

INDIA TOURISM DEVELOPMENT CORPORATION LIMITED

ITDC Conduct, Discipline and Appeal Rules, 2010

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INDIA TOURISM DEVELOPMENT CORPORATION LTD

Conduct, Discipline and Appeal Rules 2010 **(Amended upto Jan 2010)**

Rule 1 SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1** These RULES shall be called the **INDIA TOURISM DEVELOPMENT CORPORATION LIMITED CONDUCT, DISCIPLINE AND APPEAL RULES 2010** or **ITDC (CD&A) RULES 2010** in short.
- 1.2** These shall come into force with immediate effect.
- 1.3** These Rules shall apply to all employees (including the deputationists) of the Corporation other than
- i. Contractual workforce engaged through contractors;
 - ii. those in causal employment or paid from contingencies; and
 - iii. those governed by the Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 as amended from time to time.
- 1.4** Any expression connecting the masculine gender shall include the feminine gender also where appropriate.
- 1.5** Words imputing the singular number shall include the plural number or vice versa where appropriate.

PART I

Rule 2 DEFINITIONS

- 2.1** In these Rules, unless the context otherwise requires:-

- (a) **"Appointing Authority"** means an officer empowered by Competent Authority to make appointments to posts in the Corporation.
- (b) **"Appellate Authority"** means the Authority specified in the Schedule to these Rules Annexure I.
- (c) **"Board"** means the Board of Directors of the India Tourism Development Corporation Ltd. constituted by the President of India in terms of the Articles of Association of the Corporation.
- (d) **"Corporation"/"Company"** means the India Tourism Development Corporation Limited, having its Registered Office at Scope Complex, Core-8, 6th Floor, 7 Lodhi Road, New Delhi 110003, including its Divisions, Regional Offices, Units, Branches and Establishments.
- (e) **"Chairman & Managing Director"** means the Chairman and Managing Director appointed by the President of India in terms of the Articles of Association of the Corporation.
- (f) **"Competent Authority"** means the Corporation or Board or Chairman and Managing Director or any other officer authorised by the Chairman and Managing Director to exercise powers under these Rules.
- (g) **"Disciplinary Authority"** means the Authority specified in the Schedule to these Rules Annexure I or appointed by C&MD, who will be competent to impose any of the penalties specified in Rule 23.
- (h) **'Employee'** means –

Any person in the whole time employment of the Corporation including employees whose services are temporarily placed at the disposal on deputation to Central Govt or State Govt, or to another company or any of its subsidiaries or any PSU but does not include:

- i. Contractual employees either direct or through contractors;
 - ii. those in casual employment daily wages or paid from contingencies; and
 - iii. those governed by the Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 as amended from time to time;
 - iv. Apprentices /trainees
- (i) **“Family”** in relation to an employee includes:-
- (i) the wife or husband, as the case may be, of the employee, whether residing with him 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 step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law;
 - (iii) any other person related to the employee or his/her spouse by blood and wholly dependent on such employee.
- (j) **“Government”** means the Government of India.
- (k) **“Head of Division/Unit/Branch/ Establishment/ Regional Office”** means the officer who has been designated as such by the Competent Authority.
- (l) **“Public Servant”** shall mean and include a person as mentioned in Section 21 of Indian Penal Code 1860 (45 of 1860) as amended from time to time.

- (m) **"Reviewing Authority"** means the Authority specified in the Schedule to these Rules.
- (n) **"Staff & Finance Committee"** means the Committee with this name constituted by the Board.
- (o) **"Workman"** means a person as defined in the Industrial Disputes Act 1947, and to whom the provisions of these Rules shall not apply.

PART II - CONDUCT

Rule 3 GENERAL

3.1 Every employee of the Corporation shall at all times:-

- (i) maintain absolute integrity;
- (ii) maintain efficiency and devotion to duty;
- (iii) do nothing which is unbecoming of a public servant;
- (iv) be obedient, observe discipline and carry out all lawful and proper orders;
- (v) maintain conduct at all times in a manner conducive to the best interest of the Company or which will enhance the reputation of the Company; and do nothing to lower the image of the Company in the eyes of public;
- (vi) be courteous and prompt in his official dealings with the public.
- (vii) Every employee of the Corporation shall take all possible steps to ensure integrity and devotion to duty of all employees for the time being under his control and authority.

Rule 4 MISCONDUCT

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

- (i) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior;

- (ii) Participation, abetment and incitement to strike in breach of any law, settlement or award, agitation/demonstration within the premises of the Corporation, violation of norms prescribed under Maintenance of Public Utility Services and going on strike without giving due notice to the Corporation;
- (iii) Neglect or slowing down of work or negligence in performance of work or duty including malingering or abetment or instigation of any of these acts;
- (iv) Theft, fraud or dishonesty in connection with the business or property of the Corporation or property of another person within the premises of the Corporation;
- (v) Taking or giving bribes or any illegal gratification or indulging in corrupt practice or any act involving moral turpitude;
- (vi) Habitual late or irregular attendance, absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation;
- (vii) Collection of unofficial and unauthorised funds without the permission of the Head of the Division/Unit/Branch/Establishment/Regional Office of any money within the premises of the Corporation except as sanctioned by any Law of the Land or Rules of the Corporation for the time being in force;
- (viii) Engaging in any private business or trade within the premises of the Corporation or outside during the course of employment in the Corporation or engaging in gainful employment during the course of employment in the Corporation;
- (ix) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Corporation/Establishment or outside the premises of the Establishment/Corporation if the same has/have bearing on the service of the employees in the Corporation/Establishment;

- (x) Refusal to sign the statement given voluntarily/ required in any of the official investigation/inquiry;
- (xi) Commission of any act subversive of discipline or of good behaviour and failure to maintain a good turn out;
- (xii) Breach of any rule or instruction for the maintenance or cleanliness of any portion of the Establishment/Corporation;
- (xiii) Willful damage or loss to work in process or to any property of the Establishment/Corporation;
- xiv) Interference or tampering with any safety devices installed in or about the premises of the Establishment/Corporation;
- (xv) Distribution or exhibition within the boundaries of the Establishment/Corporation of any unauthorised newspapers, handbills, pamphlets or posters or newspapers, handbills pamphlets or posters which are seditious in nature or which are likely to create industrial unrest;
- (xvi) Disclosure to any outsider or any unauthorised person within the corporation of any information relating to the Corporation's Business/ Activities/ Polices/ Projects/ Programmes of secret or confidential nature;
- xvii) Smoking within the premises of the Establishment/ Corporation, where it is prohibited;
- (xviii) Sleeping on duty;
- (xix) Failure to inform the Corporation's Medical Officer of his suffering from a notifiable or, infectious or contagious disease;
- (xx) Commission of any act, which amounts to a criminal offence as defined under Indian law;
- (xxi) Giving false information regarding name, age, father's name, qualifications, ability or previous service and experience at the time of employment;
- (xxii) Leaving or abstaining from work without permission after reporting on duty;

- (xxiii) Refusal to accept official communication/order;
- (xxiv) Purchasing properties, machinery, stores, etc from or selling properties, machinery, stores, etc. to the Corporation without express permission in writing from the Competent Authority;
- (xxv) Carrying on trade union activities during working hours except when permitted by the Competent Authority;
- xxvi) Unauthorized removal or defacement of notices on the Corporation's notice boards;
- xxvii) Exhibiting, in the premises of the Corporation or its units or offices, any notice (including any written material) using slanderous/ abusive/objectionable language, drawing or caricature against the employees/officers of the Corporation and also notices prejudicial to the overall business interest reputation/public image of the Corporation;
- xxviii) Abetment of/or attempt at abetment of any of the above misconducts, and other act(s) prejudicial to the overall best interest/reputation/public image of the Corporation;
- xxix) Violation of any of the Rules, Procedures, Administrative instructions and Standing Orders issued from time to time;
- xxx) Giving statement or interview in the Press or Radio or Television channels or handing over statement, official document, official notings etc or information relating to the company for publication in press or for display in the Television channels without previous written permission of the Competent Authority;
- xxxi) Canvassing for selection, appointment, promotion, posting, reward, transfer, personal benefits, favourable/lenient treatment in disciplinary matters, etc. and bringing undue influence including any outside influence in this regard on other employees, officers or the Competent Authority in the Corporation except in cases where an employee represents his own case directly/personally to the superior officer through proper channel;

- xxxii) Misusing his/her official position in the Corporation and deliberately giving/awarding business/contacts vis-à-vis the business of the Corporation to any other concern/organization where his/her family/ relative/ friend/acquaintance/contract may be working with a view to unduly benefiting such family/ relative / friend/ acquaintance/ contact or himself. Associating or participating in any business by any member of his/her family in competition with the business of Corporation will be a misconduct;
- xxxiii) Misusing his/her official position in the Corporation in getting employment for any of his/her relative/friend/acquaintance in the Corporation which employment such family/relative/ friend/acquaintance would otherwise not deserve on merit;
- xxxiv) Possession of pecuniary resources or property disproportionate to the known sources of income of the employee or on his behalf by another person, which the employee cannot satisfactorily account for;
- xxxv) Acting in a manner prejudicial to good behaviour, decorum, image and/or interests of the Corporation;
- (xxxvi) (a) No employee shall indulge in any act of sexual harassment of any woman at her work place;
 - (b) Every employee holding a supervisory post shall take appropriate steps to prevent sexual harassment to any woman at such work place;

Explanation:

For the purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behavior, whether directly or otherwise as: -

- (i) physical contact and advances;
- (ii) a demand or request for sexual favours;
- (iii) sexually coloured remarks;
- (iv) showing pornography/obscene objects;

(v) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

(xxxvii) Going abroad without prior permission;

xxxviii) Absenting from duty for more than five days on fake medical grounds and/or refusal to present himself before the Medical Board or for medical examination if desired by the Management;

xxxix) Threatening, abusing, leveling malicious and/or false allegations against co employee or management, assaulting any superior or co-employee;

(ixL) Gambling within the premises of Division / Unit / Branch/ establishment of the Corporation;

(viL) Misuse of any amenity provided by the company;

(iiiL) An act to lower the image of the Company in the eyes of the public;

(iiL) Tampering with or willfully damaging or falsification of Company's records, impersonation or forgery;

(L) Making representation or sending grievance petitions to the Members of the Board of Directors or the Senior Officers except through proper channels. (This does not prevent submission of appeals to the prescribed Appellate Authorities under these rules);

(Li) Deliberately making any false statement before a superior knowing it to be false;

(Lii) Proxy registering of attendance or abetting in the act of registering attendance of another employee;

(Liii) Spreading or encouraging casteism, regionalism or communalism;

(Liv) Spreading false rumors or spreading false information;

- (Lv) Writing of anonymous or pseudonymous letters or associating oneself in writing such letters in respect of Company affairs;
- (Lvi) Misuse of any advance or non-compliance with the provisions of terms and conditions governing grant of such advance as specified in the respective rules relating to the advance(s);
- (Lvii) Leaving the station without permission;
- (Lviii) Not disclosing/handing over information at the time of disassociating himself from the post in violation of official orders;
- (Lix) Non joining back duties after availing extra special leave;

Note:-

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

Rule 5 EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES OF THE COMPANY IN ANY COMPANY OR FIRM HAVING BUSINESS RELATIONSHIP WITH THE COMPANY.

5.1 No employee shall use his position or influence directly or indirectly to secure employment for any person related Annexure X.

5.2 No employee shall, except with the previous sanction of the competent authority, permit his son, daughter or any other member of the family to accept employment with any Company or firm with which he or she has official dealings or with any other Company or firm having official dealings with the Company:

Provided that where the acceptance of the employment cannot await the prior permission of the competent authority, the employment may be accepted provisionally subject to the permission of the Competent Authority to whom the matter shall be reported forthwith. The competent Authority should communicate the decision within 60 days from the date of receipt of the request of the employee.

- 5.3** The employee shall, as soon as, he becomes aware of the acceptance of an employment by a member of his family in any such company or firm, intimate such acceptance to the competent authority and shall also intimate whether he has or has had any official dealings with that company.
- 5.4** No employee shall, in the discharge of his official duties, deal with any matter or give or sanction any contract to any Company or Firm/Corporation, or any other person if any member of his family is employed in that Company or Firm/ Corporation or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.
- 5.5** Details of family members is to be submitted by every employee on his first appointment in the company Annexure IX.

5A Voluntary abandonment of service

If an employee overstays beyond the period of leave originally granted or subsequently extended or is otherwise absent beyond 21 days continuously without prior permission of, or intimation to, authority empowered to grant him leave, he shall be treated to have voluntarily abandoned the corporation's service and the Disciplinary Authority may pass orders accordingly. A communication relating to such order having been passed by the Disciplinary Authority shall be sent to the employee concerned at his last know address on record.

5B JOINING OF UNLAWFUL ASSOCIATION BY EMPLOYEES

No employee shall join, or continue to be a member of an association the objects or activities of which are prejudicial to

the interest of the Company or of the sovereignty and integrity of India, or Public Order or morality.

5C The code of conduct for management personnel has been framed specifically in compliance with provisions of Clause 49 of listing Agreements entered into by the Corporation with the Stock Exchanges. The compliance of the above said code of conduct (annexed in Annexure XVIII to the ITDC CDA Rules) by the management personnel is mandatory and violation thereof will be misconduct under the ITDC CDA Rules.

Rule 6 TAKING PART IN DEMONSTRATION AND STRIKE :

No employee shall –

6.1 engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or which involves contempt of court, defamation or incitement to an offence; or

6.2 resort to or in any way abet, any form of strike or coercion or physical duress in connection with any matter pertaining to his service or any other employee.

Rule 6A Taking part in politics & elections:

6A.1 No employee shall be a member of, or be otherwise associated with, any political party or an organization, which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

6A.2 No employee shall canvas or otherwise interfere with, or use his influence in connection with or take part in an election to any Legislature or Local Authority.

6A.3 No employee shall contest political election of a political party/body / local authority / body without prior written permission of the Competent Authority or otherwise take part in such an election as for example by proposing/seconding the

nomination of a candidate at such an election or acting as a polling agent.

Such permission will, however, be granted only subject to the condition that the employee shall resign from the ITDC in the event of being elected.

Provided that:

- (a) An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.
- (b) An employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

6A.4 No employee shall canvass in, or use his influence in connection with an election to any legislature of local authority.

6A.5 If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity of the organization is subversive of the Government/Company by law established, the decision of the Government/Company thereon shall be final.

Rule 7 CONNECTION WITH PRESS OR RADIO OR TELEVISION OR OTHER MEDIA

7.1 No employee 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 or electronic media. If he accepts an advisory post without any remuneration he shall intimate the fact with details of the periodical etc. to the Company which in its judgment may require the employee to disassociate himself from the newspaper, or periodical, if it

considers such an association to be prejudicial to the Company/Government interest.

7.1 No employee shall, except with the previous sanction of the competent authority or in the bona fide discharge of his duties, publish a book, participate in a radio/television broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical or other vehicles of publicity, whatsoever:

Provided that no such sanction shall be required if such letter, broadcast or such contribution is of a purely literary, artistic or scientific or Engineering/ Sociological/Historical character.

Rule 8 CRITICISM OF GOVERNMENT AND THE CORPORATION

8.1 No employee shall, in any radio broadcast or in any document published under his name or in the name of any other person or in any communication to the press, or 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 Corporation; or
- (b) which is capable of embarrassing the relations between the Corporation and the public.

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

Rule 9 EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY

9.1 Save as provided in Sub-Rule 9.3 no employee of the Corporation shall, except with the previous sanction of the Competent Authority, give evidence in connection with any enquiry conducted by any person, committee or authority.

9.2 Where any sanction has been accorded under Sub-Rule 9.1 no employee giving such evidence shall criticise the policy or any action of the Central Government or of State Government or of the Corporation.

9.3 Nothing in this Rules shall apply to –

- (a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or any Corporation or Company.
- (b) evidence given in any judicial enquiry; or
- (c) evidence given at any departmental enquiry ordered by the Corporation or authorities subordinate to the Government.

Rule 10 UNAUTHORISED COMMUNICATION OF INFORMATION

10.1 No employee shall, except in accordance with any general or special order of the Corporation or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information or password of computer or confidential information such as drawings, specifications commercial information etc , to any officer or other employee or any other person to whom he is not authorised to communicate such document or information.

Quotation by an employee in his representation to the Chief Executive or to the Chairman or to the Board of Directors of the Company or to any authority of the Company/ Government, or to any other person, from any letter, circular or office memorandum or from the notes on any file to which he is not authorized to have access, or which he is not authorized to keep in his personal custody or for personal purposes, shall amount to unauthorized communication of information within the meaning of this Rule.

10.2 Every employee of the Company shall follow the instructions with regard to security of information, as issued from time to time.

Rule 10 A Inventions

10 A.1 An employee who, while in the service of the Company makes any discovery, invention or modification to any process or method or equipment resulting in improvement of the Company's services, operations and products, shall forthwith communicate the fact to the Company.

10 A.2 The employee shall furnish, at the request and expense of the Company all particulars thereof and if required, shall apply for all letters of patent and rights in India or elsewhere and give assignments and transfers to the Company or its nominees as may be directed by the Company.

10 A.3 Letter of patent, if taken out shall belong to the Company, and any remuneration payable to the employee for any such invention, discovery or modification shall be at the discretion of the Company.

Rule 11 GIFTS

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

Explanation:

The expression 'Gift' shall include free transport, boarding, lodging 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. However, a causal meal or lift or other social hospitality shall not be deemed to be a gift.

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

- 11.2** On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives or from his personal friends having no official dealings with him, but he shall make a report to the competent authority if the value of any gift exceeds Rs.20,000/-
- 11.3** Gift received from foreign dignitaries/firms may be retained by the recipient if the value thereof does not exceed the amount mentioned in Para 11.2 above. The same shall, however, be intimated to the competent authority.
- 11.4** In any other case, an employee of the Company shall not accept or permit any other member of his family or any other person acting on his behalf to accept any gift without the sanction of the competent authority if the value thereof exceeds the amount mentioned in Para 11.2 above.
- 11.5** When more than one gift has been received from the same person/firm within a period of twelve months the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds the amount mentioned in Para 11.2 above.

Rule 12 GIVING/TAKING/ABETTING DOWRY

No employee of the corporation shall:-

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

Explanation:-

For the purpose of this Rule, 'dowry' has the same meaning as in the Dowry Prohibition Act 1961 (28 of 1961).

Rule 13 PRIVATE TRADE OR EMPLOYMENT

13.1 Subject to the provisions of sub-rule (2), no employee shall:

- (a) engage directly or indirectly in any trade or business; or
- (b) negotiate for, or undertake, any other employment, or
- (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
- (d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or
- (e) take part, except in the discharge of his official duties, in the registration, promotion or management of any Bank or other company registered or required to be registered, under the Companies Act, 1956(2 of 1956), or any other law for the time being in force, or of any co-operative society for commercial purposes.
- (f) participate in or associate himself in any manner in the making of-
 - (i) a sponsored media (radio or television) programme; or
 - (ii) a media programme commissioned by Government media but produced by a private agency; or
 - (iii) a privately produced media programme including video magazine :

Provided that no previous permission shall be necessary in case where the employee participates in a programme produced or commissioned by Government /Company in his official capacity.

13.2 An employee may, without the previous sanction of the Competent Authority-

- (a) undertake honorary work of a social or charitable nature, or
- (b) undertake occasional work of a literary, artistic or scientific character, or

- (c) participate in sports activities as an amateur, or
- (d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organization, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being force, or
- (e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of employees of the Company, registered under the Cooperative Societies Act, 1912 (2 of 1912), or any other law for the time being in force :

Provided that-

- (i) his official duties shall not suffer thereby.
- (ii) he shall, within a period of one month of his taking part in such activity, report to the Company giving details of the nature of his participation, and
- (iii) he shall discontinue taking part in such activities, if so directed by the company.

13.3 Unless otherwise provided by general or special orders of the Company, no employee may accept any fee or any pecuniary advantage for any work done by him for any private or public body or any private person without the sanction of the competent authority.

Rule 14 INVESTMENT, LENDING AND BORROWING

No employee shall, save in the ordinary course of business with a bank, LIC or a firm of standing or under a duly Government approved scheme borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or

pecuniary obligation in his name or for the benefit of any member of his family.

Rule 15 INSOLVENCY AND HABITUAL INDEBTEDNESS

- a. An employee of the Corporation shall avoid habitual indebtedness unless he proves that such indebtedness is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
- b. An employee of the Corporation who applied to be or is adjudged or declared insolvent shall forthwith report the fact to his Competent Authority.

15A SUBLETTING AND VACATION OF COMPANY ACCOMMODATION

- 15A.1** Save as otherwise provided in any other law for the time being in force, no employee shall sublet, lease or otherwise allow occupation by any other person of company accommodation which has been allotted to him.
- 15A.2** The employee shall, after the cancellation of his allotment of company accommodation vacate the same within time limit prescribed by the allotting authority.

15B APPROACHING FOREIGN GOVERNMENT FOR FINANCIAL ASSISTANCE

No employee shall approach directly or indirectly a foreign Government or a foreign organization for financial assistance for visiting a foreign country or attending a course abroad without the prior permission of the Company.

Rule 16 MOVABLE, IMMOVABLE AND VALUABLE PROPERTY

- 16.1** (a) No employee shall, except with the prior intimation to the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family . (**Annexure-IV**).

- (b) Any addition/extension in the immovable property subsequently shall be intimated/sanctioned. (**Annexure-V, VI, VIII**).

16.2 No employee shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or firm having official dealings with the employee or his subordinate.

16.3 Every employee shall report within a month to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds:

- (a) Up to Rs.50,000/- in case of employees in the non-executive category.
- (b) Rs.1,00,000/- in case of employees in the executive category.

Explanation No. I

The term 'movable property' includes jewellery, vehicles, household articles, shares, securities, debentures, units of Mutual Funds/ UTI, Loans and Advances , insurance facilities with annual premium exceeding above limits.

Explanation No. II

The transaction entered into by spouse or any other member of the family of an employee of the company out of his or her own funds (including stridhan, gifts, inheritance, etc.) as distinct from the funds of the employee himself or herself, in his or her own name and in his/her own right, would not attract the provisions of the above sub-rule.

16.4 Every employee shall, on his first appointment in the Company, submit a return of his assets and liabilities etc (**Annexure-VII**) within three months of joining giving the particulars regarding:

- (a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned acquired or held by him;
- (c) other movable property inherited by him or similarly owned acquired or held by him if the value of such property exceeds:
 - (i) Up to Rs.50,000/- in case of employees in the non executive category.
 - (ii) Rs.1,00,000/- in case of employees in the executive category.
- (d) debts and other liabilities incurred by him directly or indirectly.

Note: The value of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.

16.5 Every employee shall beginning 1st January submit a return of immovable property inherited/owned/acquired by him either in his own name or in the name of any member of his family in January, as on 1st January in the prescribed.

16.6 The competent authority may at any time, by general or special order require an employee to submit within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the competent authority, includes details of the means by which, or the source from which, such property was acquired.

16.7 Every Return submitted under this rule shall be handled as secret document and the provisions of Rule 10 shall apply thereto.

- 16.8** In the event of no change in the list of the immovable property mentioned in sub-rule (4) above a '**No change**' Return shall be filed by the employee.

Explanation:-

For the purpose of Rules 5,7,9,11,15,16,16-A & 18, the competent authority is as under:-

Non Executive Staff : Concerned GM at the Corporate Office.
Executives upto the level of DGM : HOD/Concerned SrVP/VP
GM : Functional Director
VP & Sr VP : C&MD

Papers and documents relating to these transactions shall be kept on record with the HR Division at Corporate office. The position will be reviewed by C&MD for modification as and when necessary.

Rule 16A – Dealing in shares

- 16A(1)** A full time Director or any executive/employee involved in the decision making process of fixation of price of an IPO/FPO of shares of the Corporation shall not apply either himself/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 Corporation, even out of the category of preferential quota reserved for employees/Directors of the Corporation.
- 16A(2)** All executives/employees including full time Directors of the Corporation who are in possession of unpublished price sensitive information would be prohibited from dealing/transacting either in their own name or through any member of their family in the shares of their own company.
- 16A(3)** Full time Director or executives/employee of the Corporation 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.

16A(4) All employees of the Corporation would be required to disclose to the company all transactions of purchase/sale in shares worth Rs.20,000/- or more in value or existing holding/interest in the shares worth Rs.20,000/- or more in his/her own company/Corporation either in his/her own name or in the name of any family member to report to the company/Corporation indicating quantity, price, date of transaction and nature of interest within 4 working days."

*OM dated 16.6.2009 and 28.7.2009 of DPE, Ministry of Heavy Industries and Public Enterprises, GOI, **Annexure XIX.**

Rule 16B Purchase of shares by officials on deputation under preferential quota meant for employees in public issues (Annexure XX)

The officials who are on deputation to the Corporation and are not employees in the concerned Corporation shall not be eligible for allotment of shares in public issue under the quota meant for employees of Corporation.

* DPE OM No.15(7)/2002-DPE(GM)-GL-96 dated 11.8.2009. **Annexure XX**

Rule 16-C RESTRICTION IN RELATION TO ACQUISITION AND DISPOSAL OF IMMOVABLE PROPERTY OUTSIDE INDIA AND TRANSACTIONS WITH FOREIGNERS ETC.

Notwithstanding anything contained in sub-rule (1) of Rule 16, no employee shall, except with the previous sanction of the competent authority: -

(a) acquire or dispose of any immovable property situated outside India by lease, mortgage, purchase, sale, gift or

otherwise, either in his own name or in the name of any member of his family,

- (b) enter into any transaction with any foreigner, foreign government, foreign organization or concern mission including international organizations, the acquisition or disposal of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.

Explanation:

In this rule the competent authority has the same meaning as in Rule 16.8.

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 interests in respect of matters pertaining to his service in the Corporation.

Rule 18 BIGAMOUS MARRIAGES/RESTRICTIONS REGARDING MARRIAGE

- 18.1** No employee, having a spouse living, shall enter into, or contract, a marriage with any person.

Provided that the Competent Authority may permit an employee to enter into, or contract, any such marriage if it is satisfied that—

such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and

- 18.2** An employee who has married or marries a person other than that of Indian Nationality shall forthwith intimate the fact to the competent authority.

Rule 19 CONSUMPTION OF INTOXICATING DRINKS/ DRUGS AND SMOKING.

An employee of the Corporation/Company shall-

- (a) strictly abide by any law relating to intoxicating drinks or drug or smoking in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty;
- (c) refrain from consuming any intoxicating drink or drug or smoking in a public place;
- (d) not appear in a public place in a state of intoxication;

Explanation:-

For the purpose of this Rule, 'Public Place 'means any place or premises (including clubs, even exclusively meant for members where it is permissible for the members to invite non-members as guests, bars and restaurants, conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

19A No Officer and/or Staff posted in the Vigilance, Security, Legal, HR Division of the Corporation shall become primary member or contest election/hold position of office bearer of any Union/Association operating in the Corporation.

19B VINDICATION OF OFFICIAL ACTS AND CHARACTER OF EMPLOYEE

- (1) No employee shall, except with the previous sanction of the competent authority, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism. Provided that if no such sanction is received by the employee within a period of three months from the date of receipt of his request by the competent authority, he shall be free to assume that the permission sought for has been granted to him. However an

employee if penalized in the course of his official duty or has been defamed, can seek redressal in the court of law. Previous sanction of the Competent Authority is not necessary for the purpose.

- (2) Nothing in this rule shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private/personal capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the appointing authority regarding such action.

19C CLASSIFICATION OF SERVICES

The services of the employees of the Company are classified as follows: -

- (i) Executive
- (ii) Non-executive.

Rule 20 SUSPENSION

Suspension will be temporarily depriving of office. The employee shall not be allowed to discharge the function of his office during the period of suspension. It is not a penalty under ITDC CDA Rules. No appeal lies against the order of suspension. The suspended employee is entitled to receive Subsistence Allowance as specified in Rule 21 of ITDC CDA Rules.

- 20.1** The Appointing Authority or any Authority to which it is subordinate or the Disciplinary Authority to which it is subordinate or the Disciplinary Authority or any other Authority empowered in that behalf by the Competent Authority by general or special order may place an employee under suspension -

- (a) where a disciplinary proceeding against him is contemplated or is pending; or

- (b) where a case against him in respect of any criminal offence is under investigation or trial;
- (c) where in the opinion of Competent Authority, he has engaged himself in activities prejudicial to the interest of security of the State; or
- (d) where an employee is involved in dowry death case and the case has been registered by the Police against him under Section 304 b of IPC and submitted to the Magistrate, he shall be placed under suspension of duration of the custody in the event of arrest.

20.2 An employee is deemed to have been placed under suspension:

- (i) from the date of detention in the custody for the period exceeding 48 hrs.
- (ii) from the date of conviction for offence leading to imprisonment for a period exceeding 48 hrs if he has not forthwith dismissed or removed or compulsorily retired consequent to such conviction (48 hrs will be computed from commencement of imprisonment and for this purpose intermittent period of imprisonment, if any, shall be taken into account.
- (iii) when the employee already under suspension is dismissed, removed or compulsorily retired but such punishment is set aside on appeal or review and further inquiry or action is ordered, the order of suspension will be deemed to continue in force from the date of original order of punishment. Such order of suspension shall remain in force until further orders;
- (iv) if the employee is dismissed or removed or compulsorily retired from service but the penalty is set aside or declared or rendered void by the Court of law and the disciplinary authority on consideration of the circumstances of the case decides to hold

further inquiry against him on the allegations on which the penalty of dismissal or removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by appointing authority from the date of original order of dismissal, removal or compulsory retirement and shall remain under suspension until further orders. Further inquiry is to be held only if the Court passed the order purely on technical grounds without going into the merits of the case;

- (v) If the employee has already been placed under suspension or is deemed to have been under suspension and any other disciplinary proceeding is commenced against him, the competent authority may direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings. In such a case reasons are to be recorded in writing.

20.3 An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate with the concurrence of C&MD.

20.4 The authority which made or deemed to have made the order of suspension shall review periodically whether continuance of suspension of the employee is justified or not.

20.5 On the conclusion of disciplinary proceedings, if a minor penalty is imposed, suspension is regarded as unjustified and full pay and allowances and the period of suspension is treated as on duty.

Rule 21 SUBSISTENCE ALLOWANCE

21.1 Subject to provisions of sub-rule (21.3) an employee under suspension shall be entitled to draw subsistence allowance equal to fifty percent (50%) of his basic pay provided the competent authority is satisfied that the employee is not

engaged any other employment or business or profession or vocation. In addition he shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance, which he was in receipt on the date of suspension provided the competent authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.

21.2

Where the period of suspension exceeds three months, the authority, which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for a period of subsequent to the period of the first three months as follows:

- (i) The amount of subsistence allowance may be increased to 75% 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. The rate of Dearness Allowance will be based on the increase. Any other compensatory allowance admissible from time to time on the basic pay of which the employee was in receipt on the date of suspension subject to fulfillment of other conditions laid down for the drawl of such allowances.
- (ii) No payment under sub rule 21.2 (i) shall be made unless the employee furnishes a certificate that he is not engaged in any other gainful employment, business, profession or vocation.
- (iii) It is obligatory on the part of the authority, which made or is deemed to have made the order of suspension to review each case in which the period of suspension has exceeded three months. Even in these cases also where it comes to the conclusion that the rate is not to be altered. Having regard to all the circumstances of case, specific orders be passed, placing on record the circumstances

under which the decision had been taken for second or subsequent review.

The authority shall be competent to pass orders to increase or decrease the rates of subsistence allowance upto the limit prescribed vide para 21.2 (i & ii).

The second or subsequent review can be made at any time at the discretion of the Competent Authority. It is permissible to reduce the amount of subsistence allowance once increased on the basis of first review upto 50% of the amount, initially granted (if the period of suspension has been prolonged for the reasons directly attributable to the employee by adopting dilatory tactics). Similarly, in case, where the amount of subsistence allowance has been reduced, after the review, the same can be increased upto 50% of the amount initially granted (if the suspension has been prolonged for reasons not directly attributable to the employee).

This would also give an opportunity to the concerned Competent Authority in review not merely subsistence allowance but also the substantive question of suspension.

- (iv) The Competent Authority which made or is deemed to have made the order of suspension should ensure that timely payment of subsistence allowance to the employee, who is placed under suspension is made so that they may not be put to financial hardship.

21.3 The subsistence allowance shall be paid only when the employee furnishes a certificate that he is not engaged in any other employment, business or profession or vocation and the CDA being competent authority is satisfied with the certificate. The concerned pay & disbursing official shall disburse the subsistence allowance immediately on receipt of above certificate.

21.4 The following compulsory deduction should be enforced from the subsistence allowance: -

- (a) Income tax, wherever justified.
- (b) House rent and allied charges i.e. electricity, water, furniture etc.
- (c) Repayment of loans and advances taken by the employee.
- (d) Contribution towards Employees Groups Insurance Scheme.
- (e) PF contribution

Note : Notwithstanding the deductions the subsistence allowance of the employee would not be fall the limit prescribed under payment of wages act and rules on that behalf.

21.5 The following deductions are optional and should not be made except with the written consent of the employee: -

- (a) Premium due on Postal Life Insurance Policies.
- (b) Amount due to co-operative stores and co-operative credit societies.
- (c) Refund of advance taken from ITDC Staff Provident fund Trust.

21.6 The following deductions should not be made from the subsistence allowance: -

- (a) Subscription to Voluntary Provident fund.
- (b) Amount due on Court attachments.
- (c) Recovery of loss to ITDC for which the employee is responsible.

21.7 The administrative effects of suspension

The administrative effects of suspension are as follows:

- (i) employee under suspension shall not be entitled to take any kind of advance whether interest bearing or not;

- (ii) employee under suspension shall be entitled to medical benefits as per entitlement;
- (iii) employee under suspension shall not be entitled to newspapers & periodicals;
- (iv) employee under suspension shall not be entitled to performance cum welfare incentive or other benefits linked to discharge of functions of his office from the date of suspension till he is reinstated unless entitled to the benefits is mandated by a Statutory Act;
- (v) if death occurs during suspension, the period of suspension will be treated as duty & family will get pay & allowances for that period less subsistence allowance already drawn by the deceased employee;
- (vi) leave as well as leave encashment will not be granted to the employee under suspension. Since leave cannot be granted to an employee under suspension, he can not avail LTC for himself, however, there will be no bar to the members of the family availing LTC;
- (vii) employee under suspension shall not be asked to mark his attendance.

The above list of administrative effects of suspension is not exhaustive.

21.8 The HQ of an employee under suspension shall be assumed to his last place of duty.

21.9 If the employee under suspension submits resignation, the Competent Disciplinary Authority with the approval of C&MD can accept the resignation provided that:

- (a) the allegations do not involve moral turpitude; or
- (b) where the evidence is not sufficient to prove the charges leading to removal/dismissal; or
- (c) where the charges against the employee do not involve financial loss to the company and the inquiry proceedings are likely to be protracted & it would be cheaper to the Corporation to accept his resignation.

21.10 On attaining the age of superannuation an employee will be retired even if he is placed under suspension. He will not get any subsistence allowance after the date of superannuation.

Rule 22 TREATMENT OF PERIOD OF SUSPENSION

22.1 When the employee under suspension is reinstated, the Competent Authority may grant to him the following pay and allowance for the period of suspension—

(a) if the employee is totally exonerated and not awarded any of the penalties mentioned in Rule 23, the full pay and allowance which he would have been entitled to, if he had not been suspended, less the subsistence allowance already paid to him; and

(b) if otherwise, such proportion of pay and allowances as the Competent Authority may prescribe.

22.2 In a case falling under Rule 22.1(a) the period of absence will be treated as a period spent on duty. In a case falling under Rule 22.1 (b), it will not be treated as a period spent on duty unless the Competent Authority specifically directs that:

- (i) the period of absence be treated as leave with pay
- (ii) the period of absence be treated as leave without pay

Rule 23 PENALTIES

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

(A) Minor Penalties

- (i) Censure,
- (ii) Withholding of increments of pay with or without cumulative effect for a period not exceeding three years;
- (iii) Withholding of promotion for a period as determined by the CDA,
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused by him to the company by negligence or breach of orders or favouring someone.

- (v) Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension / terminal benefits.

(B) Major Penalties

- (vi) Reduction to a lower stage in the time scale of pay other than referred to 23(A) (v).
- (vii) Reduction to a lower time scale of pay, grade, post or service.
- (viii) Compulsory retirement,
- (ix) Removal from service which shall not be a disqualification for future employment under Govt./or the Corporation / Company owns or controlled by the Govt.

- (x) Dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Corporation/ Company owned or controlled by the Government.

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

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

Explanations:

Explanation with regard to penalties

- (i) Other than any 'minor' or 'major' penalty listed in 23(A) & 23(B), any other order or Advice/ Caution / recordable warning/non recordable warning issued by the Competent Disciplinary Authority shall not be construed as 'penalty' within the meaning of CDA Rules.

(ii) Censure is minor penalty which has no direct financial implication except it has bearing on confirmation, promotion and selection etc of the employee where the confidential service record is considered.

(iii) Where a penalty of withholding of promotion has been imposed on the delinquent employee, he cannot be promoted during the currency period of penalty. If the delinquent employee is on probation, he cannot regularized as permanent employee during the currency of penalty.

This penalty cannot be imposed for indefinite period. There will be no point in imposing this on a person who is not within the zone of active promotion. The person on whom this penalty is imposed has a right to be considered for promotion by DPC and the sealed cover procedure shall be followed. The sealed cover shall be opened after the expiry of the period of penalty.

(iv) In case of penalty of recovery of pecuniary loss attributable to delinquent employee, the same can be recovered from his pay. In case where the delinquent employee is due to retire shortly and it is not possible to recover the loss from his salary during tenure of his service, then recourse should be to recover the loss from his gratuity. Further in the case of promotion of delinquent employee it is required to be considered in the normal course and if he is selected he can be promoted from the due date and recovery from his pay can continue in the higher post.

(v) In case of penalty of reduction to lower stage in the time scale of pay under Rule 23(B) (vi), the following should be mentioned

- (a) date and period for which it will be effective
- (b) the stage in time scale

- (c) whether or not employee shall draw his normal increment during the currency of punishment
 - (d) whether or not period of reduction will have effect on postponement of future increment
 - (e) conditions for restoration – seniority and pay on restoration should also be mentioned.

- (vi) An employee appointed directly to a higher post, service, grade or time scale of pay cannot be reduced by way of punishment to a post in lower time scale, grade or to post which he never held.

- (vii) In case of penalty of reduction to lower time scale of pay, grade post or rank the following should be mentioned (a) the date from which it will take effect and the period also (b) whether or not the above period of reduction will have the effect of postponing of his future increment

- (viii) The dismissal or removal entails forfeiture of post service and deprivation of retirement benefits. A dismissal from service is ordinarily a disqualification for future employment under Govt whereas the removal is not. As dismissal/removal, results in termination of employment, such order by the very nature cannot have retrospective effect except
 - (a) where inquiry is completed after superannuation, in which case delinquent employee continues to be deemed employee.
 - (b) where employee is convicted by Court of law for criminal charge for criminal proceedings initiated during his service after his superannuation/retirement and his retirement dues have been withheld due to the same.

- (ix) Where the penalty of compulsory retirement is imposed in a disciplinary proceeding, after the inquiry is held, it will amount to premature termination of service of the employee and delinquent employee will

be entitled to proportionate gratuity admissible to him on the basis of qualified service already rendered by him. Further the leave encashment is also admissible to delinquent employee in respect of leaves to his credit on the date of imposition of penalty of compulsory retirement.

Compulsory retirement as a penalty is different from premature retirement/superannuation which is an administrative action. When compulsory retirement is given as penalty the decision of Competent Disciplinary Authority with regard to release of retirement benefits i.e. gratuity and leave encashment with or without reduction shall be final. The reduction is made in rare cases and the same shall not exceed 1/3 of retirement benefits i.e. gratuity and leave encashment.

- (C) Normally, the need for imposing two statutory/ listed penalties as mentioned under Rule 23, at a time, by CDA would not arise. However, the penalty of recovery from delinquent employee of whole or part of any pecuniary loss caused due to the negligence and breach of trust of the delinquent employee can be imposed on him along with another penalty.
- (D) In case of disciplinary proceedings initiated on the advice of CVC/CBI then the decision of the CDA in such cases shall be sent to CVC/CBI through Vigilance Division for second stage advice before the same is communicated to the delinquent employee.
- (E) The following shall not amount to a penalty within the meaning of Rule 23
 - (a) withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination

- (b) stoppage of increment of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar.
- (c) Non promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but, for which he is found unsuitable after due consideration of his case
- (d) Reversion to a lower grade or post, of an employee officiating in a higher scale or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post.
- (e) Termination of services :
 - (i) of an employee appointed on probation, in accordance with the terms of his appointment
 - (ii) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement
 - (iii) of any employee on reduction of Establishment
 - (iv) of any employee appointed in a temporary capacity otherwise than under a contract or agreement on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment
 - (v) of an employee who has completed his probation period and who has been confirmed or deemed to be confirmed by giving him 90 days notice or pay in lieu thereof
 - (vi) discharge or an employee as per terms and conditions of employment.
- (f) premature retirement of an employee under the ITDC Employees (pre mature Retirement) Rules 1990 on grounds of medical unfitness inefficiency of doubtful.

Rule 24 DISCIPLINARY AUTHORITY

- 24.1.a** The Disciplinary Authority, as specified in the schedule as per Annexure I or any authority higher than it may

impose any of the penalties specified in Rule 23 on any employee. **Annexure-I**

24.1.b The Disciplinary authority competent to impose any of the penalties specified in Rule 23 can institute disciplinary proceedings against the employee. Any authority higher than the Disciplinary Authority can direct the Disciplinary Authority to institute disciplinary proceedings against any employee.

24.1.c Where the disciplinary authority is a witness or complainant, the C&MD, in such cases, will have the power to nominate another officer of equal status or higher rank to act as disciplinary authority.

24.2 Where it is evident from the record and or circumstantial evidence is strong enough to suggest that a disciplinary authority is biased against a delinquent and/or to an interested party and there are irrefutable evidence for apprehension of favouritism, victimization or miscarriage of justice, C&MD of the Corporation, with reasons to be recorded in writing, may nominate another officer of equal status or higher rank to act as disciplinary authority.

24.3 Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his 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 was commenced in the same manner as if the enquiry had continued in service.

The officer against whom disciplinary proceedings have been initiated will cease to be in service on the date of superannuation, but the disciplinary proceedings will continue as if he was in service until the proceedings are completed and final order is passed in respect thereof. The concerned official will not receive any pay and/or allowance after the date of superannuation. He will also not be entitled for the payment of retirement benefits i.e. gratuity, leave encashment, employer's contribution to the CPF till the proceedings are completed. The final order is passed thereon

except his own contribution to CPF. The final order may include any order including dismissal from service.”

24.4 During the pendency of disciplinary proceedings the Disciplinary Authority may with-hold payment of gratuity, leave encashment, employer’s contribution to CPF for ordering the recovery from the retirement benefits on account of recovery of any financial loss, if any.

24.5 If the employee is transferred to another unit/department and commits any misconduct/lapse in the said unit/department, he shall be governed by the standing orders or rules of the said unit/department in which he is transferred & posted for the purpose of any departmental inquiry that may be contemplated against him and the Disciplinary Authority shall be from that unit / department. Provided that if in the unit/ department to which he is transferred & posted there is no executive of equal status or higher rank to the delinquent employee, the C&MD may nominate another officer of equal status or higher rank from any other department /unit to act as Disciplinary Authority.

Rule 24 (A) DISCIPLINARY PROCEEDINGS

(I) All investigation reports shall at the first instance be forwarded to the Competent Disciplinary Authority (CDA) for discussion as to whether a disciplinary proceeding should be initiated or not.

(II) The CDA after perusing the investigation report/s

(a) May decide not to initiate any disciplinary proceedings against the employee, if he is satisfied that the investigation report does not reveal a prima facie case against the employee.

The CDA however shall record his reasons in writing for the decision not to initiate disciplinary proceedings.

- (b) May ask for further investigation, before arriving at a decision.
- (c) Once a decision has been taken, after a preliminary inquiry that a prima facie case exists that formal disciplinary proceedings should be instituted against a delinquent employee under the Conduct Discipline & Appeal Rules (CDA Rules), the disciplinary authority will need to decide whether proceedings should be taken under Rule 25 (i.e. for imposing minor penalty) or under Rule 26 (i.e. for imposing major penalty) A decision has to be taken by the disciplinary authority on the basis of the circumstances of each case as revealed by preliminary inquiry and by determining provisionally the nature of the penalty – whether major or minor – that may be imposed upon the delinquent employee in the event of the satisfactory substantiation of the allegations.

The choice of the rule at this stage is a matter of vital significance. It will determine the procedure to be followed for the further conduct of proceedings.

The procedure under Rule 26 is much more elaborate than that prescribed under Rule 25. All the formalities beginning with the framing of Articles of Charge, statement of imputation, appointment of PO, IO etc. will have to be gone through. It will be a waste of time & effort to adopt the lengthy procedure of Rule 26, in cases in which only a minor penalty is indicated. In a case in which proceedings are initiated under Rule 26 (as for a major penalty), if after examining the report of preliminary inquiry the disciplinary authority considers that it would be sufficient to impose a minor penalty, he can do so. But in a case in which proceedings are initiated under Rule 25 (as for a minor penalty) it would not be possible for the disciplinary authority to impose a major penalty. He would have to start proceedings De novo under Rule 26 if he wants to do so.

Certain types of vigilance cases in which it may be desirable to start proceedings for imposing a major penalty are given below as illustrative guidelines:

- (i) Cases in which there is a reasonable ground to believe that a penal offence has been committed by an employee, but the evidence forthcoming is not sufficient for prosecution in a Court of law e.g.
 - (a) Possession of disproportionate assets;
 - (b) Obtaining or attempting to obtain illegal gratification;
 - (c) Misappropriation of Government property, money or stores;
 - (d) Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate.
 - (ii) Falsification of Government records;
 - (iii) Gross irregularity or negligence in the discharge of official duties with a dishonest motive;
 - (iv) Misuse of official position or power for personal gain;
 - (v) Disclosure of secret or confidential information even though it does not fall strictly within the scope of the official secrets Act;
 - (vi) False claims on the Corporation/Government like T.A. claims, reimbursement claims etc.
- (III)** In cases in which the institution of proceedings is advised by the Central Vigilance Commission (CVC), the commission will advise, keeping in view the gravity of allegations, whether proceedings should be vitiated for the imposition of a major penalty or a minor penalty.
- (IV)** A departmental inquiry into the conduct of individual must conform to certain standards. One is that the person proceeded against must be given a fair and reasonable opportunity to defend himself. Another is that the person

charged with the duty of holding the inquiry must discharge that duty without bias & certainty without vindictiveness. He must conduct himself objectively and dispassionately not merely during the procedural stages of inquiry but also in dealing with the evidence and the material on record when drawing up the final order.

A further requirement of that the conclusion must be rested on the evidence and not the matters outside the record. And, when it is said that the conclusion must be rested on the evidence, it goes without saying that it must not be based on a misreading of the evidence. These requirements are basic and cannot be whittled down, whatever be the nature of the inquiry, whether it be judicial, departmental or other.

- (V) The emphasis in departmental inquiries is heavily on facts whatever the Inquiry Officer does should be 'lawful', but it should not be 'legalistic'. The legal principles with which Inquiry Authorities are primarily concerned are only the principles of natural justice.
- (VI) The provisions of the Indian Evidence Act & the Criminal Procedure Code shall not apply except in so far as they relate to the general principles of natural justice are not applicable to the Departmental inquiries.
- (VII) The standard of proof required in a departmental inquiry is that of preponderance of probability & not proof beyond a reasonable doubt.

Rule 25 PROCEDURE FOR IMPOSING MINOR PENALTIES

- (I) Where it is proposed to impose any of the minor penalties specified in Clause (i) to (v) of Rule 23 A
 - (a) The employee concerned shall be informed in writing of the imputation of the misconduct or misbehavior against him and shall be given an opportunity to submit his written statement of defence within a specified period (not exceeding 15 days).

- (II) After taking into consideration the defence statement of the employee or without it, if no such defence statement is received from him by the date specified, the disciplinary authority will proceed, after taking into account such evidence, as it may think fit, to record its findings on each imputation of misconduct or misbehaviour.
- (III) If as a result of its examination of the case and after taking the defence statement made by the employee into account, the disciplinary authority is satisfied that the allegations have not been proved, it may exonerate the employee. An intimation of such exoneration will be sent to the employee.
- (IV) The record of the proceeding shall include:
- (i) A copy of the intimation to the employee of the proposed to take action against him;
 - (ii) A copy of the statement of imputation of misconduct or misbehaviour delivered to him;
 - (iii) His representation /defence statement
 - (iv) The orders of the Competent Authority together with the reason thereof.

Rule 26 PROCEDURE FOR IMPOSING MAJOR PENALTIES

26.1 No order imposing any of the major penalties specified in Rule 23 B (vi) to (x) shall be made except after an inquiry is held in accordance with this Rule except

- (a) where an employee is convicted on a criminal charge; or
- (b) where Disciplinary Authority is satisfied that in the interest of security of state it is not expedient to hold such inquiry;

In both (b) & (c) above concurrence of C&MD is also essential.

The Explanatory note:

1. Where an employee has been convicted in a court of law, the disciplinary authority may, if it comes to the conclusion that an order with view of imposing a penalty on the delinquent employee on the ground of conduct which has led to his conviction on a criminal charge should be issued, pass such orders without following the prescribed detailed procedure laid down in 24 to 26.
2. If independent disciplinary proceedings have not been initiated during the pendency of criminal prosecution case in the Court of law, disciplinary authority should issue Show Cause Notice for the proposed penalty before any order is made in the case. No chargesheet is required to be served as the charges have already been established in the court of law. The employee concerned should be given a chance to explain and defend the case. The disciplinary authority should refer to the extenuating circumstances, if any, brought forward by the convicted officer and gravity of criminal charge for provisionally deciding the quantum of penalty which may be finalized after taking into consideration the reply submitted in response to Show Cause Notice.
3. It is obligatory on the part of CDA to record in writing the reasons for its satisfaction that it was not reasonably practical to hold the inquiry and preferably in the order of penalty itself.

26.2 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 inquire into, or appoint any public servant (Retired Central/ State/Corporation/autonomous body Govt Servant) or any other suitable person (hereinafter called the Inquiring Authority - **Annexure II**) at fees/honorarium as stated in **Annexure III** to inquire into the truth thereof.

Such inquiry Officer appointed by the CDA shall be subject to the terms & conditions contained in schedule placed at Annexure II & III.

- 26.3 Where it is proposed to hold an inquiry against a delinquent employee under this rule the disciplinary authority shall draw up or cause to be drawn up:
- (i) the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charge;
 - (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain:
 - (a) a statement of all relevant facts including any admission or confession made by delinquent employee
 - (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

26.4 The disciplinary authority shall deliver or cause to be delivered to the delinquent employee a copy of charge, the statement of imputation of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the delinquent employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

The service of chargesheet may be by hand delivery, by displaying on the Notice Board at the place of the Corporation where delinquent employee is presently posted, by Registered A.D. post or Speed Post or Courier. In case hand delivery of the chargesheet is refused by the delinquent employee such refusal to accept chargesheet by the employee when delivered in person or by Registered post, speed post, courier shall be deemed to be due service of such chargesheet on the delinquent employee.

26.5 (a) On receipt of written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or if it considers it necessary to do so, appoint under sub-rule 26.2, an inquiring authority for the purpose and where all the articles of charge have been

admitted by delinquent employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Rule 27.

(b) If no written statement of defence is submitted by the delinquent 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 26.2 an inquiring authority for the purpose.

(c) Where the disciplinary authority himself enquires into any article of charge or appoint an Inquiry Authority for holding any inquiry into such charge, it may, by an order, appoint an employee or any other suitable person to be known as the 'Presenting Officer' to present on its behalf the case in support of the article of charge. The Presenting Officer so appointed shall be responsible for the conduct of inquiry till its completion. Inquiry Officer & Presenting Officer shall get honorarium and reimbursement of conveyance as per schedule placed at **Annexure II**. However, inter departmental Inquiry Officer/ Presenting Officer shall not be entitled to reimbursement of conveyance. If he is from a station outside the station/venue where the disciplinary proceeding is being held he should be entitled to reimbursement of conveyance as per his entitlement in the Corporation.

26.6 The disciplinary authority shall, where he is not the inquiring authority, forward to the inquiring authority:

(i) a copy of the article of charge and the statement of the imputations of misconduct or misbehaviour;

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

(iii) a copy of the statements of witnesses, if any, referred to in sub rule 3.

(iv) evidence proving the delivery of the documents referred to in sub rule 3.

26.7 If the charge sheeted officer (CSO) does not submit written statement of defence within the time specified or does not appear before the Inquiry Officer or otherwise fails or refuses to comply with the provisions of the rules, the inquiry officer may hold the inquiry ex parte recording reasons for doing so. The notices of all hearing should be delivered to the accused or communicated to him unless the first notice says that the inquiry will continue from day to day. In ex parte proceedings, the entire gamut of inquiry has to be gone through. The notices to witnesses should be sent, the documentary evidence should be produced and marked, the Presenting Officer should examine the prosecution witnesses and the Inquiry Authority may put such questions to the witnesses as he thinks fit & proper. The details of what transpired in the hearing in the absence of accused should be furnished to him including depositions. During the course of inquiry, if the accused appears in the inquiry when some part of the proceedings has already been completed, it is not necessary to repeat the completion part of the proceedings again unless the accused official is able to give justification to the satisfaction of the inquiry officer for not participating in the inquiry earlier. The competent Authority may proceed to pass the order on the basis of inquiry report submitted.

26.7(1) The inquiry proceedings will be held either at the place where the delinquent employee is posted or at the place where the Headquarter/Regional Office of the company is situated. When the inquiry is held at the Head office/Regional Office which is not the place where the workman is employed, then the delinquent employee may be given traveling/ conveyance allowance as per entitlement for coming to the place of inquiry.

26.7(2) A complainant or witness cannot be appointed as Inquiry Authority by the Competent Disciplinary Authority.

26.8 On receipt of the written statement of the employee, or within period extended by the CDA on the request of employee or if no such statement is received within the specified time, an inquiry may be held by the Disciplinary Authority itself, or by any other public servant, (Retired Central Govt Servant) or any other suitable person appointed as an Inquiring Authority under Rule 26.2. Such inquiry Officer appointed by the CDA shall be

subject to terms & conditions contained in schedule placed at Annexure II & III.

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

26.9 The delinquent employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.

26.10 The employee may take the assistance of:

- (i) Any other working or retired co employee of the Corporation or any other employee in service or retired of Govt of India or Cental Govt PSU provided he produces necessary documents in this regard.
- (ii) The working or retired employee as stated in (i) above should not have in any manner been associated with the case at investigation stage or otherwise in their official capacity. He is required to submit undertaking in this regard to Inquiry Officer.
- (iii) The working or retired employee as stated (i) above should not act as defence assistant in more than five cases at a time.
- (iv) The working or retired employee as stated in (i) above should not be legal practitioner. However, if management avails of services of a legal practitioner or a person trained in the Law, the CSE can also engage a legal practitioner to defend his case.

No permission is needed by delinquent employee to secure the assistance of any other co employee. It will, however, be necessary for the Defence Asstt to obtain

the permission of his controlling authority to absent himself from office in order to assist the delinquent employee during the inquiry.

26.11 If the delinquent employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the delinquent employee thereon.

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

26.13 On receipt of the requisition referred to in sub rule 26.14 every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority.

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reason 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 inquiry authority shall, on being so informed, communicate the information to the delinquent employee and withdraw the requisition made by it for the production or discovery of such documents.

26.14 If the employee fails to appear within specified time or refuses or omits to plead the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days after recording an order that the employee may, for the purpose of preparing his defence:-

(a) inspect the documents listed with the charge-sheet.

- (b) Submit a list of additional relevant documents and witnesses that he wants to examine, and
- (c) Be supplied with the copies of the statements of witnesses, if any, listed in the charge sheet.

In case of additional documents employee has to inform regarding employee/officer in whose possession these documents are available.

Note:-

Relevancy of the additional documents and the witnesses referred above in Rule 26.14(b) 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. The delinquent employee shall submit the request for additional documents as referred above in Rule 26.14(b), to the Inquiry Officer and not to the CDA.

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

Provided that the inquiring authority may for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

26.16 On receipt of the requisition referred to in sub rule 26.15 every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority.

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of state, it shall inform the inquiring authority accordingly and the Inquiry Authority shall, on being so informed, communicate the information to the charged employee.

- 26.17** On the date fixed for this 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 disciplinary authority. The witnesses shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the delinquent 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 any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit. In case management witness is retired employee or ceased to be employee of ITDC he shall be paid conveyance as per his entitlement on the date of retirement/superannuation.
- 26.18 If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the delinquent employee or may itself call for new evidence or recall and re-examine any witness and in such case the delinquent employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such additional evidence and for examining the additional witnesses.
- 26.19 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.

26.20 After the completion of the production of evidence, the employee and the Presenting Officer may file written briefs of their respective cases within the period the Inquiry Authority directs on the completion of evidence.

26.21 In case a criminal case is pending against the delinquent employee in the Court, initiation of disciplinary proceedings during the pendency of criminal trial can be done by disciplinary authority. There will be no bar for simultaneous proceedings through Domestic departmental inquiry, even if the charges leveled against the delinquent employee are similar as in the criminal court unless there is stay granted by the Court in regard to conducting or continuation of the inquiry proceedings. Also holding of departmental inquiry subsequent to trial by criminal Court on the same facts can be done by the Disciplinary Authority. Similarly both the proceedings can be simultaneously carried out. If the delinquent employee is acquitted by the criminal court, the continuation of inquiry proceedings will not be violative of principles of natural justice and will not vitiate an inquiry proceeding even if the employee establishes similarity of charges/misconduct.

If the inquiry is concluded before criminal proceedings, conclusion in the inquiry is not vitiated if the court acquits the worker on technical grounds or on merits. Further if the criminal court finds an employee guilty and so also does the enquiry on independent assessed evidence, the subsequent acquittal on appeal does not vitiate findings of inquiry where an employee has been convicted by the criminal Court, Show Cause Notice is required to be issued for his explanation. The Competent Disciplinary Authority may take decision imposing penalty under Rule 23 without issuing chargesheet and

without holding inquiry thereof as charges have been proved in the court of law.

26.22 The departmental inquiry proceedings shall not be discontinued, if the delinquent employee actually goes to the Court and even when a Rule-nisi (Rule-nisi refers to when the Court asked the respondent as to why the relief should not granted to petitioner) has been issued by the Court unless definite stay order is passed by the competent court. Further, during the pendency of such criminal case delinquent employee shall not be given VRS or any other benefit under the scheme in vogue.

26.23 (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain:

- (a) the articles of charge and the statement of imputation of misconduct or misbehaviour
- (b) the defence of the delinquent employee in respect of each article of charge
- (c) an assessment of the evidence in respect of each article of charge
- (d) The finding on each article of charge and reasons therefor.

EXPLANATION

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

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

26.24 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 Rule 26 above.
- (b) the written statement of defence, if any, submitted by the employee referred to in 26.4.
- (c) the oral and documentary evidence produced in the course of the inquiry.
- (d) written briefs, referred to in Rule 26.20
- (e) the orders, if any made by the disciplinary Authority and the Inquiring Authority in regard to the inquiry.

26.25 The departmental inquiry so initiated should invariably be concluded within six months or such extended period, as allowed by the Competent Disciplinary Authority from the date of its order.

27 ACTION ON THE INQUIRY REPORT

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

27.2 The Disciplinary Authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and Inquiry Authority shall thereupon proceed to hold the further inquiry according to Rule 26 as far as may be.

Explanation:

- (i) If in a particular case there has been no proper inquiry because some serious defect has crept into the inquiry or some important witnesses were not available at the time of inquiry or were not examined for some reasons, then the CDA may ask Inquiry Officer to record further evidence.

- (ii) The Disciplinary Authority is empowered only to order a limited further inquiry to the same inquiring authority, if available, or to another Inquiry Authority and report. The Disciplinary Authority shall not empower in such a case the order of de-novo inquiry afresh.
- (iii) If the Disciplinary Authority does not accept the findings of the Inquiry Officer, he may intimate the reasons for disagreement to the delinquent employee along with the copy of the Inquiry Report so that charged officer can make an effective representation, if any, within the time allowed to him by the CDA.
- (iv) The Disciplinary Authority cannot change the Inquiry Officer after the latter has submitted his report and records.
- (v) The inquiry report along with reasons of disagreement, if any, by the Competent Disciplinary Authority and the representation of delinquent employee would be put up to the originator of the disciplinary case (other than CDA) for his comments before CDA takes the final view.

27.3 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 25 make an order imposing such penalty

27.4 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.

27.5 Before Disciplinary Authority takes decision in the matter a copy of the inquiry report be sent to charged officer for his comments giving him 10 days time. The matter shall be put to Competent Disciplinary Authority for decision after expiry of time including extension of time given to CSO for comments on inquiry report.

Rule 28 COMMUNICATION OF ORDERS

Orders made by the Disciplinary Authority under Rule 25 & 26 shall be communicated to the employee concerned.

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 action against all of them may be taken in a common proceeding.

If the authority competent to impose major penalty on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the above.

Further such order shall specify :-

- (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceedings;
- (ii) the penalties specified in Rule 23 in which such Disciplinary Authority shall be competent to impose;
- (iii) where the procedure laid in Rule 25 & 26 shall be followed in the proceedings.

Where the two employees accuse each other and disciplinary proceedings have been initiated against them, such cross cases should be tried separately. In such cases a joint proceeding against the accused and accuser is an irregularity which should be avoided.

Rule 30 SPECIAL PROCEDURE IN CERTAIN CASES

Notwithstanding anything contained in Rule 25 or Rule 26, Disciplinary Authority may impose any of the penalties specified in Rule 23 without holding an inquiry in any of the following circumstances:-

- (I) Where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these Rules.
- (II) Where the Disciplinary Authority is satisfied that in the interest of the security of the State/Corporation it is not expedient to hold any inquiry in the manner provided in these Rules, or
- (III) Where the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial.

Rule 31 PRE-MATURE RETIREMENT

Any employee irrespective of the number of years of service/age and considered to be medically unfit and inefficient may be prematurely retired from the services of this Corporation, after referring such cases to a Medical Board constituted for the purpose by the Management. The inefficiency is to be determined by appointing or higher authority after recording sufficient reasons with the concurrence of the C&MD.

Rule 32 PROCEDURE CONCERNING OFFICERS ON DEPUTATION FROM CENTRAL GOVERNMENT OR THE STATE GOVERNMENT OR ANOTHER PUBLIC UNDERTAKING OR A LOCAL AUTHORITY

- 32.1** Where the services of a Government servant are lent to ITDC or services of an employee of a public undertaking are lent to ITDC (herein after in this rule referred as "the borrowing authority"), the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing such Government servant or public undertaking employee under suspension and of the Disciplinary Authority for the purpose of conducting disciplinary proceeding against him.
- 32.2** Where an order of suspension is made or disciplinary proceedings are taken against an employee who is on deputation to the Company from the Central or State Government or another Public undertaking or a local authority, the authority lending his

services (hereinafter referred to as the "Lending Authority") shall forthwith be informed by the borrowing authority of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

32.3 In the light of the findings in the disciplinary proceedings, conducted against the employee: -

(a) If the borrowing authority is of the opinion that any of the penalties specified in Clause (i) to (v) of Rule 23 should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with Lending Authority:

Provided that in the event of a difference of opinion between the borrowing and the lending authorities, the services of the employee shall be placed at the disposal of the Lending Authority.

(b) If the borrowing authority is of the opinion that any of the penalties specified in Clause (vi) to (x) of Rule 23 should be imposed on him, it shall place his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action, as it deems necessary.

32.4 If the employee submits an appeal against an order imposing any of the penalties on him under sub-rule 3 (a) above 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(A) PROVISION REGARDING EMPLOYEES LENT TO GOVERNMENT/SUBSIDIARY COMPANY OR OTHER PUBLIC UNDERTAKINGS, ETC.

32(A) 1 Where the services of an employee are lent to the Govt or any authority subordinate, or to a Subsidiary Company or to any

other public sector undertaking (hereinafter referred to as the "borrowing authority") the borrowing authority shall have the powers of the appointing authority for the purpose of placing such an employee under suspension and of the disciplinary authority for the purpose of conducting disciplinary proceedings against him, provided that the borrowing authority shall forth with inform ITDC (hereinafter referred to as the lending authority) of the circumstances leading to the order of suspension of an employee or the commencement of the disciplinary proceedings as the case may be.

32(A)2 In the light of the findings of the inquiring authority against the employee:

- (i) If the borrowing authority is of the opinion that any of the penalties specified in Clauses (i) to (v) of Rule 23 (minor penalties) should be imposed on the employee, it may, after consultation with the lending authority, make such orders in the case, as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

- (ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (vi) to (x) of Rule 23 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit the proceedings of the enquiry for such action as deemed necessary to that authority .

Explanation:

The disciplinary authority may make an order under this clause on the record of inquiry transmitted to it by the borrowing authority or by holding such further enquiries, as it may deem necessary , as far as may be in accordance with Rule 25,26 or 27.

Rule 33 APPEALS

33.1 Orders against which no appeal lies.

Notwithstanding anything contained in Rule 33.2, no appeal shall lie against –

- (i) Any order of Inquiry Officer in the course of an enquiry under these Rules;
- (ii) Any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceedings, other than the order of suspension ;
- (iii) Any order passed by an Inquiring Authority in the course of an inquiry under Rule 26.

33.2 Orders against which appeal lies

Subject to the provision of Rule 33.1, an employee may prefer an appeal against all or any of the following orders, namely –

- (i) an order of suspension made or deemed to have been made under Rule 20;
- (ii) an order imposing any of the penalties specified in Rule 23, whether made by the Disciplinary Authority or by any Appellate or Reviewing Authority;
- (iii) an order enhancing any penalty, imposed under Rule 23;
- (iv) an order which –
 - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
 - (b) interprets to his disadvantage the provisions of any such rule or agreement;

- (v) an order –
 - (a) stopping him at the Efficiency Bar in the time-scale of pay on the ground of his unfitness to cross the bar;
 - (b) reverting him while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty;
 - (c) reducing or withholding retirement benefits i.e. gratuity, leave encashment or denying the maximum amount of retirement benefits i.e. gratuity, leave encashment admissible to him under the rules;
 - (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
 - (e) determining his pay and allowance-
 - (i) for the period of suspension, or,
 - (ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction of a lower service, grade, post, time-scale of pay, to the date of his reinstatement or restoration to his service, grade, or post, or
 - (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale or pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

EXPLANATION: - In this rule –

- (i) the expression employee includes a person who has ceased to be in Company's service;
- (ii) the retirement benefits includes gratuity and leave encashment.

33.3 The appeal shall lie to the Authority specified in the Schedule to these rules. Similarly, the management shall have the right to appeal against the order of the Disciplinary Authority, if the order of the Disciplinary Authority, in the estimation of the Management is likely to adversely affect the interest of the organisation. Such appeal on behalf of management shall be made by the Vigilance Division in the even disciplinary case has been initiated on Vigilance investigation, CVC or CBI advice etc. In other cases HR Disciplinary Cell shall make appeal, if considered necessary, against the order of the CDA.

33.4 Period of limitation of appeal

An appeal shall be preferred within one month from the date of communication of the order appealed against and delivered to the applicant provided that Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time. The appeal shall be addressed to the Appellate Authority specified in the Schedule to these Rules 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 orders expeditiously.

33.5 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 proposed to impose, is a major penalty as specified in Rule 23(v) to (ix) and an inquiry as provided in Rule 26 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of Rule 26 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the Appellate Authority decided to enhance the punishment but an inquiry has already been held as provided in Rule 26, the Appellate Authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final order after taking into account the representation, if any, submitted by the employee.

33.6 Form and contents of appeal

- (i) Every person preferring an appeal shall do so separately and in his own name.
- (ii) The appeal shall be presented to the authority to which the appeal lies, a copy being forwarded by the appellant to the authority that made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.
- (iii) The authority, which made the order appealed against, shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the Appellate Authority without any avoidable delay, and without waiting for any direction from the Appellate Authority.

Rule 33.7 Withholding of appeal :

- (i) The authority which made the order appealed against may withhold the appeal if:
 - (a) it is an appeal against an order for which no appeal lies or:
 - (b) it does not comply with any of the provisions of Rule 33.6

- (c) it is not submitted within the period specified in Rule 33.4 and no reasonable cause is shown for the delay: or
- (d) it is a repetition of an appeal already decided and no new facts or circumstances are adduced:

Provided that an appeal withheld on the ground only that it does not comply with the provisions of Rule 33.6 shall be returned to the appellant, and if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

- (ii) Where an appeal is withheld, the appellant shall be informed of the facts and reasons thereof.
- (iii) At the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter, together with the reasons, for withholding them, shall be furnished by that authority to the Appellate Authority.

33.8 Transmission of appeal :

- (i) The Authority which made the order appealed against shall, without any avoidable delay transmit to the Appellate Authority every appeal, which is not withheld under Rule 33.7 together with its comments thereon and the relevant records.
- (ii) The authority to which the appeal lies may direct transmission to it of any appeal withheld under Rule 33.7 and thereupon such appeal shall be transmitted to that Authority together with the comments of the authority withholding the appeal and the relevant records.

33.9 Consideration of appeal

- (i) In the case of an appeal against an order of suspension, the Appellate Authority (Annexure I) shall consider whether in the light of the provisions of Rule 20 and having regard to the circumstances of the case, the order

of suspension is justified or not and confirm or revoke the order accordingly.

- (ii) In the case of an appeal against an order imposing any of the penalties specified in Rule 23 or enhancing any penalty imposed under the said rules, the Appellate Authority shall consider –
 - (a) whether the procedure laid down in these rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
 - (b) whether the findings of the Disciplinary Authority are warranted by the evidence on the record; and
 - (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; and pass orders –
 - (1) confirming, enhancing, reducing, or setting aside the penalty; or
 - (2) remitting the case to the authority, which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the cases;

Provided that –

- (i) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in Clause (vi) to (x) of Rule 23 and an inquiry under Rule 26 has not already been held in the case, the Appellate Authority shall, subject to the provisions of Rule 30, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 26 and thereafter, on a consideration of the proceedings of such inquiry and make such orders as it may deem fit;

- (ii) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in Clause (vi) to (x) of Rule 23 and an inquiry under Rule 26 has been held in the case, the Appellate Authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and,
 - (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of Rule 25, of making a representation against such enhanced penalty.
- (3) In an appeal against any other order specified in Rule 33.2, the Appellate Authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

33.10 Implementation of orders in appeal

The authority, which made the order appealed against, shall give effect to orders passed by the Appellate Authority.

Rule 34 REVIEW

34.1 Notwithstanding anything contained in these rules, the reviewing authority as specified in the schedule (Annexure I), may at any time, either on his or its own motion or otherwise call for the records of any inquiry and review any order made under these rules on an appeal made by management or the delinquent employee (CSE) Reviewing Authority may call for the record of any case within six months of the date of the final order made by the Disciplinary Authority/ Appellate Authority. After reviewing the case the Reviewing Authority may –

- (a) confirm, modify or set aside the order; or

- (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other orders as it may deem fit.

Provided that no order imposing or enhancing any penalty shall be made by any Reviewing Authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in Clause (vi) to (x) of Rule 23 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those Clauses, and if an inquiry under Rule 26 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 26 subject to the provisions of Rule 30. If the Reviewing Authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of Rule 26, the Reviewing Authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Reviewing Authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Provided further that no power of review shall be exercised unless –

- (i) the authority which made the order in appeal, or
- (ii) the authority, to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

34.2 No proceeding for review shall be commenced until after

- (i) the expiry of the period of limitation for an appeal, or
- (ii) the disposal of the appeal, where any such appeal has been preferred.

34.3 An application for review shall be dealt with in the same manner as if it were an appeal under these rules. Application for review shall be made on behalf of the management on the same lines as specified in Rule 33.3.

Rule 35 POWER TO RELAX TIME LIMIT & TO CONDONE DELAYS

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 it sufficient cause is shown, extend the time specified in these Rules for anything required to be done under these Rules or condone any delays.

Rule 36 RETIREMENT

On attaining the age of superannuation:

The age of superannuation shall be completion of 58 years and an employee shall retire from service on the last day of the month in which he attains the age of superannuation unless the period is extended by the Board of Directors of the Corporation and approved by Administrative Ministry.

Rule 37 TERMINATION

The services of an employee may be terminated by giving such notice or notice pay as may be prescribed in the contract of service in the following manner:-

- (i) Of any employee appointed under a contract or agreement in accordance with the terms of such contract or agreement.
- (ii) Of any employee on reduction of Establishment
- (iii) **Temporary employees:**

All temporary appointments in the Company are terminable at any time by giving one months' notice by either side viz. either by the employee or by the appointing authority without assigning any reasons. The Appointing authority, however, reserves the right of terminating the service of an employee without notice or before the expiry of the stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

- (iv) **Employees on probation:**

- (a) During the period of probation, services of an employee are liable to be terminated at any time without assigning any reason whatsoever.
- (b) Of an employee who has completed his probationary period and who has been confirmed or deemed to be confirmed by giving him 90 days' notice or pay in lieu thereof, in case there is reasons to believe that his performance is unsatisfactory or inadequate or there is bonafide suspicion about his integrity.

- (v) **Permanent employees:**

- (a) If a permanent employee is found guilty of misconduct or is found to be inefficient, his services are terminable only in accordance with the Conduct, Discipline and Appeal Rules of India Tourism Development Corporation Limited.
- (b) The services of an employee are terminable in accordance with the terms of appointment or on disciplinary grounds after following the proper procedure.

Rule 38 SERVICE OF ORDERS, NOTICES, ETC.

Every order, notice and other process made or issued under these Rules shall be served on the employee concerned in person or shall be communicated to him by Registered Post at his last known address or displayed on the notice board(s). Service of orders/notices and other process may also be made at the residence of the employee by pasting or otherwise if the first two methods stated above fail.

It will be the sole responsibility of the concerned employee to intimate in writing to the Disciplinary Authority in case there is any change in his residential address.

Rule 39 REPEAL & SAVINGS

- 39.1** The 'ITDC Conduct Discipline & Appeal Rules 2010' will supercede all previous Rules on the subject insofar as they are inconsistent with these Rules.
- 39.2** 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.
- 39.3** The proceedings pending at the commencement of these Rules shall be continue and disposed of, in accordance with the provisions of these Rules, as if such proceedings were proceedings under these Rules.
- 39.4 Any misconduct, etc. committed prior to the issue of these Rules, which was misconduct, shall be deemed to be misconduct under these Rules.
- 39.5** Nothing in these Rules shall be construed as depriving any person to whom these Rules apply, of any right of appeal which had accrued to him under the rules, which have been superseded by these Rules

Rule 40 INTERPRETATION /REMOVAL OF DOUBTS

Where a doubt arises as to the interpretation of any of these Rules, the matter shall be referred to the C&MD ITDC for final decision.

Rule 41 AMENDMENT, NOTIFICATION, REPEAL, ETC OF THESE RULES

The C&MD ITDC may amend, modify, repeal or add to these Rules from time to time, and all such amendments, modifications, or additions, etc shall effect from the date stated therein.

Rule 42 DISCIPLINARY PROVISIONS FOR RETIRING EMPLOYEES

Regarding the disciplinary provisions for retired employees of ITDC Rule 24.3 & Rule 24.4 of ITDC Conduct, Discipline & Appeal Rules 2010 be referred.

ANNEXURE- I

Disciplinary Authorities to exercise disciplinary powers in respect of Employees Covered under ITDC-CDA Rules 2010

A. OFFICERS/EXECUTIVES

S N	POSTS	Appointing Authority	Disciplinary Authority	Appellate Authority	Reviewing Authority
1	Posts in the scale of pay of Rs.8000-13500, Rs.10000 – 15200 and equivalent scale of IDA	Functional Dir./ C&MD	HOD	Functional Director	C&MD
2	Posts in the scale of pay of Rs.12000-16500 and equivalent scale of IDA	Functional Dir./ C&MD	HOD	Functional Director	C&MD
3	Posts in the scale of pay of Rs.14300-18300 and equivalent scale of IDA	Functional Dir./ C&MD	Functional Director	C&MD	Board of Directors
4	Posts in the scale of pay of Rs.16400-20000 and scale above & equivalent of IDA other than Presidential	Board of Directors	C&MD	Board of Directors	Board of Directors
5	Presidential appointments	President	President	President	President

B. NON- EXECUTIVES

- 1. All employees in the scale of pay of Rs. 5500-9000 and below & Equivalent scale in IDA**

S N	POSTS	Appointing Authority	Disciplinary Authority	Appellate Authority	Reviewing Authority
a	In any Division	HOD	Concerned GM in Corporate Office	HOD	Functional Director/ C&MD

b	In any Regional Office	HOD	Concerned GM in Corporate Office	HOD	Functional Director/ C&MD
c	In any Unit(HCE)	GM of the unit in concurrence with HOD	GM of the unit	HOD	Functional Director/ C&MD

- I. The various authorities as defined in this Schedule in relation to posts in various scales of pay will remain operative for corresponding revised scale of pay from time to time.**
- II. Wherever the various authorities have been shown in alternative like, Functional Director/C&MD, the respective powers shall be exercised by the lower authority, if in position and consequently the Appellate/Reviewing Authority shall be the next in rank to the Authority which has exercised the Disciplinary/Appellate Authority.**
- III. The Functional Directors shall exercise the powers in respect of officers working in the Division under their control. However, where any Division is not under the control of any Functional Directors, the powers of Functional Directors shall be exercised by the Functional Director who is heading the HRM Division.**
- IV. In view of the current scenario any induction is to be approved by Functional Director and C&MD.**

**TERMS & CONDITIONS OF APPOINTMENT OF INQUIRY OFFICER(IO),
PRESENTING OFFICER (PO) & DEFENCE ASSISTANT (DA)**

(A) INQUIRY OFFICER(IO)

- (i) The IO shall be appointed by the Competent Disciplinary Authority as per ITDC Conduct, Discipline & Appeal Rules or Standing Orders of the units as the case may be on case to cases basis.

It should be ensured that the officer so appointed has no bias and had no occasion to express an opinion in writing in the earlier stages of the case.

- (ii) The IO shall maintain strict secrecy in relation to documents/data/information pertaining to the Inquiry both directly or indirectly.
- (iii) The terminated/dismissed officers or officers in service or retired against whom disciplinary inquiry is pending shall not be eligible to act as Inquiry Officer.
- (iv) The IO shall submit the inquiry report within the time indicated in the appointment order itself.
- (v) If the inquiry involves tours outside Delhi, the TA/DA, stay accommodation shall be as per entitlement/rules for departmental IO/PO.

The IO, who is not in the employment of ITDC, shall be entitled to the TA/DA as per entitlement at the time of retirement from the Govt. or Corporation.

- (vi) The designation of the IOs, who are not in the employment of ITDC, shall be treated the designation at the time of their retirement from the Govt service or the rank which they are holding in the department where they are working in the Govt or PSU at the time of appointment as IO.
- (vii) The Competent Disciplinary Authority can terminate the appointment of an Inquiry Officer or any valid ground e.g. violation of the principles of natural justice, bias or vindictiveness etc

If the status of IO is terminated before the completion of the inquiry the quantum of honorarium is to be paid shall be

decided by the Competent Disciplinary Authority. The Competent Disciplinary Authority may seek the recommendations of the HR Division in this connection, so would be the case for the Presenting Officer.

- (viii) Number of inquiries to be entrusted to inquiry Officer shall not exceed 5 numbers at a time.
- (ix) The IO shall submit all the documents meticulously and carefully on the line of submission of the inquiry report.
- (x) The honorarium & reimbursement of conveyance shall be paid after one month of submission of the inquiry report and the presentation of the claim by the IO.

The honorarium shall be inclusive of secretarial charges for preparation & submission of the inquiry report as well as other incidental charges, if any.

(B) PRESENTING OFFICER (PO)

- (ii) Should be appointed as per ITDC Conduct, Discipline & Appeal Rules / Standing Orders of the unit, by the Competent Disciplinary Authority (CDA) on case to case basis.
- (iii) Ordinarily an employee belonging to the departmental set up who is conversant with the case will be appointed as Presenting Officer (PO) except in cases involving complicated points of law where it may be considered desirable to appoint a legal practitioner to present the case on behalf of the Disciplinary Authority.
- (iv) An officer, who made the preliminary investigation or inquiry into the case, should not be appointed as Presenting Officer.
- (v) The PO shall maintain strict secrecy in relation to documents/data/information, pertaining to the inquiry both directly & indirectly. If the information is leaked out, the PO shall be liable for appropriate action as per rules.
- (vi) For conducting the departmental inquiry, the PO shall make arrangement for the office accommodation & secretarial assistance. The necessary stationary shall also be provided for the purpose of inquiry as may be desired by the IO.
- (vii) The terminated/dismissed officers or officers against whom a major penalty has been imposed or a disciplinary proceeding is pending shall not be eligible to act as PO.

- (viii) The number of inquiries to be entrusted to PO shall be regulated as per rules of the Corporation from time to time.**
- (ix) The Competent Disciplinary Authority, for reasons to be recorded in writing may terminate the appointment of PO.**
- (x) The honorarium payable to the PO per inquiry reimbursement of conveyance charges shall be as per rules of the Corporation from time to time.**

(C) DEFENCE ASSISTANT (DA)

- (i) In the copy of the order appointing the PO, endorsed to the delinquent employee, he should be asked to finalise the selection of his Defence Assistant (DA) before the commencement of the proceeding.**
- (ii) The appointment of DA shall be regulated as per the provisions of Clause 27.10.**

ANNEXURE-III

INDIA TOURISM DEVELOPMENT CORPORATION LIMITED
SCOPE COMPLEX, 7 LODHI ROAD, NEW DELHI 110003

Sub: **SCHEDULE OF FEES / HONORARIUM / CONVEYANCE**
REIMBURSEMENT TO EO AND PO

Payment of honorarium to the Inquiry Officer/Presenting Officer shall be paid at the following rates and will be subject to terms and conditions given below:

HONORARIUM

CATEGORY

HONORARIUM

For the Inquiry Officer appointed (other than the internal ITDC) as per ITDC Conduct, Discipline & Appeal Rules 2002 (Revised/ Amended/Updated).

Rs.12,500/- per inquiry lump sum.

Internal (ITDC) departmental Inquiry Officer

Rs.2500/- per inquiry

Departmental Presenting Officer

Rs. 1000/- per inquiry

Reimbursement of conveyance be made @ Rs.175/- per hearing for Auto or Rs.300/- per hearing if travelled by taxi, as the case may be, subject to maximum of ten hearings.

The Inquiry Officer for conducting the inquiry outside Delhi will be entitled to travel and to avail boarding lodging as per his entitlement in Govt of India service or in PSU and in case of retired employees as per his entitlement at the time of retirement.

ANNEXURE-IV

Form for giving prior intimation or seeking previous sanction in respect of acquisition/ disposal of Movable, Immovable & Valuable property

1

(1) Name (in Full):

(2) Designation:

(3) Posting details: (i) Place of Posting:

(ii) SSA :

(iii) Name of Circle:

(4) Pay Details:

(i) Scale of pay with effective date:

(ii) Present basic pay :

(5) Purpose of application:

(i) Sanction for transaction, or:

(ii) Prior intimation of transaction:

(6) Whether property is being acquired
or disposed off :

(7) Probable date of transaction:

(8) Mode of acquisition/disposal (sale/
purchase, gift, mortgage, lease or otherwise):

(9) In case of Immovable property:

(a) Full details about location, viz., Municipal
No., Street/Village/Taluk/ District and
State in which situated:

(b) Extent of property and description, in case
of cultivable land wet, dry or garden land:

(c) Whether freehold or leasehold:

(d) Whether the applicants interest in the
property is in full or part (in case of partial
interest, the extent of such interest must be
indicated):

(10) In case of Moveable property:

(a) Description of Motor vehicle:

(i) Type of Vehicle:

(ii) Make :

(iii) Model:

(iv) Registration No.:

(b) Description of property other than Motor vehicle:

(i) Type of Vehicle:

(ii) Make :

(iii) Model:

**(11) Total price of the property:
(Market Value, in case of gifts)**

**(12) In cases of acquisition, source(s) from which
financed/ proposed to be financed:**

(a) Personal savings:

(b) Other sources (giving details):

**(13) In the case of disposal of property, was
requisite/sanction/intimation obtained/
given for its acquisition? (A copy of the
sanction/acknowledgement should be attached):**

**(14) (a) Name and address of the party with whom
transaction is proposed to be made:**

**(b) Is the party related to the applicant? If so,
state the relationship?**

**(c) Did the applicant have any dealings with
the party in his official capacity at any time,
or is the applicant likely to have any
dealings in near future?**

**(15) In case of acquisition by gift, whether
sanction/ requisite intimation obtained/ given
for its acquisition under Rule 15 of Conduct
Rule (If so, copy of the sanction or intimation
should be attached) :**

**(16) Any other relevant fact which the
applicant may like to mention :**

DECLARATION

I,, hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described above from/to the party whose name is mentioned in Item 14 above.

OR

I,....., hereby intimate the proposed acquisition /disposal of property by me as detailed above. I declare that the particulars given above are true.

Signature

Station:

Date:

Designation:

Note: Where previous sanction is asked for, the application should be submitted at least 30 days before the proposed date of the transaction.

ANNEXURE -V

**Form of report/application for permission to the prescribed authority
for the building of or addition to a house**

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

Date.....

To,

Sir,

Permission may be granted to me for the building of a house/the addition to the house.

The estimated cost of the land and materials for the construction extension is given below: -

(1) Land:

(a) Location—

- (i) Survey number:
- (ii) Village :
- (iii) District :
- (iv) State:

(b) Area :

(c) Cost :

(d) Whether previous sanction obtained in acquiring the land as per rule 21.
(Please enclose copy of such sanction):

(2) Estimated Construction Cost:

- (a) Civil works:
- (b) Electrical works:
- (c) Any other special fittings:
- (d) Other costs with details etc:
- (e) Total cost of constructions:

The construction will be supervised by myself/ will be done by

*

**** I do not have any official dealings with contractor nor did I have any official dealings with him in the past.**

I have/had official dealings with the contractor and the nature of my dealing with him is/was as under:

(3) The financing of the proposed construction will be as under:

	Amount (in Rs.)
(i) Own savings:	
(ii) Loans/Advance with full details:	
(iii) Other sources with details:	

Yours faithfully,
.....

*** Strike out the portions not applicable.**

**** Enter the name and place of business of the contractor.**

ANNEXURE -VI

**Form of report to the prescribed authority after completion of the building/
extension of a house**

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

Date.....

To,

Sir,

(1) Permission was granted to me in Order No. Datedfor the building of a house at an estimated cost of on land with following details:

- (i) Survey No.:
- (ii) Village:
- (iii) District:
- (iv) State:

(2) The house has since been completed.

(3) The actual cost of construction is Rs. _____ and was financed as under: -

Amount (Rs.)

- (i) Own Savings :
- (ii) Loans /Advances with full details:

(4) Reasons for variation in cost:

Note: Variations in cost of construction, between the figures given above and figures while taking prior sanction, is explained below:

I hereby undertake to state that the above particulars given by me are true and correct.

Yours faithfully,

*** Enclose copy of sanction issued.**

ANNEXURE - VII

STATEMENT OF ANNUAL RETURN OF IMMOVABLE PROPERTY
(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

For the year ending As on

(1) Name of officer (in full) and service to which the officer belongs.....

(2) Present post..... Present pay

Name of District, Sub division, Taluk and Village in which property is situated	Name and details of property Housing & Other <u>building</u> <u>Land</u>	Pre-sent Value	If not in Own Name, state in whose name held and his/her relationship to the employ ee	How acquired- (Whether by purchase , lease, Mortgage , gift or Otherwis e), with date of acquisiti on and name, with details of persons from whom acquired	Annual Income from property	R e m a r k s
1	2	3	4	5	6	7

Date:

Signature:

- (1) Inapplicable clause to be struck out.**
- (2) In case where it is not possible to access the value accurately, the approximate value in relation to present conditions may be indicated.**
- (3) Includes short terms lease also.**

Note: The declaration form is required to be filled in and submitted by every employees of ITDC as on the 1st January every year giving particulars of all immovable property owned, acquired or inherited by him on lease or mortgage either in his name or in name of any member or in the name of any other person.

ANNEXURE -VIII
VALUATION REPORT

I/We hereby certify that I/we have valued House.....

.....
Constructed by Shri/Smt.....and I/we give below the values at which I/we estimate the cost of the house under the following headings:

-

<u>Heading</u>	<u>Cost (in Rs)</u>
(1) Bricks	
(2) Cement	
(3) Iron and Steel	
(4) Timber	
(5) Sanitary Fittings	
(6) Electrical Fittings	
(7) Any other Special Fittings	
(8) Labour Charges	
(9) Any other Charges	

Total Cost of the Building _____

Date.....

(Signature and Designation of the
Valuation Authority)

ANNEXURE-IX

**FORM TO BE FILLED BY ITDC EMPLOYEES ABOUT FAMILY DETAILS
ON FIRST EMPLOYMENT**

(Under Rule 5 of ITDC Conduct, Discipline and Appeal Rules, 2010)

(1) Close relatives who are nationals of/or are domiciled in other countries	Name	Nationality	Present address	Place of Birth	Occupation*
---	-------------	--------------------	----------------------------	---------------------------	--------------------

(i) Father

(ii) Mother

(iii) Wife/Husband

(iv) Son(s)

(v) Daughter(s)

(vi) Brother(s)

(vii)Sister(s)

(2) Close relatives resident in India, who are of non- Indian origin	Name	Nationality	Present Address	Place of Birth	Occupation*
---	-------------	--------------------	----------------------------	---------------------------	--------------------

(i) Father

(ii) Mother

(iii) Wife/Husband

(iv) Son(s)

(v) Daughter(s)

(vi) Brother(s)

(vii)Sister(s)

I certify that the foregoing information is correct and complete to the best of my knowledge and belief.

Signature

Designation.....

Date

***If public service, give full particulars regarding designation of the post held, name of department/office, etc., where employed and the date of such employment.**

Note 1. - Suppression of information in this form will be considered a major departmental offence for which the punishment may extend to dismissal from service.

Note 2. – Subsequent changes, if any, in the above data should be reported to the Head of Office/Department, at the end of each year.

ANNEXURE-X

MEANING & LIST OF RELATIVES REFERRED IN ITDC CDA RULES 2010

A person shall be deemed to be a relative of another if, and only if

- (a) They are members of a Hindu Undivided family; or
- (b) They are husband and wife; or
- (c) The one is related to the other in the manner indicated in

Schedule (I-A) below: -

SCHEDULE I-A

List of Relatives:

Father

Mother (including step-mother)

Son (including step-son)

Son's wife (Daughter-in-law)

Daughter (including step-daughter)

Father's father } }

Father's mother } } Grand parents (both paternal and maternal)

Mother's mother } }

Mother's father }

Son's son (Grand son)

Son's son's wife (Grand daughter-in-law)

Son's daughter (Grand daughter)

Son's daughter's husband (Grand-son-in-law)

Daughter's husband (son-in-law)

Daughter's son (Grand son)

Daughter's son's wife (Grand daughter-in-law)

Daughter's daughter (Grand daughter)

Daughter's daughter's husband (Grand son-in-law)

Brother (including step-brother)

Brother's wife (sister-in-law)

Sister (including step-sister)

Sister's husband (brother-in-law)

ANNEXURE-XI

**FORM FOR ITDC EMPLOYEES IN RESPECT OF DEPENDENT STATUS
ON FIRST APPOINTMENT**

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

- (1) Name: (2) Employee No:
(3) Designation: (4) Date of Birth:
(5) Date of Entry in the Department: (6) Family Status as-

Sl. No	Name of the family members	Relation ship with the employ ee	Whether Depend ent or not	Nationa lity	Age	Occupa tion	Residential Address

I _____ hereby declare that I have no illegal marital status and the particulars furnished above are complete, true and correct as on date and undertake to keep the above particulars upto date by notifying to Head of Office any addition or alteration.

Place:

Date:

Signature:

ANNEXURE-XII

FORM FOR ITDC EMPLOYEES ON FIRST APPOINTMENT FOR NOMINATION IN RESPECT OF GRATUITY/LEAVE ENCASHMENT AND OTHER ADMISSIBLE CLAIMS ON RETIREMENT/ DEATH

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

I, _____, hereby nominate the person(s) noted below and confer the right to receive the retirement/death gratuity and other claims etc. as might be admissible in the event of my death after retirement but in case of pending settlement or in case of death while in service.

Claim*	Particulars of nominees(s)	Relationship	Age	Share payable	Alternate Nominee, if 1st nominee is pre-deceased	Share payable
Gratuity						
Leave Encashment						
Others (if any admissible)						

This nomination supersedes any nomination made earlier.

Dated the _____ day of _____ at _____.

Signature of the employee

WITNESS:

(1) _____

(2) _____

Name & Designation:

Employee No:

Office Address:

Signature of Head of Office

Designation:

*** As admissible from time to time as per ITDC Rules.**

ANNEXURE-XIII

STATEMENT OF MOVABLE PROPERTY ON FIRST APPOINTMENT

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

(1) Name (in full):

(2) Employee No:

(3) Designation:

(4) Present Basic Pay:

(5) Department:

(6) Scale of Pay:

(7) Date of Appointment:

Sl. No	Description of Items (Shares, Securities, Debentures, Jewellery, and other movable Property like Motor vehicle, etc.)	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchased on hire purchase or installment basis	If not in own name, the name and address of person in whose name held and his/her relationship with the employee	How acquired with approximate date of acquisition	Remarks
1	2	3	4	5	6

I, _____, hereby declare that the particulars furnished above are complete, true and correct to my knowledge and belief.

Date:

Place:

Signature:

Note: In this-

- (1) Jewellery owned by him (total value).
- (2) Silver and other precious metals and precious stones owned by him not forming part of jewellery (total value).
- (3) (i) Motor Car, (ii) Scooters/Motor Cycles, (iii) Refrigerators/Air- conditioners, (iv) Radios, Radiograms, Television sets and any other article, the value of which individually exceeds the amount of Rs.25, 000/-.
- (4) Value of terms of movable property individuals worth less than Rs.25, 000/- other than articles of daily use such as clothes, utensils, books, crockery, etc. added together as lump sum.
- (5) In columns 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.
- (6) In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

ANNEXURE-XIV

STATEMENT OF IMMOVABLE PROPERTY ON FIRST APPOINTMENT

(e.g. Lands, House, Shops, Other Buildings, etc.) as on 1st January 20____

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

- (1) Name of officer (in full) and service to which the officer belongs.....
- (2) Present post..... Present pay.....
- (3) Date of Joining

Sl No.	Description of the property including under construction	Precise Location (Name of District, Taluk and Village in which property is situated and also its distinctive number, etc)	Area of land in case of land and buildings	Nature of land in case of landed property	Extent of interest	If not in own Name, state in whose name held and his/her relation-ship to the employee
1	2	3	4	5	6	7

Date of Acquisition	How acquired- (Whether by purchase, lease, Mortgage, gift or Otherwise), with date of acquisition and name, with details of persons from whom acquired	Value of the property and How financed (Pl. see Note 2 below)	Particulars of sanction of prescribed authority, if any	Total annual Income from the property	Remarks
8	9	10	11	12	13

Date:

Signature:

Note:

- (1) For the purposes of Column 9, the term “lease” would mean a lease of immovable property from year to year or for any term exceeding one year or receiving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the employee, such a lease should be shown in this column irrespective of the term of lease, whether it is short term or long term and the periodicity of the payment of rent.
- (2) In Column 10, following should be shown:
- (a) Where the property has been acquired by purchase, construction, mortgage or lease, the price of premium paid for such acquisition;
 - (b) Where it has been acquired by lease, the total annual rent thereof also; and
 - (c) Where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

ANNEXURE-XV

STATEMENT OF LIQUID ASSETS ON FIRST APPOINTMENT
as on 1st January 20____

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

(1) Name of officer (in full) and service to which the officer belongs.....

(2) Present postPresent pay

(3) Date of Joining

Sl. No	Description (Cash and Bank balance exceeding 3 month's emoluments)	Name and address of Company, Bank, etc.	Amount	If not in own name, the name and address of person in whose name held and his/her relationship with the employee	Annual income derived	Remarks
1	2	3	4	5	6	7

Date:

Signature:

Note:

- (1) The term 'emoluments' means the pay and allowances received by the employee.
- (2) In Column 7, particulars regarding sanction obtained or report made in respect of the various transactions may be given.

ANNEXURE-XVI

STATEMENT SHOWING LIFE INSURANCE POLICY/POLICIES ON FIRST APPOINTMENT as on 1st January 20

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

(1) Name of officer (in full) and service to which the officer belongs.....

(2) Present postPresent pay

(3) Date of Joining

Sl.No.	Policy No. and Date of Policy	Name of Insurance Company	Sum Insured/ date of Maturity	Amount of Annual Premium	Remarks
1	2	3	4	5	6

Date:

Signature:

Note: Insurance policies, the annual premium of which exceeds Rs.10,000/- or one sixth of the annual emoluments received from the company whichever is less are to be included in this statement.

ANNEXURE-XVII

STATEMENT OF DEBTS AND OTHER LIABILITIES ON FIRST APPOINTMENT as on 1st January 20

(Under Rule 16 of ITDC Conduct, Discipline and Appeal Rules, 2010)

(1) Name of officer (in full) and service to which the officer belongs.....

(2) Present postPresent pay

(3) Date of Joining

Sl. No	Amount	Name and address of Creditor	Date of incurring liability	Details of transactions	Remarks
1	2	3	4	5	6

Date:

Signature:

Note:

- (1) Individual items of loans not exceeding Rs.5,000/- need not be included.
- (2) In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.
- (3) The statement should also include various loans and advances available to employees like advance for purchase of conveyance, etc. (other than advances of pay and traveling allowances, advances from the Provident fund, and loans on Life Insurance Policies and Fixed Deposits.

ANNEXURE-XVIII TO ITDC CDA RULES 2010

INDIA TOURISM DEVELOPMENT CORPORATION LTD

Ref: SEC:CS:217/2006

Dated: 4th September 2006

Office Order

Subject: Code of Conduct for Management Personnel

In compliance with the provisions of Clause 49 of the Listing Agreement with the Stock Exchanges, the ITDC Board in its meeting held on the 11th July 2006 have approved the Code of Conduct for the Management Personnel effective from the 1st January 2006. A copy of the same is sent herewith for information and compliance.

2 The "Code of Conduct for the Management Personnel" is applicable to all the employees of the Company who are at the executive level below the Board and would comprise, as defined in Clause 2.1 of the Code, all the executives right from Assistant Managers to Senior Vice President. All the Management Personnel are required to affirm compliance with the Code within 30 days of close of every financial year, in the Proforma for Annual Compliance prescribed at Appendix-III.

3 All HODs/Unit Heads are requested to bring the "Code of Conduct for the Management Personnel" to the notice of all executives under their control for compliance. They are also requested to ensure that the acknowledgement, in the prescribed form (Appendix-IV), in respect of themselves as well as from the executives under their control are forwarded to the Compliance Officer i.e. Company Secretary, for record.



(C Stephen)
Company Secretary

Encl: as above

Distribution:

1. Director (Fin)
2. All SrVPs / CVO
3. All VPs / OSD to C&MD
4. All Corporate GMs
5. GMs – All HCE Units
6. Manager – All ATT/DFT Units
7. DyGM(HR)/(Admn)/(CS-OL)

INDIA TOURISM DEVELOPMENT CORPORATION LTD

CODE OF CONDUCT FOR MANAGEMENT PERSONNEL

1. INTRODUCTION

1.1 This Code of Conduct (“this Code”) shall be called “The Code of Conduct for Management Personnel” of **INDIA TOURISM DEVELOPMENT CORPORATION LTD (ITDC)**, hereinafter referred to as “the Company”.

1.2 The Company currently has Conduct, Discipline & Appeal Rules (“CDA Rules”), which govern the conduct of all permanent employees of the Company and those governed by the Standing Orders under the Industrial Employment (Standing Orders) Act, 1946. This Code for Management Personnel has now been framed specifically in compliance with the provisions of Clause 49 of the Listing Agreements entered into by the Company with the Stock Exchanges. This Code is to be read in conjunction with the CDA Rules.

1.3 It shall come into force with effect from 1st January 2006.

2 DEFINITIONS AND INTERPRETATION

In this Code, unless repugnant to the meaning or context thereof, the following expressions shall have the meaning given to them below:

2.1 The term “Management Personnel” shall mean employees of the Company who are at the executive level below the Board and would comprise all the executives right from Assistant Managers to Sr Vice Presidents.

2.2 The term “Company” means ITDC and includes its successors and assigns.

2.3 The term “Compliance Officer” shall mean the Company Secretary of the Company.

2.4 The term “Relative” shall mean ‘relative’ as defined in Section 2(41) and Section 6 of the Companies Act, 1956 (**Appendix-I**).

2.5 The term “Conflict of Interest” means where the interest(s) or benefit(s) of one person or entity conflict with the interest(s) or benefit(s) of the company.

In this Code, words importing masculine shall include feminine and words importing singular shall include plural or vice versa.

3. APPLICABILITY

This Code shall be applicable to the following persons:

-Management Personnel as defined in Clause 2.1 of this Code.

4. KEY REQUIREMENTS

All Management Personnel shall act within the authority conferred upon them, keeping the best interests of the Company in view and observe the following:

- (i) Shall act with utmost care, skill, diligence and integrity.
- (ii) Shall act in utmost good faith and fulfill the fiduciary obligations without allowing their independence of judgment to be compromised.
- (iii) Shall not involve in taking any decision on a subject matter in which a conflict of interest arises or which in his opinion is likely to arise.

Shall make disclosures to the Chairman & MD relating to all material financial and commercial transactions, if any, where they have personal interest, that may have a potential conflict with the interest of the company at large.

- (iv) **Shall not, in his official capacity, enter into business directly or indirectly with (a) a relative or (b) a Private Limited Company in which he or his relative is a Member or a Director (c) a Public Limited Company in which he or his relative holds 2% or more paid-up share capital and (d) with a firm in which he or his relative is a partner and (e) with a HUF in which he or his relative is a member, except with the prior approval of the Chairman & MD unless otherwise permitted by law.**
- (v) Shall avoid having any personal and/or financial interest in any business dealings concerning the Company.
- (vi) Shall avoid any dealing with a Contractor or Supplier that compromises the ability to transact business on a professional, impartial and competitive basis or that may influence discretionary decision to be made by the Board Members/ Management Personnel / Company.
- (vii) Shall not hold any position or job or engage in outside business or other interest that is prejudicial to the interests of the Company.
- (viii) Shall not exploit for their own personal gain, opportunities that are discovered through use of corporate property, information or position, unless the opportunity is disclosed fully in writing to the Chairman & MD of the Company and the Board declines to pursue such opportunity and allow him to avail such opportunity.
- (ix) Shall not seek or accept, directly or indirectly any gift from anyone having business dealings with the Company.

- (x) Shall not make any statement which has the effect of adverse criticism of any policy or action of the Government or of the Company or which is capable of embarrassing the relations between the Company and the public including all the stakeholders.

Provided that nothing in this clause shall apply to any statement made or views expressed by a Management Personnel, which are purely factual in nature and are not considered as confidential, in his official capacity or in due performance of the duties assigned to him.

- (xi) Shall not commit any offence involving moral turpitude.

5. COMPLIANCE OF LAW

All Management Personnel shall comply with all applicable laws, rules and regulations relating to the business of the Company to the extent required to comply with the same.

6. OTHER DIRECTORSHIPS

Unless specifically permitted by the Chairman & MD, the Management Personnel shall not serve as Director of any other Company or as Partner of a Firm or as a member of HUF that is engaged in a business competing with the Company or with which the Company has business relations.

The Management Personnel shall obtain prior approval of the Chairman & MD of the Company for accepting Directorship of any other company or partnership of a firm.

Management Personnel shall not accept any appointment or post, whether advisory or administrative, in any Company or firm, whether Indian or Foreign, having competitive nature of business {other than (i) Joint Venture Companies with management control vested in ITDC and (ii) Subsidiary Companies of ITDC} or with which the Company has or had business relations, within two years from the date of cessation of service of the Company unless approved by the Chairman & MD.

7. PREVENTION OF INSIDER TRADING

All Management Personnel shall comply with the Code of Conduct for prevention of Insider Trading in the shares of ITDC as approved by the Board in its meeting held on 30th July 2003.

8. CORPORATE DISCLOSURE PRACTICES

The Compliance Officer is responsible for overseeing and co-ordinating disclosure of "Unpublished Price Sensitive Information" to stock exchanges, analysts, shareholders and media including drafting of the press release or the text of the information to be posted on the Company's web-site/released to the press with the approval of the Director (Finance). No person except the Compliance Officer or those authorized by the Compliance Officer, shall disclose any information relating to the Company's Securities to analysts/research persons and institutional investors. The Management Personnel shall comply with the Corporate Disclosure Practices.

9. RELATED PARTY DISCLOSURES

All Management Personnel shall make disclosure of related party transactions to the Chairman & MD in the format provided under Accounting Standard 18 (AS-18) (**Appendix-II**) issued by the Institute of Chartered Accountants of India (ICAI) and/or any modification or recodification thereof.

10. CONFIDENTIALITY OF INFORMATION

Subject to the Corporate Disclosure Practices as may be prevalent in the Company from time to time any information concerning the Company's business, its customers, suppliers, etc. to which the Management Personnel have access or which are in their possession, must be considered confidential and held in confidence. No Management Personnel shall provide any information either formally or informally, to the press or any other media, unless specifically authorized. Provided that Management Personnel shall in consultation/ under intimation to the Compliance Officer of the Company be free to disclose such information which is:

- (a) part of the public domain at the time of disclosure; or
- (b) authorised or required to be disclosed pursuant to a decision of the Board or any of its Sub-Committees; or
- (c) required to be disclosed in accordance with applicable laws, rules, regulations, guidelines or directions from the Ministry of Tourism.

11. PROTECTION OF ASSETS

All Management Personnel shall protect the Company's assets including physical assets, information and intellectual rights and shall not use the same for personal gain.

12. AMENDMENTS TO THE CODE

The provisions of this Code can be amended/modified by the Board of Directors of the Company from time-to-time and all such amendments/modifications shall take effect from the date stated therein.

13. PLACEMENT OF THE CODE ON WEBSITE

Pursuant to Clause 49 of the Listing Agreement, this Code and any amendment thereto shall be hosted on the website of the Company.

14. ANNUAL COMPLIANCE REPORTING

14.1 In terms of Clause 49 of the Listing Agreement, all Management Personnel shall affirm compliance of this Code within 30 days of close of every financial year. The Annual Report of the company shall contain a declaration to this effect signed by the Chairman & Managing Director. A proforma of Annual Compliance Report is at **Appendix-III**. The Annual Compliance Report shall be forwarded to the Company Secretary. If any Management Personnel leaves the Company any time during a financial year, he shall send a communication to Company Secretary affirming compliance of the Code till the date of his association with ITDC.

14.2 The Management Personnel shall certify to the Board that there are, to the best of their knowledge and belief, no transactions entered into by the Company during the year which are fraudulent, illegal or in violation of this Code.

15. ENFORCEMENT OF CODE OF CONDUCT

Each Management Personnel shall be accountable for fully complying with this Code.

16. CONSEQUENCES OF NON-COMPLIANCE OF THIS CODE

In case of breach of this Code by the Management Personnel, the same shall be dealt with in accordance with the CDA Rules of the Company.

17. ACKNOWLEDGEMENT OF RECEIPT OF THE CODE

All Management Personnel shall acknowledge receipt of this Code or any modification(s) thereto, in the acknowledgement form as at **Appendix-IV** and forward the same to the Company Secretary indicating that they have received, read, understood and agreed to comply with this code.

APPENDIX - I

INDIA TOURISM DEVELOPMENT CORPORATION LTD

CODE OF CONDUCT FOR Management Personnel

[EXTRACT OF SECTION 6 OF THE COMPANIES ACT, 1956]

Meaning of “relative”

6. A person shall be deemed to be a relative of another if, and only if,-
- (a) they are members of a Hindu undivided family; or
 - (b) they are husband and wife; or
 - (c) the one is related to the other in the manner indicated in Schedule IA.
-

SCHEDULE - IA

LIST OF RELATIVES

1. Father
 2. Mother (including step-mother)
 3. Son (including step-son)
 4. Son's wife
 5. Daughter (including step-daughter)
 6. Father's father
 7. Father's mother
 8. Mother's mother
 9. Mother's father
 10. Son's son
 11. Son's son's wife
 12. Son's daughter
 13. Son's daughter's husband
 14. Daughter's husband
 15. Daughter's son
 16. Daughter's son's wife
 17. Daughter's daughter
 18. Daughter's daughter's husband
 19. Brother (including step-brother)
 20. Brother's wife
 21. Sister (including step sister)
 22. Sister's husband
-

APPENDIX - II

INDIA TOURISM DEVELOPMENT CORPORATION LTD

CODE OF CONDUCT FOR MANAGEMENT PERSONNEL

ANNUAL COMPLIANCE CERTIFICATE

This is to certify that no transaction of material nature with ITDC has been carried out directly or through related parties as covered in the Accounting Standard – 18 issued by ICAI during the year .

Signature :.....
Name :.....
Designation :.....
Date :.....
Place :.....

Note: Where any transaction as above with ITDC has been carried out, the Board Members shall disclose the following, in respect of all transactions with related parties, as covered in AS-18 issued by ICAI:

- (i) the name of the transacting related party;
- (ii) a description of the relationship between the parties;
- (iii) a description of the nature of transactions;
- (iv) volume of the transactions either as an amount or as an appropriate proportion ;
- (v) any other elements of the related party transactions necessary for an understanding of the financial statements.

Note: The following are illustrative and not exhaustive list of examples of the related party transactions in respect of which disclosures should be made by Management Personnel:

- purchases or sales of goods (finished or unfinished);
- purchases or sales of fixed assets;
- rendering or receiving of services;
- agency arrangements;
- leasing or hire purchase arrangements;

- transfer of research and development;
 - licence agreements;
 - finance (including loans and equity contributions in cash or in kind);
 - guarantees and collaterals; and
 - management contracts including for deputation of employees.
-

APPENDIX - III

INDIA TOURISM DEVELOPMENT CORPORATION LTD

CODE OF CONDUCT FOR MANAGEMENT PERSONNEL

ANNUAL COMPLIANCE REPORT*

Ido hereby solemnly affirm that to the best of my knowledge and belief, I have fully complied with the provisions of the CODE OF CONDUCT FOR MANAGEMENT PERSONNEL during the financial year ending **31st March**.

Signature :.....
Name :.....
Designation :.....
Date :.....
Place :.....

* To be submitted by 30th April each year.

APPENDIX - IV

INDIA TOURISM DEVELOPMENT CORPORATION LTD

CODE OF CONDUCT FOR MANAGEMENT PERSONNEL

ACKNOWLEDGEMENT FORM

I, have received and read the Company's "CODE OF CONDUCT FOR MANAGEMENT PERSONNEL ("this Code"). I have understood the provisions and policies contained in this Code and I agree to comply with this code.

Signature :
Name :
Designation :
Date :
Place :

ANNEXURE-XIX TO ITDC CDA RULES 2010

Refer OM No.15(7)/99-DPE(GM)-GL-95 dated 28.7.2009 of Govt of India, Ministry of Heavy Industries and Public Enterprises (Department of Public Enterprises)

&

OM No.15(7)/1999-DPE(GM)-GL-95 dated 16.6.2009 of Govt of India, Ministry of Heavy Industries and Public Enterprises (Department of Public Enterprises)

ANNEXURE-XX TO ITDC CDA RULES 2010

Refer OM No.15(7)/2002-DPE(GM)-GL-96 dated 11.8.2009 of Govt of India, Ministry of Heavy Industries and Public Enterprises (Department of Public Enterprises)