MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 11th January, 1988

NOTIFICATION

GSR 20 (E) – In exercise of the powers conferred by section 31 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby makes the following rules, namely :-

PART I – PRELIMINARY

1. Short title and commencement – (1) These rules may be called the Oil Industry Development Board Employees' (Conduct, Discipline and Appeal) Rules, 1988.

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

2. Application – These rules shall apply to all employees of the Board, other than;

    (i) those in casual employment or paid from contingencies;
    (ii) Government servants and the employees of the public sector undertakings working in the Board on deputation basis except to the extend provided for in rule 32.

3. Definitions – In these rules, unless the context otherwise requires,-

    (a) "Act" means the Oil Industry (Development) Act, 1974 (47 of 1974);
    (b) "appellate authority" means the authority specified as such in the Schedule-I annexed to these rules;
    (c) "appointing authority" means the Board and includes any authority specified as such in the Oil Industry Development Board Employees' (General Conditions of Service) Rules, 1984, as amended from time to time;
    (d) "Board" means the Oil Industry Development Board, established under section 3 of the Act;
    (e) "Chairman" means the Chairman of the Board;
    (f) "Competent authority" means any authority empowered by the Board by any general or special order to discharge the function or exercise the powers specified in such order;
    (g) "disciplinary authority" means the authority specified as such in the Scheduled – I annexed to these rules, competent to impose any of the penalties specified in rule 24;

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(h) "employee" means a person in the employment of the Board other than casual, work charged or contingent staff, and includes an officer of the Board.

(i) "family", in relation to an employee, includes:

1) the wife or husband, as the case may be, of the employee, whether residing with him or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court;

2) sons or daughters or step sons or stepdaughters of the employee and wholly dependent on him, but does not include a child or a 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;

3) any other person related, whether by blood or marriage, to the employee or to such employee's wife or husband as the case may be, and wholly dependent on such employee;

(j) "public servant" includes a person as mentioned in section 21 of Indian Penal Code, 1860 (45 of 1860);

(k) "reviewing authority" means the authority specified as such in the Schedule, I annexed to these rules.

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PART II – CONDUCT

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

(i) maintain absolute integrity;
(ii) maintain devotion to duty; and
(iii) do nothing which is unbecoming of an employee.

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

5. Misconduct – Without prejudice to the generality of the term "misconduct", the following acts of omission and commission shall be treated as misconduct :-

(1) Theft, fraud or dishonesty in connection with the business or property of the Board or of property of another person within the premises of the Board.

(2) Taking or giving bribes or any illegal gratification.

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

(4) Furnishing false information regarding name, age, father's name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.

(5) Acting in a manner prejudicial to the interests of the Board.

(6) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.

(7) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.

(8) Habitual late or irregular attendance.

(9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.

(10) Damage to any property of the Board.

(11) Interference or tampering with any safety devices installed in or about the premises of the Board.

(12) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Board or outside such premises where such behaviour is related to or connected with the employment.

(13) Gambling within the premises of the establishment.

(14) Smoking within the premises of the establishment where it is prohibited.

(15) Collection without the permission of the competent authority of any money within the premises of the Board except as sanctioned by any law of the land for the time being in force or rules of the Board.

(16) Sleeping while on duty.

(17) Commission of any act which amounts to a criminal offence involving moral turpitude.

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(18) Absence from the employee's appointed place of work without permission or sufficient cause.

(19) Purchasing properties, machinery, stores, etc., from or selling properties, machinery, stores, etc., to the Board without express permission in writing from the competent authority.

(20) Commission of any act subversive of discipline or of good behaviour.

(21) Abetment of or attempt at abetment of any act which amounts to misconduct.

6. Employment of near relatives of the employees in any company or firm enjoying patronage of the Board.

(1) No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm enjoying the patronage of the Board.

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

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

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

7. Taking pat in demonstration and strike :

No employee shall –

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or which involves contempt of court, defamation or incitement to an offence; or

(ii) resort to or in any way abet, any form of strike or coercion or physical duress in connection with any matter pertaining to his service or any other employee.

8. Connection with press, radio or television -

(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 in the bonafide discharge of his duties, participate in a broadcast or telecast 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, telecast or contribution is of a purely literary, artistic or scientific character.

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9. Criticism of Government and the Board -

No employee shall, in any broadcast, telecast or in any document published under his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press, or in any public utterance, make any statement, -

(a) which has the effect of adverse criticism of any policy or action of the Central Government or a State Government, or of the Board; or

(b) which is capable of embarrassing the relations between the Board and the public :

Provided that nothing in this rule shall apply to any statement made or views expressed by an employee, of a purely factual nature in his official capacity or in due performance of the duties assigned to him :

Provided further that nothing contained in this clause shall apply to bona fide expression of views by him as an office-bearer of a recognized association for the purpose of safeguarding the conditions of service of such employees or for securing an improvement thereof.

10. Evidence before committee or any other authority :-

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

(2) Where any sanction has been accorded under sub-rule (1), no employee giving such evidence shall criticize the policy or any action of the Central Government or of State Government or of the Board.

(3) Nothing in this rule shall apply to –

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

(b) evidence given in any judicial enquiry; or

(c) evidence given at any departmental enquiry ordered by the Board.

11. Unauthorized communication of information.

No employee shall, except in accordance with any general or special order of the Board 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 employee, or any other person to whom he is not authorized to communicate such document or information.

12 Gifts –

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

Explanation : The expression 'gift' includes 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.

(2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practices, an employee may accept gifts from his near relatives but he shall make a report to the competent authority if the value of such gift exceeds Rs.500/-.

(3) On occasions such as are specified in sub-rule (2), an employee 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 Rs.250/-.

(4) In any other case, an employee 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 Rs.250/-

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 Rs.250/-.

13. Dowry -

No employee shall –

(i) give or take or abet the giving or taking of dowry; or

(ii) demand, directly or indirectly, from the parents or guardian of a bride or bride groom, as the case may be , any dowry.

Explanation : For the purpose of this rule “dowry” has the same meaning as in Dowry Prohibition Act, 1961 (28 of 1961).

14. 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, negotiate 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 literary, artistic or scientific character, or participate in sports activities as amateur, 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 this 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 may take part in the registration, promotion or management of a Consumer Cooperative Society or House Building Cooperative Society substantially for the benefit of employees of the Board registered under the Cooperative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or a literary, scientific or charitable society registered under the Societies Registration Act; 1860

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

15. Investment, lending and borrowing –

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

16. Insolvency and habitual indebtedness :-

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

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

17. Movable, immovable and valuable property -

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

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

(3) 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 same of a member of his family, if the value of such property exceeds Rs.2,500/-

(i) Every employee shall on his first appointment submit a return of assets and liabilities in the forms specified in Schedule II annexed to these rules giving the particulars regarding :-

(a) the immovable property inherited by him, or owned or acquired by him, or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

(b) shares, debentures, and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;

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(c) other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds Rs.2,500/-

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

(ii) Every officer of the Board shall submit a return of immovable property inherited owned or acquired by him once in every two years in form I specified in schedule II.

(5) The competent authority may, at any time, by general or special order, require an employee to submit, within a period specified in the order, a full and complete statement of movable or immovable property held or acquired by him or on his behalf by any member or 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.

18. Canvassing of non-official or other influence.

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

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19. Bigamous marriages -

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

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

Provided that the Board may permit an employee to enter into, or contract, any such marriage if it is satisfied that –

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

(3) An employee who has married or marries as person other than that of Indian nationality, shall forthwith intimate the fact to the Board.

20. Consumption of intoxicating drinks and drugs -

An employee shall take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug.

PART III – SUSPENSION

21. Suspension –

(1) The appointing authority, or any authority to which it is subordinate, or the disciplinary authority or any authority empowered in that behalf by the Board by general or special order, may place an employee under suspension –

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

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

(2) An employee who is detained in police custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours, shall be deemed to have been suspended with effect from the date of his detention.

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

(4) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders :

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

(5) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

22. Subsistence allowance -

(1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent of his basic pay if the authority empowered to suspend him under sub-rule (1) of rule 21 is satisfied that the employee is not

engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to dearness allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension if the said authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.

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

(i) the amount of subsistence allowance may be increased to 75 per cent of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the employee under suspension; or
(ii) the amount of subsistence allowance may be reduced to 25 per cent of basic pay and allowances thereon if, in the opinion of the said authority, the period of suspension has been prolonged due to the reasons, to be recorded in writing, directly attributable to the employee under suspension.

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

23 Treatment of the period of suspension -

(1) When an employee under suspension is reinstated, the competent authority may grant to him the following pay and allowances for the period of suspension :

(a) If the employee is exonerated and not awarded any of the penalties specified in rule 24, the full pay and allowances which he would have been entitled to if he had not been suspended, less the pay and allowances 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 a period spent on duty. In a case falling under clause (b), it shall not be treated as a period spent on duty unless the competent authority so directs.

24. Penalties -

The following penalties may be imposed on an employee for misconduct committed by him or for any other good and sufficient reasons:-

Minor penalties :-

(a) Censure,
(b) withholding of increments of pay with or without cumulative effect;
(c) withholding of promotion;
(d) recovery from pay of the whole or part of any pecuniary loss caused to the Board, by negligence or breach of orders

Major penalties :-

(e) reduction to a lower grade or post, or to a lower stage in a time scale;
(f) removal from service which shall not be a disqualification for future employment;
(g) dismissal;

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

I. withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination;
II. stoppage of an employee at the efficiency bar in a time scale on the ground of his unfitness to cross such bar;
III. non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
IV. reversion to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct.
V. Reversion to 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;
VI. termination of service –

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

(b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;

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

(d) of any employee on reduction of establishment.

25 Disciplinary authority

The disciplinary authority, specified in the Schedule I annexed to these rules, or any higher authority may impose any of the penalties specified in rule 24 on any employee.

26. Procedure for imposing major penalties

(1) No order imposing any of the major penalties specified in clauses (e), (f) and (g) of rule 24 shall be issued except after an inquiry is held in accordance with this rule.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself enquire into, or appoint any officer under this rule (hereinafter called the inquiring authority) to inquire into the truth thereof.

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

Explanation : It shall not be necessary to show any documents listed with the articles of charge or any other documents to the employee at this stage.

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

(6) Where the disciplinary authority itself inquires or appoints an inquring and inquiry, it may, by an order appoint an officer to be known as the “presenting Officer” to present on its behalf the case in support of the articles of charge.
The employee may take the assistance of any other officer but may not engage a legal practitioner for the purpose.

(7) On the date fixed by the inquiring authority, the employee shall appear before the inquiring authority at the time, place and date specified in the notice. The inquiring authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquring authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.

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

(i) Inspect the documents listed with the chargsheet;

(ii) Submit a list of additional documents and witnesses that he wants to examine; and
(iii) Be supplied with the copies of the statements of witnesses, if any, listed in the chargesheet.

Note : Relevancy of the additional documents and the witnesses referred to in clause (ii) will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the inquring authority is satisfied about their relevance to the charges under inquiry.

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

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

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if he is satisfied that the production of such documents will be against the public interest or the interest of the Board and inform in writing the inquiring authority accordingly.

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

(12) Before the close of the prosecution case, the inquiring authority may, in its discretion, allow the presenting officer to produce evidence not included in the charge-sheet or may itself call for new evidence or recall or re-examine any witness, In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record; or to cross-examine a witness, who has been so summoned.

(13) When the case for the disciplinary authority is closed, the employee shall 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 his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the disciplinary authority.

(15) The inquiring authority may, after the employee 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, and the employee, or permit them to file written briefs of their respective cases, if they so desire.

(17) If the employee does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiring authority may hold the inquiry ex parte.

(18) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry cases exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiry authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself :

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

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

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

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

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

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

(a) the report of the inquiry prepared by it under clause (i);

(b) the written statement of defence, if any submitted by the employee referred in sub-rule (13);

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

(d) written briefs referred to in sub-rule (16), if any; and

(e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

27. Action on the inquiry report :

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for fresh or further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 26.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority, having regard to its findings on all or any of the article of charge, is of the opinion that any of the penalties specified in rule 24

should be imposed on the employee, it shall, notwithstanding anything contained in rule 28, make an order imposing such penalty.

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

28. Procedure for imposing minor penalties:

(1) Where it is proposed to impose any of the minor penalties specified in clause (a) to (d) of rule 24, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days, the defence statement, if any, submitted by the employee shall be taken into consideration by the disciplinary authority before passing an order.

(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 fo the disciplinary authority together with the reason therefore.

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29. Communication of orders -

Orders made by the disciplinary authority under rule 27 or rule 28 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

30. Common proceedings -

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

31. Special procedure in certain cases

Notwithstanding anything contained in rule 26, 27 or 28, the disciplinary authority may impose any of the penalties specified in rule 24 in any of the following circumstances :-

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 by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or

III. where the Board is satisfied that in the interest of the security of the Board, it is not expedient to hold any inquiry in the manner provided in these rules.

32. Employees on deputation from the Central Government, the State Government or public sector undertakings etc.

(1) where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Board from the Central Government or a State Government, or another public-sector undertaking, or a local authority, the authority lending his services (hereinafter referred to as the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceeding, as the case may be.

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(2) In the light of the findings in the disciplinary proceeding taken 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 as it deems necessary after consultation with the lending authority :

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

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

(3) If the employee submits an appeal against an order imposing a minor penalty on him under clause (a) of sub-rule (2), the same shall be disposed of after consultation with the lending authority :

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

33. Appeals -

(1) An employee may appeal against an order imposing upon him any of the penalties specified in rule 24 or against the order of suspension referred to in rule 21 and such appeal shall lie to the authority specified in Schedule I annexed to these rules.

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

Provided that if the enhanced penalty which the appellate authority proposes to impose is a major penalty specified in clauses (e), (f) and (g) of rule 24 and an inquiry as provided in rule 26 has not already been held in the case, the appellate authority shall direct that such inquiry be held in accordance with the provisions of rule 26 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. **f** the appellate authority decides to enhance the punishment but an inquiry has already been held as provided in rule 26, the appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any submitted by the employee.

34. Review

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

Provided that if the enhanced penalty, with the reviewing authority proposes to impose, is a major penalty specified in clauses (e), (f) or (g) of rule 24 and an inquiry as provided under rule 26 has not already been held in the case, the reviewing authority shall direct that such an inquiry be held in accordance with the provisions of rule 26 and thereafter consider the record of the inquiry and pass such order as it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of rule 26, the reviewing authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him.

The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

35. Service of orders, notices, etc.

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

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

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

37. Removal of doubts.

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

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[F.No. 7/5/86-Fin-IV]
S.Balachandran, Jt. Secy.

SCHEDULE I

[sub rules 3(b), (g) and (k), 25, 33 and 34]

Category of Employees	Disciplinary Authority	Appellate Authority	Reviewing Authority
Group D	Sr. Accounts / Administrative Officer	Financial Adviser & Chief Accounts Officer	
Group C	Financial Adviser & Chief Accounts Officer	Secretary	Chairman
Group B	Secretary	Chairman	Board
Group A	Chairman	Board	Central Government

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SCHEDULE II

[See rule 17 (4)]

RETURN OF ASSETS AND LIABILITIES ON FIRST APPOINTMENT AS ON THE 31ST DECEMBER, 19…..

1. Name of the employee (in block letters)

2. Post held and place of posting

3. Total annual income from all sources during the Calendar year Immediately preceding the 1st day of January, 19….

4. Declaration

I hereby declare that the return enclosed namely, Forms I to V, are complete, true and correct as on …… to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of sub-rule (4) of the rule 17 of the Oil Industry Development Board Employees (Conduct Discipline and Appeal) Rules, 1988.

Date……. Signature……..

Note :- 1. This return shall contain particulars of all assets and liabilities of the Employee, either in his own name or in the name of any other person.

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

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FORM NO. I

Statement of Immovable property on first appoint(s) on the 31st December 19….

(e.g. Land, House, Shops, Other Buildings, etc.)

Sl. No.	Description of Property	Precise Location (Name of District, Division Taluka & Village in which the property is situated and also its distinctive number, etc.)	Area of Land (in case of land and buildings)	Nature of Land (in case of landed property	Extent of interest	If not in own name, state in whose name held, and his/her relationship, if any, to the Employee
1	2	3	4	5	6	7

Date of Acquisition	How acquired? (whether by purchase, mortgage, lease inheritance, gift of otherwise) and name with details of person / persons from whom acquired. (address and connection of the Employee, if any with the person/persons concerned) (please see not 1 below).	Value of the property (see note 2 below)	Particulars of sanction of prescribed authority, if any	Total Annual income from the property	Remarks
8	9	10	11	12	13

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Date……. Signature……..

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

(2) In column 10 should be shown :

(a) where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition ;

(b) where it has been acquired by lease, the total annual rent thereof also; and

(c) where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

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FORM NO. II

Statement of Liquid Assets on first Appointment as on the 31st December 19….

(1) Cash and Bank balances exceeding 3 months' emoluments.

(2) Deposits, loans advanced and investments (such as share, securities, debentures, etc.)

Sl. No.	Description	Name and address of Company, Bank, etc.	Amount	If not in own name, name and address of person in whose name held and his/her relationship with the Government servant	Annual income derived	Remarks
1	2	3	4	5	6	7

Date…… Signature……..

Note:- (1) In column 7, particulars regarding sanctions obtained or report made in respect of the various transactions may be given.

(2) The term "emoluments" means the pay and allowances received by the Employee,

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FORM NO. III

Statement of Movable property on first Appointment as on the 31st December 19..

Sl. No.	Description of items	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchase on hire-purchased or instalment basis	If not in own name, name & address of the person in whose name and his/her relationship with the employee	How acquired with approximate date of acquisition	Remarks
1	2	3	4	5	6

Date…… Signature……..

Note:- (1) In this form information may be given regarding items like (a) jewellery owned by him (total value) (b) silver and other precious metals and precious stones owned by him not forming part of jewellery (total value); (c) (i) Motor Cars, (ii) Scooters/Motor Cycles; (iii) refrigerators / air-conditioners (iv) radios/radiograms/television sets (d) value of items of movable property individually worth less than Rs.1,000 other than articles of daily use such as clothes, utensils, books, crockery, etc., added together.

(2) In column 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.

(3) In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

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FORM NO. IV

Statement of provident fund and life insurance Policy on first appointment / as on the 31st December, 19…

Insurance Policies			Provident Funds		
Sl. No.	Policy No. and date of Policy	Name of Insurance Company	Sum insured/date of maturity	Amount of annual Premium	Type of funds/G.P.F./ C.P.F. Account No.
1	2	3	4	5	6

Closing balance as last reported by the Audit/Accounts Officer along with date of such balance	Contributions made subsequently	Total	Remarks (if there is dispute regarding balance the Figures according to the Employees should also be mentioned in this column).
7	8	9	10

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Date…… Signature……..

FORM NO. V

Statement of Debts and other Liabilities on first appointment / as on the 31st December, 19…

Sl. No.	Amount	Name and address of Creditor	Date of incurring Liability	Details of Transaction	Remarks
1	2	3	4	5	6

Date…… Signature……..

Note 1. Individual items of loans not exceeding three months emoluments need not be included.

2. In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.

3. The term “emoluments” means Pay & allowances received by the Employee.

4. The statement should also include advance for purchase of conveyance, House building advance, etc. advances from the G.P. Fund, and loans on Life Insurance Policies and fixed deposits.

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