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PART – I

GENERAL

HR Policy of The Corporation so formed

The HR policy of the new Corporation as contained in the statement of objectives is given below. The Corporation tries to take care of its employees

1. By creating a sense of belonging through human and purposeful activities in an integral part of human relations ensuring their willing co-operation and loyalty.
2. By treating them as individuals, giving them a sense of self-respect and better understanding of their role in the organisation and satisfying their urge for self expression through closer association with the Management
3. By a realistic and generous understanding and acceptance of their needs and rights and enlightened awareness of the social problems of industry
4. By providing adequate wages, good working conditions, job security, a effective machinery for redressal of grievances and suitable opportunities for promotion and self development through in company and external programmes.
5. By giving special care for the growth and development of the employees belonging to SC/ST and the Minority communities for their growth socially.

1. Short title and applications

(a) Short Title :-

These Regulations shall be called the Meghalaya State Power Corporation Limited (MSPCL) (Discipline and Appeal) Regulations, 2006.

(b) Applications :-

It extends to all the employees of the Corporation.

2. Definitions

In these Regulations unless the contexts otherwise requires:-

- (i) “Appellate Authority” means the authority to whom appeal lies
- (ii) “Appellate Authority” in relation to an employee means the authority empowered to make appointment to the post or category in any service in the Corporation
- (iii) “Corporation” means the Meghalaya State Power Corporation Limited (MSPCL)
- (iv) “Employee” means any person appointed by Meghalaya State Power Corporation Limited (MSPCL) to any service or post
- (v) “Disciplinary Authority” means the authority competent under this regulations to impose on an employee any of the penalties specified in Regulations 10, 11 and 12
- (vi) “Major Penalty” means any of the penalties specified in Regulation 11
- (vii) “Minor Penalty” means any of the penalties specified in Regulation 10
- (viii) “Service” means a group of persons classified by the Corporation as a Corporation Service
- (ix) “State Government” means the Government of Meghalaya

PART – II

DISCIPLINARY PROCEEDINGS AND AUTHORITY

3. Discipline – Meanings

Discipline has quite a range of meanings :

- Mental or moral training
- A trained condition
- Order maintained and usually followed by, *a system of rules for conduct* and *a code of acceptable conduct*.

The prime objective of discipline is to avoid from the breaking or breakdown of the code of conduct or, if a breakdown should occur, to recover the situation and re-establish the required conduct. In doing the latter, it should be ensured that all causes or reasons are also assessed and corrective action taken as required.

There are two basic codes of conduct. They are :

1. Accepted disciplines
2. Imposed disciplines

Accepted Discipline refers to standards of behaviour, manners, etiquette and courtesy, which may vary slightly according to one's environment but amazingly are similar throughout widely spread groups.

Imposed Discipline refers essentially to rules and regulations, legislation and other statutory requirements.

Discipline set out to achieve the following objectives :

1. **The Organisation**– could include attendance, work rate, stability, profitability, presentation, public relations etc.
2. **The Customer** – service, price, quality, delivery, value, presentation etc.
3. **Employees** – safety, hygiene, welfare, security, wages etc.
4. **Public – safety** (environment), social responsibility, company image
5. **The future** – research effort, long term security, use of people's creativity etc.

4. Complaint against the employees

Whenever any disciplinary authority receives any information or complaint about misconduct or misbehavior of any employee or otherwise is of the opinion that there are good grounds for inquiring into the truth of information or complaint it may do so.

5. Preliminary Enquiry into the Complaint

If the information or complaint discloses prima facie material, the disciplinary authority may itself make discreet and confidential inquiries or cause such inquiries to be done by any person authorised in this behalf for the purpose of collecting necessary evidence oral and documentary.

6. Appointment of Inquiry Officer

Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any information of misconduct or misbehavior against an employee, it may itself inquire into or appoint under this regulation an authority to inquire into the truth thereof.

7. Authority to institute disciplinary proceedings

- (a) The Corporation or any other authority empowered by it by general or special order may
 - (i) institute disciplinary proceedings against any employee
 - (ii) direct any disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under these regulations any of the penalties specified in regulation 10 or regulation 11 or regulation 12
- (b) A disciplinary authority may impose any of the penalties specified in 10 and 11

8. Disciplinary Authorities

The authorities competent to impose any of the penalties mentioned in Regulation 10, 11 and 12 on each of the categories of employees in various services under the Corporation are indicated in Appendix

9. Lower authority not to re-open the case

Higher authority can exercise power:

- (a) Where in any case a higher authority has imposed or declined to impose a penalty under this regulation a lower authority has no power to proceed under this regulation in respect of the same case.
- (b) Where in any case a lower authority has imposed a penalty or exonerated a member of a service it shall not debar a higher authority from exercising his powers under these regulations in respect of the same case. The order of such higher authority shall supersede any order passed by a lower authority in respect of the same case.

PART – III

PENALTIES

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee :

10. Minor Penalties

- (i) Censure
- (ii) Withholding of promotion
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused by the employee to the Corporation by negligence or breach of orders
- (iv) Withholding of increments of pay
- (v) Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect

11. Major Penalties

- (a)
 - (i) reduction to a lower rank in the seniority list or
 - (ii) to a lower stage in the time scale of pay or
 - (iii) to a lower time scale of pay not being lower than that to which he was directly recruited or
 - (iv) to a lower Grade or post not being lower than that to which he was directly recruited
- (b) Withholding increments of pay with cumulative effect for any period
- (c) Compulsory retirement
- (d) Removal from service, which shall not be a disqualification for future employment under the Corporation
- (e) Dismissal from service, which shall ordinarily be a disqualification for future employment under the Corporation

Provided that, in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or for

bearing to do any official act is established, the penalty mentioned in Clauses (d) or (e) shall be imposed

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

Explanation

The following shall not amount to a penalty under this regulation:

- (i) Non-promotion of an employee after consideration of his case on merit to a higher category to which he is eligible
- (ii) Reversion of an employee who is on deputation to Government or any other body to Corporation for administrative reasons not connected with his work or conduct.
- (iii) Stoppage or postponement of increment on account of extensions of probation
- (iv) Reversion to a lower service, grade of post of an employee officiating in a higher service, grade or post on the ground that he is considered after trial, to be unsuitable for such higher services, grade or post or an administrative ground not connected with his conduct
- (v) Withholding of increment of pay of an employee for his failure to pass any departmental examination in accordance with regulations in force
- (vi) Termination of services of employee appointed on probation during or at the end of the period of his probation in accordance with regulations
- (vii) Discharge of an employee engaged under contract in accordance with terms of his contract
- (viii) Discharge on the expiration of a period of the appointment of an employee appointed temporarily
- (ix) Compulsory retirement of an employee made in accordance with the relevant regulations

12. Imposition of Fine

In addition to what has been specified in regulation 10 and 11 and notwithstanding anything therein a penalty of “fine” may, for good and sufficient reasons

be imposed by the appointing authority on an employee, who is holding a post in grade W1 – W3.

PART – IV

SUSPENSION

13. (1) Suspension

Any employee may be placed under suspension from service

- (a) where a disciplinary proceedings against him is contemplated or is pending or
- (b) where in the opinion of the authority competent to place the employee under suspension, he has engaged himself in activities prejudicial to the interests of the interests of the security of the State or
- (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial

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

(2) Employee deemed to be under suspension

An employee shall be deemed to have been placed under suspension by an order of the authority competent to place him under suspension

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

Explanation

The period of forty-eight hours referred to in Clauses (b) of this regulation shall be computed from the commencement of the imprisonment after the conviction, if any, shall be taken into account.

- (c) where a penalty of dismissal, removal or compulsory retirement 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 authority competent to impose the penalty, on a consideration of the circumstances of the case decides to hold further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to impose the suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(3) Orders of suspension to continue to remain in force

- (a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority which made or is deemed to have made the order or by an authority to which that authority is subordinate.
- (b) Where an employee is suspended or deemed to have been suspended, whether in connection with any disciplinary proceedings or otherwise and any other disciplinary proceedings is commenced against him during the continuance of that suspension, the authority competent to place him under suspension, may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under this regulation may at any time, be modified or revoked by the authority which

made or is deemed to have made the order or by any authority to which that authority is subordinate.

(4) Authority Competent To Suspend Employee :

(a) Appointing Authority

Notwithstanding anything contained in these regulations the appointing authority or any authority to which it is sub-ordinate including Corporation may also place under suspension under Regulation 13 (1) any employee

(b) Authorities to Suspend an Employee

The authorities who are competent to place under suspension any employee under Regulation 13(1) coming under various categories are mentioned in the statement in Appendix

PART – V

14. Procedure of Conducting Inquiry

a. Major Penalty

No order imposing any of the penalties specified in regulation 11 shall be made except after an inquiry held, as far may be, in the manner provided in the regulation and regulation 16

b. Charge Sheet

Where it is proposed to hold an inquiry against an employee under this regulation and regulation 16, the disciplinary authority shall draw up or cause to be drawn up

- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge
- (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain :-
 - (a) a statement of all relevant facts including any admission of confession made by the employee

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

c. Communication to employee of charge sheet

The disciplinary Authority shall deliver or cause to be delivered to the employee

- (i) a copy of the articles of charge
- (ii) a statement of the imputations of misconduct or misbehaviour and
- (iii) a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person

d. Written statement by the employee

On receipt of the written statement of defence from the employee or if no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted in the written statement or if it considers it as necessary to do so, appoint an inquiring authority for the purpose.

e. Charge admitted by the employee

where the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it thinks fit and shall act in the manner laid in Regulation 16

f. Forwarding of documents to the inquiring authority

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

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- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour
 - (ii) a copy of written statement of defence if any submitted by the employee
 - (iii) a copy of the statements of witnesses if any referred to in sub-regulation – b
 - (iv) evidence proving the delivery of the documents referred to in sub-regulation – b to the employee

g. Appearance of employee before the enquiring authority

- (i) The employee shall appear in person before the enquiring authority on such day and such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of imputations of misconduct or misbehaviour as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time as the enquiring authority may allow
- (ii) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the enquiring authority such authority shall ask him whether he is guilty or has any defence to make
- (iii) If the employee pleads guilty to any of the articles of charge the enquiring authority shall record the plea, sign the record obtain the signature of the employee thereon and shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty

h. Inspection and discovery of documents

The enquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, adjourn the case to a later date not exceeding thirty days after making an order that the employee may for the purpose of preparing his defence.

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- (a) inspect, within seven days of the order or within such further time as the enquiring authority may allow the documents specified in sub-regulation – b
 - (b) submit a list of witnesses to be examined on his behalf. If the employee applies orally or in writing for the supply of the copies or statement of witnesses mentioned in sub-regulation – b the enquiring authority shall furnish him with such copies in any case not later than seven days before the commencement of examination of witnesses on behalf of the disciplinary authority
 - (c) give a notice, within ten days of the order or within such further time not exceeding ten days as the enquiring authority may allow for the discovery or production of documents which are in possession of Corporation but not mentioned in the list referred to in sub-regulation – b
 - (d) the employee shall indicate in the notice the relevance of the documents required by him to be discovered or produced by the Corporation
 - (e) on receipt of notice referred to above, the enquiring authority shall obtain from the concerned authority having the custody or possessions of the requisitioned documents unless that authority for reasons to be recorded in writing expresses his inability to produce such documents

i. Assistance for presenting the case of employee

The employee may take the assistance of any other co-employee as may be allowed by the enquiring authority in its discretion to present his case before the enquiring authority.

j. Examination of witnesses

- (a) On the date fixed for the enquiry, 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 by the presenting officer nominated by the disciplinary authority.

(b) *Examination of witness by or on behalf of disciplinary authority :*

The witnesses shall be examined by or on behalf of the disciplinary authority and may be cross-examined by the employee. The witnesses may be re-examined by or on behalf of the disciplinary authority on any point on which they have been cross-examined by the employee but not on any new matter without the leave of the enquiring authority. The enquiring authority may also put such questions to the witnesses as it thinks fit. If it shall appear necessary before the closure of the case on behalf of the disciplinary authority, the enquiring authority may in its discretion allow evidence not included in the list given to the employee or may itself call for new evidence or re-call and re-examine any witnesses. In such case the employee shall be given an opportunity of inspecting such documents before they are taken on record and the employee may also be allowed to produce new evidence if it is of the opinion that the production of such evidence is necessary in the interest of the justice. In any case, the new evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(c) *Examination of witnesses on behalf of employee :*

- (i) After the case for the disciplinary authority is closed, the employee shall be required to state his defence, orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record.
- (ii) The employee may then examine himself on his own behalf if he so prefers. The witnesses produced by him shall then be examined and shall be liable to cross examination, re-examination and examination by the enquiring authority according to the provisions applicable to the witnesses for the disciplinary authority
- (iii) After the employee closes his case and has not examined himself, the enquiring authority may generally question him on

the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing against him in the evidence against him.

k. Hearing the case

After completion of the production of evidence, the enquiring authority may hear the employee or permit him to file a written brief if he so desires.

l. Exparte Order

If the employee to whom a copy of the articles of charge has been delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the enquiring authority or otherwise fails or refuses to comply with the provisions of this regulation, the enquiring authority may hold the enquiry exparte.

m. Disciplinary Authority

- (i) where a disciplinary authority competent to impose any of the minor penalties has itself enquired into the articles of any charge and that authority having regard to its own findings or having regard to its decisions on any of the findings of any enquiry authority appointed by it is of the opinion that any of the major penalties should be imposed on the employee that authority shall forward the record of the enquiry to such disciplinary authority as is competent to impose any of the major penalties.
- (ii) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, re-call the witnesses, examine, cross-examine and re-examine the witnesses and may impose on the employee such penalty as it may deem fit in accordance with these regulations

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- (iii) Whenever any enquiring authority after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein and is succeeded by another 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 himself.

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

n. Enquiry Report

- (1) After conclusion of the enquiry a report shall be prepared containing :-
- (a) the articles of charge and the statement of imputations of misconduct or misbehaviour
 - (b) the defence of the employee in respect of each article of charge
 - (c) an assessment of the evidence in respect of each article of charge
 - (d) the findings on each article of charge and the reasons thereof
- (2) The enquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of enquiry, which shall include :-
- (a) the report prepared by it under subs-regulation (1)
 - (b) the written statement of defence, if any, submitted by the employee

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- (c) the oral and documentary-evidence produced in the course of enquiry
 - (d) written brief, if any, filed by the employee during the course of the enquiry and
 - (e) the orders, if any, made by the disciplinary authority in regard to the corporation

15. Procedure for imposing minor penalties

Subject to the provisions of sub-regulation 3(a) of regulation 16, no order imposing on an employee any of the penalties specified in Regulations 10 and 12 shall be made except after

- (i) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him reasonable opportunity of making such representation as he may wish to make against the proposal
- (ii) holding an enquiry in the manner laid down in regulation 14 in every case in which the Disciplinary Authority is of the opinion that such enquiry is necessary
- (iii) taking the representation, if any, submitted by the employee under Clause (i) and the record of enquiry if any, under Clauses (ii) into considerations
- (iv) recording the finding on each imputation of misconduct or misbehaviour

(2) Record of proceedings:

The record of the proceedings in such cases shall include

- (i) a copy of the intimation to the employee of the proposal to take action against him
- (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him
- (iii) his representation, if any

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- (iv) evidence produced during the enquiry, if any
 - (v) the findings on each imputations of misconduct or misbehaviour and
 - (vi) the orders on the case together with reasons thereof

16. Action on the Report of the enquiry Officer

(1) *Remission of the case :*

The disciplinary authority, if it is not the enquiry authority may for reasons to be recorded in writing, remit the case to the enquiring authority for further enquiry and report and the enquiring authority shall thereupon proceed to hold further enquiry according to the provisions of these regulations as far as may be

(2) *Findings of disciplinary authority :*

The Disciplinary authority shall, if it disagrees with the findings of the enquiring 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

(3) *Imposition of penalty :*

(a) *Minor penalty*

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 regulation 10 and regulation 12 should be imposed on the employee it shall, notwithstanding anything contained in regulation 15 make an order imposing such penalty

(b) *Major Penalty*

If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the enquiry, is of the opinion that any of the penalties specified in regulation 11 should be imposed on the employee, it shall make an order after furnishing a copy of the report of the enquiring authority to the employee and after

taking into consideration any representation made by him thereto within a reasonable time not exceeding one month

17. Communication to employee of the orders of the disciplinary authority

The order made by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the enquiry, if any held by the disciplinary authority and a copy of its findings on each article of charge or where the disciplinary authority is not the enquiring authority, a copy of the report of the enquiring authority and a statement of findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the enquiring authority

18. Common Proceedings

- (1) where two or more employees are concerned in any case, the Corporation or any other authority competent to impose penalty for dismissals from service on all such employees may make an order directing that disciplinary action against all of them may be taken in common proceedings
- (2) Subject to the other provisions of these regulations, every such order shall specify
 - (a) the authority which may function as the Disciplinary Authority for the purpose of such common proceedings
 - (b) the penalties specified in regulation – 10, regulation 11 and regulation 12 where such disciplinary authority shall be competent to impose
 - (c) whether the procedure laid down in Regulations 14 and 16 shall be followed in the proceedings

19. Waiver of procedure in certain cases

- (1) All or any of the provisions of Regulations 14 to 18 may, in exceptional cases and for sufficient reasons to be recorded by the disciplinary authority in writing, be waived where there is a

difficulty in observing fully the requirements of these regulations and those requirements can be waived without causing any injustice to an employee charged.

- (2) If, in respect of any employee charged, a question arises whether it is reasonably practicable to hold such enquiry or give such opportunity as is referred to in Regulations 14 to 18, the decision thereon of the disciplinary authority competent to impose any of the penalties specified in Regulation 11 on an employee concerned shall be final

20. Special procedure in certain cases

Notwithstanding anything contained in Regulations 14 to 18

- (i) where any penalty is imposed on an employee on the ground of conduct which has led to his conviction on criminal charge or
- (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold enquiry in the manner provided in these regulations or
- (iii) where the Corporation is satisfied that for the security of the state it is not expedient to hold any enquiry in the manner provided in these regulations, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit

21. Employees lent to or borrowed from other authorities

Employees lent to Government:-

- (1) Where the services of an employee are lent to the Government of India or the State Government or the Government of other States (hereinafter referred to as Borrowing Authority) the Borrowing Authority shall have the powers of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary authority for the purpose of conducting disciplinary proceedings against him

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- (2) In the light of the findings in the disciplinary proceedings conducted against the employee
- (i) if the Borrowing Authority is of the opinion that any of the penalties specified in Regulation 10 or Regulation 12 should be imposed on the employee, it may, after consultation with the Corporation unless in any case it is otherwise provided by the specific order of Corporation make such order on the case as it deems necessary

Provided that in the event of difference of opinion between the Borrowing Authority and the Corporation, the services of the employee shall be replaced at the disposal of the Corporation

- (ii) if the Borrowing Authority is of the opinion that any of the penalties specified in Clauses (a) to (e), of regulation 11 should be imposed on an employee it shall replace his services of the enquiry and thereupon the Corporation may, if it is the disciplinary authority pass such orders thereon, as it may deem necessary or if it is not the disciplinary authority submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary

Provided that before passing any such order, the disciplinary authority shall comply with the Provisions of Regulation – 16

- (3) Employees lent to companies or other organisations :
- (i) where the borrowing authority is a company or corporation or organisation or local or other authority, such borrowing authority may subject to such specific conditions or limitations, if any, that may be made in terms of deputation, suspend the employee or impose on him any of the penalties specified in Regulations 10 and 12 except where the Corporation is the authority competent to suspend or impose the said penalties.

Provide that the borrowing authority shall intimate the fact of placing the employee under suspension or imposing on him the penalty as the case may be to the Corporation and in the event of difference of opinion between the borrowing authority and the Corporation the services of the employee shall be replaced at the disposal of the Corporation.

- (ii) If the borrowing authority is of the opinion that any of the penalties specified in Regulation – 11 should be imposed on the employee, it shall replace his services at the disposal of the Corporation and transmit to it the proceedings of the enquiry and thereupon the Corporation may, if it is the disciplinary authority, pass orders thereon as it may deem necessary or if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass orders on the case it may deem necessary

Provide that before passing such order, the disciplinary authority shall comply with the provisions of Regulation – 16

- (iii) where an employee whose services are place at the disposal of any company, corporation, organisation or local or other authority has at any time before his service were so placed committed any act or omission which renders him liable to any penalty specified in Regulation 10, 11 & 12 the authority competent to impose any such penalty on such employees shall alone be competent to institute disciplinary proceeding against him and to impose on him such penalty specified in Regulation 10, 11 & 12 as it thinks fit and the borrowing authority under whom he is serving at the time of institution of disciplinary proceedings shall afford all reasonable facilities to such competent authority instituting and conducting such proceedings.

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- (4) Employees borrowed
- (i) Where an order of suspension is made or disciplinary proceeding is conducted against an employee whose services have been borrowed by the Government of India or the State Government or Government of another State or company or a Corporation or Organisation of local or other authorities, the Corporation shall forthwith be informed of the circumstances leading to the order of the suspension of the employee or of the commencement of the disciplinary proceeding as the case may be
- (ii) In the light of the finding in the disciplinary proceeding conducted against the employee
- (a) If the disciplinary authority is of the opinion that any of the penalties specified in Regulation 10 and 12 should be imposed on him it may, subject to provisions of Regulation 3(a) of Regulation-16 and after consultation with the Corporation, pass such orders on the case as it deem necessary

Provided that in the event of difference of opinion between the borrowing authority and the Corporation, the service of the employee shall be replaced at the disposal of the Corporation.

- (b) If the disciplinary authority is of the opinion that any of the penalties specified in Regulation 11 should be imposed on the employee, it shall replace the services of such employee at the disposal of the Corporation and transmit to it the proceeding of the enquiry for such action as it may deem necessary

PART – VI

APPEALS

22. Orders against which appeal lies

Subject to the provision of Regulation 23, an employee including a person who has ceased to be in Corporation service may prefer any appeal as hereinafter provided against all or any of the following orders namely:

- (i) an order of suspension made or deemed to have been made under Regulation 13
- (ii) an order imposing any of the penalties specified in Regulation 10 or Regulation 11 or Regulation 12 whether made by the disciplinary authority or by an appellate or revising authority
- (iii) an order enhancing any penalty imposed under Regulation 10 or Regulation 11 or Regulation 12
- (iv) all order which
 - (a) denies or varies to his disadvantage his pay, allowance, pensions or other conditions of service as regulated by regulation or by agreement or
 - (b) interprets to his disadvantage the provisions of any such regulation or agreement
- (v) an order
 - (a) reverting him otherwise than as a penalty while officiating in a higher category to a lower category
 - (b) determining the subsistence and other allowances to be paid to him
 - (i) for the period of suspension or
 - (ii) for the period during which he is deemed to be under suspension or
 - (iii) for any portion thereof
 - (c) determining his pay and allowances :
 - (i) for the period of suspension or

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- (ii) for the period of dismissal, removal or compulsory retirement from service or from the date of reduction to a lower category or time-scale or stage in a time-scale of pay from the date of reinstatement or restoration to his category
 - (d) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal or compulsory retirement or reduction to a lower category, time-scale of pay or stage in a time-scale of pay to the date of reinstatement or restoration to his category shall be treated as period spent on duty for any purpose

23. Orders against which no appeal lies

Notwithstanding anything contained in this part no appeal shall lie against :

- (i) any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding other than an order of suspension
- (ii) any order passed by an inquiring authority in the course of an inquiry under Regulation-14

24. Appellate Authority

An employee including a person who has ceased to be in the Corporation service may prefer an appeal against all or any of the orders specified in Regulation 22 to the authorities specified in Appendix

25. The Period of Limitation for Appeals

No appeal preferred under these regulations shall be entertained unless such appeal is preferred within a period of three months from the date on which a copy of the order appealed against is delivered to the appellant

26. Form and Contents of Appeal

- (i) Every person preferring an appeal shall do so, separately and in his own name. It shall be presented to the authority to whom an appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against
- (ii) The appeal shall contain all material statements and arguments relied on by the appellant and shall be complete in itself and shall not contain any disrespectful or improper language
- (iii) On receipt of a copy of the appeal the authority which made the order appealed against shall forward the same with his comments thereon together with the relevant records to the appellate authority without any avoidable delay and without awaiting for any direction from the appellate authority

27. Consideration of Appeal

- (i) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Regulation 13 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly
- (ii) In the case of an appeal against an order imposing any of the penalties specified in Regulation 10 or 11 or 12 or enhancing any penalty imposed under the said Regulations the appellate authority shall consider :
 - (a) whether the procedure laid down in these regulations has been complied with and if not whether such non-compliance has resulted in the violation of any provisions of the constitution of India or in the failure of justice
 - (b) whether the findings of the disciplinary authority are warranted by the evidence on the record and

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- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe and pass order
- (1) confirming enhancing, reducing or setting aside the penalty, or
- (2) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case

Provided that

- (i) If the enhanced penalty which the appellate authority proposed to impose is one of the penalties specified in Regulations 11 and an inquiry under Regulation 14 has not already been held in the case, the appellate authority shall subject to the provisions of Regulation 20 itself hold such inquiry or direct such inquiry be held in accordance with the provisions or regulation 14 and thereafter on considerations of the proceedings of such inquiry make such order as it may deem fit.
- (ii) If the enhanced penalty which the appellate authority proposed to impose is one of the penalties specified in Regulation 11 and inquiry under Regulation 14 has already been held in the case the appellate authority shall make such orders as it may deem fit
- (iii) Subject to the provisions of Regulation 20 the appellate authority shall where an inquiry in the manner laid down in Regulation 14 has not already been held in the case itself hold such inquiry or direct such inquiry be held in accordance with the provisions of Regulation 14 and thereafter, on a consideration of the proceedings of such inquiry, pass such orders as it may deem fit.
- (iv) No order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable

opportunity as far as may be in accordance with the provisions of Regulation 15 of making a representation against such enhanced penalty.

- (v) In an appeal against any orders specified in Regulation 22 the appellate authority shall consider all the circumstances of the case and make such order as it may deem just and equitable

28. Implementation of Order in Appeal

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority

PART – VII

REVISION AND REVIEW

29. Revision

- (1) Notwithstanding anything contained in these regulations any authority superior to the appellate authority may at any time, either on its own motion or otherwise call for the records of any inquiry and revise any order made under this regulations and may :-
- (a) confirm, modify or set aside the order or
 - (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed or
 - (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case
 - (d) pass such other order as it may deem fit

Provided that, no order imposing or enhancing any penalty shall be made by the Corporation unless the employee concerned has been given a reasonable

opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the major penalty specified in Regulation 11 or to enhance the minor penalty imposed by the order sought to be revised to any of the major penalties and if an inquiry under Regulation 14 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Regulation 14 subject to the provisions of Regulation 20

Provided further that the revising authority subject to the provisions in Regulation 18 shall

- (i) where an inquiry in the manner laid down in Regulation 14 has not already been held in the case, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Regulation 14 and thereafter on a consideration of the proceedings of such inquiry pass such order as it may deem fit
- (ii) No proceeding for revisions shall be commenced until after
 - (a) the expiry of the period of limitation for an appeal, or
 - (b) the disposal of the appeal, where any such appeal has been preferred
- (iii) An application for revision shall be dealt with the same manner as if it was an appeal under these regulations.

30. Review

- (1) Orders passed by Corporation :
 - (i) Every employee aggrieved by the order passed by the Corporation as a disciplinary authority, may within a period of three months from the date on which the order was communicated to him, make a petition to the Corporation for review of the order passed by it on any of the following grounds :

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- (a) that the order against which the petition for review is made was not passed by the competent authority
 - (b) that a reasonable opportunity was not given to the petitioner for defending himself
 - (c) that the punishment is excessive or unjust
 - (d) that the petitioner has made a discovery of new matter or evidence which he proves to the satisfaction of the Corporation, was not within his knowledge or could be adduced by him before the order imposing the penalty was passed, and
 - (e) that there is an evidence error or omission in the order such as failure to apply the law of limitation or an error of procedure apparent on the face of the record
- (ii) Any petition for review which does not satisfy any of the grounds in Clauses (1) above shall be summarily rejected
 - (iii) The Corporation shall pass such order as it thinks proper in respect of any petition for review that has been admitted under this regulation
- (2) Other Orders

The Corporation may, at any time, either on its motion or otherwise, review any order other than that referred to in sub-regulation (1) above passed under these regulations when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to its notice.

Provided that no order imposing or enhancing any penalty shall be made by the Corporation unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or when it is proposed to impose any of the major penalties specified in Regulation 11 an inquiry shall be conducted, if not already held.

PART – VIII

MISCELLANEOUS

31. Service or Orders, notices etc

Every order, notice and other process made or issued under these regulations shall

- (i) if he is on duty, be served on the employee by delivering or tendering it in person
- (ii) if he is on leave, or under suspension or otherwise absent be communicated to him by registered post to the address given by him, if any, or of his usual place of residence
- (iii) if it cannot be so served or communicated be published in the official gazette or newspaper of wide circulation

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

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

33. Savings

- 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 orders there on 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 were proceedings under these rules

- iv) Any misconduct etc. committed prior to the issue of these rules was misconduct under the superseded rules shall be deemed to be misconduct under these rules.

34. Removal of Doubts

If any doubt arises as to the interpretation of any of the provisions of these regulations, the matter shall be referred to the Corporation whose decisions shall be final.

35. Amendments

The Corporation 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.

COMPETENT AUTHORITY WHICH MAY IMPOSE PENALTIES

Sl. No	Categories of Employees	Appointing Authorities	Minor Penalties		Major Penalties				Authority to order Suspension	Appellate Authority
			Censure	Withholding promotion / Recovery from pay / withholding increments of pay	Reduction to lower rank / stage / time scale / grade of post	Withholding increments with cumulative effect	Compulsory retirement	Removal from service		
1	2	3	4	5	6	7	8	9	10	11
ADMINISTRATIVE SERVICE										
1	Director	* Board	Board *	Board *	Board *	Board *	Board *	Board *	CMD *	Board *(Review)
2	Deputy Secretary / CPO	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
3	Under Secretary / Spl. Asst. to CMD / P.S. to CMD / Personnel Officer	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
4	Administrative Officer / Supdt. Register / Steno Grade – 1	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
5	Class III & IV Staff in the Corporation's secretariat	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	CMD
6	Steno Gr – II & Gr- III Telephone Operators / Supervisor Kanungo / Chainman / Mandal	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	CMD

ENGINEERING SERVICE										
1	2	3	4	5	6	7	8	9	10	11
7	C.G.M. / S.G.M	Board	Board	Board	Board	Board	Board	Board	Board	Board ** Review
8	G.M. / D.G.M. / A.G.M. / Manager	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Corporation
9	Jr. Manager / Foreman / Computer Operator / Chemist and Class III & IV Staff in his Office	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	CMD
10	Class III & IV Staff in his Office	S.G.M.	S.G.M.	S.G.M.	S.G.M.	S.G.M.	S.G.M.	S.G.M.	S.G.M.	CMD
11	Class III & IV Staff in his office & Class III in Divisions & other offices under his control	G.M.	G.M.	G.M.	G.M.	G.M.	G.M.	G.M.	G.M.	CMD
12	Class IV Employees in his office & other offices under his control	D.G.M	D.G.M	D.G.M	D.G.M	D.G.M	D.G.M	D.G.M	D.G.M	CMD
ACCOUNTS SERVICE										
13	C.G.M	Board	Board	Board	Board	Board	Board	Board	CMD	Board **(Review)
14	S.G.M. / G.M. / D.G.M. / A.G.M. / Manager	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Corporation
15	Class III & IV Staff under his control	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	C.G.M	CMD

MEDICAL SERVICE										
1	2	3	4	5	6	7	8	9	10	11
16	S.G.M. / G.M. / Manager	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
17	Class III & IV Staff	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	CMD
EDUCATION SERVICE										
18	Head Master / Head Mistress	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
19	Class III & IV	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	CMD
SECURITY SERVICE										
20	D.G.M.	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
21	Manager	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
22	Inspector / Sub- Inspector / ASI / Head Sentry / Havilder / Security cum Driver / Naik & Other Class III & IV Staff in the CSO's Office	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	Director (Corporate Affairs)	CMD
23	Lance Naik / Sentry / Security Guard	D.G.M.	D.G.M.	D.G.M.	D.G.M.	D.G.M.	D.G.M.	D.G.M.	D.G.M.	Director (Corporate Affairs)

* In case the post is held by an officer from the M.E.S.E.B.

** Where the CMD is the Disciplinary Authority, the Appellate Authority is the Board excluding the CMD

**APPENDIX
PROPOSED
COMPETENT AUTHORITY WHICH MAY IMPOSE PENALTIES**

Sl. No.	Categories of Employees	Appointing Authorities	Minor Penalties		Major Penalties				Authority to order Suspension	Appellate Authority
			Censure	Withholding promotion / Recovery from pay / withholding increments of pay	Reduction to lower rank / stage / time scale / grade of post	Withholding increments with cumulative effect	Compulsory retirement	Removal from service		
1	2	3	4	5	6	7	8	9	10	11
ADMINISTRATIVE SERVICE										
1	CGM/SGM (Vigilance/Admin/ Legal/HR /Personnel	* Board	Board *	Board *	Board *	Board *	Board *	Board *	CMD *	Board *(Review)
2	General Manager	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
3	DGM/SA tp CMD /PS to CMD /AGM/M/Dy. M / Jr. M	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
4	Class III & IV in the Corporate Office	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	Board
ENGINEERING SERVICE										
5	Chief General Manager / Sr. General Manager	Board	Board	Board	Board	Board	Board	Board	CMD	Board* (Review)
6	GM / / DGM / /AGM / M	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board

1	2	3	4	5	6	7	8	9	10	11
7	Junior Manager & other class III & IV Staff in his office	CGM	CGM	CGM	CGM	CGM	CGM	CGM	CGM	CMD
8	Class III & IV in his office	SGM	SGM	SGM	SGM	SGM	SGM	SGM	SGM	CMD
9	Class III & IV Staff in his office & Class III in Divisions & other offices under his control	GM	GM	GM	CGM	CGM	CGM	CGM	CGM	CMD
10	Class IV employees in his office & other offices under his control	DGM.	DGM	DGM	CGM	CGM	CGM	CGM	CGM	CMD
ACCOUNTS SERVICE										
11	Chief General Manager	Board	Board	Board	Board	Board	Board	Board	CMD	Board * Review
12	Sr. GM / GM / DGM / M / Dy. M	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
13	Class III & IV Staff under his control	CGM	CGM	CGM	CGM	CGM	CGM	CGM	CGM	CMD
MEDICAL SERVICE										
14	Chief General Manager (Medical)	Board	Board	Board	Board	Board	Board	Board	CMD	Board* (Review)
15	GM Medical / DGM Medical / AGM Medical / M Medical	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
16	Class III & IV Staff	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CMD

EDUCATION SERVICE										
1	2	3	4	5	6	7	8	9	10	11
17	Head Master / Head Mistress	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
18	Class III & IV	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CMD
SECURITY SERVICE										
19	GM Security / DGM / AGM Security / M Security	CMD	CMD	CMD	CMD	CMD	CMD	CMD	CMD	Board
20	Inspector / Sub inspector / ASI / Head Sentry / Havilder / Security cum Driver / Naik & Other Class III & IV Staff in the GM Security's Office	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CGM Admin	CMD
21	Lance Naik / Sentry / Security Guard	GM	GM	GM	GM	GM	GM	GM	GM	CGM Admin

* In case the post is held by an officer from the Corporation

** Where the CMD is the Disciplinary Authority, the Appellate Authority is the Board* excluding the CMD