



भारत डायनामिक्स लिमिटेड
BHARAT DYNAMICS LIMITED



**BHARAT DYNAMICS LIMITED
(CONDUCT, DISCIPLINE AND APPEAL)
RULES, 2020**

JUNE 17, 2020

**CORPORATE OFFICE:
PLOT NO. 38-39, TSFC BUILDING,
FINANCIAL DISTRICT, GACHIBOWLI,
HYDERABAD - 500 032.**

FOREWORD

The Conduct, Discipline and Appeal Rules applicable to the Executives of Bharat Dynamics Limited were first issued in 1975. Consequent to several changes in the Government policies and business requirements, need has been felt for a thorough revision and updation of the Rules.

I thank Audit Committee for their directions to revise the BDL (CDA) Rules, 1975 in line with the latest DPE Guidelines.

Dr. Upender Vennam, IPoS (1999), Chief Vigilance Officer, also suggested for a thorough revision of the Rules. I put on record my appreciation for Dr. Upender Vennam, IPoS (1999), Chief Vigilance Officer for putting enormous efforts and continuously guiding the HR Team in giving the CDA Rules of the Company a very contemporary shape.

I hope that the revised Rules will facilitate more disciplined and effective functioning of the Executive cadre which in turn will enhance the efficiency of Bharat Dynamics Limited.

Date: 17 JUN 2020


CMDE. SIDDHARTH MISHRA (RETD.)
CHAIRMAN & MANAGING DIRECTOR

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1. SHORT TITLE AND COMMENCEMENT:

- i) These rules may be called Bharat Dynamics Limited (Conduct, Discipline and Appeal) Rules, 2020.
- ii) They shall come into force on 17.06.2020

2. APPLICATION:

These rules shall apply to all employees except:

- i) Those in casual employment or paid from contingencies;
- ii) Those governed by the standing orders under the Industrial Employment Standing Orders Act, 1946.

3. DEFINITIONS:

In these rules, unless the context otherwise requires –

- a) **“Company”** means the BHARAT DYNAMICS LIMITED.
- b) **“Appointing Authority”** means the authority to which the power of appointment has been delegated by the Company and specified in the Schedule appended to these rules.
- c) **“Employee”** means a person in the employment of the Company other than the casual, work-charged or contingent staff or workman as defined in the Industrial Disputes Act, 1947, but includes a person on deputation to the Company.
- d) **“Workman”** means a person as defined in the Industrial Disputes Act, 1947 and to whom the provision of these rules shall not apply.
- e) **“Board”** means the Board of Directors of the Company and includes in relation to the exercise of powers, any committee of the Board/ Management or any officer of the Company to whom the Board delegates any of its powers.
- f) **“Chairman/Managing Director”** means the Chairman/Managing Director of the Company.
- g) **“Disciplinary Authority”** means the authority specified in the Schedule appended to these rules and competent to impose any of the penalties specified in Rule 23.
- h) **“Competent Authority”** means the authority empowered by the Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.



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- i) **“Government”** means the Government of India.
- j) **“Appellate Authority”** means the authority specified in the Schedule appended to these rules.
- k) **“Reviewing Authority”** means the authority specified in the Schedule attached to these rules.
- l) **“Family”** in relation to an employee includes:–
 - i) The wife or husband as the case may be of the employee, whether residing with the employee or not but does not include a wife or husband as the case may be separated from the employee by a decree or order of a Competent court.
 - ii) Sons or daughters or stepsons or stepdaughters of the employee and wholly dependent on the employee, 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 of 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.
- m) **“Public Servant”** shall means and includes a person as defined in Section 2(1) (o) read with Section 14 (f) of the Lokpal and Lokayukta Act, 2013 as amended from time to time.
- n) **“Inquiring Authority”** means an Employee or Committee of Employees duly constituted under these rules by disciplinary authority to inquire into allegations of misconduct leveled against one or more than one charge sheeted employee.
- o) **“Complaints Committee”** means the complaints committee constituted to deal with the cases of sexual harassment of women in work place.

4. GENERAL:

- 1. Every employee of the Company shall at all times
 - i) Maintain absolute integrity;
 - ii) Maintain devotion to duty;
 - iii) Do nothing which is unbecoming of a public servant;
 - iv) Commit oneself to and uphold the supremacy of the Constitution and democratic values;
 - v) Defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;
 - vi) Maintain high ethical standards and honesty;




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- vii) Maintain political neutrality;
 - viii) Promote the principles of merit, fairness and impartiality in the discharge of duties;
 - ix) Maintain accountability and transparency;
 - x) Maintain responsiveness to the public, particularly to the weaker section;
 - xi) Maintain courtesy and good behavior with the public;
 - xii) Take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;
 - xiii) Declare any private interests relating to the Employee's public duties and take steps to resolve any conflicts in a way that protects the public interest;
 - xiv) Not place oneself under any financial or other obligations to any individual or organization which may influence the employee in the performance of one's official duties;
 - xv) Not misuse one's position as public servant and not take decisions in order to derive financial or material benefits for oneself, one's family or one's friends;
 - xvi) Make choices, take decisions and make recommendations on merit alone;
 - xvii) Act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;
 - xviii) Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;
 - xix) Maintain discipline in the discharge of one's duties and be liable to implement the lawful orders duly communicated to the employee;
 - xx) Maintain confidentiality in the performance of one's official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;
 - xxi) Perform and discharge one's duties with the highest degree of professionalism and dedication to the best of his/her abilities.
2. i) Every employee of the Company holding a supervisory / managerial post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his/her control and authority.

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- ii) No Employee of Company shall, in the performance of his/her official duties, or in the exercise of powers conferred on the employee, act otherwise than in his/her best judgement except when employee is acting under the direction of his/her official superior;
- iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;
- iv) An employee who has received oral direction from his/her official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation I - An employee who habitually fails to perform the task assigned to the employee within the time set for the purpose and with the quality of performance expected of the employee shall be deemed to be lacking in devotion to duty within the meaning the clause (ii) of sub-rule (1).

Explanation II - Nothing in clause (ii) of sub-rule (2) shall be construed as empowering an Employee to evade his/her responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

2-A. Promptness and Courtesy:

No Employee shall

- a) In the performance of his/her official duties, act in a discourteous manner;
- b) In his/her official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him/her.


2-B. Observance of Government's Policies:

Every Employee shall, at all times-

- i) Act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
- ii) Observe the Government's policies regarding prevention of crime against women.

3. Prohibition of Sexual Harassment of Women:

- 1) No employee shall indulge in any act of sexual harassment of any woman at any work place.
- 2) Every employee who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

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Explanation - For the purpose of this rule, -

- a) "Sexual Harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely : -
 - i) Physical contact and advances; or
 - ii) A demand or request for sexual favours; or
 - iii) Making sexually coloured remarks; or
 - iv) Showing pornography; or
 - v) Any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.
- b) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -
 - i) Implied or explicit promise of preferential treatment in employment; or
 - ii) Implied or explicit threat of detrimental treatment in employment; or
 - iii) Implied or explicit threat about her present or future employment status; or
 - iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - v) Humiliating treatment likely to affect her health or safety.
- c) "Workplace" includes,-
 - i) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
 - ii) Hospitals or nursing homes;
 - iii) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
 - iv) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
 - v) A dwelling place or a house related to or connected in course of official dealings.



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3) The Complaints Committee will be deemed to be an inquiry authority and the report of the Complaints Committee shall be deemed to be an inquiry report under these rules. Thereafter, the disciplinary authority will act on the report in accordance with the rules.

4-A. "No General Manager, Executive Director, Functional Director of the Company including the Chief Executive, who has retired from the service of the Company, after such retirement, shall accept any appointment, post, whether advisory or administrative in any Firm or Company, whether Indian or Foreign, with which the Company has or had Business relations, within one year from the date of his/her retirement, without prior approval of the Government/Management as the case may be. The term retirement includes resignation but not the cases of those whose term of appointment was not extended by Government/Management for reasons other than proven misconduct. The term business relations includes 'official dealings' as well".

4-B. "The General Managers, Executive Directors, Functional Directors including the Chief Executive, who after superannuation or resignation accept any appointment or post whether advisory or administrative, in any Firm or Company, whether Indian or Foreign with which the Company has or had Business relations, within one year from the date of his/ her retirement without prior approval of the Government/ Management will be debarred from being appointed as full time / part time Directors/ Employees of the CPSEs. The General Managers, Executive Directors, Functional Directors including the Chief Executive, have to execute a bond to abide by the restrictions laid down at Rule 4(A). The value of Bond shall be equal to 12 months basic pay drawn on the date of retirement / relieving from the Company". A draft bond to be executed is given at **Annexure - I**.

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 in connection with the business or property of the Company or of property of another person within the premises of the Company.
2. Taking or giving bribes or any illegal gratification.
- 2-A. Obtaining donations/ advertisement / sponsorship etc. for the associations/NGOs formed by either employee or their spouse / employee's family members etc. from the contractors, vendors, customers or other persons having commercial relationship / official dealings. This will be treated
3. Possession of pecuniary resources or property disproportionate to the known source of income by the employee or on his/her 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.



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5. Acting in a manner prejudicial to the interests of the Company.
6. Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of employee's superior.
7. Absence without leave or over-staying the sanctioned leaves 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 or disorderly or indecent behaviour in the premises of the Company or outside such premises where such behaviour is related to or connected with the employment.
13. Gambling within the premises.
14. Smoking within the premises.
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 acts subversive of discipline or which amount to a criminal offence.
21. Abetment of or attempt at abetment of any act which amounts to misconduct.

Note: The above instances of misconduct are illustrative in nature, and not exhaustive.



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6. EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES IN ANY COMPANY OR FIRM ENJOYING PATRONAGE OF THE COMPANY:

1. No employee shall use his/her 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/her son, daughter or any member of the family to accept employment with any company or firm / entity with which the employee has official dealings, or with any company or firm / entity, having official dealings with the Company.

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

3. No employee shall in the discharge of his/her official duties deal with any matter or give or sanction any contract to any company or firm / entity or any other person if any member of his/her family is employed in that Company or firm or under that person or if employee or any member of his/her family is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his/her official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

7. TAKING PART IN DEMONSTRATION:

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


7-A. RESTRICTION ON POLITICAL ACTIVITIES OF EMPLOYEES OF COMPANY

The following kinds of activities of the employees are prohibited, as the case may be:

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

8. CONNECTION WITH ELECTRONIC AND PRINT MEDIA:

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.

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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/her duties, participate in a broadcast or contribute any article or write any letter either in his/her own name or anonymously, pseudonymously, or in the name of any other person to any publication.

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

9. CRITICISM OF GOVERNMENT AND THE COMPANY:

No employee shall in any electronic and print media or in any document published under his/her 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 and the Public.

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/her official capacity or in due performance of the duties assigned to the employee.

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

10. 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 criticize the policy or any action of the Central Government or of State Governments, 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 a State Legislator 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.

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11. UNAUTHORIZED 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 the employee, communicate, directly or indirectly, any official document or any part thereof to any officer or other employee, or any other person to whom employee is not authorized to communicate such document or information.

12. GIFTS:

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


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

Note - An employee of the Company shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with the employee.

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/her near relatives but employee shall make a report to the competent authority if the value of the gifts exceeds Rupees **twenty five thousand**.
3. On such occasions as are specified in sub-rule (2), an employee of the Company may accept gifts from his/her personal friends having no official dealings with the employee, but employee shall make a report to the competent authority if the value of any such gift exceeds rupees **one thousand five hundred** in the case of Executives and Non-Executives;
4. In any other case, an employee of the Company shall not accept or permit any other member of his/her family or any other person acting on his/her behalf to accept any gifts without the sanction of the competent authority if the value thereof exceeds rupees **Five Thousand**.

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds **Rs.25,000/-**.

Further, as shares, securities, debentures etc. are treated as movable property for the purpose of Rule 16(4) of the model CDA rules, if an individual transaction in respect of above instruments exceeds the amount prescribed in Rule 16(4), the intimation to the prescribed authority would still be necessary. The intimation prescribed in Para above will be addition to this, where cumulative transaction(s) i.e. sale, purchase or both in shares, securities, debentures or mutual funds etc, in a year exceed the limits indicated in para above.

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12-A. NO EMPLOYEE OF THE COMPANY SHALL

- i) Give or take or abet the giving or taking of dowry; or
- ii) Demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation: For the purposes of this rule dowry has the same meaning as in Dowry Prohibition Act, 1961 (28 of 1961) or any amendment, if any.

13. 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 or occasional work of literacy, artistic or scientific character, subject to the condition that his/her official duties do not thereby suffer.
2. Every employee of the Company shall report to the competent authority; any member of his/her 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/her 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 cooperative society for commercial purposes;

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

4. No employee of the Company shall accept any fee or any pecuniary advantage for any work done by him/her from any public body or any private person without the sanction of the competent authority.

13-A. WITH REGARD TO DEALING IN THE SHARES OF COMPANY:

- i) A full-time Director or any employee involved in the decision making process of fixation of price of an IPO/FPO of shares of the Company shall not apply either oneself/herself or through any member of his/her family or through any other person acting on his/her behalf for allotment of shares (which includes all types of equity related instruments) in an IPO/FPO of such Company, even out of the category of preferential quota reserved for employees/Directors of the Company.

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- ii) Employees including full time Directors who are in possession of unpublished price sensitive information would be prohibited from dealing/transacting either in their own name or through any member of their family in the shares of their own Company.
- iii) Full-time Director or employee or any member of his/her family or any person acting on his/her behalf shall not apply for shares out of any preferential quota reserved for employees/Directors of other companies.
- iv) Employees would be required to disclose to the Company all transactions of purchase/sale in shares worth two months Basic pay or more in value or existing holding/interest in the shares worth Rs. two months Basic pay or more in his/her own Company either in his/her own name or in the name of any family member of employee to report to the Company indicating quantity, Price, date of transaction and nature of interest within 4 working days.

14. INVESTMENT, LENDING AND BORROWING:

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


14-A. SPECULATION OF STOCK / SHARES OF COMPANIES:

Employee shall not speculate in any stock, share or other investment. It may also be explained that frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

With a view to enable the administrative authorities to keep a watch over such transactions, an intimation may be sent in the Proforma enclosed at **Annexure - II** (on the lines of Proforma annexed to DoPT OM dated 07.02.2019) to the prescribed authority if the total transactions in shares, securities, debentures or mutual funds scheme, etc. exceed six months' Basic Pay of Company employee during the calendar year (to be submitted by 31st January of the subsequent calendar year).

15. INSOLVENCY AND HABITUAL INDEBTEDNESS:

1. An employee of the Company shall avoid habitual indebtedness unless employee proves that such indebtedness or insolvency is the result of circumstances beyond his/her 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/her competent authority.

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16. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY:

1. Every employee shall, on first appointment in the Company, submit a return of assets and liabilities in the prescribed form enclosed at **Annexure – III** giving the particulars regarding:-
 - a) The immovable property inherited by the employee, or owned or acquired by the employee, held by the employee on lease or mortgage, either in his/her own name or in the name of any member of his/her family or in the name of any other person;
 - b) Shares, debentures, and cash including bank deposits inherited by the employee (or similarly) owned, acquired, or held by the employee;
 - c) Other movable property inherited by the employee or similarly owned, acquired or held by the employee if the value of such property exceeds Rs. **10,000/-**.
 - d) Debts and other liabilities incurred by employee directly or indirectly;
 - e) Every employee shall submit the Annual Returns of immovable property for the preceding calendar year as on 31st Dec, by 31st January of the year following the calendar year, in the prescribed format enclosed at **Annexure – IV**.
2. No employee 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/her own name or in the name of any member of his/her family.
3. 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/her subordinate.
4. Every employee of the Company shall report to the competent authority every transaction concerning movable property owned or held by the employee in his/her own name or the name of a member of his/her family, if the value of such property exceeds Rs. **60,000/-**.
5. The Competent authority may, at any time, by general or special order require an employee to submit, within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by the employee or on his/her behalf or by any member of his/her 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.

Explanation I - For the purposes of this rule –

The expression "Movable Property" includes

- a) Jewellery, insurance policies, the annual premia of which exceeds Rs. 60,000/- , shares, securities and debentures;

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- b) All loans, whether secured or not, advanced or taken by the employee;
- c) Motor cars, motor cycles, horses or any other means of conveyance; and
- d) Furniture, Fixtures, Antiques, Paintings, Electronic equipments, others.

Explanation II - For the purpose of this rule 'lease' means, except where it is obtained from, or granted to, a person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or reserving an yearly rent.

17. CANVASSING OF NON-OFFICIAL OR OTHER INFLUENCE:

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

18. BIGAMOUS 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 Board may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that-

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

19. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS:

Employee shall –

- a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which employee may happen to be for the time being;
- b) Not be under influence of any intoxicating drink or drug during the course of his/her duty and shall also take due care that the performance of his/her duties at any time is not affected in any way by the influence of such drink or drug; refrain from consuming any intoxicating drink or drug in a public place;

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- c) Not appear in a public place in a state of intoxication;
- d) Not use any intoxicating drink or drug to excess.


Explanation: For the purposes of this rule, 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have, access, whether on payment or otherwise.

19-A. PROHIBITION REGARDING EMPLOYMENT OF CHILDREN BELOW 14 YEARS OF AGE:

No employee shall employ to work any child below the age of 14 years.

20. SUSPENSION:

1. The appointing authority or any authority to which it is subordinate or the disciplinary authority or any authority empowered in that behalf by the management by general or special order may place an employee under suspension-
 - a) Where disciplinary proceeding against the employee is contemplated or is pending; or
 - b) Where case against the employee in respect of any criminal offence is under investigation or trial; or
 - c) Where, in the opinion of the authority aforesaid, he/she has engaged oneself in activities prejudicial to the interest of the security of the State;
2. An employee who is detained in police / judicial custody, whether on a criminal charge or otherwise for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority, and shall remain under suspension until further orders.
3. Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his/her suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
4. Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against the employee on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

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

21. SUBSISTENCE ALLOWANCE:

1. An employee under suspension shall be entitled to draw subsistence allowance equal to 50 percent, of his/her 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 employee shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which employee 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. An employee under suspension continues to be governed by the provisions of company CDA rules. He/ She cannot, therefore, for supplementing his/her subsistence allowance, engage himself/herself in any employment, business, profession or vocation, without the prior permission of the Competent Authority. Further, the payment of subsistence allowance is subject to the employee under suspension furnishing a certificate every month to the effect that he/she was not engaged in any other employment, business, profession or vocation. The certificate does not require the counter signature of any authority.
3. Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-
 - i) The amount of subsistence allowance may be increased to 75 percent of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension;
 - ii) The amount of subsistence allowance may be reduced to 25 percent of basic pay and allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee under suspension.
4. If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence 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 employee is granted bail.

22. TREATMENT OF THE PERIOD OF SUSPENSION:

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

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- a) If the employee is exonerated and not awarded any of the penalties mentioned in Rule 23 the full pay and allowances which employee would have been entitled to if employee had not been suspended, less the subsistence allowance already paid to the employee; and
 - b) If otherwise, such proportion of pay and 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. In case falling under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so directs.

23. PENALTIES:


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

MINOR PENALTIES

- a) Censure;
- b) Withholding of increments of pay without cumulative effect;
- c) Withholding of promotion;
- d) Recovery from pay of the whole or part of any pecuniary loss caused to the Company by negligence or breach of order;
- e) Reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and not adversely affecting his/her terminal benefits.

MAJOR PENALTIES

- f) Save as provided in clause (e), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on expiry of such period, the reduction will or will not have the effect of postponing the future increment of pay;
- g) Reduction to a lower time scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post from which employee was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his/her seniority and pay on such restoration to that grade or post;
- h) Compulsory retirement;
- i) Removal from service which shall not be a disqualification for future employment under the Govt. or the Company owned or controlled by the Govt.;

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- j) Dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Company owned or controlled by the Govt.;


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

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

Clarification: Stiff/Severe Major Penalty means Removal/Dismissal/Compulsory Retirement (as interpreted by CVC).

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

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

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24. DISCIPLINARY AUTHORITY TO IMPOSE PENALTIES:

The Disciplinary Authority, as specified in the schedule, or any authority higher than it, may impose any of the penalties specified in Rule 23 on any employee except for penalties under Rule 23 (g), (h), (i) & (j). With respect to cases which call for Reduction to a lower time scale of pay, grade, post or Service, Compulsory retirement, Removal and Dismissal, as the penalty in terms of 23 (g), (h), (i) & (j), the concerned Appointing Authority shall pass orders as “Disciplinary authority”.

25. PROCEDURE FOR IMPOSING MAJOR PENALTIES:

1. No order imposing any of the major penalties specified in Clauses (f) to (j) of Rule 23 shall be made except after an inquiry is held in accordance with this rule.
2. Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may itself enquire into, or appoint any inquiring authority to inquire into the truth thereof. Provided that where there is a complaint of sexual harassment within the meaning of Rule 4(3) above, the complaints Committee for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the Disciplinary Authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

Explanation - Where the disciplinary authority itself holds the inquiry, any reference of sub rule 7 to sub rule 18 to the inquiring authority shall be construed as a reference to the disciplinary authority.

3. Where it is proposed to hold an inquiry, the Disciplinary Authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehavior and a list of documents and witnesses by which each article or charges is proposed to be sustained. On receipt of the articles of charge, the employee shall be required to submit his/her written statement of defence, if employee so desires, and also state whether employee desires to be heard in person, within a period of fifteen days, which may be further extended for a period not exceeding fifteen days at a time for reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorised by the Disciplinary Authority on his/her behalf.

Provided that under no circumstances, the extension of time for filing written statement of defence shall exceed forty-five days from the date of receipt of articles of charge.

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

4. On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary to do so, appoint, under sub-rule (2), an Inquiring Authority for the purpose, and where all the articles of charge have been admitted by the charged Executive in his/her written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 26.



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If no written statement of defence is submitted by the charged Executive, the Disciplinary Authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-rule (2), an Inquiring Authority for the purpose.

5. Where the Disciplinary Authority itself inquires or appoints an Inquiring Authority for holding an inquiry, it may, by an order appoint an employee to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
6. The employee may take the assistance of any other employee but may not engage a legal Practitioner for the purpose *unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or the Disciplinary Authority, having regard to the circumstances of the case, so permits.*
7. On the date fixed by the inquiring authority, the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The Inquiring Authority shall ask the employee whether employee pleads guilty or has any defence to make and if employee pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the charged Executive concerned pleads guilty.
8. If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days after recording an order that the charged Executive may, for the purpose of preparing his/her defence:
 - i) Inspect the documents listed with charge-sheet.
 - ii) Submit a list of additional documents and witnesses that employee wants to examine; and
 - iii) Be supplied with the copies of the statements of witnesses, if any, listed in the charge-sheet.

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

9. The Inquiring Authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents or issue a non-availability certificate before the Inquiring Authority within one month of the receipt of such requisition: Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the charged Executive and withdraw the requisition made by it for the production or discovery of such documents.



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

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

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

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

13. When the case for the Disciplinary Authority is closed, the charged Executive may be required to state his/her defence, orally or in writing as employee may prefer. If the defence is made orally, it shall be recorded and the charged Executive shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.

14. The evidence on behalf of the charged Executive shall then be produced. The charged Executive may examine himself/herself in his/her own behalf if employee so prefers. The witnesses produced by the charged Executive shall then be examined

and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provision applicable to the witnesses for the Disciplinary Authority.

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

16. After the completion of the production of the evidence, the Inquiry Authority can however, on his own or on the desire of the parties, take written briefs. If he does so, he should first take the brief from the presenting officer, supply a copy of the same to the charged Executive and take the reply brief of the latter.



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17. If charged Executive does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the Inquiring Authority may hold the enquiry ex parte.
18. Whenever any inquiring 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 Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

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

19. i) After the conclusion of the Inquiry, report shall be prepared and it shall contain-
- a) A gist of the articles of charge and the statement of the imputations of misconduct or misbehavior;
 - b) A gist of the defence of the charged Executive in respect of each article of charge;
 - c) And assessment of the evidence in respect of each article of charge;
 - d) The findings on each article of charge and the reasons therefore.

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

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

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



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- d) Written briefs referred to in sub-rule (16) if any; and
 - e) The orders if any made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.
20. a) The Inquiring Authority should conclude the inquiry and submit his/her report within a period of six months from the date of receipt of order of his/her appointment as Inquiring Authority.
- b) Where it is not possible to adhere to the time limit specified in clause (a), the Inquiring Authority may record the reasons and seek extension of time from the Disciplinary Authority in writing, who may allow an additional time not exceeding six months for completion of the Inquiry, at a time.
 - c) The extension for a period not exceeding six months at a time may be allowed for any good and sufficient reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorised by the Disciplinary Authority on his/her behalf.

26. ACTION ON THE INQUIRY REPORT:

1. The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reason to be recorded by it in writing remit the case to the Inquiring Authority for fresh or further inquiry and report 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 forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority, together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge to the employee who shall be required to submit, if employee so desires, his/her written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favorable or not to the employee.
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.

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26-A. In the matter of promotion of employees against whom disciplinary / court proceedings are pending or whose conduct is under investigation, the procedure may be followed in accordance with the DoPT OM No. 22011/4/91-Estt.(A) dated 14.09.1992 and subsequent instructions of DOPT, on adopting sealed cover procedure.


27. PROCEDURE FOR IMPOSING MINOR PENALTIES:

1. Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of Rule 23, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against the employee and give an opportunity to submit his/her written statement of defence within a specified period not exceeding 15 days. The defence statement, if any, submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
2. The record of the proceedings shall include –
 - i) A copy of the statement of imputations of misconduct or misbehavior delivered to the employee;
 - ii) His/her defence statement, if any; and
 - iii) The orders of the disciplinary authority together with the reason there for.
3. There is no provision to permit charged employee to take copies of documents relied upon by the Disciplinary Authority under Minor Penalty proceedings. However, if a charged employee makes a request for permitting him/her to inspect the relevant records to enable him/ her to submit his/her defence, the Disciplinary Authority may grant the necessary permission.

28. COMMUNICATION OF ORDERS:

Orders made by the Disciplinary Authority under Rule 26 or Rule 27 shall be communicated to the employee concerned, in the form of punishment proceedings.

- i) In case of imposing penalties under caption “Major Penalties” under rule 23, the charged employee shall also be supplied with a copy of (i) Disciplinary Authority findings on each articles of charge, where the Disciplinary Authority is not the Inquiring Authority, a statement of the findings of the Disciplinary Authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority and
- ii) A copy of the advice, if any, given by the Commission, and
- iii) Where the Disciplinary Authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

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29. COMMON PROCEEDINGS:

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


30. SPECIAL PROCEDURE IN CERTAIN CASES:

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

- i) The employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial ; or
- ii) Where the Disciplinary Authority is satisfied for reasons to be recorded 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 Board is satisfied that in the interest of the security of the Company, it is not expedient to hold any inquiry in the manner provided in these rules.

30-A. DISCIPLINARY PROCEEDINGS / IMPOSITION OF PENALTY ON EMPLOYEES AFTER THEIR RETIREMENT:

- i) The disciplinary authority may impose penalty on delinquent employees on conclusion of such departmental proceedings which were initiated during their service time and have continued beyond the date of their superannuation.
- ii) Disciplinary proceedings, if instituted while the employee was in service whether before his/her retirement or during his/her 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.
- iii) During the pendency of the disciplinary proceeding, 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 proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the Company by misconduct or negligence, during his/her service including 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.

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31. EMPLOYEES ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENT, ETC.:

- i) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Company from the Central or State Government, or another public undertaking, or a local authority, the authority lending his/her services (hereinafter referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his/her suspension, or the commencement of the disciplinary proceeding, as the case may be.
- ii) In the light of the findings in the disciplinary proceeding taken against the employee:–
 - a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on the employee, 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 the employee, it should replace his/her 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 the employee under sub-rule (ii) (a), it will be disposed of after consultation with the Lending Authority;

Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

32. APPEALS:

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



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Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (f) to (j) of Rule 23 and an 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 of any of the penalties (f) to (j) of Rule 23, but an inquiry has already been held as provided in Rule 25, the Appellate Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon the employee. The Appellate Authority shall pass final order after taking into account the representation, if any, submitted by the employee. No order imposing an enhanced penalty shall be made in any other case unless the applicant has been given a reasonable opportunity, as far as may be in accordance with the provisions of Rule 27 of making a representation against such enhanced penalty. For this purpose, a show cause notice specifying the proposed enhanced penalty be issued.


33. REVIEW:

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

Provided that if the enhanced penalty, which the reviewing authority proposes to impose; is a major penalty specified in clauses (f) to (j) of Rule 23 and an inquiry as provided under Rule 25 has not already been held in the case, the reviewing authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the enquiry and pass such order as it may deem proper. If the Reviewing authority decides to enhance the punishment of any of the penalties (f) to (j) of Rule 23, but an inquiry has already been held as provided in Rule 25, Reviewing Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon the employee. The Reviewing Authority shall pass final order after taking into account the representation, if any, submitted by the employee. No order imposing an enhanced penalty shall be made in any other case unless the applicant has been given a reasonable opportunity, as far as may be in accordance with the provisions of Rule 27 of making a representation against such enhanced penalty. For this purpose, a show cause notice specifying the proposed enhanced penalty be issued.

34. SERVICE OF ORDERS, NOTICES, ETC.:

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

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35. POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY:

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

36. 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 the employee 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 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.
4. Any misconduct, etc., committed prior to the issue of these rules which was misconduct under the superseded rules shall be deemed to be a misconduct under these rules.

37. REMOVAL OF DOUBTS:

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

38. AMENDMENTS:

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

SCHEDULE

(Rule - 3 (b), (g), (j) & (k))

For minor and major punishments under Rule 23 (a), (b), (c),(d), (e) & (f)

Level of Officers	Appointing Authority	Disciplinary Authority	Appellate Authority	Reviewing Authority
Grade I to IV	Functional Director	Departmental Heads Not below Gr-VI	Divisional Head Not below Gr-VII	Functional Director
Grade V & VI	Functional Director	Divisional Head not below Gr-VII	Functional Director	C&MD
Grade VII	Functional Director	Functional Director	C&MD	Board of Directors
Grade-VIII & IX	C&MD	C&MD	Board of Directors	Board of Directors

For major punishments under Rule 23 (g), (h), (i) & (j)

Level of officers	Appointing Authority	Disciplinary Authority	Appellate Authority	Reviewing Authority
Grade I to VI	Functional Director	Functional Director	C&MD	Board of Directors
Grade VII , VIII & IX	C&MD	C&MD	Board of Directors	Board of Directors

Vigilance Department for all minor and major punishments

Level of officers	Appointing Authority	Disciplinary Authority	Appellate Authority	Reviewing Authority
Grade I to VI	Functional Director	CVO	C&MD	Board of Directors
Grade VII , VIII & IX	C&MD	C&MD	Board of Directors	Board of Directors

Note: In case there is no officer in the grade as shown in the above schedule the next higher grade officer shall exercise the power

ANNEXURE-I

(Rule - 4 (b))

(To be executed on the judicial stamp paper of Rs.100/- and attested by Notary public)

DEED OF UNDERTAKING BY THE EMPLOYEE LEAVING SERVICE ON RESIGNATION / RETIREMENT

I _____, S/o. _____ aged _____ years, resident of _____, do hereby execute this Deed of Undertaking on my free will and volition as follows:

1. I am working as _____, Staff No. _____, in M/s. Bharat Dynamics Ltd. at _____. I am being relieved from the services of the Company on the close of business hours on _____.
2. As per Rule 4 (A) and 4 (B) of the Bharat Dynamics Limited, Conduct Discipline and Appeal Rules 1975, I hereby undertake to do / refrain myself from doing the following acts subsequent to the cessation of my employment with M/s Bharat Dynamics Ltd., Hyderabad (hereafter called, the Company), Viz:
 - i. That I shall not accept any employment or position, whether remunerative or advisory, honorary etc., in any company, firm or organization within India or abroad, with which M/s. Bharat Dynamics Ltd. is or was having business/ official relations, before expiry of one year from the date of my relieving from present employment without prior permission from the Company;
 - ii. That I shall hand-over all the documents, records etc. which are in my possession by virtue of my employment till date and which form part of the exclusive property, intellectual or in any other manner whatsoever, of the Company for use in its production/ research/ commercial/ administrative activities, to my superiors as authorized by the company;

Contd ... 2/-

- iii. That I shall not keep with me any documents/ material belonging to the Company and shall not be in possession in future, any such information, whether vital or ordinary, retained or retrievable from any form of devices of electronic apparatus or computer systems, data recording systems etc.
- iv. That I shall not part with or transmit or hand-over any such knowledge, information or documents pertaining to and belonging to the Company and happened to be in my possession by virtue of my employment till now, to any other persons/ companies, at any point of time in future;
- v. That I shall not do or cause to be done any such act which is detrimental and harmful to the interests of the Company at any point of time in future;
3. I hereby declare and state that in the event of any violation of the above conditions. by me in future, I shall bind myself irrevocably and remain answerable for such violations as may be proved and shall be liable for any legal action, civil and criminal, that may be instituted by the company against me for recovery of damages etc. Further over and above the damages claimed by the company, I hereby bind myself irrevocably to pay an additional amount of Rs._____-/- (Rupees _____) to the Company.
4. Any dispute or difference arising in relation to this Deed of Undertaking, its validity, performance, breach or any other question arising in relation thereto, shall be subject to jurisdiction of Hyderabad only.

Verified and signed by me on this the _____ day of _____ at Hyderabad.

DEPONENT

ANNEXURE-II
(Rule – 14-A)

**Intimation under Rule 14-A of BDL (CDA) Rules, 2020 for transactions in shares, securities, debentures, investment in mutual fund schemes, etc.
(To be submitted by 31st January of the subsequent calendar year)**

1. Name of the Employee: _____ Designation ; _____
Department : _____ Staff No.: _____

2. Scale of Pay and present pay : _____

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

4. Particulars of the party/ firm with whom transaction(s) is made:
 - a) Is party related to the applicant _____

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

5. Source(s) from which financed :
 - a) Personal savings

 - b) Other sources giving details

6. Any other relevant fact which applicant may like to mention:

Declaration

I hereby declare that the particulars given above are true.

(Signature)

Name: _____
Designation _____

Place:
Date:

ANNEXURE-III
(Rule – 16(1))

Return of movable, immovable and valuable property i.e statement of Assets and Liabilities on First Appointment or as on

1. Name in full :
(in block letters)
2. Staff No. :
3. Designation :
4. Department :
5. Division/Unit :
6. Date of Joining :

Declaration:

I hereby declare that the return enclosed namely, Forms I to V are complete, true and correct to the best of my knowledge and belief, in respect of information due to be furnished by me under BDL (CDA) Rules,2020.

Date

Signature

Note 1. This return shall contain particulars of all assets and liabilities of the Executive either in his/her own name or in the name of any other person. The return should include details in respect of assets/ liabilities of spouse and dependent children.

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

Note 3:— "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the Executive for their livelihood.

FORM No. I

Details of Executive, his/ her spouse and dependent children

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

* Add more rows, if necessary.

Date

Signature

FORM No. II**Statement of movable property (exceeds Rs. 10,000/-) on first appointment**

(Use separate sheets for self, spouse and each dependent child.)

Name of Executive/spouse/dependent child:

SL No.	Description	Remarks, if any
(i)*	Cash and bank balance:	
(ii)**	Insurance (premium paid) :	
	Fixed /Recurring Deposit(s) :	
	Shares/Bonds :	
	Mutual Fund(s) :	
	Pension Scheme/Provident Fund	
	Other investments, if any :	
(iii)	Personal loans/advance given to any person or entity including firm, company, trust, etc. and other receivables from debtors and the amount (exceeding two months basic pay or Rupees one lakh, as the case may be):	
(iv)	Motor Vehicles (Details of Make, registration number, year of purchase and amount paid):	
(v)	Jewellery [Give details of approximate weight (plus or minus 10 gms in respect of gold and precious stones; plus or minus 100 grams in respect of silver).]	
	Gold:	
	Silver:	
	Precious metals and precious stones:	
	Composite items: (indicate approximate value)***	
(vi)	Any other assets [Give details of movable assets not covered in (i) to (v) above] (a) Furniture (b) Fixtures (c) Antiques (d) Paintings (e) Electronic equipments (f) Others [Indicate the details of an asset, only if the total current value of any particular asset in any particular category (e.g. furniture, fixtures, electronic equipments, etc.) exceeds two months' basic pay or Rs. 1.00 lakh, as the case may be.]	

Date

Signature

* Details of deposits in the foreign Bank(s) to be given separately.

** Investments above Rs. 2 lakhs to be reported individually. Investments below Rs2 lakhs may be reported together.

*** Value indicated in the first return need not be revised in subsequent returns as long as no new composite item had been acquired or no existing items had been disposed of, during the relevant year.";

FORM NO. III

Statement of immovable property on first appointment or as on.....

(e.g. Lands, House, Shops, Other Buildings, etc.)

(Held by Executive, his/her spouse and dependent children)

Sl.No	Description of property (Land/House/Flat/Shop/Industrial etc.)	Precise location (Name of District, Division, Taluk and village in which the property is situated and also its distinctive number, etc.)	Area of land (in case of land and buildings)	Nature of land in case of landed property	Extent of interest	If not in name of Executive, state in whose name held and his/her relationship, if any to the Executive	Date of acquisition	How acquired (whether by purchase, mortgage, lease, inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Executive, if any, with the person/ persons concerned) (please see Note 1 below) and cost of acquisition	Present value of the property (if exact value not known, approximate value may be indicated)	Total annual income from the property	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Date

Signature

Note (1) for purpose of column 9, the term “lease” would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where , however, the lease of immovable property is obtained from a person having official dealings with the Executive , such a lease should be shown in this column irrespective of the term of the lease , whether it is short term or long term , and the periodically of the payment of rent.

FORM No. IV

Statement of Debts and Other Liabilities on First appointment or as on

Details of Executive, his/ her spouse and dependent children

SL No.	Debtor (Self/ Spouse or Dependent children)	Name and address of Creditor	Nature of debt/ liability and amount	Remarks
1	2	3	4	5

Date

Signature

Note 1: Individual items of loans not exceeding two months basic pay (where applicable) and Rs. 1.00 lakh in other cases need not be included.

Note 2. The statement should include various loans and advances (exceeding the value in Note 1) taken from banks, companies, financial institutions, Central, State Government and from individuals.

FORM No. V

Statement of Shares, debentures, and cash including bank deposits inherited by the employee (or similarly) owned, acquired, or held by the employee on First appointment as on

1. Name of the Employee: _____ Designation ; _____
Department : _____ Staff No.: _____

2. Scale of Pay and present pay : _____

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

4. Particulars of the party/ firm with whom transaction(s) is made:
 - c) Is party related to the applicant _____

 - d) Did the applicant have any dealings with the party in his/ her official capacity at any time or is the applicant likely to have any dealings with him in the near future

5. Source(s) from which financed:
 - c) Personal savings

 - d) Other sources giving details

6. Any other relevant fact which applicant may like to mention:

Declaration

I hereby declare that the particulars given above are true.

(Signature)

Name: _____
Designation _____

Place:

Date:

ANNEXURE-IV
(Rule 16(1) (e))

Annual Return of Immovable Property for the year _____

1. Name in full
(in block letters)
2. Staff No.
3. Designation
4. Department
5. Division/Unit
6. Date of Joining

Declaration:

I hereby declare that the return enclosed namely, Forms I to II are complete, true and correct to the best of my knowledge and belief, in respect of information due to be furnished by me under BDL (CDA) Rules, 2020.

Date

Signature

FORM No. I

Details of Executive, his/ her spouse and dependent children

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

* Add more rows, if necessary.

Date

Signature

FORM No. II

Statement of immovable property as on 31st Dec

(e.g. Lands, House, Shops, Other Buildings, etc.)

(Held by Public Servant, his/her spouse and dependent children)

Sl.No	Description of property (Land/House/Flat/Shop/Industrial etc.)	Precise location (Name of District, Division, Taluk and village in which the property is situated and also its distinctive number, etc.)	Area of land (in case of land and buildings)	Nature of land in case of landed property	Extent of interest	If not in name of Executive, state in whose name held and his/her relationship, if any to the Executive	Date of acquisition	How acquired (whether by purchase, mortgage, lease, inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Executive, if any, with the person/ persons concerned) (please see Note 1 below) and cost of acquisition	Present value of the property (if exact value not known, approx value may be indicated)	Total annual income from the property	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Date

Signature

Note (1) for purpose of column 9, the term “lease” would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where , however, the lease of immovable property is obtained from a person having official dealings with the Executive , such a lease should be shown in this column irrespective of the term of the lease , whether it is short term or long term , and the periodically of the payment of rent.
