

## **OBC OFFICER EMPLOYEES (DISCIPLINE & APPEAL) REGULATIONS, 1982**

In exercise of the powers conferred by section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) the Board of Director of Oriental Bank of Commerce in consultation with the Reserve Bank and with the previous sanction of the Central Government hereby makes the following regulations, namely :-

### **Short title and commencement:**

These regulations may be called Oriental Bank of Commerce Officer Employees' (Discipline & Appeal) Regulations, 1982.

They shall come into force on 01.04.1982.

### **Application:**

These regulation shall apply to all officer employee of the bank, but shall not apply to :-

The chairman of the bank;

The Managing Director,

Any whole time Director, if any;

Those who are in casual employment or paid from contingencies ;

The award staff; and

The officer on contract;

### **Definitions:**

In these regulation, unless the context otherwise requires :-

"Act" means the Banking Companies (Acquisition and Transfer of Undertakings) Act,1980 (40 of 1980);

"Appellate authority" means the authority specified in the Schedule to dispose of appeal;

"Award staff" means the persons covered by the "award" as defined in the Industrial Dispute (Banking Companies) Decision" Act, 1955 (41 of 1955);

"Bank" means Oriental Bank of Commerce;

"Board" means the Board of Directors of the Bank.

"Competent Authority" means the authority appointed by the Board for the purpose of these regulations;

"Disciplinary Authority" means the authority specified in the Schedule which is competent to impose on an officer employee any of the penalties specified in regulation 4;

“Government” means the Central Government;

“Managing Director” means the Managing Director of the bank.

“Officer Employee” means a person who holds a supervisory, administrative or managerial post in the bank or any other person who has been appointed and is functioning as an officer of the bank, by whatever designations called and includes a person whose services are temporarily placed at the disposal of the Central Government or a State Government or any other Government undertaking or any other public sector bank or the Reserve Bank of India or any other organisation, but shall not include casual, work charged or contingent staff or the award staff;

“Public financial institution” means :-

The industrial credit and Investment Corporation of India Limited, a company owned and registered under the Companies Act, 1956 (1 of 1956);

The industrial Finance Corporation of India, established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948);

The Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964);

The life insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956);

The Unit Trust of India, established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963);

Any other financial institution which is declared by the central government by notification to be a public financial institution;

“Public sector bank” means:-

A corresponding new bank specified in the first schedule of the Act;

A corresponding new bank specified in first schedule to the banking companies (Acquisition and the transfer of Undertakings) Act, 1980;

The State Bank of India constituted under the State Bank of India, Act, 1955 (23 of 1955);

A Subsidiary bank constituted under the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959); and

Any other bank which the central government may determine to be a public sector bank for the purpose of these regulations having regard to its manner of incorporation;

“Public servant” means a person as defined as public servant in section 21 of the Indian Penal Code (45 of 1860);

“Reviewing authority” means the authority specified in the schedule;

“Schedule” means the Schedule appended to these regulation.

**Penalties :**

The following are the penalties which may be imposed on an officer employee, for acts of misconduct or for any other good and sufficient reasons :

**Minor Penalties :**

Censure :

Withholding of increment of pay with or without cumulative effect;

Withholding of promotion;

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

Reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting the officer’s pension

**Major Penalties:**

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

Reduction to a lower grade or post;

Compulsory retirement;

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

Dismissal which shall ordinarily be a disqualification for future employment.

***Explanation:***

The following shall not amount to a penalty within the meaning of this regulation namely:-

Withholding of one or more increments of an officer employee on account of his failure to pass a prescribed departmental test or examination in accordance with the terms of appointment to the post which he holds.

Stoppage of pay of an officer employee at the efficiency bar in a time scale on the ground of his unfitness to cross the bar;

Non-promotion, whether in an officiating capacity or otherwise, of an officer employee to a higher grade or post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;

Reversion to a lower grade or post, of an officer 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;  
Reversion to his previous grade or post, of an officer 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 or rules or orders governing such probations;

Reversion of an officer employee to his parent organisation in case he had come on deputation;

Termination of the service:-

of an officer employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment, or the rules or orders governing such probation;

of an officer employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiry of the period for which he was appointed, or earlier in accordance with the terms of his appointment;

of an officer employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement and

of an officer employee on abolition of post;

Retirement of an officer employee on his attaining the age of superannuation in accordance with the rules and orders governing such superannuation;

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Termination of employment of a permanent officer employee by giving 3 month's notice or on payment of 3 month's pay and allowances in lieu of notice;

Termination of employment of an officer employee on medical grounds, if he is declared unfit to continue in bank's service by the bank's medical officer.

### **Authority to Institute disciplinary proceedings and impose penalties :**

The Managing Director or any other authority empowered by him by general or special order may institute or direct the Disciplinary Authority to institute disciplinary proceedings against an officer employee of the bank.

The Disciplinary Authority may himself institute disciplinary proceedings.

The Disciplinary Authority or any authority higher than it may impose any of the penalties specified in regulation 4 on any officer employee.

### **Procedure for imposing major penalties:**

No order imposing any of the major penalties specified in clauses (f) (g) (h) (i) and (j) of regulation 4 shall be made except after an inquiry is held in accordance with this regulation.

Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiries into the truth of any imputation of misconduct or misbehaviour against an officer employee, it may itself enquire into, or appoint any other person who is, or has been, a public servant (hereinafter referred to as the Inquiring Authority) to inquire into the truth thereof.

***Explanation:***

When the Disciplinary Authority itself holds the inquiry any reference in sub-regulation to sub-regulation (21) to the Inquiring Authority shall be construed as reference to Disciplinary Authority.

Where it is proposed to hold an enquiry, the Disciplinary Authority shall, frame definite and distinct charges on the basis of the allegations against the officer employee and the articles of charge, together with a statement of the allegations, list of documents relied on along with copy of such documents and list of witness, if any, along with copy of statement of witness, if any, on which they are based, shall be communicated in writing to the officer employee, who shall be required to submit, within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said Authority, a written statement of his defence.

Provided that wherever it is not possible to furnish the copies of documents, disciplinary authority shall allow the officer employee inspection of such documents within a time specified in this behalf.

On receipt of the written statement of the officer employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or if it considers it necessary to do so, appoint under sub-regulation (2) an Inquiring Authority for the purpose.

Provided that it may not be necessary to hold the inquiry in respect of the articles of charge admitted by the officer employee in his written statement but shall be necessary to record its findings on each such charge.

The Disciplinary Authority shall, where it is not the inquiring authority, forward to the inquiring authority;

A copy of the articles of charges and statement of imputation of misconduct or misbehaviour;

A copy of the written statement of defence, if any, submitted by the officer employee;

A list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;

A copy of statements of the witnesses; if any;

Evidence proving the delivery of article of charges under sub-regulation (3);

A copy of the order appointing the 'Presenting Officer in terms of sub-regulation (6).

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

The officer employee may take the assistance of any other officer 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.

**Note :**

The officer employee shall not take the assistance of any other officer employee who has two pending disciplinary cases on hand in which he has to give assistance.

(a) The inquiring authority shall by notice in writing specify the day on which the officer employee shall appear in person before the inquiring authority.

On the date fixed by the inquiring authority, the officer employee shall appear before the inquiring authority at the same time, place and date specified in the notice.

The inquiring authority shall ask the officer employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the officer employee concerned thereon.

The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the officer employee concerned pleads guilty.

If the officer employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding 30 days or within such extended time as may be granted by the inquiring authority.

The inquiring authority while adjourning the case as in sub-regulation (9) shall also record by an order that the officer employee may for the purpose of preparing defence-

Complete inspection of the documents as in the list furnished to him immediately and in any case not exceeding 5 days from the date of such order if he had not done so earlier as provided for in the provision to sub-regulation (3);

Submit a list of documents and witnesses, that he wants for the inquiries,

Give notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow for the discovery or production of the documents referred to in items (ii).

**Note :**

The relevancy of the documents and the examination of the witnesses referred to in item (ii) shall be given by the officer employee concerned.

The inquiring authority shall, on receipt of the notice for the discovery or production of the documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents on such dates as may be specified.

On receipt of the requisition under sub-regulation (11), the authority having the custody or possession of the requisitioned documents, shall arrange to produce the same before the inquiring authority on the date, place and time specified in the requisition :-

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

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 produced by the Presenting officer shall be examined by the Presenting officer and may be cross examined by or on behalf of the officer employee. The Presenting officer shall be entitled to re-examine his witnesses on any points in 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 question to the witnesses as it thinks fit.

Before the close of the case, in support of the charges, 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 officer employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned. The inquiring authority may also allow the officer employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interest of justice.

When the case in support of the charge is closed, the officer employee may be required to state his defence, orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the officer employee 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.

The evidence on behalf of the officer employee shall then be produced. The officer employee may examine himself in his own behalf, if he so prefers. The witnesses produced by the officer employee shall then be examined by the officer employee and may be cross-examined by the Presenting officer. The officer employee shall be entitled to re-examine any of his witnesses on any point on which they have been cross-examined, but not on any new matter without the leave of the inquiring authority.

The inquiring authority may, after the officer employee closes his evidence and shall, if the officer employee has not got himself examined, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the officer employee to explain any circumstances appearing in the evidence against him.

The inquiring authority may, after the completion of the production of evidence, here the presenting officer, if any appointed and the officer employee, or permit them to file written briefs of their respective cases within 15 days of the date of completion of the production of evidence, if they so desire.

If the officer employee does not submit the written statement of defence referred to in sub-regulation (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 provision of these regulations, the inquiring authority may hold the inquiry exparte.

Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in any inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercise, 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.

(i) On the conclusion of the enquiry the inquiring authority shall prepare a report which shall contain the following:-

A gist of the articles of charge and the statement of the imputation of misconduct or misbehaviour;

A gist of the defence of the officer employee in respect of each article of charge;

An assessment of the evidence in respect of each article of charge;

The findings on each article of charge and the reasons thereof.

***Explanation :-***

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

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

The inquiring authority, where it is not itself a Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include :-

The report of the inquiry prepared by it under clause (i);

The written statement of defence, if any, submitted by the officer employee referred to in sub-regulation (15);

The oral and documentary evidence produced in the course of the inquiry;

Written briefs referred to in sub-regulation (18); if any; and

The order, if any, made by the Disciplinary Authority and the inquiring authority in regard to the inquiry.



**Action on the inquiry report:**

The Disciplinary Authority, if it is not itself the inquiring authority, may, for reasons to be recorded by it in writing remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provision of regulation 6 as far as may be.

The Disciplinary Authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence or record is sufficient for the purpose.

If the Disciplinary Authority, having regards to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in regulation 4 should be imposed on the officer employee it shall, notwithstanding anything contained in regulation 8, make an order imposing such penalty.

If the Disciplinary Authority having regards 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 officer employee concerned.

**Procedure for imposing minor penalties:**

Where it is proposed to impose any of the minor penalties in clauses (a) to (e) of regulation 4, the officer employee concerned shall be informed in writing of the imputation of the lapses against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Disciplinary Authority and the defence statement, if any, submitted by the officer employee shall be taken into consideration by the Disciplinary Authority before passing orders.

Where, however, the Disciplinary Authority is satisfied that an enquiry is necessary; it shall follow the procedure for imposing a major penalty as laid down in regulation 6.

The record of the proceedings in such cases shall include:-

A copy of the statement of imputation of lapses furnished to the officer employee;

The defence statement, if any, of the officer employee; and

The order of the Disciplinary Authority together with the reasons therefore.

**Communication of order:**

Orders made by the Disciplinary Authority under regulation 7 or regulation 8 shall be communicated to the officer employee concerned, who shall also be supplied with a copy of the report of inquiry, if any

**Common proceedings:**

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

**Special procedure in certain cases:**

Notwithstanding anything contained in regulation 6 or regulation 7 or regulation 8, the Disciplinary Authority may impose any of the penalties specified in regulation 4 if the officer employee has been convicted on a criminal charge, or on the strength of facts or conclusion arrived at by the judicial trial. Provided that the officer employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made.

**Suspension:**

An officer employee may be placed under suspension by the competent authority:-  
Where a disciplinary proceeding against him is contemplated or is pending; or

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

An officer employee shall be deemed to have been placed under suspension by an order of the competent authority:-

With effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

With effect from the date of conviction, if in the event of the conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

**Explanation:**

The period of forty-eight hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any direction, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer employee under suspension is set aside or declared or rendered void in consequences of or by a decision of a court of law, and the disciplinary authority, on consideration of the circumstances of the case, decided to hold further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer employee shall be deemed to have been placed under suspension by the competent authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.

An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the authority which made or is deemed to have made the orders.

**Leave during suspension :**

No leave shall be granted to an officer employee under suspension.

**Subsistence allowance during suspension :**

an officer employee who is placed under suspension shall, during the period of such suspension and subject to sub-regulation (2) to (4) be entitled to receive payment from the bank by way of subsistence allowance on the following scale, namely :-

**Basic Pay**

For the first three months of suspension 1/3 of the basic pay which the officer employee was receiving on the date prior to the date of suspension irrespective of the nature of enquiry

For the subsequent period after 3 months from the date of suspension.

Where the enquiry is held departmentally by the bank, 1/2 of the basic pay, the officer employee was drawing on the date prior to the date of suspension; and

Where the enquiry is held by outside agency, 1/3 of the basic pay which the officer employee was drawing on the date prior to the date of suspension for the next three months and 1/2 of the of the basic pay which the officer employee was drawing on the date prior to the date of suspension for the remaining period of suspension.

**Allowance :**

For the entire period of suspension, dearness allowance, and other allowance excepting conveyance allowance, entertainment allowance and special allowance will be calculated on the reduced pay as specified in items (i) and (ii) of clause (a) and at prevailing rates or at rates applicable to similar category of officers.

During the period of suspension an officer employee shall not be entitled to occupation of a rent-free house or free use of the bank's car or receipt of conveyance or entertainment allowance or special allowance.

No officer employee of the bank shall be entitled to receive payment of subsistence allowance unless he furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

If, during the period of suspension an officer employee retires by reason of his attaining the age of superannuation, no subsistence allowance shall be paid to him from the date of his retirement.

**Pay, allowance and treatment of service on termination of suspension :**

Where the Competent Authority holds that the officer employee has been fully exonerated or that the suspension was unjustifiable, the officer employee concerned shall be granted the full pay to which he would have been entitled, had he not been suspended, together with any allowance of which he was in receipt immediately prior to his suspension, or may have been sanctioned subsequently and made applicable to all officer employees.

In all cases other than the those referred to in sub-regulation (1), the officer employee shall be granted such proportion of pay and allowances as the Competent Authority may direct.

Provided that the payment of allowances under this sub-regulation shall be subject to all other conditions to which such allowances are admissible;

Provided further that the pay and allowances granted under this sub-regulation shall not be less than subsistence and other allowances admissible under regulation 14.

(a) In a case falling under sub-regulation (1) the period of absence from duty shall, for all purposes, be treated as a period spent on duty;

In a case falling under sub-regulation (2) the period of absence from duty shall not be treated as a period spent on duty unless the Competent Authority specifically directs, for reasons to be recorded in writing that it shall be so treated for any specific purpose.

**Employees on deputation from the Central Government, State government etc.;**

Where an order of suspension is made or disciplinary proceeding is taken against an officer employee, who is on deputation to the bank from the Central Government or the State Government, or Reserve Bank of India or another public sector bank or banking company or a public financial institution or an institution wholly or substantially owned by the Reserve Bank of India or a public financial institution or public undertaking, or a local authority, the authority lending his service (here in after referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may .

In the light of findings in the disciplinary proceeding taken against the officer employee:-

If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such order 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 Authority and Lending Authority, the services of the employees shall be placed at the disposal of the Lending Authority.

If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry of such action as it deems necessary.

If the officer employee submits an appeal against an order imposing a minor penalty on him under clause (a) of sub-regulation (2), 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 officer 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.

**Appeals:**

An officer employee may prefer an appeal to the Appellate Authority within 45 days from the date of receipt of the order imposing upon him any of the penalties specified in Regulation 4 or against the order of suspension refer to in Regulation 12 :

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring appeal in time.

The appeal shall be presented to the Appellate Authority with a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language and shall be complete in itself.

The authority which made the order appealed against shall, on receipt of a copy of the appeal from the appellant, forward the same with its comments thereon together with the relevant records to the Appellate Authority within a period not exceeding 45 days from the date of the receipt of the appeal.

The Appellate Authority shall on receipt of the comments and records of the case from the authority whose order is appealed against, consider whether the order of suspension/findings are justified or whether the penalty is excessive or inadequate and pass appropriate order. The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the penalty/suspension or remitting the case to the authority which imposed the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case.

**Provided that:**

If the enhanced penalty, which the Appellate Authority proposed to impose is a major penalty specified in clauses (f), (g), (h), (i), (j) of regulation 4 and an enquiry as provided in regulation 6 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 regulation 6 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 as provided in regulation 6, the Appellate Authority shall give a show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer employee.

The Appellate Authority shall dispose of the appeal within the period of ninety days from the date of its receipt from the appellant :

Provided that the limit specified in this regulation shall not apply to cases having a vigilance angle and where major/minor penalty proceedings against the officer employee have commenced on recommendation of the Police or Central Bureau of Investigation or Central Vigilance Commission, as the case may be, investigating the matter.

The cases lying pending over ninety days shall be reviewed periodically by the Appellate Authority and reasons for non-disposal of the cases shall be recorded in writing.

**Review :**

Notwithstanding anything contained in these regulations, the Reviewing Authority may at any time within six months from the date of the final order, either on his own motion or otherwise review the said order, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and

which has the effect of changing the nature of the case, has come or has been brought to his notice and pass such orders thereon as it may deem fit :

**Provided that-**

If any enhanced penalty, which the Reviewing Authority proposes to impose, is a major penalty specified in clauses (f), (g), (h), (i), (j) of regulation 4 and an enquiry as provided in regulation 6 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 regulation 6 and thereafter consider the record of the enquiry and pass such orders as it may deem proper;

If the Reviewing Authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6, the Reviewing Authority shall give a show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer employee.

**Consultation with Central Vigilance Commission:**

The bank shall consult the Central Vigilance Commission wherever necessary, in respect of all disciplinary cases having a vigilance angle.

**Services of Orders, notice, etc.**

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

**Power to relax time-limit and to condone delay:**

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

**Repeal and Saving:**

Every rule, regulation, bye-law or every provision in any agreement or a resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations and applicable to the officer employee is hereby repealed.

Notwithstanding such repeal:

Any order made or action taken under the provisions so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations;

Nothing in these regulations shall be construed as depriving any person to whom these regulations apply, of any right to appeal which had accrued to him under any of the provision so repealed;

An appeal pending at the commencement of these regulations against an order made before the commencement of these regulations shall be considered and orders thereon shall be made, in accordance with these regulations;

Any proceeding which have already been initiated but not yet been completed at the commencement of these regulation shall be continued and disposed as far as may be, in accordance with the provisions of these regulations, as if such proceedings were under these regulations.

**SCHEDULE**

<b>S. No.</b>	<b>Name/Category Of post</b>	<b>Disciplinary Authority</b>	<b>Appellate Authority</b>	<b>Reviewing Authority</b>
1	Officer in JMGS-I, MMGS-II under respective RO	Asstt. General Manager at Regional Office looking after HRD Deptt. Or in his absence Dy. General Manager at Regional Office	General Manager (HRD) at Head Office.	ED or in his absence Chairman & Managing Director.
2	Officer in JMGS-I, MMGS-II under Head Office including STCs Regional and Inspectorates	Asstt. General Manager(HRD) or in his absence Dy. General Manager (HRD) at Head Office	General Manager (HRD) at Head Office.	ED or in his absence Chairman & Managing Director.
3	Officers in MMGS-III	Asstt. General Manager(HRD) or in his absence Dy. General Manager (HRD) at Head Office	General Manager (HRD)	ED or in his absence Chairman & Managing Director.
4	Scale-IV & V	General Manager (HRD)	Executive Director or in his absence Chairman & Managing Director	Chairman & Managing Director or in his absence/in case he has acted as Appellate Authority, the committee of the Board.
5	Scale VI	Executive Director or in his absence Chairman & Managing Director	Chairman & Managing Director or in his absence/in case he has acted as Disciplinary Authority the Committee of the Board.	Board
6	Scale VII	Chairman & Managing Director or in his absence Executive Director.	Committee of the Board	Board

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## **DISCIPLINE & APPEAL REGULATIONS-1982**

In exercise of the powers conferred by section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980(40 of 1980), the Board of Directors of Oriental Bank of Commerce in Consultation with the Reserve Bank and with the previous sanction of the central Government here by makes the following regulations, namely: -

### **1. Short Title & Commencement: -**

- (i) These regulations may be called **Oriental bank of Commerce Officer Employees' (Discipline and Appeal) Regulations, 1982.**
- (ii) They shall come into force on 01.04.1982.

### **2. Application: -**

These regulations shall apply to all officer employees of the bank, but shall not apply to: -

- (i) The Chairman of the bank;
- (ii) The Managing Director,
- (iii) Any whole time Director if any;
- (iv) Those who are in casual employment or paid from contingencies;
- (v) The award staff; and
- (vi) The officer on contract;

### **3. Definitions: -**

In these regulations, unless the context otherwise requires: -

- (a) "Act" means the banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);
- (b) "Appellate Authority" means the authority specified in the Schedule to dispose of appeal;
- (c) "Award Staff" means the persons covered by the "award" as defined in the Industrial Disputes (Banking Companies) Decision" Act, 1955(41 to 1955);
- (d) "Bank" means Oriental Bank of Commerce;
- (e) "Board" means the Board of directors of the bank.
- (f) "Competent Authority" means the authority appointed by the Board for the purpose of these regulations;
- (g) "Disciplinary Authority" means the authority specified' in the Schedule which is competent to impose on an officer emp. any of the penalties specified in regulation 4;
- (h) "Government" means the Central Government;



- (i) "Managing Director" means the Managing Director of the bank.
- (j) "Officer employee" means a person who holds a supervisory, administrative or managerial post in the bank or any other person who has been appointed and is functioning as an officer of the bank, by whatever designations called and includes a person whose services are temporarily placed at the disposal of the Central Government or a State Government or any other Government understanding or any other public sector bank or the Reserve Bank Of India or any other organisation, but shall not include casual, work charged or contingent staff or the award staff;
- (k) "Public Financial Institutions" means: -
  - (i) The Industrial Credit and Investment Corporation of India, Limited, a company owned and registered under the companies Act, 1956 (1 of 1956);
  - (ii) The Industrial Finance Corporation of India, established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948);
  - (iii) The Industrial Development bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964);
  - (iv) The Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956)
  - (v) The Unit Trust of India, established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963);
  - (vi) Any other financial institution, which is declared by the Central Government by notification to be a public financial institution;
- (l) "Public Sector Bank" means: -
  - (i) A corresponding new bank specified in the First Schedule to the Act;
  - (ii) A corresponding new Bank specified in the first schedule to the Banking companies (Acquisition and Transfer of Undertaking) Act, 1980.
  - (iii) The State bank of India constituted under the State Bank of India, Act, 1955 (23 of 1955)
  - (iv) A Subsidiary bank constituted under the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959); and
  - (v) Any other bank, which the Central Government may determine to be a public sector bank for the purpose of these regulations having regard to its manner of incorporation;
- (m) "Public Servant" means a person as defined as public servant in section 21 of the Indian Penal Code (45 of 1860);
- (n) "Reviewing authority" means the authority specified in the schedule;
- (o) "Schedule" means the Schedule appended to these regulations.

#### **4. Penalties: -**

The following are the penalties, which may be imposed on an officer employee, for acts of misconduct or for any other good and sufficient reasons: -

##### **Minor Penalties: -**

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

- (d) Recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the bank by negligence or breach of orders.
- (e) Reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting the officer's pension.

**Major Penalties: -**

- (f) Save as provided for in (e) above reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the officer 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;
- (g) Reduction to a lower grade or post;
- (h) Compulsory retirement;
- (i) Removal from service, which shall not be a disqualification for future employment;
- (j) Dismissal, which shall ordinarily be a disqualification for future employment.

**Explanation: -**

The following shall not amount to a penalty within the meaning of this regulation namely: -

- (i) Withholding of one or more increments of an officer employee on account of his failure to pass a prescribed departmental test or examination in accordance with the terms of appointment to the post which he holds.
- (ii) Stoppage of pay of an officer 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 officer employee to a higher grade or post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case.
- (iv) Reversion to all over grade or post, of an officer 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;
- (v) Reversion to his previous grade or post, of an officer employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the term of his appointment or rules or orders governing such probation's;
- (vi) Reversion of an officer employee to his parent organisation in case he had come on deputation;
- (vii) **Termination of the service: -**
  - (a) Of an officer employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment, or the rules or orders governing such probation;
  - (b) Of an officer employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiry of the period for which he has appointed, or earlier in accordance with the terms of his appointment;

- (c) Of an officer employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement and
- (d) Of an officer employee on abolition of post;
- (viii) Retirement of an officer employee on his attaining the age of superannuation in accordance with the rules and orders governing such superannuation;
- (ix) Termination of employment of a permanent officer employee by giving 3 Months' notice or on payment of 3 Months' pay and allowance in lieu of notice;
- (x) Termination of employment of an officer employee on medical grounds, if he is declared unfit to continue in bank's service by the bank's medical officer;

**Note:** IBA Guidelines regarding Imposition of Penalties are given in the last of this Chapter.

5. Authority to Institute Disciplinary Proceedings and Impose Penalties: -

- (1) The Managing Director or any other authority empowered by him by general or special order may institute or direct the Disciplinary Authority to institute disciplinary proceedings against an officer employee of the bank.
- (2) The Disciplinary Authority may himself institute disciplinary proceedings.
- (3) The Disciplinary Authority or any authority higher than it, may impose any of the penalties specified in regulation 4 on any officer employee.

6. **Procedure for imposing Major Penalties: -**

- (1) No order imposing any of the major penalties specified in clauses (f)(g)(h)(i) and (j) of regulation 4 shall be made except after an enquiry is held in accordance with this regulation.
- (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an officer employee, it may itself enquire into, or appoint any other person who is, or has been, a public servant (herein after referred to as the inquiring authority) to inquire into the truth thereof.

**Explanation:** - When the Disciplinary Authority itself holds the enquiry any reference in sub-regulation 8 to sub-regulation (21) to the inquiring authority shall be construed as a reference to Disciplinary Authority.

- (3) Where it is proposed to hold an enquiry, the Disciplinary Authority shall, frame definite and distinct charges on the basis of the allegations against the officer employee and the article of charge, together with a statement of the allegations, list of documents relied on alongwith copy of such documents and list of witnesses alongwith copy of statement of witnesses, if any, on which they are based, shall be communicated in writing to the officer employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said authority, a written statement of his defence.

Provided that wherever it is not possible to furnish the copies of documents, disciplinary authority shall allow the officer employee inspection of such documents within a time specified in this behalf.

- (4) (1) On receipt of the written statement of the officer employee, or if no such statement is received within the time specified, an inquire may be held by the Disciplinary Authority itself, or if it considers it necessary to do so appoint under sub-regulation (2) an enquiry Authority for the purpose.

Provided that it may not be necessary to hold an enquiry in respect of the article of charge admitted by the officer employee in his written statement but shall be necessary to record its findings on each such charge.

(5) The Disciplinary Authority shall, where it is not the inquiring authority, forward to the inquiring authority;

(i) A copy of the articles of charge and statements of imputations of misconduct or misbehaviour;

(ii) A copy of the written statement of defence, if any, submitted by the officer employee;

(iii) A list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;

(iv) A copy on statements of the witnesses, if any;

(v) Evidence proving the delivery of articles of charge under sub-regulation (3);

(vi) A copy of the order appointing the 'Presenting Officer' in term of sub-regulation (6).

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

(7) The officer-employee may take the assistance of any other officer 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 circumstance of the case, so permits.

**Note:** - The Officer employee shall not take the assistance of an other officer employee who has two pending disciplinary cases on hand in which he has to give assistance.

- (8) (a) The inquiring authority shall by notice in writing specify the day on which the officer employee shall appear in person before the inquiring authority.
- (b) On the date fixed by the inquiring authority, the officer employee shall appear before the inquiring authority at the time, place and date specified in the notice.
- (c) The inquiring authority shall ask the officer employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the officer employee concerned thereon.
- (d) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the officer employee concerned pleads guilty.

(9) If the officer employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding 30 days or with in such extended time as may be granted by the inquiring authority.

(10) The inquiring authority while adjourning the case as in the sub-Regulation (9) shall also record by an order that the officer employee may for the purpose of preparing defence: -

- (i) Inspect within five days of the order or within such further time not extending five days as the inquiring authority may allow, the document listed;
- (ii) Submit a list of document and witnesses that he wants for the enquiry;
- (iii) Be supplied with copies of statements of witnesses, if any, recorded earlier and the enquiry authority shall furnish such copies not later than three days before the commencement of the examination of the witnesses by the inquiring authority;
- (iv) Give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of the documents referred to in item (ii).

**Note :-** The relevancy of the documents on the examination of the witnesses referred to in item (ii) shall be given by the officer employee concerned.

(11) The inquiring authority shall, on receipt of the notice for the discovery or production of the documents, forward the same or copies thereof to the authority in whose custody or possession the document are kept with a requisition for the production of the documents on such date as may be specified.

(12) On the receipt of the requisition under sub regulation (11), the authority having the custody or possession of the requisitioned documents, shall arrange to produce the same before the inquiring authority on the date, place and time specified in the requisition: -

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 bank. In that event, it shall inform the inquiring authority accordingly.

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

(14) Before the close of the case, in support of the charges, 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 officer employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned. The inquiring authority may also allow the officer employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interest of justice.

(15) When the case in support of the charge is closed, the officer employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the officer employee 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.

(16) The evidence on behalf of the officer employee shall then be produced. The officer employee may examine himself in his own behalf, if he so prefers.

The witness produced by the officer employee shall then be examined by the officer employee and may be cross-examined by the Presenting Officer. Officer employee shall be entitled to re-examine any of his witness on any points on which they have been cross-examined, but not on any new matter without the leave of the inquiring authority.

(17) The inquiring authority may, after the officer employee closes his evidence, and shall, if the officer employee has not got himself examined, generally question him on the circumstance appearing against him in the evidence for the purpose of enabling the officer employee to explain any circumstance appearing in the evidence against him.

(18) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any appointed, and the officer employee, or permit them to file written briefs of theirs of their respective cases within 15 days of the date of completion of the production of evidence, if they so desire.

(19) If the officer employee does not submit the written statement of defence referred to in sub-regulation (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 provision of these regulation, the inquiring authority may hold the enquiry ex-parte.

(20) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in any enquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercise, 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 witness as herein before provided.

(21) (i) On the conclusion of the enquiry the inquiring authority shall prepare a report which shall contain the following:-

- (a) A gist of the articles of charge and the statement of the imputation of misconduct or misbehaviour;
- (b) A gist of the defence of the officer employee in respect of each article of charge;
- (c) An assessment of the evidence in respect of each article of charge;
- (d) The findings on each article of charge and the reasons therefor.

**Explanation:** - If, in the opinion of the inquiring authority, the proceedings of the enquiry establish any article of charge different from the original article of charge, it may record its findings on such article of charge;

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

(ii) The inquiring authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of enquiry, which shall include: -

- (a) The report of the enquiry prepared by it under clause (i);

- (b) The written statement of defence, if any, submitted by the officer employee referred to in sub- regulation (15);
- (c) The oral and documentary evidence produced in the course of the enquiry;
- (d) Written briefs referred to in sub-regulation (18), if any; and
- (e) The orders, if any, made by the Disciplinary Authority and the inquiring authority in regard to the enquiry.

#### **7. Action on the Enquiry 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 enquiry and report the inquiring authority shall there upon proceed to hold the further enquiry according to the provisions of regulation 6 as for as may be.
- (2) The Disciplinary Authority Shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own finding on such charge, if the evidence or record is sufficient for the purpose.
- (3) The Disciplinary Authority, having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in regulation 4 should be imposed on the officer employee it shall, notwithstanding anything contained in regulation 8, make an order imposing such penalty.
- (4) If the Disciplinary Authority having regard to its findings on all of the articles of charge, is of the opinion that on penalty is called for, it may pass an order exonerating the officer employee concerned.

#### **8. Procedure for Imposing Minor Penalties: -**

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of regulation 4, the officer employee concerned shall be informed in writing of the imputation of lapses against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Disciplinary Authority and the defence statement, if any, submitted by the officer employee shall be taken into consideration by the Disciplinary Authority before passing orders.
- (2) Where however the Disciplinary Authority is satisfied that an enquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in regulation 6.
- (3) The record of the proceedings in such cases shall include: -
  - (i) A copy of the statement of imputation of lapses furnished to the officer employee;
  - (ii) The defence statement, if any, of the officer employee; and
  - (iii) The orders of the Disciplinary Authority together with the reasons therefor.

#### **9. Communication of Orders: -**

Orders made by the Disciplinary Authority under regulation 7 or regulation 8 shall be communicated to the officer employee concerned, who shall also be supplied with a copy of the report of enquiry, if any.

#### **10. Common Proceedings: -**

Where two or more officer employees are concerned in a case, the authority competent to impose a major penalty on all such officer employees may make an order

directing that disciplinary proceedings against all of them may be taken in a common proceeding.

### **11. Special Procedure In Certain Cases: -**

Notwithstanding anything contained in regulation 6 or regulation 7 or regulation 8, the Disciplinary Authority may impose any of the penalties specified in regulation 4 if the officer employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial. Provided that the officer employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made.

### **12. Suspension: -**

- (1) An officer employee may be placed under suspension by the competent authority:-
  - (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, enquiry or trial.
- (2) An officer employee shall be deemed to have been placed under suspension by an order of the competent authority:-
  - (a) With effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
  - (b) With effect from the date of conviction, if in the event of a conviction for an offence, he is sentenced to term of imprisonment exceeding forty-eight hours and is not forth with dismissed or removed or compulsorily retired consequent to such conviction.

**Explanation:** - the period of forty-eight hours referred to in clause (b) if this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer employee under suspension is set aside in appeal or on review under these regulation and the case is remitted for further enquiry or action or within any directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer employee under suspension 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 circumstance of the cases, decided to hold further enquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer employee shall be deemed to have been placed under of the original order of dismissal , removal or compulsory retirement and shall continue to remain under suspension until further orders.
- (5) (a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the authority, which made or is deemed to have made the order.

### **13. Leave During Suspension: -**

No leave shall be granted to an officer employee under suspension.

### **14. Subsistence Allowance During Suspension: -**



(1) An officer employee who is placed under suspension shall, during the period of such suspension and subject to sub-regulation (2) to (4) be entitled to receive payment from the bank by way of subsistence allowance on the following scale, namely:-

**(a) Basic Pay:**

- (i) For the first three months of suspension  $\frac{1}{3}$  of the basic pay which the officer employee was receiving on the date prior to the date of suspension irrespective of the nature of enquiry.
  - (ii) For the subsequent period after 3 months from the date of suspension
    - (1) Where the enquiry is held departmentally by the bank,  $\frac{1}{2}$  of the basic pay, the officer employee was drawing on the date prior to the date of suspension; and
- (2) Where the inquiry is held by an outside agency  $\frac{1}{3}$  of the basic pay the officer employee was drawing on the date prior to the date of suspension for the next three months and  $\frac{1}{2}$  of the basic pay the officer employee was drawing on the date prior to the date of suspension for the remaining period of suspension.

**(b) Allowances:**

- (1) For the entire period of suspension, dearness allowance, and other allowance excepting conveyance allowance, entertainment allowance and special allowance will be calculated on the reduced pay as specified in items (i) and (ii) of clause (a) and at the prevailing rates or at rates applicable to similar category of officers.
- (2) During the period of suspension an officer employee shall not be entitled to occupation of rent free house or freeze of the bank's car or receipt of conveyance or entertainment allowance or special allowance.
- (3) No officer employee of the bank shall be entitled to receive payment of subsistence allowance unless he furnishes a certificate that he is not engaged in any other employment business, profession or vocation.
- (4) If during the period of suspension an officer employee retires by reason of his attaining the age of superannuation, no subsistence allowance shall be paid to him from the date of his retirement.

Subsistence allowance should be credited to the Savings Bank account of the Employee and not to this clean OD account.

IBA Guidelines:

**(IBA communication No. PD/Circular /76/528/702/ dated 22.10.03**

**conveyed the decision of their meeting dated 12.09.03 and accordingly**

**accepted by Bank and circulated to all ROs vide their letter dated 18.11.2003**

**and 06.04.2005)**

**The officer employees' (Discipline & Appeal) Regulations provide for payment**

**of Subsistence Allowance to Officers under Suspension. However, these**

**regulations do not provide the guidelines in the matter of recoveries to be**

**made from the Subsistence Allowance. In this backdrop, Personnel**

**Committee at its meeting held on 12.09.2003 decided, and suggested PSU**

**bans as under:**

**a) Deductions, which can be made:**

- i) Income Tax provided the employee's yearly income calculated with reference to the Subsistence Allowance is taxable.**
- ii) House Rent and allied charges like electricity, water, furniture, etc, where such facility is provided by the Bank.**
- iii) Repayment of Loans and Advances taken from the Bank at such rates as may be decided, if necessary, by the Competent Authority specified by the Bank in its internal guidelines.**

**b) Deductions, which are optional and may be effected with the written consent of the employees:**

- i) Premium / contribution due on LIC policies etc, under salary savings schemes.**
- ii) Amount due to Co-operative Credit Societies / Stores.**
- iii) Refund of advances taken from Provident Fund.**

**c) Deductions, which may not be effected:**

- i) Professional Tax**
- ii) Subscription to Provident Fund**
- iii) Amount due on Court attachments**
- iv) Recovery of loss to Bank for which an employee is responsible.**

HRA in Suspension Period:

**HRA is calculated on Reduced Basic Pay on Suspension.**

**Where an officer resides in his own accommodation he shall be eligible for**

**HRA on the same basis as mentioned in provision to sub-regulation (2) as if**

**he was paying by way of monthly rent a sum equal to 1/12 of the higher of**

**(a) or (b) below:**

**(a) The aggregate of :**

- i) Municipal Taxes payable in respect of the accommodation; and**
- ii) 12% of the Capital Cost of the accommodation including the cost of the land and if the accommodation is part of a building, the proportionate share of the capital cost of the land attributable to that accommodation, excluding the cost of special fixtures, like Air conditioners.**

**OR**

**(b) The annual rental value taken for Municipal assessment of the accommodation.**

Overdraft Facility in Suspension Period:

**Over draft facility will not be extended to employees placed under suspension. However, if the facility is already extended, such employees will not be allowed to operate / issue fresh cheques from the clean overdraft account during the period of suspension, till the suspension order is revoked. Subsistence allowance will be credited to the Savings Bank account.**

**The interest component charged to OD account (from the date of suspension to the date of reinstatement in service) to be rescheduled and overdrawn amount should be recovered in 12 monthly installments commencing from one month after the revocation of suspension.**

Staff Housing Loan Facility in Suspension Period:

**(Establishment Circular No. PER/52/91/95/117 dated 25/07/1995)**

**"Ordinarily, Officers under suspension or against whom major disciplinary proceedings are initiated, would not be eligible for Housing Loan. However, competent authority, depending upon the gravity of the case, may sanction HBA to an officer against whom disciplinary proceedings are pending, subject to the condition that the officer will be required to furnish collateral security in the form of sureties from two permanent officers of the Bank".**

**15. Pay, Allowances and Treatment of Service on Termination of Suspension: -**

- i. Where the competent authority holds that the officer employee has been fully exonerated or that the suspension was unjustifiable, the officer employee concerned shall be granted the full pay to which he would have been entitled, had he not been suspended, together with any allowance of which he was in receipt immediately prior to his suspension, or may have been sanctioned subsequently and made applicable to all officer employees.
- ii. In all cases other than the those referred to in sub-regulation (1), the officer employee shall be granted such proportion of pay and allowances as the Competent Authority may direct.

Provided that the payment of allowance under this sub-regulation shall be subject to all other conditions which such allowances are admissible;

Provided further that the pay and allowances granted under this sub-regulation shall not be less than subsistence and other allowance admissible under regulation 14.

iii.

- (a) In a case falling under sub-regulation(1) the period of absence from duty shall, for all purposes, be treated as a period spent on duty.
- (b) In case falling under sub-regulation (2) the period of absence from duty shall not be treated as a period spent on duty unless the Competent Authority specifically directs, for reasons to be recorded in writing that it shall be so treated for any specific purpose.

#### **Suspension Review Committee (Bank's decision – 05.09.2000:)**

Placing an employee under suspension is an administrative action to prevent him from tampering with official records/evidences against him. Due to these reasons, the employees concerned remains under Suspension for years together and the Bank has to pay salary without any work and employees concerned remains under mental tension for a long period for an act, which he might have committed with bonafide intention or he might be a victim of circumstances.

However, there is no specific provision in the Officers' Conduct or Discipline & Appeal Regulations for revocation of Suspension during pendency of disciplinary proceedings against any officer. Under Regulation 12(5) (b) of Discipline & Appeal Regulations an order of Suspension made or deemed to have been made at any time be modified or revoked by the authority which made or is deemed to have made the order.

As per RBI & Government guidelines, cases of employees who are under suspension for more than 6 months are to be reviewed by a Committee constitute by Board consisting of CMD, Govt. Director & RBI Director. The position of such cases of employees under suspension is placed before the Committee on quarterly basis and thereafter before the Board of Directors alongwith observation of the Committee for information.

In order to ensure that timely justice is provided to the employees who have been placed under suspension and the salaries are not paid to them by the Bank for an indefinite period without any work their cases are required to be reviewed from time to time both in the interest of such employees as well as in the interest of the Bank. Hence the Bank has constituted a Suspension Review Committee of General Managers under the Chairmanship of Executive Director to review cases of employees under suspension for more than 6 months on regular interval/decide appeal filed by the officer pending disposal is absence of Appellate Authority.

The Committee will make recommendations alongwith cogent reasons for revocation of Suspension/order of termination to the Disciplinary Authority/Chairman & Managing Director for their consideration.

#### **16. Employee on Deputation From the Central Government. State Government etc.**

- (1) Where an order of suspension is made or disciplinary proceeding is taken against an officer employee, who is on deputation to the Bank from the Central Government or the State Government, or Reserve Bank of India or another public sector bank or banking company or a public financial institution or an institution wholly or substantially owned by the Reserve bank of India or a public financial institution or public undertaking, or a local authority, the authority lending his service (herein after referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.
- (2) In the light of the findings in the disciplinary proceeding taken against the officer 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 order 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 Authority and Lending Authority, the services of the employees 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 replace his services at the disposal of the Lending Authority and transmit to it the proceeding of the enquiry for such action, as it deems necessary.

(3) If the officer employee submits an appeal against an order imposing a minor penalty on him under clause (a) of sub-regulation (2), it will be imposed of after consultation with the Lending Authority;

Provided that if there is difference of opinion between the Appellate Authority and Lending Authority, the Services of the officer 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.

### **17. Appeals: -**

(01) An officer employee may prefer an appeal to the Appellate Authority within forty five days from the date of receipt of order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension referred to in Regulation 12;

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(02) An appeal shall be presented to the Appellate Authority with a copy being forwarded by the appellant to the authority, which made the order appealed against. It has to contain all material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself.

(03) The authority which made the order appealed against shall, on receipt of a copy of the appeal from the appellant, forward the same with its comments thereon together with the relevant records to the Appellate Authority within a period not exceeding forty five days from the date of receipt of the appeal.

(04) The Appellate Authority shall on receipt of the comments and records of the case from the authority whose order is appealed against, consider whether the order of suspension / findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an order confirming, enhancing, reducing or setting aside the penalty/ suspension or remitting the case to the authority which imposed the penalty or to any other authority with such discretions as it may deem fit in the circumstances of the case.

Provided that;

(i) If the enhanced penalty, which the Appellate Authority proposed to impose is a major penalty specified in clauses (f),(g),(h),(i) & (j) of regulation 4 and an enquiry as provided in regulation 6 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 regulation 6 and thereafter consider the record of the enquiry and pass such orders as it may deem proper;

(ii) If the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6, the Appellate Authority shall give a show-cause notice to the officer employee as to why the enhanced penalty, should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer employee.

(05) The Appellate Authority shall dispose of the appeal within a period of ninety days from the date of its receipt from the appellant;

Provided that; the time limit specified in this regulation shall not apply to cases having a vigilance angle and where major / minor penalty proceedings against the officer employee have commenced on recommendations of the Police or Central Bureau of Investigation or Central Vigilance Commission, as the case may be, investigating the matter.

(06) The cases lying pending over ninety days shall be reviewed periodically by the Appellate Authority and reasons for non-disposal of the cases shall be recorded in writing.

#### **18. Review: -**

Notwithstanding anything contained in these regulations the Reviewing Authority may at any time within six months from the date of the final order, either on his own motion or otherwise review the said order, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought to his notice and pass such orders thereon as it may deem fit;

Provided that:-

(i) If any enhanced penalty, which the Reviewing Authority proposes to impose, is a major penalty specified in clause (f), (g), (h), (i), & (j) of regulation 4 and an inquire as provided under regulation 6 has not already been held in the case, the Reviewing Authority shall direct that such an inquire be held in accordance with the provision of regulation 6 and thereafter consider the record of the inquire and pass such orders as it may deem proper;

(ii) If the reviewing Authority decides to enhance the punishment but an inquire has already been held in accordance with the provision of regulation 6, the Reviewing Authority shall give show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass an order after taking into account the representation, if any, submitted by the officer employee.

#### **19. Consultation with Central Vigilance Commission:-**

The bank shall consult the central vigilance Commission wherever necessary, in respect of all disciplinary cases having a vigilance angle.

#### **20. Service of Order, Notices Etc.:**

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

#### **21. Power to Relax Time-Limit and to Condone Delay:-**

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

#### **22. Repeal and Saving: -**

(1) Every rule, regulation, bye-law or every provision in any agreement or a resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations and applicable to the officer employees is hereby repealed.

(2) Notwithstanding such repeal: -

(a) Any order made or action taken under the provisions so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations;

(b) Nothing in these regulations shall be constructed as depriving any person to whom these regulations apply, of any right of appeal, which had accrued to him under any of the provision so repealed;

(c) An appeal pending at the commencement of these regulations against an order made before the commencement of these regulation shall be considered and orders thereon shall be made, in accordance with these regulation;

(d) Any proceeding which have already been initiated but not yet been completed at the commencement of theirs regulations shall be continued and disposed as far as may be, in accordance with the provision of these regulations, as if such proceedings were under these regulation.

#### **Disposal Of Disciplinary Cases:**

(w.e.f. 24 January 2002)

<b>S. No.</b>	<b>Name / Category of Post</b>	<b>Disciplinary Authority</b>	<b>Appellate Authority</b>	<b>Reviewing Authority</b>
1.	Award Staff & officers in Scale - I & Scale - II under respective ROs	AGM at RO looking after HRD or in his absence DGM at ROs	For Award Staff DGM (HRD) & DGM at RO has acted as DA the GM (HRD) at HO. For officers in Scale - I & Scale - II GM (HRD) at HO	There is no provision for review in case of Award Staff. For officers in Scale - I & Scale – II ED or in his absence CMD.
2.	Award Staff & officers in Scale - I & Scale - II under HO including STCs and RI.	AGM (HRD) or in his absence DGM (HRD) at Head Office.	For Award Staff DGM (HRD) and where DGM (HRD) has acted as DA the GM (HRD) at HO. For officers in Scale - I & II GM (HRD) at HO.	There is no provision for review in case of Award Staff. For officers in Scale - I & Scale – II ED or in his absence CMD.
3.	Officers in Scale - III	AGM (HRD) or in his absence DGM (HRD) at HO.	GM (HRD)	ED or in his absence CMD.
4.	Officers in Scale - IV & Scale – V.	GM (HRD)	ED or in his absence CMD	CMD or in his absence / in case he acted as Appellate Authority, the Committee of the Board.
5.	Officers in Scale - VI	ED or in his absence CMD	CMD or in his absence / in case he has acted as DA the Committee of the Board.	Board.
6.	Officers in Scale - VII	CMD or in his absence ED.	Committee of the Board.	Board.

#### **Regulation 4 : IBA Circular:**

##### **Imposition of penalties under (Discipline & Appeal Regulations) and their implementation. (IBA Cir/Pd/76/M1/2006-07/977 dt. 27.05.2006)**

Under Regulation 4 of the Officer Employees' {discipline & Appeal} Regulations, 1976/1982, the disciplinary authority can impose upon an officer employee the penalties of reduction to a lower stage in the time scale of pay and reduction to a lower grade/post.

2. The penalty of reduction to a lower stage in the time scale of pay can be either a minor or a major one-

(i) When the reduction to a lower stage in time scale of pay is for a period not exceeding three years, without cumulative effect and not adversely

affecting the officer's pension – it is a minor penalty [Clause [e] of Regulation 4]

- (ii) Where the reduction to a lower stage in time scale of pay is for a specified period with direction as to whether or not the officer will earn increments of pay during the period of such reduction and whether on expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay, it is major penalty [clause [f] of Regulation 4].

3. Frequent references are received from banks seeking clarifications as to the actual import of the above penalties imposed by the Disciplinary Authority [DA] on a delinquent officer and the manner in which a penalty is to be implemented as against the officer. Generally, such references are made because the DA while inflicting the penalty has not specified the stage in the time scale of pay where the officer is to be placed while giving effect to the orders or that the DA has not specified in the orders the duration for which the penalty will be in operation and whether or not the penalty is with or without cumulative effect. It has been our experience that Banks continue to make such references to IBA even if on an earlier occasion similar reference from the bank has been answered.
4. It is, therefore, felt that guidelines on the principle involved and the procedure to be adopted while awarding and implementing the above penalties, if laid down, would help the DA words its orders in a manner that can be easily understood, leaving no room for ambiguities as also aid the Administration in implementing the DA's order according to its apparent tenor.
5. With the above objective in mind, we give herein below the important points that a DA must keep in mind while awarding the penalty of reduction of pay of a delinquent officer to a lower stage in the time scale or reduction to a lower grade/post, as also the procedure that may be followed while implementing the penalty. We have here draw upon the instructions/clarifications issued, from time to time, by the Govt., of India to its Ministries and Departments on the exact import of the various minor and major penalties under Rule 11 of CCS [C&A] Rules as applicable to Govt. servants, their interpretation and implementation.

#### **6. Reduction to a Lower Stage**

##### **[a] Disciplinary Authority's orders:**

An order of the Discipline Authority imposing on an officer the penalty of reduction to a lower stage in the scale of pay should specifically indicate

- i. The date from which the penalty will take effect and the period for which the penalty shall remain in operation;
- ii. The stage in the time scale to which the officer employee is reduced;
- iii. Whether the officer will draw his normal increments during the period of reduction; and
- iv. The extent, if any, to which the period as in [i] above should operate to postpone future increments [i.e.] whether the reduction will have the effect of postponing his future increments

From the above it follows that:-

- The penalty can be imposed for a specified period only.
- The reduction in pay can be ordered to any lower stage in the time scale, but can not be fixed at an amount below the minimum of the scale.

The penalty as imposed above can take anyone of the following four forms, namely:-

- [i] The officer employee draw his normal increments during the currency of punishment and the period of penalty does not operate to postpone his future increments

or



[ii] The officer employee does not draw his increments during the currency of punishment {basic pay remains constant during the specified period} but the penalty does not have the effect of postponing his future increments.

or

[iii] The officer employee draws his normal increments during the currency of the penalty and the penalty has the effect of postponing his future increments.

or

[iv] The officer employee does not draw his normal increments during the currency of the penalty order [basic pay remains constant] and the penalty also has the effect of postponing his future increments to that extent.

**[b] Implementation of the penalty:**

[a] If the punishment of reduction to a lower stage imposed upon the officer is a minor penalty, the officer during the currency of the punishment will continue to draw his annual increments and the period of punishment will not have the effect of postponing future increments. On the expiry of the period of punishment [which will in no case exceed three years] the pay of the officer will be restored to the stage in the time scale of pay, which he should have reached in the normal course if the punishment had not been imposed upon him.

[b] If the punishment of reduction to a lower stage in the time scale imposed upon the officer is a major penalty and if the DA directs that the officer will earn increments during the period of punishment and the period of punishment will not have the effect of postponing the future increments of his pay then on the expiry of the period of punishment, the pay of the officer will be restored to the stage in the time scale which he would have reached in the normal course had the punishment of reduction in pay not been imposed upon him. In this case, the reduction of pay by the stipulated number of stages is constant throughout the penalty period.

If on the other hand, the DA directs that the officer will earn increments during the period of reduction and on the expiry of the period, the reduction will have the effect of postponing future increments, then on the expiry of the period of penalty the reduction of pay will have the effect even after the period of punishment is over, since the punishment is to have cumulative effect.

[c] If the punishment of reduction to a lower stage in the time scale imposed upon the officer is a major penalty and if the disciplinary authority directs that the officer will not earn increments during the period of punishment and on the expiry of the period of punishment, the period of punishment will have the effect of postponing his future increments then on the expiry of the punishment period, the pay of the employee will be restored to the stage in the time scale from which it was reduced. He will draw his next increment after he has drawn the pay which he was drawing immediately before the implementation of the penalty, for a period of 12 months which shall include period spent by him at this stage both before the punishment and after the currency of the punishment.

If, on the hand, the DA directs that the officer will not earn increments during the period of reduction and on the expiry of the period of reduction, the reduction will not have the effect of postponing his future increments then the officer would continue to draw the revised pay throughout the period of penalty and on the expiry of the period of penalty his pay will be fixed at the stage in the time scale of pay which he would have reached but for the punishment.

**7. Reduction to a lower grade post:**

The penalty of reduction to a lower grade or post can be ordered either for a specified period or unspecified period.

- Where the period is specified, the DA's order should also specify as to whether on restoration, the period of reduction will operate to postpone future increments or not

In such cases, on the expiry of the punishment period, the officer will automatically be restored to the higher post from where he was reduced.

If it is ordered that on restoration the period of reduction shall not have the effect of postponing the officer's future increments, then on restoration his pay in the higher post will be fixed at the stage, which he would have reached if the punishment had not been imposed upon him.

If, on the other hand, it is specified that the period of reduction shall operate to postpone the officer's future increments, then his pay in the higher post will be fixed at the stage at which he was drawing the pay at the time of his reduction to the lower post/grade. He will then draw his next increment after drawl of pay at that stage for 12 months both [in the aggregate] before and after the punishment period.

- An officer who is imposed the penalty of reduction to a lower grade/ post would have his pay in the lower grade/ post fixed in such a way that –
  - [a] His pay in the lower post does not exceed the maximum of the scale of pay of the lower post; and
  - [b] Also does no exceed the stage in the time scale as applicable to the lower grade, which is equal to his pay in respect of the grade held by him prior to the imposition of the penalty.
- While imposing the penalty of reduction to a lower grade/ post, the Disciplinary authorities may keep in view the fact a person appointed directly to a higher grade or post cannot be reduced by way of punishment to a post in a lower time scale or grade which he never held before.

**Illustrations:**

**(A) Minor Penalty as in Regulation 4 (e)**

Penalty : Reduction in pay by two stages for a period of two years  
 Normal date of increment : 1st September  
 Date of Penalty : 01.02.2004

Date	Basic Pay in the normal course	Basic Pay after Penalty
01.09.2003	12350	12350
01.02.2004	12350	11410
01.09.2004	12820	11880
01.09.2005	13320	12350
01.02.2006	13320	13320
01.09.2006	13820	13820

**(B) Major Penalty as in Regulation 4 (f)**

Penalty : Reduction in pay by two stages in the time scale for a period of two years with future directions as in Sub-regulation (f)

Normal date of increment : 1st September  
 Date of Penalty : 01.02.2004

Under the four possibilities as in Regulation 4 (f), the Basic Pay movement of the Officer during the currency of the penalty would be as follows:

**Case 1:** (Officer earns increments during the period of punishment – without cumulative effect).

Date	Basic Pay in the normal course	Basic Pay after Penalty
01.09.2003	12350	12350
01.02.2004	12350	11410
01.09.2004	12820	11880
01.09.2005	13320	12350
01.02.2006	13320	13320 (Reduced basic pay restored)
01.09.2006	13820	13820

It should be noted that the reduction of pay by two stages constant throughout the punishment period; on the expiry of the period of punishment the officer's pay will be restored to the stage in the time scale which he would have reached in the normal course but for the punishment. Implementation of this punishment is similar to that in Regulation 4 (e).

**Case 2:** (Officers earns increment during the period of punishment – with cumulative effect)

Date	Basic Pay in the normal course	Basic Pay after Penalty
01.09.2003	12350	12350
01.02.2004	12350	11410
01.09.2004	12820	11880
01.09.2005	13320	12350
01.02.2006	13320	12820

The reduction of pay by two stages is constant throughout the punishment period and will have the effect even after the period of punishment is over, since the punishment is to have cumulative effect.

**Case 3:** (Officer will not earn increments during the period of punishment – without cumulative effect)

Date	Basic Pay in the normal course	Basic Pay after Penalty
01.09.2003	12350	12350
01.02.2004	12350	11410
01.09.2004	12820	11410
01.09.2005	13320	11410
01.02.2006	13320	13320
01.09.2006	13820	13820

The officer would continue to draw the reduced pay of Rs.11410/- throughout the period of punishment and on the expiry of the punishment period his pay will be fixed at the stage in the time scale which he would have reached but for the punishment as it has been ordered that the period of reduction will not have the effect of postponing his future increments.

**Case 4:** (Officer will not earn increment during the period of punishment – with cumulative effect)

Date	Basic Pay in the	Basic Pay after Penalty
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	normal course	
01.09.2003	12350	12350
01.02.2004	12350	11410
01.09.2004	12820	11410
01.09.2005	13320	11410
01.02.2006	13320	12350
01.09.2006	13820	12820

On the expiry of the period of punishment, i.e. on 01.02.2006 the officer's pay will be restored to the same stage in the time scale from which he was reduced i.e. Rs.12350/- . The period from 01.09.2003 to 31.01.2004 during which he drew the pay of Rs.12350/- will be taken into account of determining the date of his next increment and he will draw his next increment to the stage of Rs.12820/- from 01.09.2006 (i.e.) 2 years will be ignored in arriving the date of next increment.

### **TIPS FOR DEPARTMENTAL ENQUIRY**

The extent and application of doctrine of Principle of Natural Justice cannot be imprisoned within a strait-jacket formula. The requirements of natural justice depend upon the facts and circumstances of enquiry etc. The aim of the rules of natural justice is to ensure justice or to put it negatively to prevent miscarriage of justice.

Some of the common mistakes committed in departmental enquiries resulting in violation of principles of natural justice:-

1. Denial of reasonable opportunity of defence.
2. Shifting the onus of proof to the charge sheeted employee/officer.
3. Denial of documents under the guise of privileged documents
4. Denial of cross examination of management witness by irrelevant objections to certain cross examination questions.
5. Fielding the star witness last, instead of first
6. Usage of a witness without making available the documents authored by him in connection with the subject matter of the enquiry
7. Usage of part of the document
8. Production of documents at the last minute to defence, resulting in inadequate preparation for cross examination.
9. Undue delay in conduct of the enquiry proceedings, which result in inability on the part of defence/employee to recall the happenings so that defence line can be planned
10. Belated action after conclusion of the enquiry proceedings
11. Examination of Delinquent employee/officer before' examination of departmental witness
12. Import of personal knowledge by the Inquiring Authority while arriving at conclusions
13. Deliberate bias on the part of the Inquiring Authority/Disciplinary Authority
14. Denial of Equal opportunity for the Prosecution and defence
15. Reliance On reports which have been denied examination for the defence
16. Reliance of documents, maker of which did not appear in the enquiry proceedings.
17. Not following the procedure prescribed for conduct of departmental enquiry proceedings by the conduct regulations.
18. Conclusions reached without hearing the defence side/overlooking defence arguments without assigning any reasons.

Normally in Banks the Enquiry officers we have are not performing the role on full time basis and hence suffer from lack of technical knowledge on many aspects of the enquiry proceedings, Moreover, it becomes unwritten law in almost all the cases that the Enquiry Officer, at the time of appointment itself makes up his mind to hold, the

charge as proved. Hence enquiries conducted in such a background several mistakes are committed denying principles of Natural Justice and resulting in miscarriage of justice. Hence it becomes important on the part of the defence to point out such mistakes then and there in the enquiry proceedings and seek remedial action. In many of the cases with proper representation by the defence such mistakes are corrected by the Enquiry Officer. Even if any such corrections are not made, when such cases are taken up at higher levels, i.e.; submission to the Disciplinary Authority over the IA's findings, Appeal preferred to the Appellate Authority, Judicial level, these instances would help the employee/Officer. Hence any failure on the part of the defence, to bring out the instances of denial of natural justice at the respective stages, would be harmful to the Officer employee only. Let us not lose anything by default.

Another mistake normally committed while conducting the proceedings, the defence tends to assume certain things and proceed in the case. Every enquiry is different because the charge is different, the actors, the IA, PO are different and consequently their perceptions different. Hence the defence should not come to 'foregone conclusion that such and such document would not be allowed for the purpose of inspection or evidence, etc. Even if he is sure of the response, no harm in making any request for any material which he feels would be useful. It is always better to exhaust all avenues rather to lament at a later stage.

Place yourself in the place of Prosecution and decide as to why certain documents have been omitted by him to rely upon. Probably these' documents might serve as strong defence exhibits. Analyse the documents intended to be used as Defence Exhibit from the angle of Prosecution and Management Witness and ensure that we do not give any extra points to the prosecution by inclusion of defence exhibits. Documents not connected to the subject matter of the charge sheet should not be allowed to be used as Management Exhibits.

Object then and there to any examination in chief question which are outside the purview of the charge sheet. Frame your cross examination questions in such a manner that you do not give scope for the Presenting Officer scope to retrieve lost ground. Cross examination questions are akin to arrow shot from darkness and hence unless you are sure of positive answers for your side do not indulge in cross examination. Do not try to reiterate same point again and again, either from the same witness or from some other witness, as sometimes~ instead reiteration losing of ground already gained might take place.

In certain Cases cross examination might not be even required, as no worthwhile point would have come in examination in chief. While it is the responsibility of the Prosecution to prove the charge, do not take it upon yourself the task of disproving the charge, especially when the PO, had failed to prove the charge. Hazards of over cross examination should always be borne in mind. Avoid giving scope for reexamination, by resorting to over cross examination.

Think twice before fielding any witness from your side, as he would be subject to cross examination by the Management representative. Choose him and prepare him in such a manner that he would withstand the cross examination and would not fumble. Avoid usage of Delinquent officer as witness, as having been subjected to enquiry ordeal he would not be proper frame of mind to answer effectively.

Follow the time norms prescribed for various procedures, like inspection of documents, discovery of documents, submission of written brief as any failure might result in non availability of such rights to, the employee.

Conduct yourself properly. While it is good to be firm in your statements/submissions, this does not give any right to be rude. Be polite and firm simultaneously. Any

improper behavior resulting in antagonizing the Enquiry Officer, Presenting Officer or the Witness, should not be allowed to spoil the future of Charge Sheeted Officer. Learn to be polite at the same time not compromising presentation of your views in a proper manner.

In many of the cases involving Officers, while it might not be possible to disprove the charge, there might be scope for bringing out points which would reduce very much the gravity of misconduct. Bring all such instances to the records of the enquiry proceedings.

Even before the commencement of the enquiry proceedings, go through the charge sheet a number of times, to visualize the line of defence. In tune with the line of defence, jot down various evidences written/oral required to corroborate the line of defence and bring all such materials to the records of the enquiry proceedings. However strong the arguments might be, if proper base is not presented in the proceedings by inclusion of relevant evidence (oral or documentary) they cannot be relied upon at a later date. Likewise place yourself in the shoes of the Presenting Officer and visualize the manner in which he would be presenting the case, so that accordingly you can try to marshal evidences to rebut such evidences. Never hesitate to consult other colleagues who had been defence representatives earlier. Always two minds are better than one.

Approach the job with confidence, go fully prepared for any eventuality and conduct the proceedings in a polite manner without compromising any of your positions/points, review the progress at regular intervals. In such a case you would be in a position to do justice to the role you had undertaken.

**NATURAL JUSTICE:** means Justice according to the conscience. The concept is derived from the Roman concept of 'JUS NATURALE' WHICH MEANS PRINCIPLES OF Natural Law, Natural Justice, Equity or Good Conscience. Principles of Natural Justice are not enacted Legislative laws; but nevertheless they have the force of a statute. Principles of Natural Justice agree so much with the nature and state of the man, that without observing its maxims, the peace and happiness of society can never be preserved. Principles of Natural Justice have still not become positive law and they continue to remain under the domain of Natural Law. "Principles of Natural justice" is a law based on justice and reason which transcended the laws and customs of men. It means rule of conduct supposed to be fair, just and reasonable binding upon the mankind. Over the years, by the process of judicial interpretation two principles have been evolved as representing the principles of natural justice or in other words the principles of natural justice are based on two maxims. These are:

**No one should be judge in his own cause (nemo debet esse judex in propria causa)**

**Hear the other side (audi alteram partem)**

The essence of natural Justice may be prescribed as

Notice

Adequate opportunity to be heard

Consideration

Solemn judgement

The principles of natural justice relate to a few universally accepted rules which have been enunciated over a period of time. These are considered as a safeguard for the minimum protection of the rights of the individual against arbitrary procedures that may be adopted while making an order affecting his rights. The principles provide guidelines for disciplinary action against an employee and are intended to prevent the authority from doing injustice. They have subjected the common law right to punish an employee to certain specific restrictions and no punishment can be upheld if it is imposed without observing them.

These principles include that a person whose civil rights are affected must have a reasonable notice of the case; that he must have reasonable opportunity of being heard in defence. That the hearing must be by an impartial authority; and that the authority must act in good faith. Although the rules of natural justice have not been clearly defined, their acceptance by the various High Courts and the Supreme Court has given them a character of positive law in our country. Accordingly, these principles are enforceable in all courts of law, statutory or otherwise, and on all persons discharging judicial or quasi-judicial functions. These principles also apply in case of enquiries conducted by domestic tribunals into the conduct of an employee.

The guiding principles of domestic enquiry are that it should conform to reasonable procedure and such principles are commonly known as "principles of natural justice".

It is an expression and doctrine of procedural fairness derived from English common law. The concept of principles of natural justice is based on two maxims:

**No one should be a judge in his own cause (nemo debet esse iudex in propria causa)**

**No man should be condemned without being heard. (Hear the other side - audi alteram partem)**

The purpose of principles of natural justice is to safeguard the position of a person against whom an enquiry is being conducted, so that he is able to meet the charges leveled against him properly.

The same is expressed as:

**VOCATE:** To call (for explanation)

**INTERROGATE:** To question (for knowing the details)

**JUDICATE:** To decide judicially (for deciding in an unbiased manner and with reasonableness)

The aim and objective of principles of natural justice is prevention of miscarriage of justice and the scope is:

- Compliance to rules of procedure of domestic enquiry
- Rules of natural justice are implied where the law is silent
- It is what experience has shown as essential to prevent unfairness in enquiry proceedings.
- The delinquent should have opportunity of knowing the allegations
- Orderly course of procedure with fair opportunity of being heard
- Decision must be made in good faith
- Justice must not only be done; but should undoubtedly seem to be done

Implementation of the above features as guided by the Supreme Court in early sixties as follows:

1. The delinquent to be informed of the charges clearly and in advance:

- The charges are to be specific and not vague.
- The charges are to be clearly and unambiguously listed
- The charges are to be informed in advance well before commencement of enquiry.
- The materials on which allegations are based/reliance is placed should be made available for submissions of reply

2. The witness/es relied upon for proving the charges are to be examined in the presence of the delinquent.
  - Copies of statements taken previously are to be given to the delinquent for purpose of cross examination
  - It is essential that the entire evidence is recorded in the presence of the delinquent
  
3. Reasonable opportunity should be given to the delinquent/defence to cross examine the witness:
  - Right to submit explanations (Reply to charge sheet)
  - Right to be defended by a fellow officer
  - Right to inspect documents (Management Exhibits)
  - Right to demand additional documents (Defence Exhibits)
    - Documents relied upon/reported to by a witness should be made available to the delinquent.
    - Reports made by officials earlier and relied upon – such officers should be produced in the enquiry for cross examination
  - Right to cross examination
  - Right to react to the findings of the Inquiring Authority

### **BANK OFFICER EMPLOYEES' (CONDUCT) REGULATIONS 1976**

<b>Reg. No.</b>	<b>Description</b>
<b>1.</b>	Short title, commencement and application
<b>2.</b>	<b>Definitions:</b> Act, Award staff, Bank, Board, Competent Authority, Family, Government Managing Director, Officer Employee, Public Sector Banks
<b>3.</b>	<b>General:</b> 1) Every officer employee shall, at all times take all possible steps to ensure and protect the interest of the Bank and discharge his duties with, utmost integrity, honesty, devotion and diligence and do nothing which is unbecoming of an officer employee, 2) Every officer employee shall maintain good conduct and discipline and show courtesy and attention to all persons in all transactions and negotiations. 3) No officer employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting, under the direction of his official superior. Provided wherever such directions are oral in nature and same shall be confirmed in writing by his superior official. Every officer employee shall take all possible steps to ensure the integrity and devotion to duty of all persons for the time being under his control and authority.
<b>4.</b>	Observance of secrecy
<b>5.</b>	Employment of members of family of bank officers in firms enjoying the bank's clientage and grant of facilities to such concerns
<b>6.</b>	Taking up outside employment
<b>7.</b>	Contribution to newspapers, radio etc
<b>8.</b>	Demonstrations
<b>9.</b>	Joining of Association prejudicial to interests of the Country
<b>10.</b>	Giving Evidence
<b>11.</b>	Public demonstrations in honour of bank officers
<b>12.</b>	Seeking to influence



<b>13.</b>	Absence from duties
<b>14.</b>	Acceptance of Gifts Dowry
<b>15.</b>	Lending and Borrowings
<b>16.</b>	Advance drawal of salary
<b>17.</b>	Subscriptions
<b>18.</b>	Speculations in stock and shares and investments
<b>19.</b>	Indebtness
<b>20.</b>	Movable, immovable and valuable property
<b>21.</b>	Vindication of acts & character of an officer employee
<b>22.</b>	Restrictions regarding marriage
<b>23.</b>	Consumption of intoxicating drinks and drugs
<b>24.</b>	Acts of misconduct <ul style="list-style-type: none"> <li>• A breach of any of the provision of these regulations shall be deemed to constitute a misconduct punishable under the Bank (Discipline &amp; Legal) Regulations 1976</li> <li>• 24 A: Prohibition of Sexual Harassment of working women</li> </ul>
<b>25.</b>	Interpretation
<b>26.</b>	Repeal and Saving

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**BANK OFFICER EMPLOYEES' (DISCIPLINE & APPEAL) REGULATIONS 1976**

<b>REG . NO</b>	<b>DESCRIPTION</b>
<b>1</b>	Short title and commencement
<b>2</b>	Application
<b>3</b>	Definitions: <ul style="list-style-type: none"><li>▪ Act</li><li>▪ Appellate Authority</li><li>▪ A ward Staff</li><li>▪ Bank</li><li>▪ Board</li><li>▪ Competent Authority</li><li>▪ Disciplinary Authority</li><li>▪ Government</li><li>▪ Managing Director</li><li>▪ Officer Employee</li><li>▪ Public Financial Institution</li><li>▪ Public Sector Bank</li><li>▪ Public Servant</li><li>▪ Reviewing Authority</li><li>▪ Schedule</li></ul>
	<b>Penalties</b> <b>(1) MINOR PENALTIES</b> <ul style="list-style-type: none"><li>a) Censure</li><li>b) Withholding of increments of pay with or without cumulative effect</li><li>c) Withholding of promotion</li><li>d) Recovery from pay or such other amount as may be due to him or the whole or part of any pecuniary loss caused to the Bank by negligence or breach of orders</li><li>e) Reduction to a lower stage in time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting the officer's pension</li></ul>
<b>4</b>	<b>(2) MAJOR PENALTIES</b> <ul style="list-style-type: none"><li>f) Save as provided for in (e) above, reduction to a lower stage in time scale of pay for a specified period with further directions as to whether or not the officer will earn increments of pay during the period of such reduction and whether on expiry of such period the reduction will or will not have the effect of Postponing the future increments of his pay</li><li>g) Reduction to a lower grade of post</li><li>h) Compulsory retirement</li><li>i) Removal from service which shall not be a disqualification for future employment</li><li>j) Dismissal which shall ordinarily be a disqualification for future employment</li></ul>
<b>5</b>	Authority to institute disciplinary proceedings and impose penalties
<b>6</b>	Procedure for imposing major
<b>7</b>	Action on the inquiry report
<b>8</b>	Procedure for imposing minor
<b>9</b>	Communication of orders
<b>10</b>	Common proceedings
<b>11</b>	Special procedure in certain cases
<b>12</b>	Suspension
<b>13</b>	Leave during suspension
<b>14</b>	Subsistence allowance during suspension

<b>15</b>	Pay, allowances and treatment of service on termination of suspension
<b>16</b>	Employee on deputation from the Central Government, State Governments etc.,
<b>17</b>	Appeal
<b>18</b>	Review
<b>19</b>	Consultation with Central Vigilance Commission
<b>20</b>	Service of orders, notices etc
<b>21</b>	Power to relax time-limit and to condone delay
<b>22</b>	Repeal & Saving

### **PROCEDURAL DISSIMILARITIES IN THE DISCIPLINARY ENQUIRY**

<b>No</b>	<b>WORKMEN</b>	<b>OFFICERS</b>
1.	Settlement Dt 10-04-2002 governs disciplinary actions / procedures	Conduct, discipline & Appeal Regulations govern disciplinary action.
2.	Settlement/10-04-2002 refers to an "Enquiry" & "Punishment"	Conduct, Discipline & Appeal Regulations refer to "inquiry" and "penalty"
3.	Enquiry Provision are the outcome of collective bargaining.	Regulations framed by the Board in consultation with RBI/Govt.
4.	Bipartite applicable to all the PSBs, Pvt./Indian/Foreign Banks.	Regulations applicable only to Public Sector Banks
5.	"Offence" means only an offence involving moral turpitude.	"Offence" means any criminal offence.
6.	Punishable on conviction for offence involving moral turpitude	Punishable for any offence, but also on facts/conclusions arrived in judicial trial
7.	Bipartite Settlement enumerates what constitutes "Misconduct"	Misconduct not enumerated. Breach of conduct regulations is misconduct.
8.	Gross misconducts and minor misconducts are codified and punishments stipulated accordingly	Only penalties are categorized as "Major Penalties & Minor Penalties leaving scope for discretion to DA.
9.	Dismissal cannot be imposed for Minor Misconduct	Penalty of dismissal may be imposed for any proven misconduct
10.	Punishment cannot be imposed for any other good or sufficient reason	Penalty can be imposed for any other good and sufficient reason
11.	Procedure for conducting enquiry is laid down sketchily	Procedure for conducting an enquiry is described in detail
12.	Charge sheet should clearly set forth the circumstances appearing against the Charge sheeted employee	For minor penalty, only imputation of lapses communicated. For major penalty, Articles of Charge on definite & distinct charges with statement of allegations
13.	There is no specific provision for preliminary investigation	There is specific provision for preliminary investigation
14.	E.O has to arrive at a finding, so as to hold whether the CSE is guilty of alleged misconducts or not	I.A may record its findings on any other article of charge, if inquiry proceedings establish such an article of charge
15.	Enquiry to be conducted by an Officer of the Bank	Enquiry can be conducted by any Public Servant (Not necessarily by Bank Officer)
16.	Defence by a representative of Regd Union of Bank Employees	Regulations permit defence only by any other Officer of the Bank
17.	Appellate Authority is not empowered to enhance punishment enforced by DA on the appellant	Appellate and Reviewing Authorities are empowered to enhance the punishment imposed by the D.A on the appellant
18.	Personal Hearing to be given before imposing proposed punishment	Such a hearing is not required to be given to Officer Employees
19.	There is no review of Final Orders	Regulations provide for Review by the Reviewing

	passed by the Appellate authority	Authority of the final order
20.	Prosecution and Enquiry cannot go on simultaneously	Prosecution and Enquiry can go on simultaneously

## **GUIDELINES TO DEFENCE REPRESENTATIVES**

1. The facility of having a Defence Representative (DR) to defend an employee in trouble provided in the Bipartite Settlement is really a boon. This forms part of the reasonable opportunity enshrined in the Article 311 of the Constitution to a Civil Servant. If this is not properly used, this may land the Charge sheeted employee in more troubles than affording relief from the difficulties.
2. A person with an open mind and well acquainted with the nuances of the Procedures & Systems in the Bank coupled with fair knowledge of examination of witnesses in criminal trials would be an ideal Defence Representative.
3. The task of Defence is not a rosy one, but arduous. It is distinctly different from that of a Presenting Officer in that the Presenting Officer does not lose anything, if he does not succeed in his case, whereas the Defence would feel bad, if he fails to extricate the Charge sheeted employee from his alleged involvement.
4. Once the Defence undertakes the job, the responsibility is onerous. The work needs considerable diligence and planning. Having given the acceptance to serve as DR, you need not wait till the 11th hour of the enquiry to know the facts of the case. Get all the materials available with the charge sheeted employee, act quickly in seeking permission of the E.O. for verification/search of Defence documents useful to the enquiry for defending/diluting the gravity of the charges. DR should equip himself with all the facts of the case from the available branch records relevant to the enquiry.
5. At the commencement of the enquiry itself, the DR would be in a position to know in advance about the plan of the Presenting Officer. As and when the Examination:-in-chief progresses, note down the points for clarification during cross examination.
6. Do the homework for framing the questions for cross examination sufficiently in advance. Have a mock enquiry by yourself trying to answer the questions framed for cross examination.
7. Do not put too many questions to the Management's Witnesses, as a shrewd witness may effectively answer them all against the Charge sheeted employee. Hence it is better not to put unnecessary questions and to give room for drawing adverse inference against the charge sheeted employee in trouble.
8. The DR must be alert to build up the possible line of defence in the course of the enquiry. A reply in favour of the Charge sheeted employee to a question during cross examination to a. Management Witness has unique advantage. Any amount of depositions from the mouth of the CSE/Defence witnesses may not be of much help, unless they are believed by the PO/EO. While they may be brushed aside by a stroke of a pen as "Being Interested Witness", the same kind of treatment cannot be given to the depositions made by the Management Witnesses examined during cross examination.
9. Do not obstruct or hinder the enquiry proceedings. It will create a bad impression in the mind of the PO/EO and may often prejudice the case of the 'delinquent employee'. On the contrary, extend your cooperation to the Enquiring Officer for the smooth conduct of the enquiry.
10. Do not clash with the Presenting Officer unnecessarily, except on technical flaws or on important points.
11. Do not raise frivolous objections. At the same time, object to the maintainability of the Charge sheet under Service Code and do not fail to achieve valid points which would go a long way in projecting the case of the CSE before the E.O.
12. In the course of presentation of the Management's case against the Charge sheeted employee, your handling of the case as a DR, should be such that the Management's side finds it difficult to build the case against the Charge sheeted employee; Do not allow the

noose to be put against the neck of the delinquent employee. Your attempt and attention should always be to loosen the knot against the charge sheeted employee.

13. Ensure that during cross examination of Management Witnesses, enough doubts are created as to veracity of their statements, so that you can derive advantage there from.
14. Even if preponderance of probabilities is against the charge sheeted employee, it is still arguable that the Charge sheeted employee acted bonafides without any malafide intention.
15. It is said that an accused/charge sheeted employee is convicted/acquitted or punished/exonerated in the Court of Law/Disciplinary Enquiry, not because he has or has not committed the offence/misconduct he is charged with, but because of his inability or ability to engage an able lawyer or Defence Representative.

### **ENQUIRY TIME SCHEDULE**

It has been observed that the process of investigation and enquiry is not completed in time despite providing time schedule for various activity charts. Delay in disposal of disciplinary cases is a matter of serious concern. Undue delay in the process affects the morale of the delinquent employee. Justice delayed is justice denied. Therefore, it is necessary that the disciplinary cases are disposed quickly. The following activity chart and time limit prescribed for each activity shall be adhered to.

### **IN CASES OTHER THAN VIGILANCE "F" CASES**

<b>No.</b>	<b>State of Investigation or Inquiry</b>	<b>Time Limit</b>
1.	Decision as to whether the complaint involves a vigilance angle.	One month of receipt of the complaint
2.	Decision on complaint, whether to be filed or to be entrusted to CSI or to be taken up for investigation by departmental agency or to be sent to the concerned administrative authority for necessary action	do-
3.	Conducting investigation and submission of report.	Three months
4.	Department's comments on the CSI reports' in cases requiring Commission's advice	One month from the date of receipt of CSI's report by the Disciplinary Authority.
5.	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of investigation report.
6.	Reconsideration of the Commission's advice, if required	One month from the date of receipt of Commission's advice
7.	Issue of charge sheet, if required	i. One month from the date of Commission's advice ii. Two months from the date of receipt of investigation report.
8.	Time for submission of defence statement	Ordinarily ten days.
9.	Consideration of defence	15 (fifteen) days
10.	Issue of final orders in Minor Penalty cases	Two months from the receipt of defence statement.
11.	Appointment of IOIPO in major penalty cases	Within 15 days or immediately after receipt and consideration of defence statement, whichever is earlier.
12.	Conducting departmental inquiry and submission of report.	Six months from the date of appointment of Investigating Officer I .Presenting Officer.

13.	Sending a copy of the Inquiring Authority report to the Circle Office for his representation	<ul style="list-style-type: none"> <li>i. Within 15 days of receipt of IA's report if any of the Articles of charge has been held as proved.</li> <li>ii. 15 days if all charges held as not proved. Reasons for disagreement with IA's findings to be communicated.</li> </ul>
14.	Consideration of IA's representation and forwarding IA's report to the Commission for second state advice	One month from the date of receipt of representation.
15.	Issuance of orders on the inquiry report.	<ul style="list-style-type: none"> <li>i) One month from the date of Commission's advice.</li> <li>ii) Two months from the date of receipt of IA's report if Commission's advice was not required.</li> </ul>

#### IN VIGILANCE "F" CASES:

NO.	State of Investigation or Inquiry	Time limit
1.	Issue of charge sheet	15 days from the date of Commission's advice or one month from the date of receipt of the Investigation Report.
2.	Time for submission of Defence Statement.	Ten days
3.	Appointment of IA/PO in major penalty cases	Immediately after receipt of consideration of defence statement.
4.	Conduct of departmental inquiry and submission of report.	Two months from the date of appointment of IO/Presenting Officer.
5.	Sending of a copy of the IA's report to the CO for his representation	<ul style="list-style-type: none"> <li>i. Within one week of receipt of IA's report if any article of charge has been held as "proved".</li> <li>ii. 15 days if any of the charges is held as "not proved":</li> </ul>
6.	Consideration of CO's representation and forwarding IA's report to the Commission for forwarding second state advice.	15 days from the date of receipt of representation.
7.	Issuance of orders on inquiry report	Within one month from the date of receipt of IA's report.