

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार  
सीसरी मंजिल, पीटीआई बिल्डिंग, 4-संसद मार्ग, नई दिल्ली-110 001

National Highways & Infrastructure Development Corporation Limited

Ministry of Road Transport & Highways, Govt. of India

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सार्वजनिक क्षेत्र का उपक्रम



A PUBLIC SECTOR UNDERTAKING

NHIDCL/GM(HR)/Circulars/2020/eOffice- 180696/5597


Dated 24-02-2020

### परिपत्र

**Sub: NHIDCL Conduct, Discipline and Appeal Rules, 2019.**

The Board of Directors of NHIDCL, in its 20<sup>th</sup> meeting held on 10.12.2019, has approved the National Highways & Infrastructure Development Corporation Limited - Conduct, Discipline and Appeal Rules, 2019. The rules are applicable to all employees except those in casual employment or paid from contingencies.

2. All employees of NHIDCL may familiarize themselves with the various provisions of the NHIDCL Conduct, Discipline and Appeal Rules, 2019 and follow the same in letter and spirit.
3. This issues with the approval of the Competent Authority and comes into immediate effect.

  
(अनूप पुरकायस्था)  
महाप्रबंधक (मानव संसाधन)

#### Distribution:

- i. All employees: NHIDCL (CDA) Rules, 2019 may be accessed from Employee Portal.
- ii. Dy. Manager (Rajbhasha), NHIDCL for Hindi Translation.
- iii. GM (IT) for uploading on Employee Portal.
- iv. Notice Boards.

#### Copy to:

PS to MD, Director (A&F) & Director (Tech), NHIDCL

**NATIONAL HIGHWAYS & INFRASTRUCTURE DEVELOPMENT  
CORPORATION LTD. (CONDUCT, DISCIPLINE AND APPEAL RULES, 2019)**

**1. Short Title and commencement**

- (1) These rules may be called NHIDCL Conduct, Discipline and Appeal Rules, 2019.
- (2) They shall come into force from date of publication of this notification.

**2. Application**

These rules shall apply to all employees except those in casual employment or paid from contingencies.

**3. Definitions**

In these rules, unless the context otherwise requires:

- (a) **“Employee”** means a person in the employment of the company other than the casual or contingent staff, but includes a person on deputation.
- (b) **“Company”** means the National Highways & Infrastructure Development Corporation Limited.
- (c) **“Board”** means the Board of Directors of the Company & includes in relation to the exercise of powers, any committee of the Board/Management or any officer of the Undertaking to whom the Board delegates any of its powers.
- (d) **“Chairman”** means Chairman of the Company
- (e) **“Managing Director”** means Managing Director of the Company.
- (f) **“Disciplinary Authority”** means the authority specified in the Annexure I appended to these rules & competent to impose any of the penalties specified in Rule 23.
- (g) **“Competent Authority”** means the authority empowered by Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- (h) **“Government”** means the Government of India.
- (i) **“Appellate Authority”** means the authority specified in Annexure I attached to these rules.
- (j) **“Reviewing Authority”** means the authority specified in Annexure I attached to these rules.
- (k) **“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 separated from the employee by a decree or order of competent court.
  - ii. Sons or daughters or stepsons, stepdaughters of the employee & wholly dependent on him, but does not include a child or stepchild who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
  - iii. Any other person, related whether by blood or marriage to the employee or to such employee’s wife or husband and wholly dependent on such employee.



- (1) **“Public servant”** shall mean and include a person as mentioned in section 21 of Indian Penal Code as amended from time to time.

#### 4. General

- (1) Every employee of the Company shall at all times;
- i. maintain absolute integrity
  - ii. maintain devotion to duty; and
  - iii. do nothing which is unbecoming of a public servant.
- (2) Every employee of the company holding a supervisory post shall take all possible steps to ensure integrity and devotion to duty of all employees for the time-being under his/her control and authority.
- (3) Any matter not covered in these rules shall be dealt with in accordance with CCS (CCA) Rules, 1965.
- (4) In the event of any conflict between these rules and the CCS (CCA) Rules, 1965, the CCS (CCA) Rules, 1965 shall prevail over these rules.

#### 5. Misconduct

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

- (1) Theft, Fraud or dishonesty –
- a. Theft, Fraud or dishonesty in connection with the business or property of the company.
  - b. Theft, Fraud or dishonesty with the property of another person within the premises of the company.
  - c. Fraud, Dishonesty and Offences under Cyber laws leading to misrepresentation, breach of confidentiality and privacy.
  - d. Securing or causing others to secure unauthorized access to any confidential electronic communication of the company or misuse of the electronic communication of the company or the computer system or network, which may cause damage to the company.
  - e. Publishing, transmitting or causing to publish in electronic form any material, which appeals to prurient interest and unauthorized passing of information from electronic media.
  - f. Destroying, cancelling, altering, or causing others to destroy, cancel or alter confidential computer programme including computer command, design and layout, computer system and computer network, etc.
  - g. Viewing obscene material/scene and involving oneself in indecent chatting/communication through the electronic communication/ computer system of the company.
- (2) Taking or giving bribes or any illegal gratification.
- (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 interests of the Company.
- (6) Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- (7) Absence without leave or overstaying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- (8) Habitual late or irregular attendance.
- (9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- (10) Damage to any property of the company.
- (11) Interference or tampering with any safety devices installed in or about the premises of the company.
- (12) Drunkenness or riotous, disorderly, or indecent behaviour in the premises of the company or outside such premises where such behaviour is related to or connected with the employment.
- (13) Gambling within the premises of the establishment.
- (14) Smoking within the premises of the establishment.
- (15) Collection without the permission of the competent authority of any money within the premises of the company except as sanctioned by any law of the land for the time being in force or rules of the company.
- (16) Sleeping while on duty.
- (17) Commission of any act, which amounts to a criminal offence involving moral turpitude.
- (18) Absence from the employee's appointed place of work without permission or sufficient cause.
- (19) Purchasing properties, machinery, stores etc. from or selling properties, machinery, stores etc., to the company without express permission in writing from the competent authority.
- (20) Commission of any act subversive of discipline or of good behaviour.
- (21) Abetment of or attempt at abetment of any act, which amounts to misconduct.
- (22) Making allegations against another employee/ key officials/ Company's Directors/ MD. Use of insolent, impertinent, or unparliamentarily language in any official dealing/correspondence or in any representation including appeal or in any forum/meeting.
- (23) Failure of the employee to comply with the terms and conditions associated with the loan/advance granted to him under the Company's Rules.
- (24) Violation or non-compliance with the Company's Rules /Policies /Manuals/ Circulars/ Notices/ expressed instructions.
- (25) Un-authorized use or occupation of the company's quarters/land or other movable or immovable property.
- (26) Assaulting, threatening, or intimidating any employee of the Company.



- (27) Breach of any law applicable to the establishment or the Company or Conduct Rules or any other Rules or specific orders issued by the Company from time to time.
- (28) Writing of anonymous letters, addressing appeals or representations to any person other than the appropriate or appellate authority and forwarding advance copies of appeals or representation to any other person outside the Company.
- (29) Distribution or exhibition in the Company's premises any bills, posters, pamphlets or papers or causing them to be displayed by means of signs or writing or other visible representation, any matter prejudicial to the company without previous sanction of the management.
- (30) Refusal to work on Holidays or on Sundays or beyond working hours when notified/directed to do so in the exigencies of Company's interest.
- (31) Gherao, coercion, intimidation, wrongful confinement or use of force or forcibly detaining any of the Company's employees. Shouting/use of defamatory or disrespectful statement/ slogans in the Company's premises.
- (32) Refusal to accept any order or notice communicated in writing.
- (33) No employee shall indulge in any act of sexual harassment of any woman at the workplace.

**Explanation:** Sexual harassment<sup>1</sup> includes such unwelcome sexually determined behaviour, whether directly or by implication as:

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

**Note:** The above instances of misconduct [Sub-rule (1) to (33)] are illustrative in nature and not exhaustive. The competent authority reserves the right to include any other misconduct to the list provided above.

#### **6. Employment of near relatives of the employee of the Company in any company or firm enjoying patronage of the Company.**

- (1) No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or 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 private firm with which he has official dealings, or with any other firm, having official dealings with the Company:

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<sup>1</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

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

- (3) No employee shall in the discharge of his duties deal with any matter or give or sanction any contract to any company or any person if any of his relatives is employed in that company or under that person or if he or any of his relatives is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his official superior and the matter of the contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

**Meaning of 'Relative'** - A person shall be deemed to be a relative of another if, and only if -

- a) They are member of a Hindu Undivided Family or
- b) They are husband and wife, or
- c) The one is related to the other in the manner indicated in the following list:

**LIST OF RELATIVES**

1. Father
2. Mother (including stepmother)
3. Son (including stepson)
4. Son's wife (daughter-in-law)
5. Daughter (including stepdaughter)
6. Father's father
7. Father's mother (Grand Parent)
8. Mother's mother (Both paternal and maternal)
9. Mother's father
10. Son's son (Grandson)
11. Son's son's wife (grand daughter-in-law)
12. Son's daughter (Granddaughter)
13. Son's daughter's husband (grand son-in-law)
14. Daughter's husband (Son-in-law)
15. Daughter's son (Grandson)
16. Daughter's son's wife (Grand daughter-in-law)
17. Daughter's daughter (Granddaughter)
18. Daughter's daughter's husband (Grand son-in-law)
19. Brother (including stepbrother)
20. Brother's wife (sister-in-law)
21. Sister (including stepsister)
22. Sister's husband (Brother-in-law)
23. Wife's brother (Brother-in-law)
24. Father-in-law
25. Mother-in-law



## **7. Taking part in Demonstrations and Strikes**

No employee shall:

- a) Engage himself or participate in any demonstration or incite others to take part in any demonstration, which involves incitement to an offence.
- b) Resort to or abet/incite/instigate any form of strike or coercion or physical duress in contravention of the provisions of any law or rule having the force of law.
- c) Resort to any form of picketing within the Company's premises/ establishments including the entrance of the premises.

## **8. 7A. Taking part in Political activities**

An employee is prohibited to take part in political activities as detailed hereunder:

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

## **9. Connection with Press, Radio or Television**

- 1) No employee of the Company shall except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.
- 2) No employee of the Company shall, except with the previous sanction of the competent authority or the prescribed authority, or in the bonafide discharge of his duties, participate in a radio/television programme 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.

## **10. Criticism of Government and the Company**

No employee shall, in any radio/television programme or in document published under his name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement:

- a) Which has the effect of adverse criticism of any policy or action of the Central or State Governments, or of the company; or

- b) Which is capable of embarrassing the relations between the company & the public:
  - i. Provided that nothing in these rules shall apply to any statement made or views expressed by an employee, of purely factual nature which are not considered to be of a confidential nature, in his official capacity or in due performance of the duties assigned to him.
  - ii. Provided further that nothing contained in this clause shall apply to bonafide expressions of views by him as an office bearer of a recognised trade union for the purpose of safeguarding the condition of service of such employees or for securing an improvement thereof.

#### **11. Evidence before committee or any other Authority**

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

#### **12. Unauthorised Communication of information**

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

#### **13. 11A. Pressing of Claim in Service Matters**

- (1) No employee shall address representation, appeal, petition or memorial to any outside authority or to any authority not specified under the rule.
- (2) No employee shall send a representation or advance copies thereof to higher authorities except through proper channel or send copies of a representation to outside authorities.  
 Provided that an employee belonging to the Scheduled Caste or Schedule Tribe may write directly to the statutory authorities for welfare of SC and ST on matters concerning their welfare.



#### 14. Gifts

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

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

**Note:** *An employee of the company shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.*

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices an employee of the company may accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift exceeds
- Rupees twenty five thousand (INR 25,000) in the case of employees holding any Group 'A' equivalent posts;
  - Rupees fifteen thousand (INR 15,000) in the case of employees holding any Group 'B' equivalent post;
  - Rupees seven thousand five hundred (INR 7,500) in the case of employees holding any Group 'C' equivalent posts.
- (3) In any other case, an employee of the company shall not accept or permit any member of his family or any other person acting on his behalf to accept any gifts without the sanction of the competent authority if the value thereof exceeds INR 1500/-.

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds INR 1500/-.

#### 15. 12A: Dowry

“No employee of the company shall:

- give or take or abet the giving or taking of dowry, or
- Demand, directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be any dowry”.

**Note:** *For the purpose of this rule, ‘dowry’ has the same meaning as defined in the Dowry Prohibition Act, 1961 (No. 28 of 1961), which reads as follows:*

##### **“Definition of Dowry”**

In this Act, ‘Dowry’ means any property or valuable security given or agreed to be given directly or indirectly:

- by one party to a marriage to the other party to the marriage; or
- by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons of whom the Muslim Personal Law (Shariat) applies.

**Explanation-i:** For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

**Explanation-ii:** The expression “valuable security” has the same meaning as in Section 30 of the Indian Penal Code.

## **16. Private Trade or Employment**

- (1) No employee of the Company shall, except with the previous sanction of the competent authority engage directly or indirectly in any trade or business or undertake any other employment :

Provided that an employee may, without such sanction undertake honorary work of a social or charitable nature of occasional work or a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

- (2) Every employee of the Company shall report to the competent authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- (3) No employee of the Company shall, without the previous sanction of the competent authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 2013 or other law for the time-being in force or any co-operative society for commercial purposes. Provided that an employee of the Company may take part in the registration, promotion or management of a Consumer/ House Building Co-operative Society substantially for any benefit of employees of the Company registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1960 (21 of 1960) or any corresponding law in force.
- (4) No employee of the company may accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent Authority.
- (5) Bar Against Employment after Retirement:  
No officer of the company, who has retired on superannuation from the company, after such retirement, shall accept any appointment or post whether advisory or administrative, in any firm or company whether in India or outside, with which the company has or had business relations, within one year from the date of his retirement without the prior approval of the Government of India.

## **17. Investment, Lending & Borrowing**

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



or for his benefit or for the benefit of any member of his family or he purchases or permits any member of his family to purchase shares from out of the quota reserved for friends and associates of Directors of Companies.

#### **18. Insolvency and Habitual Indebtedness**

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

#### **19. Movable, immovable and Valuable Property**

- (1) No employee of the company shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family.
- (2) No employee of the Company shall except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate.
- (3) Every employee of the company shall report to the competent authority every transaction concerning movable property owned/acquired/inherited or held by him in his own name or in the name of a member of his family, within one month from the date of such transaction, if the value of such property exceeds INR 15,000/- in case of employees in Group A or Group B or equivalent category, and INR 10,000/- in case of employees in Group C or equivalent category.
- (4) Every employee shall, on first appointment in the company, submit a return of assets & liabilities in the prescribed form giving the particulars regarding:
  - a. The immovable 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 & Cash including Bank deposits inherited by him or similarly owned or acquired or held by him.
  - c. Other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds INR 15,000/- in case of employees in Group A or Group B or equivalent category, and INR 10,000/- in case of employees in Group C or equivalent category.
  - d. Debts & other liabilities incurred by him directly or indirectly.
- (5) Also,
  - a. The competent authority may, at any time by general or special order ask an employee to submit, within a period specified in the order, a full & complete statement of such movable or immovable property held or acquired/ owned/ inherited 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.

- b. Every employee shall, beginning 1 January, submit a return of immovable property inherited/owned/acquired once every year<sup>2</sup>.
  - c. Every employee shall send an intimation regarding transaction in Shares, Securities, Debentures or Mutual Fund Schemes etc. held by him to the competent authority in case the total transaction exceed INR 50,000/- during a calendar year.
- (6) The competent authority for this purpose shall be:
- a. Regional Office : Executive Director (Projects)
  - b. Corporate Office/ HQ : Executive Director (HR)
- (7) Papers and documents relating to these transactions shall be kept on record with Vigilance Dept. at Corporate Office/HQ. The position will be reviewed by the MD for modification as and when necessary.

## **20. Canvassing of Non-Official or other influence**

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

## **21. Marriages**

- (1) No Employee shall enter into, or contract a marriage with a person having a spouse living; and
- (2) No employee, having a spouse living, shall enter into or contract, a marriage with any person:  
Provided that the Managing Director may permit an employee to enter into or contract any such marriage as is referred to in clause (1) or clause (2), if he is satisfied that:
  - a) such marriage is permissible under the personal law applicable to such employee & other party to the marriage; or
  - b) in the opinion of the MD good and sufficient reasons exist for doing so.
- (3) an employee who has married or marries a person other than that of Indian Nationality, shall forthwith intimate the fact to his appointing authority.

## **22. Consumption of Intoxicating Drinks & Drugs**

An employee of the Company shall:

- a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- b) not be under the influence of any intoxicating drink or drug during the course of his duty 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 drink or drug;

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<sup>2</sup> Central Civil Services (Conduct) Rules, 1965 and its amendments



- c) refrain from consuming any intoxicating drink or drug in a public place;
- d) not appear in a public place in a state of intoxication;
- e) Not use any intoxicating drink or drug to excess.
- f)

**Explanation:**

- (1) For the purpose of this rule, 'public place' means any place or premises (including clubs, even exclusively meant for members where it is permissible for the members to invite non-members as guests, bars and restaurants, conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.
- (2) An employee of the company should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Missions whether within the Mission premises or in halls/lounges exclusively reserved or at parties arranged by Government, Public Undertaking or semi-Government organisations where foreigners are entertained or at similar parties hosted by others.

**23. 19A: Observance of small Family Norms as per National Population Policy**

Every employee should ensure adherence to the norms prescribed in the latest National Population Policy.<sup>3</sup>

**24. Suspension**

- (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the management by general or special order may place an employee under suspension;
  - a. Where a disciplinary proceeding against him is contemplated or is pending; or
  - b. Where a case against him in respect of any criminal offence is under investigation or trial.
- (2) An employee who is detained in custody, whether on criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority & shall remain under suspension until further orders.
- (3) Where a penalty of dismissal or removal from service imposed upon any employee under suspension is set aside on appeal or on review under these rules & 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 & from the date of the original order of dismissal or removal & 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 & the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the

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<sup>3</sup> Presently, the National Population Policy, 2000 is in force

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 & shall continue to remain under suspension, until further orders.

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

## **25. Subsistence Allowance**

- 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 & 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:
  - a. the amount of subsistence allowance may be increased to 75 per cent of basic pay & allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension.
  - b. the amount of subsistence allowance may be reduced to 25 per cent of basic pay & allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.
- 3) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

## **26. Treatment of the period of Suspension**

- (1) When the employee under suspension is reinstated, the competent authority may grant to him the following pay & allowances for the period of suspension:
  - a. if the employee is exonerated and not awarded any of the penalties mentioned in Rule 23, the full pay & 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 & allowances as the competent authority may prescribe.
- (2) In a case falling under sub-clause:



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

## 27. Penalties

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

### Minor Penalties

- i. Censure;
- ii. Withholding of promotion;
- iii. 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 Company by negligence or breach of orders;
- iii-a. Reduction to a lower stage in the time-scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension;
- iv. Withholding of increments of pay.

### Major Penalties

(v) save as provided for in clause (iii) (a), reduction to a lower stage in the timescale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period –

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and (b) the Government servant shall regain his original seniority in the higher time scale of pay, grade, post or service;

(v) save as provided for in clause (iii) (a), reduction to a lower stage in the timescale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post

or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period –

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and (b) the Government servant shall regain his original seniority in the higher time scale of pay, grade, post or service;

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

- a. 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 a prescribed test or examination;
- b. stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;
- c. 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;
- d. reversion to a lower grade or post of an employee officiating in a higher grade or post, on the ground that he is considered, after trial to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
- e. reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment;
- f. termination of service;
  1. of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment;
  2. of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on expiry of the period for which he was appointed, or earlier in accordance with the terms of his appointment
  3. of an employee appointed under a contract or arrangement in accordance with the terms of such contract or arrangements; and,
  4. of any employee on reduction of establishment.

## **28. Disciplinary Authority**

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

## **29. Procedure for Imposing Major Penalties**

- (1) Whenever a disciplinary case file is submitted to the disciplinary authority, seeking the approval of the disciplinary authority for initiation of departmental proceedings against a government servant, a draft of the articles of charge, complete in all respects, along with the imputations in support and the list of witnesses and documents, should be submitted to the disciplinary authority for



its consideration. Similarly, whenever a case is referred to the Central Vigilance Commission for its first stage advice, a draft of the article of charge, complete in all respects, as proposed by the ministry/ department should be submitted to the CVC for its consideration.

- (2) The charged official should be served with a charge-sheet together with a statement of imputation of misconduct or misbehaviour and list of documents and witnesses by which each article or charge is proposed to be sustained.

On receipt of articles of charge, the government servant shall be required to submit his written statement of defence or whether to be heard in person within 15 days which may be extended to further 15 days at a time up to a maximum of 45 days from the date of receipt of articles of charge.

- (3) Inquiry is a must to consider charges refuted by him. It must be conducted by the Disciplinary Authority or an Inquiry Officer appointed by it. It should also appoint a Presenting Officer to present the charges. It may use the serving officers as Inquiry Officer and Presenting Officer.

- (4) The delinquent official has a right –

- a. to inspect documents referred to in the annexure to the charge sheet;
- b. to engage any other serving or retired Government servant to assist him;
- c. to engage a legal practitioner, if the presenting Officer is a legal practitioner.

In other cases, the Disciplinary Authority may permit such an engagement, having regard to the circumstances of the case.

- (5) If at the inquiry the Government servant pleads guilty to any of the article of charge, the Inquiry Officer should record a finding of guilt in respect of those articles and hold inquiry only in respect of the remaining, if any.

- (6) Government side has the first priority to present the case and produce witnesses and evidence.

- (7) Delinquent official will be allowed to offer his defence witness and evidence.

- (8) Witness on both sides may be examined, cross-examined and re-examined.

- (9) The defendant may examine himself as a witness on his own behalf, if he so desires. If he has not done so, the Inquiry Officer may generally question him to enable him to properly explain the circumstances cited in the evidence against him.

Based on a reference from the inquiry authority, seeking the issuance of a notification by the Central Government/ Competent Authority under Section 4 of the departmental enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972, the Inquiry Officer is empowered to exercise powers of Civil Court for enforcement of attendance of witness and production of documents.

- (10) Defence may be in writing or oral. Oral defence will be recorded, got signed and a copy supplied to the Presenting Officer.

- (11) Thereafter, Inquiry Officer will hear arguments on both sides or take written briefs from both. Presenting Officer's brief will be taken first, copy thereof supplied to the defendant and his reply brief obtained thereafter.

Once a regular hearing in a departmental proceeding is started, such hearing should as far as practicable, be continued on a day-to-day basis, unless in the



opinion of the Inquiry Officer, for the reasons to be recorded in writing, an adjournment is unavoidable in the interest of justice.

- (12) Entire proceedings should be recorded in writing, every page to be signed by the respective witness, the defendant and the Inquiry Officer, and copies furnished to the defendant and the Presenting Officer.
- (13) If the delinquent official does not attend, ex-parte enquiry may be conducted, observing the procedure in full.
- (14) On completion, the Inquiry Officer will submit his report and his findings on each article of the charges to the Disciplinary Authority.
- (15) The report of the Inquiring Authority should be submitted within six months from the date of receipt of order of his appointment as Inquiring Authority. He may seek extension of time by citing reasons in writing and may be allowed an additional time of six months, at a time.
- (16) Disciplinary Authority may accept or disagree (recording reasons for disagreement), record its own findings and make a final order.
- (17) If the Disciplinary Authority who initiated the case is competent to award only minor penalties, and is of the opinion that major penalty is to be imposed, it should send the entire records and findings without recording any opinion with regard to the imposition of the penalty to the Competent Disciplinary Authority which will record its findings and pass orders as deemed fit.
- (18) The Disciplinary Authority should forward a copy of the report of the Inquiring Authority together with its tentative reasons for disagreement, if any, with the findings to the Government servant giving him fifteen days' time to make any representation/submission.
- (19) The representation, if any, submitted by Government Servant should be considered before passing final orders.
- (20) Along with the final orders, the Government servant should be supplied with -
  - a. a copy of the findings on each article of charge;
  - b. a copy of advice, if any, given by the UPSC;
  - c. where the Disciplinary Authority has not accepted the advice, a brief statement of reasons for such non-acceptance.
- (21) Disciplinary Authority should take final decision on the enquiry report within 3 months.
- (22) All Ministries/ Department should ensure that all majority penalty proceeding against Government servants under their control are completed and final orders are passed by the concerned disciplinary authority within 18 months from the date of delivery of charge-sheet on the delinquent Government servant.

### **30. Action on Inquiry Report**

- (1) The disciplinary authority, if it is not itself the inquiry authority may, for reasons to be recorded by it in writing remit the case to the inquiry authority for fresh or further inquiry and the inquiry authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 25 as far as may be.
- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiry authority on any article of charge, record reasons for such disagreement and



record its own findings on such charge, if the evidence on record is sufficient for purpose.

- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rule 23 should be imposed on the employee it shall, notwithstanding anything contained in Rule 27, make an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

### **31. Procedure for imposing Minor penalties**

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (i) to (iv) of Rule 23, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period, not exceeding 15 days. The defence statement, if any submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
- (2) The record of the proceedings shall include;
  - a. a copy of the charge-sheet with a statement of imputations of misconduct.
  - b. the order of the disciplinary authority together with the reasons therefor, and;
  - c. his defence statement, if any
- (3) On receipt of the defence, the Disciplinary Authority may pass appropriate orders, or may hold an inquiry if -
  - a. it is of the opinion that such inquiry is necessary, or
  - b. the inquiry is mandatory in view of the punishment proposed.

The procedure for the inquiry will be as for major penalty

### **32. Communication of Order**

- (1) Orders made by the disciplinary authority under Rule 26 or 27 shall be communicated to the employee concerned, who shall also be supplied with its finding on each article of charge along with a copy of the report of enquiry; and
- (2) Where Disciplinary Authority disagrees with the findings of the Inquiry Authority, the reason for such disagreement and its own findings shall also be communicated to the employee.

### **33. Common Proceedings**

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

### 34. Special Procedure in Certain Cases

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

- i. the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- ii. where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these Rules; or
- iii. Where the disciplinary authority is satisfied that in the interest of the security of the corporation/company, it is not expedient to hold an enquiry in the manner provided in these rules.

### 35. Employees on deputation from the Central Government or the State Government etc.

- i. Where an order of suspension is made or disciplinary proceeding is initiated against an employee, who is on deputation to the Company from the Central or State Government or another public undertaking or a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.
- ii. In 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 the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority.
  - b. If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action, as it deems necessary.
- iii. If the employee submits an appeal against an order imposing a minor penalty on him under sub rule (ii) (b), 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 employees shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to the authority for such action as it deems necessary.

### 36. Appeals

- i. An employee may appeal against an order imposing upon him any of the penalties specified in Rule 23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the authority specified in the Annexure I.



- 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 Annexure I 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 clause (v), (vi), (vii), (viii) or (ix) of Rule 23 and an inquiry as provided in Rule 25 has not already been held in the case, the appellate authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held as provided in Rule 25, the appellate authority shall give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

### **37. Review**

Notwithstanding anything contained in these rules, the reviewing authority as specified in the Annexure-I may either on its own motion or on the application of the employee concerned, 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 (v), (vi), (vii), (viii) or (ix) of Rule 23 and an enquiry as provided under Rule 25 has not already been held in these cases, the reviewing authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Rule 25, the reviewing authority shall give show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Provided further that no review on the request of the employees shall commence until the expiry of the period of limitation for an appeal or the disposal of the appeal where such appeal has been preferred.

An application for review shall be dealt with in a manner as if it were an appeal under these rules.

### **38. Service of Orders, Notice etc.**

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

### **39. Power to Relax Time Limit and to Condone Delay**

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

### **40. Savings**

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

**41. 36A: Notwithstanding anything contained in these rules, for the purpose of disciplinary proceedings under Rules 20 to 35 (both inclusive) wherever the terms Disciplinary Authority and Competent Authority have been used either interchangeably or otherwise, they shall mean the authorities as specified in the Annexure I appended to the CDA Rules for exercising various powers as detailed therein.**

**42. 36B: Procedure for disposal of disciplinary cases arising out of vigilance investigations.**



### **43. DELEGATION OF POWERS**

The delegation of powers in respect of disciplinary matters will be as per Annexure I. It is clarified that group cases would cover situations where two or more employees are involved in a case and disciplinary action would be taken against all of them in a common proceeding, except where various employees involved are subject to different sets of disciplinary rules.

### **44. PROCEDURE FOR DISCIPLINARY PROCEEDINGS**

Corporate Vigilance will submit the investigation reports to the designated Disciplinary Authority as at Annexure-I who will decide on initiation or otherwise of the disciplinary proceedings. Detailed procedure for conduct of proceedings in respect of minor, major penalties and disposal of appeals is as under:

#### **i. Proceedings in respect of minor penalty**

In case in which the Disciplinary Authority has decided to institute minor penalty proceedings, the Corporate Vigilance will forward the draft charge sheet and other necessary papers to the designated Disciplinary Authority, for signature and issue of the charge sheet. As far as possible, the charge sheet will be issued to the charged officer within 15 days of its receipts.

The Disciplinary Authority will take the final decision after taking into consideration the facts of the case, the statement of defence submitted by the employee, the advice of the Corporate Vigilance, and merits of the case. In case the Disciplinary Authority is satisfied that there is no case against the employee, it may decide to exonerate the employee.

In case the Disciplinary Authority is satisfied that the charge(s) against the employee are established, it will decide on the penalty to be imposed, taking into consideration the gravity of the charge, material on record, written statement of the employee etc. and keeping in mind that the penalty that imposed is not disproportionate to the gravity of misconduct(s).

#### **ii. Proceedings in respect of major penalty**

After the decision for initiation of disciplinary proceedings is taken, the Corporate Vigilance will forward the draft charge sheet along with other necessary papers to the concerned disciplinary authority who will sign and issue the charge sheet, within 15 days of receipt of the case from Corporate Vigilance, as far as possible. The Disciplinary Authority will go through the facts of the case, the written statement of defence submitted by the employee in response to charge sheet, vigilance advice and after applying its mind may decide to exonerate the employee if it is satisfied that charges are not tenable and pass a speaking order to the effect.

Where the Disciplinary Authority is not satisfied with the reply, it may order an enquiry. The enquiry officer so appointed shall be an officer who is at least one rank higher than the charged officer. In such a case, the enquiry officer will conduct the enquiry as per procedure

laid down under the rules and expeditiously submit the Enquiry Report to the Disciplinary Authority, preferably within three months. The Enquiry Report will be referred to the Corporate Vigilance who will render necessary advice. The Disciplinary Authority will go through the material on record, proceedings of enquiry, findings of the Enquiry officer, etc. before taking a final decision in the matter, and pass speaking order, leading to:

- a. Imposition of a major penalty; or
- b. Imposition of a minor penalty, if it is satisfied that charges proved are not grave enough to warrant imposition of major penalty; or
- c. Exoneration of the employee, if charges are not proved, as the case may be; or
- d. remit the case back to Enquiry officer for fresh or further enquiry under Rule 26(1) of NHIDCL CDA Rules.

Where the decision of the Disciplinary Authority is at variance with the Vigilance Advice, the matter will be referred to the next higher authority before imposing punishment except in case where MD is the Disciplinary Authority. In such a case, his decision shall be final.

If the Disciplinary Authority concludes that the charges proved in the inquiry and the misconduct committed by the employee is so grave as to warrant removal/dismissal from the service, it shall forward the papers to the appropriate appointing authority, indicated in Annexure I, for taking decision in the matter.

### **iii. Disposal of Appeals**

On an appeal preferred by the penalised employee in all cases under the CDA rules, the Appellate Authority will consult any other concerned authority and shall pass an appropriate speaking order after taking into consideration the facts on record, the comments of the Disciplinary Authority and advice of the concerned authority.

## **45. 36 C: Effect of Vigilance cases on acceptance of Resignation/ Superannuation**

Where an employee submits resignation during pendency or where disciplinary proceedings are contemplated, the resignation may be accepted by the appointing authority if charges are not in the nature of moral turpitude, criminal offence, bribery or corruption or where substantial loss to company is involved where the evidence against delinquent employee does not warrant or justify assumption that if the departmental proceedings were continued, the employee would be removed or dismissed from service. However, in other cases of lesser nature in the letter accepting the resignation, it must be indicated that enquiry proceedings were pending or contemplated against the employee. This principle will apply in case of superannuation also.

In such a case, final payments as due, except Gratuity, will be released to the incumbent forthwith with the acceptance of resignation or superannuation, as the case may be.

An employee against whom disciplinary action/proceeding is pending at the time of resignation/retirement etc. will not be paid gratuity unless the action/proceedings against him have been finalised. On finalisation of the disciplinary proceedings, the release of payment of



amount of gratuity will depend on the outcome of the disciplinary proceedings and keeping in view the orders of the disciplinary authority. Gratuity will not be admissible to an employee whose services are terminated for misconduct, insolvency or inefficiency.

#### **46. 36 CC.**

- 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, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the company, if the employee is found in a disciplinary proceedings or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of section 4 of the Payment of Gratuity Act, 1972, or to have caused pecuniary loss to the company by misconduct or negligence, during his service rendered on deputation, or on re-employment after retirement.  
However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment in case the employee is fully exonerated.

#### **47. Removal of doubts**

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

#### **48. Amendments**

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

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**49. Annexure I: Schedule of Delegation of Powers in Respect of Disciplinary matters under NHIDCL Conduct, Discipline and Appeal Rules for employee in the Grade of ED & below**

S. No.	Level of Executive	Disciplinary Authority	Appellate Authority	Reviewing Authority
1.	Employee in the Grade of Manager & below or equivalent level	Director (A/F)	Managing Director	Chairman
2.	Employee in the Grade of Deputy General Manager or equivalent level and above	Managing Director	Chairman	Board of Directors
3.	Group Cases	Disciplinary Authority/Appellate Authority/Reviewing Authority shall be as per the highest ranking Officer		