OFFICERS CONDUCT, DISCIPLINE AND APPEAL REGULATIONS, 1988.

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NATIONAL DAIRY DEVELOPMENT BOARD
ANAND - 388001

THE NATIONAL DAIRY DEVELOPMENT BOARD OFFICERS (CONDUCT, DISCIPLINE AND APPEAL) REGULATIONS, 1988.

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(2) विनियमन 3 के उपविनियमन (1) की धारा (w) में "सब्सीडियरी यूनिट" की परिभाषा में निम्नलिखित यूनिटों को हटाया जाएगा :

(1) मदर डेरी, दिल्ली
(2) इण्डियन डैरी मशीनरी कम्पनी
(3) इण्डियन इम्यूनोलोजिकल्स

दीपक टिक्कू, प्रबन्ध निदेशक

[सं. विज्ञापन-3/4/असाधारण/132/2002]

NATIONAL DAIRY DEVELOPMENT BOARD

NOTIFICATION

New Delhi, the 9th September, 2002

The National Dairy Development Board Officers (Conduct, Discipline and Appeal) (Amendment) Regulations, 2002

No. DEL : NDDB.— In exercise of the powers conferred by Section 48 of the National Dairy Development Board Act, 1987 (37 of 1987) and of all other powers enabling them in that behalf, the Board of Directors hereby make the following amendments namely:

1. Short title and commencement:

(1) These regulations may be called the National Dairy Development Board Officers (Conduct, Discipline & Appeal) (Amendment) Regulations, 2002.

(2) Save as otherwise provided in these regulations, the provisions, thereof shall come into force on the date of their publication in the Gazette of India.

2. Amendments to the National Dairy Development Board Officers (Conduct, Discipline and Appeal) Regulations, 1988.

(1) In the definition of "Subsidiary Company" in clause (v) of Sub-regulation (1) of Regulation 3, the following "company" shall be deleted :

"Hindustan Packaging Company Limited"

and the following "companies" shall be added :-

1. Mother Dairy Fruit & Vegetable Company Limited
2. Indian Dairy Machinery Company Limited
3. Indian Immunologicals Limited
4. Dhara Vegetable Oil and Foods Company Limited
5. Bhavnagar Vegetable Products Limited
6. Bharat Asceptic Packaging Industries Limited.

(2) In the definition of "Subsidiary Unit" in clause (w) of Sub-regulation (1) of Regulation 3, the following 'Units' shall be deleted:

1. Mother Dairy, Delhi
2. Indian Dairy Machinery Company
3. Indian Immunologicals

DEEPAK TIKKU, Managing Director

[No. ADVT-III/IV/Exty./132/2002]

अधिसूचना

नई दिल्ली, 9 सितम्बर, 2002

राष्ट्रीय डेरी विकास बोर्ड कामगार (आचरण, अनुशासन एवं अपील) (संशोधन) विनियमन, 2002

सं. दिल्ली : राडेविबोर्ड.— राष्ट्रीय डेरी विकास बोर्ड अधिनियम,1987 (1987 का 37) की धारा 48 द्वारा प्रदत्त शक्तियों एवं इस ओर से अन्य सभी शक्तियों का प्रयोग करते हुए, निदेशक मंडल एतद्द्वारा निम्नलिखित संशोधन करते हैं :

1. संक्षिप्त शीर्षक एवं आरम्भ

(1) इन विनियमनों को राष्ट्रीय डेरी विकास बोर्ड अधिकारी(नियुक्ति, वेतन एवं भत्ते) (संशोधन) विनियमन, 2002 कहा जाएगा ।

(2) जब तक कि इन विनियमनों में अन्यथा न कहा जाए, इसमें वर्णित प्रावधान भारत के राजपत्र में प्रकाशित तिथि से लागू होंगे ।

2. राष्ट्रीय डेरी विकास बोर्ड अधिकारी (नियुक्ति, वेतन एवं भत्ते) विनियमन, 1988 में संशोधन ।

(1) विनियमन 3 के उपविनियमन (1) की धारा (v) में "सब्सीडियरी कम्पनी "की परिभाषा में निम्नलिखित "कम्पनी" हटाई जाएगी :

"हिन्दुस्तान पेकेजिंग कम्पनी लिमिटेड"

और निम्नलिखित "कम्पनियाँ" जोड़ी जाएँगी :

1. मदर डेरी फ्रूट् एण्ड वेजिटेबल कम्पनी लिमिटेड
2. इण्डियन डेरी मशीनरी कम्पनी लिमिटेड
3. इण्डियन इम्यूनोलोजिकल्स लिमिटेड
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5. भावनगर वेजिटेबल प्रोडक्ट्स् लिमिटेड
6. भारत एसेप्टिक पेकेजिंग इंडस्ट्रीज़ लिमिटेड

(2) विनियमन 3 के उपविनियमन (1)की धारा (w) में "सब्सीडियरी यूनिट" की परिभाषा में निम्नलिखित यूनिटों को हटाया जाएगा :

(1) मदर डेरी, दिल्ली

(ग) यह विनियम 43(2) में विनिर्दिष्ट अवधि के भीतर प्रस्तुत नहीं की गई है और विलम्ब के लिए कोई उचित कारण व्यक्त नहीं किया गया है, या

(घ) यह पिछली अपील की पुनरावृत्ति है जिसका पहले ही निर्णय किया जा चुका है और किसी भी नए तथ्यों या परिस्थितियों का उल्लेख नहीं किया गया है जिनके आधार पर मामले पर पुनर्विचार किया जा सके ।

(2) प्रत्येक ऐसे मामले में जिसमें अपील को रोका गया है, अपीलार्थी को उसके बारे में तथ्यों और कारणों से सूचित किया जाएगा।

(3) विनियम 43 क के उपबंधों का केवल अनुपालन न कर सकने में असफल होने के कारण रोकी गई अपील को, 'अपील रोकने के बारे में अपीलार्थी को सूचित करने की तारीख से एक माह के भीतर किसी समय प्रस्तुत किया जा सकता है, और, यदि इसे उक्त उपबंधों का अनुपालन करते हुए प्ररूप में पुनः प्रस्तुत किया जा सकता है तो इसे रोका नहीं जाएगा ।

43(ग) अपील प्राधिकारी रोकी गई किसी अपील को मंगा सकता है ।

अपील अधिकारी नियम 43ख के अधीन रोकी गई किसी भी अपील को मंगा सकता है और विनियम 43 के अधीन अधिकथित रीति से कार्रवाई करके इस पर ऐसे आदेश पारित कर सकता है जिसे वह ठीक समझता है ।''

(16) विनियम 44 में, ''उसकी स्वप्रेरणा पर'' शब्दों के बाद ''या संबंधित श्रमिक के आवेदन-पत्र पर'' शब्दों को रखा जाएगा ।

वी. कुरियन, अध्यक्ष
राष्ट्रीय डेरी विकास बोर्ड

THE NATIONAL DAIRY DEVELOPMENT BOARD OFFICERS (CONDUCT, DISCIPLINE AND APPEAL) (AMENDMENT) REGULATIONS, 1995

NOTIFICATION

New Delhi, the 3rd December, 1996

No. DEL : NDDB—In the exercise of the powers conferred by Section 48 of the National Dairy Development Board Act, 1987 (37 of 1987) and of all other powers enabling them in that behalf, the Board of Directors hereby make the following amendments, namely :

1. Short title and Commenement :

(1) These regulations may be called the National Dairy Development Board Officers (Conduct, Discipline and Appeal) (Amendment) Regulations, 1995.

(2) Save as otherwise provided in these regulations, the provisions, thereof shall come into force on the date of their publication in the Gazette of India.

2. Amendments to the National Dairy Development Board, Officers (Conduct, Discipline and Appeal) Regulations, 1988.

(1) The clause (d) of Regulation 4 shall be deleted.

(2) In clause (e) of regulation 4, the following explanation shall be added, namely :
"Explanation : A workman who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of sub-regulations (b) and (e)".

(3) Sub-regulation (4) of Regulation 9, shall be deleted and the following shall be substituted, namely :
"In case an appeal is preferred, the Chairman shall consider whether the consequences imposed are excessive or inadequate and pass appropriate orders as far as possible, within 90 days of the date of appeal, confirming, modifying or setting aside the orders passed by the Managing Director with such direction as he may deem fit and every such order shall be final".

(4) In sub-regulation (1) of Regulation 23, for the words "rupees five thousand", the words "rupees ten thousand" may be substituted.

(5) In sub-regulation (2) of Regulation 23, for the words "rupees one thousand", the words "rupees five thousand" may be substituted.

(6) In clause (c) of sub-regulation (1) of Regulation 35, "with or" shall be deleted. The words "for a maximum period of five years" shall be added after the words "cumulative effect".

(7) In clause (d) of sub-regulation (1) of regulation 35, the words "for a maximum period of three years" may be added after the words "withholding of promotion".

(8) Clause (a) of sub-regulation (2) of Regulation 35, shall be deleted.

(9) In sub-regulation (2) of the Regulation 35, the clause (b) shall be renumbered as clause (c), clause (c) shall be renumbered as clause (d) and clause (d) shall be renumbered as clause (e).

(10) In sub-regulation (2) of the Regulation 35, the following clause (a) shall be added :
"(a) withholding of increments with cumulative effect for a maximum period of five years"

(11) In sub-regulation (2) of the Regulation 35, the following clause (b) shall be added:

"(b) reduction to lower service or post not exceeding the next lower stage, or to a lower payscale not exceeding the next lower pay scale, or to a lower stage in a payscale not exceeding the next three lower stages in payscale;

(12) The following proviso may be added after clause (b) of sub-regulation (2) of Regulation 35, namely :

"Provided that the order of reduction shall specify whether the employee will or will not earn increments during the period of reduction and whether the reduction will or will not have the effect of postponing the future increments of his pay".

(13) In Regulation 40, the word "who" shall be deleted after the words "officer concerned" and the following words shall be inserted, namely :

"as far as possible within a period of six months of receipt of enquiry report, by the disciplinary authority and he".

(14) In sub-regulation (2) of Regulation 44, the following proviso may be added :

"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".

(15) The following Regulations may be inserted after Regulation 44, thus :

"44A Form and content of appeal:—(1) Every member preferring an appeal shall do so separately and in his own name.

(2) Every appeal preferred under these rules shall be addressed to the appellate authority and shall—

(a) contain all material statements and arguments relied on by the appellant.

(b) contain no disrespectful or improper language; and

(c) be complete in itself.

44B Circumstances in which appeal may be withheld.

(1) The disciplinary authority from whose order an appeal is preferred may withhold the appeal if—

(a) it is an appeal in a case in which under these Rules, there is no appeal, or

(b) it does not comply with the provisions of regulation 44A, or

(c) it is not preferred within the period specified in Regulation 44(2) and no reasonable cause is shown for the delay, or

(d) it is repetition of a previous appeal which has already been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

(2) In every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

(3) An appeal withheld on account only of failure to comply with the provisions of regulations 44A may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resumbmitted in a form which complies with the said provisions, it shall not be withheld.

44C. Appellate authority may call for any appeal withheld.

The appellate authority may call for any appeal which has been withheld under Rule 44B and deal with it in the manner laid down under regulation 44 and pass such orders thereon as it thinks fit".

(16) In regulation 45, the following words "or on an application from the officer concerned" shall be inserted after the words "on its own motion".

V. KURIEN, Chairman,
National Dairy Development Board

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THE NATIONAL DAIRY DEVELOPMENT BOARD OFFICERS (CONDUCT, DISCIPLINE AND APPEAL) REGULATIONS, 1988.

In exercise of the powers conferred by section 48 of the National Dairy Development Board Act, 1987 (37 of 1987) and of all other powers enabling him in that behalf, the Chairman performing the functions of the Board of Directors in accordance with section 40 of the said Act, hereby makes the following regulations, namely:

CHAPTER I

PRELIMINARY

1. Short title and commencement

(1) These regulations may be called the National Dairy Development Board Officers (Conduct, Discipline and Appeal) Regulations, 1988.

(2) They shall come into force on the date of their publication in the Gazette of India.

2. Application

(1) Save as otherwise expressly provided by the terms of contract, agreement or order of appointment, deputation or secondment, these regulations shall apply to every Officer of the National Dairy Development Board.

(2) For the removal of doubts, it is hereby declared that every

(a) Managed Unit, or

(b) subsidiary Unit, or

(c) Pilot Project,

shall continue to have their respective separate identity, and that these regulations shall not apply —

(i) to any person employed in any of them unless otherwise decided by the Board in relation to each of the Units or Projects, or

(ii) to any person employed in any Subsidiary Company, of which NDDB is a participant.

(3) Notwithstanding anything contained in sub-regulation (2), every officer of the NDDB who is on assignment to a Managed Unit, Subsidiary Company, subsidiary Unit or Pilot Project, shall be governed by the provisions of these regulations.

3. Definition

(1) In these regulations, unless the context otherwise requires,

(a) "Act" means the National Dairy Development Board Act, 1987 (37 of 1987);

(b) "Appointing Authority", in relation to any officer, means the authority or officer, for the time being, competent to make appointment to the post held by the officer, or to the grade applicable to the said officer;

(c) "Authority", includes the Chairman, Managing Director or any other officer designated for the purpose;

(d) "Board", means the Board of directors of the National Dairy Development Board;

(e) "Chairman", means the Chairman of the NDDB, being the full-time Chief Executive thereof, and so long as the post is continued to be held by the Chairman who held the same on the appointed day, (being a person not in receipt of any salary) it shall be deemed to be an honorary post for which the salary payable shall be nil and all the other conditions including allowances and perquisites shall be such as may be determined by the Central Government.

(f) "Competent Authority", in relation to any officer or other employee or with respect to any matter, means the Board or the Chairman or any other Authority to whom the Board or Chairman has delegated the power in relation to the officer or other employee, or in respect of the matter, as the case may be;

(g) "employee", means an officer or workman of the National Dairy Development Board;

(h) "Government", means the Central Government or any State Government;

(i) "Government Servant", means a person who is a member of a service or who holds a civil post under the Central or a State Government and includes any such person on foreign service;

(j) "lien", means the right of an officer to hold substantively, either immediately or on the termination of a period or periods of absence, a post which he has been holding in a permanent capacity;

(k) "month", means a month reckoned according to the British calendar;

(l) "Managing Director," means an officer of the NDDB holding a post designated as Managing Director thereof;

(m) "Managed Unit", means an organisation managed by NDDB but not owned by it and includes the following, namely:

1. Sabarmati Ashram Gaushala;
2. Sugam Dairy;
3. Mother Dairy, Calcutta;
4. Patna Dairy Project;
5. Bhavnagar Vegetable Products Unit;
6. Rohtak Dairy Project;
7. Rashtriya Vriksha Mitra Sahyog;
8. Surat APS;

(n) "National Dairy Development Board", or "NDDB", means the body corporate constituted under section 4;

(o) "officer", means an employee of the National Dairy Development Board other than a workman within the meaning of the Industrial Disputes Act, 1947 (14 of 1947) or any other corresponding law, for the time being in force;

(p) "officiate", in relation to an officer with reference to any post, means the performance of duties by an officer in that post by way of a temporary arrangement;

(q) "organisation", includes a Firm;

(r) "Pilot Project", means a project which is undertaken by the NDDB to demonstrate alternate innovative strategies and includes the projects known at the commencement of these regulations as hereunder, namely:

1. Fruit and Vegetables Unit;
2. Tree Growers Cooperative Project;
3. Salt Project;
4. Rural Electricity Cooperative Project;
5. Fisheries Project;

(s) "permanent officer", means an officer who is employed against the permanent post and who has been subsequently accorded confirmation in writing;

(t) "personal pay", means additional pay granted to an officer —

(a) to save him from a loss of substantive pay in respect of a permanent post due to a revision of pay, or to any reduction of substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on special considerations;

(u) "section", means the section in the Act;

(v) "Subsidiary Company", means a subsidiary Unit or Project of the NDDB registered as a Company under the Companies Act, 1956 (1 of 1956), and includes the following, namely;

Hindustan Packaging Company Limited;

(w) "subsidiary Unit," means a subsidiary or a Unit owned by NDDB whether managed by it or not and includes the following namely:

1. Mother Dairy, Delhi;
2. Indian Dairy Machinery Company;
3. Indian Immunologicals;

(x) "trainee", means a learner, by whatever name called, who is engaged to undergo training, whether with or without stipend, in terms of a special agreement and who will not be regarded as an employee of the NDDB;

(y) "temporary officer", means an officer —

(i) who is engaged temporarily for doing work which is likely to be completed within a limited period; or

(ii) who is employed temporarily as an additional officer in connection with the temporary increase in workload;

(z) "workman", means any person employed in the NDDB to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, but does not include any such person —

(i) who is employed mainly in a managerial or administrative capacity; or

(ii) who —

(a) being employed in a supervisory capacity, draws wages, exceeding one thousand six hundred rupees per mensem, or

(b) exercises functions mainly of a managerial nature, either by the nature of the duties attached to the office or by reason of the powers vested in him.

Explanation: In this clause the term "wages" shall have the same meaning as it has under the Industrial Disputes Act, 1947 (14 of 1947) for the time being in force.

(2) All words and expressions used and not defined in these regulations but used in the Act, shall have the meanings respectively assigned to them under the Act.

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CHAPTER II

CONDUCT, DISCIPLINE AND APPEAL

4. Liability to abide by regulations etc.

Every officer of the National Dairy Development Board shall at all times be bound to abide by these regulations and any other regulation, scheme or order made by or under the Act which is applicable to him, and without prejudice to the generality of this basic obligation, shall at all times

(a) maintain absolute integrity;

(b) exhibit devotion to duty and obey official instructions and all instructions from superiors;

(c) maintain fidelity and secrecy;

(d) do nothing which is unbecoming of an officer of the National Dairy Development Board; and

(e) take all possible steps to ensure the integrity and devotion to duty of all officers and other employees for the time being under his control or authority.

5. Obligation to maintain secrecy

(1) Every officer shall be bound to maintain secrecy and shall not divulge any information coming to his knowledge in the course of his duties or outside it, as would adversely affect or embarrass the National Dairy Development Board in any manner, and this restriction shall continue to apply to every officer even after his ceasing to be in service by retirement or otherwise for whatsoever reason.

(2) Without prejudice to the generality of sub-regulation (1), every officer (whether in service or not) shall also be bound strictly to comply with the declaration of fidelity and secrecy made by him.

6. Confidentiality agreement compulsory for certain jobs

(1) Every officer shall, before being assigned to any job or post which the Chairman may having regard to the duties specify in this regard, give a separate undertaking, in such form as may be specified by the Competent Authority, to maintain strict confidentiality with regard to design, equipment, product and process formulations, or any other matter that may come to his knowledge in the course of discharge of his duties, and the obligation shall continue to apply even after the officer has ceased to perform the assignment or ceased to be an officer of the NDDB, whether he has made a declaration under sub-regulation (2) of regulation 5 or not, and whether he has given an undertaking under this sub-regulation or not.

(2) Any officer who does an act or makes any expression, in violation of the provisions of sub-regulation (1), shall, without prejudice to any other action that may be taken against him, be liable to be proceeded against for misconduct under these regulations as if it were an item of misconduct included in regulation 31.

7. Liability to serve

Every officer in the service of NDDB shall make his services available to the National Dairy Development Board and he shall serve in relation to any work in which the NDDB is directly or indirectly interested, in such place and for such periods as he may, from time to time, be directed.

8. Performance of duties

(1) Every officer shall be bound to perform his official duties to the best of his ability and exercise the powers conferred on him to the best of his judgement.

(2) Where instructions have been obtained by an officer from his superior, in respect of any matter where he himself is empowered or authorised to act, the officer cannot claim to be absolved of any responsibility on the matter on the ground that the same was approved by the superior.

9. Absence without justification and consequences thereof

(1) Taking of casual leave in conjunction with any other officer or group of officers, or remaining absent from office in that manner shall be deemed to be a misconduct and be punishable as such.

(2) Without prejudice to any disciplinary action that may be taken for misconduct, the absence of any officer under circumstances set out in sub-regulation (1) or absence from duty without justification or without taking permission from the appropriate authorities shall entail the following consequences unless otherwise decided by the Competent Authority, namely:—

(a) No pay and allowance shall be payable for the period of such absence;

(b) The period of absence, unless condoned by the Competent Authority, shall result in break in service and postpone the date of next increment for a period equivalent to such period of absence;

(c) The leave to the credit of the officer shall not lapse by reason of such absence, but the period of absence shall not be counted for the purpose of eligibility of earned leave;

(d) The past service of the officer shall not be affected, except that for the purpose of gratuity the service put in previous to such absence from service shall not be counted;

(e) For the purpose of leave travel concession, the service put in after the officer rejoins from such absence alone will be taken into account and the officer shall not be permitted to carry over any leave travel concession in respect of any period previous to such absence.

(3) In relation to any absence falling within the scope of sub-regulations (1) and (2), a Managing Director may give notice to the officer seeking an explanation for his absence and after considering the reply if any received, pass such orders in respect of the absence referred to in sub-regulation (2) as he may deem fit.

(4) A copy of every order passed by a Managing Director under sub-regulation (3) shall be given to the officer on request and the officer may, within thirty days of the receipt of the order, file an appeal to the Chairman who may, after considering all the circumstances attendant thereto pass such orders thereon as he may deem fit, and every such order shall be final.

10. Enforcement of Bond

While all bonds executed by an officer to serve the NDDB shall be strictly enforceable, the exception may be made in favour of an officer who wants to join an organisation financed or promoted by the NDDB if he enters into a fresh bond of a like nature with the organisation agreeing to serve that organisation for the remaining period of the bond executed in favour of the NDDB.

11. Evidence before Committee etc.

(1) Save as provided in sub-regulation (3), no officer shall, except with the previous approval of the Chairman or of any officer authorised by him in this behalf give evidence in connection with any enquiry conducted by any person, Committee or Authority.

(2) Where any sanction has been accorded under sub-regulation (1), no officer giving evidence shall criticise the policy or any action of the National Dairy Development Board or of any Government.

(3) Nothing contained in this regulation shall apply to —

(a) evidence given at any enquiry before an authority appointed by Government, or by Parliament or by a State legislature or by the NDDB; or

(b) evidence given in any judicial enquiry; or

(c) evidence given at any departmental enquiry ordered by the Chairman or by any Competent Authority.

12. Officers to promote interest of the institutions

Every officer shall serve the NDDB honestly and faithfully and shall use utmost endeavours to promote the interests of the NDDB and of the organisations in which NDDB is interested and shall do nothing which would damage the image, policy or programmes of the NDDB.

13. Prohibition against participation in election

(1) An officer shall not take part in an election to any legislature or to any local authority.

(2) Nothing contained in sub-regulation (1) shall be deemed to affect the right of any officer to vote at an election and where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(3) Every officer shall strictly refrain from being a worker of any political party.

(4) If any question arises whether any conduct falls within the scope of this regulation, the decision of a Managing Director shall be final.

14. Activities prejudicial to the national and institutional interest

No officer shall engage himself or participate in any activity which is prejudicial to the interest of the sovereignty and integrity of India, security of the State, friendly relations with foreign countries, public order or morality or which involves contempt of court, defamation or incitement to an offence or is prejudicial to the interests of the National Dairy Development Board.

15. Canvassing by political or other influence

No officer shall attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his career or conduct in the National Dairy Development Board.

16. Connection with Press or other media

(1) No officer, shall except with the previous sanction of a Chairman, own wholly or in part any newspaper or other periodical publication, or conduct or participate in the editing or managing of the same.

(2) No officer shall, except with the previous sanction of a Managing Director or any officer authorised by him in this behalf, participate in a radio or TV broadcast, or contribute any article or write any letter either in his own name or anonymously,

pseudonymously or in the name of any other person, to any newspaper or periodical:

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

17. Criticism of Government or of National Dairy Development Board

(1) No officer shall in any radio or TV broadcast or in any document published in his own name or in the name of any other person or in any communication to the press or in any public utterance make any statement —

(i) With intention to defame or destabilise the Central Government or State Government or the NDDB or any Institution connected with it or any other public undertaking; or

(ii) which is capable of embarrassing the relations of the National Dairy Development Board or related organisations with the public or with the Central Government or Government of any State or Federation, or of causing embarrassment between the Central Government and Government of any State;

(iii) which is capable of embarrassing relations of the Central Government and the Government of any foreign State.

(2) Nothing in this regulation shall apply to any statement made or views expressed by an officer in his official capacity or in the due performance of the duties assigned to him, which are purely factual in nature and not considered to be confidential.

18. Unauthorised communication of information

(1) No officer, shall, except in accordance with any general or special order of the Chairman or except in the performance, in good faith, of the duties assigned to him, communicate, directly or indirectly, any official document or information to any officer or to any other employee or to any other person, to whom he is not authorised to communicate such document or information.

(2) Quoting in representations, orders, or notes or other information containing official facts to which the officer is not authorised to have access or which he is not authorised to keep in his personal custody shall amount to communication of unauthorised information within the meaning of this regulation.

19. Private trade or employment prohibited

(1) No officer shall, except with the previous sanction of the Chairman or a Managing Director engage directly or indirectly in any trade or business or undertake any manufacturing or other activity or accept other employment.

(2) Every officer shall report to a Managing Director if any member of his family is engaged in a trade or business or undertakes any manufacturing activity or owns or manages an insurance agency, bank business or commission agency.

(3) Save as an activity included in his official duties, no officer shall, without previous sanction of the Chairman or a Managing Director take part in the registration, promotion or management of any bank or other company or any co-operative society for commercial purpose:

Provided that an officer may, with the prior permission of the Competent Authority take part in the registration, promotion or management —

(i) of á consumer or house building co-operative society substantially for the benefit of the employees of the NDDB

(ii) of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force.

(iii) of any institution intended for the welfare of the employees.

(4) No officer shall accept any fee or any pecuniary advantage for any work done by him for any public body or for any private person without the previous sanction of the Chairman or a Managing Director.

(5) No officer shall work for any other organisation or accept remuneration in respect thereof without the previous sanction of the Chairman and the Chairman shall give such sanction only in exceptional circumstances and where he is satisfied that the work can be undertaken by the officer without detriment to his official duties or responsibilities, and such sanction may include a stipulation that the fees received by the officer for the work shall be paid, in whole, or in part, to the NDDB.

20. Prohibition of application for outside employment and pursuing of further studies

(1) No officer shall accept, solicit or seek any outside employment or office, whether stipendary or honorary, without the previous sanction of the Competent Authority.

(2) Application for fellowships or scholarships, to be made to any foreign authority or to any authority within the country, will fall within the scope of sub-regulation (1) and shall not therefore be made without the prior permission as aforesaid.

21. Employment of near relatives of officers

(1) No person related, whether by blood or marriage to an officer or to the wife or the husband, as the case may be, of the officer shall be employed with the NDDB except with the previous sanction of the Chairman or a Managing Director authorised in this behalf.

(2) No officer shall use his position or influence directly or indirectly to secure employment in the NDDB or in any organisation enjoying the patronage of the NDDB for any person related, whether by blood or marriage to the officer or to the officer's wife or husband, whether such a person is dependent on the officer or not.

(3) Every officer shall be bound to intimate the Competent Authority if his son, daughter or any member of the family accepts employment with any organisation with which he has official dealings, or with any organisation having official dealings with the NDDB and where any such intimation is received the Competent Authority may call for such particulars in relation to the employment as it may deem fit and the officer concerned shall be bound to furnish the same.

22. Officers not to be absent from duty without permission or be late in attendance

(1) An officer shall not absent himself from duty without having obtained the permission of the Competent Authority.

(2) An officer who absents himself from duty without leave or overstays his leave shall not ordinarily be entitled to draw pay and allowances during such absence or overstayal.

(3) No officer shall (unless otherwise authorised by the Competent Authority) leave the station where he is posted without obtaining previous permission of his immediate superior officer.

(4) No officer shall be late in reporting for duty or overstay the recess period or leave before time, without obtaining previous permission of the immediate superior, and in any such case, the Competent Authority may at its discretion treat the officer as absent from duty for half a day or one day, as he may deem appropriate in respect of every such event.

(5) Any officer who, after reporting for duty, is found absent from his place of duty during the working hours without the permission from the immediate superior, may be treated as unauthorisedly absent for a day and be denied the pay for the day of such unauothrised absence, [and this shall be without prejudice to any disciplinary action that may be taken in that behalf].

23. Gifts

(1) An officer of the NDDB may accept gifts from his near relatives 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, but he shall make a report to the Competent Authority if the value of any such gift exceeds rupees five thousand.

(2) On occasions as are specified in sub-regulation (1), an officer of the NDDB may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the Competent Authority if the value of any such gift exceeds rupees one thousand.

(3) In any case not falling under sub-regulation (1) and (2), an officer of the NDDB shall not accept or permit any other member of his family, or any other person acting on his behalf, to accept any gift without the sanction of the Competent Authority if the value thereof exceeds rupees five thousand:

Provided that when more than one gift has been received from the same person or organisation within a period of twelve months, the matter shall be reported to the Competent Authority if the aggregate value of the gifts exceeds rupees five thousand.

(4) Save as otherwise provided in these regulations, no officer of the NDDB shall accept or permit any member of his family or any other person acting on his behalf to accept any gift from any person or organisation having official dealings with the NDDB.

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.

(5) Every officer of the NDDB shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.

24. Investment, lending and borrowing

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

25. Insolvency and habitual indebtedness

(1) An officer of the NDDB shall avoid habitual indebtedness unless he establishes to the satisfaction of the Competent Authority that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagence or dissipation.

(2) An officer of the NDDB who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to the Competent Authority.

26. Movable, immovable and valuable property

(1) No officer shall, except with the previous sanction of the Managing Director, enter into any transaction concerning any immovable or movable property with any person or organisation having official dealings with the officer or his subordinate.

(2) An officer on his first appointment to the NDDB shall submit a return of assets and liabilities in the prescribed form giving the particulars regarding —

(a) the movable property inherited by him, or owned or acquired by him, 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 any such property exceeds Rs. 10,000/-; and

(d) debts and other liabilities incurred by him directly or indirectly.

(3) Every officer shall, whenever called upon to do so submit a return of immovable property inherited, owned or acquired:

Provided that it shall be obligatory on the part of every officer of or above the rank of a Deputy Manager, to submit such return as soon as may be, after the commencement of these regulations or after his appointment, as the case may be, and thereafter at the end of every three years from the filing of the first return.

27. Property statements

(1) The Competent Authority may, at any time, by general or special order require an officer 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 a member of his family as may be specified in the order.

(2) The statement required to be submitted under sub-regulation (1), shall include the details of the means by which or the source from which, such property was acquired.

28. Bigamous marriage

(1) No officer shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No officer, having a spouse living shall enter into or contract, a marriage with any person.

29. Prohibition of giving or taking dowry

No officer of the NDDB shall —

(1) 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 bride-groom, as the case may be, any dowry.

Explanation:

For the purpose of this rule "dowry" shall have the same meaning as it has in the Dowry Prohibition Act, 1961 (28 of 1961), for the time being in force.

30. Consumption of intoxicating drinks and drugs

Every officer of the NDDB shall 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, and he shall —

(a) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

(b) refrain from consuming any intoxicating drink or drug in a public place;

(c) not appear in a public place in a state of intoxication;

(d) not use any intoxicating drink or drug to excess.

Explanation:

For the purposes of this rule, 'public place' means any place or premises (excluding clubs, exclusively meant for members where it is permissible for the member to invite non-members as guests) bar and restaurants, to which the public have or are permitted to have access, whether on payment or otherwise.

31. Misconduct

Without prejudice to the generality of the term "Misconduct", the following acts of omissions and commissions shall be treated as Misconduct, namely —

(1) insubordination or disobedience of superior, whether alone or in combination with others or instigation or any such act;

(2) striking work either singly or with other officers and employees in contravention of these regulations or any other law for the time being in force, or inciting any officer or other employee to strike work.

(3) theft, fraud or dishonesty or wilful damage, or causing loss in connection with the business activity or of goods or property of the NDDB or Managed Unit or Subsidiary Company or subsidiary Unit or any other organisation of NDDB or Project;

(4) taking or giving bribe or any type of illegal gratification whatsoever or accepting of valuable presents, or borrowing of money from a subordinate or any other person having dealings with NDDB or related organisation or Managed Units or Subsidiary Company or subsidiary Units or Projects;

(5) having by himself or on his behalf by another person pecuniary resources or property disproportionate to the known sources of income of the officer, which he cannot satisfactorily account for;

(6) absence without leave or overstaying the sanctioned leave without obtaining permission from or condonation by the Competent Authority;

(7) habitual late attendance;

(8) collection or canvassing for collection of any money within the premises of the NDDB for any purpose not approved by the Management;

(9) drunkenness or riotous or disorderly or indecent behaviour while in the premises of NDDB, or outside such premises where such behaviour is related to or connected with the employment;

(10) commission of any act which amounts to criminal offence including offence of moral turpitude;

(11) distribution or display within any of the premises of the NDDB, of any newspapers, hand bills, pamphlets, placards, banners, unauthorised badges in writing or pasting slogans or other abusive words on the walls or elsewhere in the premises of the NDDB;

(12) engaging in any private work or trade (with or without materials) whether from within or outside the premises of NDDB or engaging in any other employment, trade, profession, calling (whether for profit or not) while still in the service of the National Dairy Development Board;

(13) neglect of work or negligence in the performance of duties;

(14) attending or holding meetings inside the premises of the NDDB without authorisation;

(15) failure to observe safety instructions, interference or tampering with or removal of properties of NDDB;

(16) sleeping while on duty;

(17) use of insulting or abusive language, assault or threat of an assault, intimidation or coercion within the precincts of the NDDB against any officer, employee or any other person authorised to work in the NDDB and any such act outside the premises if it directly affects the discipline of the NDDB;

(18) disclosure by an officer to any unauthorised person any information regarding the working of process or business of the NDDB which comes into his possession or his notice during the course of his employment in the NDDB;

(19) interference with work of any other officer or other employee or person in a manner prejudicial to the interests of the NDDB;

(20) gambling within the premises of the NDDB;

(21) the sale or canvassing the sale of tickets or chances in lottery or raffles within the premises of the NDDB;

(22) deliberate delaying of production or process or of the carrying out of orders;

(23) soliciting or seeking any outside employment or office, scholarship, travel grants, fellowships (whether stipendary or honorary), without the previous sanction of the Competent Authority;

(24) engaging in trade, including money lending or borrowing, within the premises of the NDDB;

(25) unauthorised possession of any lethal weapon in the premises of the NDDB;

(26) allowing an unauthorised person to operate any machine, apparatus or vehicle of NDDB or operating the same unauthorisedly;

(27) refusal to accept or take notice of any charge-sheet, order or any other communication served either in person or in due course by post or by notification on the notice board of NDDB;

(28) conviction by a court of law for any criminal offence including offence involving moral turpitude;

(29) deliberately making a false statement before a superior;

(30) proxy registering of attendance or abetting in the act of registering attendance by any other officer or employee;

(31) picketing or demonstrating within the premises of the NDDB or its approaches;

(32) falsification of records or defalcation or the forging of the signature of any person;

(33) impersonation;

(34) indulging in political activity during working hours within the premises of NDDB or in any other manner violating the provisions of the regulations by being a political worker or otherwise;

(35) furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or when physical fitness examination record is made;

(36) failure to return of cash or property of the NDDB on or before the stipulated period;

(37) failure to attend to work on Sundays or holidays when required to do so;

(38) falsifying or refusing to give testimony when an incident or other matter is being investigated;

(39) wilful neglect or failure to report occurrences or incidents likely to endanger life or property in the premises of NDDB;

(40) using or commercialisation of any invention, discovery or patent invented, discovered or patented, as the case may be, by him or by any other employee, in the course of employment in the NDDB, to the benefit of himself, or of any other person, firm or corporation;

(41) any act of bad faith against NDDB or any act which is prejudicial to NDDB;

(42) absence from appointed place of work without permission or without sufficient cause;

(43) commission of any act subversive to discipline or good behaviour;

(44) organizing agitations or participating in agitations, using abusive, slanderous or indecent language against the management of the NDDB or against any official or other employee or group of officials or other employees of NDDB;

(45) unauthorised use of housing quarters, land or other property of the NDDB;

(46) soliciting or collecting contributions, funds for any purpose whatsoever at any time from within the premises of the NDDB without prior permission of the Competent Authority;

(47) canvassing for a political party or union membership within the premises of the NDDB;

(48) refusal to accept transfer from one department, group, place or post to another, or failure to comply with any transfer order issued by the Competent Authority;

(49) writing anonymous letters criticising any officer or other employee (or generally the superiors) of the NDDB or making false report against them;

(50) spreading false rumours or giving false information likely to bring disrepute to the NDDB;

(51) failure or refusal to make a declaration of fidelity or secrecy;

(52) failure to wear uniform while on duty, if provided by the NDDB, and wearing of the uniforms while not on duty; or

(53) abetment of or incitement to commit any act of misconduct.

(54) In any manner violating any of the provisions of these regulations or any order or directions made in accordance therewith.

(55) slowing down of work or abetment or instigation thereof, or inciting, abating or aiding illegal work, stoppage either alone or in combination with any other employee;

(56) taking leave on false ground;

(57) taking or copying for personal use, notes, drawings, sketches, photographs or other information or/from official papers.

Note:

In this regulation, "habitual", means commission of any act on three or more occasions in a period of three consecutive months or six times in a period of twelve preceding months from the last omission or commission.

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32. Suspension

(1) The Appointing Authority or any other Competent Authority may place an officer under suspension —

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

(b) where a case against him in respect of any criminal offence is under investigation or trial; or

(c) in the opinion of such Authority the employee is engaged in any activity which is prejudicial to the public order or the interest or security of the State.

(2) Every officer 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 the Appointing Authority or any other Competent Authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer under suspension is set aside on appeal or review under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where any order imposing a penalty of dismissal, removal or compulsory retirement made against an officer, is set aside or declared or rendered void in con-

sequence of or by a decision of a court of law, and the Disciplinary Authority, on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer shall be deemed to have been placed under suspension by the Appointing 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) Every order of suspension made or deemed to have been made under this regulation may at any time be revoked by the Authority which has made or is deemed to have made the order or by any Authority to which the Authority is subordinate.

33. Subsistence Allowance

(1) Every officer under suspension, shall, during the period of suspension, be paid the subsistence allowance at the following rates, namely —

(a) where the enquiry contemplated or pending is departmental, the subsistence allowance shall for the first ninety days from the date of suspension be equal to one half of the basic salary, dearness allowance and other compensatory allowances to which an officer would have been entitled if he were on leave with pay;

(b) if it is a case of departmental enquiry and the same gets prolonged with the officer continuing to be under suspension for the period exceeding ninety days, the subsistence allowance shall for such period of excess be equal to three-fourth of such basic pay, dearness allowance and other compensatory allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the officer, the subsistence allowance shall for the period in excess of ninety days be reduced to one-fourth of the basic pay, dearness allowance and other compensatory allowances.

(2) Every officer under suspension, in a case where the enquiry is by an outside agency or where criminal proceedings are under investigation or trial, shall be entitled to, for the first one hundred and eighty days from the date of suspension, subsistence allowance equal to one-half of his basic pay, dearness allowance and other compensatory allowances to which the officer would have been entitled if he were on leave, and if such enquiry or criminal proceedings get prolonged with the officer continuing to be under suspension, the subsistence allowance for the period of such excess shall be equal to three-fourth of the basic pay, dearness allowance and other compensatory allowances:

Provided that where such enquiry or criminal proceedings get prolonged beyond the period of one hundred and eighty days, for reasons directly attributable to the officer, the subsistence allowance shall be reduced to one-fourth of such basic pay, dearness allowance and other compensatory allowances.

(3) If an officer is arrested by the police on a criminal charge and bail is not granted no subsistence allowance is payable:

Provided that on grant of bail later, if the Competent Authority decides to continue the suspension, the officer shall be entitled to subsistence allowance from the date of the granting of bail.

(4) The payment of subsistence allowance under these regulations is subject to a written declaration by the officer concerned that he is/was not engaged in other

employment, business, profession or vocation during the period of suspension and the payment of the subsistence allowance shall be subject to the officer concerned not taking any employment during the period of suspension.

34. Treatment of the period of suspension

(1) When the suspension of an officer is held to be unjustified or not wholly justified, or when an employee who has been dismissed, removed or suspended is reinstated, by the Disciplinary, Appellate or Reviewing Authority, as the case may be, whose decision shall be final, such Authority may grant to him for the period of his absence from duty—

(a) if he is honourably acquitted, the full pay and allowance to which he would have been entitled to if he had not been dismissed, removed or suspended less the subsistence allowance granted;

(b) in any other case, such proportion of pay and allowance as the Disciplinary, Appellate or Reviewing Authority may specify.

(2) In a case falling under clause (a) of sub-regulation (1), the period of absence from duty will be treated as period spent on duty, and in a case falling under clause (b), the period of absence will not be treated as a period spent on duty unless the Disciplinary, Appellate or Reviewing Authority, as the case may be, whose decision shall be final, so directs.

35. Penalties

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

(1) *Minor penalties*

(a) censure;

(b) fine;

(c) withholding of increments of pay with or without cumulative effect;

(d) withholding of promotion;

(e) recovery from the pay or from any other amount due to an officer of the whole or part of any pecuniary loss caused to NDDB by his breach of any order or due to negligence or otherwise.

(2) *Major penalties*

(a) reduction to lower service or post, or to a lower pay scale, or to a lower stage in a pay scale;

(b) compulsory retirement;

(c) removal from service;

(d) dismissal.

Explanation

The following shall not amount to penalty within the meaning of this regulation, namely:

(i) stoppage of an officer at the efficiency bar in a time scale where he is not given positive certificate of efficiency;

(ii) non-promotion, whether in an officiating capacity or otherwise, of an officer, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;

(iii) reversion to a lower grade or post, of an officer 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;

(iv) reversion to his previous grade or post, of an officer 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;

(v) compulsory retirement, withholding of Leave Travel Concession and any other action taken in accordance with the provisions of NDDB Officers (Appointment, Pay and Allowances) regulations 1988;

(vi) termination of service —

(a) of an officer appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment;

(b) of an officer appointed in a temporary capacity otherwise than under a contract of 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 appointed under a contract or agreement in accordance with the terms of such contract or agreement, or on violation of any of the terms thereof;

(d) of any officer on reduction of establishment or consequent on redundancy;

(e) of any officer on loss of lien;

(f) on continued ill-health of the officer or where he is found medically incapacitated or otherwise medically unfit in accordance with these regulations.

(vii) absence without justification and consequences thereof as provided in regulation 9 and 22 of NDDB Officers (Conduct, Discipline and Appeal) Regulations, 1988.

36. Disciplinary Authority

The Disciplinary Authority, which shall be the Appointing Authority or any Authority higher than it, may impose any of the penalties on the officer as specified in regulation 35.

37. Procedure for imposing minor penalties

(1) Where it is proposed to impose any of the minor penalties specified in clause (1) of regulation 35, the officer concerned shall be informed in writing of the allegations and the charges of misconduct or misbehaviour against him and where his past service is also relied upon a copy of his past service record as well be given an opportunity to submit his written statement of defence within the specified period not exceeding fifteen days and the defence statement, if any, submitted by the officer, shall be taken into consideration by the Disciplinary Authority before passing orders.

(2) The record of proceedings shall include —

(a) a copy of the statement of imputations of misconduct or misbehaviour delivered to the officer;

(b) his defence statement, if any; and

(c) the orders of the Disciplinary Authority together with the reasons thereof.

(d) past service record wherever the same is relied upon.

38. Procedure for imposing major penalties

(1) No order imposing any of the major penalties specified in the clause (2) of regulation 35 shall be made except after an enquiry is held in accordance with this regulation.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for enquiring into the truth of any allegations and charges of misconduct or misbehaviour against an officer, it may itself enquire into or appoint any other person as it deems fit (hereinafter called the Enquiring Authority) to enquire into the truth thereof.

(3) A chargesheet stating the allegations and charges shall be given to the officer concerned and shall be given an opportunity to explain in writing within the period specified. If no explanation or reply is received from the officer concerned within the specified period, it shall be presumed that employee has accepted the charges.

(4) If the allegations of the charges are denied by the officer, the enquiry may be held by the Disciplinary Authority itself, or by any other person appointed as the Enquiring Authority.

(5) On receipt of the written statement of the officer, 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 person appointed as an Enquiring Authority under sub-regulation (2):

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

(6) Where the Disciplinary Authority itself enquires or appoints an Enquiring Authority for holding an enquiry it may, by an order, appoint a person to be known as the "Presenting Officer" to present the case in support of the charges.

(7) The officer may take the assistance of any other officer (who is not a co-officer or who has not on hand any other disciplinary proceeding or against whom there is no other disciplinary proceeding or criminal proceedings) working in the same department or the regional office in the same town as the case may be, but may not engage a legal practitioner for the purpose.

(8) On the date fixed by the Enquiring Authority, the officer shall appear before that Authority at the time, place and date specified in the notice, when the Enquiring Authority shall ask the officer whether he pleads guilty or has any defence to make and if he pleads guilty to any of the charges, the Enquiring Authority shall record the plea, sign the record and obtain the signature of the concerned thereon and return a finding of guilt in respect of those charges to which the officer concerned pleads guilty.

(9) If the officer does not plead guilty, the Enquiring Authority shall adjourn the case to a later date not exceeding fifteen days.

(10) The officer shall, while submitting a list of documents or witnesses, explain in writing the relevance of the same and, if the Enquiring Authority is satisfied that the documents or witnesses are not relevant to the charges under enquiry, the Enquiring Authority shall not permit the production of documents or examination of the witnesses. The Enquiring Authority will briefly report his reasons for disallowing the production of documents or examination of witnesses.

(11) The production of documents which will be against the public interest or the interest of the institution shall not be permitted.

(12) (a) On the date fixed for the enquiry, the oral and documentary evidence by which the charge is sought to be proved shall be produced by or on behalf of the Disciplinary Authority and the witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the officer.

(b) The Presenting Officer shall be entitled to re-examine the witness on any points on which they have been cross-examined, but not on a new matter, without the leave of the Enquiring Authority.

(c) The Enquiring Authority may also put such questions to the witnesses as it thinks fit.

(13) The Enquiring Authority may, at 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 and in every such case the officer shall be given opportunity to inspect the documentary evidence, if any, before it is taken on record, or as the case may be, to cross-examine the witness, who has been so summoned.

(14) (a) When the Disciplinary Authority has presented the evidence, the officer may be required to state his defence, orally.

(b) The defence made orally shall be recorded and the officer shall be required to sign the record.

(c) A copy of the statement of defence filed or recorded shall be given to the Presenting Officer, if any, appointed.

(15) (a) The evidence on behalf of the officer shall then be produced and in doing so, the officer may examine himself in his own behalf if he so prefers.

(b) The witnesses, if any, produced by the officer shall then be examined and shall be liable to cross-examination, re-examination and examination by the Enquiring Authority in the same manner as applicable in relation to the witnesses for the Disciplinary Authority.

(16) The Enquiring Authority may, after the officer closes his case, and shall, if the officer has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the officer to offer his explanation on any such circumstance appearing in the evidence against him.

(17) The Enquiring Authority may, after completion of the 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.

(18) If the officer does not submit the written statement of defence referred to in sub-regulation (4) on or before date specified for the purpose or does not appear in person, or otherwise fails or refuses to comply with any of the provisions of the regulations, the Enquiring Authority may hold the enquiry *ex-parte*.

(19) Whenever any Enquiring Authority, after having heard and recorded the whole or any part of the evidence in an enquiry 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 his predecessor and partly by itself:

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

(20) After the conclusion of the enquiry, a report shall be prepared and submitted to the Disciplinary Authority.

(21) The Disciplinary Authority or the Enquiring Authority as the case may be shall complete the proceedings, as far as may be, within three months from the date of issue of the chargesheet.

39. Action on the enquiry report

(1) The Disciplinary Authority having regard to the findings on all or any of the charges and the past service record, after giving the concerned employee a reasonable opportunity of making representation on the penalty proposed, make an order imposing penalty.

(2) If the Disciplinary Authority, having regard to its findings on all or any of the charges, is of the opinion that the same has not been made out, it may pass an order exonerating the officer concerned.

(3) The Disciplinary Authority, shall if it disagrees with the findings of the Enquiring Authority on any of the charges, record its reasons for such disagreement and record its own findings on such charge, to the effect that the evidence on record is sufficient for the purpose, and make an order imposing any minor penalty and if the same is not felt adequate under the circumstances, proceed under sub-regulation (4).

(4) The Disciplinary Authority, if it is not itself the Enquiring Authority may, for reasons to be recorded in writing, remit the case to the Enquiring Authority for fresh or further enquiry and report thereon, and the Enquiring Authority shall thereupon proceed to hold further enquiry, as far as may be, according to regulation 38.

40. Communication of orders

Every order made by the Disciplinary Authority after enquiring under regulation 37 or regulation 38 shall be communicated to the officer concerned, who shall also be supplied with a copy of the report of enquiry, if any.

41. Common Proceedings

Where two or more officers or an officer and other employees together are involved in any case of misconduct, the Authority competent to impose a major penalty on all such persons, may make an order directing that the disciplinary proceedings against all

of them may be taken in common proceedings and that Authority may function as the Disciplinary Authority for the purpose of such common proceeding.

42. Special procedure in certain cases

Notwithstanding anything contained in this Chapter, the Disciplinary Authority may impose any of the penalties specified in regulation 35 (2) in any of the following circumstances:

(i) on the strength of facts or conclusions arrived at after a judicial trial or where the officer has been convicted on a criminal charge; or

(ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these regulations; or

(iii) where in the interest of the security of the National Dairy Development Board or the State, it is not expedient to continue the officer in the service.

43. Officers on deputation from the Central Government or the State Government, Co-operatives, etc.

(1) Where an order of suspension is made or a disciplinary proceeding is taken against an officer who is a Government servant on deputation to the NDDB or an officer who is on deputation from any public sector undertaking, or a Co-operative Union or Federation, the Authority lending his services (hereinafter referred to as "Controlling 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 proceedings taken against the officer, 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 may deem fit, after consultation with the Controlling Authority.

(3) Where an officer submits an appeal against an order imposing a minor penalty on him under these regulations, it will be disposed of after consultation with the Controlling Authority.

(4) In all cases where 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 Controlling Authority and transmit to it the proceedings of the enquiry for such action as it may deem fit.

(5) In case there is a difference of opinion between the NDDB and the Controlling Authority, the services of the officer shall be placed at the disposal of the Controlling Authority, and the proceedings of the case shall be transmitted to that Authority for such action as it may deem fit.

44. Appeal

(1) An appeal over any decision of the Disciplinary Authority, imposing penalty, under regulation 37 or 38 or regulation 42 may be made to the Chairman and if the decision is that of the Chairman, to the Board.

(2) Every appeal shall be preferred within one month from the date of communication of the order appealed against and shall be addressed to the Appellate Authority and submitted to the Authority whose order is appealed against.

(3) The Authority whose order is appealed against shall forward the appeal, together with its comments and the records of the case, to the Appellate Authority within fifteen days of receipt of the appeal.

(4) The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders, within ninety days of the date of appeal, 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.

(5) Where the Appellate Authority proposes to impose a major penalty specified in regulation 35(2).

(a) in case an enquiry as provided in regulation 35(2) has not already been held, the Appellate Authority shall direct that such enquiry be held and after considering the record of enquiry pass such orders as it may deem proper.

(b) in case an enquiry as provided in regulation 35(2) has already been held, the Appellate Authority shall give a show cause notice to the officer as to why the enhanced penalty should not be imposed on him, and pass a final order after taking into consideration the representation, if any submitted by the officer.

(6) Notwithstanding anything contained in this regulation, for the period for which the Board has not been constituted in accordance with section 8 of the Act, the orders made by the Chairman shall be final.

45. Review

Notwithstanding anything contained in these regulations, the Board may, on its own motion or otherwise, call for the records of any case relating to disciplinary proceedings within one hundred and eighty days of the date on which the final order is made, and

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

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;

(c) remit the case to the Authority which made the order or to any other Authority directing such further action or enquiry as it considers proper in the circumstances of the case; or

(d) pass such other order as it may deem fit:

Provided that in every case where the Board proposes to enhance the penalty, and such enhanced penalty is a major penalty specified in regulation 35(2).

(i) in a case where the enquiry as provided in the regulation has not been held, the Board shall direct that such enquiry be held, and after considering the record of the enquiry, pass such orders as it may deem proper;

(ii) in a case where the enquiry has already been held in accordance with the provisions of regulation 37, the Board shall give show cause notice to the officer as to why the enhanced penalty should not be imposed upon him, and pass orders after considering the representation, if any, submitted by the officer.

46. Effect of criminal proceedings

(1) For the removal of doubts it is hereby declared that the pendency of any criminal proceedings, by way of investigation or otherwise, against an officer in relation to any conduct, shall not be a bar to the commencement or continuation of disciplinary action against the officer even in respect of that conduct.

(2) Notwithstanding anything contained in these regulations, where an officer is convicted of a criminal offence involving moral turpitude or where the conviction results in imprisonment of the officer, his services may be terminated by the competent Authority on that very ground.

(3) Every officer who is involved or charged with criminal offence, and as a result thereof has to be absent from duty, shall not be entitled to pay and allowances for the period of such absence.

47. Services of order, notice, etc.

(1) An officer shall be deemed to have been given proper written notice by the NDDB, if given in any of the following manners:

(i) by handing to him written communication anywhere on the NDDB premises;

(ii) by sending the communication to him by registered post on the last known address in NDDB's records.

(2) An acknowledgement of receipt from the last known address of the registered post with acknowledgement will be considered as sufficient and personal service of a communication for the purpose of these regulations.

(3) Where any communication is required to be served on an officer it shall be sufficient service, in the case of refusal by the officer to accept the same, if he is told verbally the substance of the matter in presence of any two persons, other than the person serving the communication and if such communication relates to an enquiry and the officer so intimated fails to be present, the enquiry may be concluded *ex-parte*.

48. 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.

49. Interpretation regarding common proceedings

Where common proceedings have been held under this Chapter, in relation to any officer and other employee, the provisions thereof shall mutatis mutandis apply as if for the word "officer" the words "officer or other employees" has been substituted.

50. Repeal and Savings

(1) Save as provided herein, every rule, regulation or order or any matter applicable to the officers as defined in these regulations shall cease to be inforce in respect of matters included herein.

(2) Any act or omission which, before the commencement of these regulations, was a Misconduct under the provisions which have ceased to have effect by virtue of sub-regulation (1) shall be deemed to be a Misconduct under these regulations and action may be taken in respect thereof.

(3) Every departmental proceeding commenced or initiated by the Management or appeal by an officer which is pending at the commencement of these regulations, shall be proceeded with and orders passed thereon in accordance with these regulations and the disciplinary, enquiry or appellate authorities shall be deemed to have been appointed under these regulations.

(4) Nothing in these regulations shall be construed as depriving any officer to whom these regulations apply, of any right of appeal which has accrued to him under any provision which has ceased to be in force by virtue of these regulations and he may appeal in respect thereof in accordance with the provisions contained in these regulations.

(5) Nothing contained in these regulations shall be deemed to affect—

(a) the powers of the Board to make any order or to determine any matter or to give any directions or to take any action in exercise of powers conferred on it by or under the National Dairy Development Board Act, 1987 (37 of 1987) and in particular those contained in Chapter V read with clause (k) of section 3 thereof;

(b) the powers of the Board to alter the terms and conditions applicable to any officer as envisaged in the provisions of the said Act;

(c) the powers of the Chairman under section 40 of the said Act until the constitution of the Board.

(6) In relation to sub-regulation (4), the Board may adopt separate standards, make separate orders or give separate directions in respect of different class or category of officers.

(7) On every matter on which the Board is required to issue any order or make any direction specifying or determining a particular subject under these regulations, every rule or order or direction or instruction as it existed immediately before the commencement of these regulations, and applicable to the concerned officer on any subject, shall mutatis mutandis continue to apply and be in force until a corresponding order is made or action taken or decision made by the Board or by the Chairman, as the case may be.

(8) The provisions of sub-regulation (7) shall equally apply in relation to every matter on which corresponding rules or regulations have not been made under these regulations, or orders, directions or guidelines have not been issued, or on which necessary particulars covering them have been left to be made by the Board or by the Chairman.

(9) For the removal of doubts it is hereby declared that nothing in these regulations shall be deemed to affect the continuance in force of the rules, regulations and orders (including all those relating to conditions of service of officers) applicable to the officers of subsidiary Unit, Pilot Project or Subsidiary Company until the Board or, as the case may be, the Concerned Authority of the respective organisation, otherwise decides.

51. Relaxation under special circumstances

The Chairman may, where he is satisfied that the application of any regulation would cause undue hardship, having regard to the circumstances of any particular case, by order, exempt any officer or class of officers from the application of any particular regulation or direct that the regulation shall apply in such modified forms as he may determine.

52. Interpretation

(1) In case of any divergence between the Hindi version of these regulations and the English version hereof, the provision in the English text shall prevail.

(2) If any question of interpretation or doubt arises in relation to these regulations, the matter shall be referred to the Chairman whose decision thereon shall be final and binding.

(V. KURIEN)
CHAIRMAN
NATIONAL DAIRY DEVELOPMENT BOARD

7.3.1988

IndiaCode

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