accept gifts from his near relatives but he shall make a report to the competent authority of the value of any such gift exceeds Rs.1500/-.

7.13.2.41.4. On such occasions as are specified in these rules, an employee 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.1500/-.

7.13.2.41.5. In any other case an employee 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.1500/-.

7.13.2.41.6. 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.1500/-

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

7.13.2.42. Dowry:

No employee 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 purpose of this rule 'dowry' has the same meaning as in the 'Dowry Prohibition Act'. 1961 (28 of 1961).

7.13.2.43. Private trade/employment:

- i) No employee shall except with the previous sanction of the competent authority engage directly or indirectly in any trade or business or un-dertake 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, subject to the condition that his official duties do not thereby suffer.

- ii) Every employee 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.
- iii) No employee shall, without the previous sanction of the competent authority except in the discharge of his official duties, take part in the registration, promotion or Society of any bank or other Society which is required to be registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force or any cooperative society or firm for commercial purposes.

Provided that an employee may take part in the registration, promotion or Society of a consumer/house building co-operative society substantially for the benefit of employees required to be registered under the Co-operative Societies Act, 1912 or any other law for the time being in force, or of a literary, scientific or charitable society required to be registered under the societies Registration Act, 1860 or any other corresponding law in force.

- iv) No employee may 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.

7.13.2.44. Investment, lending & borrowing:

- i) No employee shall speculate in any stock, share or other investment.

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

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

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

Explanation: If any question arises whether any transaction is of the nature referred to sub rule (ii) the decision of the competent authority thereon shall be final.

- iii) No employee shall, save in the ordinary course of business, with a bank or a firm of standing duly authorised to conduct banking business either himself or through any member or his/her family or any other person acting on his behalf.

- Lend or borrow money as principal or agent, to, or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person or

- Lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

Provided that an employee may give to or accept from a relative or a personal friend a purely temporary loan free of interest or operate a credit account with a bonafide tradesman/ businessman or make an ad-vance of pay to his private employee.

Explanation: If any question arises whether any transaction is of the nature referred above, the matter shall be referred to the competent authority and the decision of the competent authority shall be final.

### 7.13.2.45. Insolvency & habitual indebtedness:

- i) An employee 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.
- ii) An employee who applies to be adjudged insolvent or is declared insolvent by a competent Court shall forthwith report the fact to the competent authority.

### 7.13.2.46. Movable, immovable and valuable property:

- i) No employee shall, except with the previous knowledge of the competent authority, acquire or dispose off 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.
- ii) No employee shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

movable property with a person or a firm having official dealings with the employee or his subordinate.

- iii) Every employee shall report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds Rs.15,000/-
- iv) Every employee shall, on first appointment in the Society, submit a return of assets and liabilities in the prescribed form giving the particulars regarding: -
  - The immovable property inherited by him, or owned or acquired by him, held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
  - Shares, debentures, and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
  - Other movable property inherited by him or similarly owned acquired or held by him if the value of such property exceeds Rs.15,000/-.
  - Debts and other liabilities incurred by him directly or indirectly.
- v) Every employee shall, beginning 1st January submit a return of immovable property inherited/owned/acquired once in every two years.
- vi) 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 by any member of his family, or by any other person on his behalf 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 No.1:**

The term "every transaction concerning movable property owned or held by him" includes all transactions of sale or purchase.

For purposes of this sub-rule, the definition of movable property would include:

- Jewellery, Insurance Policies, the annual premia of which exceeds Rs.15, 000/- or one-sixth of the total annual emoluments received from the Society whichever is less, shares, securities and debentures;

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- Loans advanced by such employee whether secured or not;
- Motor cars

Explanation No 2:

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

7.13.2.47. 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 under the Society

7.13.2.48. Bigamous marriages:

- i) No employee shall enter into, or contract a marriage with a person having a spouse living; and
- ii) No employee, having a spouse living, shall enter into, or contract a marriage with any person;

Provided that the competent Authority may permit an employee to enter into, or contract, any such marriage, if it is satisfied that;

- Such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
- There are sufficient grounds for so doing.
- An employee, who has married or marries a person other than that of Indian Nationality, shall forthwith intimate the fact to the Society.

7.13.2.49. Absence from station:

Unless otherwise expressly provided, the whole time of an employee shall be at the disposal of the Society and he shall serve the Society in such capacity and at such places as he may, from time to time be directed.

An employee shall not absent himself from duty without prior permission of the competent authority.

No employee shall leave the station for more than three days where he is posted without obtaining previous permission from his immediate superior officer, unless otherwise so permitted by the competent authority.

7.13.2.50. Fees and honoraria:

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

No employee shall undertake part-time work for a private or public firm or organisation or a private person or accept fee therefore without the sanction of the Society, which shall grant sanction only in exceptional cases, when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The Society may in cases in which it thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid, in whole or in part to the Society.

### 7.13.2.51. Conviction or arrest of an employee:

An employee convicted by a Court of law or arrested shall report the fact of his conviction or arrest to the Society promptly.

### 7.13.2.52. Pressing of claim or seeking redress of a grievance in service matters:

An employee shall address his immediate superior or head of division or such other authority at the lowest level, as may be competent to deal with the matter.

An appeal or representation to higher authorities shall not be made unless the appropriate lower authority has already rejected the claim or refused relief or unduly delayed the disposal of the case.

Explanation: A representation to the Chairman or Governing Councils of the Society must not be made unless all means of securing attention or redress from lower authorities have been completely exhausted.

No representation, appeal, petition or memorial shall be addressed by any employee to any outside person or authority.

No employee shall send a representation or advance copies thereof to higher authorities except through the proper channel or send copies of a representation to outside persons or authorities.

### 7.13.2.53. Approaching foreign government for financial assistance:

No employee shall approach directly or indirectly any foreign government or foreign organisation for financial assistance for visiting a foreign country or attending a Course abroad without the prior permission of the Society.

### 7.13.2.54. Forwarding of applications:

Subject to the rules in force from time to time in this regard, no employee shall make any application for employment elsewhere, except through proper channel.

An employee shall not make an application for the award of a fellowship, scholarship etc., directly to the authority concerned unless he is sponsored or permitted by the Society to take up such scholarship or fellowship.

### 7.13.2.55. Association of employees with activities not connected with official duties:

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

An employee, with the previous sanction of the Society, may join an educational institution or a course of study outside normal office hours, provided that such pursuit does not detract from the efficient discharge of his official duties.

Subject to any other conditions, which may be prescribed, an employee may join;

- i) Home guards,
- ii) National Voluntary Corps.
- iii) Panchayat Raksha Dal and other officially sponsored Police Organisation
- iv) Shramdhan
- v) St. Jhon. Ambulance Brigade
- vi) Territorial Army: and
- vii) Auxiliary Air Force.

### 7.13.2.56. Return of Society's property, equipment, tools, Library books etc.:

Every employee leaving the service, of the Society shall, before leaving the service, return any of the property or equipment or tools or Library books belonging to the Society, issued or lent to him in connection with his employment in the Society. The cost of such property, equipment or tools not so returned shall be liable to be deducted from his pay or the amount due to him.

### 7.13.2.57. Consumption of intoxicating drinks and drugs:

An employee shall take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug. The employee shall not enter the premises of the Society after consuming intoxicating drinks and drugs during or outside duty hours.

### 7.13.2.58. Acceptance of Awards:

No employee shall accept awards of monetary benefits instituted by private trusts / foundations etc.

### 7.13.2.59. Sexual harassment of working women:

No employee shall indulge in sexual harassment of workingwomen by unwelcome sexually determined behavior, whether directly or by implication, such as:

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual

nature. Explanation :

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

Any acts of sexual harassment of women employees attracts the provisions of Conducts as an act unbecoming of an employee of the Society and amounts to misconduct.

If such an act of sexual harassment amounts to any specified offence under the Indian Penal Code or under any other law, complaint should be made to appropriate authority for taking criminal actions for such misconduct.

### 7.13.3. Congruence of interest and conflict of interests:

Liability to abide by the Rules and Orders

Every employee shall conform to and abide by these Rules and shall observe, comply with and obey all orders and directions which may from time to time be given by any person or persons under whose jurisdiction, superintendence or control he/she may for the time being be placed.

### 7.13.4. Penalties:

The following penalties may be imposed on member of the staff for misconduct or for any other sufficient reason.

#### 7.13.4.1. Minor Penalties:

Censure

Withholding of increments of pay with or without cumulative effect. Withholding of promotion

Recovery from pay or such other amount as may be due to him, of the whole or part of any pecuniary loss caused to the Society by negligence or breach of orders

#### 7.13.4.2. Major Penalties

Reduction to a lower grade or post or to a lower stage in a time scale.

Removal from service, which shall not be a disqualification for future employment.

Dismissal.

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

- i) Withholding of increment of an employee on account of the work of the employee being found unsatisfactory or not being of the 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 ground that the employee is not fit to cross the bar;
- iii) Non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which the employee may be eligible for consideration but to which the employee is found unsuitable after con-sideration of the case;

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- iv) Reversion to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that the employee is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with the conduct of the employee;
- v) Reversion to 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 services;
  - of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of appointment of the employee;
  - of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
  - of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
  - of an employee on reduction of establishment.

7.13.5. Procedure for imposing major penalties:

7.13.5.1. No order imposing any of the major penalties shall be made except after an inquiry held in accordance with this Rule.

7.13.5.2. Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, the disciplinary authority may suo motto, enquire into or appoint any employee or public servant (hereinafter called the Inquiring Authority) to inquire into the truth thereof. In case an employee is appointed, as Inquiring Authority, he should be other than the employee who has either reported the alleged misconduct or has issued the charge sheet

7.13.5.3. Whenever it is proposed to hold an inquiry, 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 charges are proposed to be substantiated shall be communicated in writing to the employee, who shall be required within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), to either specifically admit or deny any or all charges through a written statement

7.13.5.4. On receipt of the written statement of the employee or if no such statement is received within the period specified, the inquiry may be held by an Inquiring Authority.

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

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- 7.13.5.5. Where the Disciplinary Authority itself inquires or appoints an Inquiring Authority for holding an inquiry, it may, by an order appoint an employee or a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge. The person so appointed shall not be the reporting officer or his direct superior.
- 7.13.5.6. The employee against whom misconduct is alleged may take the assistance of any other employee of the Society but is not entitled to engage a legal practitioner or a person other than employees of the Society for the purpose.
- 7.13.5.7. 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 to any of the charges, record the plea, sign the record, obtain the signature thereon of the employee concerned and return a copy to him.
- 7.13.5.8. 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 defense: -

Inspect the documents listed in the charge sheet;

Submit a list of additional documents and witnesses that he wants to examine; and

be supplied with the copies of the statements of witness, if any, listed in the charge sheet.

Note: - Relevancy of the additional documents and the witnesses referred to above will have to be given by the employee concerned and the documents and witnesses shall be summoned if the Inquiring Authority is satisfied about their relevance to the charges under inquiry.

- 7.13.5.9. 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.
- 7.13.5.10. The authority who has custody or possession of the requisitioned documents, 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 document will be against the public interest or the interest of the Society. In that event, it shall inform the Inquiring Authority accordingly.

- 7.13.5.11. On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charges 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

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

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, except with the leave of the Inquiring Authority. The Inquiring Authority may also put clarificatory questions to the witnesses as it thinks fit.

- 7.13.5.12. 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 documentary 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 or record, or to cross-examine a witness, who has been so summoned.
- 7.13.5.13. When the case for the disciplinary authority is closed, the employee may be required to state his defense, orally or in writing, as he may prefer. If the defense 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 defense shall be given to the Presenting Officer.
- 7.13.5.14. 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 provisions applicable to the witnesses for the disciplinary authority.
- 7.13.5.15. 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 evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- 7.13.5.16. If the employee does not submit the written statement of defense 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.
- 7.13.5.17. Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in the inquiry, ceases to exercise jurisdiction therein, and succeeded by another Inquiring Authority, which has, and which exercises, such jurisdiction, the enquiring 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.

- 7.13.5.18. After the conclusion of the inquiry, report shall be prepared and it shall contain –

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- i) a gist of the articles of charges and the statement of the imputations of misconduct misbehavior.
- ii) a gist of the defense of the employee in respect of each article of charge.
- iii) an assessment of the evidence in respect of each article of charge; and
- iv) the findings on each article of charge and the reasons therefore.

Explanation: If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original article of charge, it may record its findings on such article of charge;

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

7.13.5.19. The Inquiring Authority, where it is not itself the Disciplinary Authority shall forward to the Disciplinary Authority the records of inquiry which shall include.

- i) the report of the inquiry prepared by it ;
- ii) the written statement of defense, if any, submitted by the employee
- iii) the oral and documentary evidence provided in the course of the enquiry; and
- iv) the orders, if any, made by the Disciplinary Authority and the inquiring Authority in regard to the inquiry.

7.13.6. Action on the Inquiry Report:

7.13.6.1. 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 the further inquiry according to the provisions as far as may be.

7.13.6.2. The Disciplinary Authority shall, if it disagrees with the finding 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.

7.13.6.3. 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 should be imposed on the employee. It shall; notwithstanding any thing contained herein, make an order imposing such penalty.

7.13.6.4. 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.

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

### 7.13.7. Suspension:

#### 7.13.7.1. Appointing/disciplinary authority may place an employee under suspension:

Where a disciplinary proceeding against him is contemplated or is pending.

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

Member of staff detained in custody for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention and shall remain under suspension until further orders from the competent authority.

7.13.7.2. 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 suspending the employee shall be deemed to have come into force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.

7.13.7.3. 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 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 appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

7.13.7.4. An order of suspension made or deemed to have been made at any time may 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.

#### 7.13.7.5. Deemed Suspension:

Any employee of the society detained in custody on a criminal charge or otherwise, for a period exceeding forty-eight hours or sentenced to a term of imprisonment exceeding forty-eight hours, is deemed to have been placed under suspension.

### 7.13.8. Subsistence Allowance:

7.13.8.1. An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent 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 suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.

7.13.8.2. 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

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

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 per cent of basic pay and allowance 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 per cent 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.
- iii) 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 decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date, on which he is granted bail.

7.13.8.3. Treatment of the period of suspension:

7.13.8.3.1. When the employee under suspension is reinstated, the competent authority may grant to him the following pay and allowances for the period of suspension.

- i) If the employee is exonerated and not awarded any of the penalties, the full pay and allowances which the employee would have been entitled to if the employee has not been suspended, less the subsistence allowance paid to the employee; and
- ii) If the employee is not exonerated, such proportion of pay and allowances as the competent authority may decide.

7.13.8.3.2. In a case falling under sub-clause (i) the period of absence from duty will be treated as a period spent on duty. In a case falling under sub clause (ii) it will not be treated as a period spent on duty.

7.13.8.4. Procedure for imposing Minor Penalties:

7.13.8.4.1. Where it is proposed to impose any of the minor penalties specified in these Rules, the employee concerned shall be informed in writing of the imputations of misconduct or misbehavior against him and given an opportunity to submit his written statement of defense within specified period not exceeding 15 days. The defense statement, if any, submitted by the employee shall be taken into consideration by the Disciplinary Authority before passing orders.

7.13.8.4.2. The record of the proceedings shall include.

- i) a copy of the statement of imputations of misconduct or misbehavior delivered to the employee;
- ii) his defense statement, if any; and

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- iii) the orders of the Disciplinary Authority together with the reasons therefore.

7.13.8.5. Communication of orders:

Orders made by the Disciplinary Authority shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

7.13.8.6. 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.

7.13.8.7. Special procedure in certain cases:

Notwithstanding anything contained herein the Disciplinary Authority may impose any of the penalties specified in Rule 20.6.3.2.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 disciplinary authority is satisfied that in the interest of the security of the Society. It is not expedient to hold any inquiry in the manner provided in these Rules.

7.13.8.8. Employees on deputation from the Government etc.:

7.13.8.8.1. Where an order of suspension is made or disciplinary proceeding is taken against an employee who is on deputation to the Society from the Central or State Government, or a public undertaking, or a local authority, the authority lending his services (here-in-after referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.

7.13.8.8.2. In the light of the findings in the disciplinary proceeding taken against the employee.

- i) 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

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

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 lending authority the services of the employee shall be placed at the disposal of the Lending authority.

- ii) if the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the Lending Authority and transmit to it the proceeding of the enquiry for such action as it deem necessary.

7.13.8.8.3. If the employee submits an appeal against an order imposing a minor penalty on him, 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.

7.13.8.9. Appeals:

7.13.8.9.1. An employee may appeal against an order imposing upon him any of the penalties specified in these Rules, or against the order of suspension. The appeal shall lie to the specified authority.

7.13.8.9.2. 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 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 or from the date of receipt of the appeal. 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 orders con-firming, 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 as a major penalty and an inquiry as provided the Rule 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 these Rules, and there-after consider the record of the inquiry and pass such orders as it may deem proper.

7.13.8.9.3. If the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided for, 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 order after taking into account the representation, if any submitted by the employee, within a period of 45 days from the date of the appeal.

## Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)

### 7.13.8.10. Review:

Notwithstanding anything contained in these rules, the Chief Executive of the Society 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 thereon as it may deem fit.

Provided that if the enhanced penalty, which the Reviewing Authority proposes to impose is a major penalty and an inquiry as provided under the Rules has not already been held in the case, the Reviewing Authority shall direct that such an enquiry be held 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, 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 order after taking into account the representation, if any submitted by the employee within such time as may be specified.

### 7.13.8.11. 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 last known address.

### 7.13.8.12. Premature retirement

7.13.8.12.1. An employee who has attained the age of 50, 55 and 58 years and who is considered to be medically unfit, inefficient or of doubtful integrity may be prematurely retired with the approval of the Competent Authority. The Competent Authority for premature retirement will be the same as appointing authority.

7.13.8.12.2. The criteria for judging the medical unfitness, inefficiency or doubtful integrity will be as under:

- i) Inefficiency: To be evaluated on the basis of Appraisal Reports. An employee securing below average ratings, in the appraisal reports for two successive years may be deemed to be inefficient.
- ii) Doubtful Integrity: An employee who gets adverse comments on integrity in the appraisal report consecutively for two years may be considered for premature retirement for doubtful integrity.
- (iii) Medical unfitness; If an employee has been continuously 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 a person though attending duties but is found to be mentally deranged, Society may refer him to a

## Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)

medical Council/Committee 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.

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 utilised by the Society or whose attendance is likely to pose health hazard to others as may be certified by the Medical Board, premature retirement will be considered.

7.13.8.12.3. This premature retirement on medical grounds is independent of and without prejudice to the right of the Society under the contract of employment to dispense with the services of an employee of one month/three months notice inter-alia on grounds of medical unfitness in case of an employee who might not have attained the age of 50 years, on due process of the proceedings as required by law.

7.13.8.12.4. Employees who are retired prematurely may be allowed:

- i) 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 earned leave. The quantum of leave salary will not exceed the maximum limit to which earned leave can be accumulated under the Leave Rules applicable to the employees.
- ii) 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.
- iii) Gratuity for each completed year of service or part thereof as admissible under the Gratuity Rules.
- iv) Transfer TA benefits for self and family for proceeding to hometown or to the place where he intends to settle in India as admissible under the TA Rules.

7.13.8.13 Voluntary Retirement:

7.13.8.13.1 Voluntary retirement rules will be same as applicable for Central Government employees, except pension.

7.13.8.14. 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.

7.13.8.15 Savings:

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

- 7.13.8.15.1. 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 the employee under any other Rules, which have been superseded by these Rules.
- 7.13.8.15.2. 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.
- 7.13.8.15.3. The proceedings pending at the commencement of these Rules shall be continued and disposed of as far as may be, in accordance with the provisions of these Rules, as if such proceedings were proceedings under these Rules.
- 7.13.8.15.4. Any misconduct, etc. committed prior to the issue of these Rules, which was misconduct, shall be deemed to be misconduct under these Rules.
- 7.13.8.16. Removal of doubts:
- Where a doubt arises as to the interpretation of any of these Rules, the matter shall be referred to the Chief Executive of the Society for final decision.
- 7.13.8.17. Amendments:
- The Council/Committee 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.
- 7.13.8.18 Procedure for disciplinary action
- The salient features of the disciplinary procedure are brought out hereunder:
- 7.13.8.18.1. Whenever any misconduct has been reported on the pan of the employee, the disciplinary action should immediately be started. It shall be noted that the various acts of the misconduct enumerated in these Rules above are only illustrative but not exhaustive. Any conduct of an employee, which is repugnant to the laid down rules and regulations, shall be deemed to be misconduct punishable under these Rules.
- 7.13.8.18.2. At times the full facts constituting misconduct may not be available before the disciplinary authority to issue a charge sheet straight away. In such cases a preliminary fact finding enquiry may be ordered. The findings of the fact finding enquiry shall also enable the disciplinary authority to take immediate necessary action like suspension of the employee concerned, in case the authority feels that the suspension is necessary for the fair conduct of the disciplinary proceedings. The employee is then issued with a charge sheet and is called upon to give his explanation in writing.
- 7.13.8.18.3. The memorandum of charges shall contain the allegations reported against the employee and the specific charges based on the allegations. Sufficient time should be allowed to the employee to put forth his defense by way of written statement in response to the charges made. The disciplinary authority shall examine the written statement and then consider whether the matter needs to be processed further. These Rules categorise the penalties as minor and major. In case the disciplinary authority feels that based on the circumstances of the case

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

a minor penalty is called for no regular enquiry need be conducted whereas if the misconduct calls for major penalty, the enquiry should be conducted giving an opportunity to the delinquent employee. The Enquiry Officer should be selected such that the officer should be unconnected with the particular incident constituting the misconduct and that he should be fair and unbiased. Normally efforts shall be made to appoint an enquiry officer who is two steps above in the grade compared to the grade of the delinquent employee.

- 7.13.8.18.4. During the enquiry fair and reasonable opportunity is to be given to the employee to enable him to put forth his defense. Copies of the documents relied upon by the Society representative in the case are also made available to the delinquent employee so that he may counter every circumstance that may be shown against him in the proceedings. The delinquent may be permitted to be represented by a co-employee.
- 7.13.8.18.5. During the enquiry, the Society representative should put forth his case in support of the charges leveled against the delinquent employee and produce before the enquiry officer the relevant documents relied on by him and also the witnesses to speak in support of the charges. A list of documents relied upon by the Society representative and the list of witnesses should be furnished to the delinquent employee. The documents relied upon by the Society representative shall be admitted in evidence. The delinquent employee or his representative has to be permitted to Cross-examine the witnesses produced by the Society. Strict rules of evidence need not be adhered to however, care should be taken to maintain natural justice, equity and fair play through out the disciplinary proceedings. After the Society representative closes his evidence, the delinquent employee will be called upon to enter upon his defense. The documents relied upon by him may be admitted in evidence and he may be allowed to produce his witnesses and the Society representative will have the opportunity to cross-examine the witnesses. After the evidence, both documentary and oral is completed; both sides may argue the matter before the enquiry officer whereupon the proceedings shall be treated as closed. The signatures of the witnesses, Society representative and the delinquent employee or his representative are obtained on the evidence recorded day-to-day and the copies of the same are furnished to the delinquent employee and the Society representative.
- 7.13.8.18.6. The enquiry officer shall consider the evidence adduced before him both oral as well as documentary and offer his findings duly supported by the reasoning and material evidence on record. The finding should be one that would be arrived at by an ordinary man of prudent knowledge and the findings should not be arbitrary or perverse. The enquiry officer should not recommend the punishment or penalty to be awarded in the case. It is not within his jurisdiction and it is for the disciplinary authority to do so.
- 7.13.8.18.7. After the findings are received, the disciplinary authority should carefully go through the enquiry officer's report and then decide whether to agree with the findings or disagree with the same. In case the disciplinary authority agreed with the findings, he shall decide the punishment or the penalty to be awarded to the delinquent employee. The punishment should not be grossly disproportionate to the gravity of the misconduct committed. The punishment should be fair and reasonable. In order to maintain uniformity in regard to the penalties

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

to be awarded in cases of similar nature. Registrar of the Society is consulted before the matter is finally decided. Care should be taken that the punishment ultimately awarded should not have been influenced by any extraneous circumstances and it is for the disciplinary authority to consider and award the penalty.

7.13.8.18.8. While awarding the punishment, the disciplinary authority shall also decide regarding the withdrawal of suspension and as to how the period of suspension is to be treated. A copy of the findings of the Enquiry Officer along with the order of the penalty should be sent to the delinquent employee whereupon the proceedings are deemed to have been closed. In case the delinquent employee chooses to prefer an appeal or revision as provided in the Rules, the competent authority as declared may entertain the same and dispose the matter.

7.13.8.18.9. A record of the misconduct/result of the enquiry proceedings in respect of each employee, shall be maintained apart from making an entry in the CR form.

7.13.8.19. Disciplinary Authority

Disciplinary authority as specified below or authority higher than it, may impose any of the penalties specified:

Sl. No	Level	Appointing Authority	Disciplinary Authority	Extent of power of Disciplinary Authority to impose penalties	Appellate Authority
A	B	C	D	E	F
1	<b>Director General and other posts carrying the scale of pay of 67000 GP-NIL annual increment@ 3% 79000/-</b>	Chairman, Governing Council with the approval of Government	Chairman, Governing Council	All penalties	Appeal does not lie*
2	<b>All posts carrying scale of pay of BP,37400-67000, GP,8900/-</b>	Chairman, Governing Council	Chairman, Governing Council	All penalties	Appeal does not lie*
3	<b>All other Group 'A' posts and Group 'B' posts</b>	Executive Director	Executive Director	All penalties	Chairman, Governing Council

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

4	<b>All Group 'C' Posts</b>	Registrar	Registrar	All penalties	Executive Director
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(\*) Where Chairman, Governing Council is the Disciplinary Authority, provision of Appeal should not be there. This is being recommended in view of the provision of Rule 22 of CCS(CCA) Rules, 1965 wherein it has been specified that no Appeal lies against any order made by the President (i.e. the Minister), Chairman, Governing Council is the highest authority in the Society as is President (i.e. the Minister) in Government of India.

7.13.8.20 Confidential Reports :

7.13.8.20.1 Annual Confidential Reports (ACRs) of employees will be written by immediate reporting officer and reviewed by the next superior officer in the channel.

7.13.8.20.2 Unless otherwise specifically stated, all other rules/orders as applicable to DIT shall be applicable to the employees of the society.

7.13.8.20.3 ACRs of ED shall be kept and maintained by DIT.

7.13.8.20.4 ACRs of Registrar & CPO shall be kept and maintained by ED.

7.13.8.20.5 ACRs of all other employees shall be kept and maintained by the Registrar & CPO.

8. DELEGATION OF POWERS:

With a view to facilitate smooth functioning of the society, powers have been delegated to authorities at various level and are in Schedule to the Bye-Laws. All matters for which specific provision has not been made shall be referred to Chairman for approval.

9. **Mode of Recruitment**

Direct Recruitment / Absorption/ Deputation (including short term contract)

**Tenure**

i) By Direct Recruitment/ Absorption  
Tenure upto the age of superannuation

(ii) By Deputation (including short term contract)  
Tenure upto 5 years

*“The Director General would be eligible for re-appointment in terms of DoPT’s OM No. 22/19/2013-EO (SM.II) dated 18.07.2014.”*

\* **Governing Council in its 24<sup>th</sup> meeting approved the revised Recruitment Rules of DG on 4<sup>th</sup> Jan., 2017 (Reference file No. EI-D/GA/12-10/2016).**