

# CENTRAL WAREHOUSING CORPORATION

(A Govt. of India Undertaking)

(Notification)

New Delhi, Friday, 28<sup>th</sup> February, 1986

No.CW/XIV-4/Estt-In exercise of the powers conferred by Section 42 of the Warehousing Corporations, Act, 1962 (58 of 1962), the Central Warehousing Corporation, with the previous sanction of the Central Government, hereby makes the following regulations, namely:-

## CHAPTER-1

### 1. Short Title, Commencement and Application:-

- (1) These Regulations may be called the Central Warehousing Corporation(Staff) Regulations, 1986.
- (2) These shall come into force at once.
- (3) There shall apply to all the employees of the Corporation and all persons employed by the Corporation on contract or on deputation in respect of all matters not regulated by the contract or the terms of deputation, as the case may be.

### 2. Definitions-In these regulations, unless the context otherwise requires.

- (a) "Appendix" means an Appendix to these regulations;
- (b) "Board of Directors" means the Board of Directors of the Corporation;
- (c) "Corporation" means the Central Warehousing Corporation established under Section 3 of the Warehousing Corporation Act, 1962 (58 of 1962);
- (d) "Disciplinary Authority" in relation to the imposition of a penalty on an employee means the authority competent under these Regulations to impose on him that penalty;
- (e) "Employee" means a person who is in the whole time service of the Corporation but does not include a person employed by the Corporation on daily wages;
- (f) "Executive Committee" means the Executive Committee of the Corporation;
- (g) "General Manager" means the General Manager of the Corporation;
- (h) "Assistant General Manager (Personnel)" means the Assistant General Manager (Personnel) of the Corporation at Corporate Office;
- (i) "Managing Director" means the Managing Director of the Corporation;
- (j) "Pay means the amount drawn by an employee as pay, special pay, personnel pay and any other emoluments excluding allowance, which may be specifically classified as pay by the Board of Directos;
- (k) "Deputy General Manager (Personnel) means the Deputy General Manager (Personnel) of the Corporation;
- (l) "Public Institution" means a body, incorporated or not, which is wholly or substantially owned or controlled by the Government.
- (m) "Regional Manager" means the Office-in-charge of a Regional Office of the Corporation;

- (n) "Regular Employee" means an employee who has been declared to have completed the period of probation to the satisfaction of the appointing authority;
- (o) "Selection Committee" means a Committee appointed by the Board of Directors of the Corporation or the appointing authority for selecting persons for various posts in the Corporation and shall include Department Promotion Committee.
- (p) "Temporary Employee" means an employee on probation on initial appointment;

3. Interpretation – If any doubt or difficulty arises in interpreting these regulations or in giving effect to them or if any lacuna, inconsistency or anomaly is discovered in their applications, it shall be open to the Board of Directors to issue general instructions not inconsistent with the Act and the rules and regulations made hereunder or any instructions issued by the Government from time to time to the extent it is applicable to the Corporation for the purposes of removing such doubt, difficulty, lacuna, inconsistency or anomaly.

## CHAPTER-II General Conditions of Service

4. Classification of Posts- The posts under the Corporation shall be classified as given below :- Group-A: Posts carrying a pay or a scale of pay with maximum of not less than Rs. 13500-CDA or 15860-IDA. Group-B : Posts carrying a pay or a scale of pay with a maximum of not less than Rs.9000-CDA or 13320-IDA. Group-D: Posts carrying a pay or a scale of pay the maximum of which is Rs. 9390-IDA or less.

Note 1:- The above classification is based on the existing scales of pay and shall correspondingly be revised on revision of pay scales.

Note 2:- The present incumbents in the post of Draftsman Grade-I in the scale of Rs. 5000-150-8000 (CDA) or 6250-220-12190 (IDA) will continue to enjoy the status as Group 'B' employees as personal to them."

### Explanatory Memorandum

The Central Warehousing Corporation has decided to give effect to the provision w.e.f. 28-2-1986 in order to ensure that the service conditions of the Draftsman Grade-I, who were in position immediately before the publication of the revised Staff Regulations are not changed to their disadvantage. It is certified that the retrospective effect being given to these regulations will not affect adversely any employee to whom these regulations apply.

5. Creation of Post – The Board of Directors shall, from time to time, determine the strength of staff under various categories required for carrying out its functions. The following authorities shall be empowered to create new or additional posts in the Corporation.

<b>Authority</b>	<b>Category of post</b>
Board of Directors	Any post below the Board of Director level on the scales of pay which are below the scales of pay applicable to those on the Board level.

6. Appoint Authority- The authorities competent to make appointments to the categories of posts indicated in column 2 of the Appendix-I will be those specified in the corresponding entries in column 3 of that Appendix.

7. General conditions relating to Appointment – The following general conditions shall apply to all appointments to the service on the Corporation :-

(a) No person shall be eligible for initial appointment unless he has attained the age of 18 years.

(b) A candidate for appointment in the service of the Corporation shall be :

(i) a citizen of India, or

(ii) a subject of Nepal, or

(iii) a subject of Bhutan, or

(iv) A person refugee who came over to India before the 1<sup>st</sup> January 1962 with the intention of permanently setting in India, or

(v) A person of India origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently setting in India

Provided that a candidate belonging to categories (ii), (iii), (iv) and (v) shall be a person in whose favour a certificate of eligibility has been given by the Government.

(c) A candidate, in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and may also be appointed provisionally subject to the necessary certificate being given to him by the Government.

(d) No person shall be initially appointed unless he has been certified by a qualified registered medical practitioner approved by the appointed authority to be of sound constitution and medically fit to discharge his duties.

Explanation : Unless the appointing authority otherwise directs, the application of this provision shall be limited to regular appointments by direct recruitment.

(e) No person shall be eligible for appointment who has previously been dismissed, or compulsorily retired from the service of the Corporation, a State Government, the Central Government or any Public Sector Undertaking.

(f) No person shall be eligible for appointment who has been convicted in a court of law for any offence involving moral turpitude.

(g) No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment in the service of the Corporation:

(h) Without prejudice to the generality of the provisions of clauses (d), (e), (f) and (g), no person shall be appointed unless the appointing authority is satisfied that the person is fit for appointment in all respects.

8. Mode of Appointment-

- (1) Regular appointments in the service of the Corporation can only be made to the posts specified in Appendix-II sanctioned for a period of not less than one year and shall be made;
  - (a) in accordance with any of the modes specified against each in the said Appendix –II or
  - (b) by permanent absorption of deputations in the service of the Corporation.
- (2) Where any qualification, or age limits, have been specified in the said Appendix-II in respect of any post with reference to any mode of appointment thereto, only persons satisfying such qualifications and within the age limits so specified shall be appointed to that category through such mode:  
 Provision that the Board may relax, by order, any of the provisions of the recruitment rules contained in Appendix-II for a class or category of persons, if in their opinion it is necessary or expedient so to do.
- (3) Notwithstanding anything contained in these regulations and subject to instructions of the Central Government issued from time to time.
  - (a) By deputation of suitable officers from the Central Government or from any State Government or from any public sector undertaking or with the prior approval of the Board of Directors from any private sector undertaking for an initial period of three years:
  - (b) By re-employment of personnel superannuated from service of the Central or any State Government or of the Corporation for a period not exceeding two years: such re-employment being sanctioned by an authority not lower in rank than the Board of Directors, and with the approval of the Central Government;
  - (c) On a purely temporary basis for a period not exceeding one year;
  - (d) On special contract subject to such terms and conditions as may be decided by the Board of Directors.

## 9. Procedure for Recruitment and Promotion

- (A) Procedure for direct recruitment:
  - (i) Director recruitment shall be regulated by the general instructions issued by the Board of Director from time to time.
  - (ii) Selected candidates shall be required before appointment to submit themselves to a medical test by a qualified medical practitioner approved in this behalf by the appointed authority. The fee payable for the medical test shall be borne by the Corporation
- (B) Procedure for promotion:
  - (i) Promotion shall be made on the basis of seniority subject to the rejection of unfit in respect of non-selection posts indicated in Appendix-II
  - (ii) "Promotion in respect of selection posts specified in Appendix-II shall be made mutatis mutandis as per procedure prescribed in the instructions issued by the Central Government from time to time for its corresponding selection posts after their adoption by the Board of Directors"
- (C) Reservation for Scheduled Castes, Scheduled Tribes and other categories in services under the Corporation:
 

In making appointments in the services of the Corporation, reservations, relaxation of age limits and other concessions would be provided to the Scheduled Castes, the Scheduled Tribes and other Categories of persons as

directed by the Central Government from time to time. The Managing Director may issue detailed administrative instructions accordingly.

10. Probation:

- (i) Every Person regularly appointed to any post either by direct recruitment or by promotion shall be on probation for a minimum period of one year from the date of assumption of charge.
- (ii) The Appointing Authority may, in its discretion, extend the period of probation up to a further period not exceeding one year.
- (iii) During the period of probation, an employee directly recruited shall be liable to be discharged from the service without assigning any reason by giving him a notice of one month or pay in lieu thereof. A department candidate appointed to any higher post through direct recruitment shall during the period of probation be liable to be reverted to the original post held by him prior to such appointment, without any notice and without assigning any reason.
- (iv) During the period of probation, an employee promoted to higher post from a lower post shall be liable to be reverted to the lower post without notice and without assigning any reason.
- (v) Where an employee has rendered continuous temporary or officiating or ad-hoc service or continuous service in the post on deputation immediately preceding his regular appointment to such post, the period of service so rendered, may be counted against the period of probation, if the appointing authority so directs. This will, however, not affect the seniority, which will be governed by the normal rules of seniority in the grade.

11. Declaration of fidelity and secrecy - Every person on first appointment to service of the Corporation shall before entering upon his duties, make a declaration of fidelity and secrecy in the form at Appendix-III. Such declaration shall be made by him before the Officer to whom he reports for duty and it shall be duly countersigned.

12. Liability for Service – All person recruited to any post under the Corporation shall be liable to serve anywhere in India or abroad.

13. Training – All employees are liable to under go such training for such period and undertake such examinations as may be prescribed by the Corporation from time to time.

14. Seniority- Seniority of the employees appointed in the Corporation shall be determined as follows:

- (i) The relative seniority of direct recruits will be determined by the order of merit in which they are selected for such appointment. When two or more candidates are declared to be of equal merit at one and the same selection, their relative seniority will be determined bny the date of birth the order candidate being the senior Persons appointed as a result of earlier selection shall rank senior to those appointed as result of subsequent selection.
- (ii) In categories of post partially filled by direct recruitment and partially by promotion, criteria for determination of seniority shall be the order in which the

select list has been drawn by the Selection Committee for promotion in the case of promotees and the order of merit drawn by the Selection Committee for appointment in the case of direct recruits subject to maintenance of inter-se-seniority of promotees and direct recruits among themselves. In determining the seniority, the promotee shall be placed over the direct recruit in the ratio in which the recruitment is made.

- (iii) Seniority for all Group 'D' posts and posts of Warehouse Assistant Grade-II in Group 'C' shall be maintained on Regional basis.

Explanation : For the purposes of paragraph (iii), Corporate Office of the Corporation shall be deemed to be a separate Region.

15. Seniority on Promotion

Candidates selected for promotion at an earlier selection shall be senior to those selected later irrespective of the dates of joining. If a promotion order contains names of more than one person, their seniority shall be according to the merit list drawn by the Selection Committee in accordance with the relevant promotion rules.

16. Seniority on Transfer

Seniority of employee on post having regional seniority if transferred from one region of the corporation to the other region in the interest of the corporation will be regulated with reference to the date of promotion/appointment to the grade as the case may be. If, however, the transfer is at request of the employee seniority will be fixed below those in the relevant grade in the new region irrespective of length of service of the transferred employee in the grade.

17. Seniority on reduction as penalty

- (i) The seniority of an employee, whose pay is reduced in the same time scale as a result of disciplinary action will not be affected by such order.
- (ii) The seniority of an "employee", whose is reduced to lower grade or post as a result of disciplinary action and the period of such reduction is not specified in the order imposing the "penalty" shall be lost entirely. Such employee shall be required to render prescribed qualifying service in the reduced grade/post for being eligible for consideration for re-promotion. On re-promotion the seniority of such an "employee" shall be determined by the date of re-promotion without regard to the service rendered by him in such service/grade prior to his reduction. where the "penalty" of reduction to a lower grade or post or lower time scale is for specified period, the "employee" concerned shall be re-promoted automatically to the post from which he was reduced and the seniority in the original grade or post or time scale shall be fixed at which it would have been put for his reduction.

18. Seniority of educationists on absorption

(i) Seniority of deputationist absorbed in the same grade in which he was Original appointment on deputation in that grade in the corporation.

(ii) Seniority of the deputationist on absorption vis-à-vis those directly recruited or promoted in the same grade will be decided based on the date of appointment to the grade. When the date of order of appointment in the case of direct recruits, promotees and the date of absorption in the case of deputationists happens to be the same, the deputationists will be placed above the direct recruits but below the promotees subject to inter-se seniority of direct recruits, drawn at the time of selection.

19. Resignation

(i) No employee shall resign from the service of the Corporation except by giving due notice in writing which shall be three months in the case of regular employee and one month in case of person on probation. A regular employee holding a higher post on probation either on promotion or on appointment against direct recruitment shall also be required to give three months notice.

Provided that it shall be open to appointing authority to waive such notice period.

(ii) Resignation may be accepted by appointed authority with immediate effect or at any time before the expiry of the period of notice.

(iii) No employee who has submitted his resignation shall be allowed to withdraw it except with the prior approval of the Managing Director.

(iv) Resignation submitted by an employee will become effective only when it is accepted and the employee is relieved of his duties.

(v) An employee leaving the service of the Corporation without giving a proper notice and without acceptance of his resignation by the management and without being formally relieved of his duties shall be liable to disciplinary action under these Regulations.

(vi) An employee who is under bond to serve the Corporation for a specified period shall, in addition to the notice period, compensate the Corporation by an amount as specified under the Surety Bond:

Provided that the Managing Director may, by an order in writing, waive wholly or in part, the requirement of such compensation or direct otherwise, depending on the merits of each case.

20. Termination of service and discharge

(i) Except as may be specifically provided in the contract of service, the Corporation may at any time discharge an employee or terminate the service of an employee by giving the following notice or by payment of pay and allowances in lieu of such notice:

	<i>Category of Employee</i>	<i>Period of Notice</i>
(a)	Regular employee	Three months
(b)	Temporary employee	One month

(ii) The service of an employee may also be terminated by the Corporation on the following grounds among others:-

(a) On abolition of the post;

(b) On being declared unfit for further service on medical grounds;

(c) Insolvency;

(d) Conviction by a Court of Law for criminal offence amounting to moral turpitude;

- (e) Engaging himself in any other employment without the written permission of the management or found to have been working elsewhere during the period of leave of duty;
- (f) Loss of confidence by the Corporation in an employee holding position of trust or confidence or by virtue of his nature of duties;
- (g) Absence of an employee on grounds of sickness for a continuous period of more than 24 months if suffering from tuberculosis, leprosy, mental or malignant diseases or fracture of lower/upper extremity;
- (h) Unauthorized absence for a period exceeding one month without written permission of the competent authority to grant leave.

21. Superannuation and retirement

- (i) Every employee below board level appointed to the service of the Corporation shall retire on the last day of the month in which he/she attains the age of sixty years. Provided that an employee whose date of birth is the first of the month shall retire the age of sixty years: Provided further that no employee shall be granted extension in service beyond the age of retirement of sixty years.  
(i-A) Sub-regulation (i) shall be applicable to an employee who is on extension in service of the Corporation on the date of the Commencement of the Central Warehousing Corporation. (Staff) Twenty-Second Amendment Regulation, 1998.”
- ii) Notwithstanding anything contained in clause (i) above the appointing authority shall, if it is of the opinion that it is in the interest of the Corporation to do so, have the absolute right to retire a Group A, B, C and D employee if he has attained the age of 50 years by giving him a notice of not less than three clear months in writing or three months pay and allowances in lieu of such notice.

Provided that an employee belonging to the above Groups may, by giving a notice of not less than three clear months in writing to the appointing authority, voluntarily retire from the service of the Corporation after he has attained the age of 50 years.

*Explanation 1.*-Notice given under Sub-Regulation (ii) shall require acceptance by the appointing authority provided that in the absence of any refusal of permission for voluntary retirement, the same shall become effective from the date of the expiry of the period of notice.

*Explanation 2.*-An employee who has elected to voluntarily retire and has given a notice under sub-regulation (ii) shall be precluded from withdrawing his notice except with the specific approval of the appointing authority.

- iii) Nothing contained in clauses (i) and (ii) above shall effect the right of the competent authority to retire an employee with due notice or pay in lieu thereof on his being certified by a Medical Examiner to be nominated for the purpose by such authority as being incapacitated for a further period of continuous service due to his continued illness or accident.



- iv) An employee may be permitted to retire on his own request on the Appointing Authority being satisfied that such employee is incapacitated for a further period of continuous service due to his continued illness or accident.

### CHAPTER-III Salary

#### 22. Scales of Pay. –

- i) The scales of pay applicable to various categories of posts in the Corporation are as indicated in column 4 in Appendix-II.
- ii) The powers to revise the scales of pay of various posts in the Corporation shall be exercised by the Board of Directors with the prior approval of the Central Government:  
Provided that the pay and allowances of an employee on deputation shall be regulated in accordance with such terms and conditions of Foreign Service as may be mutually decided between the Corporation and the lending organisation.

#### 23.

- i) *Dearness Allowance* - Unless otherwise stipulated in the terms and conditions of employment, every employee shall be entitled to Industrial Dearness Allowances at the rates as determined by the Central Government on the basis of All India Consumer Price-Index published by the Labour Bureau in the Ministry of Labour, Government of India, 1960=100 series or such other series as may be prescribed by the Government.
- ii) *Other Allowances*- The Corporation may, with the prior approval of the Board of Directors, prescribe from time to time the kinds of any other allowances and the terms and conditions on which such allowances may be granted. For the purposes of regulating payment of House Rent Allowance and City Compensatory Allowances, the classification of cities and towns shall be the same as notified by the Central Government for its employees for this purpose from time to time. Provided that the powers vested in the Board of Directors in respect of this Regulation shall be exercised by the Board of Directors subject to such directives, guidelines and instructions as may be issued by the Central Government from time to time.

#### 24.

Pay on Initial Appointment- The initial basic pay of an employee newly appointed to a post under the Corporation shall be fixed at the minimum of the time scale of the post to which he is appointed except in the following cases:-

- i) Pay of departmental candidates selected for higher posts against open advertisement will be fixed as on promotion.
- ii) In the case of emergency commissioned, short service commissioned officers and other category of employees for which special orders are issued by the Central Government the same shall be kept in view while fixing the pay of such employee in the Corporation's scale of pay.
- iii) In the case of persons who are already in employment with the Central Government or a State Government or a Public Institution, pay on appointment to a post under the Corporation will be fixed at the stage in the scale so that total employments (comprising pay and Dearness

Allowance) last drawn in the previous employment are protected and if there is no corresponding stage in the scale, at the next higher stage.-

- iv) The appointing authority may, for reasons to be recorded in writing, after taking into consideration the recommendations of the Selection Committee, allow higher pay not exceeding five increments to a person on his initial appointment. In exceptional circumstances and on merits of each case more than five increments may be allowed with the prior approval of the Board of Directors.

Amendment

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### Pay on Promotion

- i) Where an employee is promoted to a higher post or grade, his initial pay in the new time scale shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued, in case this happens to be lower than the minimum of the higher scales.
- ii) Where an employee immediately before his promotion was drawing pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in the lower post by an amount equal to the last increment of the time scale of the lower post.
- iii) If an employee is drawing pay at a stage where the increment is biennial, the benefit of notional increment will be given only if the service rendered in that stage is for one year or more.
- iv) If an employee has previously officiated for or has been promoted on adhoc basis to a higher scale, the initial pay fixed on re-promotion at the same scale or another post having an identical scale of pay will not be less than that drawn on the last occasion in the higher scale and the period (s) for which it had been drawn shall count for the purpose of drawal of annual increment in the higher scale.
- v) Where an employee is specifically required by the competent authority to hold charge of a higher post in addition to his own duties, he shall not be deemed to have been promoted to that higher post and shall not be eligible for benefit of pay fixation as on promotion. He shall, however, be eligible to draw charge allowance in accordance with the instructions issued by the Board of Directors from time to time.

### 26. Treatment of Special Pay/Charge Allowance/Personal pay on promotion

(i) (a) When the special pay is in lieu of a separate higher scale of pay:

In a case where an employee is in receipt of a special pay in a post, his pay on promotion to a higher post, shall be fixed after taking into account the special pay drawn in the lower post subject to the following conditions, namely

- (i) The special pay in the lower post should have been granted in lieu of a separate higher scale of pay.
- (ii) If the special pay has been drawn in the lower post continuously for a minimum period of three years on the date of promotion, the pay in the higher post shall be fixed, under the normal rules, treating the special pay as part of basic pay. In cases where the special pay in lieu of higher scale of pay has been drawn in the same post for broken periods the benefit of special pay being treated as part of basic pay on promotion to a higher post shall be admissible provided the total of the broken periods taken together is not less than three years. In other cases the pay in the time scale of the higher post shall be fixed, under the normal rules, with reference to the basic pay drawn in the lower post excluding the special pay); where this results in drop in emoluments, the difference between the pay so fixed and the pay plus special pay drawn in the lower post shall be allowed in the form of personal pay to be absorbed in future increases of pay.

(iii) In cases referred to in sub-clause (ii) it should be certified that the employee would have continued to draw the special pay in the lower post but for the promotion.

(b) When the special pay is not in lieu of a separate higher scale of pay:

In a case where the special pay drawn by an employee in the lower post is not in lieu of a separate higher scale, protection of special pay on promotion to another post shall be subject to the following conditions, namely

- i) The special pay granted for specific additions to duty or for arduous nature of work shall be protected on promotion by granting a personal pay equal to the difference between pay plus special pay drawn in the lower post and the pay due in the higher post on the basis of the basic pay in the lower post.
- ii) It must be certified that but for his appointment to the other post, the employee would have continued to draw special pay.
- iii) The protection shall only be for so long as the employee could have continued to draw the special pay
- iv) The personal pay shall be absorbed in subsequent increases of pay.
- v) The following types of special pay shall not be taken into account for fixation of pay in the higher post:
  - a) Special pay drawn in a tenure post:
  - b) Special pay granted for service in particular localities on account of remoteness, unhealthiness, severity of climate, etc., like Andaman, Special Pay, Inner Lines Special pay, etc.
  - c) Deputation (Duty) Allowance or special pay drawn, in lieu thereof.

Note 1:

Special pay of Cashiers, Comptists and Machine Operators shall not be treated as special pay in lieu of a higher scale of pay. According to sub-clause (ii) of Clause (a) of sub-regulation (i), the special pay in lieu of a higher scale should have been drawn continuously for a minimum period of three years on the date of promotion for it to be treated as part of basic pay. It is clarified that where such special pay has been drawn for a minimum period of three years without break in more than one post within the same cadre or department, the total period shall be taken into account. In cases where the quantum of special pay varies in different posts the least of the special pay drawn in different posts shall be taken into account for the purpose of fixation of pay in the higher post.

Note 2:-

- I. The condition of special pay having been drawn continuously for a minimum period of three years as well as the certificate of continued drawl of special pay but for promotion should not be insisted upon in the case of a person holding substantively the lower post carrying special pay in lieu of a separate higher scale. This exemption shall not be available to employees with substantive position in a cadre and holding a post carrying a special pay in lieu of a separate higher scale in the cadre as confirmation of officers in the cadre is not made against individual post. The condition of

drawl of special pay in such posts continuously for not less than three years shall be applied in those cases.

- II. The certificate of continued drawl of special pay but for promotion in cases, where special pay is in lieu of a higher scale of pay and has been drawn continuously for at least three years, shall be dispensed with. In other cases, such a certificate shall be insisted upon.
- III. It may happen that a senior person promoted to the higher post before completing three years in the special pay post draws less pay than his junior who is promoted after completing three years in the special pay post. Where such cases occur, the pay of the senior shall be stepped up to the level of pay of the junior from the date of promotion of the latter, provided the junior was not drawing a higher pay than the senior from time to time in the lower post and the lower and higher posts held by the junior and the senior belong to the same cadre.

**Note 3:-**

In cases where the special pay in respect of the same post has been enhanced during the preceding three years of the date of promotion, the rate of special pay to be taken into account for purpose of fixation of pay in the higher posts, shall be the one drawn immediately before the date of promotion subject to the fulfillment of other conditions governing fixation of pay in the higher post, as laid down in various orders issued from time to time. <sup>Amendment 19</sup>

- ii) Charge allowance shall not count for purposes of fixation of pay on promotion.
- iii) Personal Pay wherever applicable shall be protected in accordance with the conditions attached to it.

## 27. Pay Fixation on Reversion

The pay of an employee reverted from a higher grade a post to a lower grade or post shall be fixed in the lower grade in such a manner that he does not draw less than what he should have drawn had he continued in the lower scale but for his promotion to the higher scale.

## 28. Pay Fixation of Deputationists

The pay of a deputationist shall be regulated in accordance with his terms of deputation as mutually agreed upon between the Lending authority and the Corporation subject to the condition that in no case the benefit accruing to a deputationist shall exceed the limits prescribed by the Central Government in this regard, from time to time.

## 29. Increment

- i) Increments in the time scale of a post to which person is appointed shall be drawn as a matter of course except where such increments have been withheld as a result of penalty imposed under these regulations.

- ii) All increments shall fall due on the preceding 1st day of January of every year in case of those employees whose actual increment dates fall between 1 January and 30 June and all increments shall fall due on the preceding 1st day of July of every year in case of those employees whose actual increment dates fall due between 1<sup>st</sup> July and 31<sup>st</sup> December.
- iii) In the case of employees who are on probation no increment shall be allowed during the period of probation. The first increment shall be allowed to be drawn with effect from the first of the month in which the probation is completed or twelve months are completed, whichever is later. Where the period of probation is extended no increment shall be allowed till the probation is successfully completed, and on such completion the first increment shall be granted with retrospective effect from the first of the month in which the initial period of probation has come to an end or twelve months are completed, whichever is later, although no arrears will be paid for the extended period of probation up to the first of the month in which it is completed. Subsequent increment shall be regulated in accordance with the provisions of sub-regulation (ii).
- iv) An employee in Group 'B' or 'C' or 'D' who has been stagnating or put at the maximum of the scale of his pay for two years or more may be granted an adhoc increment equivalent to the rate of increment last drawn by him in his existing scale. An employee against whom a disciplinary case is pending shall not be granted such increment till the finalization of disciplinary proceedings started against him.
- v)

### 30. Counting of Service for the Purpose of Increment

- i) All duty in a post in a time scale shall count for increment in that time scale.
- ii) All services in the Corporation in equivalent or higher posts shall count for increment.
- iii) All leave, except extra-ordinary leave taken otherwise than on the ground of sickness supported by a medical certificate, shall count for increment in the time scale applicable to the post in which the employee was working at the time he proceeded on leave:

Provided that the Managing Director may, if he is satisfied that the extra-ordinary leave was taken for any cause beyond the employee's control or for pursuing higher scientific and technical studies, may direct that such extraordinary leave shall also be counted for increment.

- iv) All Foreign Service shall count for increment in the time scale applicable to the post in the Corporation which the employee was holding before his transfer on Foreign Service.

### 31. Leave

Every employee shall be governed in the matter of leave by the provisions contained in the Central Civil Services (Leave) Rules, 1972, as amended from time to time.

### 32. Casual Leave

- i) An employee shall be eligible for casual leave to the extent of eight days on full pay in a year. <sup>Amendment23</sup>
- ii) Not more than eight days casual leave will normally be granted at a time.
- iii) Casual leave shall not be combined with any other leave.
- iv) Sundays and holidays preceding or following or occurring during the period of casual leave shall be omitted in calculating the period of casual leave availed of.

### 33. Authority to Grant Leave

The Board of Directors may, from time to time, specify the competent authority for grant of various kinds of leave for classes of employees.

### 34. Joining time on transfer and pay during joining time

Every employee on transfer from one station to another shall be entitled to such joining time and to such pay during the period of joining as per provisions contained in Central Civil Services (Joining Time) Rules, 1979, as amended from time to time.

### 35. Traveling Allowance on Tour and Transfer

The Board of Directors may prescribe from time to time the rates at which and the conditions subject to which traveling allowance may be paid to employees in connection with journeys undertaken by them on tour or transfer in service of the Corporation.

### 36. Leave Travel Concession Encashment

Encashment of Leave Travel Concession shall be admissible to the employees of the Corporation on the basis of the guidelines laid down by the Central Government from time to time.

### 37. Gratuity

- i) The employees of the Corporation shall be governed by the provisions contained in the Payment of Gratuity Act, 1972, as amended from time to time.
- ii) Such of the employees who do not come within the purview of the said Act, shall be governed by the Central Warehousing Corporation Death-cum-Retirement Gratuity Scheme and the guidelines issued by the Central Government in this regard, from time to time.

### 38. Deputation of Employee of the Corporation to other organizations -

Employees of the Corporation may be sent on deputation to the Central Government a State Government or a Public Institution with the approval of the Managing Director and subject to such instructions as may be issued by the Board of Directors from time to time. The deputation of such employees

shall be governed by the terms to be mutually agreed upon between the Corporation and the borrowing authority.



## CHAPTER - IV Conduct Discipline and Appeal

### 39. General –

- i) Every employee of the Corporation shall at all times :
  - a) Maintain absolute integrity;
  - b) Maintain devotion to duty; and
  - c) Do nothing which is unbecoming of a public servant.
- ii) Every employee of the Corporation holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees working under his control and authority.

### 40. Misconduct -

Without prejudice to the generality of the term 'misconduct' the following acts of omission shall be treated as misconduct:-

- i) Theft, fraud or dishonesty in connection with the business or property of the Corporation or of property of another person within the premises of the Corporation.
- ii) Taking or giving bribes or any illegal gratification.
- iii) Possession of pecuniary, resources or property disproportionate to the known source of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- iv) Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- v) Acting in a manner prejudicial to the interest of the Corporation.
- vi) Willful insubordination or disobedience whether or not in combination with others or any lawful and reasonable order of superior.
- vii) Absence without leave or overstaying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- viii) Habitual late or irregular attendance.
- ix) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- x) Damage to any property of the Corporation.
- xi) Interference or tampering with any safety devices installed in or about the premises of the Corporation.
- xii) Drunkenness or riotous or disorderly or indecent behavior in the premises of the Corporation or outside such premises where such behavior is related to or connected with the employment.
- xiii) Gambling within the premises of the establishment.
- xiv) Smoking within the premises of the establishment where it is prohibited.
- xv) Collection without the permission of the competent authority of any money within the premises of the Corporation except as sanctioned by any law of the land for the time being in force or rules of the Corporation.
- xvi) Sleeping while on duty.
- xvii) Commission of any act which amounts to a criminal offence involving moral turpitude.

- xviii) Absence from the employee's appointed place of work without permission or sufficient cause.
- xix) Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores etc. to the Corporation without express permission in writing from the competent authority.
- xx) Commission of any act subversive of discipline or good behavior.
- xxi) Abetment of or attempt at abetment of any act which amounts to misconduct.

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

#### 40A Prohibition of sexual harassment of working women

- i) No employee shall indulge in any act of sexual harassment of any woman at her work place.
- ii) Every employee who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

**Explanation:-** For the purpose of this regulation, 'Sexual harassment' includes such unwelcome sexually determined behavior, whether directly or otherwise, as.

- a) Physical contact & advances
- b) A demand or request for sexual favours
- c) Sexually coloured remarks
- d) Showing any pornography
- e) Any unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Amendment 24

#### 40(B)

- i) The Corporation shall constitute a Committee to be called the Complaints Committee for the purpose of ensuring compliance of Regulation 40A
- ii) The Complaints Committee constituted under sub-regulation (i) shall consist of a Senior level Women Officer of the Corporation to act as Chairman of the Committee, three other Woman employees to act as members, one Woman Executive member (from NGO or other body which is familiar with the issue of sexual harassment) to act as member and an Officer of the Corporation to act as Member (Secretary) of the Committee.

#### 40(C)

The Complaints committee shall be the inquiry authority to inquire into and report the indulgence of sexual harassment of any women at her work place of the Corporation and the report of the said committee shall be treated as an inquiry report under these rules" amendment 30"

#### 41. Employment of near relatives of the Employees of the Corporation in any Company or Firm enjoying patronage of the Corporation

- i) No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage, to the employees or to the employee's wife or husband, whether such a person is dependent on the employee or not.

- ii) No employee shall, except with the previous sanction of the Competent Authority permit his son, daughter or any member of the family to accept employment with any Company or firm with which he has official dealings or with any Company or firm, having official dealings with the Corporation  
Provided that where the acceptance of the employment cannot await the prior permission of the competent authority, the employment may be accepted provisionally subject to the permission of the competent authority, to whom the matter shall be reported forthwith.
- iv) No employee shall in the discharge of his official duties, deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

#### 42. Taking part in Demonstration

No employee of the Corporation shall engage himself or participate in any demonstration which involves incitement to an offence.

#### 42A. Taking part in politics

- i) No employee shall be a member of, or otherwise be associated with, any political party or any Organization which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- ii) It shall be the duty of every employee to prevent any member of his family from taking part in subscribing in aid of, assisting in any other manner, any movement or activity which is, or tends directly or indirectly, to be subversive of the Corporation or of the Government as by law established where an employee is unable to prevent a member of his family from taking part in or subscribing in aid of or assisting in any other manner any such movement or activity, he shall make a report to that effect to the Corporation.

Explanation - If any question arises whether a party is a political, or whether any organisation takes part in politics, whether any movement or activity falls within the scope of sub-regulation (i) and (ii), the decision of the Managing Director thereon shall be final.

#### 42B. Taking part in election-

No employee shall canvass or otherwise interfere with or use his influence in connection with or take part in an election to any legislature or local authority.

- i) Provided that an employee qualified to vote at such an election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.
- ii) An employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in due performance of a duty imposed on him by or under any law for the time being in force.  
Explanation: - The display by an employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this regulation". Amendment 6

#### 43. Connection with Press or Radio

- i) No employee of the Corporation shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.
- ii) No employee of the Corporation shall except with the previous sanction of the competent authority or the prescribed authority, or in the bona-fide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical: Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

#### 44. Criticism of Government and the Corporation

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

- a) Has the effect of adverse criticism of any policy or action of the Central or a State Government, or of the Corporation;
- b) Is capable of embarrassing the relations between the Corporation, Government and the public;

Provided that nothing in these Regulations shall apply to any statement made or views expressed by an employee of purely factual nature and which is of a confidential nature in his official capacity or in due performance of the duties assigned to him;

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

#### 45. Evidence before committee or any other authority

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

#### 46 Unauthorized communication of Information

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

#### 47 GIFTS

- i) Save as provided in these Regulations, no employee of the Corporation shall accept or permit any member of his family or any other person acting on his behalf to accept any gift.

Explanation The Expression 'gift' shall include free transport, boarding, lodging j 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 tne employee.

Note (1): A casual meal, lift or other social hospitality shall not be a gift.

Note (2) : An employee of the Corporation shall avoid accepting lavish or frequent hospitality from any individual, industrial or commercial firms, organisations etc. having official dealing with him.

- iii) On occasions such as weddings, anniversaries, funerals or religious functions when the making of gifts is in conformity with the prevailing religious or social practices an employee of the Corporation may accept gifts from his near relatives but he shall mate a report to the competent authority, if value of any such gifts exceeds:-
  - a) Rs 1000 in the case of an employee holding any Group 'A' or 'B' posts.
  - b) Rs 500 in the case of an employee holding any Group 'C' posts and
  - c) Rs. 200 in the case of an employee holding any Group 'D' posts.
- (iii) On such occasions as are specified in sub-Regulation (ii) an employee of the Corporation may accept gifts from his personal friends having no official dealing; with him, but he shall make a report to the competent authority, if the value of any such gift exceeds :-

- a) Rs 400 in the case of an employee holding any Group A' or 'B' posts,
  - b) Rs 200 in the case of any employee holding any Group 'C' posts; and
  - c) Rs 100 in the case of any employee holding any Group D' posts.
- iv) in any other case, an employee of the Corporation shall not accept any gift without the sanction of the competent authority, if the value of the gift exceeds:-
- a) Rs. 150 in the case of an employee holding any Group A' or 'B' posts, and
  - b) Rs. 50 in the case of an employee holding any Group 'C' or 'D1' posts.
- v) Notwithstanding anything contained in sub-regulations (ii), (iii) and (iv), a Corporation's employee being a member of Indian Delegation or otherwise, may receive and retain gifts from foreign dignitaries, if the market value of gifts received on one occasion does not exceed Rs. 1000. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Government of India in this regard from time to time.
- vi) A Corporation's employees shall not accept any gift from any foreign firm which is either contracting with the Government of India or is one with which the Corporation employee had /has or is likely to have official dealings, 'Acceptance of gifts by an employee from any other firm shall be subject to the provisions of sub-regulation (iv). Amendment 15

48. No Employee of the Corporation shall

- i) Give or take or abet the giving or taking of dowry. Or
  - ii) Demand, directly or indirectly, from the parents or guardian of bride or bridegroom, as the case may be any dowry.
- Explanation: For the purpose of this regulation 'Dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

49. Private trade or Employment

- i) No employees of the Corporation shall except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business or undertake any other employment:  
Provided that an employee may without such sanction undertake honorary work of a social or charitable nature or occasional work of literary, artistic or scientific character subject to the condition that his official duties do not thereby suffer.
- ii) Every employee of the Corporation shall report to the competent authority if any member of his family is engaged in trade or business or owns or manages an insurance agency or commission agency.
- iii) No employee of the Corporation shall, without the previous sanction of the competent authority except in the discharge of his official duty, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Company Act, 1956 (1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes.

Provided that an employee of the Corporation may take part in the registration, promotion or management of a consumer or a house building co-operative society substantially for the benefit of employees of the Corporation registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force.

- (iii) No employee of the Corporation may accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority.

50. Investment, Lending and Borrowing

No employee shall, save in the ordinary course of business with a bank, the Life insurance Corporation of India or a firm of standing, borrow money from or land money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family.

51. Insolvency and Habitual Indebtedness

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

52. Movable, Immovable and Valuable Property

- i) No employee of the Corporation shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family.
- ii) No employee of the Corporation shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate.
- iii) Every employee of the Corporation shall report to the Competent Authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family if the value of such property exceeds Rs. 10,000 in case of Group 'A5' and group 'B' employees and Rs. 5,000 in case of Group 'C\*' and Group 'D' employees. Amendment 13
- iv) Every employee shall on first appointment in the Corporation submit a return of assets and liabilities in the prescribed form giving the particulars regarding:-

- a) The immovable property inherited by him or owned or acquired by him, 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 if the value of such property exceeds Rs 2,500/-.
- d) Debts and other liabilities incurred by him directly or indirectly;
- e) Every employee shall beginning 1 January, submit a return of immovable property inherited, owned or acquired every year.
- v) The competent authority may, at any time by general or special order, require an employee to submit within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall if so required by the competent authority include details of the means by which or the source from which such property was acquired.
- vi) No employee of the Corporation shall make or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties. Further, no employee of the Corporation shall purchase shares out of the quota reserved for friends and associates of Directors of Companies.  
Explanation - For the purposes of this sub regulation, members of family shall include, -
  - (a) the wife or husband as the case may be, of the employee, whether residing with the employee or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of the competent Court;
  - b) Son or Daughter or step son or step daughter of the employee wholly dependent upon him, but does not include a child or step child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law;
  - c) Any other person related, whether by blood or marriage to the employee or to the employee's wife or husband and wholly dependent on the employee.
- vii) Every employee of the Corporation shall report to the competent authority about investments made in shares, securities, debentures or mutual fund scheme etc., If the total transaction during a calendar year exceeds Rs. 50,000 in case of Group TV and Group 'B' employees and Rs. 25,000 in case of Group 'C' and Group 'D' employees



### 53. Canvassing of non official or other Influence

No employee shall bring or attempt to bring any outside influence to bear upon any Superior Authority to further his interests in respect of matters pertaining to his service in the Corporation.

### 54. Restriction Regarding Marriage

- i) No employee shall enter into or contract a marriage with a person having a spouse living; and
- ii) No employee, having a spouse living, shall enter into or contract a marriage with any person:  
Provided that the Board of Directors may permit an employee to enter into or ) contract any such marriage as is referred to in sub-regulation (i) or sub regulation (ii) above if it is satisfied that:-
  - a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
  - b) there are other grounds for so doing. I
- iii) An employee who has married or marries a person other than that of Indian : nationality, shall forthwith intimate the fact to the Corporation. I

### 55. Consumption of Intoxicating Drinks and Drugs

An employee of the Corporation shall take due care that the performance of his [ duties is not affected in any way by the influence of any intoxicating drinks of drug. I

### 56. Suspension

- i) The appointing authority or any authority to which it is subordinate or the j disciplinary authority or any authority empowered in that behalf by the management by general or special order may place an employee under suspension >
  - a) Where disciplinary Proceeding against him is contemplated or is pending; or
  - b) Where case against him in respect of any criminal offence is under | investigation or trial.
- ii) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 Hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority and shall remain under suspension until further orders.
- iii) Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these 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 the original order of dismissal or removal and shall remain in force until further orders.
- iv) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decided to hold a further inquiry against him on the a legations on which the penalty of dismissal or removal was originally

imposed the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and 5-a cont r je 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" Amendment11

- v) An order of suspension made or deemed to have been made under this regulation may any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

#### 57. Subsistence Allowance

- i) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 percent of his basic pay provided that the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to Dearness allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension provided the suspending authority is satisfied that the employee continues to meet the expenditure for which such compensatory allowance was granted.
- ii) Where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows
  - a) The amount of subsistence allowance may be increased to 75 percent of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee under suspension,
  - b) The amount of subsistence allowance may be reduced to 25 percent of basic pay and allowance thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.

#### 58. Treatment of the period of suspension

- i) When the employee under suspension is reinstated, the competent authority may grant to him the following pay and allowance for the period of suspension:-
  - a) If the employee is not awarded any of the penalties mentioned in regulation 59 the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him; and
  - b) If otherwise, such proportion of pay and allowances as the competent authority may prescribe.

- ii) In cases falling under sub-clause (a) of clause (i), the period of absence from duty shall be treated as period spent on duty and in cases falling under sub-clause (b) of the said clause, it shall be decided as per the rules and orders issued by the Central Government in respect of treatment of period of suspension in respect of Central Government employees. Amendment29

59. Penalties

The following penalties may be imposed on an employee of the Corporation for any good and sufficient reasons, namely:

Minor Penalties: -

- 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 Corporation by negligence or breach of orders;
- (iv) (a) Reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect and not adversely affecting his retirement benefits;
- v) Withholding of Increments of pay;

**Major Penalties:**

- vi) Save as provided for in clause (iv)(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 employee of the Corporation will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay
- vii) Reduction of lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee of the Corporation 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 employee of the Corporation was reduced and his seniority and pay on such restoration to that grade, post or service:
- viii) Compulsory Retirement;
- ix) Removal from service which shall not be a disqualification for future employment under the Corporation;
- x) Dismissal from service which shall ordinarily be a disqualification for future employment under the Corporation;  
Provided that in very case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clauses (ix) and (x) shall be imposed.  
Provided further that in any exceptional case and for special reasons to be recorded in writing, any other penalty may be imposed.

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

- i) Withholding of increment of an employee of the Corporation for his failure to pass any departmental examination in accordance with the

- rule or orders governing the Service to which he belongs or post which he holds or the terms of his appointments.
- ii) Stoppage of an employee of the Corporation 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 employee of the Corporation, whether in a regular or on probation, after consideration of his case to a service, grade or post for promotion to which he is eligible
  - iv) Reversion of an employee of the Corporation working in a higher service, grade or post to a lower 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 employee of the Corporation, 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 rules and orders governing such probation;
  - vi) Replacement of the services of an employee whose services had been borrowed from the Central or the State Government or any authority under the control of the Central or the State Government, at the disposal of the Central or the State Government or the authority from which the services of such employee of the Corporation had been borrowed;
  - vii) Compulsory retirement of an employee of the Corporation in accordance with the provisions relating to his superannuation or retirement,
  - viii) Termination of the services:
    - a) Of an employee of the Corporation 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 employee of the Corporation in accordance with the provisions of regulation 20 of the Central Warehousing Corporation (Staff) Regulations, 1986, or
    - c) Of an employee of the Corporation, employed under an agreement, in accordance with the terms of such agreement." Amendment25

#### 60. Disciplinary Authority

The disciplinary authority as specified in the Appendix-I or any authority higher than it may impose any of the penalties specified in regulation 59 on any employee.

#### 61. Procedure for imposing penalties

- i) No order imposing any of the major penalties specified in clauses (VI) to (x) and (h) of regulation 59 shall be made except after an inquiry is held in accordance with this regulation
- ii) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may enquire into or appoint any public servant or a retired

official of Corporation not below the rank of manager or from other Public Sector Undertakings of equivalent level or a retired officer from the Central Government not below the rank of Deputy Secretary as Inquiry Officer (hereinafter called the inquiring authority), for conducting departmental inquiries to enquire into the truth thereof, at such fee, terms and conditions as approved by Board of Directors from time to time". <sup>amendment 25</sup>

- iii) Where it is proposed to hold an inquiry, the disciplinary authority shall frame definite charges on the basis of the allegations against the employee. The charges together with a statement of the allegations on which they are based, a list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained shall be communicated in writing to the employee who shall be required to submit within such time, not exceeding 15 days, as may be specified by the disciplinary authority a written statement whether he admits or denies any or all of the article of charges.

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

- iv) On receipt of the written statement of the employee or if no such statement is received within the time specified, an enquiry may be held by the disciplinary authority itself, or by any other public servant appointed as an inquiry authority under sub clause (ii):

Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The disciplinary authority shall however, record its findings on each such charge.

- v) There the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order, appoint any employee of the Corporation or a public servant to be known as the Presenting Officer to present on its behalf the case in support of the articles of charge.

- vi) (A) The employee may take the assistance of any other employee of the Corporation but shall not engage a legal practitioner for the purpose, unless the person nominated by the disciplinary authority is a legal practitioner, subject to the following conditions, namely:-

- a) the employee shall not have in any manner been associated with the case at investigation stage or otherwise in his official capacity;
  - b) the employee shall not act as a defence assistant in more than three cases at a time and he will satisfy the inquiring authority that he does not have more than three cases in hand including the case in question;
- (B) the employee may also take the assistance of any retired employee of the corporation subject to the following conditions namely: -
- a) The employees concerned have retired from the service of the Corporation.
  - b) The charged official shall not engage such retired employee, who is a legal practitioner, unless the presenting officer nominated by the disciplinary authority is a legal practitioner;
  - c) The retired employee shall not have in any manner been associated with the case at investigation stage or otherwise in his official capacity, and
  - d) The retired employee shall not act as defence assistant in more than five cases at a time and he shall satisfy the inquiring authority that he does not have more than five cases in hand including the case in question". AMENDMENT 25

- vii) On the date fixed by the inquiring authority, the employee shall appear before the inquiring authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.
- viii) If the employee does not plead guilty the inquiring authority shall adjourn the case to a later date not exceeding thirty days after recording an order that the employee may, for the purpose prepare his defense, -
  - a) Inspect the documents listed with the charge sheet.
  - b) Submit a list of additional documents and witnesses that he wants to examine and
  - c) Ask for and be supplied with the copies of the statements of witnesses, if any listed in the charge sheet.

Note : Relevancy of the additional document and the witnesses referred to in regulation viii(b) above will have to be explained by the employee concerned and the documents and the witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the charges under inquiry.
- ix) The inquiring authority shall ask the authority in whose custody or possession the documents are kept for the production of the documents on such date as may be specified.
- x) The authority in whose custody or possession the requisitioned documents are shall arrange to produce the same before the inquiring authority on the date, place and time specified in the requisition notice :  
 Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Corporation. In that event, he shall inform the inquiring authority accordingly.
- xi) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit
- xii) ~~Before~~ the close of the prosecution case, the inquiring authority may, in its 2 see: on allow the Presenting Officer to produce evidence not included in the charge-sheet or may itself call for new evidence or recall or re-examine any witness. In such case, the employee shall be given opportunity to inspect the documentary evidence before it is taken on record or to cross-examine a witness, who has been so summoned.

- xiii) When the case for the disciplinary authority is closed, the employee may be required to state his defence, orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Resenting Officer, if any appointed.
- xiv) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf, if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the disciplinary authority.
- xv) The inquiring authority may after the employee closes his case and shall, if re employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- xvi) After the completion of the production of the evidence, the employee and the presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence.
- xvii) If the employee does not submit the written statement of defence, referred to in subregulation (iii) on or before the date specified for the purpose or does not appear in person or through the Assisting Officer or otherwise fails or refuses to comply with any of the provisions of these regulations, the inquiring authority may hold the enquiry ex-parte.
- xviii) 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 its if Provided that if the succeeding inquiring authority it is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross examine and re-examine any such witnesses as hereinbefore provided.
- (xix) (1) After the conclusion of the inquiry, a report shall be prepared and it shall contain -
  - a) A gist of the articles of charge and the statement of the imputations of misconduct or misbehavior.
  - b) A gist of the defence of the employee in respect of each article of charge.
  - c) An assessment of the evidence in respect of each article of charge.
  - d) The findings on each article of charge and the reasons there of.

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

Provided that the findings on such article of charge shall not be recorded unless the 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.

- (2) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include:-
- a) The report of the enquiry prepared by it under sub-regulation (i).
  - b) The written statement of defence, if any submitted by the employee referred to in sub-regulation (xiii).
  - c) The oral and documentary evidence produced in the course of the inquiry.
  - d) Written briefs referred to in sub-regulation (xvi), if any, and
  - e) The orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

## 62. Action on the Inquiry Report

- i) The disciplinary authority, if it is not itself the inquiring authority, may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provisions of regulation 61 as far as may be practicable.
- ii) 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 on record is sufficient for the purpose.
- iii) If the disciplinary authority, having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in regulation 59 should be imposed on the employee, he shall notwithstanding anything contained in regulation 63, make an order imposing such penalty.
- iv) If the disciplinary authority having regard to his finding on all or any of the article of charge, is of the opinion that no penalty is called for, he may pass an order exonerating the employee concerned.

## 63. Procedure for imposing Minor Penalties

- i) Where it is proposed to impose any of the minor penalties specified in clause (i) to (v) regulation 59, the employee concerned shall be informed in writing of the imputation of misconduct or misbehavior against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days .The defence statement, if any, submitted by the employee shall be taken in to consideration by the disciplinary authority before passing orders.
- ii) the record of the proceeding shall include:
  - a) A copy of the statement of imputations or mis-conduct of misbehavior delivered to the employee.
  - b) His defence statement, if any, and



- c) the orders of the disciplinary authority together with the reason thereof.

63 A. Procedure for disciplinary proceedings after retirement

- i) Any disciplinary, if proceeding, if instituted while the employee was in service, whether before his retirement or during his re-employment, shall, after the retirement of the employee, be continued and concluded by the authority by which it was as commenced, in the same manner, as if the employee had continued in service
- ii) During the pendency of the disciplinary proceeding, the disciplinary authority may withhold payment of gratuity for ordering the recovery from gratuity of the whole or part any pecuniary loss caused to the Corporation, if, the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offence or misconduct as mentioned in the relevant sections of the payment of the Gratuity Act, 1972 (39 of 1972) or to have caused pecuniary loss to the Corporation by misconduct or negligence during this service, including service rendered on deputation or on re-employment after retirement, provided that the provisions of relevant of the Payment of Gratuity Act, 1972 shall be kept in view in the event of delayed payment, in case, the employee is fully exonerated" Amendment25

64. Communication of Orders

Orders made by the disciplinary authority under regulation 61, 62 or 63 shall be communicated to the employee concerned who shall also be supplied with a copy of the report of inquiry, if any.

65. Common Proceedings

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

66. Special Procedure in Certain Cases

Notwithstanding anything contained in regulation 61, 62 or 63, the disciplinary authority may impose any of the penalties specified in regulation 59 under any of the following circumstances: -

- i) The employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these regulations.

67. Employee on Deputation from the Central Government or the State Government

- i) Where an order of suspension is made or disciplinary proceeding is taken against an employee who is on deputation to the Corporation from the Central or State Government or another public undertaking or

- a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be.
- ii) In the light of the findings of the disciplinary proceedings taken against the employee:-
- (a) If the disciplinary authority is of the opinion that any of the minor penalties should be imposed on him, he may pass such orders on the case as he deems necessary after consultation with the Lending Authority. Provided that in the event of a difference of opinion between the Disciplinary and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority.
- (b) If the disciplinary authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.
- iii) if the employee submits an appeal against an order imposing a minor penalty on him under sub-regulation (ii)(a), it will be disposed of after consultation with the Lending Authority :

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

## 68. Appeals

- i) An employee may appeal against an order imposing upon him any of the penalties specified in regulation 59. The appeal shall lie to the authority specified in appendix-I.
- ii) An appeal shall be preferred within forty five days from the date of communication of the order appealed against:  
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 : referring the appeal within such time
- iii) the appeal shall be addressed to appellate authority specified in Appendix-I and Submitted to the authority whose order is appealed against. The appeal shall be treated to have been filed on the day on which it was submitted to the authority whose order is appealed against and such authority shall forward the appeal together with its comments and the records of the case to the appellate authority within fifteen days therefrom. The appellant authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months from the date of the receipt of appeal. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to any other

authority with such direction as it may deem fit in the circumstances of the case.

provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (vi) to (x) of Regulation 59 and an inquiry as provided in Regulation 61 has not already been held in the case, the appellate Authority shall direct that such an inquiry be held in accordance with the provisions of Regulation 61 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held as provided in Regulation 61, the appellate authority shall give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final order after taking into account the representation, if any submitted by the employee". <sup>Amendment5</sup>

#### 69. Review

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

Provided that if the enhanced penalty which the reviewing authority proposes to impose, is a major penalty specified in clauses (vi), to (x) of regulation 59 and an inquiry as provided under regulation 61 has not already been held in the case, the reviewing authority shall direct that such an inquiry be held in accordance with the provisions of regulation 61 and thereafter, consider the record of the inquiry and pass such order as it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of regulation 61, the reviewing authority shall issue show-cause notice to the employee as to why the enhance penalty should no be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

#### 70. Service of Orders, Notices etc.

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

#### 71. Power to relax time limit and condone delay

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

#### 72. Repeal and Saving

- (i) The Central Warehousing Corporation (Staff) Regulations, 1966 are hereby repealed.

- (ii) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the regulations so repealed shall in so far as it is not inconsistent with the provisions of these regulations, be deemed to have been done or taken under the corresponding provisions of these regulations.