BANK OF INDIA OFFICER EMPLOYEES' (DISCIPLINE & APPEAL) REGULATIONS, 1976

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

1. Short title and commencement:

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

(ii) They shall come into force on 1.1.1997.

2. Application:

These regulations shall apply to all officer employees of the Bank, but shall not apply to -

(i) the Chairman of the Bank;

(ii) the Managing Director;

(iii) any wholetime Director, if any;

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

(v) the award staff; and

(vi) the officers on contract.

3. Definitions :

In these regulations, unless the context otherwise requires -

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

(b) "Appellate Authority" means the authority specified in the Schedule to dispose of appeals;

(c) "Award Staff" means the persons covered by the "Award" as defined in the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955);

(d) "Bank" means Bank of India.

(e) "Board" means the Board of Directors of the Bank.

(f) "Competent Authority" means the authority appointed by the Board for

the purpose of these regulations.

(g) "Disciplinary Authority" means the authority specified in the Schedule which is competent to impose on an Officer employee any of the penalties specified in Regulation 4.

(h) "Government" means the Central Government.

(i) "Managing Director" means the Managing Director of the Bank;

(j) "Officer Employee" means a person who holds a supervisory, administrative or managerial post in the Bank or any other person who has been appointed and is functioning as an Officer of the Bank, by whatever designation called and includes a person whose services are temporarily placed at the disposal of the Central Government or a State Government or any other Government Undertaking or any other Public Sector Bank or the Reserve Bank of India or any other organisation, but shall not include casual work charged or contingent staff or the Award staff.

(k) "Public financial institutions" means -

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

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

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

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

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

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

(l) "Public Sector Bank" means -

(i) a corresponding new bank specified in the First Schedule to the Act;

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

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

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

(v) any other bank which the Central Government may determine to be a public sector bank for the purpose of these regulations, having regarding to its manner of incorporation. *(1.1.1986)

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

(n) "Reviewing Authority" means the authority specified in the Schedule;

(o) "Schedule" means the Schedule appended to these regulations.

4. Penalties:

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

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MINOR PENALTIES :

a) Censure;

b) Withholding of increments of pay with or without cumulative effect;

c) Withholding of promotion;

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

e) Reduction to a lower stage in the time scale of pay for a period not exceeding 3 years without cumulative effect and not adversely affecting the Officer's pension.

MAJOR PENALTIES

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

g) Reduction to a lower grade or post.

h) Compulsory Retirement.

i) Removal from service which shall not be a disqualification for future employment.

j) Dismissal which shall ordinarily be a disqualification for future employment.

(Regulation 4 (e) and 4 (f) were incorporated, and Regulation 4 (g) was modified in terms of the Bank of India Officer Employees' (Discipline & Appeal) (Amendment) Regulations, 1976, published in the Gazette of India dated 25.1.1997. Branch Circular No. 90/196 dated 25.2.1997).

Explanations :

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

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

(ii) stoppage of pay of an officer employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar;

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

(iv) reversion to a lower grade or post, of an officer employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;

(v) reversion to his previous grade or post, of an officer employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment or rules or orders governing such probation;

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

(vii) Termination of the service -

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

(b) of an officer employee appointed in a temporary capacity otherwise than under a contract or agreement; on the expiration of the period

for which he was appointed, or earlier in accordance with the terms of his appointment;

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

(d) of an officer employee on abolition of post;

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

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

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

5. Authority to institute disciplinary proceedings and impose penalties :

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

(2) The Disciplinary Authority may himself institute disciplinary proceedings.

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

6. Procedure for imposing major penalties :

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

2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an officer employee, it may itself enquire into, or appoint any other person who is, or has been, a public servant (hereinafter referred to as the Inquiring Authority) to inquire into the truth thereof.

Explanation :

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

(Regulation 6 for sub-regulation (2) was incorporated and substituted in terms of the Bank of India Officer Employees' (Discipline & Appeal) (Amendment)

Regulations, 2001 , published in the Gazette of India dated 18.08.2001).

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

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

(Regulation 6 for sub-regulation (3) was incorporated and substituted in terms of the Bank of India Officer Employees' (Discipline & Appeal) (Amendment) Regulations, 2001 , published in the Gazette of India dated 23.06.2001).

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

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

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

   (i) a copy of the Articles of Charge and Statement of Imputation of misconduct or misbehaviour;

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

   (iii) a list of documents by which and list of witnesses by whom the Articles of Charge are proposed to be substantiated;

   (iv) a copy of statements of the witnesses, if any;

   (v) evidence proving the delivery of Articles of Charge under sub-regulation (3);

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

6) Where the Disciplinary Authority itself enquires or appoints an Inquiring Authority for holding an inquiry, it may, by an order, appoint a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the Articles of Charge.

7) The officer employee may take the assistance of any other officer employee but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner or the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(Adopted at B.M. dated 8-8-1983. Came into force w.e.f. 1-10-1983)

(Note : The officer employee shall not take the assistance of any other officer employee who has two pending disciplinary cases on hand in which he has to give assistance)

(Adopted at B.M. dated 31-7-85. Came into force w.e.f. 1-10-85
Circular 79/207 Sub Personnel 85/28 dated 13-9-85)

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

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

(c) The Inquiring Authority shall ask officer employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the Articles of Charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the officer employee concerned thereon.

(d) The Inquiring Authority shall return a finding of guilt in respect of those Articles of Charge to which the officer employee concerned pleads guilty.

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

10) (a) The Inquiring Authority shall, where the officer employee does not admit all or any of the articles of charge, furnish to such officer employee a list of document by which and a list of witness by whom, the article of charge are proposed to be proved.

(b) The Inquiring Authority shall also record an order that the officer employee may for the purpose of preparing his defence -

(i) Complete inspection of the documents

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

(ii) submit a list of documents and witnesses, that he wants for the inquiry;

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

NOTE: The relevancy of the documents and the examination of the witnesses referred to in item (ii) shall be given by the officer employee concerned.

(Regulation 6 for sub-regulation (10) was incorporated and substituted in terms of the Bank of India Officer Employees' (Discipline & Appeal) (Amendment) Regulations, 2001, published in the Gazette of India dated 23.06.2001).

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

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

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Bank. In that event, it shall inform the Inquiring Authority accordingly.

13) On the date fixed for the inquiry, the oral and documentary evidence by which the Articles of Charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses produced by the Presenting Officer shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the officer employee. The Presenting Officer shall be entitled to re-examine his 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.

14) Before the close of the case, in support of the charges, the Inquiring

Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the chargesheet or may itself call for new evidence or recall or re- examine any witness. In such case the officer employee shall be given opportunity to inspect documentary evidence before it is taken on record, or to cross-examine a witness, who has been so summoned. The Inquiring Authority may also allow the officer employee to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

15) When the case in support of the charge is closed, the officer employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the officer employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

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

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

18) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer if any appointed, and the officer employee, or permit them to file written briefs of their respective cases within 15 days of the date of completion of the production of evidence, if they so desire (1.1.1986).

(Adopted at B.M. dated 7-12-85 Bank Circular 80/57 Sub-Personnel 80/57 Sub-Personnel 86/7 dated 1-3-86)

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

20) Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in any 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 the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross- examine and re-examine any such witnesses as herein before provided.

21) (i) on the conclusion of the inquiry, the Inquiring Authority shall prepare a report which shall contain the following :

(a) a gist of the Articles of Charge and the statement of the Imputations of misconduct or misbehaviour;

(b) a gist of the defence of the officer employee in respect of each Article of Charge.

(c) An assessment of the evidence in respect of each Article of Charge.

(d) The findings on each Article of Charge and the reasons therefor.

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

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

(ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include -

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

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

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

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

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

7. Action on the inquiry report:

(1) The Disciplinary Authority, if it is not itself the Inquiring Authority, may, for reasons to be recorded by it in writing, remit the case to the Inquiring

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

(2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any Articles of Charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the Disciplinary Authority, having regard to its findings on all or any of the Articles of Charge, is of the opinion that any of the penalties specified in regulation 4 should be imposed on the officer employee it shall, notwithstanding anything contained in regulation 8 make an order imposing such penalty.

(4) If the Disciplinary Authority having regard to its findings on all or any of the Articles of Charge, is of the opinion that no penalty is called for, it may pass an order exonerating the officer employee concerned.

8. Procedure for imposing Minor Penalties:

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

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

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

(i) a copy of the statement of imputation of lapses furnished to the officer employee.

(ii) The defence statement, if any, of the officer employee; and

(iii) The order of the Disciplinary Authority together with the reasons therefor.

9. Communication of orders:

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

10. Common proceedings:

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

11. Special procedure in certain cases:

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

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

*(Adopted at B.M. dated 10-9-88 Published in Govt. Gazette dated 22-10-88 Circular 82/54 Sub-Personnel 89/1 dated 2-2-1989)

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12. Suspension :

(1) An officer employee may be placed under suspension by the competent authority -

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

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

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

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

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

Explanation :

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

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

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

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

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

13. Leave during suspension :

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

14. Subsistence allowance during suspension :

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

(a) Basic Pay :

(i) for the first three months of suspension 1/3 of the basic pay which the officer employee was receiving on the date prior to the date of suspension irrespective of the nature of enquiry.

(ii) For the subsequent period after 3 months from the date of suspension -

(1) where the enquiry is held departmentally by the Bank. 1/2 of the basic pay, the officer employee was drawing on the

date prior to the date of suspension; and

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

(Regulation 14, in sub regulation (1), in clause (a) in sub clause (ii), for item (2) was incorporated and substituted in terms of the Bank of India Officer Employees' (Discipline & Appeal) (Amendment) Regulations, 2000, published in the Gazette of India dated 19.08.2000).

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

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

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

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

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

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

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

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

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

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

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

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

(1) Where an order of suspension is made or disciplinary proceedings is taken against an officer employee, who is on deputation to the Bank from the Central Government or the State Government, or Reserve Bank of India or another public sector bank or banking company or a public financial institution wholly or substantially owned by the Reserve Bank of India or a public financial institution or public undertaking, or a local authority, the authority lending his services (hereinafter referred to as the "Lending Authority") shall forthwtith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be.

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

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

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

(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 it to the proceedings of the inquiry for such action as it deems necessary.

(3) If the officer employee submits an appeal against an order imposing a minor penalty on him under clause (a) of sub-regulation (2), it will be disposed of after consultation with the Lending Authority :

Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the officer employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

17. Appeals :

(1) An officer employee may prefer an appeal to the Appellate Authority within forty five days from the date of receipt of the order imposing upon him any of the penalties specified in regulation 4 or against the order of suspension referred to in regulation12:

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

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

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

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

Provided that:

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

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

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(5) The Appellate Authority shall dispose of the appeal within a period of ninety days from the date of its receipt from the appellant:

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

(6) The case lying pending over ninety days shall be reviewed periodically by the Appellate Authority and the reasons for non-disposal of the cases shall be recoded in writing.

(Regulation 17 was incorporated and substituted in terms of the Bank of India Officer Employees' (Discipline & Appeal) (Amendment) Regulations, 2004 , published in the Gazette of India dated 22.10.2004).

18. Review:

Notwithstanding anything contained in these Regulations, the Reviewing Authority may at any time within six months from the date of the final order, either on his own motion or otherwise review the said order, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought to his notice and pass such orders thereon as it may deem fit;

Provided that -

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

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

(Regulation 18 was incorporated and substituted in terms of the Bank of India Officer Employees' (Discipline & Appeal) (Amendment) Regulations, 2001 , published in the Gazette of India dated 23.03.2002).

19. Consultation with Central Vigilance Commission:

The Bank shall consult the Central Vigilance Commission wherever necessary,

in respect of all disciplinary cases having a vigilance angle.

20. Service of orders, notices, etc.:

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

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

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

22. Repeal and Saving:

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

(2) Notwithstanding such repeal -

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

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

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

(d) any proceedings which have already been initiated but not yet been completed at the commencement of these regulations shall be continued and disposed as far as may be, in accordance with the provisions of these regulations, as if such proceedings were initiated under these regulations.

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BANK OF INDIA OFFICER EMPLOYEES' (DISCIPLINE AND APPEAL) REGULATIONS, 1976

SCHEDULE

Sr. No.	Scale of the officer employee	Disciplinary Authority	Appellate Authority	Reviewing Authority.
(i)	(ii)	(iii)	(iv)	(v)
1.	Officers in Scale-I, II & III	Zonal Manager in Scale-V/ Assistant General Manager.	Zonal Manager in Scale-VI / Deputy General Manager.	General Manager
2.	Officers in Scale – IV & V	General Manager	Executive Director or in his absence Chairman & Managing Director	Chairman & Managing Director or in his absence/ in case he is functioning as Appellate Authority, the Committee of Board
3.	Officers in Scale – VI	Executive Director or in his absence Chairman & Managing Director	Chairman & Managing Director or in his absence/in case he is functioning as Disciplinary Authority, Committee of Board	Committee of the Board/in case the committee of the Board is functioning as Appellate Authority, the Board
4.	Offices in Scale - VII	Chairman & Managing Director or in his absence Executive Director	Committee of the Board	Board

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NOTE FORMING PART OF SCHEDULE:

Any authority higher than the one specified in columns (iii), (iv) and (v) above is empowered to exercise the powers of Disciplinary or Appellate or Reviewing Authority as the case may be.

2. Wherever the Disciplinary or Appellate or Reviewing Authority is appointed/ nominated by designation, any person officiating in such designated post shall ipso-facto exercise the authority of Disciplinary or Appellate or Reviewing Authority as the case may be.

3. Wherever there are more than one officer of the same designation who can function as Disciplinary or Appellate or Reviewing Authority or where such authorities are not in a position to function as such or for any reason whatsoever, then:

i) The Executive Director and in his absence the Chairman and Managing Director by general or special order shall empower :

a) An officer not below the rank of Zonal Manager in Scale VI / Deputy General Manager to nominate which officer of the appropriate scale shall function as Disciplinary Authority in respect of officers in Scale I, II and III;

b) The General Manager to nominate which officer of the appropriate scale shall function as Appellate Authority in respect of Officers in Scale I, II & III.

ii) The Executive Director and in his absence the Chairman & Managing Director shall decide which General Manager shall function as (a) Disciplinary Authority in respect of officers in Scale IV and V and (b) Reviewing Authority in respect of officers in Scale I, II and III.

4. The Disciplinary or Appellate or Reviewing Authority for officer employees posted in establishments outside India or for those on deputation shall be the same as for officer employees posted in Head Office.

5. Where disciplinary action is required to be taken against more than one officer in respect of a common misconduct or a common transaction or series of transactions, then the Disciplinary Authority for the senior most officer concerned is also empowered to initiate disciplinary proceedings against all such officers. Correspondingly, Appellate and Reviewing Authorities for all such officers will be same as those for the senior most officer.

6. Any proceedings which have been initiated but not yet been completed by the appropriate authority on the date of coming into force of this Schedule shall be continued and/or disposed of by the Authority specified in this Schedule."

(This schedule has substituted the earlier Scheduled and was published in the Gazette of India dated 08.11.2008)

BANK OF INDIA OFFICER EMPLOYEES' (DISCIPLINE AND APPEAL) REGULATIONS, 1976

SCHEDULE OF COMPETENT AUTHORITIES FOR OFFICER EMPLOYEES

Sr. No.	Scale of the officer employee	Competent Authority under Regulations 3(f), 12 and 15
(i)	(ii)	(iii)
1.	Officers in Scale-I & II	Dy. Zonal Manager / Regional Manager/ Chief Manager / Officer in Scale IV.
2.	Officers in Scale – III	Zonal Manager in Scale V / Jt. Zonal Manager / Chief Regional Manager / Asst. General Manager
3.	Officers in Scale – IV	Zonal Manager in Scale VI / Deputy General Manager
4.	Offices in Scale – V & VI	General Manager
5.	Officers in scale VII	Executive Director

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NOTE FORMING PART OF SCHEDULE:

Any authority higher than the one specified in columns (iii) and above is empowered to exercise the powers of Competent Authority as the case may be.

2. Wherever the Competent Authority is appointed/ nominated by designation, any person officiating in such designated post shall ipso-facto exercise the authority of Competent Authority as the case may be.

3. Wherever there are more than one officer of the same designation who can function as Competent Authority or where such authorities is not in a position to function as such or for any reason whatsoever, then:

i) The Executive Director and in his absence the Managing Director by general or special order shall empower :

a) An officer not below the rank of Zonal Manager in Scale V / Jt. Zonal Manager / Chief Regional Manager / Asst. General Manager to nominate which officer of the appropriate scale shall function as Competent Authority under Regulation 12 and 15 in respect of officers in Scale I and II;

b) An officer not below the rank of Zonal Manager in Scale VI / Dy. General Manager to nominate which officer of the appropriate scale shall function

as Competent Authority under Regulation 12 and 15 in respect of officers in Scale III;

c) The General Manager to nominate which officer of the appropriate scale shall function as Competent Authority under Regulation 12 and 15 in respect of Officers in Scale IV.

ii) The Executive Director and in his absence the Chairman & Managing Director shall decide which General Manager shall function as (a) Disciplinary Authority in respect of officers in Scale V and VI.

4) Where the Executive Director is not in a position to function as Competent Authority under Regulation 12 and 15, the Managing Director shall function as Competent Authority under Regulations 12 and 15 in respect of officers in Scale VII. However, if even the Managing Director is also not in a position to function as Competent Authority then the Board shall appoint any one of the Directors to be Competent Authority in place of the Managing Director.

5) The Competent Authority for officer employees posted in establishments outside India and for those on deputation shall be the same as for officers employees posted in Head Office.

6) The above Schedule is applicable also to the officers who have not opted for fitment in the Scales of Pay under the Bank of India (Officers') Service Regulations, 1979, and in their cases, their Scales for the purpose of this Schedule would be notionally determined as per the fitment formula under the said Service Regulations.

7) Any order of suspension passed by an authority prior to the date of coming into force of this Schedule will be deemed to have been passed by the Competent Authority under this Schedule.

(Adopted at Board Meeting dated 15-07-1996. Circulated Vide Branch Circular No. 90/196 dated 25-02-1997, subject: Personnel / 96-97/16)

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