



HOTEL CORPORATION OF INDIA LIMITED

EMPLOYEES' SERVICE REGULATIONS

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HOTEL CORPORATION OF INDIA LIMITED
EMPLOYEES' SERVICE REGULATIONS

CHAPTER -I

PRELIMINARY

1. Short Title:

These regulations may be called the Hotel Corporation of India Limited Employees' Service Regulations, and define the conditions of service of the employees of the Corporation. They are based on a recognition of the fact that the Hotel Industry by its very nature has to run round the clock on all days of the year and the customer's service and satisfaction is the *raison D'etre* of the industry.

2. Commencements and Scope:

- i) These regulations shall come into force on and from the date of notification by the Corporation and shall apply to all employees of the Corporation; Provided that in respect of temporary, casual, substitute, part-time trainees and apprentices, the Corporation may exclude or limit the application of any of these regulations.
- ii) Nothing contained in these regulations shall have the effect of altering the terms of any contract of employment which may exist between the Corporation and any of its employees, or the provisions of any special law for the time being in force.

3. Definations:

In these regulations, unless the context otherwise require:

- a) "Board" means Board of Directors of the Corporation and includes, in relation to the exercise of powers, any Committee of the Board or any Officers of the Corporation to whom the Board delegates any of its powers.
- b) "Corporation" means Hotel Corporation of India Ltd.
- c) "Chairman" means the Chairman of the Corporation.
- d) "Chief Executive Officer/Director" means the Chief Executive Officer/Director of the Corporation.
- e) "Government" means the Government of India.
- f) "Competent Authority" means in relation to the exercise of any power the Corporation, the Chairman, the Chief Executive Officer/Director, Head of the Department or any other officer specified in that behalf.
- g) "Disciplinary Authority" means the authority specified in the Schedule to Conduct, Discipline and Appeal regulations (Chapter IX).
- h) "Appointing Authority" means authority empowered by the Chief Executive Officer, Head of the Department or any other Officer specified in that behalf to appoint an employee.
- i) "Head of Department" means any person appointed as such holding charge of a Department and any other officer as designated by the corporation generally or for any specific purpose.
- j) "Employee" means a person in the service of the Corporation. Employees may be classified into permanent or temporary or part time employees or as probationers or substitutes or as officers or executives or as supervisory or non-supervisory staff or as clerks or technicians, or further classified as skilled, semi-skilled and unskilled workers.
- k) "Public Servant" Shall mean and include a person as mentioned in Section 21 of Indian Penal Code as amended from time to time.
- l) "Family" includes the employees' wife and legitimate children residing with the dependent upon him.

- m) "Month" means the according to the Gregorian Calendar.
- n) "Pay" means the amount drawn monthly by the employee as:
 - a) Basis pay or basic wages in the grade of the post held by him substantively or in an officiating capacity, and
 - b) Personal pay granted to save an employee from loss of basic pay or an other personal considerations, and
 - c) Any other emoluments which may be classed as pay for any specific purpose.
- o) "Temporary Transfer" means transfer for a limited period not exceeding one year from the date of posting to the place of transfer.

4. **Administrative Orders :**

In addition to the provisions contained in the relevant enactment and these Regulations, the employees shall also be governed by administrative orders which will be issued periodically.

5. **Modification etc. of Regulations:**

Subject to the provision of applicable law if any, the Corporation reserves the right to modify, cancel or amend any or all of these regulations or orders issued thereunder and to give effect thereto from any date which the Corporation may deem fit.

6. **Interpretation:**

The Corporation reserves the right to interpret the meaning of these regulations and any supplementary regulations or orders issued thereunder as well as of Administration Orders issued from time to time and such interpretation shall be final and binding upon all employees and every person interested therein.

CHAPTER - II

CLASSIFICATION OF EMPLOYEES

7. Permanent Employees:

A permanent employee is an employee who has been confirmed in a permanent vacancy on completion of probation prescribed in regulation.

8. Probationer:

A probationer is an employee who is provisionally employed to fill a permanent vacancy and has not yet satisfactorily completed the period of probation. If a permanent employee is appointed on probation in a new post he may, at any time during the probation period, be reverted to his permanent post.

9. Temporary Employee:

A temporary employee is an employee who is engaged by the Corporation for a limited period or for work of a temporary nature.

10. Casual Employee :

A casual employee is an employee who is engaged for work which is essentially or an occasional or casual nature.

11. Substitute Employee:

A Substitute employee is an employee who is appointed to the post of a permanent employee or probationer who is temporarily absent.

12. Part-time Employee:

A part-time employee is an employee who is employed to do work for less than the normal period of working hours.

13. Trainee:

A trainee is a learner who is being trained for a job and who is paid a stipend during his period of training.

14. Apprentice :

An apprentice is a learner who may or may not be paid an allowance during the period of his training.

CHAPTER - III

APPOINTMENT, PROBATION ETC.

15. Medical Examination :

- i) The appointment of every person in a permanent vacancy shall be subject to his being certified medically fit by the Corporation's Medical Officer or any other Registered Medical Practitioner approved in this behalf by the Chief Executive Officer / Director: Provided that the Chief Executive Officer/ Director may, for reasons to be recorded in writing, approve of an appointment notwithstanding the medical opinion expressed, if he is satisfied that the disability reported is not likely to affect the occupational suitability of the employee.
- ii) Every employee shall be subject to medical examination at such interval and in such manner as may be prescribed by the Chief Executive Officer/ Director. The Competent Authority may terminate the services of an employee who is found to be suffering from a communicable disease.

16. Personal Data :

Every employee shall submit to the Competent Authority as may be specified, information regarding his age, address, marital status etc., in the prescribed form. It shall be obligatory on the employee to report any changes in the data so supplied to the authority who had originally called for such information or to the Department designated for the purpose.

17. Fidelity and Security Bonds :

Where the Corporation deems it necessary, employees dealing with cash, stores or property of the Corporation may be called upon to furnish such security as may be prescribed either in cash or in the form of Fidelity/ Security Bonds.

18. Probation :

- i) Every person appointed in or promoted to a permanent vacancy shall, before his confirmation in the post, be required to undergo probation for six months or twelve months as may be prescribed, provided that the stipulated period of probation may be reduced by the Chief Executive Officer/ Director at his discretion or, for reasons to be communicated in writing, extended by the Competent Authority.
- ii) For the purposes of confirmation, increment and privilege leave, the period of probation shall be deemed to have commenced from the first day of the calendar month in cases where the employee joins duty on or before the 15th of that month, and from the first day of the following calendar month in cases where the employee joins duty on or after the 16th of that month.

19. Training :

All employees are liable to undergo training for such period or periods as may be prescribed by the Competent Authority.

20. Provident Fund :

An employee on completing such qualified service as may be laid down in this behalf, shall be required to subscribe to the Corporation's Provident Fund, provided that he may be wholly or partially precluded from so subscribing to the said fund, if he is required to subscribe to any other Superannuation or Pension Fund or a Statutory Provident Fund : Provided further that the Corporation may, in its discretion, permit an employee employed on special contract to become a member of the said Fund on such terms as the Corporation may decide in each case.

CHAPTER - IV

SECURITY MEASURES

21. Liability to Search etc. :

- i) No employee shall enter or leave the Corporation's premises except by the gate or gates specified for the purpose.
- ii) All the employees are liable on entering/ leaving or while inside the premises of the Corporation, to be searched by the person authorized by the Competent Authority provided that the female employee shall be searched by female or in the presence of a male employee except with her consent.

22. Identity Card :

- i) Every employee shall be provided with an identity card containing such particulars as may be prescribed from time to time. The cost of photograph, where required, shall be borne by the employee.
- ii) The identity card shall be carried at all times while on duty and should be produced when required to any person authorized by the Corporation and should be worn when required to do so by the Competent Authority.
- iii) An employee reporting for duty without the identity card is liable to be refused entry and shall be treated as absent.
- iv) The loss of identity card shall be reported immediately to the concerned authority who would arrange a duplicate identity card on payment of such charges as may be laid down in this behalf. Failure to report the loss within a reasonable time shall render the employee liable to disciplinary action.
- v) On the cessation of his service in the Corporation every employee shall deposit the identity card with the designated officer and obtain a clearance to that effect. Failure to do so would entitle the Corporation to deduct such sum as may be specified, while settling his account.
- vi) The identity card shall not be transferable and there shall be no tampering with the identity card.

23. Presence Outside Working hours :

All employees who wish to visit the premises of the Corporation outside working hours must obtain prior permission of the Competent Authority. Such a permission may be obtained from the Department Head or time office.

24. Gate Passes :

No item of food or beverage or any other property of the Corporation may be taken out of the premises without a Gate Pass. Gate Passes are issued by Departmental Heads or Sectional Heads. Such articles should be liable to inspection by any person authorized in this behalf.

25. Prohibition on Visitors :

No employee shall be allowed to meet any visitor in the Corporation's premises except with such prior permission as may be prescribed in this behalf.

26. Undesirable Elements :

It shall be the duty of every employee to draw the attention of his sectional or divisional head or supervisor to the presence of undesirable elements on the Corporation's premises.

27. Co-operation with Security Staff :

All employees shall co-operate with the Security staff in the discharge of the latter's duties.

CHAPTER -V

ATTENDANCE, LATE COMING & SHIFT WORKING

28. Registering of Attendance :

All employees shall comply with the instructions issued from time to time relating to the check the time of arrival and departure.

29. Shift working:

Subject to provision of applicable law, an employee shall be liable to work on shift /shifts as may be necessary, which shall change to such periods as may be specified by the Competent Authority. If more than one shift is worked, an employee shall be liable to be transferred from one shift to another. The employees shall not change their shifts inter-se without the prior permission of the Competent Authority.

30. Duty Hours:

The duty hours for each category of employees and for each shift shall be fixed by the Competent Authority and displayed on the notice board. The hours of work are liable to be revised to meet varying workload, arising out of requirements of work and better utilization of manpower and employees shall adhere to such revised working hours as and when prescribed.

All employees shall comply with the order issued from time to time relating to attendance, hours of work, shifts, change over, rest intervals or rest pauses and such other matters.

31. Overtime:

Any employee may be required by the Competent Authority to work overtime, in which payment of such overtime to these categories who are entitled to it shall be in accordance with the provisions as may be laid down by the Corporation from time to time.

32. Penalty for Absence after recording attendance :

All employees shall be at work at the time and place fixed and notified to them. An employee, after recording his attendance, absents himself from his proper place or places of work during working hours without permission or without sufficient reason, shall be liable to be treated as absent and a proportionate deduction effected from his pay or wages, in accordance with the provisions of the payment of wages Act where applicable.

33. Late attendance:

The pay or wages of an employee will be liable to deduction for late attendance for every 15 minutes or part thereof provided that an employee reporting late for more than half an hour may be refused permission to work and may be treated as absent for the day. Habitual late attendance will constitute misconduct for the purpose of Regulation 60 (8) and render an employee liable to disciplinary action.

34. Holidays:

26th January, 15th August and 2nd October will be observed as paid holidays each year. In addition to these, employees will be allowed festival holidays in a calendar year, from among the holidays notified by the Competent Authority provided they inform the Competent Authority two weeks in advance about the religious on which they would like to avail the holiday will be granted an alternative day off in the event of working on such holiday. Employees within the definition of "Workmen" as given in the Industrial Disputes Act, 1947, shall in addition be paid compensation two times including normal wages for the paid holiday or holiday or granted an alternative day off in lieu of working on such a holiday.

CHAPTER -VI

TRANSFER AND TOURS

35. Liability for Transfer etc.:

An employee is liable to be sent on tour or be transferred from one post, department or section to another provided that his pay, grade and continuity of service are not adversely affected by such transfer.

36. Joining Time:

- i) Subject to the provisions herein after contained, an employee on transfer from one station to another shall be normally allowed joining time as follows:
 - a) Seven days in the case of permanent transfer.
 - b) Three days in the case of temporary transfer.

NOTE : Posting of an employee from one station to Another for any purpose for a period of not Exceeding 30 days will not be treated as temporary transfer for the purpose of this regulation.

- ii) The joining time admissible as above shall be exclusive of days involved in the journey but inclusive of intervening Sundays and holidays.
- iii) However, in the case of temporary transfers, made with immediate effect, the employee concerned may be required to proceed immediately to the station of posting, in which case he will be allowed to return to his permanent situation not earlier than 15 day from the date of arrival at the station of posting and shall thereafter be given off in lieu of joining time due.
- iv) No joining time will normally be admissible to an employee at the end of this temporary transfer. The Competent Authority may, however, with due regard to the period of temporary transfer, allow joining time not exceeding three days as mentioned under sub regulation (i) to enable him to rejoin his permanent station.
- v) During joining time, the employee will not normally be required to attend to official duties, but the Competent Authority may, in the exigencies of work, recall him to duty, in which case the period of joining time shall be extended correspondingly.
- vi) During joining time, the employee will be entitled to the pay and allowance of the post from which he is transferred.

37. Tours:

An employee shall be deemed to be on tour if he is required to proceed on duty to a place beyond a radius of 25 miles from his head- quarters.

38. Class of Travel:

An employee on transfer or tour and his family where permitted shall travel by air, sea, rail or road as may be required by the Competent Authority. The class in which he can travel, where more than one class is available, would be as notified by the Corporation.

39. Allowances:

All employee on transfer or tour, as the case may be, shall be entitled to such travelling and other allowances as the Corporation may lay down from time to time.

CHAPTER – VII

PAY, ALLOWANCES ETC.

40. Pay and Allowances :

The Corporation may determine the scale of pay, allowances or other emoluments applicable to employees from time to time as may be deemed necessary or desirable, provided that pay and allowance of the Chief Executive Officer will be in accordance with the provisions of the Companies Act 1956.

41. Pay and Allowance when Effective :

The pay and allowance of an employee shall be effective from the date from which he joins the post which he is appointed. If he joins the post before the rest interval, the pay and allowance shall be admissible from the same day and, if after the rest interval, from the following day.

42. Fixation of Pay on Promotion : (Amended & Approved in Ref. no. 227th Board Meeting held on 25.06.2014)

- i) "On appointment/promotion to a higher post on a permanent basis, the basic pay of an employee in the lower grade shall first be raised by one increment in the scale applicable to the higher post and then re-fixed at the corresponding stage in that scale provided that":
 - a) If the pay so raised is below the minimum of the higher scale, the pay shall be fixed at the minimum.
 - b) If the pay so raised falls below the middle point between two stages, the fixation of pay in the higher scale shall be made at the nearest lower stage the difference between the pay so fixed and the pay raised as above shall be allowed as personal pay to be absorbed in the next increment.
 - c) If the pay so raised falls at or above the middle point between two stages, the fixation in the higher scale, shall be made at the next higher stage.
- ii) The increment by which the present pay shall be raised under sub-regulation (i) above shall be the increment applicable to:
 - a) The corresponding stage in the higher scale if there is such a stage, or
 - b) The nearest lower stage, if there is no such stage, or
 - c) The initial stage, if the pay in the lower scale is below the initial stage of the higher scale.
- iii) On reversion to his substantive post, the employee appointed to officiate in a higher post shall be entitled to the pay which would have been admissible to him had he not been promoted.

42-A. CURRENT CHARGE : (Amended & Approved in Ref.no.227th Board Meeting held on 25.06.2014)

"when required by the Competent Authority, an employee shall hold current charge of a higher post in addition to his/ her own duties. An employee when required by the Competent Authority to hold current charge of a higher post in addition to his own duties and when such charge is held for a period of not less than 60 days, shall be entitled to a charge allowance at the rate of 10% of his/her basic pay."

43. Disbursement of Salaries :

- i) Pay and allowance of all employees excepting casual employees will be disbursed monthly on such dates and in such manner as the officer authorized on this behalf may notify from time to time.
- ii) Except as provided in Sub-Regulation (iii), no employee will be entitled to receive his pay and allowance in advance of such date.
- iii) An employee proceeding on leave or tour, may, on the sanction of Competent Authority, be paid in advance his pay and allowances for the month or months during which he is on leave or tour,

he is likely to be away from his headquarters on the date or dates appointed for disbursement of pay.

- iv) Where the services of an employee are terminated, his salary due to him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his services are terminated.

44. Increments:

- I) Increments are dependent on business conditions as well as the conduct and ability of the employee and no increment within a grade accrues as of right or as a matter of course. The Competent Authority may on positive grounds grant or, for reasons to be recorded in writing, withheld an increment: Provided that no increment shall be withheld unless (a) the employee is informed in writing of the grounds on which it is proposed to withhold increment and (b) he has been given a reasonable opportunity of showing cause why his increment should not be withheld.
- II) Where in a pay scale an efficiency bar is prescribed, the increment next above the bar shall not be granted without the specific sanction of the Competent Authority.

45. Advance increments :

In any case where an employee has shown outstanding merit or has displayed outstanding loyalty, or devotion to duty, the Chief Executive Officer/Director may, in his sole discretion, sanction to him advance increments as he may deem fit. In such cases, the Chief Executive Officer/Director will also indicate whether the dates of normal increments shall or shall be affected.

46. Secondary Increments :

- i) Subject to the general conditions laid down in Regulation 44(i) and to the provisions of Sub-Regulations (ii) hereof, the employees of such categories as may be specified by the Corporation for a secondary increment for every 3 year's service from the date on which they reach the maximum of their grade.
- ii) The rate of the secondary increment shall be the rate of the increment last drawn by them and the number of such increments shall not exceed three in any one grade.

CHAPTER - VIII

LEAVE

47. Kinds of Leave:

Subject to the condition hereinafter laid down, employee will be eligible for the following types of leave:

- a) Privilege Leave.
- b) Casual/Sick Leave
- c) Special Sick Leave.
- d) Maternity Leave.
- e) Ex-gratia Sick Leave
- f) Quarantine Leave.
- g) Study leave.
- h) Sports Leave.
- i) Extraordinary Leave.
- j) Accident Leave

48. General Condition regarding leave:

- i) The authority empowered to grant leave has the discretion to refuse, postpone, curtail or revoke leave according to the exigencies of service and no leave can be claimed as of right.
- ii) An employee may be required to take such privilege leave as the Competent Authority may decide on giving his reasonable notice. If leave so offered is not availed of by the employee, he shall forfeit it and his leave account shall be debited accordingly.
- iii) All leave shall be applied for in writing in the prescribed application form addressed to the Competent Authority. In case the application is for privilege or Study Leave, such application shall be submitted at least 15 days prior to the date of commencement of leave.
- iv) Sundays or holidays may not be prefixed and /or suffixed to any type of leave except with the prior permission of the Competent Authority. Where so allowed, they shall not be counted as part of the leave.
- v) Sundays or holidays intervening during the period of leave shall count as part of the leave.
- vi) If leave is refused, postponed, curtailed or revoked, the reason therefore shall be recorded in writing and communicated to the employee.
- vii) An employee desiring to extend the leave already granted to him shall apply for such extension well in advance on the expiry of the leave originally sanctioned so that the sanction for the leave or otherwise, can be communicated to him before the expiry of the leave already granted. Absence beyond the period of leave already sanctioned will be treated as unauthorized absence.
- viii) All leave to the credit of an employee shall ordinarily lapse on the date of cessation of his services. Provided that:-
 - a) "The Privilege Leave admissible to an employee on the date of retirement or superannuation or resignation from the services of the Corporation may be en-cashed in lump-sum as a time settlement subject to maximum 300 days at the time of retirement or superannuation or resignation from the services of the Corporation. (Amended & Approved in 168th Board Meeting held on 30.03.2001)
 - b) In the case of death of permanent employee or temporary employee who has completed one year's continuous service, the legal heir/s of the deceased employee, may be paid the leave salary in respect of the privilege leave standing to the credit of the employee on the date of his death. The payment of leave salary is to be made on compassionate grounds and cannot be claimed as of right."
- ix) An employee shall be eligible to en-cash ' Privilege Leave in accordance with the following

conditions :-

- a) The encashment of privilege Leave shall be allowed at the option of an employee.
- b) Maximum period of leave that can be allowed to be en-cashed will be calculated on the basis that after retaining one year's entitlement of privilege leave i.e. 30 days to the credit of the employee, 50% of the balance privilege leave can be en-cashed without any precondition upon the employee concerned to proceed on leave compulsorily for the purpose of such encashment.
- c) Encashment of privilege Leave shall be allowed only once in a calendar year.
- d) For the purpose of encashment of Privilege Leave, only pay as accounted for Provident Fund contribution shall be taken into account.
- e) The rate of encashment per day shall be calculated on the basis of the emolument specified in condition (d) above and drawn by an employee in the month preceding the month in which encashment to privilege leave is sanctioned divided by thirty.
- f) Encashment of privilege leave will be authorized by the Departmental Head for staff of his Department and by the Unit Head for the Departmental Heads.
- g) No encashment of privilege leave shall be permissible to an employee during the period of his suspension from service.
- h) No deduction other than income tax shall be made from the amount payable if the encashment is for a period less than thirty days.
- i) The amount payable towards the Privilege Leave allowed to be en-cashed shall not be reckoned as pay for any purpose including Provident Fund Contribution.
- j) The period of Privilege Leave permitted to be en-cashed shall not be reckoned for the purpose of earning privilege leave or any other kind of leave.
- k) The benefits of encashment of privilege leave shall not be admissible to :-
 - i) Employees on contract.
 - ii) Temporary employees.
 - iii) Apprentices and Trainees.
 - iv) Employees appointed for a specific project.
 - v) Employees who resign or whose services are terminated on disciplinary ground.
 - vi) Employees on deputation.

49. Privilege Leave :

- i) Every employee who has worked during the first year of service, except those serving under contract shall be entitled to leave with pay for 30 days and thereafter leave will be credited/allowed on half yearly basis on 1st July and 1st January subject to condition of the employee working during a half year except that leave for the period from the date of his completing one year of service till the end of that half year viz. 1st July or 1st January, shall be calculated on pro-rata basis, the employee being entitled to leave for the number of days for which bears to 30 days for one year service the same proportion as the number of days for which the employee worked, except that leave with pay will not be admissible for unauthorized absence from duty, leave authorized without pay study leave, extraordinary leave, sports leave etc.

The only exception to this rule being that the employees who retire from the services of the Corporation on attaining superannuation would also be entitled to leave calculated on pro-rata basis for the period of service in the year of superannuation.

Explanation : For these purpose any days of lay-off by agreement or contract or any maternity leave not exceeding 12 weeks and any leave enjoyed with pay and allowance shall be deemed to be days on which the employee has worked.

50. Casual / Sick Leave :

- i) An employee will be eligible for 10 days casual leave and 10 days sick leave with pay in a

calendar year. An employee with less than year's service will be granted casual leave on pro-rata basis.

- ii) a) Casual leave shall not be accumulated nor shall it be combined with any type of paid leave. However, sick leave can be accumulated up to 120 days with full pay.
- b) An employee under retirement under Regulation No.94 of HCI Employee's Service Regulations shall be eligible to en-cash Sick Leave standing to his/her credit at the time of retirement subject to a maximum of 120 days provided the employee has a minimum of 40 days Sick Leave to his /her credit. The encashment of Sick Leave would also be extended to the Legal heirs of the employee in case of death while in service but without stipulation of a minimum balance of 40 days. (Amended & Approved in 148th Board Meeting held on 18.12.1996)
- For the purpose of encashment of Sick Leave only pay as counted for the Provident Fund contribution shall be taken into account.
- iii) Medical officer or any other Registered Medical Practitioner whose certificate is accepted by the Competent Authority: Provided that in the case of employees governed by the Employees' State Insurance Act, a certificate of Insurance Medical Practitioner will be required irrespective of the duration of the sick leave.
- iv) Notwithstanding anything contained in sub-regulation (i) above, the salary payable to an employee for sick leave will be subject to adjustment in respect of any cash benefit to which he/she is eligible, under the Employee's State Insurance Scheme.

51. Special Sick Leave :

- (i) Subject to the conditions hereinafter mentioned, Special Sick Leave will be admissible to employees at the rates and in the circumstances specified below-
At the rate of thirty days on half basic pay in respect of each completed year of continuous service, the cases where the employee is suffering from:
 - a) tuberculosis,
 - b) leprosy,
 - c) cancer,
 - d) organic heart diseases requiring hospitalization and / or prolonged rest in bed,
 - e) paralysis of vascular, infective or degenerative origin affecting one or more limbs (multiple sclerosis like bell's palsy is not included in this category),
 - f) significant mental illness treated in a Government Mental Hospital (in such Case a certificate from the following authorities regularizing sickness will be accepted by the Corporation, subject to the approval of the same by the Chief Medical Officer of the Corporation):-
 - 1) Hospital Superintendent or any other Competent Authority of a Government Mental Hospital empowered to issue such a certificate.
 - 2) A Psychiatrist or Air-India panel of Specialists attached to a Government Hospital or private hospital or nursing home.
 - g) On the basis of the recommendation of the Corporation's Chief Medical Officer, special sick leave will also be admissible in cases where the employee is suffering from the following diseases or ailments of injury, provided the employee has hospitalized continuously for more than three months on account of any one or more of the diseases or ailments or injuries mentioned below:-
 - (1) head injury,
 - (2) fracture of bones,
 - (3) injury to any internal organ,
 - (4) renal (kidney) failure,
 - (5) hepatic (liver) failure,
 - (6) respiratory failure,

- (7) bone marrow failure,
- (8) unconsciousness from any cause,
- (9) brain abscess,
- (10) liver abscess,
- (11) abscess of the bone (osteomyelitis),
- (12) sub-diaphragmatic abscess,
- (13) intra-abdominal abscess,
- (14) empyema,
- (15) intra-cranial aneurysms or vascular abnormalities requiring surgical treatment,
- (16) Collagen diseases listed below :
 - a) Systemic lupus erythematosus
 - b) Polyarteritis nodosa
 - c) Progressive systemic sclerosis
 - d) Polymyositis,
- (17) rheumatic polyarthritis,
- (18) rheumatoid arthritis,
- (19) septic arthritis,
- (20) sarcoidosis,
- (21) Crohn's diseases,
- (22) ulcerative colitis,
- (23) cirrhosis of the liver and its sequelae,
- (24) peptic ulcer and its sequelae,
- (25) hyper or hypofunction of the endocrine glands,
- (26) glaucoma,
- (27) prolapsed intervertebral disc and its sequelae,
- (28) demyelinating diseases,
- (29) myasthenia gravis,
- (30) coronary thrombosis and its sequelae.

(ii) The leave admissible under this Regulation can be accumulated up to a maximum limit of 180 days during the entire period of his service.

(a) after all other type of paid leave are exhausted.

52. Maternity Leave :

- (i) The female employee not covered under the Employee's State Insurance Scheme having more than 80 days continuous service will be eligible for maternity leave with full pay for a period of 12 weeks of which not more than six weeks shall precede the day of delivery.
- (ii) In case of miscarriage, such employees will be eligible for maternity leave for a period of six weeks immediately following the day of miscarriage.

NOTE: "MISCARRIAGE" means expulsion of the contents of pregnant uterus at any period prior to or during the 26th week of pregnancy, but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code (45 of 1960).

53. Ex-gratia Sick Leave:

The Chief Executive Officer/ Director may, in his discretion grant or authorize any other officer to grant in deserving cases Ex-gratia Sick Leave as follows to permanent employees :

- (i) 30 days leave with half basic pay and half dearness allowance as may be admissible, for every two years of completed service subject to a maximum of 60 days during the entire period of the employee's service.

- (ii) Ex-gratia Sick Leave will commence only after an employee has exhausted all other categories of paid leave.

54. Quarantine Leave :

- I) An employee may, on production of quarantine certificate issued by a Government or Municipal Medical authority or the Medical Officer of the Corporation, be granted quarantine leave with pay for a period not exceeding 7 days.
- II) Quarantine Leave is to be granted in case of cholera, small pox, plague, dyptheria, typhus fever, measles and cerebrospinal meningitis
- III) Quarantine Leave is not admissible to cases in which an employee himself is suffering from an infectious disease. In such cases, he will be given the normal casual/sick or privilege leave, as may be due.

55. Study Leave :

Study leave may be granted by the Chief Executive Officer/Director in accordance with the procedure prescribed by the Corporation.

56. Sports Leave :

An employee selected to represent the Country or the State or the Corporation in any form of competitive sport or called for trials, test or training connected with proceeding such selection may, at the discretion of the Competent Authority be granted Sports Leave with pay for such periods as may be necessary but not exceeding 30 days in a financial year.

57. Extraordinary Leave :

Any leave granted to any employee in excess of leave with pay admissible to him shall be without pay unless the Chief Executive Officer/Director, on compassionate grounds, permits any part or whole of such leave to be treated as leave with pay debitable to the employee's future leave account.

58. Emoluments during Leave :

Except as otherwise expressly provided in any of these Regulations, an employee shall, during the period of his leave with pay, be eligible for drawing such allowances, in addition to his pay, as the Corporation may prescribe from time to time.

58.A Accident Leave :

An employee not covered under the Employees State Insurance Scheme, who is injured in an Accident during the course of employment, on production of Medical Certificate from the Medical Officer of the Corporation, at the discretion of the Competent Authority be granted Accident Leave with pay not exceeding 90 days, provided that the accident while on duty was not due to the employee's own negligence or default and that he has complied with all the instructions of the Corporation's Medical Officer in regard to his treatment.

CHAPTER - IX

CONDUCT, DISCIPLINE AND APPEAL (CDA) Rules for CPSEs-2017 (DPE No. 15(07)/99-DPE-GM-VOL-III-FTS-2344 dtd.11.12.2017) (Amended & Approved in 248th Board Meeting held on 18.11.2019)

Rule 1. Short Title and Commencement

- i) These rules may be called as Conduct, Discipline and Appeal (CDA) Rules 2017.
- ii) They shall come into force on 18th November 2019.

Rule 2. Application

These rules shall apply to all employees except

- i) Those in casual employment or paid from contingencies;
- ii) Those governed by the standing orders under the Industrial Disputes Act, 1947.

Rule 3. Definitions

In these rules, unless the context otherwise requires-

- a. CPSE means the Hotel Corporation of India Limited.
- b. Employee means a person in the employment of the CPSE other than the casual, work-charged or contingent staff or workman as defined in the Industrial Disputes Act, 1947, but includes a person on deputation to the CPSE.
- c. Workman means a person as defined in the Industrial Disputes Act 1947 and to whom the provision of these rules shall not apply.
- d. Board means the Board of Directors of the CPSEs and includes in relation to the exercise of powers, any committee of the Board/ management or any officer of the CPSE to whom the Board delegates any of its powers.
- e. Chairman/Chief Executive Officer means the Chairman/Chief Executive Officer of the CPSE.
- f. Disciplinary Authority means the authority specified in the Schedule appended to these rules and competent to impose any of the penalties specified in Rule 23.
- g. Competent Authority means the authority empowered by the Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- h. Government means the Government of India.
- i. Appellate Authority means the authority specified in the Schedule appended to these rules.
- j. Reviewing Authority means the authority specified in the Schedule attached to these rules.
- k. Family in relation to an employee includes:-
 - i. The wife or husband as the case may be of the employee, whether residing with the employee or not but does not include a wife or husband as the case may be separated from the employee by a decree or order of a Competent court.
 - ii. Sons or daughters or stepsons or stepdaughters of the employee and wholly dependent on the employee, but does not include a child or stepchild who is no longer in any way dependent on the employee or of whose custody the employee has been deprived of by or under any law.
 - iii. Any other person related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.
- l. Public servant shall means and includes a person as defined in Section 2(1) (o) read with Section 14 (f) of the Lokpal and Lokayukta Act, 2013 as amended from time to time.
- m. Inquiry Authority means an Employee or Committee of Employees duly constituted under

these rules by disciplinary authority to enquire into allegations of misconduct against one or more than one charge sheeted employee.

Rule 4. General

1. Every employee of the CPSE shall at all times
 - (i) Maintain absolute integrity;
 - (ii) Maintain devotion to duty;
 - (iii) Do nothing which is unbecoming of a public servant;
 - (iv) commit oneself to and uphold the supremacy of the Constitution and democratic values;
 - (v) defend and uphold the sovereignty and integrity of India, the security of the State, order, decency and morality;
 - (vi) maintain high ethical standards and honesty;
 - (vii) maintain political neutrality;
 - (viii) promote the principles of merit, fairness and impartiality in the discharge of duties;
 - (ix) maintain accountability and transparency;
 - (x) maintain responsiveness to the public, particularly to the weaker section;
 - (xi) maintain courtesy and good behavior with the public;
 - (xii) take decisions solely in public interest and use or cause to use public resources effectively and economically;
 - (xiii) declare any private interests relating to the Employee's public duties and take steps to resolve any conflicts in a way that protects the public interest;
 - (xiv) not place oneself under any financial or other obligations to any individual or organization which may influence the employee in the performance of one's official duties;
 - (xv) not misuse one's position as public servant and not take decisions in order to obtain financial or material benefits for oneself, one's family or one's friends;
 - (xvi) make choices, take decisions and make recommendations on merit alone;
 - (xvii) act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;
 - (xviii) refrain from doing anything which is or may be contrary to any law, rules, regulations or established practices;
 - (xix) maintain discipline in the discharge of one's duties and be liable to implement the orders duly communicated to the employee;
 - (xx) maintain confidentiality in the performance of one's official duties as required by any law for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relations with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;
 - (xxi) perform and discharge one's duties with the highest degree of professionalism and dedication to the best of his/her abilities.
2.
 - (i) Every employee of the CPSE holding a supervisory/ managerial post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his/her control and authority.
 - (ii) No Employee of CPSE shall, in the performance of his/her official duties, or in the exercise of powers conferred on the employee, act otherwise than in his/her best judgement except when employee is acting under the direction of his/her official superior;
 - (iii) The direction of the official superior shall ordinarily be in writing. Oral directions to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;
 - (iv) An employee who has received oral direction from his/her official superior shall obtain confirmation of the same in writing as early as possible, whereupon it shall be the duty of the employee to comply with the same.

the official superior to confirm the direction in writing.

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

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

2A. Promptness and Courtesy

No Employee shall

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

2B. Observance of Government's policies

Every Employee shall, at all times-

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

3. Prohibition of sexual harassment of women

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

Explanation. - (1) For the purpose of this rule, -

- (a) "sexual harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely: -
 - (i) physical contact and advances; or
 - (ii) a demand or request for sexual favours; or
 - (iii) making sexually coloured remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.
- (b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -
 - (i) implied or explicit promise of preferential treatment in employment; or
 - (ii) implied or explicit threat of detrimental treatment in employment; or
 - (iii) implied or explicit threat about her present or future employment status; or
 - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - (v) humiliating treatment likely to affect her health or safety.
- (c) "workplace" includes,-
 - (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;

- (ii) hospitals or nursing homes;
- (iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house related to or connected in course of official dealings.

Rule 5. Misconduct

Without Prejudice to the generality of the term "misconduct", the following acts of omission and commission shall be treated as misconduct:-

1. Theft, fraud or dishonesty in connection with the business or property of the CPSE or of property of another person within the premises of the CPSE.
2. Taking or giving bribes or any illegal gratification.
- 2A. Obtaining donations/ advertisement / sponsors hip etc. for the associations/NGOs formed by either employee or their spouse / employee's family members etc. from the contractors, vendors, customers or other persons having commercial relationship / official dealings. This will be treated as misconduct".
3. Possession of pecuniary resources or property disproportionate to the known source of income by the employee or on his/her behalf by another person, which the employee cannot satisfactorily account for.
4. Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
5. Acting in a manner prejudicial to the interests of the Corporation/Company.
6. Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of employee's superior.
7. Absence without leave or over-staying the sanctioned leaves for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
8. Habitual late or irregular attendance.
9. Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
10. Damage to any property of the CPSE.
11. Interference or tampering with any safety devices installed in or about the premises of the CPSE.
12. Drunkenness or riotous or disorderly or indecent behavior in the premises of the CPSE or outside such premises where such behavior is related to or connected with the employment.
13. Gambling within the premises.
14. Smoking within the premises.
15. Collection without the permission of the competent authority of any money within the premises of the CPSE except as sanctioned by any law of the land for the time being in force or rules of the CPSE.
16. Sleeping while on duty.
17. Commission of any act, which amounts to a criminal offence involving moral turpitude.
18. Absence from the employee's appointed place of work without permission or sufficient cause.
19. Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores etc., to the CPSE without express permission in writing from the competent authority.
20. Commission of any acts subversive of discipline or which amount to a criminal offence.
21. Abetment of or attempt at abetment of any act which amounts to misconduct.

Rule 6. Employment of near relatives of the employees in any company or firm enjoying patronage of the CPSE.

1. No employee shall use his/her position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.
2. No employee shall, except with the previous sanction of the competent authority, permit his/her son, daughter or any member of the family to accept employment with any company or firm / entity with which the employee has official dealings, or with any company or firm / entity, having official dealings with the CPSE.

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

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

Rule 7. Taking part in demonstration

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

Rule 7-A. Restriction on political activities of employees of CPSEs'

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

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

Rule 8. Connection with electronic and print Media

1. No employee of the CPSE shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.
2. No, employee of the CPSE shall, except with the previous sanction of the Competent authority or the prescribed authority, or in the bona fide discharge of his/her duties, participate in a broadcast or contribute any article or write any letter either in his/her own name or anonymously, pseudonymously, or in the name of any other person to any publication.

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

Rule 9. Criticism of Government and the CPSE

No employee shall in any electronic and print media or in any document published under his/her name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement:

- a. which has the effect of adverse criticism of any policy or action of the Central or State Governments, or of the CPSE; or
- b. which is capable of embarrassing the relations between the CPSE and the public.

Provided that nothing in these rules shall apply to any statement made or views expressed by an employee, of purely factual nature which are not considered to be of a confidential nature, in his/her official capacity or in due performance of the duties assigned to the employee.

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

Rule 10. Evidence before Committee or any other Authority

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

Rule 11. Unauthorized communication of information

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

Rule 12. Gifts

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

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

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

2. On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee of the CPSE may accept gifts, from his/her near relatives but employee shall make a report to the competent authority if the value of the gift exceeds
 - (i) rupees twenty five thousand in the case of Executives;
 - (ii) rupees fifteen thousand in the case of an Non-Executives;
3. On such occasions as are specified in sub-rule (2), an employee of the CPSE may accept gifts from his/her personal friends having no official dealings with the employee, but employee shall make a report to the competent authority if the value of any such gift exceeds rupees one thousand five hundred in the case of Executives and Non-Executives;
4. In any other case, an employee of the CPSE shall not accept or permit any other member of his/her family or any other person acting on his/her behalf to accept any gifts without the sanction of the competent authority if the value thereof exceeds rupees one thousand five hundred in the case of Executives and Non Executives;

Provided that when more than one gift has been received from the same person/firm within a

period of 12 months, the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds Rs.25,000/-, Rs.15000/- and Rs'.7500/- in case of Executives and Non-Executives respectively.

Rule 12A. No employee of the CPSE shall-

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

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

Rule 13. Private Trade or employment

1. No employee of the CPSE shall except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business or undertake any other employment; Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of literacy, artistic or scientific character, subject to the condition that his/her official duties do not thereby suffer.
2. Every employee of the CPSE shall report to the competent authority; any member of his/her family is engaged in a trade or business or owns or manages an insurance agency or Commission agency.
3. No employee of the CPSE shall, without the previous sanction of the competent authority except in the discharge of his/her official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 2013 or other law for the time being in force or any cooperative society for commercial purposes;
Provided that an employee of the CPSE may take part in the registration, promotion or management of a consumer/House Building Co-operative society substantially for the benefit of employees of the CPSE, registered under the Cooperative Societies Act, 1912 (2 of 1912) or any other law/amendment for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law / amendment in force.
4. No employee of the CPSE shall accept any fee or any pecuniary advantage for any work done by him/her for any public body or any private person without the sanction of the competent authority.

Rule 13-A. With regard to dealing in the shares of CPSEs.

- (i) A full-time Director or any employee involved in the decision making process of fixation of price of an IPO/FPO of shares of a CPSE shall not apply either oneself/herself or through any member of his/her family or through any other person acting on his/her behalf for allotment of shares (which includes all types of equity related instruments) in an IPO/FPO of such CPSE, even out of the category of preferential quota reserved for employees/Directors of the CPSE.
- (ii) Employees including full time Directors who are in possession of unpublished price sensitive information would be prohibited from dealing/transacting either in their own name or through any member of their family in the shares of their own CPSE.
- (iii) Full-time Director or employee or any member of his/her family or any person acting on his/her behalf shall not apply for shares out of any preferential quota reserved for employees/Directors of other companies.
- (iv) Employees would be required to disclose to the CPSE all transactions of purchase/sale in shares worth two months Basic pay or more in value or existing holding/interest in the shares worth Rs. two months Basic pay or more in his/her own CPSE either in his/her own name or in the name of any family member of employee to report to the CPSE indicating quantity, Price, date of transaction and nature of interest within 4 working days.

Rule 14. Investment, lending and borrowing

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

Rule 14-A. Speculation of stock/shares of companies

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

With a view to enable the administrative authorities to keep a watch over such transactions, an intimation may be sent in the Proforma to the prescribed authority in the following cases:

Executives:- If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceed Rs. 50000/- (or as may be specified by CPSE) during the calendar year.

Non-Executives:- If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 25000/- (or as may be specified by CPSE) during the calendar year.

Rule 15. Insolvency and habitual indebtedness

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

Rule 16. Movable, Immovable and valuable property

1. Every employee shall, on first appointment in the CPSE, submit a return of assets and liabilities in the prescribed form giving the particulars regarding:-
 - a. the immovable property inherited by the employee, or owned or acquired by the employee, held by the employee on lease or mortgage, either in his/her own name or in the name of any member of his/her family or in the name of any other person;
 - b. shares, debentures, and cash including bank deposits inherited by the employee (or similarly) owned, acquired, or held by the employee;
 - c. other movable property inherited by the employee or similarly owned, acquired or held by the employee if the value of such property exceeds Rs. 10,000/-.
 - d. debts and other liabilities incurred by employee directly or indirectly;
 - e. every employee shall, beginning 1st January, submit a return of immovable property inherited/owned/acquired once in every two years.
2. No employee shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his/her own name or in the name of any member of his/her family.
3. No employee of the CPSE shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his/her subordinate.
4. Every employee of the CPSE shall report to the competent authority every transaction concerning moveable property owned or held by the employee in his/her own name or the name of a member of his/her family, if the value of such property exceeds Rs. two months Basic Pay (unless otherwise specified by CPSE).
5. The competent authority may, at any time, by general or special order require an employee to submit, within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by the employee or on his/her behalf or by any member of

his/her family as may be specified in the order. Such statement shall, if so required by the competent authority, include details of the means by which, or the source from which such property was acquired.

Explanation I - For the purposes of this rule -
the expression "movable property" includes

- (a) jewellery, insurance policies, the annual premia of which exceeds 'two months' basic pay of the employee, shares, securities and debentures;
- (b) all loans, whether secured or not, advanced or taken by the employee;
- (b) motor cars, motor cycles, horses or any other means of conveyance; and
- (c) refrigerators, radios radiograms and television sets.

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

Rule 17. Canvassing of non-official or other influence

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

Rule 18. Bigamous marriages

- 1. No employee shall enter into, or contract, a marriage with a person having a spouse living; and
- 2. No employee, having a spouse living, shall enter into, or contract, a marriage with any person;
Provided that the Board may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that-
 - a. such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
 - b. There are other grounds for so doing.
- 3. The public sector employee who has married or marries a person other than that of Indian nationality, shall forthwith intimate the fact to his/her employer.

Rule 19. Consumption of intoxicating drinks and drugs

Employee shall -

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

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

Rule 19-A. Prohibition regarding employment of children below 14 years of age.

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

Rule 20. Suspension

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

Rule 21. Subsistence Allowance

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

3. If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date employee is granted bail.

Rule 22. Treatment of the period of suspension

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

Rule 23. Penalties

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

Minor Penalties

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

Major Penalties

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

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

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

Rule 24. Disciplinary-Authority to impose penalties

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

Rule 25. Procedure for imposing major penalties

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

EXPLANATION - Where the disciplinary authority itself holds the inquiry, the inquiring authority shall be construed as a reference to the disciplinary authority.

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

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

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

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

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

5. Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint an employee to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
6. The employee may take the assistance of any other public servant but may not engage a legal Practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, so permits.
7. On the date fixed by the inquiring authority, the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether employee pleads guilty or has any defence to make and if

employee pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the charged sheeted employee concerned pleads guilty.

8. If the employee does not plead guilty, the inquiring authority shall adjourn the case to a later date not exceeding thirty days after recording an order that the charged sheeted employee may, for the purpose of preparing his/her defence:

- i) inspect the documents listed with charge-sheet.
- ii) submit a list of additional documents and witnesses that employee wants to examine; and
- iii) be supplied with the copies of the statements of witnesses, if any, listed in the charge-sheet.

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

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

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

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

11. On the date fixed for the inquiry the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the charged sheeted employee. The Presenting Officer shall be entitled to re-examine the witness on any points on which they have been cross-examined, but not on a new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.
12. Before the close of the prosecution case, the inquiring authority may, in its discretion allow the Presenting Officer to produce evidence not included in the charge sheet or may itself call for new evidence or recall or re-examine any witness. In such case the charged sheeted 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.
13. When the case for the disciplinary authority is closed, the charged sheeted employee may be required to state his/her defence, orally or in writing as employee may prefer. If the defence is made orally, it shall be recorded and the charged sheeted employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.
14. The evidence on behalf of the charged sheeted employee shall then be produced. The charged sheeted employee may examine himself/herself in his/her own behalf if employee so prefers. The witnesses produced by the charged sheeted 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.
15. The Inquiring Authority may, after the charged sheeted employee closes his/her case, and shall, if the employee has not examined himself/herself, generally question the charged sheeted

employee on the circumstances appearing against the charged sheeted employee in the evidence for the purpose of enabling the charged sheeted employee to explain any circumstances appearing in the evidence against him/her.

16. After the completion of the production of the evidence, the charged sheeted 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.
17. If charged sheeted employee does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiring authority may hold the enquiry ex parte.
18. Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

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

19. (i) After the conclusion of the inquiry report shall be prepared and it shall contain-
 - a. a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - b. a gist of the defence of the charged sheeted employee in respect of each article of charge;
 - c. and assessment of the evidence in respect of each article of charge;
 - d. the findings on each article of charge and the reasons therefor.

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

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

- (ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include-
 - a) The report of the inquiry prepared by it under sub-clause (i) above;
 - b) The written statement of defence if any submitted by the employee referred to in sub-rule (13)
 - c) The oral and documentary evidence produced in the course of the inquiry;
 - d) Written briefs referred to in sub-rule (16) if any; and
 - e) The orders if any made by the disciplinary authority and the inquiring authority in regard to the inquiry.
20. (a) The Inquiring Authority should conclude the inquiry and submit his/her report within a period of six months from the date of receipt of order of his/her appointment as Inquiring Authority.
- (b) Where it is not possible to adhere to the time Limit specified in clause (a), the Inquiring Authority may record the reasons and seek extension of time from the disciplinary authority in writing, who may allow an additional time not exceeding six months for completion of the inquiry, at a time.
- (c) The extension for a period not exceeding six months at a time may be allowed for any good and sufficient reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorized by the Disciplinary Authority on his/her behalf.

Rule 26. Action on the inquiry report

- (1) The disciplinary authority may, for reason to be recorded by it in writing remit the case to the inquiring authority for fresh or further inquiry and report and the inquiry authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 25 as far as may be.
- (2) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority, together with its own tentative reasons for disagreement, if any, with the findings of inquiring authority on any article of charge to the employee who shall be required to submit, if employee so desires, his/her written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the employee.
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rule 23 should be imposed on the employee it shall, notwithstanding anything contained in Rule 27 make an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

Rule 26-A In the matter of promotion of employees against whom disciplinary / court proceedings are pending or whose conduct is under investigation, the procedure may be follow in accordance with the 13 (xxiii) of HCI Recruitment & Promotion Rules and Regulations.

Rule 27. Procedure for imposing minor penalties

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of Rule 23, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against the employee and give an opportunity to submit his/her written statement of defence within a specified period not exceeding 15 days. The defence statement, if any, submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
- (2) The record of the proceedings shall include -
 - (i) A copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
 - (ii) His/her defence statement, if any; and
 - (iii) The orders of the disciplinary authority together with the reason therefor.

Rule 28. Communication of orders

Orders made by the Disciplinary Authority under Rule 26 or Rule 27 shall be communicated to the employee concerned, who shall also be supplied with a copy of

- (i) its finding on each article of charge, or
- where the disciplinary authority is not the inquiring authority, a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority and
- (ii) a copy of the advice, if any, given by the Commission, and
- (iii) where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

Rule 29. Common proceedings

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

of them may be taken in a common proceedings and the specified authority may function as the disciplinary authority for the purpose of such common proceedings.

Rule 30. Special procedure in certain cases

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

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

Rule 30-A. Disciplinary proceedings / Imposition of Penalty on Employees after their Retirement.

- (i) The disciplinary authority may impose penalty on delinquent employees on conclusion of such departmental proceedings which were initiated during their service time and have continued beyond the date of their superannuation.
- (ii) Disciplinary proceedings, if instituted while the employee was in service whether before his/her retirement or during his/her re-employment, shall after the final retirement of the employee, be deemed to be proceedings and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
- (iii) During the pendency of the disciplinary proceedings, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the CPSE if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the CPSE by misconduct or negligence, during his/her service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

Rule 31. Employees on deputation from the Central Government or the State Government, etc.

- (i) Where an order of suspension is made or disciplinary proceedings is taken against an employee, who is on deputation to the CPSE from the Central or State Government, or another public undertaking, or a local authority, the authority lending his/her services (hereinafter referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his/her suspension, or the commencement of the disciplinary proceeding, as the case may be.
- (ii) In the light of the findings in the disciplinary proceeding taken against the employee:-
 - (a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on the employee, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority; provided that in the event of a difference of opinion between the Disciplinary and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority.
 - (b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on the employee, it should replace his/her services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.
 - (iii) If the employee submits an appeal against an order imposing a minor penalty on the employee under sub-rule (ii) (a), it will be disposed of after consultation with the Lending Authority; Provided that if there is a difference of opinion between the Appellate Authority and the Lending

Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

Rule 32. Appeals

- (i) An employee may appeal against an order imposing upon the employee any of the penalties specified in rule 23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the authority specified in the schedule.
- (ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the schedule and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the appellate authority within 15 days. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (f) to (j) of Rule 23 and an inquiry as provided in Rule 25 has not already been held in the case, the appellate authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held as provided in Rule 25, the appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon the employee. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Rule 33. Review

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

Provided that if the enhanced penalty, which the reviewing authority purposes to impose; is a major penalty specified in clauses (f) to (j) of Rule 23 and an enquiry as provided under Rule 25 has not already been held in the case, the reviewing authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the enquiry and pass such order as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Rule 25, the reviewing authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon the employee. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Rule 34. Service of orders, notices, etc.

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

Rule 35. Power to relax time-limit and to condone delay

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

Rule 36 Savings

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

Rule 37. Removal of doubts

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

Rule 38. Amendments

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

**SCHEDULE TO CONDUCT, DISCIPLINARY AND APPEAL REGULATIONS
POWER TO AWARD PENALTIES
DISCIPLINARY & APPELATE AUTHORITIES**

The power to award the penalties enumerated in Rules 23 of CONDUCT, DISCIPLINE AND APPEAL (CDA) Rules for CPSES-2017 shall be exercisable by and to the extent specified in the table below:-

Sr.No.	Disciplinary Authority	Nature of Penalty	Employee on Whom Penalty can be imposed	Appellate Authority/Reviewing Authority
1.	General Manager	Any or all	To any employee in salary grade, the maximum basic salary of which does not exceed Rs.9280/-(Grade Rs.6400-160-9280)	Vice President of the concerned Dept.,/Vice President- Administration
2.	General Manager	(a) to (e)	To any employee in salary grade, the maximum basic salary of which does not exceed Rs.16750/-(Grade Rs.10750-300-16750)	Vice President of the concerned Dept.,/Vice President- Administration
3.	Vice President of the concerned Dept.,/Vice President- Administration	Any or all	To any employee in salary grade, the maximum basic salary of which does not exceed Rs.18250/-(Grade Rs.13000-350-18250)	Chief Executive Officer
4.	Vice President of the concerned Dept.,/Vice President- Administration	(a) to (e)	To any employee in salary grade, the maximum basic salary of which does not exceed Rs.18800/-(Grade Rs.15300-350-18800)	Chief Executive Officer
5.	Chief Executive Officer	Any or all	To any employee in salary grade, the maximum basic salary of which does not exceed Rs.22300/-(Grade Rs.17500-400-22300)	Chairman
6.	Chief Executive Officer	(a) to (e)	To any employee in salary grade, the maximum basic salary of which does not exceed Rs.22900/-(Grade Rs.18500-450-22900)	Chairman
7.	Chairman	Any or all	To any employee	Board

CHAPTER- X

CESSATION OF SERVICE

59. Retiring Age:

- (i) Subject to the provisions of sub-regulation (ii) & (iv) hereof, an employee shall retire from the services of the Corporation upon attaining the age of 58 years, except in the following cases and he/she shall retire earlier." AMENDED & APPROVED IN 226TH BOARD MEETING HELD ON 20.01.2014 AT NEW DELHI
- a) An employee, upon becoming medically unfit for carrying out his/her duties, after giving one month's notice.
- b) A female receptionist, upon attaining the age of 40 years.
- (ii) The Chief Executive Officer may require an employee to retire after he attains the age of 55 years on giving three month's notice in writing without assigning any reason. An employee may also on giving three month's notice in writing, retire voluntarily after the age of 55 years or subject to approval in writing of the Chief Executive Officer, at any time on completion of a continuous service of not less than 25 years.

NOTE : For the purpose of this Regulation the term "Continuous Services" shall include uninterrupted service rendered before joining the Corporation under Central Government, State Government, Defence Services, Public Sector Undertakings owned or controlled by Government, Autonomous Organizations and other Governmental Agencies, provided that there is no break between the date of leaving the service in the above mentioned organizations and the date of joining the service in the Corporation. For the purpose of this regulation, if the intervening period between cessation of service under Government and other agencies mentioned above and the date of joining the services in Corporation does not exceed the normal joining time admissible under the Central Government Rules on transfer to join the duties of a new post, such intervening period shall not be treated as "Break".

- (i) Except as otherwise provided in this regulation, an employee shall retire from the service of the Corporation on the afternoon of the last day of the month in which the employee attains the age of superannuation or completes the age of retirement.
- (ii) The Chief Executive Officer may pre-maturely retire an employee who has attained the age of 50 years and is considered medically unfit, inefficient or of doubtful integrity.

The Chief Executive Officer will exercise this power in respect of employees in the salary grade the maximum of basic pay of which does not exceed Rs.22,300/-

In respect of all other employees this power will be exercised by the Chairman of the Company.

However, this provision will not apply to employees who are covered under the Industrial Disputes Act, 1947.

NOTE : This provision for premature retirement on medical grounds under Regulation 94 (iv) is independent of and without prejudice to the right of the Company under the contract of employment or under Regulation 94(i) to dispense with the Services of an employee on one month's notice inter-alia on grounds of medical unfitness in case of an employee who might not have been even attained the age of 50 years.

60. Extension Of Service:

Notwithstanding anything contained in Regulation 94, the services of any employee, may at the option of the Chief Executive Officer/ Vice President but on the employee being found medically fit, be extended for one year at a time beyond the age of retirement.

61. Termination :

- (i) The services of any employee may be terminated without assigning any reason as under:-

- a) of a permanent employee by giving him 30 days notice in writing or pay in lieu of notice.
- b) the notice period in regard to other employees will be in accordance with the provisions of law applicable to them;
- c) provided that such notice shall not be necessary when services of such employees are dispensed with for misconduct.

Explanation :

- i. For the purpose of Regulation, the word "Pay" shall include all emoluments which would be admissible if he were on privilege leave.
- ii. The employment of casual and substitute employee shall automatically cease after the expiry of the period for which they were engaged.

62. Resignation :

- i. No employee shall resign from the services of the Corporation except by giving such notice as he would have received under Regulation 96 if his services were to be terminated, or compensation in lieu of such notice, unless, at the request of the employee, the notice is waived or shorter notice accepted in writing by the Competent Authority. Such compensation shall be equivalent to the amount of the pay as defined in the explanation to Regulation 96 which the employee would have drawn during the period by which the notice falls short of the prescribed period, and shall be deemed to be a liability owned to the Corporation for the purpose of deduction from Provident Fund.
- ii. A resignation given under (i) above may be accepted
 - a) With immediate effect or at any time before the expiry of the period of notice, in which case the employee shall be paid his salary in respect of the entire period or notice given by him.
 - b) However, it may kindly be noted that the Corporation reserves the right not to accept your resignation if disciplinary proceeding are pending against you, or a decision has been taken by the Competent Authority to initiate disciplinary proceeding which has been communicated to the employee.
- iii. In case a shorter period of notice is accepted at the request of the employee, he shall be entitled to receive his pay and allowances only for the actual number of days worked.
- iv. If an employee leaves the services of the Corporation without giving any notice or by giving inadequate notice, such resignation shall be liable to be construed as a misconduct and may entail any of the punishments prescribed under Regulation 78.
- v. Notwithstanding anything contained in clauses (i) to (iii) above, an employee shall not be entitled to tender his resignation tendered by him shall not be effective or operative against the Corporation if at the time when such resignation is tendered, disciplinary action is to be taken against him by the appropriate authority.

63. Voluntary Abandonment Of Services :

- i. An employee remaining absent for 8 days or more without leave shall be considered to have voluntarily abandoned service with effect from the days of such absence.
- ii. An employee remaining absent beyond the period of leave originally granted, or subsequently extended, shall lose his lien on his job unless he returns :
 - a) Within 8 days of expiry of leave and;
 - b) Give satisfactory explanation for his inability to join duty on a stipulated date.

CHAPTER XI

COMPENSATION

64. Compensation:

- i. All employees who are "working" within the meaning of Workmen's Compensation Act will be governed by the said Act.
- ii. In the event of death or disablement while on duty, by an accident to an employee not governed by the workmen's Compensation Act or the Employee's State Insurance Act, or in the event of loss or damage to the personal belongings caused while the employee is travelling on duty, the Corporation may pay compensation to him or to his legal representative/s as the case may be at such rates and on such conditions as it may lay down from time to time, unless such accident loss or damage is attributable to his own negligence, default or breach of instruction.

CHAPTER XII

SUSPENSION OF WORK

65. Closure :

- i. Any or all employees of the Corporation may be laid-off or retrenched as provided for in the Industrial Disputes Act 1947.
- ii. The Corporation shall have the right to shut down, either wholly or partially any department or section or sections due to adverse trade condition such as stoppages, lockouts, strikes, affecting one or more departments of Hotel business, break-down of any plant or machinery, reconstruction, demolition or extension of building, want of sufficient business, climatic disturbances, import restrictions by Government, Acts or Legislation, unprofitable working, epidemic, Civil Commotion or insurrection, reduction of shift, failure of power supply, fire, catastrophe, or any other cause of the like nature beyond the control of the Company, after complying with the legal formalities, if any.

(a) In the event of such stoppage during the working hours, the employee affected shall be notified by a notice put up on the Notice Board in the concerned departments or at the General Notice Board as soon as practicable, when work will be resumed and whether they are to remain for more than 2 hours after the commencement of the stoppage. If the period of detention does not exceed an hour, then the detained employee shall not be paid for such detention. An employee detained for more than one hour shall receive wages for the whole time during which he is detained due to stoppage. In case of piece rate employee, the average daily earning for the previous month shall be taken to be the daily wage.

(b) In the event of lay off, the employees shall be entitled to receive their wages in accordance with the relevant section of the Industrial Disputes Act, 1947, as amended from time to time.

(c) The Corporation in the event of the strike affecting wholly or partially any section or department as the case may be, or the entire establishment, may close down either wholly or partially the affected section or department or any other department or section as the case may be. The fact of such closure would be notified on the Notice Board. The employee concerned will also be notified by the General Notice on the Notice Board before the work is resumed when resumption of work will begin.

66 Uniforms:

- i. Such categories of employees as may specified from time to time shall, while on duty wear uniforms supplied to them.
- ii. Employees who have been supplied with uniforms under sub-regulation (i) above shall exercise proper care in preserving them in good condition. Uniforms will at all times, remain the property of the Corporation and must be returned in the event of an employee ceasing to be in its services or his transfer to a position where the uniform is no longer required or is instructed to return the uniforms by the Competent Authority.

67. Return Of Corporation's Property:

An employee shall, on ceasing to be in the services of the Corporation, give proper account of all property of the Corporation in his possession, custody or charge. Failure to comply with this regulation will result in such amount, as may be decided by the Competent Authority, being deducted from the salary or any other sums of money due to him from the Corporation. The amount so determined will also be liable to be treated as a liability owing by him to the Corporation for the purpose of Employee's Provident Fund.

68. Inventions and Patents :

No employee shall, without the previous consent in writing of the Competent Authority apply for a patent or exclusive privilege in respect of any invention under any enactment, if such invention is

made by him when in the service of the corporation and he shall in the event of patent or exclusive privilege under any such enactment to make, sell and use such invention, or allow other to be made, being granted to him, grant to the Corporation the unqualified right to adopt an use the said invention without its being obliged to pay royalty or other consideration therefore. He shall not assign charge or transfer in any manner whatsoever his original or any extended patent or exclusive privilege in respect of the said invention, without the previous consent in writing of the Competent Authority and without providing for the unqualified use, free of charge to the Corporation, of the said invention and further he shall, on demand, execute in favour of the Corporation such letter of license or other deed or document for the purpose as it may advise : Provided always that the Competent Authority shall, at any time within six months of the receipt of an intimation from the employer that he has acquired such patent or exclusive privilege in India or abroad, have the right to require the employer to transfer and assign such patent or exclusive privilege to the Corporation for no consideration as the Competent Authority shall at its discretion fix and if such right be exercised the employer shall execute all such deeds of assignment, grants and assurances and do all such other deeds and things for vesting in the Corporation and /or its nominee the ownership of the patent or exclusive privilege and the full benefit thereof as the Competent Authority shall require.

69 Service Certificate :

All employees shall be given a services certificate at the time of their termination, discharge, removal, discharge, resignation, retrenchment or retirement.

70. Complaints:

All complaints arising out of employment including those relating to unfair treatment or wrong execution shall be submitted to the Competent Authority with the right of appeal to the authority immediately senior to the Competent Authority.

71. Entitlement Of Food :

No employee will be entitled to free food unless specifically authorised in writing by the Executive Officer /Vice Presidents.

72. Corporation to Fix The Strength Of Employees required for Running Of The Establishment

It will be purely the Corporation's function to fix the strength of an establishment or any department and the strength will not be called into question by the employees. The employees recognized by the Corporation shall be the exclusive domain of the Corporation.

