

The Insurance Regulatory And Development Authority (Conditions Of Service Of Officers And Other Employees) Regulations, 2000

UNION OF INDIA

India

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Rule

THE-INSURANCE-REGULATORY-AND-DEVELOPMENT-AUTHORITY-C of 2000

- Published on 28 August 2000
- Commenced on 28 August 2000
- [This is the version of this document from 28 August 2000.]
- [Note: The original publication document is not available and this content could not be verified.]

The Insurance Regulatory And Development Authority (Conditions Of Service Of Officers And Other Employees) Regulations, 2000Published vide Notification No. IRDA/Reg./18/2000, dated 28.8.2000.

14.

/683In exercise of powers conferred by clause (c) of sub-section (2) of section 26 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Authority, in consultation with the Insurance Advisory Committee, hereby makes the following regulations, namely:-

Chapter I Preliminary

1. Short title and commencement .-(1) These regulations may be called The Insurance Regulatory and Development Authority (Conditions of Service of Officers and Other Employees) Regulations, 2000.

(2)They shall come into force on the date of their publication in the Official Gazette.

2. Application .-These regulations shall apply to every whole-time officer and other employees of the Authority:

Provided that these regulations shall not apply to persons employed temporarily (other than probationers), or on contract basis, except otherwise specifically provided.

3. Definitions .-(1) In these regulations, unless the context otherwise requires,-

(a)"Authority" means the Insurance Regulatory and Development Authority established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999);(b)"Appellate Authority" means the authority specified in the Schedule;(c)"Competent Authority" means,-(i)in relation to matters specified under column (2) of the Schedule, the authorities specified under column (3) of that Schedule,(ii)in relation to matters not specified under column (2) of the Schedule, the Chairperson;(d)"duty" includes-(i)service as a probationer;(ii)period during which an officer and other employee is on joining time or training authorised by the authority;(iii)period spent on leave duly authorised by the competent authority;(e)"employee" means Classes II, III and IV employees specified in these regulations;(f)"leave pay" means the monthly pay which the officers and other employees would have drawn while on duty but for proceeding on leave;(g)"lien" means the title of an officer and other employee to hold substantively, either immediately or on termination of a period or periods of absence, a permanent post to which he has been appointed substantively or held in a permanent capacity;(h)"officiate": an officer and other employee officiates in a post when he performs the duties of a post on which another person holds a lien. The competent authority may, if it thinks fit, appoint an officer or other employee to officiate in a vacant post on which no other officer and other employee holds a lien;(i)"Officer" means Class I officer referred to in these regulations;(j)"pay" means the amount drawn by an officer and other employee as-(i)pay which had been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;(ii)"special pay and personal pay";(iii)"any other emoluments which may be specially classified" as pay by the authority;(k)"personal pay" means an additional pay granted to an officer and other employee-(i)to save him from a loss of substantive pay in respect of a permanent post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or(ii)in exceptional circumstances, on other personal considerations;(l)"Schedule" means Schedule annexed to these regulations;(m)"service" includes the period during which an officer and other employee is on duty as well as on leave duly authorised by the competent authority, but does not include any period during which an officer and other employee is absent from duty without permission or overstays his leave, unless specifically permitted or condoned by the competent authority;(n)"special allowance" means an addition, in the nature of an allowance, to the emoluments attached to a post or of an officer and other employee, granted at the discretion of the Authority in consideration of the specially arduous nature of the duties attached to the post or required to be performed by the officer and other employee;(o)"special pay" means an addition, in the nature of pay, to the emoluments of a post or of an officer and other employee granted at the discretion of the Authority in consideration of a specific addition to the work or responsibility;(p)"substantive pay" means the pay to which an

officer and other employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre;(q)"year" means a continuous period of twelve months commencing from the 1st day of April, of a year and ending with the 31st day of March of the next year;(2)All words and expressions used herein and not defined in these regulations but defined in the Insurance Act, 1938 (4 of 1938), or the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), shall have the meanings respectively assigned to them in those Acts unless otherwise provided in the contracts of service.(3)For the purposes of these regulations, the terms "he" and "his" shall also refer to "she" and "her" wherever circumstances warrant and singular will also include plural.

Chapter II

Classification Of Officers And Other Employees

4. Classification of officers and other employees .-(1) The officers and other employees of the Authority shall be classified as follows:-

Class IOfficers;Class IISupervisors;Class III Secretarial Staff, General Assistant, Receptionist-cum-Telephone Operator;Class IV Driver-cum-Attendant-cum-Record-Keeper.(2)The number of posts, their classification, scale of pay, age limit, education and other qualifications, period of probation, method of recruitment, composition of selection committee or departmental promotion committee shall be such as may be determined by the Authority;(3)All appointments in, and promotion to, any class or grade shall be made by the competent authority:Provided, however, that in the case of officers and other employees holding posts in the Authority at the time of the commencement of these regulations, they shall be deemed to have been appointed to such posts till such time as the authority absorbs them on such posts and scales of pay as may be determined under sub-regulation (2) above:Provided further that such officers and other employees who are willing to get absorbed in the Authority may exercise their option to get absorbed in the Authority by 31st December, 2000, or such further time as may be determined by the Authority:Provided further that the salary, allowance and other conditions of service of the officers and other employees deemed to have been appointed shall not be varied to their disadvantage:[Provided also that, Government of India Orders on reservation of different categories like, SC, ST, OBC, Physically Disabled persons, etc., in direct recruitment shall be complied with by the Authority, while undertaking such recruitment exercises:]Provided also that the Authority in regard to officers and other employees not exercising their option by the stated date for getting absorbed in the service of the Authority or persons whom it does not wish to offer the facility of absorption may revert such persons to their parent offices.

Chapter III

Commencement Of Duty And Notice Period

5. Commencement of duty .-The service of an officer and other employee shall be deemed to commence from the working day on which such officer and other employee reports for duty in any appointment covered by these regulations at the place and time intimated to him by the competent authority:

Provided that if he reports in the afternoon, his service shall commence from the next following working day.

6. Notice for discontinuing or leaving the service .-(1) An officer and other employee, may resign or leave or discontinue his service in the Authority by giving to the chairperson notice in writing of his intention to leave or discontinue the service.

(2)The period of notice required shall be,-(a)in the case of officers and other employees holding the post on regular basis, three months;(b)in the case of officers and other employees holding the post on probation, one month.(3)In the case of failure by an officer or an employee to give notice in accordance with the provisions specified in sub-regulation (2), he shall be liable to pay the Authority as compensation a sum equal to his substantive pay for the period of notice required under these regulations:Provided that such notice or the payment of such compensation may, by reasons to be recorded in writing, be reduced or waived by the chairperson:Provided further that the officer and other employee shall not be entitled to set off any leave earned and not availed of by him against the period of such notice.(4)Notwithstanding anything contained in sub-regulation (1), the resignation of an officer and other employee shall not be effective unless it is accepted by the competent authority.(5)The competent authority may refuse to accept the resignation from an officer or employee, if,-(a)disciplinary proceedings have been instituted against or are proposed to be instituted against that officer or employee;(b)the officer and other employee is under an obligation to serve the Authority for a specified period which has not expired;(c)the officer and other employee owes the Authority any sums of money.Explanation 1.-For the purposes of this regulations disciplinary proceedings shall be deemed to be instituted against an officer and other employee,-(a)if he has been placed under suspension under these regulations; or(b)any notice has been issued to him asking him to show cause why disciplinary proceedings should not be instituted against him; or(c)any charge-sheet has been issued to him under the regulations and shall be deemed to be pending till final orders thereon are passed by the competent authority.Explanation 2.-A notice by an officer and other employee under sub-regulation (1) shall be proper notice if he remains on duty during the period of the notice.

7. Retirement .-(1) Except as otherwise provided in this regulation, every officer and other employee shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that an officer and other employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years: Provided further that the competent authority may, if it is of the opinion that it is in the interest of the authority to do so, direct an officer or employee to retire on completion of fifty-five years of age or at any time thereafter, on giving him three months' notice or salary in lieu thereof: Provided further that an officer and other employee shall be permitted upon request to retire before the date of retirement specified in this sub-regulation either (a) on completion of twenty-five years of service; or (b) on completion of twenty years of service, provided he has attained age of fifty; or (c) on completion of fifteen years of service, if he is incapacitated for further active service. Explanation .-Where an officer or employee is directed by the competent authority to retire as aforesaid, it shall not be deemed to be a penalty under these regulations. (2) No officer or other employee shall be granted extension in service beyond the age of retirement of sixty years. (3) If on a review of the case either on a representation from the officer or an employee retired prematurely or otherwise, it is decided to reinstate the officer or an employee in service, the competent authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of the kind due and admissible, including extraordinary leave, or by treating it as dies non depending upon the facts and circumstances of the case: Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the competent authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order of premature retirement is set aside by a Court of law. (4) Where the order of premature retirement is set aside by a Court of law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court. (5) Any officer or employee may by giving notice, of not less than three months in writing to the competent authority, retire from service after he has attained that age of fifty years, if he is in Class I or Class II service or post, and (had entered service before attaining the age of thirty-five years), and in all other cases after he has attained the age of fifty-five years: Provided that it shall be open to the competent authority to withhold permission to an officer or an employee under suspension who seeks to retire under this clause. (6) An officer or other employee referred to in sub-regulation (5) may make a request in writing to the competent authority to accept notice of less than three months giving reasons therefor. (7) On receipt of a request under sub-regulation (6), the competent authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice shall not cause any administrative inconvenience, the competent authority may relax the requirement of notice of three months on the condition that an officer and an employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months. (8) An officer or other employee who has elected to retire under this regulation and has given the necessary intimation to that effect to the competent authority, shall be precluded from withdrawing his option subsequently except with the specific approval of such authority: Provided that the request for withdrawal shall be within the intended date of his retirement.

Chapter IV

Record Of Service, Seniority, Promotion And Reversion

8. Maintenance of record of service .-A record of service shall be maintained by the Authority in respect of each officer and other employee at such place or places and in such form or manner as may be determined from time to time by the Authority.

9. Seniority of officers and other employees .-(1) An officer and other employee confirmed in the service of the authority shall ordinarily rank for seniority in his grade according to his date of confirmation in the grade.

(2)An officer and other employee on probation shall ordinarily rank for seniority among the officers and other employees selected alongwith him in the same batch according to the ranking assigned to him at the time of his selection.

10. Promotion against sanctioned post .-(1) All promotions of the officers and other employees shall be against vacancies in sanctioned posts declared by the Authority and shall be based on,-

(a)merit, suitability and seniority in cases of Classes I and II posts;(b)seniority and merit in cases of Class III and Class IV posts:Provided that in assessing the suitability of officers and other employees to promotion posts, the competent authority shall take into consideration the performance of the officer or other employee in the post from which he is being promoted:Provided further that the competent authority may require the incumbent holding the post in the feeder grade to qualify in a departmental test to be conducted by the Authority for promotion to Class III post.(2)An officer and other employee shall have to put in a minimum of three years of service in a post before he is normally considered for promotion to a post in the next higher grade.(3)In exceptional cases where the minimum number of years of service prescribed above has not been completed, an officer or other employee may be promoted to the next higher grade on the specific recommendation of the chairperson and the approval of the Authority.

11. Reversion of officer or other employee .-An officer and other employee promoted from one grade to another may be reverted during the probationary period without notice by the competent authority after recording the reasons therefor.

Chapter V

Pay, Allowances And Other Benefits

12. The admissibility, of pay allowances other benefits .-(1) The pay, allowances and other benefits shall not be payable for a part of a month to an officer and other employee who leaves or discontinues his service without due notice during the month, unless such notice has been waived by the competent authority.

(2)The pay, allowances and other benefits shall cease to accrue to an officer and other employee from the date,-(a)he ceases to be in service; or(b)he is dismissed, removed or compulsorily retired from the service; or(c)following the date on which he dies.(3)Where on an appeal or a representation by an officer and other employee, his removal, discharge or suspension from service is revoked after due process, the entitlement to allowance and other benefits shall accrue to him in terms of the order of revocation, passed by the competent authority.

13. Increment payable .-(1) An increment in a scale of pay shall acquire on the completion of one year's period of service in that scale:

Provided that the benefit of increment shall be admissible from the first day of the month in which it accrues, irrespective of the actual date of its accrual.(2)The officiating service in a higher grade shall count for increments in an officer and other employee's substantive grade as well as in the higher grade in which he is officiating and, if there is an intermediate grade between the two in higher grade, also in the intermediate grade, but the period during which an officer and other employee is on leave without pay shall not count for increment unless so authorised by the Authority for reasons to be recorded in writing.(3)The sanction to draw increments shall be given by the competent authority:Provided that no increment shall be withheld except as a disciplinary measure under these regulations and each order withholding an increment shall state the period for which it is withheld and also whether the postponement shall have the effect of postponing future increments:Provided further that if in an incremental scale there is an efficiency bar, an officer and other employee shall not draw increments above that bar until he has been certified fit to do so by the competent authority:Provided also that on each occasion on which an officer and other employee is allowed to cross an efficiency bar which has previously been enforced against him, he shall be placed in the incremental scale at such stage as the competent authority to remove the bar may fix:Provided also that such stage shall not be higher than that at which he would draw his pay if the bar had not been enforced against him and further that no increments granted on the removal of a bar shall have a retrospective effect.

14. Fixation of pay on probation .-(1) The pay of an officer and other employee on appointment on probation from one grade to another shall be initially fixed at the minimum of the scale of the higher grade and the

difference between the pay so fixed and the substantive pay of the officer and other employee in the old scale, if the latter be more, will be treated as personal pay.

(2) On confirmation in the higher grade, the pay of an officer and other employee shall be fixed at a stage in the higher grade which is next above his substantive pay in the old scale as on the date of confirmation, if such pay be higher than the pay drawn by him at the time of confirmation.

15. Declaration of home town .-(1) Every officer and other employee shall on his appointment declare his home town in writing to the authority.

(2) The home town so declared may be changed, only once during the service of an officer and other employees, for reasons recorded in writing.

Chapter VI

Leave And Joining Time

16. Kinds of leave .-Subject to the provisions of these regulations, the following kinds of leave may be granted to an officer and other employee,-

(a) casual leave; (b) earned leave; (c) sick leave; (d) maternity leave; (e) extraordinary leave; (f) any other leave as may be specified by the authority from time to time.

17. Grant of leave .-(1) The power to grant leave shall vest in the competent authority.

(2) All applications for grant of leave shall be addressed to the competent authority before leave is sought to be availed of. (3) Leave shall not be claimed as a matter of right. (4) When the exigencies of the service so require, - (a) the competent authority may refuse leave or revoke leave of any kind already granted; (b) an officer and other employee already on leave may be recalled to duty by the competent authority. (5) Leave earned by an officer and other employee lapses on the date on which he ceases to be in service. (6) The last day of an officer and other employee's leave is the working day preceding that upon which he reports for duty. (7) Pay during leave shall be drawn at full or half rate of leave pay, according to the kind of leave availed of by the officers and other employees, but no pay shall be admissible during extraordinary leave.

18. Leave address to be intimated .-An officer and other employee shall, before proceeding on leave, intimate to the competent authority his address while on leave, and shall keep the said authority informed of any change in the address previously furnished.

19. Report of duty after leave .-An officer and other employee on leave shall, unless otherwise instructed to the contrary, return for duty to the place at which he was last stationed.

20. Production of medical certificate for medical leave .-(1) The competent authority may require an officer and other employee, who has availed himself of leave on medical grounds for more than five days, to produce a medical certificate of fitness to the satisfaction of the competent authority before he resumes duty even though such leave was not initially granted on a medical certificate.

(2)If the medical certificate produced by an officer or other employee, is not found acceptable by the competent authority, it shall refer the case to the doctor approved by the authority for advice.

21. Casual leave .-(1) An officer and other employee shall be eligible for casual leave up to a maximum of twelve working days in each calendar year:

Provided that no officer and other employee shall take casual leave for more than five working days at any one time:Provided further that public holidays may not be combined with such leave in such a way as to increase the absence at any one time beyond ten days.(2)Casual leave shall not be suffixed or prefixed to any other kind of leave.(3)No casual leave may be availed of, except with the prior permission of the competent authority:Provided that if for any sufficient reason, it is not possible for an officer and other employee to obtain such permission in advance, he shall intimate his absence to such competent authority within twenty-four hours:Provided further that, such competent authority may condone the delay, if any, in this behalf if he is satisfied that an officer and other employee was not in a position to intimate his absence for reasons beyond his control.(4)When an officer and other employee joins the service of the Authority at any time during a calendar year, his entitlement to casual leave shall be at the rate of one day per month for the period of service remaining in that calendar year.

22. Grant of special leave .-(1) Notwithstanding anything contained in these regulations, the chairperson or the person authorised by him may permit the grant of any other leave to an officer and other employee in special deserving circumstances.

(2)In particular and without prejudice to the generality of the foregoing power, such leave may provide for all or any of the following, namely:-(a)quarantine leave;(b)special leave arising out of an accident in the course of employment;(c)leave where a person is called to duty in national cause;(d)study leave granted by the authority in cases where the authority feels that study undertaken will be in the overall interest of the Authority.

23. Earned leave .-(1) Every officer and other employee shall be entitled to earned leave at the rate of thirty days for every completed year of service.

(2)The leave so earned shall be credited to the leave account of the officer and other employee half-yearly in each respective calendar year at the rate of fifteen days for every six months of service rendered by such officer and other employee.(3)No officer and other employee, however, shall earn earned leave when he is on leave other than casual leave for a continuous period of more than six months.(4)If an officer and other employee renders less than six months of service in any calendar year, he shall be credited with one day for every twelve days of duty and fractions of a day of earned leave shall be taken as full day if amounting to more than half-only.(5)The period of earned leave, which can be taken at any one time by an officer and other employee, is ten months.(6)An application for grant of earned leave shall normally be submitted fifteen days in advance to the competent authority.(7)An officer and other employee on earned leave shall draw pay equal to leave pay.(8)Where an officer and other employee has accumulated earned leave on the date of retirement, he may be paid a lump sum amount which would be equivalent to pay as defined under these regulations as on the date of his retirement, for the unavailed earned leave subject to maximum of ten months plus all allowances that shall normally be admissible to the officer and other employee concerned during earned leave.

24. Encashment of earned leave .-An officer and other employee may be permitted to encash earned leave once in two years for a minimum period of fifteen days and a maximum period of thirty days:

Provided that at the time of such encashment he has to his credit a balance of leave which shall not be less than the leave so encashed.

25. Grant of sick leave .-(1) During the entire period of his service, an officer and other employee may be granted sick leave on medical grounds for a period or periods not exceeding eighteen months:

Provided that in the case of an officer and other employee, the production of a medical certificate may not be necessary if sick leave to be granted does not exceed five days and the competent authority is satisfied with the bona fides of the reason for such leave.(2)Sick leave shall be on half-pay:Provided that where an officer and other employee has served the Authority for at least a period of three years, he may, if he so requests, be permitted to avail himself, during the entire period of his service, of sick leave on leave pay up to a maximum period of nine months and such leave on leave pay will be entered in his sick leave account at twice the amount of leave taken by him.Explanation .-For the purpose of this proviso, service includes probationary service rendered by an officer and other employee prior to confirmation.(3)An officer and other employee may be granted sick leave during the first year of his service on pro rata basis at the discretion of the competent authority.

26. Maternity leave .-(1) Maternity leave, which shall be on leave pay, may be granted to a female officer and other employees up to a period of ninety days on full pay at a time and not more than one hundred and eighty days during the entire period of service.

(2)Female officers and other employees undergoing hysterectomy operation may also claim maternity leave for a period not exceeding fifteen days (including stay in hospital) within the overall ceiling of one hundred and eighty days.(3)The competent authority may grant leave of any other kind admissible to the officer and other employee in combination with, or in continuation of maternity leave if the request for its grant is supported by a proper medical certificate.

27. Extraordinary leave .-(1) Extraordinary leave may be granted to an officer and other employee when no other leave is due to him.

(2)Except in exceptional circumstances, the duration of extraordinary leave shall not exceed ninety days on any one occasion and three hundred and sixty days during the entire period of an officer's and other employee's service.(3)The competent authority may grant extraordinary leave in combination with, or in continuation of leave of any other kind admissible to the officer and other employee, and may commute retrospectively period of absence without leave into extraordinary leave.(4)No pay and allowances shall be admissible during the period of extraordinary leave and the period spent on such leave shall not count for increments:Provided that, in cases where the competent authority is satisfied that the leave was taken on account of illness or for any other cause beyond the officer and other employee's control, it may direct that the period of extraordinary leave may count for increments.

28. Joining time .-(1) Joining time may be granted to an officer and other employee to enable him to join a new post to which he is appointed while on duty in his previous post.

(2)Joining time shall not be granted when no change in the headquarters of an officer and other employee is involved.(3)The pay and allowances of an officer and other employee on joining time shall be such as determined by the Authority.(4)Joining time which may be allowed to an officer and other employee shall not exceed six days, exclusive of the number of days actually spent on travelling.(5)In calculating joining time admissible to an officer and other employee, the day on which he is relieved from his old post shall be excluded but public holidays following the day of his relief shall be included in the joining time.(6)Where an officer and other employee on transfer from one place to another (not within the same city) does not avail of the joining time or his joining time has been curtailed due to exigencies of Authority's service, he may be allowed to avail of special leave to the extent of unavailed joining time subject to a maximum of six days, at any time after the date of reporting at the new place but before the completion of a period of six months or such other extended period as may be agreed to by the competent authority for submitting supplementary travelling allowance bill in respect of his family and personal effects provided he has advised the

office of this effect before proceedings on transfer: Provided that Saturdays and Sundays or holidays prefixed to special leave in lieu of joining time shall be excluded but Saturdays or Sundays or holidays intervening such special leave shall be reckoned as special leave.

Chapter VII

Conduct, Discipline And Appeals

29. Conduct and obligation of officers and other employees .-(1) The services of every officer and other employee shall be at the disposal of the Authority and the officer and other employee shall serve the Authority in its business in such capacity and at such place or places as he may, from time to time, be directed.

(2) Every officer and other employee shall conform to and abide by these regulations and shall observe, comply with and obey all orders and directions which may from time to time be given to him by any person or persons under whose jurisdiction, superintendence or control he may for the time being be placed. (3) Every officer and other employee shall maintain the strictest secrecy regarding the Authority's affairs and shall not divulge, directly or indirectly, any information of a confidential nature coming into his possession while working for the Authority to anyone, unless compelled to do so by judicial or other authority, or unless instructed to do so by a superior officer in the discharge of his duties. (4) Every officer and other employee shall serve the authority honestly and faithfully and shall use his utmost endeavour to promote the interests of the Authority and shall show courtesy and attention in all transactions and dealings between the officers and other employees of other organisations and the Authority. (5) No officer and other employee shall take active part in politics or in any political demonstration, or stand for election as a member of a municipal council, district authority or any other local body or any legislative body while remaining in the service of the Authority. (6) No officer and other employee who is not a "workman" within the meaning of the Industrial Disputes Act, 1947 (14 of 1947), shall resort to, or in any way abet, any form of strike or participate in any violent, unseemly or indecent demonstration in connection with any matter pertaining to his conditions of service or the conditions of service of any other officer and other employee of the Authority. (7) No officer and other employee may contribute to the press, without the prior sanction of the competent authority or without such sanction make public or publish any document, paper or information which may come to his knowledge in his official capacity. (8) No officer and other employee shall, except with the previous sanction of the chairperson, publish or cause to be published any leaflet book or any similar printed matter of which he is the author or deliver talk or lecture in any public meeting or otherwise: Provided that no such sanction is, however, required, if such a broadcast or a contribution or a publication made by him either individually or as a member of a professional body is of a purely literary, artistic, scientific, professional, cultural, educational, religious or social character. (9) No officer and other employee shall accept, solicit, or seek any outside employment or office, whether stipendiary or honorary, without the previous sanction of the chairperson.

30. Restriction on employment in certain cases .-(1) Notwithstanding anything contained in these regulations, no officer and other employee who has retired from the service of the Authority shall, within a period of two years from the date when he finally ceases to be in the Authority's service, accept or undertake a commercial employment in any insurance company except with the previous sanction in writing of the Authority.

(2) No officer and other employee shall use his position or influence directly or indirectly, to secure an employment with any insurer or intermediary registered with the Authority, of any person related, whether by blood or marriage to the officer and other employee or his spouse, whether such a person is dependent on the officer and other employee or not: Provided however that where such an employment of any person related to an officer and other employee has been secured before the commencement of officer's and other employee's employment with the Authority or has been secured by the relative on the strength of his individual merit, then the restriction contained above shall not apply.

31. Evidence before committee or any other authority .-(1) Save as provided in sub-regulation (3), no officer and other employee shall, except with the previous approval of the competent authority, give evidence in connection with any inquiry conducted by any person, committee or authority.

(2) Where any approval has been accorded under sub-regulation (1), no officer and other employee giving such evidence shall criticise the policy or any action of the Central Government, or a State Government or the Authority. (3) Nothing in this regulation shall apply to any evidence given, - (a) at any inquiry before an Authority appointed by the Central Government, a State Government, Parliament or a State Legislature; or (b) in any judicial inquiry; or (c) at any departmental inquiry ordered by the competent authority.

32. Canvassing of non-official or outside influence .-No officer and other employee shall bring or attempt to bring any political or other influence to bear upon any superior in the Authority to further his interests in respect of matters pertaining to his service in the Authority.

33. Prohibition of private trade or employment in certain cases .-No officer and other employee shall undertake any part-time work for a private or public body or a private person, or accept any fee, therefore, without the sanction of the Authority which shall grant the sanction only when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities:

Provided that the Authority may, in cases in which it thinks fit to grant such sanction, stipulate that any fees received by the officer and other employee for undertaking the work shall be paid, in whole or in part, to the Authority.

34. Absence from station .-An officer and other employee if so required by the competent authority, shall not absent himself from his station overnight without obtaining previous sanction of his superior.

35. Acceptance of gift .-(1) An officer and other employee shall not solicit or accept any gift or permit any member of his family or any person acting on his behalf to accept any gift from a person having dealings with the Authority or from any subordinate officer and other employee.

Explanation .-For the purposes of this regulation,-(a)the expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the officer and other employee;(b)a casual meal, lift or other social hospitality shall not be deemed to be a gift;(c)an officer and other employee shall avoid acceptance of lavish or frequent hospitality from any individual or concern having official dealings with him.(2)An officer and other employee may accept gifts from his friends having no official dealing with him but he shall make a report to the competent authority if the value of such gift exceeds rupees two thousand.

36. Private trading .-(1) No officer and other employee shall engage in any commercial business or pursuit either on his own account or as agent for others, nor act as an agent for an insurance company nor shall he be connected with the formation or management of a joint stock company carrying on insurance or insurance related business.

(2)Canvassing by an officer and other employee in support of the business of insurance agency or commission agency carried on or managed by a member of his family shall be deemed to be a breach of this regulation.

37. Speculation in stock, shares, investments, etc .-An officer and other employee shall not trade or speculate in stock, shares or securities of a company engaged in insurance business of any description nor shall he make investments which are likely to embarrass or influence him in the discharge of his official duties.

38. Lending or borrowing .-No officer and other employee shall in his individual capacity,-

(a) borrow or permit any member of his family to borrow or otherwise place himself or a member of his family under a pecuniary obligation to a broker or a money-lender or an officer and other employee of the Authority or any person, association of persons, firm, company or institution, whether incorporated or not, having dealings with the Authority: Provided that any loans on mortgage of property or on policies of insurance raised in the ordinary course shall not be prohibited; (b) indulge in wagering or betting or speculation activities; (c) guarantee in his private capacity the pecuniary obligations of another person or agree to indemnify in such capacity another person from loss except with the previous permission of the competent authority: Provided that an officer and other employee may give to or accept from a relative or personal friend a purely temporary loan of a small amount free of interest, or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee: Provided further that an officer and other employee may obtain a loan from a bank or a co-operative credit society of which he is a member or stand as surety in respect of a loan taken by another member from a co-operative credit society of which he is a member.

39. Investment .-(1) No officer and other employee shall, without previous approval of the Authority, make or permit any member of his family to make any investment in any Indian insurance company or its subsidiaries for a total amount exceeding twenty thousand rupees.

(2) Any officer and other employee who buy or sells property worth rupees one lakh or above shall make a declaration to that effect to the Authority. Explanation .-For the purpose of this regulation, the word "family" includes any relative ordinarily residing with or dependent on an officer and other employee.

40. Demonstration .-No officer and other employee shall engage or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of Court, defamation or incitement to an offence.

41. Joining association prejudicial to the interest of country .-No officer and other employee shall join, or continue to be a member of an association or body, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

42. Subscription .-No officer and other employee shall, except with the previous sanction of the competent authority, ask for or accept a contribution to or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any objective whatsoever.

43. Consumption of intoxicant drinks and drugs .-(1) An officer and other employee shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be posted for the time being.

(2)It shall be the duty of the officer and other employee to ensure that he,-(a)takes due care that the performance of his duty is not affected in any way by the influence of any intoxicating drink or drug;(b)does not appear in public place in a state of intoxication; and(c)does not habitually use any intoxicating drink or drug to excess.Explanation .-For the purpose of this regulation, the expression "public place" would include clubs (even exclusively meant for members where it is permissible for the members to invite non-members as guests), bars and restaurants, public conveyances and all other places to which the public have or are permitted to have access, whether on payment or otherwise.

44. Officers and other employees in debt .-An officer and other employee who is in debt shall furnish to the competent authority a signed statement of his position half-yearly on the 30th September and 31st March and shall indicate in the statement the steps he is taking to rectify his position. An officer and other employee who makes a false statement under this regulation or who fails to submit the prescribed statement or appears to be unable to liquidate his debts within a reasonable time or applies for the protection of an insolvency Court shall be liable to dismissal:

Explanation .-For the purpose of this regulation,-(a)An officer and other employee shall be deemed to be in debt if his total liabilities exclusive of those which are fully secured exceed his substantive pay for twenty-four months;(b)An officer and other employee shall be deemed to be unable to liquidate his debts within a reasonable time if it appears, having regard to his personal resources and unavoidable current expenses that he shall not cease to be in debt within a period of three years.

45. Submission of returns of movable, immovable and valuable properties .-(1) Every officer or other employee shall on his first appointment to any service or post in the Authority submit a return of his assets and liabilities in such form as may be specified by the Authority giving the full particulars regarding,-

(a)the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;(b)shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;(c)other movable property inherited by him or similarly owned, acquired or held by him; and(d)debts and other liabilities incurred by him directly or indirectly.(2)Every officer or other employee belonging to any grade shall submit an annual return in such form as may be specified by the authority giving full details regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family.(3)No officer or other employee except with the previous knowledge of the Authority, acquired or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:Provided that the previous sanction of the Authority shall be obtained by the officer or other employee if any such transaction is with the person or an Indian insurance company having official dealings with him.(4)Where the officer or other employee enters into a transaction in respect of movable property either in his own name or in the name of the member of the family, he shall, within sixty days from the date of such transaction report the same to the Authority.

46. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc .-Notwithstanding anything contained in sub-regulation (3) of regulation 45, no officer and other employee, except with the previous sanction of the authority,-

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

47. Restriction regarding marriage .-(1) No officer and other employee shall enter into, or contract, a marriage with a person having a spouse living, and

(2)No officer and other employee having a spouse living, shall enter into, or contract, a marriage with any person:Provided that the authority may permit an officer and other employee to enter into, or contract, any such marriage as is referred to in sub-regulation (1) of sub-regulation (2), if it is satisfied that-(a)such marriage is permissible under the personal law applicable to such an officer and other employee and the other party to the marriage; and(b)there are other grounds for so doing.(3)An officer and other employee who has married or marries a person other than of India nationality shall intimate the fact to the Authority.

48. Suspension .-(1) The competent authority or any authority to which it is subordinate by general or special order may place an officer and other employee under suspension-

(a)where a disciplinary proceeding against him is contemplated or is pending, or(b)where, in the opinion of the aforesaid authority, he has engaged himself in activities prejudicial to the interest of the Authority or interests of holders of insurance policies or insurance industry; or(c)where a case against him in respect of any criminal offence is under investigation, inquiry or trial.(2)An officer and other 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 police custody, whether on criminal charge or otherwise for a period exceeding forty-eight hours;(b)with effect from the date of his conviction, if, in the event of a 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.(3)Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer and other employee under suspension is set aside in appeal or review under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force, on and from the date of original order of dismissal 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 or other employee is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer or other 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:Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.(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 competent authority.(b)Where an officer or other employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the competent authority to place him under suspension may, for reasons to be recorded by him in writing, direct that of officer or other employee shall continue to be under suspension until the termination of all or any of such proceedings.(c)An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the Authority which made or is deemed to have made the order or by any other authority to which that authority is subordinate.

49. Penalties .-The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an officer and other employee, namely:-

(a) Minor penalties being-(i) censure; (ii) withholding of his promotion; (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the authority by negligence or breach of orders; (iv) reduction to a lower stage in the time-scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension; (v) withholding of increments of pay. (b) Major penalties being-(i) save as provided for in sub-clause (iv) of clause (a), 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 and other employee shall earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction shall or shall not have the effect of postponing the future increments of his pay; (ii) reduction to lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the officer and other employee to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the officer and other employee was reduced and his seniority and pay on such restoration to that grade, post or service; (iii) compulsory retirement; (iv) removal from service which shall not be a disqualification for future employment; (v) dismissal from service which shall ordinarily be a disqualification for future employment: Provided that, in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in sub-clause (iv) or (v) of clause (b) shall be imposed: Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

Explanation .-The following shall not amount to a penalty within the meaning of this regulation, namely:- (i) withholding of increment of an officer or other employee for his failure to pass any departmental examination in accordance with the regulations or orders governing the service to which he belongs or post which he holds or the terms of his appointment; (ii) stoppage of an officer and other employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar; (iii) non-promotion of an officer and other employee, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible; (iv) reversion of an officer and other employee officiating in a higher service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct; (v) reversion of an officer and other employee appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing such probation; (vi) replacement of the services of an officer and other employee, whose services had been borrowed from any organisation, Government, etc., at the end of the term of deputation; (vii) compulsory retirement of an officer and other employee in accordance with the provisions relating to his superannuation of retirement; (viii) termination of the services-(a) of an officer and other employee appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the regulations and orders governing such probation, or (b) of an officer and other employee, employed under an agreement, in accordance with the terms of such agreement.

50. Disciplinary authorities .-(1) The chairperson may impose any of the penalties specified in regulation 49 on any officer and other employee;

(2) Without prejudice to the provisions of sub-regulation (1), any of the penalties specified in regulation 49 may be imposed on an officer and other employee by the competent authority or any authority to which it is subordinate.

51. Authority to institute proceedings .-The chairperson or any other authority empowered by him by general or special order may-

(a) institute disciplinary proceedings against any officer and other employee; (b) direct a disciplinary authority to institute disciplinary proceedings against any officer or other employee on whom that disciplinary authority is competent to impose under these regulations any of the penalties specified in regulation 49.

52. Procedure for imposing major penalties .-(1) No order imposing any of the penalties specified in sub-clauses (i) to (v) of clause (b) of regulation 49 shall be made except after an inquiry held, as far as may be, in the manner provided in this regulation and regulation 53.

(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 and other employee, it may itself inquire into, or appoint under this regulation, an authority to inquire into the truth thereof. Explanation .-Where the disciplinary authority itself holds the inquiry, any reference in regulation 49 to regulation 65 to the inquiring authority shall be construed as a reference to the disciplinary authority. (3) Where it is proposed to hold an inquiry against an officer and other employee under this regulation, the disciplinary authority shall draw up or cause a case to be drawn up containing-(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge; (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain-(a) a statement of all relevant facts including any admission or confession made by the officer and other employee; (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained. (4) The disciplinary authority shall deliver or cause to be delivered to the officer and other employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article or charge is proposed to be sustained and shall require the officer and other employee to submit, within such time as may be specified, a written statement of his defence and state whether he desires to be heard in person. (5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary to do so, appoint under sub-regulation (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the officer and other employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in regulation 53. (b) If no written statement of defence is submitted by the officer

and other employee, the disciplinary authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-regulation (2) above, an inquiring authority for the purpose.(c)Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding any inquiry into such charge, it may, by an order, appoint an officer of the authority or a legal practitioner, to be known as the "presenting officer" to present on its behalf the case in support of the articles of charge.(6)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 the statement of the imputations of misconduct or misbehaviour;(ii)a copy of the written statement of the defence, if any, submitted by the officer or other employee;(iii)a copy of the statements of witnesses, if any, referred to in sub-regulation (3) above.(iv)evidence proving the delivery of the documents referred to in sub-regulation (3) above, to the officer or other employee; and(v)a copy of the order appointing the "presenting officer".(7)The officer and other employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.(8)(a)The officer or other employee may take the assistance of any other officer or other employee posted in any office either at his headquarters or at the place where the inquiry is hold, to present the case on his behalf, 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:Provided that the officer or other employee may take the assistance of any other officer and other employee posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing so permits;(b)The officer and other employee may also take the assistance of a retired officer or other employee of the authority to present the case on his behalf, subject to such conditions as may be specified by the chairperson from time to time by general or special order in this behalf.(9)If the officer and other employee, who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is 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 and other employee thereon.(10)The inquiring authority shall return a finding of guilty in respect of those articles of charge to which the officer and/or other employee pleads guilty.(11)The inquiring authority shall, if the officer and/or other employee fails to appear within the specified time or refuses or omits to plead, require the presenting officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the officer and employee may, for the purpose of preparing his defence-(i)inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-regulation (3);(ii)submit a list of witnesses to be examined on his behalf,(iii)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 any documents which are in the possession of the authority but not mentioned in the list referred to in sub-regulation (3).(12)The inquiring authority shall, on receipt of the notice for the discovery or production of 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 by such date as may be specified in such requisition: Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case. (13) One receipt of the requisition referred to in sub-regulation (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority: Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the officer and other employee and withdraw the requisition made by it for the production or discovery of documents. (14) On the date fixed for the inquiry, (a) 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; (b) the witnesses shall be examined by or on behalf of the presenting officer and may be cross-examined by or on behalf of the officer and other employee; (c) the presenting officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority; (d) the inquiring authority may also put such questions to the witnesses as it thinks fit. (15) (a) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the presenting officer to produce evidence not included in the list given to the officer and other employee or may itself call for new evidence or recall and re-examine any witness and in such case the officer and other employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. (b) The inquiring authority shall give the officer and other employee an opportunity of inspecting such documents before they are taken on the record. (c) The inquiring authority may also allow the officer and other employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice. (16) (a) When the case for the disciplinary authority is closed, the officer and other employee shall be required to state his defence, orally or in writing, as he may prefer. (b) If the defence is made orally, it shall be recorded, and the officer and other employee shall be required to sign the record. (c) In either case, a copy of the statement of defence shall be given to the presenting officer, if any, appointed. (17) (a) The evidence on behalf of the officer and other employee shall then be produced. (b) The officer and other employee may examine himself in his own behalf if he so prefers. (c) The witnesses produced by the officer and other employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority. (18) The inquiring authority may, after the officer and other employee closes his case, and shall, if the officer and other employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the officer and other employee to explain any circumstances appearing in the evidence against him. (19) The inquiring authority may, after the completion of the production of evidence, hear the presenting officer, if any, appointing and the officer and other employee, or permit them to file written briefs of their respective case, if they so desire. (20) If the officer and other employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before

the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this regulation, the inquiring authority may hold the inquiry.(21)(a)Where a disciplinary authority competent to impose any of the penalties specified in sub-clauses (i) to (iv) of clause (a) of regulation 49 but not competent to impose any of the penalties specified in sub-clauses (i) to (v) of clause (b) regulation 49, has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in sub-clauses (i) to (v) of clause (b) of regulation 49 should be imposed on the officer and other employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.(b)The disciplinary authority to which the records are so forwarded may act on the evidence on the record; if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the officer and other employee such penalty as it may deem fit in accordance with these regulations.(22)Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:Provided that if the succeeding inquiry authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.(23)(i)After the conclusion of the inquiry, a report shall be prepared and it shall contain-(a)the articles of charge and the statement of the imputations of misconduct or misbehaviour;(b)the defence of the officer and other employee in respect of each of articles of charge;(c)an assessment of the evidence in respect of each article of charge;(d)the findings on each article of charge and reasons therefor.Explanation .-If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of 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 and other employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.(ii)The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include-(a)the report prepared by it under clause (i);(b)the written statement of defence, if any, submitted by the officer and/or other employee;(c)the oral and documentary evidence produced in the course of the inquiry;(d)written briefs, if any, filed by the presenting officer or the officer and other employee or both during the course of the inquiry; and(e)the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

53. Action on the inquiry report .-(1) 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 further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry

according to the provisions of regulation 52 as far as may be.

(2)The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority to the officer and other employee who shall be required to submit, if he so desires, his written representation of submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the officer and other employee.(3)The disciplinary authority shall consider the representation, if any, submitted by the officer and other employee before proceeding further in the manner specified in sub-regulations (4) to (6).(4)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 record is sufficient for the purpose.(5)If the disciplinary authority, having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in sub-clauses (i) to (v) of clause (a) of regulation 49 should be imposed on the officer and other employee, it shall, notwithstanding anything contained in regulation 54, make an order imposing such penalty.(6)If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in sub-clauses (i) to (v) of clause (b) of regulation 49 should be imposed on the officer and other employee, it shall make an order imposing such penalty and it shall not be necessary to give the officer and other employee any opportunity of making representation on the penalty proposed to be imposed.

54. Procedure for imposing minor penalty .-(1) Subject to the provisions of sub-regulation (5) of regulation 53, no order imposing on an officer and other employee any of the penalties specified in sub-clauses (i) to (v) of clause (a) of regulation 49 shall be made except after-

(a)informing the officer and other employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;(b)holding an inquiry in the manner laid down in sub-regulations (3) to (23) of regulation 52, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;(c)taking the representation, if any, submitted by the officer and other employee under clause (a) and the record of inquiry, if any held under clause (b) into consideration;(d)recording a finding on each imputation of misconduct or mis-behaviour.(2)Notwithstanding anything contained in clause (b) of sub-regulation (1), if in a case it is proposed after considering the representation, if any, made by the officer and other employee under clause (a) of that sub-regulation, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the officer and other employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-regulations (3) to (23) of regulation 52, before making any order imposing on the officer and other employee any such penalty.(3)The record of the proceedings in such cases shall include-(i)a copy of the intimation to the officer and other employee

of the proposal to take action against him;(ii)a copy of the statement of imputations of misconduct or mis-behaviour delivered to him;(iii)his representation, if any;(iv)the evidence produced during the inquiry;(v)the findings on each imputation of misconduct or misbehaviour; and(vi)the orders on the case together with the reasons therefor.

55. Communication of orders .-Orders made by the disciplinary authority shall be communicated to the officer and other employee who shall also be supplied with a copy of its finding on each article of charge, or where the disciplinary authority is not the inquiring authority a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority and reasons for non-acceptance.

56. Common proceedings .-(1) Where two or more officers and other employees are concerned in any case, the chairperson or any other authority competent to impose the penalty of dismissal from service on all such officers and other employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2)Subject to the provisions of regulation 50, any such order shall specify-(i)the Authority which may function as the disciplinary authority for the purpose of such common proceeding;(ii)the penalties specified in regulation 49 which such disciplinary authority shall be competent to impose;(iii)whether the procedure laid down in regulation 52, regulation 53 and regulation 54 shall be followed in the proceeding.

57. Special procedure in certain cases .-Notwithstanding anything contained in regulation 52 to regulation 56-

(i)where any penalty is imposed on an officer and other employee on the ground of misconduct which has led to his conviction on a criminal charge; or(ii)where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations, or(iii)where the chairperson is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these regulations, the disciplinary authority may consider the circumstances of the case and make such orders thereon and it deems fit:Provided that the officer and/or other employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i).

58. Orders against which appeal lies .-An officer and other employee may prefer an appeal against all or any of the following orders, namely:-

(i)an order of suspension made or deemed to have been made under regulation 48;(ii)an order imposing any of the penalties specified in regulation 49 whether made by the disciplinary authority or by any appellate or (reviewing) authority;(iii)an order enhancing any penalty, imposed under regulation 49;(iv)an order which-(a)denies or varies to his disadvantage his pay, allowances, or other conditions of service; or(b)interprets to his disadvantage the provisions of any such regulation or agreement; or(v)an order-(a)stopping him at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;(b)reverting him while officiating in a higher service, grade or post, otherwise than as a penalty;(c)reducing or withholding the pension or denying the maximum pension admissible to him under the regulations;(d)determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;(e)determining his pay and allowance-(i)for the period of suspension, or(ii)for the period from the date of his dismissal, removal or, compulsory retirement from service, or from the date of his reduction of a lower service, grade, post, time-scale or stage in a time-scale of pay, to the date of his reinstatement or restoration to his service, grade or post; or(f)determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale or pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.Explanation .-In this regulation,-the expression "officer and other employee" includes a person who has ceased to be in the service of the Authority.

59. Appellate authority .-(1) An officer and other employee, including a person who has ceased to be in the service of the Authority, may prefer an appeal against all or any of the orders specified in regulation 58 to the appellate authority specified in this behalf either in the Schedule or by a general or special order of the chairperson or, where no such authority is specified to the Authority.

(2)Notwithstanding anything contained in sub-regulation (1)-(i)An appeal against an order in a common proceeding held under regulation 56 shall be lie to the Authority to which the Authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate:Provided that where such authority is subordinate to the chairperson in respect of an officer and other employee for whom chairperson is the appellate authority in terms of sub-clause (b) of clause (i) of sub-regulation (1), the appeal shall lie with the Authority.(ii)Where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the Authority to which such person is immediately subordinate.(3)An officer and other employee may prefer an appeal against an order imposing any of the penalties specified in regulation 49 to the chairperson, where no such appeal lies to him under sub-regulation (1) or sub-regulation (2), if such penalty is imposed by any authority other than the chairperson, on such officer and other employee

in respect of his activities connected with his work as an office-bearer of an association, federation of union.

60. Period of limitation of appeals .-No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

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

61. Form and contents of appeal .-(1) Every person preferring an appeal shall do so separately and in his own name.

(2)The appeal shall be presented to the Authority to whom the appeal lies, 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, shall not contain any disrespectful or improper language, and shall be complete in itself.(3)The appellate authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

62. Consideration of appeal .-(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 48 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2)In the case of an appeal against an order imposing any of the penalties specified in regulation 49 or enhancing any penalty imposed under the said regulations, the appellate authority shall consider-(a)whether the procedure laid down in these regulations has been complied with or has resulted in the failure of justice;(b)whether the findings of the disciplinary authority are warranted by the evidence on the record; and(c)whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe, and pass orders-(i)confirming, enhancing, reducing, or setting aside the penalty; or(ii)remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of these cases:Provided that-(i)if such enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in sub-clauses (i) to (v) of clause (a) regulation 49 and an inquiry under regulation 52 has not already been held in the case, the appellate authority shall itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of regulation 52 and thereafter, on a consideration of the proceedings of such inquiry and make such orders as it may deem fit;(ii)if the enhanced penalty which the appellate authority proposes to impose is one of the

penalties specified in regulation 49 and an enquiry under regulation 52 has been held in the case, the appellate authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and(iii)no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of regulation 54, of making a representation against such enhanced penalty.(3)In an appeal against any other order specified in regulation 62 the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

63. Implementation of orders in appeal .-The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

64. Revision .-(1) Notwithstanding anything contained in these regulations-

(i)the chairperson; or(ii)the appellate authority, within six months of the date of the order may, at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these regulations, and may-(a)confirm, modify or set aside the order, or(b)confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or(c)remit the case to the authority which made the order to or any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or(d)pass such other orders as it may deem fit:Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the officer and other employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in sub-clauses (i) to (v) of clause (b) regulation 49 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if any inquiry under regulation 52 has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in regulation 52:Provided further that no power of revision shall be exercised unless-(i)the authority which made the order in appeal, or(ii)the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.(2)No proceeding for revision shall be commenced until after-(i)the expiry of the period of limitation for an appeal, or(ii)the disposal of the appeal, where any such appeal has been preferred.(3)An application for revision shall be dealt with in the same manner as if it were an appeal under these regulations.

65. Review .-The authority may, at any time, either on its own motion or otherwise review any order passed under these regulations, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice:

Provided that no order imposing or enhancing any penalty shall be made by the authority unless the

officer and other employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in regulation 49 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under regulation 52 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in regulation 52.

66. Service of orders, notices, etc .-Every order, notice and other process made or issued under these regulations shall be served in person on the officer and other employee concerned or communicated to him by registered post.

Chapter VIII

Miscellaneous

67. Medical facilities .-Medical facilities shall be provided by the Authority to its officers and other employees in accordance with the regulations made by the Authority from time to time.

68. Travelling and halting allowance .-Travelling and halting allowances shall be paid to the officers and other employees according to such rates and on such terms and conditions as may be approved by the Authority from time to time.

69. Deputation .-(1) No officer and other employee of the Authority may be deputed to serve under any other employee without the approval of the chairperson who shall determine the duration of such deputation and the terms and conditions on which the deputation shall take effect; provided that no officer and other employee may be so deputed against his will.

(2) Where the services of an officer and other employees of the Authority are placed at the disposal of any other employer, it shall be a condition of such a deputation that the other employer shall, during the period of such deputation, bear the entire cost of the services of the officer and other employees as may be indicated in the order of deputation.

70. Provident fund .-Every officer and other employee of the authority shall become a member of a provident fund to be established by the authority.

71. Insurance scheme or fund .-It shall be required of every officer and other employee bound by these regulations to subscribe to any insurance scheme or fund that may be instituted by the Authority for the benefit of its officers and other employees and their families and to be bound by the regulations of the said scheme of fund:

Provided that nothing contained in this regulation shall serve to curtail any superannuation benefits which may otherwise be admissible to an officer and other employee.

72. Grievance redressal and welfare .-(1) The Authority shall constitute a grievance redressal committee to look into the grievances, if any, of its officers and other employees and it may appoint any of its members of chairperson to act as an appellate authority to decide the appeals arising out of the decisions of the committee.

(2)The committee shall provide reasonable opportunity of hearing the aggrieved person before a final decision is recorded on the grievance.(3)The Authority shall take such steps as it considers necessary for the welfare and development of its officers and other employees.

Schedule

(See clauses (b) and (c) of sub-regulation (1) of regulation 3)COMPETENT AUTHORITIES/APPELLATE AUTHORITIES

Regulation No.	Matters	Competent authority	Appellate authority
(1)	(2)	(3)	(4)
4(3)	Appointments and promotion (Class I) other than executive directors	Chairperson	Authority
	Appointment and promotion to the post of executive director	Chairperson in consultation with a commit consisting of three members of the authority	Authority
	Appointments and promotion (Class 11)	Member	Chairperson
	Appointments and promotion (ClassIIIand Class	Executive director	Member

	IV)		
6(4) and (5)	To receive notice, acceptance or refusal or waiver thereof to discontinue or resign the service(all classes of officers and other employees)	Appointing authority	Next higher authority
7(6)	Regulation of period between date of permanent retirement and date of reinstatement	Chairperson	authority
7(8), (9) and (10)	Permission to seek retirement after attaining the age of fifty years (in the case of Class I officer and Class II employees) or after attaining the age of fifty-five years in the case of other employees	Chairperson	Authority
7(11)	Specific approval to withdraw the notice of retirement	Chairperson	Authority
10(1)	Assessing the suitability of officers and other employees to promotion posts	Chairperson for Class I officers, Member for Class II employees and executive director for Class III and IV employees	AuthorityNext higher authority
11	Reversion	Chairperson for Class I officers, member for Class II employee and executive director for Class III and IV employees	Next higher authority
12(3)	Passing of an order for accrual of benefits, entitlement of allowances, etc., in	Chairperson	Authority

	the case of discharge or suspension or removal of officer and other employees		
13(3)	Sanction to draw increments	Competent authority	Next higher authority
17 read with 18, 20, 21(3), 23(6),25(1), 25(3), 26(3), 27(2), (3) and 28(6)	Casual leave	1.Regional in-charge2. Departmental in-charge or immediate superior Class I officer	Next higher authorityNext higher authority
	Earned leave	Regional in-charge, departmental in-charge under intimation to his superior Class I officer	Next higher authority
	Sick leave and maternity leave	Regional in-charge, departmental in-charge under intimation to his superior Class I officer	Next higher authority
	Extraordinary leaveOther leave, if any Explanation	ChairpersonChairperson/member/executive director/next superior Class I officer	
	1. For the purposes of grant of leave, other than extraordinary leave, to the officers and other employees directly reporting to member, the competent authority is the respective member. 2. The grant of leave in the absence of regional in charge will be by the next senior Class I officer of the		

	regional officer or the executive director (headquarters)		
	3. Leave in respect of executive director will be sanctioned by the chairperson and in his absence by the senior most member of the authority		
29(7)	Contribution to the press	Chairperson or member authorised by him	Authority
31(1)	Giving of evidence	Chairperson	Authority
34	Permission to be absent from station	1. Chairperson for Executive director Member for Class I officers and Class II employee2. Executive director/regional in-charge for ClassIIIand IV employees	Next higher
35(2)	Report in regard to receipt of gifts from friends	Chairperson	authority
38(c)	Permission to stand guarantee in private capacity	1. Chairperson for Executive director2. Member for other Class I officers and Class II employees3. Executive director/regional in-charge for ClassIIIand IV employees	AuthorityChairpersonMember
42	Sanction for subscription	Chairperson	Authority
44	Officer and other employees in debt to furnish a statement	Chairperson	Authority
48	Suspension (Class I officers)	Chairperson	Authority
	Suspension (Class II employees)	Member	Chairperson
		Executive director	Member

	Suspension (Class III and IV employees)		
49 and 50	Award of penalties: i, ii, iii, iv, v	1. Member in the case of Class I officers and Class II employees 2. Executive director in the case of other employees	Chairperson Member
	(b) Major penalties	1. Members in the case of Class I officers and Class II employees	Chairperson
	i, ii	2. Executive director in the case of other employees	Chairperson Member
	iii, iv and v	Chairperson	Authority
	Explanation.-The competent authority indicated in column 3 above is, without prejudice to the provisions of sub-regulation (1) of regulation 50, to be taken as the disciplinary authority.		