

NALCO CONDUCT, DISCIPLINE & APPEAL RULES

Ref. No.2.1	
Title	NALCO Conduct, Discipline & Appeal Rules
Approved By	Board Meeting Held On 11-09-1984
Effective Date	11-09-1984
Replace/Modification Clarification	

Rule 1 Short Title and Commencement

- (i) These rules may be called NALCO Conduct, Discipline and Appeal Rules, 1984.
- (ii) These came into force on September 11th 1984.

Rule 2 Application:

These rules shall apply to all employees except :-

- i) Those in casual employment or paid from contingencies;
- ii) Those governed by the Standing Orders, framed under Industrial Employment(Standing Orders) Act, 1946.

Rule3 Definitions:

In these, rules unless the context otherwise requires:

- (a) "Employee" means a person in the employment of the Company other than the Casual, Work charged or Contingent Staff, but includes a person on deputation to the Company.

Explanation: An employee who has retired/resigned/separated from the Company shall be deemed to be an employee for a disciplinary action for any misconduct committed during his service in the Company¹

- (b) "Company" means the National Aluminium Company Limited.

- (c) "Board" means the Board of Directors of the Company and includes, in relation to the exercise of powers, any committee of the Board/ Management or any officer of the Company whom the Board delegates any of its powers.
- (d) "Chairman/Managing Director" means the Chairman /Managing Director of the Company.
- (e) "Disciplinary Authority" means the authority specified in the Schedule appended to these rules and competent to impose any of the penalties specified in Rule 26.
- (f) "Competent Authority" means the authority empowered by the Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the rule or order.
- (g) "Government" means the Government of India.
- (h) "Appellate Authority" means the authority specified in the Schedule appended to the rules.
- (i) "Reviewing Authority" means the authority specified in the Schedule appended to these rules.
- (j) "Family in relation to an employee includes:-
 - (i) The wife or husband as the case may be of the employee whether residing with him or not but does not include a wife or husband as the case may be, separated from the employee by a decree or order of a competent court.
 - (ii) Sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him but does not include a child or step child who is no longer in any way dependent-on the employee or of whose custody the employee has been deprived 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.
- (k) "Public Servant" shall mean and include a person as mentioned in Section 21 of the Indian Penal Code as amended from time to time.

Rule 4 General:

- (1) Every employee of the Company shall at all times
 - (i) maintain absolute integrity;
 - (ii) maintain devotion to duty; and
 - (iii) do nothing which is unbecoming of a public servant.
- (2) Every employee of the Company holding a 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.

Rule 5 Misconduct :

Without prejudice to the generality of the term “misconduct” the following acts of omission and/or commission shall also be treated as misconduct:

- (1) Theft, fraud or dishonesty in connection with the business or property of the Company or of property of another person within the premises of the company.
- (2) Taking or giving bribes or any illegal gratification.
- (3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- (4) Furnishing false information regarding name, age, father's name, qualifications or any other matter germane to the employment at the time of employment or during the course of employment
- (5) Acting in a manner prejudicial to the interests of the Company.
- (6) Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superiors.
- (7) Absence without authorized leave or over staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper satisfactory explanation.
- (8) Habitual late or irregular attendance or willful absence from duty.

- (9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- (10) Damage to any property of the Company.
- (11) Interference or tampering with any safety devices installed in or around the premises of the company.
- (12) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Company or outside such premises where such behaviour is related to or connected with the employment.
- (13) Gambling within the premises of the Company.
- (14) Smoking within the premises of the Company where it is prohibited.
- (15) Collection without permission of the competent authority of any money within the premises of the Company except as sanctioned by any law of the land for the time being in force or rules of the Company.
- (16) Sleeping while on duty.
- (17) Commission of any act which amounts to a criminal offence involving moral turpitude.
- (18) Absence from the employee's appointed place of work without permission or sufficient cause.
- (19) Purchasing properties, machinery, stores, etc., from or selling properties, machinery, stores etc. to the Company without express permission in writing from the competent authority.
- (20) Commission of any act subversive of discipline or of good behaviour.
- (21) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (22) Unauthorized use or occupation of the Company's quarters, land or other property.
- (23) Assaulting or intimidating any employee of the Company.

- (24) Striking work or inciting others to strike work in contravention of the provision of any law or rule having the force of law.
- (25) Breach of any law applicable to the works or of the conduct rules and any other rules or orders issued by the Company from time to time.
- (26) Writing of anonymous letters etc., addressing appeals of representations to an authority other than the appellate or the appropriate authority and forwarding advance copies of appeals or representation to any authority.
- (27) Distribution or exhibition in the Company's premises or its precincts hand-bills, pamphlets, posters or causing to be displayed by means of signs or writing or other visible representations, any matter without previous sanction of the competent authority.
- (28) Refusal to work on holidays or Sundays or extra hours when notified to do so in the exigencies of Company's work.
- (29) Surrounding or forcibly detaining any of the Company employee(s).
- (30) Taking any active part in a meeting or demonstration organised by a political party.
- (31) Commission of any act amounting to sexual harassment of a woman and/or women.

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- (a) physical contact and advance;
 - (b) a demand or request for sexual favours;
 - (c) sexually coloured remarks;
 - (d) showing pornography;
 - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature. ²
- (32) Obtaining donations/advertisement/sponsorship etc. by the associations/NGOs formed by either employees or their spouse/family member etc. from the contractors, vendors, customers or other persons having commercial relationship/official dealings with the CPSE.¹³
33. ¹⁵Fraud, Dishonesty and/or offences under cyber laws leading to misrepresentation, breach of confidentiality, digital transmission of false information, allegations damaging reputation, pecuniary loss to the company etc.

34. Securing or causing others to secure unauthorized access to any confidential electronic communication of the company or misuse of the electronic communication of the company or the computer system or network which may cause damage to the company.
35. Viewing obscene material/scene and involving oneself in indecent chatting/communication through the electronic communication/computer system of the company.
36. Breach of code of conduct for Board Members by Whole Time Directors.
37. Non-submission/Non-furnishing of information of self or dependant family members as asked by Management or as per the schemes/rules of the company.
38. Non-appearing and/or Non-furnishing information in enquiry constituted by the Management.
39. Non-submission of property returns etc.,
40. Use of outside/external influence in the service matters of self or attempting to extract any other undue benefit from the company.
41. Making allegations against another employee. Use of insolent or impertinent or unparliamentary language in any official dealing/correspondence or in any representation including appeal or in any forum/meeting.
42. Violation or non-compliance with the Company's Rules /Policies /Manuals/ Circulars/ Notices/ expressed instructions.
43. Refusal to accept any order or notice communicated in writing served either in person or in due course by post, or by notification on the Company's Notice Boards
44. Falsification /forging of the records and /or defalcation.
45. Spreading false rumours or giving false information which may bring disrepute to the company or its employees or spreading panic among the employees.¹⁵

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

Rule6 Employment of near relatives of the employees of the Company in any Company or Firm enjoying patronage of the Company:

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

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

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

Rule7 Participation in Political Activities and other Associations etc.

- (1) 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 or assist any political movement or activity or stand for election without the permission of the Company, as a member of local authority or a legislative body. Any employee shall not be deemed to have contravened the provisions of this rule by reason only that he assist in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.
- (2) No employee shall join or continue to be a member of Associations, the object or activities of which are prejudicial to the interest of sovereignty, integrity of India, public order or morality.

- (3) No employee of the Company shall engage himself or participate in any demonstration/rally which involves incitement to an offence.

Rule 8 Connection with Press or Radio:

- (1) No employee of the Company shall, except with the previous sanction of the competent authority, own wholly or in part or conduct or participate in the editing or management of, any newspaper or any other periodical publication.
- (2) No employee of the Company shall except with the previous sanction of the competent authority, participate in a Radio Broadcast or publish or cause to be published any article etc. which may have a bearing on the affairs of the Company or its subsidiaries provided however, that no such sanctions shall be necessary in the case of articles written for any Magazine, House Organ etc. sponsored and published by or on behalf of the Company in which case the discretion for publication devolves on the "Editorial Board" or any other agency appointed by the Company for the purpose.

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

Rule 9 Criticism Of Government And The Company:

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

- (a) Which has the effect of adverse criticism of any policy or action of the Central or State Governments, or of the Company or:
- (b) Which is capable of embarrassing the relations between the Company and the Public;

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

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

Rule 10 Evidence Before Committee Or Any Other Authority:

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

Rule 11 Un-authorized Communication Of Information:

- (1) No employee, whether during the period of his service or after leaving the service of the Company shall, except with the previous sanction of the competent authority, by writing to any person (including a co-employee) or by communicating to newspaper, journals or books, or by speech or discussion or in any manner disclose or cause to be disclosed any information or documents relating to the activities of the Company or its subsidiaries.
- (2) No employee shall, except in the ordinary course of his duties, give or cause to be given to any person any advice on matters relating to the activities of the Company or its subsidiaries.
- (3) No employee shall except in the ordinary course of his duties, disclose or cause to be disclosed to any person any secret process, know-how cost of production of any or all of the products of the Company or its subsidiaries or any information regarding purchase made by or contracts entered into by the Company or any information regarding the settlement of claims by the Company in or out of courts or any other information, knowledge or matters of trade or business secrets of the Company or its subsidiaries.

The provisions of this rule shall apply also to ex-employees.

- (4) No employee shall except with the previous sanction of the competent authority carry with him or cause to be carried outside the office/factory premises any papers, books, drawings, photographs, instruments,

apparatus, documents, or any other property of the Company or its subsidiaries, notes or copy thereof.

Provided that this provision shall not apply to employees who are specially authorised by the competent authority to take out of the office/factory premises any papers, books documents etc. for study or other purposes approved by the competent authority in writing.

- (5) Any manuscript, books or other literary work, drawings, sketches, paintings, photographs or similar papers containing notes or information relating to the business of the Company shall be property of the Company whether prepared by the employee or otherwise. No royalty shall, however, be payable to the employee.

Every employee when called upon by the competent authority, shall sign such documents applications, deeds or other instruments which in the opinion of the said authority are necessary to vest the property including copyright thereof in the Company solely and exclusively for its use. Breach of any one of these provisions shall be a misconduct under Rule 5.

Rule 12 Inventions:

- (1) Every employee shall, within one month of taking up his employment furnish the Company with:
 - (i) A list of patents held by him or applied for in India or abroad whether in his own name or jointly with any other person(s).
 - (ii) Titles and nature of any inventions in his possession prior to his taking up the appointment, which shall be treated as confidential.

No employee of the Company shall except with the previous sanction of the competent authority apply for or cause to permit any other persons to apply for or to obtain in India or abroad any patent, patent of additions, license, rights, privilege or the like protection in respect of any invention or process, under any Act, Statute, Statutory Orders, Regulations or otherwise.

If such invention or process has been made discovered or obtained by the employee during the period of his service with the Company, he shall upon request by the competent authority forthwith disclose full and complete description of the said invention or process and mode of performing the same and assign and transfer in favour of the Company at their cost such invention or process (whether patented or not) for its own absolute and exclusive use or for the use of its own absolute and exclusive use or for the use of its subsidiaries. In the event of such a request being made by the competent authority, the employee shall sign all applications, deeds instruments,

assurances, documents, papers conveyances etc. as the said authority may in his opinion requires for the vesting of the rights under and by virtue of these provisions wholly and absolutely in the Company.

- (2) All inventions including improvements or modifications thereon or process made or discovered by the employee during or in relation to the period of his service with the company shall be absolute property of the Company and he shall hold the same in trust for them. The Company shall recognise the inventor/inventors in that their name/names will be mentioned in the patent. The Company shall not, however, be obliged to pay any fee, royalty or any other consideration for the use of any such inventions or process.
- (3) Save as otherwise provided in these Rules, no employee shall assign, grant any license, or create any charge or interest in favour of any person make use of or otherwise deal with any such invention or process (whether patented or not) he has made, discovered or obtained during the period of his service with the Company.
- (4) No employee, where the during or after the period of his service with the Company shall, except for the purpose of the business of the Company and with the previous sanction of the competent authority publish or cause to be published, disclose or otherwise make known in any manner whatever such inventions or process.

Note:- The word "Invention" occurring in these rules shall have the meaning assigned to it under the Patents Act, 1970.

Breach of any one of these provisions shall be a misconduct under Rule.2.1.5

Rule 13

Essential Services:

- (1) Essential service will be maintained by the respective employee working in the respective departments in spite of and during strikes, lockouts etc.,
- (2) Without being exhaustive, the following, service shall also be considered to be as essential services:
 - (a) Maintenance of Electric Power and Lighting Services.
 - (b) Maintenance of Water services.
 - (c) Services which must be carried on continuously.

- (d) Watch and Ward/Security/ Fire fighting services.
- (e) Sewerage work.
- (f) Canteen, Guest/Rest House/field Hostel/Transit Camp.
- (g) Medical services.
- (h) Transport services (including operation & maintenance).
- (i) Telephone/Telex and Wireless services and other services relating to signal/speech Communications.

Rule 14 Gift :

- (1) 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 dealing with the employee.

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

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in-conformity with the prevailing religious or social practices, an employee of the Company may accept gifts from his near relatives or from his personal friends having no official dealings with him, but he shall make a report to the competent authority if the value of the gift exceeds **Rs.1000/-**.³
- (3) ¹⁶In 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 gifts without the sanction of the competent authority if the value thereof exceeds Rs.5000/-. 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.25000/-**.^{3/16}

Explanation : Foreign contributions falling within the ambit of Foreign Contribution Regulations Act, 1976 as amended also fall within the purview of Rule 14.

Rule 15 Dowry:-

No employee of the Company 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 defined in Dowry Prohibition Act, 1961 (No.28 of 1961).

Rule 16 Private Trade Or Employment

- (1) No employee of the Company shall, except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business or undertake any other employment.

Provided that an employee may without any such sanction :-

- (i) Undertake honorary work of a social or charitable nature; or
- (ii) Undertake occasional work of a literary, artistic or scientific character; or
- (iii) Participate in sports activities as amateur;

Subject to the condition that in all the cases his official duties do not thereby suffer. He shall not undertake or shall discontinue, such work or activity, if so directed by the competent authority.

- (2) 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.
- (3) No employee of the Company shall, without the previous sanction of the competent authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under Companies Act 1956 (1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes:

Provided that an employee of the company 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 (2 of 1912) or any other law for the time being in force, or a literary, scientific or charitable society

registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

- (4) Unless otherwise provided by general or special orders of the company, no employee will accept any fee for any work done by him for any private or public body or any private person without the prior sanction of the competent authority.

Explanation :- The term “Fee” used here shall have the meaning assigned it in fundamental rules 9 (6A).

Rule 17 Investment, Lending And Borrowing

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

Rule 18 Insolvency And Habitual Indebtedness :

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

Rule 19 Movable, Immovable And Valuable Property :

- (1) No employee of the Company shall, except with the previous knowledge of the competent authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.
- (2) No employee of the Company shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property, with a person or a firm having official dealings with the employee or his subordinate.

- (3)(a) Every employee of the company shall report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds **two months Basic Pay, except for the transactions in NALCO shares, as mentioned at 3(e) below.**¹¹

¹⁶Employee shall not speculate in any stock, share or other investment. It may also be explained that frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within meaning of this sub rule. If the total transactions in shares, securities, debentures, or mutual funds scheme etc., exceed **six months Basic Pay** during the calendar year, the employee shall, immediately after completion of calendar year, intimate the competent authority about such transaction in Annexure.^{11/16}

Note:

*It is clarified that since shares, securities, debentures etc., are treated as movable property for the purpose of **Rule 19(3)(a)** of the NALCO CDA Rules, 1984, if an individual transaction exceeds the amount prescribed in **Rule 19(3)(a)** the intimation to the Competent Authority would still be necessary. The intimation prescribed above will be in addition to this where cumulative transaction(s) i.e. sale, purchase or both in shares, securities, debentures or mutual funds etc., in a year exceed the limits indicated above.*

- (b) A full-time Director or any executive/employee involved in the decision making process of fixation of price of an IPO/FPO of shares of the company shall not apply either himself/herself or through any member of his/her family or through any other person acting on his/her behalf for allotment of shares (which includes all types of equity related instruments) in an IPO/FPO of the company, even out of the category of preferential quota reserved for employees/Directors of the Company.
- (c) All executives/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 the company.
- (d) Full-time Directors or executives/ 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.
- (e) All employees would be required to disclose to the company all transactions of purchase/sale in shares worth Rs.20,000/- or more in value or existing holding/interest in the shares worth Rs.20,000/- or

more in NALCO either in his/her own name or in the name of any family member to report to the company indicating quantity, price, date of transaction and nature of interest within 4 working days.

- (4) Every employee in line with the provisions of Section-44 of the Lokpal and Lokayuktas Act, 2013, shall, on first appointment in the Company, within a period of 30 days from the days on which he joins his office, furnish to the Competent Authority the information relating to;

- (a) The assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;
- (b) his liabilities and that of his spouse and his dependent children.

Further, he should file a declaration, information or return as the case may be regarding his assets and liabilities as on 31st day of March every year to the Competent Authority on or before the 31st day of July of that year in the prescribed Annexure and Form No. I, II, III & IV.

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

Explanation : 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 stridhans, gifts, inheritance etc.) as distinct from the funds of the employee of the Company himself/herself in his or her own name and in his or in her own right, would not attract the provisions of this rule.

Rule 20 Canvassing Of Non Official Or Other Influence:

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

Rule 21 Bigamous Marriages:

- (1) No employee shall enter in to or contract, a marriage with a person having a spouse living; and
- (2) No employee, having a spouse living, shall enter into, or contract, a marriage with any person;

Provided that the Chairman/Managing Director may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2), if he 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.

Rule 22 Consumption of Intoxicating Drinks And Drugs

- (1) An employee of the Company shall :
 - (a) strictly abide by any 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 drink or drug 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 public place;
 - (d) not appear in public place in a state of intoxication;
 - (e) not use any intoxicating drink or drug to excess.

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

- (2) The Company employee should also 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 Undertakings or Semi Government Organisations where foreigners are entertained or at similar parties hosted by other.

Rule 23 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 pending: or
 - (b) Where a case against him in respect of any criminal offence is under investigation or trial.
- (2) An employee who is detained in custody, whether on criminal charge or otherwise for a period exceeding 48 hours shall be liable to be suspended with effect from the date of detention, by an order of the appointing authority, and shall remain under suspension until further orders.
- (3) Where a penalty of dismissal or removal from service imposed upon an employee is set aside on appeals or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- (4) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removed was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.
- (5) An order of suspension made or deemed to have been made under this Rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

Rule 24 Subsistence Allowance

- (1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent of his 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 he shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension provided the suspending authority is satisfied that the employee continues to meet the expenditure for which allowance was granted.

- (2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows;
 - (i) The amount of subsistence allowances 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 attributable to the employee under suspension.
 - (ii) The amount of subsistence allowances may be reduced to 25 per cent of basic pay and allowance thereon if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.
- (3) 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 decided to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

Rule 25 Treatment of The Period Of Suspension:

- (1) When the employee under suspension is reinstated, the competent authority may grant him the following pay and allowances for the period of suspension:-
 - (a) If the employee is exonerated and not awarded any of the penalties mentioned in Rule 26, the full pay and allowances which he would have been entitled to if he has not been suspended, less the subsistence allowance already paid to him, and
 - (b) If other wise, such proportion of pay and allowances as the competent authority may prescribes.
- (2) In a case falling under sub-clause (a) the period of absence from duty will be treated as period spent of duty. In case falling under sub-clause (b) it will not be treated as period spent on duty unless the competent authority so directs.

Rule 26 Penalties:

The following penalties may be imposed on an employee, ***or an employee who has retired/resigned/separated from the Company***³ as hereinafter provided, for misconduct committed by him or for any other good or sufficient reasons.

Minor Penalties

- (a) Censure:
- (b) Withholding of increment of pay with or without cumulative effect;
- (c) Withholding of promotion;
- (d) Recovery from pay of the whole or part of any pecuniary loss caused to the Company by negligence or breach of order.
- (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.***¹⁰

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 services which shall not be a disqualification for future employment ***under the Govt. or the 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 Company owned or controlled by the Govt.***¹⁰

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge

of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (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. ¹⁰

Explanation: The following shall not amount to 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 for failure to pass a prescribed test or examination;
- (ii) stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness 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 for consideration but for which he is found unsuitable after consideration of his case.
- (iv) reversion to a lower grade or post, or 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 unconnected 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 period of probation in accordance with the terms of his appointment.
- (vi) Termination of services:
 - (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 expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
 - (c) of an employee appointed under a contract or agreement in accordance with the terms of such contract or agreement and
 - (d) of any employee on reduction of establishment.

Rule 27 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 26 on any employee.

Rule 28 Procedure For Imposing Major Penalties

- (1) No order imposing any of the major penalties specified in clauses (f), (g), (h), (i) and (j) or Rule 26 shall be made except after an inquiry is held in accordance with this rule.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for enquiring into the truth of any imputation of misconduct or

misbehaviour against an employee, it may itself enquire into, or appoint any public servant **or retired public servant** ⁵ (herein after called the enquiring authority) to inquire into the truth thereof. *Provided that where there is a complaint of sexual harassment within the meaning of Rule – 5(31), the Complaints Committee established for enquiring into such complaints shall be deemed to be the inquiring authority appointed by the Disciplinary Authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the enquiry into the complaints of sexual harassment, the enquiry as far as practicable in accordance with the procedure laid down in these Rules.*⁸

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

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

- (4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an inquiry may be held by the disciplinary Authority itself, or by any other public servant **or retired public servant** ⁴ appointed as an Inquiring Authority under sub-clause (2).

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

- (5) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may by an order appoint a public servant to be known as the "Presenting Officer", to present on its behalf the case in support of the articles of charge.
- (6) The employee may take the assistance of any other NALCO employee but shall not engage a legal practitioner for the purpose.

EXPLANATION: - The word 'NALCO Employee' in this context would mean a 'Co-employee' working in the same division or another division of NALCO located at the same station where the employee seeking assistance is himself working

- (7) On the date fixed by the inquiring authority the employee shall appear before the inquiring Authority at the time, place and date specified in the notice. The

inquiring authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.

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

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

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

(9) The inquiring authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.

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

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

(11) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

- (12) Before the close of the prosecution case, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge-sheet or may itself call for new evidence or recall or re-examine any witnesses. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross examine a witness, who has been so summoned.
- (13) When the case for the disciplinary authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.
- (14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the disciplinary authority.
- (15) The Inquiring Authority may, after the employee close his case, and shall, if the employee has not examined himself, generally question him on the circumstance appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (16) After the completion of the production of the evidence, the employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence.
- (17) If the employee does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiring authority may hold the inquiry exparte.
- (18) Whenever any inquiring authority, after having heard, recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction, there in and is succeeded by another inquiring authority which has and which exercises such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, and partly recorded by itself.

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been

recorded is necessary in interest of justice, it may recall, examine, cross-examine, and re-examine any such witnesses as herein before provided.

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

- (a) a gist of the article of charge and the statement of imputations of misconduct or misbehaviour :
- (b) a gist of the defence of the employee in respect of each article of charge:
- (c) an assessment of the evidence in respect of each article of charge:
- (d) the findings on each article of charge and the reasons therefore:

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

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

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include:-

- (a) the report of the inquiry prepared by it under sub-Clause (I) above;
- (b) the written statement of defence, if any, submitted by the employee referred to in sub-rule (13);
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs referred to in sub-rule (16), if any and
- (e) the orders, if any, made by the disciplinary authority and the inquiring in regard to the inquiry.

Rule 28(20) Procedure to be followed in Sexual Harassment cases ¹⁴

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee (ICC) , within a period of **three months** from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. It may be extended to **another three months**, provided the reasons for delay are recorded in writing and are to the satisfaction of the ICC.

2. The committee shall render reasonable assistance to the complainant to make the complaint in writing in case of illiterates.
3. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed, may make a complaint under this section.
4. Before initiating the enquiry, the ICC may on request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation, provided no monetary settlement shall be the basis of conciliation.
5. The settlement so arrived shall be recorded in writing and copies of settlement shall be submitted to the aggrieved woman and the respondent and to the Disciplinary Authority to take action as specified in the settlement, if any. No further inquiry shall be conducted in such cases.
6. In the event of failure of conciliation or non-compliance of terms and conditions of settlement by the respondent, the ICC shall proceed to make pre-liminary/fact finding enquiry or investigation to ascertain the truth of allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant and submit the report to the Disciplinary Authority. Disciplinary Authority on receipt of the report shall decide the further course of action as per the Rule 28 of the CDA rules. Role of presenting Officer shall be exempted as the entire enquiry proceedings are dealt by ICC itself.
7. However, enquiry shall be completed within a period of **90** days and submit the enquiry report to Disciplinary Authority within a period of **10** days from the date of completion of enquiry. Based on the findings of the report, the ICC shall recommend 'action' or 'no action' as per the CDA rules of the company. Action on Inquiry Report shall be taken by Disciplinary Authority as per Rule 29 of CDA Rules.
8. Notwithstanding anything in the rules, the time schedule as prescribed in these cases shall be adhered to.

Sl.No	Activity	Time Schedule
1	Conciliation on request of the complainant.	Within 3 days of receipt of complaint.

2	Forwarding the complaint to Disciplinary Authority(in case conciliation fails)	Within 7 days of receipt of complaint
3	Issuance of Memorandum/Charge sheet by Disciplinary Authority.	Within 3 days from receipt of intimation from ICC
4	Intimation to ICC to conduct enquiry on denying charges by the employee	Within 3 days from receipt of reply from the employee or 15 days from the date of receipt of memorandum by the employee; whichever is earlier.
5	Completion of Enquiry	Within 90 days from the date of receipt of complaint
6	Submission of Enquiry Report	Within 10 days from the completion of the enquiry

9. In case of the respondent found guilty, disciplinary action to be taken within **60** days of receipt of the report.

10. The provisions of the Act (as amended from time to time) shall be referred to, in case of any clarifications on interpretations sought.

Rule 29 Action On The Inquiry Report:

- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing remit the case to the inquiring authority for fresh and further inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provisions of rule 28 as far as may be.

(a) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority to the employee who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the employee.

(b) The disciplinary authority shall consider the representation, if any, submitted by the employee before proceeding further in the manner specified in sub-rules (2) to (4).¹⁰

- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charges is of the opinion that any of the penalties specified in rule 26 should be imposed on the employee, it shall, notwithstanding anything contained in rule 30 makes an order imposing such penalty.
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

Rule 30 Procedure For Imposing Minor Penalties:-

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of Rule 26, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days. The defence statement, if any, submitted by the employee shall be taken in to consideration by the disciplinary authority before passing orders.
- (2) The record of the proceedings shall include:-
 - (i) A copy of the statement of imputations of misconduct or misbehaviour delivered to the employee.
 - (ii) His defence statement, if any;
 - (iii) The orders of disciplinary authority together with the reasons there of.

Rule 31 Communication of Orders:-

Orders made by the disciplinary authority under rule 29 or 30 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

Rule 32 Common Proceedings:-

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

Rule 33 Special Procedure in Certain Cases:-

Notwithstanding anything contained in rule 28,29,30 the disciplinary authority may impose any of the penalties specified in rule 26 in any of the following circumstances:-

(i) The employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial ; or

(ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is reasonably not practicable to hold an inquiry in the manner provided in these rules; or

(iii) Where the disciplinary authority is satisfied that in the interest of the security of the Country/Company, it is not expedient to hold any inquiry in the manner provided in these rules.

(iv) ***Notwithstanding the provision contained elsewhere in the rules, the following shall also be applicable to the employees of the Company:***

a) The disciplinary proceedings shall continue even after retirement/ resignation/separation/end of tenure of an employee if such proceedings have been instituted while the employee was in service and shall be continued and concluded by the authority by whom it was commenced in the same manner as if the employee has continued in service. The concerned employee will not receive any pay and/or allowance after the date of superannuation. He will also not be entitled for the payment of retirement benefits till the proceedings are completed and final order is passed thereon except Provident Fund.

b) The disciplinary proceedings if not instituted while the employee was in service whether before his retirement/resignation/separation or during his re-employment

1) shall not be instituted save with the sanction of the Board of Directors in the case of an employee below Board level and of the Administrative Ministry in case of Board level employee including an officer on deputation from central government even to a post below the Board level;

2) shall not be instituted on expiry of two years from the date of retirement/resignation/separation of an employee;

3) shall not be in respect of any event which took place more than two years before such institution;

4) the disciplinary proceedings shall be conducted by such authority and in such place as the Board of Directors or Administrative Ministry as the case may be direct and in accordance with the procedure laid down in Rule 28 for imposition of major penalty.

(v) During the pendency of the disciplinary proceedings, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the 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 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.

(vi) The Disciplinary Authority may institute disciplinary proceedings against an employee as per NALCO CDA Rules, 1984 for the misconduct committed by him in his past services including the period of deputation in another company.

(vii) Where the charges are proved, the Disciplinary Authority may pass an order that "but for his retirement/resignation/separation an order of dismissal or removal from services would have been passed" or for the forfeiture of terminal benefit or for conveying displeasure of the Board of Directors of government as the case may be. ⁶

Rule 34 Employee on Deputation from the Central Government Or the State Govt.etc:-

- (i) Where an order of suspension is made or disciplinary proceedings is taken against an employee, who is on deputation to the Company from the Central or State Government or another Public Undertaking or local authority, the authority lending his service (herein after 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 proceeding, as the case may be.
- (ii) In the light of the findings in the disciplinary proceeding taken against the employee:-
 - (a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on 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 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 replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such actions, as it deems necessary.
 - (iii) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (ii) (a), it will be disposed of after consultation with the Lending Authority.

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

Rule 35 Appeals:-

- (i) An employee may appeal against an order imposing upon him any of the penalties specified in rule 26 or against the order of suspension referred to in rule 23. The appeal shall lie to the authority specified in the Schedule.
- (ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the appellate Authority specified in the schedule and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the appellate authority within 15 days. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The appellate authority may pass orders confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case. Provided that, if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (e), (f) and (g) of the rule 26 and an inquiry as provided in rule 28 has not already been held in the case, the appellate authority shall direct that such an inquiry be held in accordance with the provisions of the rule 28 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held as provided in rule 28, 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.

Rule 36 Review:-

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

Provided that, if the enhanced penalty, which the reviewing authority proposes to impose, is a major penalty specified in clauses (e), (f) or (g) of rule 26 and an inquiry as provided under rule 28 has not already been held in the case, the reviewing authority shall direct that such an inquiry be held in accordance with the provisions of rule 28 and thereafter consider the record

of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment, but an inquiry has already been held in accordance with the provisions of rule 28, the reviewing authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Rule 37 Services Of Notice, Orders Etc.:

Any order, notice, communication, letter or other document or process made or issued under these regulations to be served on an employee shall be served on such employee:-

- (a) by delivering it to that employee; or
- (b) if it cannot be so delivered or tendered, by affixing a copy on the outer door or some other conspicuous part of the house in which that employee ordinarily resides and the serving officer shall then return the original to the authority from which it was issued with a report endorsed thereon or annexed there to stating that he has affixed the copy and the name and address of the person (if any, in whose presence the copy was so affixed) or
- (c) by forwarding it by registered post addressed to the employee at the place where he ordinarily resides.
- (d) An endorsement by the serving officer that he employee refused to accept service or an endorsement by a postal employee that the employee refuses to take delivery or that he could not be found or that he was absent shall be deemed to be prima facie proof of such service.

Rule 38 Power To Relax Time Limit And To Condone Delay:

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

Rule 39 Savings:-

- (1) Nothing in these rules shall be constructed as depriving any person to whom these rules apply, of any right of appeal which has occurred to him under the rules, which have been superseded by these rules.
- (2) Any appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and the orders thereon be made, in accordance with these rules.
- (3) The proceedings pending at the commencement of the rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

(4) Any misconduct etc. committed prior to the issue of these rules which was misconduct under the superseded rules shall be deemed to be misconduct under these rules.

Rule 40 Removal of Doubts:-

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

Rule 41 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.

Rule 42 Residual Powers:-

Every case which is not covered by these rules or which requires relaxation of all or any of the provisions of these regulations shall be referred to the Board for decision.

SCHEDULE

APPOINTING/DISCIPLINARY/APPELLATE & REVIEWING AUTHORITIES UNDER NALCO CONDUCT, DISCIPLINE & APPEAL RULES, 1984

Sl. No.	Category of Employees	Disciplinary Authority			Appellate Authority	Reviewing Authority
		Dismissal/Removal from Service	Major Penalty*	Minor Penalty		
1	E0,E1,E2& E3	Appointing Authority (Functional Director)	GM(E8)	DGM(E7)	Executive/ Authority next higher to the Authority which imposed the penalty	Executive/ Authority next higher to the Appellate Authority
2	E4, E5 & E6	Appointing Authority (Functional Director)**	ED(E9)	GM(E8)		
3	E7	Appointing Authority (CMD)	Functional Director	ED(E9)		
4	E8	Appointing Authority (CMD)	CMD	Functional Director		
5	E9	Appointing Authority (CMD)	CMD	CMD		

* Other than dismissal/removal from service.

** All appointments will be processed as per the R&P Rules only against vacancies approved by the Chief Executive for operation and the same will be processed centrally through Corporate HR Department.¹⁵

Notes :

1. If in a department/division, designation as shown in this Schedule do not exist, the officer in the same pay scales shall exercise the powers.
2. Wherever officers of the level indicated in this Schedule are not available, officers in the higher pay scale (s) shall exercise the powers.
3. The Appointing Authority, Disciplinary Authority, Appellate Authority and Reviewing Authority also include officers/authority superior to them.
4. The Executive Director for this purpose would be the Executive Director of the Complex for the concerned level of executives of the said Complex. For executives of Corporate Office, Port Facilities, Regional Offices & other locations, the ED would be the Functional Executive Director.
5. In case the Disciplinary Authority, not being the Appointing Authority, finds a case fit for imposition of the penalty of dismissal/removal from service, he will put up the case to the Appointing Authority for a decision.
6. CMD may in special cases appoint Disciplinary/Appellate/Reviewing Authority.
7. Cases for appeal/review where CMD is the Disciplinary Authority shall lie only with the Board.
8. Appointing/disciplinary/appellate & reviewing authorities under NALCO Conduct, Discipline and Appeal Rules, 1984 will be as per the DOP amended from time to time.¹⁵

Annexure

Return of Assets and Liabilities as on the 31st March, 20.....*
(Under Sec 44 of the Lokpal and Lokayuktas Act, 2013.)

1. Name of the Public servant in full (in block letters):

2. Personal No:

3. Designation:

4. Department:

Declaration:

I hereby declare that the return enclosed namely, Forms I to IV are complete, true and correct to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of section 44 of the Lokpal and Lokayuktas Act, 2013.

Date.....

Signature.....

Note 1. This return shall contain particulars of all assets and liabilities of the public servant either in his/her own name or in the name of any other person. The return should include details in respect of assets/ liabilities of spouse and dependent children as provided in Section 44 (2) of the Lokpal and Lokayuktas Act, 2013.

(Section 44(2):A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—

- (a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;
- (b) his liabilities and that of his spouse and his dependent children.)

Note 2. If a public servant is a member of Hindu Undivided Family with co-parcenary rights in the properties of the family either as a 'Karta' or as a member, he should indicate in the return in Form No. III the value of his share in such property and where it is not possible to indicate the exact value of such share, its approximate value. Suitable explanatory notes may be added wherever necessary.

Note 3. "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood. (Explanation below Section 44(3) of Lokpal and Lokayuktas Act, 2013).

FORM No. I

Details of Public Servant, his/ her spouse and dependent children

Sl. No.		Name	Public Position held, if any	Whether return being filed by him/her, separately
1	Self			
2	Spouse			
3	Dependent-1			
4	Dependent-2			
5	Dependent-3			

*Add more rows, if necessary.

Date:

Signature:

FORM NO. II

Statement of movable property on first appointment or as on the 31st March _____
(Use separate sheets for self, spouse and each dependent child.)

Name of public servant/spouse/dependent child: _____

Sl. No.	Description	Remarks, if any
(i)*	Cash and bank balance:	
(ii)**	Insurance (premium paid) :	
	Fixed /Recurring Deposit(s) :	
	Shares/Bonds :	
	Mutual Fund(s) :	
	Pension Scheme/Provident Fund:	
	Other investments, if any :	
(iii)	Personal loans/advance given to any person or entity including firm, company, trust, etc. and other receivables from debtors and the amount (exceeding two months basic pay or Rupees one lakh, as the case may be):	
(iv)	Motor Vehicles (Details of Make, registration number, year of purchase and amount paid):	
(v)	Jewellery [Give details of approximate weight (plus or minus 10 gms. in respect of gold and precious stones; plus or minus 100 gms. in respect of silver).]	
	Gold:	
	Silver:	
	Precious metals and precious stones:	
	Composite items: (indicate approximate value)***	
(vi)	Any other assets [Give details of movable assets not covered in (i) to (v) above] (a)Furniture (b)Fixtures (c)Antiques (d)Paintings (e)Electronic equipments (f)Others [Indicate the details of an asset, only if the total current value of any particular asset in any particular category (e.g. furniture, fixtures, electronic equipments, etc.) exceeds two months' basic pay or Rs. 1.00 lakh, as the case may be.]	

Date

Signature.....

*Details of deposits in the foreign Bank(s) to be given separately.

** Investments above Rs. 2 lakhs to be reported individually. Investments below Rs.2 lakhs may be reported together.

*** Value indicated in the first return need not be revised in subsequent returns as long as no new composite item had been acquired or no existing items had been disposed of, during the relevant year.

FORM.III

Statement of immovable property as on 31st March _____
(e.g. Lands, House, Shops, Other Buildings, etc.)

[Held by Public Servant, his/her spouse and dependent children]

Sl No.	Description of property (land/House/Flat/Shop/Industrial etc.	Precise location (Name of District, Division, Taluk and village in which the property is situated and also its distinctive number, etc.)	Area of land (in case of land and building)	Name of Land in case of Landed property	Extent of interest	If not in name of public servant, state in whose name held and his/her relationship, if any to the public servant	Date of acquisition	How acquired (whether by purchase, mortgage, lease, inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Government Servant, if any, with the person/persons concerned) (please see note-I below) and cost of acquisition.	Present value of the property (if exact value not known, approx value may be indicated)	Total annual income from the property	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Date.....
Signature.....

Note (1): For purpose of Column 9, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Government servant, such a lease should be shown in this Column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.

FORM No. IV

Statement of Debts and Other Liabilities on first appointment or as on 31st March_____

Sl. No.	Debtor (Self/ Spouse or dependent	Name and address of Creditor	Nature of debt/ liability and amount	Remarks
1	2	3	4	5

Date.....

Signature:.....

Note 1. Individual items of loans not exceeding two months basic pay (where applicable) and Rs. 1.00 lakh in other cases need not be included.

Note 2. The statement should include various loans and advances (exceeding the value in Note 1) taken from banks, companies, financial institutions, Central/State Government and from individuals."

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- ¹ : Amended vide circular nos. CHRD/RR/4.6/1559/2000 dated 13.4.2000 in pursuance of Board's decision in the 137th and 138th meetings held on 24.01.2000 and 17.02.2000 respectively
- ² : Amended vide circular nos. CHRD/RR/4.6/8065/1997 dated 26.12.1997 in pursuance of judgement of the Hon'ble Supreme Court of India in writ petition nos. 666-70/1992, 119th Board meeting held on 16.12.1997
- ³ : Substituted vide circular nos. CPD/RR/4.6/1789/95 dated 09.06.95 in pursuance of 99th Board Meeting held on 23.05.95
- ⁴ : Amended vide circular nos. CHRD/RR/4.6/1559/2000 dated 13.4.2000 in pursuance of Board's decision in the 137th and 138th meetings held on 24.01.2000 and 17.02.2000 respectively.
- ⁵ : Inserted vide circular nos. CPD/RR/3.12/557/1993 dated 15.02.1993 in pursuance DPE OM Nos. 15(1)/92-GN, dated 04.09.92, 77th Board Meeting held on 23.12.92
- ⁶ : Inserted vide the circular nos. CHRD/RR/2.3/4940/1998 dated 16.11.1998 in pursuance of the Board's decision in the 126th meeting held on 31.10.1998
- ⁷ : Amended vide circular nos. CHRD/RR/4.6/1559/2000 dated 13.4.2000 in pursuance of Board's decision in the 137th and 138th meetings held on 24.01.2000 and 17.02.2000 respectively
- ⁸ : Amended vide circular No. CHRD/RR/004.6/4001/2004, dated: 19.10.2004 in pursuance of Board's decision in the 189th meeting held on 27th September, 2004.
- ⁹ : Amended vide circular No. CHRD/RR/004.6/119/2005, dated: 10.01.2005 in pursuance of Board's decision in the 191st meeting held on 6th December, 2004.
- ¹⁰ : Amended vide circular No. CHRD/RR/004.6/1211/2005, dated: 31.03.2005 in pursuance of Boards decision in the 193rd meeting held on 3rd March, 2005.
- ¹¹ : Amended vide circular No. CHRD/RR/004.6/3779/2009, dated: 30.12.2009 in pursuance of Board decision in the 239th meeting held on 4th December, 2009.
- ¹² : Amendment vide circular No. CHRD/RR/004.6/2924/2014, dated: 16.12.2014 in pursuance of Board decision in the 278th meeting held on 12th November, 2014.
- ¹³ : Amendment vide circular No. CHRD/RR/004.6/1604/2016, dated: 27.06.2016 in pursuance of Board decision in the 291st meeting held on 25th May, 2016.
- ¹⁴ : Inserted vide circular No. CHRD/RR/004.6/1598/2017 dtd 10.07.2017 in pursuance of Board decision in the 299th meeting held on 10.05.2017
- ¹⁵ : Inserted vide circular No. CHRD/RR/004.6/2444/2018 dtd 15.09.2018 in pursuance of Board decision in the 309th meeting held on 08.08.2018.
- ¹⁶ : Inserted vide circular No. CHRD/RR/004.6/2559/2019 dtd 13.12.2019 in pursuance of Board decision in the 319th meeting held on 13.11.2019.