

## **National Fertilizers Limited Employees' (Conduct, Discipline & Appeal) Rules**

### **PART - I GENERAL**

#### **1. Short title and commencement**

- a. These Rules may be called the National Fertilizers Limited Employees' (Conduct, Discipline & Appeal) Rules.
- b. These Rules shall come into force from the date to be notified by the Managing Director.

#### **2. Definitions**

In these Rules, unless the context otherwise requires:-

- a. 'Appointing Authority' in relation to an employee means authority empowered to make appointment to the 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 Board of Directors of the National Fertilizers Limited and in relation to any powers exercised by it. This also includes any Committees of the Board / Management or any officer of the Company to whom the Board delegates any of its powers.
- d. 'Company' means the National Fertilizers Limited.
- e. 'Competent Authority' means the Authority empowered by the Board, by any general or special rule or order, to discharge the functions or use the powers specified in that Rule or order.
- f. 'Disciplinary Authority' means the authority specified in the schedule appended to these Rules and competent to impose any of the penalties specified in Rule 29.
- g. 'Employees' means all persons in the whole time employment of the Company other than those, who are casual, work-charged and contingent staff and include those whose services are temporarily placed at the disposal of the Central or State Government or a local or other authority and those who are on deputation to the Company.
- h. 'Government' means the Central Government.
- i. 'Management' means Chairman, Chairman & Managing Director, Managing Director or any other person delegated with the powers to act on his behalf and / or to whom any of his powers is delegated.
- j. 'Members of the Family' in relation to an employee include:-
  - i. The wife or husband as the case may be, of the employee whether residing with him or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent Court.
  - ii. Sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law.
  - iii. Any other person related, 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.

- I. 'Sexual harassment' includes such unwelcome sexually determined behaviour (whether directly or by implication) as:-
  - a. Physical contact and advances.
  - 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'.
- m. "Whistle blower" shall have the same meaning as defined in the Whistle Blower Policy of the Company.

### **3. 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;
- iii. those in respect of whom the Board may have issued or may issue separate order / Rules regarding conduct, discipline and appeal;
- iv. those in respect of whom the Board has by general or special order directed that these Rules shall not apply;
- v. those who are on deputation to NFL and to whom CDA Rules as are in force in their parent Department / Organization / Services apply.

## **PART-II CONDUCT**

### **4. Scope of an employee's service**

Unless in any case it is otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Company and he shall serve the Company in its business in such capacity and at such places as he may, from time to time, be directed.

### **5. Liability to abide by the Rules:**

- i. Every employee of the company shall at all times:
  - a. maintain absolute integrity;
  - b. maintain devotion to duty;
  - c. shall conform to and abide by these and other Rules of the Company and shall observe, comply with and obey all lawful orders and directions which may, from time to time, be given to him in the course of his official duties by any person or persons under whose jurisdiction, superintendence or control he may, for the time being, be placed;
  - d. do nothing which is unbecoming of public servant.
- ii. 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.
- iii. Every employee shall at all times conduct himself soberly and temperately while in the official premises and show proper respect and civility to all concerned and shall use his utmost endeavour to promote the interests of the Company and to maintain and promote the good reputation thereof.
- iv. 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 judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is

not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

**Explanation:** Nothing in rule 5 (iv) shall be construed as empowering an officer to evade his responsibilities by seeking instruction from or, approval of a superior officer or authority, when such instructions are not necessary under the scheme of distribution of power and responsibility.

## **5(A) CODE OF ETHICS**

### **5(A)(i) Obligation of Employees :-**

- a) To assist the Company to achieve its objectives, as spelt out in the corporate objectives of the Company.
- b) To uphold the Rule of Law and respect for human rights solely in the public interest, while making recommendations or exercising administrative authority. Every employee of the Company shall maintain the highest standards of probity and integrity.
- c) In relation to the general public, the employees of the Company will conduct themselves in such a manner that the public feels that the decisions taken on the recommendations made by them are objective and transparent, and are not calculated to promote improper gains for the political party in power or for themselves or for any third party. This would be particularly significant so far as the customers of the public service are concerned.
- d) Employees shall not seek to frustrate or undermine the policies, decisions and actions taken in the public interest by the Management by declining or abstaining from action, which flows from the management decision. Where following the instructions of the superior authority would appear to conflict with the exercise of impartial professional judgment or affect the efficient working of the enterprise, he/she shall set out points of disagreement clearly in writing to the superior authority or seek explicit written instructions.
- e) Where an employee has reasonable grounds to believe that he or she is being required by the superior authority to act in a manner, which is illegal or against the prescribed rules and regulations, or if any infringement comes to his or her notice, he or she shall decline to implement the instructions and would also have a right to bring the facts to the notice of the Chairman & Managing Director of the Company/Secretary of Deptt. of Fertilizers/Cabinet Secretary/the Minister concerned.

### **5(A)(ii) Conflict of interest and peer pressure**

- a) Every employee of the Company shall refrain from decisions in respect of which they have reason to believe that it is calculated to benefit any particular person or party at the expense of the public interest.
- b) Every employee in the company shall disclose any clash of interest, when there is conflict between public and private interest, or he/she is likely to benefit from any act of omission or commission, while discharging his/her functions.
- c) Every employee in the company shall be alert to any actual or potential conflict of interest, financial or otherwise, and shall disclose this to their superiors, whether the conflict covers them or their family members.
- d) Every employee in the company shall maintain their independence, dignity and impartiality by not approaching politicians and outsiders in respect of service matters or private benefit, and exercise peer pressure to dissuade those who do so within the organization and to set in motion disciplinary proceedings against such persons.

### **5(A)(iii) Accountability and responsiveness to the public.**

- a) Every employee in the company shall practice accountability to the people in terms of quality of service, timeliness, courtesy, people orientation and readiness to encourage participation of, and form partnership with citizen groups, for responsive management.
- b) Every employee in the company shall be consistent, equitable and honest in their treatment of the members of the public, with particular care for the weaker sections of society and shall

not even be or appear to be unfair or discriminatory. Decision in pursuit of discretionary powers shall be justifiable on the basis of non arbitrary and objective criteria.

- c) Every employee of the company shall accept the obligation to recognize and enforce customer's right for speedy redressal of grievances and commit themselves to provide services of declared quality and standard to customers.
- d) Every employee in the company shall respect the right of public to information on all activities and transactions of the organization except where they are debarred in the public interest from releasing information by provisions of law or by valid instructions.

**5(A)(iv) Concern for value of public assets and funds.**

Every employee in the company shall avoid wastage and extravagance and ensure effective and efficient use of the public money within their control.

**5(A)(v) Non abuse of official position**

Every employee of the company shall have a responsibility to make decisions on merits. They are in a position of trust. They shall not use their official position to influence any person to enter into financial or other arrangements with them or with any one else. They shall not abuse their official position to obtain a benefit for themselves or for someone else, in financial or some other forms.

**5(A)(vi) Continuous improvement through professionalism and teamwork.**

It shall be the duty of every employee of the company to continuously upgrade his/her skills and knowledge, strive for creativity and innovation and nurture the values of team working and harmony. He/she shall promote and exhibit public and private conduct in keeping with the appropriate behaviour and standards of excellence and integrity. He/she shall support the juniors in the latter's efforts to resist wrong or illegal directives and in abiding by the Code of Ethics. At the same time, they shall reward good work and punish any dereliction of duty and obligations based on objectives and transparent criteria.

**6. Misconduct:**

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

1. Theft, fraud or dishonesty in connection with the business or property of the Company or of property of another person within the premises of the Company.
2. Taking or giving bribes or any illegal gratification, or demanding or offering bribes or illegal gratification.
3. Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or in his behalf by another person, which the employee can not satisfactorily account for.
4. Furnishing false information regarding name, age, father's name, qualifications, experience or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
5. Acting in a manner prejudicial to the interest of the Company.
6. Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
7. Unauthorized absence from duty.
8. Habitual late or irregular attendance.
9. Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
10. Causing damage to work in progress or to any property of the Company either wilfully or through negligence.

11. Non-observance of safety precautions or Rules, or interfering or tampering with any safety devices installed in or about 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 establishment.
14. Smoking within the premises of the establishment or using naked lights 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 Rule 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 acts subversive of discipline or of good behaviour.
21. Abetment of or attempt at abetment of any act which amounts to misconduct.
22. Engaging in any trade or business without taking permission of the Competent Authority.
23. Disclosing to any unauthorized persons any information in regard to the working or process of the Company, which comes into the possession of the employee during the course of his work.
24. Canvassing in support of the business or Insurance Agency, Commission Agency etc. owned or managed by his spouse or any other member of his family.
25. Spreading rumours or giving false information which tends to bring into disrepute the Company or its employees or spreading panic among them.
26. Levelling malicious or false allegations.
27. Occupying or taking possession in an unauthorized manner or refusal to vacate or deliver possession of Company's quarters or any of its premises, owned or hired when required to do so by Company.
28. Refusal to accept a charge sheet or order or any other communication from the Management.
29. Striking work alone or in combination with other employee or inciting them to strike work in contravention of the provisions of any law or Rules having the force of law.
30. 'Sexual Harassment' to the working women in the Company.
31. **Past Misconduct:** Action can be taken against an employee in respect of misconduct committed by him in his previous or earlier employment if such misconduct was of such a nature as has a rational nexus with his present employment and renders him unfit and unsuitable for continuing in service.
32. Violation of Human Rights.

33. Making false / motivated / vexatious allegations as a Whistle Blower under Whistle Blower Policy.

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

**7(a). Obligation to maintain secrecy:**

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

- 7(b). Any disclosure of identity of the Whistle blower for the purpose of proper investigations shall carry with it a caveat of secrecy & non-disclosure by the recipient to the extent that any further unauthorized disclosure by such a person shall constitute a breach of CDA Rules.

**8. Evidence before Committee or any other Authority:**

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

**9. Restriction on Political Activities:**

The following activities of the employees are prohibited:-

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

**10. Participation in demonstrations**

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

**11. Connection with Press, Radio or Television**

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

2. No employee shall, except with the previous sanction of the Management or in the bonafide discharge of his duties, participate in a radio broadcast, telecast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical

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

Provided further that this Rule will not apply to any statements to the press made by office bearers of a Registered Trade Union of the employees in any matter which is of the nature of Trade Union dispute and does not contravene the provisions of Rule 7.

## **12. Private Trade or Employment**

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

Provided that an employee, may without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the conditions that his official duties do not thereby suffer but he shall not undertake or shall discontinue such work if so directed by the competent authority.

2. Every employee 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 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 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 (2 of 1912) or any other law for the time being in force or of a literary, scientific or charitable society registered under the Societies Registration Act 1860 (21 of 1860) or any corresponding law in force.

4. No employee shall accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority.

## **13. Forwarding of Applications**

- a) No employee shall forward his application for employment to any Government (Central / State) or semi-Government Department or Public Undertaking (in India or abroad) except in accordance with the Rules framed by the Company in this behalf. No employee shall forward an application for an award or a fellowship, Scholarship etc., direct to any authority unless the application is sponsored by the Company and he is permitted to take up such a fellowship or scholarship.

## **14. 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 or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.
2. No employee shall, except with the previous sanction of the competent authority, permit his son, daughter or any member of the family to accept employment with any company or firm with which he has official dealings, or with any company or firm, having official dealings with the 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 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 manner and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

**14a Restriction on top level Executives of Public Enterprises joining Private Commercial Undertakings after retirement:**

“No functional Director of the company including the Chief Executive who has retired / resigned from the service of the company, after such retirement / resignation, shall accept any appointment or post, whether advisory or administrative, in any firm or company, whether Indian or foreign with which the company has or had business relations, within one year from the date of retirement without prior approval of the Government. The term 'retirement' includes resignation; but not the cases of those whose term of appointment was not extended by Government for reasons other than proven misconduct. The term 'business relations' includes 'official dealings' as well.”

A bond of Rs.15 lakhs will be secured from the concerned Functional Director/ Chief Executive at the time of his/her appointment. As regards, existing Functional Directors, at the time of their retirement /resignation from the Company, Bond of equivalent amount be secured.

**15. Absence from duty without permission, absence from station or late attendance**

1. An employee shall not absent himself from his duties without having obtained prior permission of the competent authority.
2. No employees shall leave the station, where he is posted, without obtaining previous permission of the competent authority unless otherwise so authorized by such authority.
3. An employee who is habitually late in attendance shall in addition to such other penalty as the competent authority may deem fit to impose, have one day of casual leave forfeited for every three days he is late in a month. Where such an employee has no casual leave due to him the period of leave to be so forfeited may be treated as earned or extraordinary leave as the competent authority may determine.

**16. Consumption of intoxicating drinks and drugs**

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

## 17. Convassing 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 under the Company.

## 18. Gifts

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

**Explanation:** The expression 'gift' shall include free transport, 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:**

- i) An employee shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.
- ii) 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 may accept gifts from his near relatives but he shall make a report in the prescribed form to the competent authority if the value of the gift exceeds
  - a) Rs.5000/- in the case of an employee holding any Group 'A' Post.
  - b) Rs.3000/- in the case of an employee holding any Group 'B' Post.
  - c) Rs.1000/- in the case of an employee holding any Group 'C' Post.
  - d) Rs. 500/- in the case of an employee holding any Group 'D' Post.
- iii) On such occasions, as are specified in sub-rule(ii), an employee may accept gifts from his personal friends having no official dealings with him, but he shall make a report in the prescribed form to the competent authority if the value of any such gifts exceeds :
  - a) Rs.1000/- in the case of employee holding any Group 'A' & 'B' post; and
  - b) Rs. 250/- in the case of employee holding any Group 'C' & 'D' post.
- iv) 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 :
  - a) Rs.1000/- in the case of employee holding any Group 'A' & 'B' post; and
  - b) Rs. 250/- in the case of employee holding any Group 'C' & 'D' post.

Provided that when more than one gift has been received from the same person/ firm within a period of twelve months, the matter shall be reported to the competent authority, if the aggregate value of the gifts exceeds :

  - a) Rs.1000/- in the case of employee holding any Group 'A' & 'B' post; and
  - b) Rs. 250/- in the case of employee holding any Group 'C' & 'D' post.
- v) A casual meal, memento as gift or other social hospitality shall not be deemed to be a gift.
- vi) Notwithstanding anything contained in sub-rules (ii) and (iv), an employee, being a member of the Indian delegation or otherwise, may receive and

retain gifts from foreign dignitaries, if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the guidelines issued by the Company in this regard from time to time.

- vii) An employee shall not accept any gifts from any foreign firm which is either contracting with the Government of India or is one with which the employee had, has or is likely to have official dealings. Acceptance of gifts by an employee from any other firm shall be subject to the provisions of sub-rule (iv).

## 19. Dowry

1. No employee of the Company shall give or take or abet the giving or taking of dowry; or
2. Demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

**Explanation:** For the purposes of the rule 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

## 20. Movable, immovable and valuable property

1. No employee shall, except with the previous knowledge of the Management, 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 shall, except with the previous sanction of the Management, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or any subordinate employee.
3. a) Every employee of the Company shall report to the Management on the prescribed proforma about the transactions made by them in shares, securities, debentures or mutual funds etc. in the following cases:
  - i) Group-A & Group-B employees - if total transaction in shares, securities, debentures or mutual funds scheme etc. exceeds Rs.50,000/- during the calendar year.
  - ii) Group-C & Group-D employees - if total transaction in shares, securities, debentures or mutual funds scheme etc. exceeds Rs.25,000/- during the calendar year.

**Explanation No.1:** The term "every transaction concerning movable property owned or held by him includes all transactions of sale or purchase".

For purpose of this sub-rule, the definition of movable property would include:

- a) Jewellery, insurance policies, the annual premium of which exceeds Rs.10,000/- in case of employees in Group-A & B and Rs.5,000/- in case of employees in Group C & D or one-sixth of the total annual emoluments received from the Company whichever is less, shares, securities and debentures;
- b) loans advanced by such employees whether secured or not;
- c) motor cars, motor cycles, horses or any other means of conveyance; and
- d) refrigerators, radio (radiograms and television set).

**Explanation No.2:** 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 stridhan, gifts, inheritance etc.) as distinct from the funds of the employee on the

*Company himself in his or her own name and in his or her own right, would not attract the provisions of the above sub-rule*

- b)i) 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 NFL 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 NFL, even out of the category of preferential quota reserved for employees / Directors of NFL.
  - ii) All executives / employees including full time Directors of NFL 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 NFL.
  - iii) Full time Director or executives / employee of NFL 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) All employees of NFL would be required to disclose to the company all transactions of purchase / sale in shares worth Rs.20000/- or more in value or existing holding / interest in the shares worth Rs.20000/- or more in his / her own company 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 shall, on first appointment in the Company submit, a return of assets and liabilities in such a form as the Company may prescribe in this behalf, giving the particulars regarding:
- a) the immovable property inherited by him, or owned or acquired by him, or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
  - b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired or held by him;
  - c) other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds Rs.20,000/- in case of Board level, and below Board level Executives, non-unionized supervisory staff (Group-A) and employees in Group-B and Rs.15000/- in the case of Group 'C' & 'D' employees.
  - d) debts and other liabilities incurred by him directly or indirectly.

**Note:** *In all returns the value of movable property less than Rs.20,000/- in case of Group 'A' & 'B' employees and Rs.15,000/- in case of Group 'C' & 'D' employees may be added and shown as lump-sum. The value of article of daily use such as clothes, utensils, crockery, books etc. need not be indicated in such returns.*

- 5. Every employee shall also submit a return of immovable property inherited / owned / acquired once in every year after his initial appointment;
- 6. The management 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 Management or by the authority so empowered, include details of the means by which, or the source from which such property was acquired.

**20(A) Restriction in relation to acquisition and disposal of immovable property outside India and transaction with foreigners, etc.**

Notwithstanding anything contained in Clause 20, no employee shall, except with the previous sanction of the prescribed authority –

- a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India;
- b) dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India, which was acquired or is held by him either in his own name or in the name of any member of his family;
- c) enter into any transaction with any foreigner, foreign government, foreign organization or concern,
  - i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, or any immovable property;
  - ii) for the disposal of, by sale, mortgage, gift or otherwise or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.”

## **21. Bigamous marriages**

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

Provided that the CMD /MD / ED/ CGM/ GM as the case may be, 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 doing so,
3. The employee of NFL, who has married or marries a person other than that of Indian Nationality, shall forthwith intimate the fact to the Chairman & Managing Director through the Head of the Unit in which he is serving and in the case of Corporate Office employee, the fact shall be intimated to Chairman & Managing Director through Director (Finance) and Head of the Personnel Department.

## **22. Investment, lending and borrowing**

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

## **23. Insolvency and habitual indebtedness**

1. An employee of the Company shall avoid habitual indebtedness unless he proves that such indebtedness is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
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. Any employee, on being adjudicated or declared insolvent shall cease to be in the service of the Company.

## **24. Criticism of Govt. and the Company**

No employee shall, in any radio broadcast / telecast 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 Govt. 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 purely factual nature which is 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 rule 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.

### **PART-III - APPOINTING AUTHORITY**

#### **25. All appointments to any grade or post in the Company shall be made by the Board**

Provided that the Board may by general or special Rules or orders and subject to such conditions as may be specified in such Rules or orders delegate to any other authority the powers to make such appointments.

### **PART-IV – SUSPENSION**

#### **26 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 proceedings against him is contemplated or is pending; or
  - b) where a case against him in respect of any criminal offence is under investigation or trial.
2. An employee, who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours, shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority, and shall remain under suspension until further orders.
3. Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these Rules and the case is remitted for further inquiry or action or with any other direction, 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 order.
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, decide to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.
5. An order of suspension made or deemed to have been made under this regulation may at any time be revoked by the authority which made or is deemed to have been made the order or by any authority to which that authority is subordinate.
6. The suspended employee shall be required to record his attendance at the appointed time and place daily and shall not leave the station unless other-wise specifically instructed or permitted.

## 27. Subsistence Allowance

1. An employee under suspension shall be entitled to draw subsistence allowance equal to 50% 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 as admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the day of suspension provided the suspending authority is satisfied that the employee continue 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 allowance may be increased to 75% of basic pay, if in the opinion of the said authority, the period of suspension has been prolonged unduly for reasons, to be recorded in writing not directly attributable to the employee under suspension.
  - ii) The amount of subsistence allowance may be reduced to 25% of basic pay, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing directly attributable to the employee under suspension.

**Note:** *In both (i) & (ii) above, the employee under suspension shall be entitled to (a) dearness allowance as admissible on such increased or reduced subsistence allowance, as the case may be; and (b) any other compensatory allowance he was in receipt of on the date of suspension subject to the condition provided under sub-rule (1) above.*

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 decides to continue the suspension, the employee shall be entitled to subsistence allowance as provided in sub-rule (1) and (2) above, from the date he is granted bail.

## 28. Treatment of the period of suspension

1. When the employee under suspension is reinstated, the competent Authority may grant to 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 29 the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance, already paid to him; and
  - b) if otherwise such proportion of pay and allowances as the competent authority may prescribe.
2. In a case falling under sub-rule (a) the period of absence from duty will be treated as period spent on duty. In case falling under sub-rule (b) it will not be treated as a period spent on duty unless the competent authority so directs.

## PART-V DISCIPLINE

### 29. Penalties

The following penalties may, for good and sufficient reasons, and as hereinafter provided, be imposed on an employee who commits a breach of any Rule/Rules of the Company or who knowingly does anything detrimental to the interest of the Company, or in violation of the instructions or who acts in a manner subversive of discipline, or is guilty of any other act of misconduct or misdemeanour.

### **Minor Penalties**

- a. Censure;
- b. Withholding of increments 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 his negligence or breach of order;
- e. Reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect and not adversely affecting his terminal benefits.

### **Major Penalties**

- f. Save as provided in clause(e) above reduction to a lower stage in the 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 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.

### **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 the prescribed test or examination;*
- ii. Stoppage of increment 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, 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 unconnected with his conduct;*

- v. *reversion to previous grade or post of an employee 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 or 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 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 agreement; and*
  - d. *of any employee on reduction of establishment.*

### **30. Disciplinary Authority**

The disciplinary authority, as specified in the schedule, or any authority higher than it, may impose any of penalties specified in Rule 29 on any employee.

### **31. Procedure for imposing minor penalties**

1. When it is proposed to impose any of the minor penalties on an employee, he shall be informed in writing of the allegations or charges on account of which it is proposed to impose the penalty on him and asked to submit his explanation within a specified period not exceeding 15 days. The explanation and evidence, if any, furnished by the employee shall be taken into consideration by the Disciplinary Authority before passing orders.
2. The record of proceedings in such cases shall include
  - a. a copy of the statement of allegations and / or charges communicated to the employee;
  - b. the explanation and evidence, if any, furnished by the employee; and
  - c. the findings of, and the order passed by the Disciplinary Authority.

### **32. Procedure for imposing major penalties**

1. No order imposing any of the major penalties specified in clauses (f) to (j) of Rule 29 shall be made except after an inquiry is held in accordance with this Rule.
2. Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint any public servant / retired public servant / retired public sector officer (hereinafter called the Enquiring Authority) to inquire into the truth thereof.
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 charge 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 or all the Articles of Charge.

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

4. On receipt of the written statement of the employee or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or by any other public servant appointed as an Enquiring 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. The disciplinary authority shall, however, record its findings on each such charge.

5. Where the disciplinary authority itself inquires or appoints an Enquiring 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 public servant to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the "Presenting Officer" appointed by the disciplinary authority is a legal practitioner or the disciplinary authority, having regard to the circumstances of the case, so permits. Provided that an employee shall not take the assistance of any other public servant who has already two pending disciplinary cases in hand, in which he has to function as Defence assistant.
- 6(A) The employee may also take the assistance of a retired public servant, provided he should not have in any manner been associated with the case at investigation stage or otherwise in his official capacity. The restriction of engaging a legal practitioner, as provided under rule 32 (6) would also apply. Expenditure on his travelling etc. will be borne by NFL. For this purpose, the retired Public Servant will be deemed to belong to the cadre to which he belonged immediately before his retirement.
7. On the date fixed by the Enquiring 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 Enquiring 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 Enquiring Authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose, of preparing his defence:
  - a. inspect the documents listed with the charge-sheet;
  - b. submit a list of additional documents and witnesses that he wants to examine; and
  - c. be supplied with the copies or the statements of witness; if any, listed in the charge-sheet.

**Note:** *Relevance of the additional documents and the witnesses referred to in sub-clause 32.8 (b) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the Enquiring Authority is satisfied about their relevance to the charge under inquiry.*

9. The Enquiring 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 Enquiring Authority on the date, place and time specified in the requisition notice;

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Company. In that event, it shall inform the Enquiring 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 think 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 evidences or recall or re-examine any witness. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned.
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 Enquiring Authority according to the provision applicable to the witnesses for the disciplinary authority.
15. The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
16. The Inquiry Authority may, after completion of the production of evidence, hear the Presenting Officer, if any, appointed and, the employee, or permit them to file written briefs of their respective cases, if they so desire.
17. If the employee does not submit the written statement of defence referred to in sub-rule (13) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these Rules, the Inquiring Authority may hold the enquiry ex-parte.
18. Whenever any Enquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another 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.

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.

19. After the conclusion of the inquiry **within the prescribed period**, report shall be prepared and it shall contain;
  - a. a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
  - b. a gist of the defence of the employee in respect of each article of charge;
  - c. an assessment of the evidence in respect of each articles of charge;
  - d. the findings on each article of charge and the reasons therefor.

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

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

### **33. Action on the Inquiry Report**

1. The Disciplinary Authority, if it is not itself the Enquiring Authority may, for reasons to be recorded by it in writing remit the case to the Enquiring Authority for fresh or further inquiry and report and the Enquiring Authority shall there upon proceed to hold the further inquiry according to the provisions of Rule 32 as far as may be.
2. The disciplinary authority shall, if it disagrees with the findings of the Enquiring 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 charge is of the opinion that any of the penalties specified in Rule-29 should be imposed on the employee shall, notwithstanding anything contained in Rule 31, make an order imposing such penalty.
4. If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

### **34. Communication of orders of the Disciplinary Authority**

On completion of enquiry proceedings and before imposing penalty, the charged employee will be supplied a copy of enquiry report in order to give him reasonable opportunity of making a representation within a period of 15 days from the receipt of the copy of enquiry report. Order by the disciplinary authority under rule 31 or rule 32 of NFL Employees (Conduct, Discipline & Appeal) Rules with regard to its findings on each charge shall be communicated to the concerned employee after considering the representation (if any) made by the employee.

### **35 Pay and Allowances of an employee dismissed / removed from service**

The pay and allowances of an employee who is dismissed or removed from service shall cease from the date of his dismissal or removal from service.

#### **35A Withholding of Gratuity during the pendency of disciplinary proceedings**

During the pendency of 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(3-A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of the delayed payment, in case the employee is exonerated.

#### **35(B) Withholding of leave encashment at the time of superannuation -**

“Company may withhold whole or part of cash equivalent of leave in the case of an employee who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are contemplated or pending against him if in the view of Company there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of his dues, if any.

### **36. Common Proceedings**

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

### **37. Special procedure in certain cases**

Notwithstanding anything contained in Rules 31-34 & 36 the disciplinary authority may impose any of the penalties specified in Rule 29 on an employee in any of the following circumstances:

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

#### **37a Disciplinary Provision for retiring/retired employees**

In case an employee is due to retire on superannuation / voluntary retirement / resignation, disciplinary proceedings, if already initiated / pending against him, the same shall continue after his retirement on superannuation / voluntary retirement and on acceptance of resignation.

## **PART-VI DEPUTATION**

### **38. Employee on deputation from the Central Govt. or the State Govt. etc.**

1. 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 a State Govt. or another public undertaking, or a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.
2. 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 in the case as it deems necessary after consultation with Lending Authority;

Provided that in the event of difference of opinion between the disciplinary and the lending authority, the services of the employee shall be placed at the disposal of the lending Authority.

- b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the Lending Authority, and transmit to it the proceedings of the inquiry for such action as it deems necessary.
3. If the employee submits an appeal against an order imposing minor penalty on him under sub-rule (2)(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 Lending Authority and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

## **PART – VII APPEALS**

### **39. Appeals**

- i. An employee may appeal against the order of suspension or an order imposing upon him any of the penalties specified in Rule-29. The appeal shall lie to the authorities specified in the schedule.
- ii. In all other matters, an employee may send a representation or a petition in the manner prescribed in Rule-42.

#### **40. Procedure for submission of appeals**

- i. An appeal shall be preferred within one month of the date of the order appealed against.
- ii. Submission of an appeal to an authority other than the authority to which the appeal lies, 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 authority explaining the circumstances necessitating his so doing and sending a copy thereof to the authority to whom his appeal was originally submitted.
- iii. No appeal or representation in respect of matters other than those specified in Rule-39 shall be entertained.

#### **41. Transmission of appeals**

1. The authority which passed the order appealed against, shall within 15 days of the submission of the appeal, transmit it to the appellate authority informing the appellant that his appeal has been forwarded except where he decides to withhold the appeal.
2. The authority who passed the order, which is appealed against may withhold the appeal if it is not made in accordance with the Rules and not submitted within the time-limit, or if it is a repetition of an appeal already decided and no new facts and/or circumstances/considerations have been adduced.
3. A register of appeals withheld, giving the substance of the appeals and reasons for their being withheld, shall be maintained by each authority competent to pass orders on such matters and once a quarter this register shall be put up to the appellate authority for review.

#### **42. Procedure for the submission and consideration of representations specified in Rule-39 (ii)**

Representations may be made to the General Manager if the orders to be passed are within his competence, and in other cases to the Managing Director.

#### **43. Consideration of Appeals**

1. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in Rule-29 and an enquiry as provided in Rule-32 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-32 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-32 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.

2. Every employee submitting an appeal shall do so separately and in his own name.
3. Every appeal preferred under these Rules shall contain all material statements and arguments relied on by the Appellant and shall contain no disrespectful and/or improper language and shall be complete in itself.

#### **44. Review**

Notwithstanding anything contained in these Rules, the Board may call for the record of any case within six month of the date of the final order and after reviewing the case, pass such orders thereon as it may deem fit.

#### **45. 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.

#### **46. 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 or anything required to be done under these Rules or condone any delay.

#### **47. Savings**

While these Rules supersede the existing Conduct, Discipline and Appeal Rules, it is hereby provided that:

1. Any misconduct, etc. committed prior to the issue of these Rules, which was a misconduct under the superseded Rules shall be deemed to be a misconduct under these Rules;
2. Any proceedings pending at the commencement of these Rules shall be continued and disposed as far as may be, in accordance with the provisions of these Rules, as if such proceedings were pending under these Rules;
3. Any appeal pending at the commencement of these Rules against an order made before the commencement of these Rules shall be considered and orders thereon shall be made in accordance with these Rules.

### **PART - VIII MISCELLANEOUS**

#### **48. Removal of doubts**

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 likewise, any instructions in the nature of clarifications to these Rules shall issue with the approval of Managing Director.

#### **49. 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.

50. **Wherever NFL Employees (CDA) Rules are silent, the provisions of Govt. CCS (CCA) Rules shall be followed.**

**SCHEDULE (UNDER RULE 30)**  
**SCHEDULE INDICATING THE SCALES OF PAY OF VARIOUS CATEGORIES OF**  
**EMPLOYEES, APPOINTING AUTHORITY, DISCIPLINARY AUTHORITY/**  
**COMPETENT AUTHORITY AND APPELLATE AUTHORITY**

Sl. No.	Post carrying the scales of pay, Designation & Grade			Appointing/Disciplinary/ Competent Authority	Appellate Authority		
	Pay Scales	Designation	Grade				
1	23750-600-28550	ED#	E-9	Disciplinary Committee*, comprising of members of the Board (to be constituted by the Board of Directors)  *The Committee should normally comprise of 5 Members of the Board, out of which at least 3 should be Independent Directors.	Board of Directors, excluding Directors, Members of Disciplinary Committee		
	20500-500-26500	CGM/GM	E-8				
2	18500-450-23900	DGM	E-7	Disciplinary Committee, comprising of members of the Board (to be constituted by the Board of Directors).			
3	17500-400-22300	Chief Mgr.	E-6	Minor/ major punishment (including discharge/ dismissal)	C&MD	Board of Directors excluding C&MD	
4	16000-400-20800	Sr. Manager	E-5				
5	14500-350-18700	Manager	E-4				
6	13000-350-18250	Dy. Manager	E-3				
7	10750-300-17350	Specialist	E-2	i)	Major punishment of discharge/dismissal	C&MD	Board of Directors excluding C&MD
7 a	10750-300-16750	Asstt. Mgr.	E-2a	ii)	Minor/major punishment excluding discharge/dismissal	Functional/ Unit Head	
8	8600-250-14600	P.O.	E-1				
9	6550-200-11350	Executive	E-0				
10	W-0 to W-11 of workmen category	Sr. Tech. SG-I/SG-II & equivalents	W-10 & W-11	i)	Major punishment of discharge/ dismissal	Unit Head for Units and Functional Head for CO/Mktg.	C&MD
				ii)	Major punishment excluding discharge/ dismissal		
				iii)	Minor Punishment		
	Sr. Tech. & equivalents	W-9	i)	Major punishment of discharge/ dismissal	Unit Head for Units and Functional Head for CO/Mktg.	C&MD	
			ii)	Major punishment excluding discharge/dismissal	CGM	Functional/ Unit Head	
			iii)	Minor Punishment	GM	Functional/ Unit Head	
	Majdoor to Spl. Gr. Tech. & equivalents.	W-0 to W-8	i)	Major punishment of discharge/ dismissal	Unit Head for Units and Functional Head for CO/Mktg.	C&MD	
			ii)	Major punishment excluding discharge/ dismissal	GM	Functional/ Unit Head	
			iii)	Minor Punishment	DGM/Chief Manager (HOD)	GM	

# Scale of ED(E-9) has been introduced w.e.f.10.10.2002 vide notification dated 23.12.2002

**Note:**

- i) The above schedule be read along with the delegation of powers to the concerned authority.
- ii) Officers working as Head of the Unit at the level of ED/CGM/GM will exercise powers at par with Unit Head.
- iii) The Disciplinary/Appellate Authority will exercise these guidelines for the employees working under their administrative control.