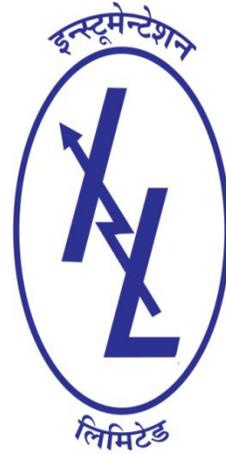


**INSTRUMENTATION LIMITED,  
PALAKKAD**



**INSTRUMENTATION EMPLOYEES  
CDA RULES - 2018**

## AMENDED CDA RULES – 2018

### INSTRUMENTATION EMPLOYEES DISCIPLINE, APPEAL & CONDUCT RULES-2018

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# INSTRUMENTATION LIMITED

## Instrumentation Employees - Discipline , Appeal and Conduct Rules 2018

### PART-I: GENERAL

#### 1. SHORT TITLE AND COMMENCEMENT:

These rules may be called the "INSTRUMENTATION EMPLOYEES DISCIPLINE & APPEAL RULES".

They shall come into force with immediate effect.

#### 2. Application:

These rules shall apply to all employees of the Company, including those appointed by the President/Central Govt., but shall not apply to the following categories viz:

- i. Those in casual employment or paid from contingencies;
- ii. Those who are, 'Workmen' as defined in the Industrial Disputes Act, 1947, read with the definition of 'Workmen' given under the certified standing orders of the company; and
- iii. Those in respect of whom the Board may have issued or may issue separate rules regarding discipline and appeal.

#### 3. DEFINITIONS:

Unless the context otherwise required the following terms in these rules are used in the sense herein explained-

- a) "Appointing Authority" in relation to an employee means the authority empowered to make appointments to the class or grade in which the employee is for the time being included or the post which the employee for the time being holds.
- b) "Appellate Authority" means the authority specified in the schedule appended to these rules.



- c) "Board" means the Board of Directors of the Instrumentation Limited and includes in relation to the exercise of powers, any committee of the Board / management or any officer of the Instrumentation Limited to whom the Board delegates any of its powers.
- d) "Chairman" means the Chairman/ Managing Director of the CPSE( IL)
- e) "Company" means the Instrumentation Limited.
- f) "Competent Authority" means the empowered by the Board of Directors by any general or special rule or order to discharge the functions or use the powers specified in the rule or order.
- g) "Disciplinary Authority" means the authority specified in the Schedule appended to these rules and competent to impose any of the penalties specified in Rule 6.
- h) "Employee" means the person who holds a post under the company other than the casual, work-charged or contingent staff or workmen as defined in the Industrial Disputes. Act, 1947, but includes a person in whose case the President or the Central Government is the Appointing Authority and persons on deputation to the Company .
- i) "Managing Director" means the Managing Director of the Company.
- j) "Reviewing Authority" means the authority specified in the schedule attached to these rules.
- k) "Public Servant" shall mean and include a person as defined in section 2(1) (o) read with Section14 (f) of the LokayukaAct, 2013 as amended from time to time.
- l) "Schedule" means the schedule attached to these rules.
- m) Inquiry Authority means an Employee or Committee of Employees duly constituted under these rules by disciplinary authority to enquire into allegations of misconduct leveled against one or more than one charge sheeted employee.
- n) **Family in relation to an employee includes:-**
- i. The wife or husband as the case may be of the employee, whether residing with the employee or not but does not include a wife or husband as the case may be separated from the employee by a decree or order of a Competent court.
- ii. Sons or daughters or stepsons or stepdaughters of the employee and wholly dependent on the employee, but does not include a child or stepchild who is no longer in any way dependent on the employee or of whose custody the employee has been deprived of by or under any law.



- iii* Any other person related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.

**4. GENERAL:**

1. Every employee of the Company shall at all times:
- (i) Maintain absolute integrity;
  - (ii) Maintain devotion to duty;
  - (iii) Do nothing which is unbecoming of a public servant;
  - (iv) Commit oneself to and uphold the supremacy of the Constitution and democratic values;
  - (v) Defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;
  - (vi) Maintain high ethical standards and honesty;
  - (vii) Maintain political neutrality;
  - (viii) Promote the principles of merit, fairness and impartiality in the discharge of duties;
  - (ix) Maintain accountability and transparency;
  - (x) Maintain responsiveness to the public, particularly to the weaker section;
  - (xi) Maintain courtesy and good behavior with the public;
  - (xii) Take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;
  - (xiii) Declare any private interests relating to the Employee's public duties and take steps to resolve any conflicts in a way that protects the public interest;



- (xiv) Not place oneself under any financial or other obligations to any individual or Organization which may influence the employee in the performance of one's official duties;
  - (xv) Not misuse one's position as public servant and not take decisions in order to derive financial or material benefits for oneself, one's family or one's friends;
  - (xvi) Make choices, take decisions and make recommendations on merit alone;
  - (xvii) Act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;
  - (xviii) Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;
  - (xix) Maintain discipline in the discharge of one's duties and be liable to implement the lawful orders duly communicated to the employee;
  - (xx) Maintain confidentiality in the performance of one's official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;
  - (xxi) Perform and discharge one's duties with the highest degree of professionalism and dedication to the best of his/her abilities.
2. (i) Every employee of the CPSE (IL) holding a supervisory / managerial post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his/her control and authority.
- (ii) No Employee of CPSE(IL) shall, in the performance of his/her official duties, or in the exercise of powers conferred on the employee, act otherwise than in his/her best judgment except when employee is acting under the direction of his/her official superior;
- (iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible.



Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

- (iv) An employee who has received oral direction from his/her official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

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

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

#### **2A. Promptness and Courtesy:**

No Employee shall

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

#### **2B. Observance of Government's policies:**

Every Employee shall, at all times-

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

Every employee of the company holding a managerial or supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all



employees for the time being under his control and authority.

All the employees of the Company strictly follow all such rules as framed by the Company from time to time in respect of employment, conduct, discipline, rules for the allotment of House in the Company's township, rules for safety etc.

**3. Prohibition of sexual harassment of women:**

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

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

- (a) "sexual harassment" includes any one or more of the following acts or behavior (whether directly or by implication) namely : -
  - (i) physical contact and advances; or
  - (ii) a demand or request for sexual favors; or
  - (iii) making sexually colored remarks; or
  - (iv) showing pornography; or
  - (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.
- (b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment : -
  - (i) implied or explicit promise of preferential treatment in employment; or



- (ii) implied or explicit threat of detrimental treatment in employment;  
or
  - (iii) implied or explicit threat about her present or future employment status; or
  - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - (v) humiliating treatment likely to affect her health or safety.
- (c) "workplace" includes,-
- (i) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
  - (ii) hospitals or nursing homes;
  - (iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
  - (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
  - (v) a dwelling place or a house related to or connected in course of official dealings.



## PART II: DISCIPLINE

### 5 MISCONDUCT:

Without prejudice to the general meaning of the term Misconduct, the following acts of omission and commission shall be treated as misconduct: -

- i. Willful insubordination or disobedience, whether alone or in combination with another or others, to any lawful order of higher authority and also refusing or neglecting the order to overtime.
- ii. Negligence or neglect of duty, malingering, loitering, idling, wasting time during working hours and willfully slowing down in the performance of work or inciting others to do so.
- iii. Theft, fraud or dishonesty in connection with the Company's business or property either within or outside the Company's premises or its precincts or theft of property of another person within the Company's premises or its precinct
- iv. Taking or giving, asking or offering, bribes or any illegal gratification whatsoever or indulging in corrupt practices-
- v. Obtaining donations/ advertisement / sponsorship etc. for the associations/NGOs formed by employee or their spouse / employee's family members etc. from the contractors, vendors, customers or other persons having commercial relationship / official dealings. This will be treated as misconduct"
- vi. Absence from duty without leave, or over staying the sanctioned leaves for more than 3 consecutive days without sufficient grounds, habitual late or irregular attendance.
- vii. Gambling, drunkenness, intoxication, or riotous, disorderly, or indecent behavior, threatening, intimidating, coercing other employees or interference with the work of other employees.
- viii. Engaging in other employment whilst still in the service of the Company without prior permission of the Competent Authority in writing.
- ix. Possession of pecuniary resources or property disproportionate to the known source of income by the employee or on his/her behalf by another person, which the employee cannot satisfactorily account for.



- x. Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- xi. Acting in a manner prejudicial to the interests of the Corporation/ Company.
- xii. Willful damage to or wastage of any property or asset of the Company.
- xiii. Distributing or exhibiting inside the Company's premises handbills, Pamphlets or posters without the previous sanction of the Management.
- xiv. Attending or holding meetings within the company's premises including the company's township without the previous permission of the management.
- xv. Canvassing for Union or Association or Party membership or the collection of union or Association or party dues, funds or contribution etc on the Company's premises or its precincts including company's township without previous permission of the management.
- xvi. Disclosing to any unauthorized person any confidential information in regard to the working of the industry or any process used in the factory which is connected with the working of employee during the course of his employment.
- xvii. Unauthorised use or possession of any property, machinery, tools, quarter, vehicle or land belonging to the Company.
- xviii. Conviction-in any Court of Law for any criminal offence involving moral turpitude.
- xix. Giving false information regarding one's particulars for the purpose of employment or concealing any facts about any previous employment, age and other particulars. As also giving false evidence at the time of any departmental enquiry.
- xx. Willful falsification, defacement or destruction of personnel records or any records of the Company.
- xxi. Leaving station without permission.
- xxii. Acceptance of gifts from, and lending or borrowing money from other employees.
- xxiii. Carrying of lethal or dangerous weapons or attempting to cause bodily injury or intimidation to any employee of the company in the Company's premises or its precincts.



- xxiv. Refusal to accept the charge sheet or a warning notice or any communication served by the Management.
- xxv. Levelling false allegation against any employee of the company orally through Press or otherwise.
- xxvi. Deliberately spreading false information or rumors with a view to bring about the disruption of the Company's normal work or tarnishing the image of the Company or any employee of the Company.
- xxvii. Subletting the Company's quarter to other person without the prior permission of the Company
- xxviii. Contracting second marriage while first wife/husband is still alive or marrying a person who has a wife/husband living without first obtaining the permission of the management in-writing.
- xxix. Adjudged insolvency not warranting continuance of Company's trust and confidence, which the duties of the employee call for.
- xxx. Writing anonymous letters etc, addressing appeals or representations to an authority other than the appellate or the Appropriate Authority and forwarding advance copies of appeals or representation to any authority
- xxxi. Surrounding, abusing or forcibly detaining Management or any of the Company's employees.
- xxxii. Refusal to work on holidays or on Sundays when notified to do so in the exigencies of Company's work
- xxxiii. Abetment of or making any attempt to commit an act of misconduct.
- xxxiv. Assaulting or abusing employee of the Company
- xxxv. Cessation of work alone or in combination with other employees
- xxxvi. Conduct within the Company's premises or its precincts which is likely to endanger the life or safety of any person.
- xxxvii. Breach of any law applicable to the works connected or of the Conduct Rules and any other Rules or orders issued by the Company from time to time.
- xxxviii. Engaging and acting in a manner prejudicial to the interest of the industry, company or security of the State.
- xxxix. Interference or tempering with any safety devices installed in or about the premises of the industry.
- xxxx. Sleeping while on duty.



- xxxxxi Commission of any act subversive of good behavior or of discipline of the Company not specified above.
- xxxxxii Obstructing or dissuading any employee from performing his duty.
- xxxxxiii No employee of the company shall take part in the shouting of slogans or in any other activity calculated to disturb peace inside the Company's premises including Township.
- xxxxxiiv Leave the country without Management's prior permission.
- xxxxxv Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores etc., to the CPSE without express permission in writing from the competent authority.
- xxxxxvi Commission of any acts subversive of discipline or which amount to a criminal offence.
- xxxxxvii Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of employee's superior.
- xxxxxviii Habitual late or irregular attendance.
- xxxxxix Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- L Damage to any property of the CPSE.
- LI. Interference or tampering with any safety devices installed in or about the premises of the CPSE.
- LII. Drunkenness or riotous or disorderly or indecent behavior in the premises of the CPSE or outside such premises where such behavior is related to or connected with the employment.
- LIII Gambling within the premises.
- LIV Smoking within the premises.
- LV. Collection without the permission of the competent authority of any money within the premises of the CPSE except as sanctioned by any law of the land for the time being in force or rules of the CPSE.
- LVI Sleeping while on duty.
- LVII. Commission of any act, which amounts to a criminal offence involving moral turpitude.
- LVIII Absence from the employee's appointed place of work without permission or sufficient cause.



- LIX Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores etc., to the CPSE without express permission in writing from the competent authority.
- LX Commission of any acts subversive of discipline or which amount to a criminal offence.
- LXI Abetment of or attempt at abetment of any act which amounts to misconduct.

**NOTE:**

1. This list is only illustrative and not exhaustive and any obvious improper conduct on the part of an employee will be treated as misconduct.
2. The term '**Company's Premises**' wherever used, will include precincts thereof and company's township also.

**6. PENALTIES:**

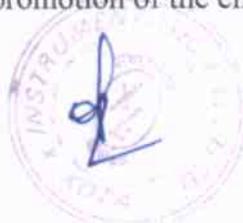
The following penalties may, for good and sufficient reasons as hereinafter provided, be imposed on an employee for misconduct, viz:

**i) Minor Penalties**

- a. Censure;
- b. Withholding of increments of pay with or without cumulative effect.
- c. Withholding of promotion.
- d. recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Company by negligence or breach orders
- e. reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years without cumulative effect and not adversely affecting his terminal benefits.

**ii) Major Penalties**

- f. Save as provided in clause (e), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on expiry of such period, the reduction will or will not have the effect of postponing the future increment of pay;
- g. Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay,



grade, post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post;

h. Compulsory Retirement.

i. removal from service which shall not be a disqualification for future employment under the Govt or the corporation/Company owned or controlled by the Govt;

j. Dismissal from service, which shall ordinarily be a disqualification for future employment under the Govt. Or the corporation/ company owned or controlled by the Govt; provided that in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than regal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (i) or (j) shall be imposed.

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

**EXPLANATION:-**

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

- i) Withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard or failure to pass prescribed test or examination.
- ii) Stoppage of an employee at the efficiency bar in a time scale, on the ground that he is not fit to cross the bar.
- iii) Non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible, but for which he is found unsuitable after consideration of his case.
- iv) Reversion to a lower grade or post of an employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds un-connected with his conduct.
- v) Reversion to his previous grade or post, of an employee, appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment of probation.
- vi) Termination of service.



- a. Of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment.
  - b. Of an employee appointed in a temporary capacity otherwise than under a contract or agreement on the expiry of the period for which he was appointed or earlier in accordance with the terms of his appointment, and
  - c. Of an employee appointed under a contract or agreement in accordance with the terms of such contract or agreement.
- vii) Discharge of an employee
- a. For inefficiency due to failure to conform to the requisite standard of physical fitness.  
OR
  - b. In accordance with the terms of his appointment.  
OR
  - c. On reduction of establishment.

**7. DISCIPLINARY AUTHORITY:-**

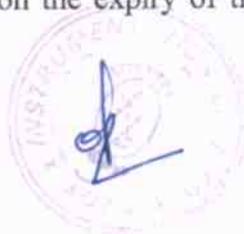
The Disciplinary Authority, as specified in the schedule, or any authority higher than it, may impose any of the penalties specified in Rule 6 on any employee.

**8. PROCEDURE FOR IMPOSING MINOR PENALTIES:**

- a) When it is proposed to impose any of the minor penalties on an employee, he shall be informed, in writing of allegations or charges on account of which it is proposed to impose the penalty on him and asked to submit explanation within a specified period not exceeding 3 days. The explanation and evidence if any furnished by the employee shall be taken into consideration by the Disciplinary Authority before passing orders for imposing the penalty.
- b) The record of proceedings in such cases shall include :
  - i. a copy of the statement of allegations and/or charges communicated to the employee;
  - ii. The explanation of the employee and evidence, if any, furnished by the employee; and;
  - iii. Findings of and the orders passed by the Disciplinary authority.

**EXPLANATION:**

Where the penalty of withholding of increment or promotion or reduction to a lower post or grade etc. is imposed on an employee, the Disciplinary Authority shall state the period for which it will be effective, and where increment is withheld, it will be granted on the expiry of the period without affecting the



normal date of increment in future, unless the order indicates that the stoppage of increment will have cumulative effect.

9. **PROCEDURE FOR IMPOSING MAJOR PENALTIES:**

No order imposing any of the major penalties specified in clauses (f) to (j) of Rule 6 shall be made except after an inquiry is held in accordance with this rule.

(A) **ENQUIRY**

- I. when an employee is charged with misconduct which may lead to the imposition of major penalties, the Disciplinary Authority shall frame definite charges on the basis of allegations against him. Statement of charges shall be communicate, in writing to the" employee who shall be required to submit within such time, as may be specified by the Disciplinary Authority, a written statement in his defence. Normally 3 days time is considered sufficient for submission of such written statement by the employee concerned. However, a Preliminary Enquiry may be held into the incident involving misconduct of employee(s) to ascertain the facts and circumstances leading to misconduct and the extent to which an individual employee is liable for the reported misconduct. The purpose of holding a Preliminary Enquiry is to determine the prima facie case against the employee(s) involved in the incident. Preliminary enquiry may be held b5a the Disciplinary Authority himself or by any other officer whom the Disciplinary Authority may appoint for the purpose.
  
- II. on receipt of the written statement of the delinquent employee(s) the disciplinary authority shall consider the same. In case the written statement submitted by the employee is not considered satisfactory and the circumstances of the case warrant an enquiry or if no such statement is received within the time specified, on expiry of such period, an enquiry may be held by the Disciplinary Authority itself or by an officer or Public servant or committee appointed for the purpose (hereinafter called the Enquiry Authority). Intimation of enquiry and the appointment of Enquiry Authority shall be communicated to the employee concerned in writing.

Provided that it may not be necessary to hold an enquiry in respect of the charges admitted by the employee in his written statement. The



Disciplinary Authority or the enquiry Authority shall, however, record its findings on each such charge.

- III. where the-Disciplinary Authority itself enquires or appoints Enquiry Authority for holding an enquiry, it may by an order also appoint an officer or public servant to be known as the presenting Officer who will present the case on behalf of the disciplinary authority or the management before the enquiring authority in support of the charge leveled against an employee.
- IV. At the enquiry, a reasonable opportunity shall be afforded to the delinquent employee for defending himself from the charges and such employee may be allowed to take the assistance of any other employee to plead his case but-he will not be allowed a legal practitioner for this purpose.  
\*<sup>1</sup>however, it will be ensured by the Enquiry Authority that delinquent employee does not take the assistance of any other employee to plead his case who has two or more pending disciplinary cases on hand in which he has to function as Defence Assistant.
- V. Though the Enquiring Authority will be, the sole judge to decide what is reasonable opportunity, broadly speaking the following facilities may be afforded to the charge-sheeted employee during the course of the enquiry:
- a. All the enquiry All the enquiry proceedings will be conducted in the presence of charge-sheeted employee and his presence in the enquiring proceedings will be treated as on duty provided he is not under suspension.
  - b. The charge-sheeted employee and the co-employee assisting' him will be permitted, in the presence of the. Enquiring Authority, to go through the papers on which the charges are based. General principle being that no material may assist the employee in defending himself should be withheld from him. The employee should be given a fair opportunity to cross-examine the witnesses for the Management.
  - c. The charge-sheeted employee will be permitted to produce witnesses to give evidence on his behalf provided such evidence is in connection with the matter contained in the Charge sheet or otherwise relevant. If witnesses are employees of the company and are willing to give evidence, their attendance may be arranged by enquiring authority and their presence in the enquiry proceedings will be treated as on duty. But if they are persons other than the employees of the company, it will be up to the charge-sheeted employee to arrange their attendance in the enquiry.





- XI. Whenever any Enquiring Authority after having heard and recorded the whole or any part of the evidence in an enquiry ceases to exercise jurisdiction there in, and is succeeded by another Enquiring Authority which has and which exercises such jurisdiction, the Enquiring 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 Enquiring 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.

- XII. Each page of the enquiry proceedings (but not its findings of confidential notings recorded by the Enquiring Authority) shall be signed by the Enquiring Authority, the witnesses and the charge-sheeted employee.

- XIII. It shall be the responsibility of the Enquiry Authority to ensure that the enquiry proceedings are completed as early as possible and its report is submitted to the Disciplinary Authority; preferably within 3 months from the date the enquiry commences.

#### **B. ENQUIRY REPORT:**

After the conclusion of the enquiry, the report shall be prepared by the enquiring authority and it shall contain:

- a. A summary of the charges and the statement of the imputations of misconduct or misbehavior.
- b. A gist of the defence of the employee in respect of each charge.
- c. An assessment and appreciation of the evidence in respect of each charge produced by the delinquent employee and the Presenting Officer during the course of enquiry, by the Enquiring Authority
- d. Findings' of the Enquiring Authority on each charge and reasons therefore.

#### **C. RECORD ENQUIRY**

The record of enquiry shall consist:



- a. Report of the enquiry prepared by the Enquiring Authority under sub-clause (B) above.
- b. The written statement of defence, if Any, submitted by the delinquent employee as referred to in sub-rule (i) of Rule 9(A)
- c. The oral and documentary evidence produced during the course of enquiry
- d. The order sheet containing the orders made by the-enquiring Authority in connection with the day-to-day proceedings of the enquiry.

#### **10. ACTION ON THE ENQUIRY REPORT:**

The Disciplinary Authority shall consider the record of enquiry and the enquiry report and record its conclusions on each charge and pass appropriate orders having regard to the findings of the Enquiring Authority on all any of the charges.

If the Disciplinary Authority agrees with the findings of the enquiring authority and is of the opinion that any of the penalties specified in Rule 6 should be imposed on the employee, it shall make an order imposing such penalty.

If the Disciplinary Authority having regard to the findings of the Enquiring Authority on all or any of 'the charges is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

The Disciplinary Authority may for reasons to be recorded in writing refer the case to the enquiring Authority for fresh or further enquiry and report, and the enquiring authority shall there upon process to hold the further enquiry in accordance with Rule 9.

#### **NOTE:**

As per the established procedure, the Management has to communicate to the charge-sheeted employee the findings of the departmental enquiry bringing out clearly whether the charge-sheeted employee was found guilty or not. Even though it is known to the charge-sheeted employee who was the Enquiry officer in his departmental it is not advisable to highlight this point while communicating the findings of the departmental enquiry as it may give rise to permanent hard feelings between the officer who acted as Enquiry Officer on the Management's directive and 'the charge sheeted employee. It is sufficient to inform the charge-sheeted employee whether he was found guilty or not in the departmental enquiry.



## **11. COMMUNICATION OF ORDERS:**

The orders made by the Disciplinary Authority under the above rule shall be communicated to the employee concerned who shall also be supplied with a copy of the report of the enquiry, if desired by the employee.

If an order of dismissal is passed by the Disciplinary Authority, it will take effect from the date it is passed and communicated to the employee concerned. The pay and allowances of an employee who is dismissed from service shall cease from the date of his dismissal from service and not from the retrospective effect.

### **NOTE:**

1. Communications addressed to the employees through Controlling Officers are delivered to the recipients after obtaining their signature in token of receipt.
2. Communication to be given to the employees should be given in a closed envelope, the envelope duly marked with number, date etc. and a proper receipt is obtained from the employee concerned. In case an employee refuses to accept delivery, his refusal should be recorded in the peon book in the presence of two other employees.

## **12. JOINT ENQUIRY/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 that disciplinary proceedings against all of them may be taken in a common proceedings specifying the authority which may function as Enquiring Authority for the purpose of such common proceedings.

## **13. SPECIAL PROCEDURE FOR CERTAIN CASES:**

Not with standing anything contained in Rule 9 the Disciplinary Authority may impose of the penalties as specified in Rule 6.under the following circumstances:

- a. The employee has been convicted on a criminal charge or on the strength of facts or conclusions arrived at by a judicial trail.  
OR
- b. Where Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these rules.  
OR
- c. Where the disciplinary authority is satisfied that in the interest of the security of the company or state it is not expedient to hold any enquiry in the manner provided in these rules.



OR

- d. The employee on whom the penalty is imposed is absconding.

**14. COMPLAINTS:**

All complains arising out of his employment including those relating to unfair treatment or wrongful exaction on the part of the company or any of its agents or servants shall be submitted by the worker to the Manager who shall investigate the complaint of the worker. Where the complaint alleges unfair treatment or wrongful exaction on the part of employer or his agent or servant a copy of the order finally made shall be supplied to the complainant if he asks for one. In other cases the decision of the investigating officer and the action, if any taken by him shall be intimated to the complainant. However, complaints relating to:

- a) assault or threat to, or abuse by any person holding a supervisory position; or
- b) refusal of an application for urgent leave shall be enquired into without avoidable delay by the shop/section in charge.
- c) The worker should first approach his immediate superior for redressal of any grievance. If he still feels aggrieved, he may approach the next in authority. Normally the decision of the Head of the Division will be final and if the worker still feels that he has not been treated fairly, he may submit an appeal to the Managing Director for consideration and on such cases, the Grievance Procedure formulated by the Company will be followed.

**15. CERTIFICATE ON TERMINATION OF SERVICE:**

- d) When any worker is dismissed, discharged or resigns or retires from service, he shall, if he so desires, be given service certificate by the Company.

**16. ESSENTIAL SERVICES:**

Without being exhaustive, the following services shall be considered as essential services:

- a) Maintenance of Electric Power Service.
- b) Maintenance of Water Service.
- c) Service which must be carried on continuously.
- d) Watch and Ward-security services.
- e) Sewerage work.
- f) Canteen and Guest House.
- g) Medical Services.
- h) Transport Services.



Essential services will be maintained by the respective employees working in the respective departments in spite of and during strikes, lockouts etc.

**17. INVENTION:**

1. Any discovery, invention or improvement whatsoever, relating to any process or method or any appliance or plant available for manufacture carried on or experimented upon by the company or by any firm in which the company has any interest, direct or indirect made by an employee while in the service of the Company or within one year thereafter shall forthwith be communicated to it. The employee must furnish at the request and expense of the Company all particulars thereof and if required, but not otherwise, shall apply for all letters of patent and rights in India or elsewhere and give assignment and transfers to the Company or its nominees as may be considered necessary
2. Letters of patent, if taken out shall belong to the Company or its nominees and the remuneration if any paid to employee for any such invention shall be at the discretion of the management

**18. GENERAL:**

Employees must immediately report any injuries arising out of and in the course of their employment to their Supervisors/Departmental Heads who will arrange for medical care. The payment for accident will be made according to law in force in this respect at any time. Further ,

- a) All the workmen will strictly follow all such rules as framed by the company from time to time in respect of employment conduct, discipline, rules for the allotment of house in the Company's township, rules for safety etc.
- b) Workmen shall keep strictly confidential all information regarding the technique and methods of the manufacture employed in the factory.
- c) All personnel who have executed a Bond to serve the Company, conditions laid down in the Bond will supersede the provision of these standing orders wherever any contradiction arises.
- d) The use of factory premises or factory compound for any trade union activity is expressly prohibited and no workman shall indulge in such use.
- e) Without the express permission from the management, no trade union activities will be conducted in Township of the Instrumentation Limited.



- f) No workmen shall take part in the shouting of slogans or any other activity calculated to disturb peace inside the Factory or on the premises of the Company or in the Company's township
- g) Workmen who are in employment before the date of certification of the standing orders i.e. 6<sup>th</sup> April, 1968 will continue to enjoy the same leave facilities as they were enjoying before this date and the conditions laid down in their appointment letter will stand good.
- h) Upon termination of his employment, a workman shall obtain a clearance from the department in which he was employed testifying that nothing belonging to the company is due from him.
- i) No meeting will be held or attended on the Company's work premises without the prior written sanction of the management
- j) Exhibition of standing Orders issued in English and Hindi shall be posted on the Notice Boards of the factory for the purpose of the factory.

### PART-III: SUSPENSION

#### 19. SUSPENSION:

1. The Appointing Authority or any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the Management by general or special order may place an employee under suspension:
  - a. Where a disciplinary proceeding against him is contemplated or is pending and having regard to the nature of the charges and the circumstances in any case the Disciplinary Authority is satisfied that it is necessary or desirable to place under suspension such employee, or.
  - b. Where a case against him in respect of any criminal offence is under investigation or trial-
  - c. Where, in the opinion of the authority aforesaid, he/she has engaged oneself in activities prejudicial to the interest of the security of the State;
2. An employee who is detained in police/ judicial custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Appointing Authority or any authority higher to it, and such employee shall remain under suspension until further orders.



3. An order of suspension made or deemed to have made under this Rule may at any time be revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.
4. The employee placed under suspension cannot leave station without the written permission of the competent authority. Leave cannot be granted to an employee while under suspension.
5. Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these rules and the case is remitted for further enquiry or action or with any other directions, the order of the suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders
6. Where a penalty of dismissal or removal from the service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of court of law and disciplinary authority on consideration of the circumstances of the case decides to hold a further enquiry against the employee on the allegation on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall **continue** to remain under suspension until further orders.

## **20. SUBSISTENCE ALLOWANCE:**

An employee who is placed under suspension under Rule 19 shall during the period of suspension be paid a Subsistence Allowance at the following rates, viz:

- i. An employee under suspension shall be entitled to draw subsistence allowance equal to 50 percent, of his/her basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business, or profession or vocation. In addition employee shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which employee was in receipt on the date of suspension provided the suspending authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
- ii. Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:-



- a. The amount of subsistence allowance may be increased to 75 percent of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension;
  - b. the amount of subsistence allowance may be reduced to 25 percent of basic pay and allowances thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee under suspension.
- iii. If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from, the date employee is granted bail.
- iv. Where the enquiry is by an outside agency or, as the case may be, where criminal proceedings against the employee are under investigation or trial, the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one-half of his basic wages, dearness allowance and other compensatory allowances to which the employee would have been entitled to if he were on leave. If such enquiry or criminal proceedings get prolonged and the employee continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall for such period be equal to three fourth of such wages.

Provided that where such enquiry or criminal proceedings is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the employee, the subsistence allowance shall for the period exceeding one hundred and eighty days, be reduced to one fourth of such wages.

- v. If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.
- vi. The payment of subsistence allowance under this rule shall be subject to the employee concerned not taking up any employment during the period of suspension.

**21. TREATMENT OF THE PERIOD OF SUSPENSION AS DUTY IF ONLY A MINOR PENALTY IS IMPOSED AFTER CONCLUSION OF THE DISCIPLINARY PROCEEDINGS:**



1. When the employee under suspension is re-instated, the competent Authority may grant to him the following pay and allowance for the period of suspension:
  - A. if the employee is exonerated and not awarded any of the penalties mentioned in Rule 6, the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to the employee; and
  - B. if the employee against whom an enquiry has been held for the imposition of a major penalty is Finally awarded only a minor penalty, the suspension can be said to be wholly unjustified and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension, less the subsistence allowance already paid ; and
  - C. If otherwise, such, proportion of pay and allowances as the Competent Authority may prescribe.
2. In a case falling under sub-clause (A) or (B), the period of absence from duty will be treated as a period spent on duty. In case falling under sub-clause (C), it will not be treated as a period spent on duty unless the Competent Authority so directs.

#### **PART-IV: EMPLOYEES ON DEPUTATION**

#### **22. FROM THE CENTRAL GOVT. OR THE STATE GOVERNMENT ETC.**

- I. Where an order of suspension is made or, disciplinary proceeding is 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, etc., the authority lending his services (hereinafter referred to as the 'Lending Authority') shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.
- II. In the light of the findings disciplinary proceedings taken against the employee;
  - A. if the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority, provided that in the event of a difference of opinion between the Disciplinary Authority and the Lending Authority, the services of the employee shall be Placed at the disposal of the lending authority.
  - B. If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.



- C. If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (a), it will be disposed of after consultation with the Lending Authority.

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

### PART-V: APPEALS & REVIEW

#### 23. APPEAL:

An employee may appeal against an order imposing upon him any of the penalties specified in Rule 6, or against the order of suspension referred to in Rule 14. The appeal shall lie to the authority specified in the schedule.

- I. An appeal shall be preferred within one month from the date of communication of the order appealed against.  
Provided that the Appellate Authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant has sufficient cause for not preferring the appeal in time.
- II. The appeal shall be addressed to the Appellate Authority as specified in the schedule and submitted to the authority whose order is appealed against. The Authority whose order is appealed against shall forward the appeal together with its comments and record of the case to Appellate Authority within 15 days and inform the employee concerned accordingly.
- III. Where an Appeal is with held, by the Disciplinary Authority, the Appellant shall be informed of the fact and the reasons therefore, within 15 days of the receipt of the appeal.
- IV. Submission of an appeal to an authority other than Appellate Authority or forwarding of advance copies to any authority shall be deemed to be misconduct.  
Provided that where an Appellant does not get any reply within 15 days of the submission of the appeal, he may send a copy of the appeal direct to the next higher Appellate Authority explaining the circumstances necessitating his so doing, and sending a copy thereof to the authority to whom his appeal was originally submitted.
- V. 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 failure of justice
  - B. Whether the findings of the Disciplinary Authority are warranted by evidence on record and justified and
  - C. Whether the penalty imposed is adequate, inadequate, excessive or severe and pass orders
- i. Confirming, enhancing, reducing or setting aside the penalty ; or
  - ii. Remitting the case to the authority which imposed penalty or to any other authority with such directions as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the Appellate Authority proposes to impose is a major penalty specified in clauses (f) to (j) of rule 6 and an enquiry as provided in Rule 9 has not already been held. in the case, the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of Rule 9 and thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the Appellate authority decides to enhance the punishment but an enquiry has already been held as provided in Rule 9, 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.

- VI. Every order passed by the Appellate authority after consideration of the appeal under these rules, shall be final and binding.
- VII. No appeal shall lie against any order passed-by an Enquiring Authority in the course of enquiry under Rule 9.

#### **24. REVIEW:**

Not with standing anything contained in these Rules, the Reviewing Authority as specified in the schedule may call for the record of the case within six months of the date of the final order and pass such orders thereon as it may deem fit:

Provided that if the enhanced penalty, which the Reviewing Authority proposes to impose is a major penalty specified in clauses (f) to (j) of Rule 6 and enquiry as provided under Rule 9 has not already been held in the case the Reviewing Authority



shall direct that such an enquiry be held in accordance with provisions of rule 9 and thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the reviewing authority decides to enhance the punishment but enquiry has already been held in accordance with the provisions of rule 9. 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 in to account the representation, if any, submitted by the employee.

#### **PART-VI: MISCELLANEOUS**

##### **25. SERVICE OF ORDER, NOTICES, ETC:**

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

##### **26. POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY:**

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

##### **27. SAVINGS:**

01. 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.
02. An Appeal pending at-the commencement of these rules against an order mad before the commencement of these rules shall be considered and orders there on shall be made, in accordance with these rules.
03. The proceedings pending at the commencement of the rules shall be continued and disposed as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.
04. Any misconduct, etc. committed prior to the issue of these rules which was misconduct under the superseded rules shall be deemed to be misconduct under these rules.

##### **28. SPECIAL PROVISIONS FOR CONTINUATION OF PROCEEDINGS AFTER RETIREMENT.**

- i. The disciplinary authority may impose penalty on delinquent employees on conclusion of such departmental proceedings which were



initiated during their service time and have continued beyond the date of their superannuation.

- ii. Disciplinary proceeding, 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 proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
- iii. During the pendency of the disciplinary proceeding, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/ misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the Company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7 (3) and Section 7 (3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

**29. REMOVAL OF DOUBTS/INTERPRETATION OF THESE RULES:**

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

**30. AMENDMENTS:**

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

**31. PROCEDURE FOR PREMATURE RETIREMENT OF EMPLOYEES NOT COVERED UNDER INDUSTRIAL DISPUTES ACT, 1947:**

1. An employee who has attained the age of 50 Years and is considered' to be medically unfit, inefficient or of doubtful integrity, may be prematurely retired by the Competent Authority viz. Chairman-Cum-Managing Director (CMD) Appointing Authority.

The Competent Authority for premature retirement in case of executives will be CMD.



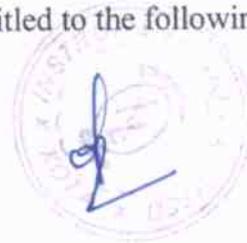
The CMD may pre-maturely retire an employee who has attained the age of 50 year and is considered to be medically unfit, inefficient or of doubtful integrity.

The criteria for judging medical unfitness, inefficiency or doubtful integrity of employees proposed to be prematurely retired, as follows:

- i. **INEFFICIENCY:** Would be evaluated on the basis of the ACRs/Appraisal Reports. An employee, who has secured consecutively inadequate/poor for three years in his Appraisal Reports/ACRs, may be deemed as a fit case for premature retirement.
- ii. **DOUBTFUL INTEGRITY:** An employee who gets an adverse comment consecutively for three years on his integrity in his ACR would be recommended for premature retirement.
- iii. **MEDICAL UNFITNESS:**
  - a. If an employee has been continuously leave on medical grounds for a period of 12 weeks (including Sundays-& Holidays or he has been on leave for reasons of sickness' for total period of 120 days (including Sunday & Holidays) or more during a continuous period of six months or if a person though attending duties but is found to be mentally deranged his departmental head may refer him to a medical board for his thorough medical check-up and report :
    - The disease he is suffering from;
    - Whether the disease is infectious/contagious;
    - Whether it is curable or incurable;
    - In case of curable disease whether the person is likely to be fit to resume his normal duties within a period. of 12 months
  - b. If the person is not fit to resume his duties within a period of 12 months and in cases of employees suffering from incurable and infectious/contagious disease or suffering from lunacy or mental derangement and whose services cannot be utilized by the Company or whose attendance is likely to pose health hazard to others as may be certified by the Medical Board, premature retirement will be considered on recommendation of the Unit Heads.
  - c. This premature retirement on medical grounds is independent of and without prejudice to the right of the Company under the contract of employment to dispense with the services of an employee on 45 days/three months notice, as the case may be, inter alia on grounds of medical unfitness in case of an employee who might not have attained the age of 50 years.

## 2. BENEFITS UNDER THE SCHEME:

An employee, who is prematurely retired, will be entitled to the following benefits:



- a. Pay for the notice period of 45 days/three months as may be applicable to him under his terms and conditions of service, plus leave salary for un-availed earned leave.
- b. Full provident fund contribution of the employer with accretions thereto in the account of the employee subject to the provisions of the Provident Fund Rules applicable to him.
- c. Gratuity for each completed year of service or part thereof as admissible under the Gratuity Rules.
- d. Transfer benefits for self and family for proceeding to hometown or to the place where he intends to settle in India as admissible under the TA Rules.

**DECISION NO.1:** Appraisal Reports/ACRs of those employees who have been graded as inadequate/poor or whose integrity has been considered doubtful be put up together every year to the Unit Head, if such reports have not otherwise been put up to him as higher authority.

**DECISION NO. 2:** The format of the order to be issued to an employee who is to be prematurely retired from the service of the Company is given below.



Dear Sir,

On the basis of the records, the Company has decided to retire you under the premature retirement procedure with immediate effect. You will be entitled to the following benefits:

- a. Pay for the notice period. of -----months (45 days or three months as may be applicable under his terms and conditions of service),
- b. Leave salary for un availed earned leave.
- c. Provident Fund Contribution to the Company with accretions there to in your account in accordance with the provisions of the PF Rules'
- d. Gratuity for each completed year of service of part thereof, as admissible under the Gratuity Rules.
- e. Transfer benefits of yourself and your family for proceeding to your Home - town or to the: place 'where you intend to settle in India as admissible under the TA Rules

These issues with the approval of the Competent Authority.

Yours faithfully,

No.IL/

Dtd.

Sub:-Disciplinary Authority under the Discipline & Appeal Rules of the Company.

THE Chairman-Cum-Managing Director is pleased to empower with immediate effect the Managing above as Disciplinary Authority for minor penalties in respect of employees below officers working under their control and not covered by the Certified Standing Orders of the Company, as envisaged under Schedule attached to the Discipline & Appeal Rules of the company.

Additionally, in such cases where the Head of a Deptt. is below the rank of Manager then officers not below the rank of Dy. Managers could also be specified As Empowered Authority" for purpose, at the discretion of GM(Palakkad)/ (Kota), AGM(C)/FA&CAO/CMM.

SD/-( HR Head)  
Corporate Personnel &  
Administrative Manager



No.IL/

Dt:

**Sub: Disciplinary Authority under Discipline and Appeal Rules of the Company -  
Modification thereof.**

In partial modification of notification No. IL/CPD-I143/P&IR/90-9L17 dated 07.05.90, CMD is pleased to re-nominate/nominate with immediate effect the following authorities as Empowered Authority for major and minor penalties in respect of Officers/Officers(s) in the pay-scales Rs.4000-7150 and above but below the pay-scales of Rs. 7500-9900, or as may be revised from time to time, working under their control, as envisaged and specified in the schedule attached to the Discipline and Appeal Rules of the Company.

**a. FOR MAJOR AND MINOR PENALTIES OTHER THAN REMOVAL/  
DISMISSAL FROM SERVICE :**

01. Company Head quarters (Excluding CFD)	: GM(CHQ)
02. C.F.D	: GM(F&A)
03. Commercial Unit	: GM ( C )
04. Marketing Unit	: GM( M)
05. Kota Unit	: GM(K)
06. Digital Electronics Units	:GM(DEU)
07. Palakkad Unit	:GM(P)
08. Jaipur Unit	:GM(J)

**NOTE:** When the above appointments are vacant and the senior most officer of the unit of the rank of AGM/DGM is officiating, he shall exercise the powers in respect of officers up to the level of DGM/Manager only. In such cases, the powers in respect of AGMs/DGMs shall be exercised by respective Functional Directors/ CMD

**b. FOR MINOR PENALTIES ONLY:**

01. In case of Dy. Manager and Manager	: AGM of the Respective Unit
02. In case of Officers/Officers(S) & Engineers/ Engineers(s) and Sr. Engineers/Sr. Engineers(s) & Sr. Officers/Sr. Officers(s)	: DGM/AGM of the Respective Unit

All Heads of Units/Divisions are requested to bring it to the notice of all Officers working under them.

Sd/-( HR Head)  
Personnel



SCHEDULE

S. No.	Description of Post	Appointing Authority	Disciplinary Authority	Penalties	Appellate Authority
1	Posts to which appointment are made by the president of India	President of India	President of India	All	President of India
2	Those in the Present pay scale of Rs. 8250-10050 as amended from time to time and above (other than those covered by 1 above). Those in the present pay scale of Rs.7500-9900 as amended from time to time.	Board	a. CMD b. Board	Minor Major	Board Board
		CMD	a. Functional Director b. CMD	Minor Major	CMD Board
3.	Those in the present pay-scale of Rs.6500-9405 as amended from time to time & above but not covered by 1 & 2 above.	CMD	a. Empowered Authority b. CMD	Minor Major	
4.	Those in the present pay-scale of Rs.4000-7150 as amended from time to time & above (other than those covered by 1,2 & 3 above)	CMD	a. Empowered Authority b. CMD	Minor Major ( Rule 6 (ii) (e) Major	CMD Board
5	All employees below officers who are not covered under the certified standing orders of the company.	Authority empowered to make appointment	a. Empowered Authority b. Appointing Authority	Minor Major	Appointing Authority. CMD or any other authority to whom the power may be delegated by CMD.

“Empowered Authority” denotes the authority to whom powers may be delegated by the CMD.



**INSTRUMENTATION LIMITED**  
**(A Government of India Enterprises)**

**CONDUCT RULES**

**01. SHORT TITLE AND APPLICATION**

- (i) These rules may be called the '**CONDUCT RULES**' for the employees of instrumentation Limited.
- (ii) These rules shall apply to all persons employed by the company; provided that nothing in these rules shall apply to any Government servant you may be on foreign service with the Company and may be governed by other specific rules prescribed by **government**.

**02. DEFINITIONS**

- (a) "**Employee**", means any person employed by the Company whether borne on the regular, temporary, construction or the work-
- b) "**members of the family**" in relation to an employee includes:
  - i) the wife, child or step child of such employee whether residing with him or not and in relation to an employee who is a woman, the husband residing with her and dependent on her and,
  - ii) any person related, whether by blood/or marriage,. to an employee or to such employee's wife or husband and wholly dependant on such employee, but does not include a wife or husband legally separated from the employee, or child or step child who is no longer in any" way dependent upon him or her or of whose custody the employee has been deprived by law

**03. GENERAL**

- i) Every employee shall at all times maintain absolute integrity and devotion to duty and serve the company efficiently, loyally and faithfully and further m-maintain the strictest secrecy regarding the affairs of the Company.



- ii) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all the employees for the time being under his control and authority.
- iii) No employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best Judgment except when he is acting under the direction of his official superior
- iv) The Direction to subordinates shall be avoided, as far as possible' Where the issue of oral direction becomes un-avoidable, the official superior shall confirm it, in writing, immediately thereafter'
- v) An employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible' were upon it shall be the duty of the official superior to confirm the direction in writing

**04. EMPLOYMENT OF NEAR RELATIVES OF EMPLOYEES IN ANY FIRM OR COMPANY ENJOYING COMPANY'S PATRONAGE:**

- 01. No employee shall use his/her position or influence directly or indirectly to secure employment for any person related whether by blood or marriage to the employee or to the employee's wife/husband, whether such a person is dependent on the employee or not.
- 02. No employee shall, except with the previous sanction of the competent authority, permit his/her son, daughter or other dependent to accept employment with any company or firm /entity with which he has dealings in connection with the business of the company or with any other firm having official dealing 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.
- 03. No employee shall in the discharge of his/her official duties deal with any matter or give or sanction any contract to any Company or firm/entity or any other person if any member of his/her family is employed in that Company or firm or under that person or any member of his/her family is interested in such matter of contract in any other matter and the employee shall refer any such matter or contract to his/her official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

**05. TAKING PART IN POLITICS AND ELECTIONS:**

- 01. Except in so far as may otherwise be specifically authorised by any law no



employee shall be a member of or be otherwise associated with any Political party or any organisation which takes part in politics nor shall take part in, subscribe in aid-of, or assist in any other manner' any political movement or activity.

02. It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or Indirectly to be, subversive of the govt. as by law established and where an employee is unable to prevent a member of his family from taking part in or subscribing in aid of or assisting in any other manner any such movement or activity he shall make a report to that effect to the Company.
03. If any question arises whether a party is a political party or whether an organization takes part in politics or whether any government or activity falls within the scope of sub-rule(2), the decision of the General Manager thereon shall be final.
04. No employee shall canvass or otherwise interfere with or use his influence in Connection with or take part in, an election to any legislature or local authority

#### PROVIDED THAT

- (i) 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.
- (ii) 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 due performance of a duty imposed on him by or under any law for the time being in force.

#### EXPLANATION

The display by an employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

#### **06. JOINING OF ASSOCIATIONS BY THE EMPLOYEES:**

No employee shall join, or continue to a member of an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or Public order or morality.



## **07. DEMONSTRATIONS:**

No employee shall 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

## **08. CONNECTION WITH ELECTRONIC OR PRESS MEDIA:**

01. No employee shall, except with the previous sanction of the company own wholly or in part, or conduct or participate in the editing or Management o any newspaper or other periodical publication.

02. No employee shall, except with the previous sanction of the company, that prescribed authority or in the bonafide discharge of his duties, participated in any radio broadcast or contribute any article or write any letter whether in his own name or anonymously, pseudonymously or in the name of another person to any newspaper or periodical.

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

## **09. EVIDENCE BEFORE A COMMITTEE OR ANY OTHER AUTHORITY:**

- i) Previous sanction of the Company, give evidence in connection with any enquiry conducted by any person, committee or Authority
- ii) Where any sanction has been accorded under sub-rule(i) no. employee giving such evidence shall criticize the policy or any action of the company the Central Govt. or of a State Government.
- iii) Nothing in this rule shall apply to:
  - a. Evidence given at an enquiry before an authority appointed by the company the Government, Parliament or by a state Legislature, or,
  - b. Evidence given in any judicial enquiry, or,
  - c. Evidence given at any departmental enquiry ordered by the company or authorities subordinate to the Company

## **10. UN-AUTHORISED COMMUNICATION OF INFORMATION:**

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



## 11. SUBSCRIPTIONS:

No employee shall except with the previous sanction of the company or of such authority as may be empowered by it in this behalf ask for, or accept, contributions to, or otherwise associate himself with the raising of, any funds or any other collections in cash all kind in pursuance of any object what's over except as sanctioned by any law of land or rule or order of the company for time being in force.

## 12. PUBLIC DEMONSTRATION IN HONOUR OF A COMPANY'S EMPLOYEE

No employee shall, except with the previous sanction of the Company receive any complimentary or valedictory address, or accept any testimonial or attend

To any meeting or entertainment held in his honour, or in the honour of any other employee

Provided that nothing in this rule shall apply to:

- (i) a farewell entertainment of a substantially private and informal character held in honour of an employee or any other employee on the occasion of his retirement or transfer or any person who has recently quitted the service of the Company, or,
- (ii) The acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

## 13. PRIVATE TRADE OR EMPLOYMENT:

01. No employee shall, except with the previous sanction of the Company engage directly or indirectly in any trade or business or undertake any employments provided that an employee may, without such sanction,

Undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer, but he shall not undertake or shall discontinue, such work if so directed by the Company.

EXPLANATION: Canvassing by an employee in support of the business of insurance agency etc. owned or managed by his wife or any other member of his family shall be deemed a breach of this sub-rule.

02. Every employee of the company shall report to the competent authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.



03. No employee of the company shall; **without** the previous sanction of the **competent authority**, except in the discharge of his/her official duties, take part in the registration, promotion or management of any bank or: other Company **which is required to be** registered under the Companies Act, 2013 or **other law** for the time being in force or any co-operative society for commercial purposes:

Provided that an employee may take part in the registration, promotion or management of a **Consumer/House Building Co-operative Society** substantially for the benefit of employees of the company, registered under the Co-operative Societies Act, 1912 (II of 1912) or any other law/**amendment** for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (XXI of 1860), or any corresponding law or **amendment** in force"

04. No employee of the company shall accept any fee for **any pecuniary advantage for any** work done by him/her for any public body or any private person without the sanction of the **competent authority**:

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

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



#### 14. INVESTMENT, LENDING AND BORROWING I

- i) No employee shall speculate in any investment-

EXPLANATION: The frequent purchase or sale of securities of notoriously fluctuating value shall be deemed to be speculation in investment within the meaning of the sub-rule.

- ii) No employee shall make or permit his wife or any member of his family or any person acting on his behalf to make any investment likely to embarrass or influence him in the discharge of his official duties.
- iii) If any question arises whether any transaction is of the nature referred to in sub-rule(i) or sub-rule(ii) the decision of the General Manager thereon shall be final.
- iv) No employee shall, save in the ordinary course of business with a Bank or a firm of standing duly authorized to conduct banking business, either himself or through any member of his family or any other person acting on his behalf :
- a) Lend or borrow money, as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or
- b) Lend money to any person at interest or in a manner whereby return in money or in kind as charged or paid,

Provided that an employee may, give to, or accept from a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee.

- v) When an employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule(ii) or sub-rule(iv), he shall forth with report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

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

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



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

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

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

#### **15. INSOLVENCY AND HABITUAL INDEBTEDNESS:**

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

NOTE: The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the employee.

#### **16. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY:**

01. No employee shall, except with the previous knowledge of the prescribed 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.

Provided that the previous sanction of the prescribed authority shall be obtained by the employee if any such transaction is :

- i) With a person having official dealings with the employee, or
- ii) Otherwise than through a regular or reputed dealer.

#### EXPLANATION:

The prescribed authority for the purpose of this sub-rule shall be:

- a) The General Manager in the case of employees in the pay scale the minimum of which is Rs.4000/-or more.



b) Heads of Departments/Division in the case of other employees.

c) in respect of an employee on foreign service or on deputation from any other Ministry or any other Govt. the parent department on the cadre of which such an employee is borne in the Ministry to which he is administratively subordinate as a member of that cadre.

02. Every employee shall report to the prescribed authority referred to in sub rule (i), every transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property, if the value of such property exceeds Rs.10,000/-in the case of an employee in officers pay scale & Rs. 5000/- in the case of other employees.

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is:

- i) With a person having official dealings with the employee; or,
- ii) Otherwise than through a regular or reputed dealer.

Explanation No I: The term "Every transaction concerning movable property owned or held by him" includes all transactions of sale or purchase.

For purposes of this sub-rule, the definition of Movable Property would include.

- a) Jewellery, insurance policies the annual premium of which exceeds Rs.10000/- or Rs.5000/- (as the case may be) or 1/6th of the total annual emoluments received from the Company (whichever is less), shares, securities & debentures.
- b) Loans advanced by such employee whether secured or not;
- c) Motor cars, motor cycles, horses or any other means of conveyance; and
- d) Refrigerators, radiograms, VCRs/VCPs and Television sets'

Explanation No II: Transaction entered into by the spouse or any other member of family of an employee of the company out of his or her own funds (including gifts, inheritance etc) as distinct from the funds of the employee of the Company himself in his or her own name and in his own right, would not attract the provisions of the above sub-rules.

03. Every employee in a pay-scale the minimum of which is Rs'4000/-or more shall on first appointment in the Company, and thereafter every year in the beginning of the calendar year submit a return in the prescribed proforma (Annexure-A) of all immovable property owned, acquired or inherited 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.

04. The General Manager or any other authority empowered by him in, this behalf, may at any time by general or special order, require an employee to submit, within period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or By any member of his family as may be specified in the order such statement shall if so required by the General Manager or by the Authority so empowered, include details of the means by which or the source from which the Property was acquired.

#### 16 A - DOWRY:

No employee shall

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

EXPLANATION: For the purpose of this rule "Dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961) reproduced below:

In this Act "Dowry" means any property or valuable security given or agreed to be given either directly or indirectly :

- a) by one party to a marriage to the other party to the marriage or,
  - a. by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in case of persons to whom the Muslim Personal Law (Shariat) applies.

EXPLANATION -I: For the removal of doubts, it is hereby declared that any presents made it the time of marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

EXPLANATION -II: The expression "Valuable Security" has the same meaning as in Section 30 of the "Indian Penal Code".



## 16. B GIFTS:

01. Save as otherwise provided in these rules, no employee of the Company 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, board, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee.

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

02. On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee of the Company may accept gift from his near relatives but he shall make a report to the Competent Authority, if the value of the gift exceeds Rs.500/-.
03. On such occasions as are specified in Sub-Rule(2), an employee of the Company may accept gifts 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 such gift exceeds Rs.250/-.
04. in any other case an employee of the Company shall not accept or permit any 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 Rs.250/-.

provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the competent Authority if the aggregate value of the gifts exceeds Rs.250/-.

NOTE: The Prescribed Authority/Competent Authority will mean CMD, GM .or any other authority, not below the rank of AGM, whom CMD may specify as the Prescribed Authority for this purpose.



## **17. VINDICATION OF ACTS AND CHARACTER OF EMPLOYEES:**

No employee shall, except with the previous sanction of the Company, have recourse to any court or to press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

EXPLANATION: Nothings in this rule shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private 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 prescribed authority regarding such action.

## **18. CANVASSING OF NON.OFFICIAL OR OTHER INFLUENCE:**

No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Company.

## **19. BIGAMOUS MARRIAGE:**

01. No employee shall enter into, or contract, a marriage with a person having a spouse living; and
02. No employee, having a spouse living, shall enter into, or contract, a marriage with any person;

Provided that the Board may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that:

- a) Such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
  - b) There are other grounds for so doing.
03. The employee who has married or marries a person other than of Indian Nationality, shall forthwith intimate the fact to the Company's Management.

## **20. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS:**

An employee shall:

- (a) strictly abide by law relating to intoxicating drinks or drugs 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 drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug.
- (c) Refrain from consuming any intoxicating drink or drug in a public place.
- (d) Not appear in a public place in a state of intoxication.
- (e) Not use any intoxicating drink or drug to excess.

#### EXPLANATION

- 01. For the purposes 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.
- 02. The employees of the company should refrain from consuming intoxicating drinks even at official parties arranged by foreign Missions whether within the Mission premises or in halls/lounges exclusively reserved. The same position would obtain in respect of consumption of intoxicating drinks at parties arranged by Government, public under takings or semi govt. organisations where foreigners are entertained or at similar hosted by others.

#### **21. Prohibition regarding employment of children below 14 years of age.**

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

#### **22. SEXUAL HARASSMENT AT WORKPLACES:**

No employee shall commit or assist or take part in commission of any act of sexual harassment. for this purpose sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as ' (i) physical contact and advances; (ii) a demand or request for sexual favours ; (iii) sexually coloured remarks ; (iv) snowing pornography ; (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

- a) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -
  - i. implied or explicit promise of preferential treatment in employment; or
  - ii. implied or explicit threat of detrimental treatment in employment; or



- iii. Implied or explicit threat about her present future employment status: or
- iv. Interference with her work or creating intimidating OF offensive of hostile work environment of her; or
- v. Humiliating treatment likely to affect her health or safety.

b) "Workplace" includes:-

- i. Any department, organization, under taking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly substantially financed by funds provided directly or indirectly by the central government ;
- ii. Hospitals or nursing homes;
- iii. Any sports institute, stadium, sports complex or competition or games venue whether residential or not used for training, sports or other activities relating thereto;
- iv. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- v. A dwelling place or a house related to or connected in course of official dealing.

### **23. INTERPRETATION:**

If any question arises-relating to the interpretation of these rules, it shall be referred to the board of directors, whose decision thereon shall be final.

### **24. DELIGATION OF POWERS:**

The board of directors may delegate all or any of the powers exercisable by them under these rules, to such officers and on such conditions, as they consider necessary.

## **SCHEME FOR PERIODICAL REVIEW FOR ENSURING PROBITY & EFFICACY AMONG EMPLOYEES OF ILP**

### **PREAMBLE**

To ensure probity and efficacy amongst the CPSEs employees, Government has issued instructions vide DPE O.M. F.No.DPE-GM-01-0001-2015-GM-FTS-4857 Dt.14.12.2015 prescribing review of employees of CPSEs upon completion of specified years of service or attaining specified years of age. In this regard, while framing the scheme the observations of the Hon'ble Supreme Court in the relevant cases has also been considered:-

1. DoPT has also drawn attention to the observation made by the Hon'ble Supreme Court in State of Gujarat vs Umedbhai M. Patel, 2001(3) SCC 314, which are as follows:
  - i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.
  - ii) Ordinarily, the order of the compulsory retirement is not to be treated as a punishment coming under Article 31 of the constitution.
  - iii) "For better administration it is necessary to chop off dead wood, but the order of the compulsory retirement can be passed after having due regard to the entire service record of the officers."
  - iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
  - v) Even un-communicated entries in the confidential record can also be taken in to consideration.
  - vi) The order of compulsory retirement shall not be passed as a short cut to avoid departmental enquiry when such course is more desirable.
  - vii) If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.
  - viii) Compulsory retirement shall not be imposed as a punitive measure.
2. As far as integrity is considered, the following observations of the Hon'ble Supreme Court, while upholding compulsory retirement in the case of S. Ramachandran Raju vs State of Orissa may be kept in view: -

"The officer would live by reputation built around him. In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in services would be menace to public service and injurious to public interest"

Thus while considering integrity of an employee, actions or decisions taken by the employee which do not appear to be above Board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may taken into account. Judgment of the Apex Court in the case of Shri. K Kandaswamy, I.P.S. (TN: 1966) in K.Kandaswamy vs Union of India & Anr, 1996 AIR 277, 1995 SCC (6) 162 in relevant here. There were persistent reports of Shri Kandaswamy acquiring large assets and of his getting money from his subordinates.

He also indulged in property transactions which gave rise to suspicion about his bonafides. The Hon'ble Supreme Court upheld his compulsory retirement under provisional of the relevant Rules.

3. Similarly, reports of conduct unbecoming of a Government servant may also form basis for compulsory retirement. As per the Hon'ble Supreme Court in State of U.P and others vs Vijay Kumar Jain, Appeal (Civil) 2083 of 2002:-

"If conduct of a Government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the Government has an absolute right compulsory retire such an employee in public interest"

#### **4. TITLE & APPLICATIONS:**

- 4.1 These rules shall be called Scheme for Periodical Review of Probity & Efficacy amongst employee.
- 4.2 These rules will come in to force from the date of order issued for applicability of the scheme.
- 4.3 These rules will apply to all employees below Board level.

#### **5. OBJECTIVE:**

The objective of the scheme is to strengthen the administration by ensuring probity and efficacy among employees. Whenever the services of an employee are no longer useful to the company, the employees can be retired prematurely for the sake of public interest.

#### **6. DEFINITIONS:**

- 6.1.COMPANY: Company means IL and may be referred as the company IL.
- 6.2.EMPLOYEE: All employees employed below Board level, employed in GR-C onwards.
- 6.3.COMMITTEE: Committee for the purpose of these rules shall be as constituted by Competent Authority.
- 6.4.COMPETENT AUTHORITY: Chairman-cum-Managing Director or his authorized representative.
- 6.5.APPROVING AUTHORITY: As defined under clause no.8.3 of this scheme.
- 6.6.REVIEWING AUTHORITY: As defend under clause no.8.3 of this scheme.

#### **7. CRITERIA:**

- 7.1. Criteria to be followed by the committee in making there recommendations would be as follows.

##### 7.1.1. Employees whose integrity is doubtful-

An employee who gets an adverse comment consecutively for three years on his integrity in his Annual Performance Appraisal Report immediately preceding the quarter in which he/she is to the assessed would be recommended for premature retirement.

Actions or decisions taken by the employees which do not appear to be above Board complaints received against him may be given due cognizance while considering integrity of an employee. Inputs from Vigilance Department may also be obtained in cases where integrity of employees is doubtful.

##### 7.1.2. Employee who are found to be ineffective. The basic consideration in identifying such employees should be the fitness/competence of the Employee to continue in the post which he/she is holding-

In such case, inefficiency would be evaluated on basics of the appraisal report. If in the opinion of the Approving Authority, for reasons to be recorded in writing, an Employee's performance is considered to be unsatisfactory, on the basis of his securing a poor APAR rating.

7.1.3. The said assessment should not be confined to the consideration of Performance Appraisals/Grading/Merit ratings alone. In every assessment, the entire service records of the Executive should be considered.

7.1.4. An employee's conduct and reputation is such that his continuation in service would be a menace and injurious to public interest, the same can also form a basis for premature retirement of an Employee.

7.1.5. While the entire service record of an employees should be considered at the time of assessment, no Employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding *five*-year immediately preceding the quarter in Which he/she is to be assessed or where he has been promoted to a higher post during that 5 year period, his service in the highest post, has been found satisfactory. However, when an Employee is recommended for premature retirement on grounds of doubtful integrity, there is no such stipulation.

7.1.6. No employees should be ordinarily retired on ground of ineffectiveness; if in any event, him/her would be retiring on superannuation within a period of one year from the date of consideration of his case. However, it is clarified that if there is a steep fall in competence, efficiency or effectiveness of an Employee, it would be open to assessment his/ her case for premature retirement.

7.2. The rule relating to premature retirement should not be used: -

7.2.1. To retire an employee on grounds of specific acts of misconduct, as a short-out to initiating formal disciplinary proceedings; or

7.2.2. For reduction of surplus manpower *or* as a measure of effecting general economy without following the rules and instructions relating to retrenchment.

7.2.3. Based on the assessment under the scheme carried out in each quartet as per the scheme, a summarized report for the Calendar year will be generated *by* Personnel Department for onward transmission to Ministry/ any other Govt. agency, as required.

## **8. PROCEDURE:**

The premature retirement, which is made in the public interest, is not to be treated as a punishment and shall be carried out after a comprehensive assessment taking into account the entire service record of the concerned Employee.

8.1. Assessment of employees under the scheme, to as certain as to whether an Employee in substantive post should continue in the employment of the Company, shall be carried out six months before the Employee attains the age of 50 years if he had entered the service before attaining the age of 35 years, and in any other case after he has attained the age of 55 year, as the case may be.

8.2. In every assessment, the entire service records should be considered. The expression "Service Record" will take in all relevant records and hence, the assessment should not be confined to the consideration or Performance Appraisals/Grading/Merit ratings. The personal file of the concerned Employee may contain valuable information and the same may also be referred for assessment purpose. The work and performance of the Employee could also be assessed by looking into files dealt with by him/her or in any papers or reports prepared and submitted by him/her.

The assessment of an employee under the scheme shall be conducted in the prescribed Proforma Annexure-I. The case of assessment of the employee whose integrity doubtful under the criteria shall be routed through Vigilance Department.

8.3. In order to undertake the assessment of Employee at Departmental level, Committees will be constituted. The constitution of the Committees (not less than 3 members) to assess the probity and efficacy of Employees will be as under:

Level/ Grade of Employees	Committee composition	Approving Authority	Reviewing Authority
Gr.C to E-5 grades	HoD of Personnel Dept., HoD of Finance Dept. and HoD of Concerned Dept/ Region/ Branch and SC/ST representative	C.M.D.	Board
Employees in E-7 Grades and above	Committee consisting of two functional Directors and SC/ST Representative, if SC/ST Employee is there in the assessment	Board	Board

Note:-

- i) In case there is any female Employee whose case is to be kept for assessment, a female employee shall be co-opted in the committee who shall be at least one level above the scale of female employee whose case is under assessment.
- ii) The members of the committee shall be at least one level above the scale of the employees whose case is under assessment

The Committees, as shown above, after carrying out the assessment will recommend the case of Employees required to be retired prematurely.

Based on the recommendations of the Committees, if the Approving Authority is of the opinion that it is in the public interest to do so, he will have the absolute right to retire any Employee by giving him requisite notice. The assessment of an employee under the scheme shall be conveyed in the prescribed order in Proforma Annexure-II for his or her pre-mature retirement from the services of the company.

#### 8.4. Issuance of order & acknowledgement:

8.4.1. The order of pre-mature retirement shall be issued to the employees and his acknowledgement shall be obtained in presence of two independent 'witnesses and their signature shall also be obtained.

8.4.2. In case the employee refuses to accept his/her order of pre-mature retirement along with the cheque equivalent to 3 months notice pay, it should be ensured that the refusal of the employee is to be noted in presence of two witnesses under their signature.

8.4.3. In such case, copy of the order of pre-mature retirement to the employee shall be sent under registered post/Speed post with acknowledgement to the individual at the last official known address with a covering letter stating that effort was made to deliver by such as such on so and so date in presence of two witnesses and that the employee has refused to accept the same. Consequently under such circumstance, copy of the said order is being sent by registered post for his or her record.

8.4.4. In such case where the employee was refused to accept the order of pre-mature retirement the effective date of his pre-mature retirement shall be the following date since when the employee has refused to accept the order along with cheque of equivalent to 3 months notice pay.

8.5. A register of employees who are due to attain the age of 50/55 years, as the case may be/will be maintained. The register should be scrutinized at the beginning of every quarter by the Personnel Department. Assessment has to be carried out as per the schedule given below.

Sl. No.	Quarter in which assessment is to be made.	Cases of Employee who will be attaining the age of 50/55 years as the case may be, in the quarter indicated below
1.	January to March	July to September of the same year
2.	April to June	October to December of the same year
3.	July to September	January to March of the next year
4.	October to December	April to June of the next year

9. An Employee who is prematurely retired will be entitled to the following, subject to fulfillment of conditions/terms stated in the relevant schemes, rules, etc:-

- 9.1. Pay for the notice period of three months or as may be applicable to him under his terms and conditions of service.
- 9.2. Leave salary as per the Leave Rules applicable to the employees as in case of superannuation.
- 9.3. Provident fund subject to the provisions of the Provident Fund Rules applicable to him.
- 9.4. Gratuity for each completed year of service or part thereof as admissible under the Gratuity Rules.
- 9.5. The post retirement medical benefits under IL Post Retirement Medical Benefit (PRMB) as per rules of the company.

#### **10. PROCEDURE FOR CONSIDERATION OF REPRESENTATION:**

Under the Scheme, if any Employee, whose case is reviewed and the Order of compulsory retirement passed against him, is aggrieved by the Order, he may submit representation within 30 days in the prescribed Proforma Annexure-III for review to the Reviewing Authority as per following procedure.

- 10.1. On receipt of the representation, the Reviewing Authority should examine the same to see whether it contains any facts or any aspect of a fact already known but which was not taken into account at the time of issue of order of premature retirement. This Examination should be completed within two weeks & final order passed within 30 days from the date of receipt of the representation.
- 10.2. In case it is decided to reinstate any prematurely retired employee in the services after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement shall be treated as duty, or as leave or as dies-non, as the case may be, taking into account the merits of each case.
- 10.3. Where the review representation Committee records a definitive finding that the premature retirement of the employee was on account of political or personal victimization, the intervening period should be treated as duty with full pay and allowances. In other case, it would not be appropriate to treat the period during which the employee had not worked, on duty and allow him the duty pay for the same. In such cases the period may hitherto be treated as leave due and admissible or dies-on, as the authority ordering reinstatement may decide.
- 10.4. In the cases of an employee who had been prematurely retired on grounds of inefficiency

and by the time the Committee to consider the representations against such premature retirement came to the conclusion that premature retirement was unjustified the date of superannuation of the employee has already arrived or had passed, the authority empowered to pass final orders may at its discretion, reinstate the superannuated employee notionally with effect from the date of compulsory retirement and treat the period upto the date of superannuation, as duty, leave or dies-non as may be considered

appropriate by the competent authority.

- 10.5. Representations from employee who have been served with a notice/order of premature retirement but have obtained stay order(s) from a court against the order/notice of premature retirement need not be dealt until the disposal of the court cases. Therefore, the cases may be examined as outlined above, also taking into account any material of a substantive nature that may feature in the court's judgment.
- 10.6. The Reviewing authority shall dispose off the same within 30 days from the receipt of the appeal in the format Annexure-IV.

#### **11. SAVING**

11. 1. The above provision of the Scheme can be modified, altered or withdrawn with the approval of the Chairman and Managing Director.
- 11.2. For interpretation of any provisions of the Scheme, decision of the Chairman and Managing Director will be final and binding.

#### **12. EFFECTIVE DATE:**

The Rules shall come into force from 01.02.2021.

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**INSTRUMENTATION LIMITED  
KANJIKODE WEST, PALAKKAD - 678 623**

**ORDER ISSUED UNDER THE SCHEME FOR PERIODICAL REVIEW FOR ENSURING PROBITY  
AND EFFICACY TO RETIRE AN EMPLOYEE OF INSTRUMENTATION LIMITED**

**ORDER**

Whereas under the provisions of Scheme for Periodical Review for Ensuring Probity and Efficacy, the assessment committee is of the opinion that is in the public interest to do so;

Now, THEREFORE, in exercise of the powers conferred for the assessment to the duly constitution committee under the Scheme, hereby, gives notice to Shri. \_\_\_\_\_ (designation) \_\_\_\_\_ that he/she having already attained the age of fifty/fifty-five years, having completed \_\_\_\_ years of service on \_\_\_\_\_, shall pre-maturely retire from services of the company on \_\_\_\_\_ after duty hours of the day following the date of expiry of three months computed from the date following the date of service of this notice on him. If he so desires, he may represent in writing to Reviewing Authority within 30 days from the date this notice is served on him/her.

This communication is being issued with the approval of approving authority.

**HEAD OF DEPARTMENT (P&A)**

\_\_\_\_\_

**ACKNOWLEDGEMENT**

I, \_\_\_\_\_, now holding the post of \_\_\_\_\_ hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Kindly acknowledge the receipt of the order.

Name : \_\_\_\_\_

EMP No : \_\_\_\_\_

Designation : \_\_\_\_\_

Office : \_\_\_\_\_

## FORM-I

**PROFORMA FOR ASSESSMENT OF THE EMPLOYEE UNDER SCHEME FOR PERIODICAL REVIEW  
FOR ENSURING PROBITY AND EFFICACY**

**I. BIO-DATA**

OFFICE: \_\_\_\_\_

DATE ASSESSMENT: \_\_\_\_\_

Name	Date of Birth	Date of appointment in service	Date of completion of 50/55 years of age	Total No. of year of service	Break in service caused if any
1	2	3	4	5	6

Present Designation	Present Scale of pay/ grade	Office presently employed	Details of posts held during last 5 years		
			Designation	From	To
7	8	9	10		

**II ASSESSMENT**

**PERFORMANCE REPORT OF THE CONTROLLING OFFICER ON THE BASIS OF LAST FIVE YEARS  
SERVICE**

**(To be recorded by an officer not lower than a Senior Scale Officer)**

11.	(a) Is he physically and mentally fit to discharge duties effectively, if continued in service?	Yes	No	Remarks:	
	(b) His attendance	Good	Satisfactory	Poor	Remarks:
	(c) His punctuality	Good	Satisfactory	Poor	Remarks:
	(d) Does he deal with correspondence promptly?	Yes	No	Remarks:	
	(e) Does he take decision?	Yes	No	Remarks:	
	(f) Are his recommendations sound and fruitful?	Yes	No	Remarks:	
	(g) Is he cost conscious?	Yes	No	Remarks:	
	(h) Can he maintain discipline amongst subordinate?	Yes	No	Remarks:	

12. Comments on:
- Integrity:
  - General Conduct:
  - Performance during last 5 years:

Signature:  
Name:  
Designation:

**III. RECORD OF SERVICE DURING HIS ENTIRE CAREER**

Appreciation of good work done , if any	Particulars of penalties imposed, if any with reasons		
	Nature of penalty Imposed	No. of times imposed	Reasons
13	14		

15. REMARKS RECORDED IN THE APARS, DURING THE LAST 5 YEARS, IF MAINTAINED (APARS SHOULD BE ATTACHED)

	Year	Year	Year	Year	Year
[A] Final Grade					
[B] Remarks about integrity					
[C] Adverse remarks, if any:					
[D] Whether adverse remarks were communicated to employee:					

16. ATTENDANCE PARTICULARS FOR PREVIOUS FIVE YEARS

	Year	Year	Year	Year	Year
[1] Sick Leave					
i] Full Pay :					
ii] Half Pay :					
[2] Leave not due :					
[3] Leave without pay :					

17. PARTICULARS OF VIGILANCE CASES PENDING, IF ANY

18. SPEAKING ORDERS OF THE ASSESSMENT COMMITTEE

File No :

Signature :

Name :

Designation :

Date :

(MEMBER)

(MEMBER)

(MEMBER)

19. IN CASES OF RETIREMENT ON GROUNDS OF 'DOUBTFUL INTEGRITY' ONLY, THE REMARKS/RECOMMENDATIONS OF THE VIGILANCE DEPARTMENT.

NAME :

DESIGNATION:

DATE:

20. (IN CASE OF APPEAL): -

The Speaking orders of the Reviewing authority

Signature:

Name:

Designation:

Date:

(REVIEWING AUTHORITY)

**INSTRUMENTATION LIMITED  
KANJIKODE WEST, PALAKKAD - 678 623**

**APPEAL BEFORE REVIEWING AUTHORITY UNDER SCHEME FOR PERIODICAL REVIEW FOR  
ENSURING PROBITY AND EFFICACY OF THE EMPLOYEES  
(Appeal for review)**

Vide order No. \_\_\_\_\_ date \_\_\_\_\_. I have been retired on premature basis from the services of the company under the provisions of the Scheme for Periodical Review for Ensuring Probity and Efficacy of the employees.

I am aggrieved by the aforesaid order and am preferring an appeal against the said order before the Reviewing Authority to review my cases on the following grounds: -

- 1] \_\_\_\_\_
- 2] \_\_\_\_\_
- 3] \_\_\_\_\_
- 4] \_\_\_\_\_
- 5] \_\_\_\_\_

Submitted before the reviewing authority.

(Signature of the Appellant) \_\_\_\_\_

Name \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**INSTRUMENTATION LIMITED  
KANJIKODE WEST, PALAKKAD - 678 623**

**ORDER OF REVIEWING AUTHORITY ISSUED UNDER SCHEME FOR PERIODICAL REVIEW FOR  
ENSURING PROBITY AND EFFICACY OF THE EMPLOYEES**

**(Order of Reviewing Authority)**

Whereas Shri. \_\_\_\_\_ Designation \_\_\_\_\_  
(Appellant) has submitted an appeal against the order No. \_\_\_\_\_ dated \_\_\_\_\_  
issued for his pre-mature retirement under the Scheme for Periodical Review for Ensuring Probity and  
Efficacy of the employees.

Now, therefore, in exercise of the powers conferred under the Scheme, on careful consideration of the  
appeal and grounds submitted for review by the appellant, I have decided to consider / not to consider  
his appeal for the following reasons: -

- 1] \_\_\_\_\_
- 2] \_\_\_\_\_
- 3] \_\_\_\_\_
- 4] \_\_\_\_\_
- 5] \_\_\_\_\_

In view of the above the appeal preferred by the appellant is considered / not considered and thus  
disposed off.

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(Reviewing Authority)