MINISTRY OF CIVIL AVIATION

(Airports Authority of India)

NOTIFICATION

New Delhi, the 9th May, 2003

S.O.521(E).--. In exercise of the powers conferred by sub-section (1) read with clause (b) of sub section (2) of section 42 of the Airports Authority of India Act, 1994 (55 of 1994), the Airports Authority of India, with the approval of the Central Government, hereby makes following regulations, namely:

1. Short title & commencement.- (1) These regulations may be called the **Airports Authority of India Employees (Conduct, Discipline and Appeal) Regulations, 2003.**

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

2. Application.– (a) These Regulations shall apply to all the employees of the Authority, but shall not apply to -

(i) those persons who are in casual employment or paid from contingencies; and
(ii) those persons whose terms and conditions of service are governed by the Standing Orders certified under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

India Code

3. Definitions.- (1) In these regulations, unless the context otherwise requires:-

(a) "appellate authority" in relation to any post, means the authority specified in column (4) of the Schedule;
(b) "Member" means the member of the Authority as referred to in sub-section (c) of section 3 of the Airports Authority of India Act or any other person authorised to perform the functions of the post of Member;
(c) "Competent Authority" means the authority empowered by the Airports Authority of India by general or special order to discharge the functions and/or exercise the powers of competent authority under these regulations;
(d) "Disciplinary Authority" means the authority specified in the Schedule and competent to impose any of the penalties specified in regulation 27;
(e) "Employee" means a person in employment of the Authority other than casual, work-charged or contingent staff;
(f) "Government" means the Central Government;
(g) "Members of Family" in relation to an employee, includes :-
    (i) the wife or husband, as the case may be, of the employee, whether residing with him or not, but does not include a wife or husband, as the case may be, separated from the employee by a decree of divorce or judicial separation or other order of a competent court;
    (ii) sons or daughters or step-sons or step-daughters of the employee wholly dependent on him/her, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived of by or under any law;
    (iii) any other person related, whether by blood or by marriage, to the employee or to such employee's wife or husband, and wholly dependent on such employee;

(h) "Reviewing Authority" means the authority specified in column (5) of the schedule; and

(i) "Schedule" means the Schedule appended to these regulations;

(2) Words and expression used and not defined in these regulations, but defined in the Act shall have the same meaning respectively assigned to them in the Act.

4. General. – (1) Every employee shall at all times :

(a) maintain absolute integrity;

(b) maintain devotion to duty;

(c) conform to/abide by these and other rules of the Authority and shall observe, comply with the obeyance of lawful orders and directions which may from time to time, be given to him/her in the course of his official duties by any person or persons under whose jurisdiction, superintendence or control he/she is placed and

(d) do nothing which is unbecoming of him/her as an employee of the Authority.

(2) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and supervision.

IntaCode

(3) Every employee shall, at all times, conduct himself soberly and temperately while on official premises and also in public show proper respect and civility to all concerned and shall use his utmost endeavour to promote the interest of the Authority and to maintain and promote the good reputation thereof.

(4) No employee shall, in the performance of his official duties or in the exercise of powers, conferred on him, act otherwise than his best judgement except when he is acting under the direction of his official superior and shall, where he is so acting under such direction, obtain the direction in writing, whenever applicable and where it is not applicable to obtain the directions in writing, he shall obtain in writing confirmation of the direction as soon as thereafter as possible.

5. Misconduct.- Without prejudice to the generality of the expression "misconduct", it includes the following acts of omission and commission which shall be treated as misconduct for the purposes of these regulations, namely:-

(i) theft, fraud or dishonesty in connection with the business or property of the Authority or property of another person within the premises;

(ii) Taking or giving bribes or any illegal gratification or any remuneration to which he is legally not entitled;

(iii) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for;

(iv) Furnishing false information regarding name, date of birth, age, father's name, ability, qualification, or any other matter in relation to the employment at the time of appointment or during the course of employment;

(v) Acting in any manner prejudicial to the interests of the Authority;

(vi) Willful insubordination or disobedience of any lawful and reasonable order of his superior;

(vii) Absence without leave or over-staying the sanctioned leave for more than four consecutive days, without sufficient grounds or satisfactory explanation;

(viii) Habitual late coming or irregular attendance;

(ix) Neglect of work or negligence in the performance of duty including malingering or slowing down of work;
(x) Causing damage to any property of the Authority;
(xi) Interference or tampering with any safety device installed in or about the premises of the Authority;
(xii) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Authority or outside such premises where such behaviour is related to or connected with employment;
(xiii) Gambling within the premises of the Authority;
(xiv) Smoking within the premises of the Authority where it is prohibited;
(xv) Collection, without the permission of the competent authority, of any money, within the premises of the Authority except the sanctioned by any law or rules of the Authority for the time being in force;
(xvi) Sleeping while on duty;
(xvii) Commission of any act which amount to a criminal offence involving moral turpitude;
(xviii) Absence from the employee's appointed place of work without permission or sufficient cause;
(xix) Purchasing from or selling to, the authority properties, machinery, stores or other articles without express permission in writing from the competent authority;
(xx) Participating in an illegal strike or abetting, inciting, instigating or acting in furtherance thereof;
(xxi) Willful damage to works of the authority in progress;
(xxii) Failure to wear a uniform or badge or both wherever an employee is required to wear a uniform or badge while on duty;
(xxiii) Disclosing to any unauthorised person any information in accordance with the working of process of the authority, which comes into the possession of the employee during the course of his work. Spreading rumours or giving false information which may bring disrepute to the authority or its employees or spreading panic among them;
(xxiv) Levelling malicious or false allegations;
(xxv) Occupying or taking possession in an unauthorised manner or refusal to vacate or deliver possession of Authority's quarters or any of its premises, owned or hired when required to do so by Authority;
(xxvi) Refusal to accept a charge-sheet or order or any other communication of management;
(xxvii) Misuse of any advance or non-compliance with the provisions of the rules for grant of any advance/settlement of claims etc;
(xxviii) Violation of the provisions of any of the rules or established practices of the Authority;
(xxix) Subletting of residential quarters to others without express permission from the competent Authority;
(xxx) Deliberate attempt to delay in delivery of cargo with ulterior motives;
(xxxi) Under weighing of cargo with intention/interest to pass undue benefit to passenger/ agent/ third party;
(xxxii) Recycling of terminal entry passes/ tickets etc;
(xxxiii) Unauthorized allotment of retiring rooms, non-realization of room charges, failure to maintain allotment/vacation record;
(xxxiv) Disruption of Air Traffic Service in any manner whatsoever;
(xxxv) Abetment of, or attempt to commit, any act which amounts to misconduct;
(xxxvi) Commission of any act subversive of discipline or of good behavior;
(xxxvii) Sexual harassment of working women

IndiaCode

(a) No employee shall indulge in any act of sexual harassment of any woman at her work place.

(b) Every employee who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – For the purpose of these regulations, "Sexual Harassment" includes such unwelcome sexually determined behaviours whether directly or otherwise, as –

(a) Physical contact and advances;
(b) Demand or request for sexual favours;
(c) Sexually coloured remarks;
(d) Showing any pornography; or
(e) Any other unwelcome physical, verbal or nonverbal conduct of a sexual nature".

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

6. Prohibition against participation in politics and elections.– (1) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Authority or of the Government as by law established, and where an employee is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Authority.

IndiaCode

(2) If any question arises whether any movement, or activity falls within the scope of this regulation, the same shall be referred to the Authority for decision.

(3) No employee shall contest, or take part in an election to the Parliament or to any state legislature or local authority.

Provided that :-

(i) an employee qualified to vote at such election may exercise his franchise but, where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) an employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force; and

(iii) the Chairperson may by writing permit an employee to offer himself as a candidate for election to a local authority and the employee so permitted shall not be deemed to have contravened the provisions of this regulation.

7. Employment of near relatives of the employee in any company or firm enjoying patronage of the Authority.– (1) No employee shall use his official position or influence directly or indirectly to secure employment for any member of his family in any company or firm enjoying patronage of the Authority.

(2) No employee shall except with the previous sanction of the competent authority, permit a member of his family to accept employment with any company or firm with which he has official dealings, or with any other company or firm, having official dealings with the Authority.

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

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

8. Prohibition on taking part in demonstrations.- No employee shall engage himself or participate in any manner in any demonstration which involves incitement to an offence.

9. Connection with Press or Radio or Electronic Media.- (1) No employee shall, except with the previous sanction of the competent authority, own, wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.
(2) No employee shall, except with the previous sanction of the competent Authority or any other Authority specified in this behalf, or in the bonafide discharge of his duties, participate in a Radio or Electronic Media 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;

IndiaCode

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

10. Criticism of Government and the Authority.- No employee shall in any radio or electronic media broadcast or in any article or documents publish in his own name or in the name of any other person or in any communication to the press, or in any public utterances, make any statements :-

(1) which has the effect of an adverse criticism of any policy or action of the Central Government or of a State Government or of the Authority; or

(2) Which is capable of embarrassing the relations between the Authority and the public;

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

Provided further that nothing contained in this regulation shall apply to bonafide expression of views by an employee as an office-bearer of a recognized trade union for the purpose of safeguarding the conditions of service of the employees who are members of such trade union or for securing an improvement in the conditions of service of such employees.

11. Evidence before committee or any other authority.– (1) Save as otherwise provided in sub-regulation (3) no employee shall, except with the previous sanction of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-regulation:-

(a) no employee giving such evidence shall criticize the policy or any action of the Central Government or of a State Government or of the Authority, as the case may be.

(3) Nothing in this regulation shall however apply to:-

(a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or evidence given in any judicial or magisterial enquiry; or

(b) evidence given at any Departmental enquiry ordered by or under the direction of the Government or of the Authority.

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

13. Gift.– (1) Save as otherwise provided in these regulations, no employee shall accept or permit any member of his family or any other person acting on his behalf to accept any gift.

Explanation – For the purpose of this regulation, the expression "gift" shall include free transport, boarding, 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.

IndiaCode

Note - An employee shall avoid acceptance of lavish or frequent hospitality from any individual or company having official dealings with him or with the Authority.

(2) On occasions such as weddings, anniversaries, funerals, or religious functions, when the making of gifts is in conformity with the prevailing religious or social custom or practice, an employee may accept gifts from his near relative but he shall make a report to the competent authority if the value of any such gift exceeds five thousand rupees.

(3) On occasions as are specified in sub-regulation (2) an employee may accept gifts from his personal friends having no official dealings with him, but shall make a report to the competent authority if the value of any such gift exceeds five thousand rupees.

(4) In any other case, an employee shall not accept or permit any member of his family or any other person acting on his behalf to accept any other gift without the sanction of the competent authority if the value thereof exceeds one thousand rupees.

Provided that when more than one gift has been received from the same person within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds one thousand rupees.

14. Dowry.– No employee shall :-

(1) give or take or abet the giving or taking of dowry; or
(2) demand directly or indirectly from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation - For the purposes of this regulation, 'dowry' has the same meaning as assigned to it in the Dowry Prohibition Act, 1961 (28 of 1961).

Clarification – An employee connected with a "Dowry Death" case in the following circumstances shall be placed under suspension forthwith by invoking the provision of Rule 23(1) and (2) given below:-

(a) If an employee is connected with the registration of the Police case under Sec 304B of IPC viz. involvement in case of "dowry death", he shall be placed under suspension immediately irrespective of the period of detention.

(b) If he is not arrested by the Police in "dowry death" case, he shall be placed under suspension on submission of a Police report under sub-section (2) of section 173 of the Code of Criminal Procedure, 1973 to the Magistrate, if the report prima facie indicates that the offence has been committed by the employee.

Explanation -For the purpose of this regulation "dowry death" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

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

Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

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

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

Provided that an employee takes part in the registration, promotion or management of ;–

(i) a literary, scientific or charitable society or club registered under the Societies Registration Act 1860 (21 of 1860) or a company or similar organization registered under the Companies Act, 1956 (1 of 1956), or under any other law for the time being in force, the aims and objects of which relate to the promotion of sports, cultural or recreational activities; or

(ii) a co-operative society, substantially for the benefit of the employees, registered under the Cooperative Societies Act, 1912 (2 of 1912) or any other law for the time being in force.

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

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

17. Insolvency and habitual indebtedness.- (1) An employee shall avoid habitual indebtedness or insolvency unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.

(2) An employee who applied to be, or is adjudged or declared insolvent shall forthwith report the fact to the competent Authority.

18. Movable, immovable and valuable property.- (1) No employee shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.

IndiaCode

(2) No employee shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a company having official dealings with the employee or his subordinate.

(3) Every employee shall report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds fifteen thousand rupees.

(4) Sale and purchase of shares and debentures etc. - Intimation may be sent in the proforma enclosed in the following cases;

(a) Group A and B employees.– If the total transactions in shares, securities, debentures or mutual funds schemes etc. exceeds Rupees Fifty thousand during the calendar year.

(b) Group C and D employees.- if the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rupees Twenty Five Thousand only during the calendar year.

(5) Every employee shall, in the month of January each year submit a return of immovable or movable property inherited, owned or acquired by him the preceding year.

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

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

For the purpose of this sub-regulation, movable property includes:-

(a) jewellery, insurance policy the annual premium of which exceeds Rupees Ten Thousand or one-sixth of the total annual emoluments received from the Authority, whichever is less, shares, securities and debentures;

(b) loans advanced by such employee whether secured or not;

(c) motor cars, motor cycles, scooters, horses or any other means of conveyance; and

(d) refrigerators, radios (radiograms, television sets, Video Cassette Player, music system, computer etc.).

Explanation No. 2 - Transaction entered into by the spouse or any other member of the family of an employee of the Authority out of his or her own funds (including stridhan, gifts, inheritance, etc) as distinct from the funds of the employee of the Authority himself/herself, in his or her own right, would not attract the provisions of the above sub-regulations.

19. Canvassing of non-official or other influence.– No employee shall bring an attempt to bring any outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the authority.

20. Bigamous marriage.– No employee shall, -

(a) enter into, or contract, a marriage with a person having a spouse living; or

(b) having a spouse living, enter into, or contract, a marriage with any person; and

(c) an Airports Authority of India employee who has married or marries a person other than that of Indian Nationality, shall forthwith intimate the fact to the Authority.

Provided that the Authority may permit any employee to enter into contract any marriage referred to in clause (a) or (b) if it is satisfied that :-

(i) such marriage is permissible under personal law applicable to such employee and the other party to the marriage; and
(ii) There are other grounds for doing so.

21. Consumption of intoxicating drinks and drugs.– (1) An employee 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.

(2) But 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;

IndiaCode

Explanation - For the purposes of this regulation "Public Place" means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

22. Assistance to the police, customs authorities etc. - Every employee, if so directed by his superior officer, shall give all reasonable assistance to the police, customs or such other authorities of the Government and the security staff of the Authority in the performance of their duties.

23. Suspension.– (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Chairperson by general or special order may place an employee 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.

(2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority and shall remain under suspension until further orders.

IndiaCode

(3) Where a penalty of dismissal or removal from service or compulsory retirement imposed upon an 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 other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal from service or compulsory retirement imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the 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) An order of suspension made or deemed to have been made under this regulation may, at any time, be revoked by the authority which made, or is deemed to have made, the order or by any authority to which that authority is subordinate.

(6) The order of suspension should specify the headquarters of the employee during the period when the order will be in force.

(7) If an employee under suspension requests for change of headquarters, the competent authority may take appropriate decision taking into consideration the additional expenditure that may involve as well as difficulties in investigation or in processing departmental proceedings. The employee under suspension is subjected to conditions of service applicable to other employees and cannot leave head quarters without prior permission.

24. Subsistence Allowance.- (1) An employee under suspension shall be entitled to draw during the period of suspension, a subsistence allowance equal to 50 per cent of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vacation. A certificate to that effect is to be furnished by the suspended employee in the format prescribed under the section. In addition, he shall be entitled to dearness allowance admissible on such subsistence allowance, the other allowances such as City Compensatory Allowance, House Rent Allowance and reimbursement of tuition fee of which he is in receipt of on the day of suspension and any other benefits such as accommodation, telephone, transport, any medical facilities provided the Disciplinary Authority is satisfied that the employee continues to meet the expenditure for which the allowance or reimbursement was granted and benefits are required to be extended during the period of suspension. These allowances will be granted subject to fulfillment of other conditions laid down for the drawal of these allowances. An employee under suspension will not be required to vacate the accommodation provided by the Authority. Recoveries towards these, however, will continue to be made on the basis of last drawn basic pay.

(2) Where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount to subsistence allowance for any period subsequent to the period of first three months, as follows :-

(i) the amount of subsistence allowance may be increased to seventy five percent of the basic pay plus Dearness Allowance thereon, and allowances if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee under suspension; and

(ii) the amount of subsistence allowance may be reduced to twenty five percent of the basic pay plus Dearness Allowance thereon, and allowances if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.

(3) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. If the bail is granted and the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

25. Treatment of the period of suspension.- (1) When the employee under suspension is reinstated, the competent authority may grant to him the following pay and allowances, –

(a) If the employee is exonerated or not awarded any of the penalties mentioned in regulation (e) to (h) of Regulation 27 the full pay and allowances which he would have been entitled to if he had not been suspended less the subsistence allowance already paid to him; and

(b) If otherwise such proportion of pay and allowances as the competent authority may specify.

(2) In a case falling under clause (a) the period of absence from duty shall be treated as the period spent on duty. In a case falling under clause (b) the period of absence from duty shall not be treated as a period spent on duty unless the competent authority so directs.

26. Promotion of employees against whom disciplinary / Court Proceedings are pending or whose conduct is under investigation.– The following procedure is to be followed.

(1) At the time of consideration of the cases of Employees for promotion, details of employees in the consideration zone for promotion falling under the following categories will be specifically brought to the notice of the Departmental Promotion Committee :

(a) Whether the employee is under suspension ;
(b) Whether employee in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending ; and
(c) Whether an employee in respect of whom prosecution for a criminal charge is pending.

(2) The Departmental Promotion Committee shall assess the suitability of the employee coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the Departmental Promotion Committee including 'found unfit for promotion' and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed "Findings regarding suitability for promotion to the grade / post of _____ in respect of Shri _____ (Name of the Employee), Not to be opened till the prosecution against Shri _____ is over. The proceedings of the Departmental Promotion Committee will only contain the note "The findings are contained in the attached sealed cover". The same procedure will be followed in subsequent Departmental Promotion Committee till the disciplinary cases / criminal prosecution against the employee concerned is concluded.

(3) On conclusion of the disciplinary case / dropping of allegations against the employee, the sealed cover will be opened. In case he is exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover / covers and with reference to the date of promotion of his next junior on the basis of such position with all consequential benefits including back wages. If any penalty is imposed on the employee as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover / covers shall not be acted upon. His case, for promotion, will be considered by the next Departmental Promotion Committee in the normal course and having regard to the penalty imposed on him. In case where disciplinary proceedings have been held under the relevant disciplinary rules, 'warning' should not be issued as a result of such proceedings. If that some blame attached to the employee, at least the penalty of "censure" should be imposed. An employee, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned above arise after the recommendations of the Departmental Promotion Committee are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by Departmental Promotion Committee. He shall not be promoted until he is completely exonerated of the charges against him.

27. Penalties.- The following penalties may be imposed on an employee, as hereinafter provided for misconduct committed by him or for any other good and sufficient reasons :-

MINOR PENALTIES :

(a) Censure;
(b) Withholding of increment of pay with or without cumulative effect;
(c) Withholding of promotion;

(d) Recovery from pay of the whole or part of any pecuniary loss caused to the Authority by the negligence or breach of orders or such other amount as may be due to him;

MAJOR PENALTIES :

(e) Reduction to a lower grade or post, or to a lower stage in a time scale;
(f) Compulsory retirement;
(g) Removal from service which shall not be a disqualification for future employment;
(h) Dismissal.

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

(a) withholding of increment of an employee on account of his work being found unsatisfactory or not being of required standard, or for failure to pass a prescribed test or examination ;
(b) non-promotion, whether in an officiating capacity or otherwise, of an employee to higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case ;
(c) reversion to a lower scale or post of an employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
(d) reversion to his previous grade or post of an employee appointed on probation to another grade or post, during or at the end of the period of probation in accordance with the terms of his appointment;
(e) Termination of service –
    (i) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment;

    (ii) of an employee appointed in a temporary capacity otherwise than the expiration of the period for which he was appointed or earlier in accordance with the terms of his appointment;

    (iii) of an employee appointed under a contract or agreement in accordance with the terms of such contract or agreement; and

    (iv) of any employee on reduction in establishment.

28. Power To impose Penalties.- The disciplinary authority or any authority to which it is subordinate, may impose any of the penalties specified in regulation 27 on an employee.

29. Procedure For Imposing Major Penalties.- (1) No order imposing any of the major penalties specified in clause (e), (f), (g) and (h) of regulation 27 shall be made except after an enquiry held in the manner hereinafter provided.

(2) Whenever the disciplinary authority or an authority to which it is subordinate is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or inquire into, or appoint any officer of the Authority (Serving / retired) or any public servant hereinafter called the inquiring authority to inquire into the truth or otherwise thereof.

Provided that in case, investigated by Central Bureau of Investigation or the Central vigilance Commission, the Disciplinary Authority may nominate an officer of the said Bureau or the Commission, as the case may be, as the Inquiring authority.

Explanation – The Public Servant shall mean and include as mentioned in Section 21 of Indian Penal Code as amended from time to time.

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

(4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the disciplinary authority itself, or by any other officer of the authority appointed as an inquiring authority under sub-regulation (2).

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

IndiaCode

(5) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may by an order appoint an employee (herein after referred to as the presenting officer) to present on its behalf the case in support of the articles of charge.

Provided that in cases investigated by the Central Bureau of Investigation or the officer of the said Bureau or the Commission has been appointed as the Inquiring Authority, the Disciplinary Authority may nominate an employee or officer of the said Bureau or the Commission as the case may be, as the Presenting Officer.

(6) The employee may take the assistance of any other employee as Defence Assistant of the Authority (serving / retired) posted in any other office either at his headquarters or at the place where the enquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the presenting officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority having regard to the circumstances of the case, so permit.

Provided that the employee may take the assistance of any other employee posted at any station, if the Inquiring Authority having regard to the circumstances of the case, and for reason to be recorded in writing so permits.

Note - An employee shall not take the assistance of any Airports Authority of India Employee (serving or retired) who has two pending Disciplinary cases on hand in which he has to function as Defence Assistant.

(7) On the date fixed by the inquiring authority, the employee shall appear before the inquiring authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether he pleads guilty, or has any defence to make, and if he pleads guilty to any of the charges, the inquiring authority shall record the plea, sign on record and

obtain the signature of the employee concerned thereon. The inquiring authority shall return a finding of guilt in respect of those charges to which the employee concerned pleads guilty.

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

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

Note - Relevancy of the additional documents and the witnesses referred to in clause (ii) of this sub-regulation will have to be explained by the employee concerned and the documents shall be called for and the witnesses shall be summoned, if the inquiring authority is satisfied about their relevance to the charges under inquiry.

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

(10) The authority, which has in its custody or possession, the requisitioned documents shall arrange to produce the same before the inquiring authority on the date, place and time specified in the notice of 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 Authority. In that event, it shall inform the inquiring authority accordingly who shall take a final decision in the matter.

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

(12) Before the close of the case for the disciplinary authority, 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, who has been so summoned.

(13) When the case for the disciplinary authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the presenting officer, if any.

(14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in support of his case if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross examination, re-examination and examination

by the inquiring authority accordingly to the provisions applicable to the witnesses for the disciplinary authority.

(15) The inquiring authority may, after the employee closes his case and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(16) The Inquiring Authority may, after completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desire.

(17) If the employee does not submit the written statement of defence referred to in sub-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 enquiry ex-parte.

(18) 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 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 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.

IndiaCode

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

(a) the article of the charges and the statement of the imputations of misconduct or misbehaviour ;

(b) list of the defence of the employee in respect of each charge ;

(c) an assessment of the evidence in respect of each charge ; and

(d) the findings on each charge and the reasons therefor.

Explanation - If in the opinion of the inquiring authority the proceedings of the inquiry establish any charge different from the original charges, it may record its findings on such charge.

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

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

(a) the report of the inquiry prepared by it under sub-clause (I)
(b) the written statement of defence if any submitted by the employee referred to in sub-regulation (13) ;
(c) the oral and documentary evidence produced in the course of the inquiry ;

(d) written briefs referred to in sub-regulation (16), if any ; and
(e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

30. Action on the inquiry report.- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded, in writing, remit the case of the inquiring authority for fresh or further inquiry and report and the inquiring authority shall thereupon proceed to hold further inquiry according to the provisions of regulation 29 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any 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 the findings on all or any of the charges, is of the opinion that any of the Penalties specified in regulation 27 should be imposed on the employee, it shall, notwithstanding anything contained in Regulation 31, make an order imposing such penalty.

(4) If the disciplinary authority, having regard to its findings on all or any of the charges is of the opinion that no penalty is called for, it may pass an order exonerating the employee.

31. Procedure for imposing minor penalties.- (1) When it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of regulation 27, the employee shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period (not being less than 15 days from the date of receipt of statement of imputations). The defence statement, if any, submitted by the employee shall be taken into considerations by the disciplinary authority before passing orders.

(2) The record of the proceedings shall include, -

(i) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee ;
(ii) his defence statement if any; and
(iii) the orders of the disciplinary authority together with the reasons thereof.

Provided if it is decided to impose any penalty either to withhold increments for more than three years or to impose a penalty of withholding of increment and which would adversely affect retirement benefits with cumulative effect, the procedure of holding enquiry under Regulation 29 will be followed.

(3) Before imposing any penalty, the disciplinary authority may forward the report of the inquiry to the delinquent official with the following endorsement :-

> "The report of the Inquiry Officer is enclosed. The Disciplinary Authority will take an appropriate view after considering the reply. If the delinquent officer is to make any representation, he may do so within 15 days."

Wherever the charges are not proved and disciplinary authority agrees with the findings of the Inquiring Authority, and decided to "exonerate", copy of the inquiry report need not be sent.

32. Common Proceedings.- Where two or more employees are involved in a case, the authority competent to impose a major penalty on all such employees may make an order

directing that the disciplinary proceedings against all of them may be taken in a common proceedings.

33. Special procedure in certain cases.- (1) Notwithstanding anything contained in regulation 29, 30 and 31, the disciplinary authority may impose any of the penalties specified in regulation 27 in any of the following circumstances, namely:-

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

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

(iii) where the disciplinary authority is satisfied that in the interest of the security of the Authority it is not expedient to hold inquiry in the manner provided in these regulations.

(2)(i) Disciplinary proceedings, if initiated while the employee was in service whether before his retirement or during his re-employment, shall after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.

(ii) During the pendency of Disciplinary Proceedings the Disciplinary Authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Authority if the employee is found in a disciplinary proceedings or judicial proceedings to have been guilty of offences and misconduct as mentioned in Sob-section (6) of Section (4) of the Payment of Gratuity Act 1972 or to have caused pecuniary loss to Authority by misconduct or negligence during his service, including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

34. Communication of orders.- Orders made by the disciplinary authority under regulation 31 or regulation 32 or regulation 33, as the case may be, shall be communicated to the employee concerned, who shall be supplied with a copy of the report of inquiry, if any.

35. Employees on deputation from the Central Government or the State Governments etc.- (1) Where an order of suspension is made or disciplinary proceedings initiated against any employee on deputation to the Authority from the Central or State Government or a Public Undertaking or a local authority, the authority lending his services (hereinafter refereed 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 proceedings conducted against such employee :

(a) if the disciplinary authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders in the case as it deems necessary after consultation with 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 replaced at the disposal of the lending authority;

(b) if the disciplinary authority is of the opinion that any of the major penalties should be imposed on him it should replace his services at the disposal of the lending authority and transmit to it the record of proceedings of the inquiry for such action as the lending authority may deem necessary.

(3) If the employee submits in appeal against an order imposing a minor penalty on him under clause (a) of sub-regulation (2) it shall be disposed off after consultation with the lending authority.

Provided that if there is 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 and the record of the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

36. Appeals.- (1) An employee may appeal against an order imposing upon him any of the penalties specified in regulations 27 or against the order of suspension referred to in regulation 23.

IndiaCode

(2) An appeal shall be preferred within one month from the date of receipt of the order of imposing the penalty. The appeal shall be presented to the appellate authority with a copy to the authority whose order is appealed against. The authority whose order is appealed against shall forward the copy of appeal together with its comments and the records of the case to the appellate authority within 15 days of the receipt of appeal. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (e) (f), (g) or (h) of regulation 27 and an inquiry as provided in regulation 29 has not already been held in the case, the appellate authority shall direct that such inquiry be held in accordance with the provisions of Regulation 29 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held as provided in Regulation 29, the appellate authority shall issue a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

Notwithstanding anything contained in these regulations, no appeal shall lie against an order made by the authority.

37. Review.- Notwithstanding anything contained in these regulations the Reviewing Authority may call for the record of the case within six months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit.

Provided that if enhanced penalty, which the reviewing authority proposes to impose, is a major penalty specified in clauses (e) (f) (g) or (h) of regulation 27 and an inquiry as provided under regulation 29 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 29 and thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the Reviewing Authority decides to enhance the punishment, but an inquiry had already been held in accordance with the provisions of Regulation 29, the Reviewing Authority shall issue a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Reviewing Authority shall pass final order after taking into account the representation, if any, submitted by the employee.

38. Service of order, notice etc.- Every order, notice and other process made or issued under these regulations shall be served in person on the employee concerned or communicated to him by registered post at his last known address with acknowledgement due or publication in the newspaper.

39. Power to relax time-limit and to condone delay.- Save as otherwise expressly provided in these regulations, the competent authority under these regulations to make any order may, for good and sufficient reasons, extend the time specified in these regulations for anything required to be done under these regulations or condone any delay.

40. Removal of doubts.- Where a doubt arises as to the interpretation of any of these regulations, the matter shall be referred to the Board of Directors for final decision. Likewise, any instructions in the nature of clarification to these Regulations/Rules shall issue with the approval of Board of Directors.

IndiaCode

41. Saving Clause.- These Regulations shall come into force on the date of publication in official gazette and International Airports Authority of India Employees [Conduct, Discipline and Appeal] Regulations and National Airports Authority [Employees Conduct, Discipline and Appeal] Regulations shall cease to exist from this date. However, the proceedings initiated under International Airports Authority of India Employees [Conduct, Discipline and Appeal] Regulations or National Airports Authority of India [Employees Conduct, Discipline and Appeal] Regulations, prior to this date, shall deemed to be continued under these Regulations till conclusion of the proceedings.

42. The relevant provisions of Model, Conduct, Discipline and Appeal Rules issued by the Department of Public Enterprises, Fundamental Rules / All India Service Rules, Central Civil Service (Conduct) Rules, 1964 and Central Civil Services [Classified, Control and Appeal) Rules, 1964 and amended or modified from time to time shall apply mutates mutandis.

[F.No. _____]

IndiaCode

[S.K. Narula]
Chairman
Airports Authority of India

SCHEDULE

SEE REGULATION **3** (1)(a)(d)(h)

STATEMENT SHOWING THE AUTHORITY COMPETENT TO AWARD PUNISHMENT AS ALSO THE APPELLATE AND REVIEWING AUTHORITY IN RESPECT OF ALL PERSONNEL SERVING IN A

S.No.	Name of the Post	Disciplinary Authority for (a) Major Penalties (b) Minor Penalties	Appellate Authority	Reviewing Authority
1	2	3	4	5
1	All employees (Group A, B, C and D)	Chairperson	Sub-Committee of Board of Airports Authority of India	Board of Airpo Authority of In
2	All executives of the level of Senior Manager and below including Group B	Member Incharge	Chairperson	Sub-Committe of Board of Airports Autho of India
3	All Group C and D employees and those appointed on All India basis	Executive Director (Personnel and Administration)	Member (Personnel and Administration) in consultation with the concerned wholetime Member	Chairperson
4	Employees of Group B and C Categories other than mentioned in 3 above at Regional Offices or International Airports	Regional Executive Director at Regional Offices, Airport Director at International Airports	Member (Personnel and Administration)	Chairperson
5	Employees of Group D a) at Regional Offices or International Airports	Deputy General Manager (Personnel) or Senior Manager (Personnel) or Manager (Personnel)	Airport Director or Regional Executive Director	Member (Personnel an Administration
	b) Other Airports or Station or Field Unit	Deputy General Manager (Personnel) Incharge of Airport or Station or Field Unit	Airport Director or Regional Executive Director	Member (Personnel an Administration

IndiaCode

S.No.	Name of the Post	Disciplinary Authority for (a) Major Penalties (b) Minor Penalties	Appellate Authority	Reviewing Authority
6	Group C in the Civil Aviation Training College, Allahabad	Principal, Civil Aviation Training College	Member (Personnel and Administration)	Chairperson
7	Group D in the Civil Aviation Training College, Allahabad	Senior Manager (Personnel) or Manager (Personnel)	Principal, Civil Aviation Training College	Member (Personnel an Administration
8	Group C Post in Radio Construction and Development Unit or Central Radio Stores Depot or Equipment and Mechanical Workshop, Safdarjung Airport other than those given in Item 3 above	Regional Executive Director	Member (Personnel and Administration)	Chairperson
9	Group D Post in Radio Construction and Development Unit or Central Radio Stores Depot or Equipment and Mechanical Workshop, Safdarjung Airport	Senior Manager (Personnel) or Manager (Personnel)	Regional Executive Director	Member (Personnel an Administration

IndiaCode

NOTES :

1 Where two or more employees are concerned in a case, the authority competent to impo penalty on all such employees
may specify the authority which will function as disciplinary authority for the purpose of su proceedings.

2 In the case of common proceedings, the authority, to whom the Disciplinary Authority is i subordinates will function as
Appellate Authority.

3 Where the Officer making the order becomes the appellate authority by reason of promot appellate authority would be the
authority to which such Officer is immediately
subordinate.

4 Group A, B, C and D posts shall be those as are notified by the Chairperson from time to time.

[F.No. AAI/Pers/EDPA/Reg./2002]
S K NARULA, Chairman

IndiaCode