

# **INDIA TRADE PROMOTION ORGANISATION**

## **EMPLOYEES (CONDUCT DISCIPLINE AND APPEAL) RULES**

### **SHORT TITLE AND COMMENCEMENT**

1. (i) These rules may be called “**India Trade Promotion Organisation** Employees (Conduct, Discipline and Appeal) Rules.”  
(ii) They come into force w.e.f. 1<sup>st</sup> March, 1977.

### **APPLICATION**

2. These rules shall apply to all employees except:  
(i) those in casual employment or paid from contingencies;  
(ii) those governed by the standing orders under the Industrial Dispute Act, 1947.

#### **Para Added O.O.No.Admn./1574/2000 and Amended vide O.O.No.Admn./659/2011 dt. 13.07.2011**

A. The officer against whom disciplinary proceedings have been initiated will cease to be in service on the date of superannuation but the disciplinary proceedings will continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof. The concerned officer will not receive any pay and/or allowance after the date of superannuation. He will also not be entitled for the payment of retirement benefits till the proceedings are completed and final order is passed thereon except dues payable under the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

### **DEFINITIONS**

3. In these rules, unless the context otherwise requires:  
(a) Employee - means a person in the employment of the Organisation other than the casual, work charged or contingent staff including any employee whose services are placed at the disposal of a Government-owned Company, Corporation, Organisation or a local authority, Central or State Government or the Railway Department by the Authority notwithstanding that his salary is drawn from sources other than from the funds of the Organisation and also including a person on deputation to the Organisation.  
(b) Organisation - means India Trade Promotion Organisation.  
(c) Board - means the Board of Directors of the Organisation and includes, in relation to the exercise of powers, any committee of the Board/Management or any officer of the Organisation to whom the Board delegates any of its powers.  
(d) Chairman/Managing Director - means the Chairman/Managing Director of the Organisation.  
(e) Disciplinary Authority - means the Authority specified in the schedule appended to these rules and competent to impose any of the penalties specified in Rule 25.

- (f) Competent Authority - means the Authority empowered by the Board of Directors by any general or special rule or order to discharge the function or use the power specified in the rule or order.
- (g) Government - means the Government of India.
- (h) Appellate Authority - means the Authority specified in the schedule appended to these Rules.
- (i) Reviewing Authority - means the Authority specified in the schedule appended to these Rules.
- (j) Family - in relation to an employee includes;
- (i) the wife or husband as the case may be of the employee, whether residing with him or not but does not include a wife or husband as the case may be, separate from the employee by a decree or order of a competent court
  - (ii) sons or daughters or step-sons or step-daughters or the employee and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law,
  - (iii) any other persons related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employees.
- (k) Public servant - means and includes a person as mentioned in Section 21 of Indian Penal Code as amended from time to time.
- (l) Service - means service in connection with the affairs of the Organisation.
- (m) Appointing Authority - in relation to an employee means:
- (i) the authority empowered to make appointment to the category of post of which the employee is for the time being a member or to the grade in which the employee is for the time being included or
  - (ii) the authority empowered to make appointment to the grade or post which the employee for the time being holds, or
  - (iii) the authority which appointed the employee to such grade or post as the case may be or whichever authority is the highest authority.
  - (iv) where the employee having been a permanent member of any other service or having substantively held any other permanent post, has been in continuous employment of the Organisation, and has not been absorbed in the Organisation, the authority which appointed him to that service or to the post.

## **GENERAL**

4. 1. Every employee of the Organisation shall at all times:-
- (i) maintain absolute integrity;
  - (ii) maintain devotion to duty; and
  - (iii) do nothing which is unbecoming of a public servant.
2. Every employee of the Organisation holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

## **MISCONDUCT**

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

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

**Amended vide O.O.No. Admn./289/2016 dt. 22.04.2016**

(2) Taking or giving bribes or any illegal gratification.

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

(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.

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

(5) Acting in a manner prejudicial to the interest of the Organisation.

(6) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.

(7) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.

(8) Habitual late or irregular attendance and habitual absence from his seat with a view to avoid work.

(9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.

(10) Damage to any property of the Organisation.

(11) Interference or tampering with any safety devices installed in or about the premises of the Organisation.

(12) Drunkenness or riotous or disorderly or indecent behavior in the premises of the Organisation or outside such premises where such behavior is related to or connected with the employment.

(13) Gambling within the premises of the Establishment.

(14) Smoking within the premises of the establishment where it is prohibited.

(15) Collection without the permission of the competent authority or any money within the premises of the Organisation except as sanctioned by any law of the land for the time being in force or rules of the Organisation.

(16) Sleeping while on duty.

(17) Commission of any act which amounts to criminal offense involving moral turpitude.

(18) Absence from the employee's appointed place of work without permission or sufficient cause.

(19) Purchasing properties, machinery, stores etc. from or selling properties, machinery, stores etc. to the Organisation without express permission in writing from the Competent Authority.

- (20) Commission of any act subversive of discipline or of good behavior.
- (21) Holding meetings, demonstrations, slogan, shouting, etc. within the premises of the Authority without permission of the Chairman.
- (22) Slowing down of work after reporting for duty.
- (23) Unauthorized use or subletting of the Organisation's quarters.
- (24) Acceptance of gift from subordinate employees.
- (25) Gherao.
- (26) Picketing within the office premises.
- (27) Sympathetic strike.
- (28) Avoiding or refusing to receive official communication.
- (29) Carrying lethal weapons inside office premises except under any law
- (30) Abatement of or attempt at abatement of any act which amounts to misconduct.
- (31) "Deleted by Board in 31<sup>st</sup> meeting held on 23.07.84"

**O.O.No. Admn.375/98 dt. 01-06-98**

- (32) Commission of acts of sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:-
- (a) physical contact and advances
  - (b) a demand or request for sexual favours;
  - (c) sexually coloured remarks;
  - (d) showing pornography; and
  - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

**NOTE:** The above instances of misconduct are merely illustrative in nature and not exhaustive.

**EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES OF THE ORGANISATION IN ANY COMPANY OR FIRM ENJOYING PATRONAGE OF THE ORGANISATION.**

6. (1) No employee shall use his official position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.
- (2) No employee shall, except with the previous sanction of the Competent Authority, permit his son, daughter or any member of the family to accept employment with any company or firm with which he has or overhead official dealings or with any company or firm having official dealings with the Organisation.
- Providing that where the acceptance of the employment cannot await the prior permission of the competent authority, the employment maybe accepted provisionally subject to the permission of the competent authority, to whom the matter shall be reported forthwith.
- (3) No employee shall, in the discharge of his official duties, deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or

if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instruction of the Organisation to whom the reference is made.

#### **TAKING PART IN POLITICS AND ELECTIONS.**

7. No employee shall take part, subscribe in aid of or assist in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established. It shall also be his duty to endeavor to prevent any member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity and where he is unable to do so, he shall make a report to that effect to the Chairman.

#### **TAKING PART IN DEMONSTRATIONS**

8. No employee shall engage himself or participate in a demonstration which involves incitement to an offense.

#### **CONNECTION WITH PRESS OR RADIO**

9. (1) 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 management of an newspaper or other periodical publication.  
(2) No employee shall except with the previous sanction of the Competent Authority or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously, or in the name of any other person to any newspaper or periodical.  
Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

#### **CRITICISM OF GOVERNMENT AND THE ORGANISATION**

10. No employee shall in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the Press or in any Public utterance, make any statement of fact or opinion:
  - (a) Which has the effect of adverse criticism of any policy or action of the Central Government or a State Government or of the Organisation or
  - (b) Which is capable of embarrassing the relations between:
    - (i) the Central Government and the Government of any State/Government of any foreign State,
    - (ii) the Organisation and the Central Government or any State Government or Government of any foreign State.
    - (iii) the Organisation and the public.

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

#### **EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY.**

11. (1) Save as provided in sub-rule (3), no employee shall, except with the previous sanction of the Competent Authority, give evidence in connection with any inquiry conducted by any person, committee, or authority.
- (2) Where any sanction has been accorded under sub-rule, no employee giving such evidence shall criticise the policy or any action of the Central Government or a State Government, or of the Organisation.
- (3) Nothing in this rule shall apply to:-
- (a) Evidence given at any inquiry before an authority appointed by the Government, Parliament or a State Legislature or any Corporation.
  - (b) Evidence given in any judicial inquiry, or
  - (c) Evidence given at any departmental inquiry ordered by authorities subordinate to the Government/Organisation.

#### **UNAUTHORIZED COMMUNICATION OF INFORMATION**

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

#### **GIFTS**

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

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

NOTE: An employee shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealing with him.

(2) On occasions such as wedding, 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 if the value of the gift exceeds Rs. 500/-

(3) On such occasions as are specified in sub-rule (2) 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 of Rs. 250/-

(4) In any other case, an employee of the Organisation 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. 250/-

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

13. (A) No employee of the Organisation shall
- (i) give or take or abet the giving or taking of dowry; or
  - (ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.
- Explanation: For the purposes of this Rule “DOWRY” has the same meaning as in the Dowry Prohibition Act 1961 (28) of 1961.

### **PUBLIC DEMONSTRATIONS IN HONOUR OF ORGANISATION’S EMPLOYEES**

14. No employee shall, except with the previous sanction of the Competent Authority, receive any complementary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in honour of any other employee. Provided that nothing in this rule shall apply to:
- (1) a farewell entertainment of a substantially private and informal character held in honour of an employee or any other employee on the occasion of his retirement or transfer or leaving the service of Organisation, or
  - (2) The acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.
- NOTE:** Exercise of pressure or influence of any sort on any employee to induce him to subscribe towards any farewell entertainment even it is of a substantially private or informal character is forbidden.

### **PRIVATE TRADE OR EMPLOYMENT**

15. (1) No employee shall, except with the previous sanction of the Competent Authority, engage directly or indirectly in any trade or business or undertake any other employment; Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, academic, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.
- (2) 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.
- Explanation: Canvassing by an employee in support of the business, insurance agency, commission agency, etc. owned or managed by his wife or any other member of his family shall be deemed to be a breach of this rule.
- (3). 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 management of any bank or other company which is required to be

registered under the Companies Act, 1956 (1 of 1956) or other law for the time being in force or any co-operative society for commercial purposes;

Provided that an employee may take part in the registration, promotion or management of a Consumer/House Building Co-operative Society, substantially for the benefit of employees of the Organisation, registered under the Co-operative Society Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

(4) 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 sanction of the Competent Authority.

**(Added serial No.5 Vide.O.O.No.Admn./1186/2012 dated 19.12.2012)**

(5) A retired Officer of Group 'A' post cannot accept any commercial employment before the expiry of two years from the date of his retirement without prior permission of ITPO. In addition, a retired Group A Officer will not enter into business ventures, trading activities, freelance services and self employment activities which are in conflict with ITPO's interests.

Any official permitted by the appropriate authority to take up a particular commercial appointment during his leave preparatory to retirement shall not be required to obtain permission subsequently for his continuance in such employment after retirement.

In case of Group 'B' Officers, prior permission is not required to be taken from ITPO for accepting commercial employment within two years of retirement. However, they should give an intimation to ITPO, if they take up any commercial employment within two years of their retirement specifying inter-alia whether or not they have had any official dealing while in service, with the private employer, with whom they are taking up commercial employment.

a. 'Commercial employment' means employment in any capacity including that of an agent under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and a partnership of such firm, but does not include employment under a body corporate wholly or substantially owned or controlled by the Central Government or a State Government. It also includes setting up practice either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the retired Government Servant –

- i. has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or
- ii. has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his client an unfair advantage by reason of his previous official position, or has to undertake work involving liaison or contact with the offices or officers of the Government



- iii. Retirement-means retirement on Superannuation/Voluntary Retirement/resignation and termination.

**PROCEDURE:**

a. Requests from retired officers for permission to take up private commercial employment within two years after retirement, should be made in the prescribed proforma (vide Annexure-II) and should be first examined by applying the following criteria, by the Department/Ministry under which the officers served last prior to their retirement and submitted to the Minister-in-charge for orders:

- i. The nature of employment proposed to be taken up and the antecedents of the employer.
- ii. Whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government.
- iii. Whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer;
- iv. Whether the duties of the commercial employment proposed involve liaison or contact work with Government departments;
- v. Whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage;
- vi. The emoluments offered by the proposed employer; and
- vii. Any other relevant factor.

b. The following procedure will be adopted for dealing with applications submitted for accepting commercial employment within two years of employment.

- i. Officers of the level of DGM and above would be considered by the Board of Directors
- ii. Applications of the officials from the level of Dy. Managers to Sr. Managers would be considered by CMD.

c. Guidelines for considering request for commercial employment after retirement:

- i. A liberal view may be taken in considering requests for permission to take up specific jobs under specific employers, as distinct from requests to set up consultancy practice, provided however, the applicant satisfies the criteria
- ii. Requests for permission to set up consultancy practice should be considered very strictly. For this purpose, the retired officer should be asked to furnish a complete list of all companies, firms etc., with which he had dealings while in service.

The grant of permission for consultancy practice shall also be subject to the following conditions:

1. The retired officer shall not accept any consultancy from nor deal in any other manner with the Ministries/Departments in which he was employed or any Organisation with which he had official contact while in service under the Government.
  2. The retired officer shall not take up consultancy work on behalf of or with any company/firm/individual in respect of any contract or proposed contract with ITPO in which he was employed or any undertaking or body under the control of the said Ministries/Departments in which he was employed.
  3. That the conditions imposed in granting permission shall remain operative for a period of two years from the date of retirement.
- iii. A retired officer who had held posts in Authorities, Boards, Tribunals etc. involving the discharge of judicial or quasi judicial functions shall not be given permission to set up any practice which will require appearance before the Authority, Board, Tribunal etc. having jurisdiction over the areas which were under the jurisdiction of the retired officer during his service.
- iv. If any officer submits his application for permission for post retirement commercial employment, before his retirement, such application shall not be entertained. The applicant should be advised to apply afresh after his retirement.
- v. A request for permission to accept Directorship in Companies may be considered liberally if it carries with it only the usual sitting fee and traveling allowance. However, if any form of compensation, including remuneration or commission is attached to the Directorship, it shall be treated as Consultancy and dealt with accordingly, as indicated at Item (ii) above.

### **INVESTMENT, LENDING AND BORROWING**

16. (1) **(Amended vide O.O. no. Admin/991/2019 dated 26.11.2019).**

No Government servant shall speculate in any stock, share or other investment.

#### **Explanation:**

Frequent purchase or sale or both, of shares, securities or others investments shall be deemed to be speculation within the meaning of this sub-rule. But, the occasional investments made through stock brokers or other persons duly authorized and licensed or who have obtained a certificate of registration under the relevant laws is allowed. With a view to enable the administrative authorities to keep a watch over such transactions, it has been decided that an intimation may be sent in the enclosed proforma (Annexure -2) to the prescribed authority in respect of all Government servants, if the total transactions in shares, securities,

debentures, mutual funds scheme, etc. exceeds six months' basic pay of Government servant during the calendar year (to be submitted by 31st January of subsequent calendar year).

(2) 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 the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub rule (i) or (ii), the decision of the Competent Authority thereon shall be final.

(4) No employee shall, save in the ordinary courses of business with a bank or the Life Insurance Corporation, either himself or through any member of his family or any other person acting on his behalf;

(a) lend or borrow or deposit money as a principal or an agent, to/or from or with any person or firm or company within the local limits of his organisation or with whom he is likely to have official dealing or otherwise place himself under any pecuniary obligation to such person or private limited company; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is incharged or paid; Provided that an employee may give to or accept from a relative or a personal friend a purely temporary loan of a small amount, free of interest, or operate a credit amount with a bona-fide tradesman or make an advance of pay to this private employee.

Provided further that nothing contained in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the Competent Authority.

(5) When an employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (11) or sub-rule (iv), he shall forthwith report the circumstances to the Competent Authority and shall thereafter act in accordance with such order as may be made by such authority.

#### **INSOLVENCY AND HABITUAL INDEBTEDNESS**

17. (1) 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.

(2) An employee who applies to be, or is adjusted or declared insolvent shall forthwith report the fact to the Competent Authority.

#### **MOVABLE, IMMOVABLE AND VALUABLE PROPERTY**

18. (1) No employee shall, except with the previous knowledge of the Appointing Authority, acquire, or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family. The construction of a house or any addition to the

immovable property shall, however, require prior sanction of the Appointing Authority.

(2) No employee shall, except with the previous sanction of the Competent Authority, enter into any transaction concerning any immovable or a movable property with a person or a firm having official dealings with the employee or his subordinates.

(3) 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. 2500/-.

**Amended Rule 18(3) Vide O.O.No. Admn./408/2009 dt.1.4.2009**

(3) Every employee shall report to the Competent Authority any transaction in movable property either in his own name or in the name of any member of his family within one month of such transaction, if the value of such property exceeds Rs.20,000/- in the case of board level, below board level executives and non-unionised supervisory staff and Rs.15,000/- in case of Group D staff.

Explanation No. I.

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:-

- (a) Jewellery, insurance, policies the annual premia of which exceeds Rs. 2500/- or one-sixth of the total annual emoluments received from the Company whichever is less, shares, securities and debentures;
- (b) Loans advanced by such employee whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios (radiograms and television sets).

Explanation No. II

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

**Amended vide O.O.No. Admn./289/2016 dated.22.04.2016.**

(3) Every employee shall report to the Competent Authority under the Lokpal and Lokayukta Act 2013, including the format/forms under Appendix I & II for submission of declaration of assets and liabilities.

**(Addition vide O.O. no. Admin/991/2019 dated 26.11.2019).**

(4) Shares, securities, debentures, etc. are treated as movable property for the purpose of Rule 18(3), if an individual transaction exceeds the amount prescribed in Rule 18(3), the intimation to the prescribed authority would still be necessary.

The intimation prescribed in Rule 16 (1) above will be in addition to this, where cumulative transaction(s) i.e. sale, purchase or both in shares, securities, debentures or mutual funds, etc. in a year exceed the limits indicated in Rule 16(1).

- (4) (1) Every employee shall as on the 1<sup>st</sup> January, 1977 or on first appointment in the Organisation, whichever is later, submit a return of assets and liabilities in the prescribed form (Annexure I) giving the particulars regarding:-
- (a) the immovable property, property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
  - (b) shares, debentures, and cash including bank deposits inherited by him or otherwise owned, acquired or held by him;
  - (c) other movable property inherited by him or otherwise owned, acquired or held by him if the value of such property exceeds Rs. 1,000/-.
    - (i) debts and other liabilities, incurred by him directly or indirectly ;
    - (ii) Every employee shall, beginning 1<sup>st</sup> January, 1977, submit a return of immovable property inherited/owned/acquired, once in every two years in the prescribed form (Annexure - II).

(5) The Competent Authority may, at any time, by general or special order require an employee to submit, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Competent Authority, include details of the means by which or the source from which such property was acquired.

(6) Notwithstanding anything contained in sub-rule (2) of Rule 18 no employee shall, except with the previous sanction of the Competent Authority;

- (a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family any immovable property situated outside India;
- (b) dispose of, by sale, mortgage, gift or otherwise grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family.
- (c) enter into any transaction with any foreigner, foreign Government/foreign organisation or concern:
  - (i) for the acquisition, by purchase, mortgage lease, gift or otherwise, either in his own name or in the name of any member of his family, of any immovable property.
  - (ii) for the disposal of by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name. or in the name of any member of his family.

### **CONVASSING OF NON OFFICIAL OR OTHER INFLUENCE**

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

### **BIGAMOUS MARRIAGES**

20. (1) No employee shall enter into, or a contract, a marriage with a person having a spouse living; and  
(2) No employee, having a spouse living shall enter into, or contract, a marriage with any person; Provided that the Board may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2), if it is satisfied that :-  
(a) such marriage is permissible under the personal law applicable to such employee and the other party to marriage; and  
(b) there are other grounds for so doing.

### **ADOPTION OF SMALL FAMILY BY ORGANISATION'S EMPLOYEES**

20. A. Every employee shall assure that the number of his/her children does not exceed three: Provided that nothing in this rule shall apply to an employee who has more than three children on the 30th day of September, 1977. Provided further that an employee referred to in the proceeding provision shall ensure that the number of his/her children does not exceed the number of children he/she has on that day.

### **CONSUMPTION OF INTOXICATING DRINKS AND DRUGS**

21. An employee shall:  
(a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;  
(b) not be under the influence of any intoxicating drinks during the course of his duties and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drinks or drug.  
(c) Not appear in a public place in a state of intoxication;  
(d) not use in excess any intoxicating drug or drinks.

### **SUSPENSION**

22. (1) The Appointing Authority of any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the Board of Directors by general or special order may place an employee under suspension.  
(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where a case against him in respect of any criminal offense is under investigation or trial.

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

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

(4) where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Disciplinary Authority, on consideration of the circumstances of the case, decides to hold a further inquiry against 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.

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

### **SUBSISTENCE ALLOWANCE**

23. (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.

(2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-

(I) The amount of subsistence allowance may be increased to 75 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 authority competent to do so, decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

#### **TREATMENT OF THE PERIOD OF SUSPENSION**

24. (1) When the employee under suspension is reinstated, the authority competent to do so may grant to him the following pay and allowances for the period of suspension:-
- (a) If the employee is exonerated and not awarded any of the penalties mentioned in Rule 25 the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him; and
  - (b) If otherwise, such proportion of pay and allowances as the said authority may prescribe.
- (2) In a case falling under sub-clause
- (a) the period of absence from duty will be treated as a period spent on duty. In case falling under sub-clause
  - (b) It will not be treated as period spent on duty unless the said authority so directs.

#### **PENALTIES**

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

#### **MINOR PENALTIES**

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

#### **(Amended para 25(b) vide O.O.No.Admn./274/2010 dated 1.4.2010)**

- (b) Withholding of increments of pay.

**Elaboration:** When the penalty of withholding of increment is awarded to an employee, it is obligatory on the part of the disciplinary authority to specify the period for which the penalty should remain current. A doubt has been raised whether in such a case, all the increments falling due during the currency of the penalty or only one increment should remain withheld during the specified period. It is clarified that an order of withholding of increment for a specified period implies withholding of all the increments admissible during that specified period and not the first increment only.

- (c) Withholding of promotion;



(d) 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 organisation by negligence or breach of orders.

**Added point (e) vide O.O.No.Admn./996/2005 dated 13.7.2005**

(e) Reduction of a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his terminal benefit.

**MAJOR PENALTIES**

**Deleted point (e) vide O.O.No.Admn./996/2005 dated 13.7.2005**

(e) Reduction to a lower stage in the time-scale of pay for a specified period with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether such reduction will or will not have the effect of postponing future increments of his pay;

(f) Reduction to a lower grade or post which shall ordinarily be a bar to the promotion of the employee to the grade or post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which he was reduced and his seniority and pay on such restoration;

**Amended point (f) vide O.O.No.Admn./996/2005 dated 13.7.2005**

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

(g) Removal from service which shall not be a disqualification for future employment;

**Amended point (g) vide O.O.No.Admn./996/2005 dated 13.7.2005**

(g) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employees was reduced and his seniority and pay on such restoration to that grade or post;

(h) Dismissal from service.

**Amended point (h) vide O.O.No.Admn./996/2005 dated 13.7.2005**

(h) Compulsory retirement;

**Added point (i)&(j) and paras vide O.O.No.Admn./996/2005 dated 13.7.2005**

- (i) Removal from service which shall not be a disqualification for future employment under the Govt. or the Organisation owned or controlled by the Govt.;
- (j) Dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Organisation owned or control by the Govt.

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (i) or (j) shall be imposed.

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

### **EXPLANATION**

The following shall not amount to a penalty within the meaning of this rule ;-

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

### **DISCIPLINARY AUTHORITY**

- 26. The Disciplinary Authority, specified in the schedule, or any authority higher than it may impose any of the penalties specified in Rule 25, on any employee.

## **PROCEDURE FOR IMPOSING MAJOR PENALTIES**

27. (1) No order imposing any of the major penalties specified in Clause (e), (f), (g) and (h) of Rule 25 shall be made except after an inquiry is held in accordance with this rule.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may itself enquire into or appoint any public servant (hereinafter called Inquiring Authority) to enquire into the truth thereof.

### **Amendment Vide O.O.No. Admn./648/96 dt.4-7-96**

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, it may itself enquire into or appoint any public servant whether serving or retired hereinafter called an Inquiring Authority to inquire into the truth thereof.

(3) Where 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 articles of charge are proposed to be sustained, shall be communicated in writing to the employee. The employee shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days) a written statement whether he admits or denies any of or all the Articles of Charges.

## **EXPLANATION**

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

(4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an inquiry may be held by the Disciplinary Authority itself, or by any other public servant appointed as an Inquiring Authority under Sub-clause (2) provided that 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, however, record its findings on each such charge.

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

(6) The employee may take the assistance of another public servant to present his case, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority is a legal practitioner or unless the Disciplinary Authority having regard to the circumstances of the case, so permits.

(7) On the date fixed by the Inquiring Authority the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The

Inquiring Authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.

(8) If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence.

(i) Inspect the documents listed with the Charge Sheet.

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

(iii) Be supplied with the copies of Statements of witnesses if any, listed in the Charge Sheet.

NOTE: Relevance of the additional documents and the witnesses referred to in sub-clause (8) (ii) above will have to be given by the employee concerned and the witnesses shall be summoned if the Inquiring Authority is satisfied about their relevance to the charge under inquiry.

(9) The Inquiring Authority shall ask the Authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.

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

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

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

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

(13) When the case for the disciplinary authority is closed, the employee may be required to state his defence, orally or in writing as he may prefer. If the defence is made orally it shall be recorded and the employee shall be required to sign the

record. In other case a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.

(14) The evidence on behalf of the 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 and re-examination and examination by the Inquiring Authority according to the provision applicable to the witnesses for the disciplinary authority.

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

(16) The Inquiring Authority may, after completion of the production of the evidence, hear the Presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desire.

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

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

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

(19) After the conclusion of the inquiry, report shall be prepared and it shall contain:

- (a) A gist of the articles of charge and the statement of the imputations of misconduct or misbehavior;
- (b) A gist of the defence of the employee in respect of each articles of charge;
- (c) An assessment of the evidence in respect of each article of charge;
- (d) The findings of each article of charge and the reason therefor.

#### **EXPLANATION:-**

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

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is

based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include:-
- (a) the report of the inquiry prepared by it under sub-clause (1) above;
  - (b) The written statement of defence, if any, submitted by the employee referred to in sub-rule (13);
  - (c) The oral and documentary evidence produced in the course of the inquiry;
  - (d) Written briefs referred to in sub-rule (16), if any, and
  - (e) The orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

### **ACTION ON THE INQUIRY REPORT**

28. (i) 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 provision of rule 27 as far as may be.

(ii) The Disciplinary Authority shall if it disagrees with the findings of the Inquiring Authority on any article of charge, if it records its reasons for such disagreement and records its own findings on such charge, if the evidence on record is sufficient for the purpose.

(iii) If the Disciplinary Authority having regard to its findings 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 25 should be imposed on the employee it shall, notwithstanding anything contained in Rule 29 make an order imposing such penalty.

(iv) 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.

### **PROCEDURE FOR IMPOSING MINOR PENALTIES**

29. (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of Rule 25, 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 defence within a specified period not exceeding 15 days. The defence statement if any, submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
- (2) The record of the proceedings shall include :-
- (i) A copy of the statement of imputations of misconduct or misbehavior delivered to the employee.
  - (ii) his defence statement, if any, and
  - (iii) the orders of the disciplinary authority together with the reasons therefor.

### **COMMUNICATION OF ORDERS**

30. Orders made by the Disciplinary Authority under Rule 28 or Rule 29 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any,

### **COMMON PROCEEDINGS**

31. 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.

### **SPECIAL PROCEDURE IN CERTAIN CASES**

32. Notwithstanding anything contained in Rule 27 or 28 or 29, the Board may impose any of the penalties specified in Rules 25 in any of the following circumstances
- (1) The employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
  - (2) Where the Board is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
  - (3) Where the Board is satisfied that in the interest of the security of the Authority, it is not expedient to hold any inquiry in the manner provided in these rules.

### **Added vide O.O.No.Admn./1574/2000**

A.(i) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.

(ii) During the pendency of the disciplinary proceedings, the disciplinary authority may withhold payment of gratuity under the provision of Rule 6 of ITPO-DCRG Rules for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Organisation, if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the Organisation by misconduct or negligence, during his service including service rendered on deputation or non –re-employment after retirement. However, the provisions of Section 7(3) and 7 (3A) of the Payment of Gratuity Act, 1972 will be kept in view in the event of delayed payment, in case the employee is fully exonerated.”

**EMPLOYEES ON DEPUTATIONS FROM THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENT ETC.**

33. (1) Where an order of suspension is made or disciplinary proceedings is taken against an employee, who is on deputation to the authority from the central or State Govt. or another public undertaking, or a local authority lending his service (hereinafter referred to as the `Lending Authority) shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.
- (2) In the light of the findings in the disciplinary proceeding taken against the employee -
- (a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority provided that in the event of a difference of opinion between the Disciplinary and Lending Authority, the services of the employee shall be placed at the disposal of Lending Authority,
- (b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.
- (3) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (ii) (a) it will be disposed of after consultation with the Lending Authority; Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority and the Proceedings of the case shall be transmitted to that Authority for such action as it deems necessary.

**EMPLOYEES LENT TO CENTRAL GOVT. OR STATE GOVT. ETC.**

34. (1) Where the services of an employee are lent to the Central or a State Government or an authority subordinate there to or to a local or other authority or a Government owned organisation, company or corporation (thereinafter) in this rule referred to as the Borrowing Authority) shall have the power of the Appointing Authority for the purpose of placing him under suspension and the Disciplinary proceeding against him.
- Providing that the Borrowing Authority shall forthwith inform the Authority, which lent his services, of the circumstances leading to the order of his suspension or the commencement on the disciplinary proceeding as the case may be.
- (2) In the light of the findings in the disciplinary proceeding taken against the employee :-
- (i) If the Borrowing Authority is of the opinion that any of the minor penalties specified in Rule 25 should be imposed on him, it may transmit the record of the proceeding with its recommendations to the Authority for appropriate action.
- Providing that in the event of a difference of opinion between the Disciplinary and the Borrowing Authority the services of the employee shall be replaced at the disposal of the Authority.



(ii) If the Borrowing Authority is of the opinion that any of the major penalties specified in Rule 25 should be imposed on him, it shall replace his services at the disposal of the Authority and transmit to it the proceedings of the inquiry and there upon the Disciplinary Authority in the Authority may pass such orders thereon as it deems necessary.

Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rules (3) & (4) of Rule 28.

**EXPLANATION:**

The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted by the Borrowing Authority or after holding such further inquiry as it may deem necessary.

**APPEALS**

35. (i) An employee may appeal against order imposing upon him any of the penalties specified in Rule 25 or against the order of suspension referred to in Rule 22. The appeal shall lie to the authority specified in the schedule.

(ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the Schedule and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the Appellate Authority within 15 days. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The Appellate Authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the Appellate Authority proposes to impose is a major penalty specified in clauses (e), (f), (g) & (h) of Rule 25 and an inquiry as provided in Rule 27 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of Rule 27 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in Rule 27, the Appellate Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final orders after taking into account the representation, if any, submitted by the employee.

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

Provided that if the enhanced penalty, which the Reviewing Authority proposes to impose, is a major penalty specified in clause, (e), (f), (g) and (h) of Rules 25 and

an inquiry as provided under Rule 27 has not already been held in the case, the Reviewing Authority shall direct such an inquiry be held in accordance with the provisions of Rule 27 and thereafter consider the record of the inquiry, and pass such orders as it may deem proper. If the inquiry has already been held in accordance with the provisions of Rule 27, 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.

#### **SERVICE OF ORDERS, NOTICES ETC.**

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

#### **POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY**

38. 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.

#### **MISCELLANEOUS**

39. Notwithstanding anything contained in these rules, the Central Vigilance Commission shall exercise jurisdiction over the employees of the Authority and the vigilance and anti-corruption rules/instructions, order and clarifications on any corresponding rules, issued by the Central Vigilance Commission and the Government from time to time shall be applicable to the employees of the Authority.

#### **NOTE:**

The Central Vigilance Commission means the Commission set up by the Government vide Ministry of Home Affairs resolution NO. 24/7/6/-AVD dated 11.2.1964.

#### **SAVINGS**

40. (i) Nothing in these rules shall be construed as depriving any person to whom these rules apply of any right of appeal which had accrued to him under the rules, which have been superseded by these rules.  
(ii) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and order thereon shall be made, in accordance with these rules.  
(iii) The proceedings pending at the commencement of the rules shall be continued and disposed as far as may be, in accordance with the provisions of these rules, as if such proceedings under these rules.

(iv) Any misconduct, etc., committed prior to the issue of these rules which was a misconduct/under the superseded rules shall be deemed to be misconduct under these rules.

#### **REMOVAL OF DOUBTS**

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

#### **AMENDMENTS**

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

**SCHEDULE**

S.No	Name of post	Appointing Authority	Disciplinary Authority	Penalties under Rule 25 Under which the Disciplinary Authority can impose		Appellate Authority	Reviewing Authority
				MINOR	MAJOR		
1.	For posts of the rank of SGM, GM, DGM and equivalent posts	CMD	CMD	CMD	CMD	Board	Board
2.	For posts of the rank of SM, Manager and equivalent posts	ED	ED	ED	ED	CMD	Board
3.	For posts of the rank of Dy. Managers and equivalent posts	G.M.(Admn.)	G.M.(Admn.)	G.M.(Admn.)	G.M.(Admn.)	ED	CMD
4.	For the posts of the rank of Executive/ Sr. Asstt./ Sr. Asstt.(A/cs), Stenographer, Assistant/ Asstt. (A/cs)/ Jr. Assistant and equivalent post	DGM (Admn.). DGM (Mumbai) for Mumbai Regional Office.	DGM (Admn.). DGM (Mumbai) for Mumbai Office & RM/DRM for other Respective Regional Offices	DGM (Admn.). DGM (Mumbai) for Mumbai Office & RM/DRM for other Respective Regional Offices	DGM (Admn.). DGM (Mumbai) for Mumbai Office	GM (Admn.)	ED

5.	For All class 'D'posts	SM (Admn.). SM (Mumbai) for Mumbai Regional Office.	SM (Admn.). SM (Mumbai) for Mumbai Regional Office. & RM/DRM for other Regional Offices.	SM (Admn.). SM (Mumbai) for Mumbai Regional Office. & RM/DRM for other Regional Offices.	SM (Admn.). SM (Mumbai) for Mumbai Regional Office.	DGM (Admn.)	GM (Admn.)
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ANNEXURE I  
(See Rule 18(4))

RETURN OF ASSETS ANY LIABILITIES ON FIRST APPOINTMENT/1ST JANUARY, 19

1. Name of the employee in full (in block letters) \_\_\_\_\_

2. Total length of service upto date \_\_\_\_\_

(a) In ITPO \_\_\_\_\_

(b) Prior to joining ITPO \_\_\_\_\_

3. Present Post held and place of posting \_\_\_\_\_

4. Total annual income from all sources during  
the Calendar year immediately proceeding  
the date of joining/1st day of January, 19 \_\_\_\_\_

5. Declaration:

I hereby declare that the return enclosed herewith, Forms I to V, are complete, true and correct furnished by me under the provisions of sub-rule (4) of Rule 18 of the ITPO Employees (Conduct, Discipline and Appeal) Rules, 1977).

Signature \_\_\_\_\_

Note: 1. This return shall contain particulars of all assets and liabilities of the employee either in his own name or in the name of any other person.

2. If an employee is a member of the Hindu Undivided Family with Co-pereenary rights in the properties of the family either as a “Karta” or as a member, he should indicate in relevant return the value of his share in such property and where it is not possible to indicate the exact value of such, share, its approximate value. Suitable explanatory notes may be added, wherever necessary.

STATEMENT OF IMMOVABLE PROPERTY OF FIRST APPOINTMENT AS ON 1ST JANUARY, 19  
(e.g. FARMS, PLOTS, HOUSES, SHOPS, OTHER BUILDING ETC.)

S.N o.	Descripti on of property	Precise location (Name of District, Taluk and Village in which the property is situated and also its distinctive number etc.	Area of land (in case of land buil- dings)	Natur e of land (in case of lande d prope rty	Exten t of inter est	If not in own name state in whose name, and his/ her relatio n-ship, if any.	Date of acqui - sition	How acquired (whether by purchase mortgage, lease inheritance gift, or other- wise and name with details of person persons for whom acquired (Address and	Value of proper ty (see Note 2 over leaf)	Particula r of sanction of prescribe authority	Total annual income from the proper ty if any	Remar ks
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connection  
of employee  
if any with  
the person  
persons  
concerned  
(Please see  
Note I over  
leaf.

---

1.      2.      3.      4.      5.      6.      7.      8.      9.      10.      11.      12.      13.

---

Date \_\_\_\_\_

Signature \_\_\_\_\_

(1) For purpose of Column 9, the term "Lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where however, the lease of immovable property to contain from a person having official dealings with the Government Servant, such a lease would be shown in this column irrespective of the terms of the lease, whether it is short term or long term and the periodicity of the payment of rent.

(2) In Column 9, should be shown:-

- (a) Where the property has been acquired by purchase, mortgage or lease, the price of premium paid for such acquisition;
- (b) Where it is been acquired by lease, the total rent there of also and;
- (c) Where the acquisition is by inheritance, gift or exchange, the approximate value of the property acquired.

STATEMENT OF LIQUID ASSETS ON FIRST APPOINT/AS ON THE 1st JANUARY, 19

(1) Cash and Bank Balances exceeding 3 month's emoluments.

(2) Deposits, loans advanced and investments (such as shares, securities debentures etc.)

S.No	Description	Name and address of company, bank etc.	Amount	If not in own name, and address of person in whose name held and his/her relationship with the employee	Annual income derived.	Remarks
1.	2.	3.	4.	5.	6.	7.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Note: 1. In column 7, particulars regarding sanctions obtained or report made in respect of the various transactions may be given.

2. The term “emoluments” means the pay and allowances received by the employee.

STATEMENT SHOWING MOVABLE PROPERTY OF FIRST APPOINTMENT/AS ON THE 1st JANUARY, 19

S.No	Description of items	Price of value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchased on hire purchase or installment basis	If not in own name and address of the person in whose name and his/her relationship with the employee	How acquired with approximate date of acquisition.	Remarks
1.	2.	3.	4.	5.	6.

Date \_\_\_\_\_

Signature \_\_\_\_\_



Note:

1. In this Form information may be given regarding items like

(a) Jewellery owned by him (total value);

(b) Silver and other precious metals and precious stones owned by him not forming part of jewellery total value);

(c) (i) Motor Cars,

(ii) Scooters/Motor Cycles;

(iii) Refrigerators/Air. conditioners;

(iv) Radios/Radiograms/Television sets and any other articles, the value of which individually exceeds Rs. 1000/-;

(d) Value of items of movable property individually worth less than Rs. 1000/- other than articles of daily use such as clothes utensils, books crockery etc. added together as lumpsum.

2. In column 5, may be indicated whether the property was acquired by purchase, in hesitance, gift or otherwise.

3. In column 6 particulars regarding sanction obtained or report made in respect of various transactions may be given.

STATEMENT OF LIFE INSURANCE POLICY (S) ON FIRST APPOINTMENT AS ON 1st JANUARY, 19

S.No	Policy No. and date of policy	Name of Insuran ce Compan y	Name of the insured (whether self, any member of the family or any other person)	Sum insured/ date of maturity	Amount of annual premium
1.	2.	3.	4.0	5.	6.

Date\_\_\_\_\_

Signature\_\_\_\_\_

STATEMENT OF DEBTS AND OTHER LIABILITIES ON FIRST APPOINTMENT AS ON 1ST JANUARY, 9

S.No	Amount	Name and address of creditor	Date of incurring liability	Details of Transaction	Remarks
1.	2.	3.	4.	5.	6.

Date\_\_\_\_\_

Signature\_\_\_\_\_

NOTE:

1. Individual terms of loans not exceeding three months emoluments of Rs. 1000/- whichever is less, need not be included.
2. In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.
3. The terms “emoluments” means pay and allowances received by the employee.
4. The Statement should also include various loans and advances available to the employee like advance for purchase of conveyance, House Building Advance of pay and traveling allowance), advances from the CPF, and loans on Life Insurance Policies and fixed deposits.

ANNEXURE II

Statement of Immovable Property on first appointment/for the Year.....

1. Name of the Officer \_\_\_\_\_ 3. Present post held \_\_\_\_\_  
 (in block letters)
2. Service to which the belongs \_\_\_\_\_ 4. Parent Office \_\_\_\_\_

Name of District sub-Division	Name and details of Property	Present Value	If not in own name state in whose name	How acquired whether by purchase lease, mortgage, inheritance	Annual Remarks income from	Remarks
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Taluk and Village in which the property situated	Housing land and other building	held and his/her and his/her relation-ship to Govt. Servant	gift or otherwise with date of acquisition and name with details of persons from whom acquired	property
--	---------------------------------	---	--	----------

Date: \_\_\_\_\_ Signature \_\_\_\_\_

Inapplicable clause to be struck off.

- \* In case where it is not possible to assess the value accurately, the approximate value in relation to present conditions may be indicated.
- \*\* Includes short term lease also.

ANNEXURE-II

Form of application for permission to accept commercial employment with in a period of two years after retirement

1. Name of the Officer (in Block Letters) :
2. Date of Retirement :
3. Particulars of the Ministry/Department/  
Offices in which the officer served during  
The last five years preceding retirement  
(with duration) :

Name of Ministry/Department/Office	Post held	Duration	
		From	To

4. Post held at the time of retirement and  
Period for which held :
5. Pay Scale of the post and pay drawn by  
The Officer at the time of retirement :
6. Pensionary benefits :

Pension expected/sanctioned (commutation if any, should be mentioned)	Gratuity, if any

7. Details regarding commercial employment:  
Proposed to be taken up

- a. Name of the firm/company/cooperative  
Society etc. :
- b. Products being manufactured by the  
Firm/type of business carried out by  
the firm etc. :
- c. Whether the officials had during his  
Official career, any dealings with the  
firm etc. :
- d. Duration and nature of the official  
Dealings with the firm :
- e. Name of the job/post offered :
- f. Whether post was advertised, if not,  
How was offer made (attach newspaper  
cutting of the advertisement and a copy

of the offer of appointment, if any)

- g. Description of the duties of the job/post :
- h. Remuneration offered for post/job :
- i. If proposing to set up a practice, indicate:
  - (i) Professional qualification/in the field:  
of practice
  - (ii) Nature of proposed practice :

8. Any information which the applicant :  
To furnish in support of his request

9. Declaration:

I declare that:-

- (i) The employment which I propose to take up will not bring me into conflict with Government;
- (ii) My commercial duties will not be such that my previous official position or knowledge or experience under Government could be used to give my proposed employer an unfair advantage;
- (iii) My commercial duties will not involve liaison or contact with the Government departments.

Signature of the applicant  
Address:

Dated:

ANNEXURE-B

Form for giving intimation under Rule 18(4) of CCS [Conduct] Rules, 1964 for transactions in shares, securities, debentures and investment in mutual fund schemes etc.

1. Name and Designation

2. Scale of pay and present pay

3. Details of each transaction made in shares, securities, debentures, mutual funds scheme etc. during the calendar year.

4. Particulars of the party/firm with whom transaction is made:-

a) Is party related to the applicant?

b) Did the applicant have any dealings with the party in his official capacity at any time or is the applicant likely to have any dealings with him in the near future?

5. Source or sources from which financed:-

a) Personal savings

b) Other sources giving details 6. Any other relevant fact which applicant may like to mention

DECLARATION :

I hereby declare that the particulars given above are true.

Station : ..... Signature.....

Date : .....Designation.....

[To be Published in Part II Section 3 Sub-section II of the Gazette of India]

**APPENDIX-I**

**[Rule3(1)]**

**Return of Assets and Liabilities on First Appointment or as on the 1<sup>st</sup> August, 2014/31<sup>st</sup> March 20.....\***  
(Under Sec.44 of the Lokpal and Lokayuktas Act, 2013)

1. Name of the Public servant in full .....  
(in block letters)
2. (a) Present public position held .....  
(Designation, name and address .....  
of organization) .....  
.....  
(b) Service to which belongs .....  
(if applicable)

**Declaration:**

I hereby declare that the return enclosed namely, Forms I to IV are complete, true and correct to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of section 44 of the Lokpal and Lokayuktas Act, 2013.

Date .....

Signature .....

\*--In case of first appointment please indicate date of appointment.

**Note 1:** This return shall contain particulars of all assets and liabilities of the public servant either in his/her own name or in the name of any other person. The return should include details in respect of assets/liabilities of spouse and dependent children as provided in Section 44(2) of the Lokpal and Lokayuktas Act, 2013.

(Section 44(2): A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to –

- (a) The assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;
- (b) His liabilities and that of his spouse and his dependent children.)

**Note 2:** If a public servant is a member of Hindu Undivided Family with co-parcenary rights in the properties of the family either as a 'Karta' or as a member, he should indicate in the return in Form No.III the value of his share in such property and where it is not possible to indicate the exact value of such share, its approximate value. Suitable explanatory notes may be added wherever necessary.

**Note 3:** "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood. (Explanation below Section 44(3) of Lokpal and Lokayuktas Act, 2013



FORM No.1

Details of Public Servant, his/her spouse and dependent children

S.No.	Name	Public Position held, if any	Whether return being filed by him/her, separately
1	Self		
2	Spouse		
3	Dependent-1		
4	Dependent-2		
5*	Dependent-3		

\* -- Add more rows, if necessary.

Date \_\_\_\_\_

Signature \_\_\_\_\_

