ANNEXURE-A

9. Indian Bank Officer Employees' (Discipline & Appeal) Regulations, 1976

In exercise of the Powers conferred by Section 19 of the Banking Companies (Acquisition and transfer of Undertakings) Act, 1970 (5 of 1970), the Board of directors of INDIAN BANK in consultation with the Reserve Bank and with the previous sanction of the Central Government hereby makes the following regulations, namely:-

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1. Short Title and Commencement

i. These regulations may be called the Indian Bank Officer Employees' (Discipline & Appeal) Regulations, 1976.

ii. They shall come into force on 1st October, 1976.

2. Application

These regulations shall apply to all officer employees of the bank but shall not apply to:-

i. the Chairman of the bank;

ii. the Managing Director;

iii. any whole time Director, if any;

iv. those who are in casual employment or paid from contingencies;

v. the award staff; and

vi. the officers on contract.

3. Definitions

In these regulations, unless the context otherwise requires-

a. **Act** means the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, (5 of 1970);

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b. **Appellate Authority** means authority specified in the Schedule to dispose of appeals;

c. **Award staff** means the persons covered by the 'award' as defined in the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955);

d. **Bank** means Indian Bank;

e. **Board** means the Board of Directors of the bank;

f. **Competent Authority** means the authority appointed by the Board for the purposes of these regulations;

g. **Disciplinary Authority** means the authority specified in the Schedule which is competent to impose on an officer employee any of the penalties specified in Regulation 4;

h. **Government** means the Central Government;

i. **Managing Director** means the Managing Director of the Bank;

j. **Officer employee** means a person who holds a supervisory administrative or managerial post in the bank or any other person who has been appointed and is functioning as an officer of the Bank, by whatever designations called and includes a person whose services are temporarily placed at the disposal of the Central Government or a State Government or any other Government undertaking or any other public sector bank or the Reserve Bank of India or any other organisation, but shall not include casual, work charged or contingent staff or the award staff;

k. **Public financial institutions** means -

i. the Industrial Credit and Investment Corporation of India Limited, a company owned and registered under the Companies Act, 1956, (1 of 1956);

ii. the Industrial Finance Corporation of India established under Section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948);

iii. the Industrial Development Bank of India established under Section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964);

iv. the Life Insurance Corporation of India, established under Section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956);

v. the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 (52 of 1963);

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vi. any other financial institution which is declared by the Central Government by notification to be a public financial institution

l **Public Sector Bank** means -

i a corresponding new bank specified in the First Schedule to the act;

ii a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition & Transfer of Undertakings), Act, 1980 (40 of 1980);

iii the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

iv a subsidiary bank constituted under the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);

v any other bank which the Central Government may determine to be a public sector bank for the purpose of these Regulations having regard to its manner of incorporation;

m **Public Servant** means a person as defined as public servant in Section 21 of the Indian Penal Code (45 of 1860)

n **Reviewing Authority** means the authority specified in the Schedule.

o **Schedule** means the Schedule appended to these Regulations.

✍ **Notes**

i. The Disciplinary Authority is the authority mentioned in the Schedule who can initiate disciplinary proceedings himself or appoint any other public servant to hold an inquiry and who can impose any of the penalties specified in Regulation 4;

ii. The Reviewing Authority is the authority which is empowered under regulation 18 to review the decision of the Disciplinary Authority /Appellate Authority.

4. Penalties

The following are the penalties which may be imposed on an officer employee, for acts of misconduct or for any other good and sufficient reasons.

Minor Penalties

a. censure;

b. withholding of increments of pay with or without cumulative effect;

c. withholding of promotion;

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d. recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Bank by negligence or breach of orders.

e. reduction to a lower stage in time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension.

Major Penalties

f. same as provided for in (e) above reduction to a lower stage in the time-scale of pay for a specified period with further directions, as to whether or not the officer will earn increments of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay;

g. reduction to a lower grade or post;

h. compulsory retirement;

i. removal from service which shall not be a disqualification for future employment;

j. dismissal which shall ordinarily be a disqualification for future employment.

Explanation:- The following shall not amount to a penalty within the meaning of this regulation namely:-

i. withholding of one or more increments of an officer employee on account of his failure to pass a prescribed departmental test or examination in accordance with the terms of appointment to the post which he holds.

ii. stoppage of pay of an officer 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 officer employee, to a higher grade or 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 officer 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 officer employee appointed on probation to another grade or post, during or at the end of the period of probation in accordance with the terms of his appointment or rules or orders governing such probation;

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vi. reversion of an officer employee to his parent organisation in case he had come on deputation;

vii. termination of the service -

a. of an officer employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment, or rules or orders governing such probation;

b. of an officer 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 officer employee appointed under a contract or agreement in accordance with the terms of such a contract or agreement; and

d. of an officer employee on abolition of post;

viii. retirement of an officer employee on his attaining the age of superannuation in accordance with the rules and orders governing such superannuation;

ix. termination of employment of a permanent officer employee by giving 3 months' notice or on payment of 3 months' pay and allowances in lieu of notice

x. termination of employment of an officer employee on medical grounds, if he is declared unfit to continue in bank's service by the bank's medical officer.

Explanatory Notes

- Penalties may be imposed for acts of misconduct or for any other good and sufficient reasons. Thus disciplinary action can be initiated and penalties imposed for acts which are not per se misconduct but which amount to 'good and sufficient reasons';
- For such of those actions that are mentioned in this regulation as those which will not attract penalty or disciplinary action, the procedure for imposing penalties need not be followed.

5. Authority to institute disciplinary proceedings and impose penalties

1. The Managing Director or any other authority empowered by him by general or special order may institute or direct the Disciplinary Authority to institute disciplinary proceedings against an officer employee of the bank.

2. The Disciplinary Authority may himself institute disciplinary proceedings.

3. The Disciplinary Authority or any authority higher than it, may impose any of the penalties specified in regulation 4 on any officer employee.

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Explanatory Notes

- The Managing Director may initiate Disciplinary proceedings by himself or by any other authority empowered by him either by a general or special order [Sub-regulation:1];
- This power is in addition to the power given to the Disciplinary Authority separately
- Thus the power to impose penalties is given to the Disciplinary Authority as well as any authority higher to it.

6. Procedure for imposing major penalties

1. No order imposing any of the major penalties specified in clauses (f), (g), (h), (i) & (j) of regulation 4 shall be made except after an inquiry is held in accordance with this regulation.

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 officer employee, it may itself enquire into, or appoint any other person who is, or has been, a public servant (hereinafter referred to as the Inquiring Authority) to inquire into the truth thereof.

Explanation:

When the Disciplinary Authority itself holds the inquiry any reference in subregulation (8) to sub-regulation (21) to the inquiring authority shall be construed as a reference to Disciplinary Authority.

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3. Where it is proposed to hold an inquiry, the Disciplinary Authority shall, frame definite and distinct charges on the basis of the allegations against the officer employee and the articles of charge, together with a statement of the allegations, list of documents relied on along with copy of such documents and list of witnesses along with copy of statement of witnesses, if any, on which they are based, shall be communicated in writing to the officer employee, who shall be required to submit, within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), or within such extended time as may be granted by the said Authority, a written statement of his defence.

Provided that wherever it is not possible to furnish the copies of documents, Disciplinary Authority shall allow the officer employee inspection of such documents within a time specified in this behalf.

4. On receipt of the written statement of the officer employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or if it considers it necessary so to do appoint under sub-regulation (2) an Inquiring Authority for the purpose:

Provided that it may not be necessary to hold an inquiry in respect of the articles of charge admitted by the officer employee in his written statement but shall be necessary to record its findings on each such charge.

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5. The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority:

i. a copy of the articles of charges and statements of imputations of misconduct or is behaviour;

ii. a copy of the written statement of defence, if any, submitted by the officer employee;

iii. a list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;

iv. a copy of statements of the witnesses, if any;

v. Evidence proving the delivery of articles of charge under sub-regulation (3);

vi. a copy of the order appointing the 'Presenting Officer' in terms of sub-regulation (6).

6. Where the Disciplinary Authority itself enquires or appoints an Inquiring Authority for holding an inquiry, if any, 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.

7. The officer employee may take the assistance of any other officer employee 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.

✍ **Note:** The officer employee shall not take the assistance of any other officer employee who has two pending disciplinary cases on hand in which he has given assistance.

8. a The Inquiring Authority shall by notice in writing specify the day on which the officer employee shall appear in person before the Inquiring Authority.

b. On the date fixed by the Inquiring Authority, the officer employee shall appear before the Inquiring Authority at the time, place and date specified in the notice.

c. The Inquiring Authority shall ask the officer 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 officer employee concerned thereon.

d. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the officer employee concerned pleads guilty.

✍ **Explanatory Note**

The Officer employee on receipt of the charge sheet is required to submit his written statement of defence not **exceeding 15 days** or within such extended time.

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9. If the officer employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding 30 days or within such extended time as may be granted by the Inquiring Authority.

10. The Inquiring Authority while adjourning the case as in sub-regulation (9) shall also record by an order that the officer employee may for the purpose of preparing defence

i Complete inspection of the documents as in the list furnished to him immediately and in any case not exceeding 5 days from the date of such order if he had not done so earlier as provided for in the proviso to sub-regulation (3)

ii Submit a list of documents and witnesses, that he wants for the inquiry,

iii give notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow for the discovery or production of the documents referred to in item (ii).

✍ **Note:** The relevancy of the documents and the examination of the witnesses referred to in item (ii) shall be given by the Officer employee concerned.

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

12. On receipt of the requisition under sub-regulation (11), the authority having the custody or possession of the requisitioned documents, shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition.

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 bank. In that event, it shall inform the Inquiring Authority accordingly.

13. 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 produced by the Presenting Officer or by another Officer duly nominated by the Disciplinary Authority to act on behalf of the Presenting Officer shall be examined by the Presenting Officer or by the Officer nominated by the Disciplinary Authority to act on behalf of the Presenting Officer and may be cross-examined by or on behalf of the officer employee.

The Presenting Officer or the Officer nominated to act on his behalf shall be entitled to re-examine his witnesses on any points on which they have been cross-examined, but not on a

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new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

14. Before the close of the case, in support of the charges, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge sheet or may itself call for new evidence or recall or re-examine any witness. In such case the officer 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. The Inquiring Authority may also allow the officer employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

15. When the case in support of the charges is closed, the officer 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 officer 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.

16. The evidence on behalf of the officer employee shall then be produced. The officer employee may examine himself in his own behalf, if he so prefers. The witnesses produced by the officer employee shall then be examined by the officer employee and may be cross-examined by the Presenting Officer. The officer employee shall be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the leave of the Inquiring Authority.

17. The Inquiring Authority may, after the officer employee closes his evidence, and shall, if the officer employee has not got himself examined, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the officer employee to explain any circumstances appearing in the evidence against him.

18. The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any appointed, and the officer employee, or permit them to file written briefs of their respective cases within 15 days of the date of completion of the production of evidence, if they so desire.

19. If the officer employee does not submit the written statement of defence referred to in sub-regulation (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 regulations, the Inquiring Authority may hold the inquiry ex-parte.

20. Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has, and which exercises such jurisdiction, the Inquiring

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Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

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

21. i. On the conclusion of the Inquiry the Inquiring Authority shall prepare a report which shall contain the following:

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 officer 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 therefor.

❁ **Explanation:**

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

Provided that the findings on such article of charge shall not be recorded unless the officer 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.

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 clause (i);

b. the written statement of defence, if any, submitted by the Officer employee referred to in sub-regulation (15);

c. the oral and documentary evidence produced in the course of the inquiry;

d. written briefs referred to in sub-regulation (18) if any; and

e. the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

✍ **Explanatory Note**

- A major penalty cannot be imposed on officer employee without holding an inquiry in accordance with this regulation;

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- For imposing a minor penalty, holding an inquiry is not necessary unless the Disciplinary Authority is satisfied that an inquiry is necessary. When it is decided that an inquiry is not necessary by the Disciplinary Authority then the summary procedure under Sub- Regulation 8 to 21 will have to be followed;
- The Disciplinary Authority may inquire into the allegations/imputations of misconduct or misbehaviour against an officer employee either by himself or appoint an Inquiring Authority to conduct inquiry;
- The Inquiring Authority's duty is to inquire i.e., hold inquiry into the charges contained in the statement of allegations/imputations and submit its report to the Disciplinary Authority for further action;
- The charge sheet must be signed only by the Disciplinary Authority;
- The charges must be distinct and definite without any ambiguity;
- The articles of charge together with the statement of allegations/imputations on which they are to be based must be communicated to the officer employee in writing. The list of documents to be relied on along with copy of such documents and list of witnesses alongwith copy of statement of witnesses, if any, on which they are based must also be sent along with the articles of charge;
- The Officer employee on receipt of the charge sheet is required to submit his written statement of defence not exceeding fifteen days or within such extended time;
- The words 'article of charge' are used in the same sense as charges;
- The articles of charge and the statement of allegations/imputations together constitute the charge sheet;
- After receipt of the written statement of defence from the officer employee or if no written statement is received within the prescribed time limit or the extended time limit, the Disciplinary Authority itself may hold the inquiry or it may appoint another public servant as Inquiring Authority;
- The appointment of the Inquiring Authority must be by way of an order and in writing;
- The Disciplinary Authority when it is not the Inquiring Authority, shall forward to the Inquiring Authority all the documents mentioned in the regulation without delay;
- The regulation empowers the Disciplinary Authority to appoint a public servant as the Presenting Officer, to present on its behalf the case in support of the articles of charge;
- The appointment of the Presenting Officer is by way of a written order, a copy of which is to be sent to the Inquiring Authority to enable him to send notices when the inquiry is posted for hearing;
- While appointing the Inquiring Authority and the Presenting Officer it must be ensured that both of them are not in any way/manner connected with the case/charges.
- The charge sheeted officer may take the assistance of any other officer employee for his defence assistant during the inquiry proceedings.
- The charge sheeted officer shall not take the assistance of any other officer employee who has two pending cases on hand in which he has given assistance and shall not engage a legal practitioner unless the Disciplinary Authority so permits.
- The place, date and the time when the inquiry is to be held must be properly communicated in writing by the Inquiring Authority to the Charge sheeted officer and the Presenting officer that too adequately well in advance to enable them attend the same without fail;

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- When the inquiry commences and the charge sheeted officer employee pleads not guilty to all, some or any of the charges, the inquiry will have to proceed;
- To enable the charge sheeted officer employee to prepare his defence, the Inquiring Authority is required to adjourn the case to a later date not exceeding thirty days or within such extended time as may be granted by the Inquiring Authority;
- While fixing the date the Inquiring Authority has to take into cognizance the time that will be taken to produce the documentary evidence and its inspection by the charge sheeted officer/defence. Preparation of the defence by the charge sheeted officer/defence;
- The Inquiring Authority should therefore before fixing up the date for proceedings take into account the convenience of the parties to the proceedings and then arrive at a final logical decision;
- On the date when the inquiry is fixed for hearing the oral and documentary evidence is required to be produced by or on behalf of the Disciplinary Authority. The words 'by or on behalf of the Disciplinary Authority' suggest that such evidence can be produced by the Disciplinary Authority;
- When the Charge Sheeted Officer seeks certain documents, the authority having the custody of the requisitioned documents may claim privilege if the production such documents will be prejudicial to the interest of the Bank / Public
- Witnesses produced by the Presenting Officer should be examined by him and may be cross examined by the defence and if necessary, re-cross examined by the defence. After the cross examination, if necessary, the Presenting Officer may re-examine the witness, the re-examination should be on a matter on which the witness has already been cross examined and not on any new matter, without the leave of the Inquiring Authority;
- The Inquiring Authority may put questions to the witnesses. If the Inquiring Authority examines the witnesses then it should be made clear in the proceedings that those statements were made in reply by the questions put by it;
- In a situation before the close of the case the Presenting Officer wants to bring in a evidence not included in the list already furnished with the articles of charges, then the Inquiring Authority may use its discretion and allow the same. This may also include call for new evidence or reexamination of any witnesses. In case such evidence is allowed, the defence will have to be given opportunity to cross-examine or inspect the relevant document;
- After the Presenting Officer rests his case, the charge sheeted officer employee may be required to state either orally or in writing his defence, as he may prefer.
- The Inquiring Authority may allow the defence also to produce new evidence, if it is of the opinion that it is necessary in the interests of justice.
- The evidences on behalf the charge sheeted officer employee when being produced the officer employee may offer himself as a witness on his own behalf. In this case he can be cross examined;
- When the defence produce the witnesses/ evidences the same principle as applicable as in the case of witness brought in by the Presenting Officer will be applicable;
- After the close of evidence by the officer employee and in case the officer employee has not got himself produced as witness then the Inquiring Authority shall generally question him on the circumstances appearing against him. The purpose of this question is to give an opportunity to the officer in his defence;
- The Inquiring Authority should record this carefully making it clear that the replies were in reply to questions by the Inquiring Authority;

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- If the charge sheeted officer fails or refuses to comply with any of the provisions of these regulations, the Inquiring Authority may hold the inquiry ex-parte by recording the complete details;
- After the stage of completion of evidence of both sides and the statement of the Officer employee, the parties have to file their written briefs for their respective cases within fifteen days of the date of completion of their production, if they so desire;
- In cases where an Inquiring Authority ceases to exercise jurisdiction thereon then the succeeding Inquiring Authority may proceed on the evidence already recorded and record subsequent evidence itself and also recall, examine, cross examine and re-examine any witness whose evidence was already recorded.
- The Disciplinary Authority can himself hold the enquiry or appoint an Inquiring Authority to enquire into the truth or otherwise of the charges. Thus the role of the Inquiring Authority is limited to this only and cannot exceed the same. The Inquiring Authority should not write anything about punishment or make any reference/ recommendations about it in his report. The ambit of his report will thus be confined only to the aspect as to whether the charge sheeted officer employee is guilty to the charges or not;

7. 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 or further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of regulation (6) as far as may be.

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 charge, is of the opinion that any of the penalties specified in regulation should be imposed on the officer employee, it shall, notwithstanding anything contained in Regulation (8), 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 officer employee concerned.

Explanatory Notes

- The findings of the Inquiring Authority is not binding on the Disciplinary Authority and Disciplinary Authority has to apply its mind on the findings and then come to a conclusion;
- If the Disciplinary Authority disagrees with the findings of the Inquiring Authority it can record its own findings on such charge provided the evidence on record is sufficient for the purpose. The reason for the disagreement should also be clearly brought out;
- In case the evidence is not sufficient for the Disciplinary Authority to come to a conclusion then he may remit the case back to the Inquiring Authority for further evidence;

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- Considering the gravity of the misconduct and based on the findings of the Inquiring Authority, the Disciplinary Authority can impose minor penalty even though the procedure for major penalty was followed.
- After the receipt of the findings of the Inquiring Authority, if the Disciplinary Authority having regard to the findings on all or any of the articles of charge is of the opinion that no penalty is called for, the charge sheeted officer may be exonerated.

8. Procedure for imposing minor penalties

1. Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of Regulation (4), the officer employee concerned shall be informed in writing of the imputations of lapses against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Disciplinary Authority and the defence statement, if any submitted by the officer employee shall be taken into consideration by the Disciplinary Authority before passing orders.

2. Where, however, the Disciplinary Authority is satisfied that an enquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in regulation (6).

3. The record of the proceedings in such cases shall include-

   i. a copy of the statement of imputations of lapses furnished to the officer employee;

   ii. the defence statement, if any, of the officer employee; and

   iii. the orders of the Disciplinary Authority together with the reasons therefor.

9. Communication of Orders

Orders made by the Disciplinary Authority under regulation (7) or regulation (8) shall be communicated to the officer employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

Explanatory Notes

- It is necessary that the order is served properly so that the date of receipt is known and is on record;
- The period of appeal starts from the date of receipt of the order by the officer employee.

10. Common Proceedings

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

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✍ **Explanatory Notes**

- Common Proceedings for conduct of inquiry against two or more officers who are concerned in the same case can be ordered by the Disciplinary Authority or any authority higher than the Disciplinary Authority who can impose a major penalty;
- The inquiry against those officers shall be common.

11. Special Procedure in certain cases

Notwithstanding anything contained in regulation (6) or regulation (7) or regulation (8) the Disciplinary Authority may impose any of the penalties specified in regulation (4) if the officer employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial.

Provided that the officer employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made.

✍ Explanatory Note

- An offence involving moral turpitude will be taken up under Section 10, of the Banking Regulation Act in which cases the Disciplinary Authority would have to impose the penalty of discharge/ dismissal depending on the nature of the charge and this is mandatory.

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12. Suspension

1. An officer employee may be placed under suspension by the competent authority:

   a. where a disciplinary proceeding against him is contemplated or is pending; or

   b. where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

2. An officer employee shall be deemed to have been placed under suspension by an order of the competent authority:

   a with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty eight hours;

   b with effect from the date of conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

❁ **Explanation:** The period of forty-eight hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment, after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

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3. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any 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, removal or compulsory retirement and shall remain in force until further orders.

4. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer employee under suspension 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 further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer employee shall be deemed to have been placed under suspension by the competent authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

5 a. An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.

b. An order of suspension made or deemed to have been made under this regulation may at any time be modified or revoked by the authority which made or is deemed to have made the order.

Explanatory Notes

- Suspension on an officer can be effected by the competent authority, where a disciplinary proceeding is contemplated or is pending against an officer or where a case against him for any criminal offence is under investigation, inquiry or trial;
- If an officer is detained on a criminal charge or otherwise for a period of forty-eight hours from the date of his detention or in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or compulsorily retired consequent to such conviction an officer employee is deemed to be under suspension and there is no need to wait for a formal order by the competent authority;
- An order of suspension shall be deemed to have been continued in force or made until it is modified or revoked specifically by the competent authority.
- The object and purpose of placing an officer employee under suspension is to keep him away from a position where he can interfere with the conduct of the enquiry, tamper with the oral and/ or documentary evidence in any manner or, having regard to the nature of the charges against him, divest him of the powers of the post as it would be unsafe to allow him to continue to exercise such powers or to restore the morale of the officers and other employees.
- An order of suspension is not an order of punishment. Suspension is an administrative action necessary for the safety, security, discipline and good order in the establishment. Some of the practical reasons for suspending an employee who is alleged to have committed a misconduct or an offence are:

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(1) the employee's presence in the establishment in dangerous and/or risky;

(2) other employees may be encouraged to commit an offence or a misconduct in the absence of an immediate visible action against a delinquent employee;

(3) the delinquent employee's presence in the establishment may adversely affect the morale of the officers; etc.

13. Leave during Suspension

No leave shall be granted to an officer employee under suspension.

14. Subsistence Allowance during Suspension

1. An officer employee who is placed under suspension shall during the period of such suspension and subject to sub-regulations (2) to (4) be entitled to receive payment from the bank by way of subsistence allowance on the following scale, namely

a. **Basic Pay**

i. For the first three months of suspension, 1/3 of the Basic Pay which the officer employee was receiving on the date prior to the date of suspension irrespective of the nature of enquiry.

ii. For the subsequent period after 3 months from the date of suspension.

1. Where the enquiry is held departmentally by the bank, ½ of the basic pay the officer employee was drawing on the date prior to the date of suspension; and

2. Where the enquiry is held by an outside agency, 1/3 of the basic pay which the officer employee was drawing on the date prior to the date of suspension for the next three months and ½ of the basic pay which the officer employee was drawing on the date prior to the date of suspension for the remaining period of the suspension.

b. Allowances

1. For the entire period of suspension, dearness allowance and other allowances excepting conveyance allowance, entertainment allowance and special allowance will be calculated on the reduced pay as specified in items (i) and (ii) of clause (a) and at the prevailing rates or at rates applicable to similar category of officers.

2. During the period of suspension an officer employee shall not be entitled to occupation of rent-free house or free use of the Bank's car or receipt of conveyance or entertainment allowance or special allowance.

3. No officer employee of the Bank shall be entitled to receive payment of subsistence allowance unless he furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

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4. If, during the period of suspension an officer employee retires by reason of his attaining the age of superannuation, no subsistence allowance shall be paid to him from the date of his retirement.

✍ **Explanatory Notes**

Permissible Deductions from Subsistence Allowance		
	When the quantum of Subsistence Allowance is	Instalments of loans to be recovered
1	1/3 of salary	No deduction to be made
2.	1/2 of salary	50% of instalments of loan to be recovered
3.	Full salary	Instalments (including all arrears) of loan in full to be recovered.

i As regard optional deductions such as LIC premium, Union subscription, dues to Co-operative Society, the same can be deducted only on an authorisation from the employee concerned.

ii Further it is to be observed that wherever loan accounts remain overdue in respect of suspended employees who are eligible for Subsistence Allowance at 1/3 of salary or ½ of salary, recoveries in excess of the above guidelines may be made from the S.B. Account of the concerned employees of all cadre so as to keep the loan accounts in order.

15. Pay, allowances and treatment of service on termination of suspension

1. Where the competent authority holds that the officer employee has been fully exonerated or that the suspension was unjustifiable, the officer employee concerned shall be granted the full pay to which he would have been entitled, had he not been suspended together with any allowance of which he was in receipt immediately prior to his suspension, or may have been sanctioned subsequently and made applicable to the officer employee.

2. In all cases other than those referred to in sub-regulation (1), the officer employee shall be granted such proportion of pay and allowances as the Competent Authority may direct:

Provided that the payment of allowances under this sub-regulation shall be subject to all other conditions to which such allowances are admissible:

Provided further that the pay and allowances granted under this sub-regulation shall not be less than the subsistence and other allowances admissible under regulation (14).

3. a. In a case falling under sub-regulation (1), the period of absence from duty shall, for all purposes, be treated as a period spent on duty:

b. In a case falling under sub-regulation (2) the period of absence from duty shall not be treated as a period spent on duty unless the competent authority specifically directs, for reasons to be recorded in writing, that it shall be so treated for any specific purpose.

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✍ **Explanatory Notes:**

Entitlement of Officers under Suspension

	Nature of entitlement	Available in	Relevant Provisions
1	Medical Aid and Hospitalisation	Regulation 24 (3) of Indian Bank Officers' Service Regulations,1979	Medical Aid and Hospitalisation facilities shall also be admissible to the Officers who are placed under suspension
2.	Provision of Leased Accommodation	Circular PRNL/153/94-95 dated 11.01.1995	The facility of provision of leased. accommodation to an officer under suspension will be provided only in the centre at which the officer was working at the time of his suspension. During the suspension period the rent recovery to be made from the officer is pro-rata of the salary (Basic Pay) drawn by the officer
3.	P.F. Loan	Staff P.F. Rules (Sec.13)	Withdrawal by members may be allowed by the Trustees in specified circumstances

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16. Employees on deputation from the Central Government, State Government, etc.,

1. Where an order of suspension is made or disciplinary proceeding is taken against an officer employee, who is on deputation to the bank, from the Central Government or the State Government or Reserve Bank of India or another Public Sector Bank or banking company or a public financial institution or an institution wholly or substantially owned by Reserve Bank of India or a Public Financial Institution or 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 proceedings, as the case may be.

2. In the light of the findings in the disciplinary proceeding taken against the officer employee-

a. if the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority.

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

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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 enquiry for such action as it deems necessary.

3. If the officer employee submits an appeal against an order imposing a minor penalty on him under clause (a) of sub-regulation (2), 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 officer 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.

17. Appeals

1. An officer employee may prefer an appeal to the Appellate authority within forty five days from the date of receipt of the order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension referred to in Regulation 12:

> Provided that the Appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

2. The appeal shall be presented to the Appellate authority with a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself.

> Provided that in the event of a difference of opinion between the Disciplinary Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority

3. The authority which made the order appealed against shall, on receipt of a copy of the appeal from the appellant, forward the same with its comments thereon together with the relevant records to the Appellate authority within a period not exceeding forty five days from the date of the receipt of the appeal.

4. The Appellate authority shall on receipt of the comments and records of the case from the authority whose order is appealed against, consider whether the order of suspension / findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders. The Appellate authority may pass an order confirming, enhancing, reducing or setting aside the penalty / suspension or remitting the case to the authority which imposed the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case.

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Provided that

i. If the enhanced penalty, which the Appellate authority proposed to impose is a major penalty specified in clauses (f), (g), (h), (i) and (j) of regulation 4 and an inquiry as provided in regulation 6 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 regulation 6 and thereafter consider the record of the inquiry and pass such orders as it may deem proper;

ii. If the Appellate authority decides to enhance the punishment but an enquiry has already been held as provided in regulation 6, the Appellate authority shall give a show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer employee.

5. The Appellate authority shall dispose of the appeal within a period of ninety days from the date of its receipt from the appellant:

Provided that the time limit specified in this regulation shall not apply to cases having a vigilance angle and where major/ minor penalty proceedings against the officer employee have commenced on recommendations of the Police or Central Bureau of Investigation or Central Vigilance Commission, as the case may be, investigating the matter.

6. The cases lying pending over ninety days shall be reviewed periodically by the Appellate authority and reasons for non-disposal of the cases shall be recorded in writing."

Explanatory Notes

- An appeal can be filed by an officer employee against any order passed by the Disciplinary Authority imposing any penalty.
- The appeal must be filed to the Appellate authority within 45 days from the date receipt of the order by the Officer employee;
- The Appellate Authority has the power to enhance the penalty and for this the officer employee shall be allowed in writing to showcause about the proposed enhancement;
- Reasonable time must be provided to showcause and the representation of the officer employee must be considered by the Appellate authority before passing a final order.

18. Review

Notwithstanding anything contained in these regulations, the Reviewing Authority may at any time within six months from the date of the final order, either on his own motion or

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otherwise review the said order, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought to his notice and pass such orders thereon as it may deem fit:

Provided that -

i. if any enhanced penalty, which the Reviewing Authority proposes to impose, is a major penalty specified in clauses (f), (g), (h), (i) or (j) of Regulation 4 and an enquiry as provided under Regulation 6 has not already been held in the case, the Reviewing Authority shall direct that such an enquiry be held in accordance with the provisions of Regulation 6 and thereafter consider the record of the enquiry and pass such orders as it may deem proper:

ii. if the Reviewing Authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Regulation 6, the Reviewing Authority shall give show cause notice to the officer employee as to why the enhanced penalty should not be imposed upon him and shall pass an order after taking into account the representation, if any, submitted by the officer employee.

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Explanatory Review

- Reviewing Authority may review the punishment imposed on an officer employee either on the basis of a representation preferred by the officer employee or on its own. The powers of the Reviewing Authority are to pass such orders as it may deem fit, even wider than the Appellate Authority;
- The review can be done within six months of the date of final order;
- The Reviewing Authority can review a case after an Appellate Authority has passed its orders. It can also review a case when no appeal is filed and the review in that case would be of the orders passed by the Disciplinary Authority.

19. Consultation with Central Vigilance Commission

The bank shall consult the Central Vigilance Commission wherever necessary, in respect of all disciplinary cases having a vigilance angle.

20. Service of orders, notices, etc.,

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

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✍ **Explanatory Note**

- Service of every order, notice or any other process issued under these regulations shall be served in person on the officer employee concerned or sent by registered post at his last known address as available in the records;
- In case the order/notice are returned unserved then it will be proceeded as if the document has been served and due notice given.

21. Power to relax time-limit and to condone delay

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

✍ **Explanatory Note**

- The competent authority may extend the time or condone the delay to make any order;
- Such extension or condoning of delay has to be for good and sufficient reasons or if the sufficient cause is shown;
- The extension or condonation of delay can be the Authority on its own or on the request of, or on behalf of the officer employee and this should be in writing.

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22. Repeal and Saving

1. Every rule, regulation, bye-law or every provision in any agreement or a resolution corresponding to any of the regulations herein contained and in force immediately before the commencement of these regulations and applicable to the officer employees is hereby repealed.

2. Notwithstanding such repeal -

   a. any order made or action taken under the provisions so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations;

   b. nothing in these regulations shall be construed as depriving any person to whom these regulations apply, of any right of appeal which had accrued to him under any of the provisions so repealed;

   c. an appeal pending at the commencement of these regulations against an order made before the commencement of these regulations shall be considered and orders thereon shall be made, in accordance with these regulations;

   d. any proceedings which have already been initiated but not yet been completed at the commencement of these regulations shall be continued and disposed as far as

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may be, in accordance with the provisions of these regulations, as if such proceedings were proceedings under these regulations.

✍ **Note:** The table showing the details of Disciplinary, Appellate and Reviewing authorities for different Scales of officers are given in the next page. The latest circular on the subject should be referred for any change in the list.

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List of Disciplinary / Appellate / Reviewing Authorities for Officers in Scale I to Scale V

S.No	Name/Category of post	Disciplinary Authority	Appellate Authority	Reviewing Authority
1	**Scale I, II & III Officers:**			
A	In respect of cases where cause of action arose at H.O. or any office under the administrative control of H.O.	AGM at HO (who shall also be Concurrent Disciplinary Authority for Circle cases)	DGM at H.O. as Appellate Authority and another DGM at HO as Concurrent Appellate Authority	GM at HO as the Reviewing Authority
B	In cases where cause of action arose in any branch/office in a Circle			
	(i) Circles headed by AGM	Circle Head (AGM)	DGM at H.O. as Appellate Authority and another DGM at HO as Concurrent Appellate Authority	In all cases where Appellate Authority is DGM at HO, a GM at HO will be the Reviewing Authority. In cases where Appellate Authority is GM at HO, Executive Director will be the Reviewing Authority.
	(ii) Circles headed by DGM	Second-in-Command, if he is an AGM		
		If Second in command is lower than the rank of AGM, then DGM/ CH	GM at HO	
	(iii) Circles headed by GM	Second-in-Command (DGM / AGM)	DGM at HO, if DA is AGM GM at HO, if DA is DGM	
2	All Scale IV officers:	DGM at H.O.	GM at HO	Executive Director
3	All Scale V officers:	GM at H.O.	ED	CMD or in his absence / in case he was the Appellate Authority, Committee of Board #

✍ **Note** : # No change made. Existing Reviewing Authority continues

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List of Disciplinary / Appellate / Reviewing Authorities for Officers in Scale VI and VII

S.No	Name/Category of post	Disciplinary Authority	Appellate Authority	Reviewing Authority
1	Scale VI	ED	CMD or in his absence / in case he was the Disciplinary Authority, Committee of Board	Board
2	Scale VII	CMD or in his absence Executive Director	Committee of Board	Board

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