

National Projects Construction Corporation Limited

(A Government of India Enterprise)

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Ref.No. 500121 **CORRECTION SLIP No.38** Date 22.9.2005

MANUAL OF ORDER

In exercise of power conferred by Article 83(15) of the Articles of Association, the Board, in the 236th meeting held on 13.9.05, approved the following amendments in NPCC(Classification , Control & Appeal) Rule, 1966 hereinafter known as NPCC(CC&A)(First Amendment) Rule, 2005.

1. Amendment in the existing clauses

(i) The categories of employees mentioned under classification of services may be specified under:-

The services of the Corporation shall be classified as follows:-

Sl.no.	Category	Description
a)	I	The post carrying a pay scale, the minimum of which is Rs.10,000/-p.m and above in CDA scales or equivalent in IDA pay scale
b)	II	The post carrying a pay scale, the minimum of which ranges between Rs. 5000 to 8000 p.m in CDA scale or equivalent in IDA pay scale
c)	III	Post carrying a pay scale, the minimum of which ranges between Rs.2750 to 4500 p.m. in CDA scale or equivalent in IDA pay scale.
d)	IV	Post carrying a pay scale, the minimum of which is below Rs.2750 p.m in CDA scale or equivalent in IDA pay scale.

(i) The word 'two' in the second line of " Note" of clause 11.4 may be replaced by 'seven'

(ii) The clause 11.11.(d).(iii) may be read as "if the retired employee/officer of the Corporation is also a Legal Practitioner, the provision of rule 11.11© of NPCC (CC&A)(First Amendment) Rules, 2005 will apply"

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2. In addition to the above, the schedule attached with the NPCC (CC&A) Rules, 1966 is to be amended as under:-

SCHEDULE
NPCC (CLASSIFICATION,CONTROL AND APPEAL) (First Amendment) Rules- 2005
Nature of penalties, Disciplinary & appellate authorities etc...
(Refer Rule – 10)

S No.	Category of employee	Appointing Authority	For Minor Penalty		For Major Penalty		For suspension	
			D.A.	Appellate Authority	D.A.	Appellate Authority	Punishing Authority	Appellate Authority
1.	Officer of Category-I	CMD	CMD	Board	CMD	Board	CMD	Board
2.	Officers of Category-II	CMD	CMD	Board	CMD	Board	CMD	Board
3.	Estt. Of Category-III	Director F.T.	Director F.T.	CMD	Director F.T.	CMD	Director F.T.	CMD
4.	Category-IV Misc.Esst. (1) At Corp.Office	HOD(HR)	HOD(HR)	Director F. T.	HOD(HR)	Director F. T.	HOD(HR)	Director F. T.
	(2) At Zonal/Unit Office	Z.M	Z.M	Director F. T.	Z.M	Director F. T.	Z.M	Director F. T.

1. This schedule containing nature of penalties, Disciplinary Authority & Appellate Authorities, will be appended with NPCC (CC&A) (First Amendment) Rules 2005 and will come into force with effect from the date of approval of the NPCC (CC &A) (First Amendment) Rules 2005 by the Board.

Explanation:- Any Disciplinary proceeding pending before the commencement of NPCC (CC&A) (First amendment) Rules 2005 shall be continued and disposed of in accordance with the schedule appended with NPCC (CC& A) Rule 1966.

2. In case of joint Inquiry where two or more Corporation employees are involved and if the Disciplinary Authorities for such Corporation employees as specified in the schedule are different, the highest of the such authorities will be the Disciplinary Authority for such case.

The copy of the (CC&A)(First Amendment) Rule 2005 incorporating up to date Correction slips and amended schedules is enclosed herewith as Appendix-V.


(A.K.MAHAJAN)
DY.MANAGER(P&A)

DISTRIBUTION

1. Director(F),C.O,NPCC Ltd., Faridabad
2. GM, NER, Guwahati, NPCC Ltd.,
3. AGMs, C.O/E.Z.O.Kolkata, NPCC Ltd.,
4. All Zonal Heads, NPCC Ltd., - This may please be brought to the notice of all the Units under your charge
5. CVO / All Divisional Heads, NPCC Ltd., C.O, Faridabad
6. DM(F)(CASH)/DM(F)(BILL)/CS-CIAO/NPCC Ltd., C.O., Faridabad
7. Notice Board

EA TO CMD/SPS TO CMD

(Authority:- Agenda item No. 236.17 of the Board of Directors' meeting held on 13.9.2005)

N.P.C.C. (CLASSIFICATION, CONTROL & APPEAL) (FIRST AMENDMENT) Rules 2005

(Referred to in Para 2.46 of the Manual of Orders)

In exercise of the powers conferred by Art. 83(15) of the Articles of Association, the Corporation, made NPCC (CC&A) Rules in 1966 and amended in 2005

PART I – GENERAL

1. Short Title and Commencement

- (a) These rules first formulated in 1966 was amended in the 236th Board meeting held on 13.9.2005 by incorporating correction slip No. 13 dt. 25.2.69, 78 dt. 28.12.73, 118 dt. 28.3.77, 25 dt. 26.2.93, 500121 dt. 23.4.96, 500121 dt.3.6.2004, 35 dt. 5.10.04, 36 dt. 22.8.05, 37 dt. 12.9.05 and by modifying the schedule to the rules. This amended rules may be called the NPCC (Classification, Control & Appeal)(First Amendment) Rules 2005.
- (b) They shall come into force at once.

2. Interpretation

- (a) Appointing Authority, in relation to an employee of the Corporation means:
 - (i) the authority empowered to make appointments to the service of which the employee is for the time being a member or to the grade of the service in which he is for the time being included,
or
 - (ii) the authority empowered to make appointments to the post which the employee for time being holds,
or
 - (iii) the authority which appointed the employee to such service, grade or post, as the case may be,
or
 - (iv) where the employee having been permanent member of any other service or having substantively held on other permanent post, has been in continuous employment of the Corporation, the authority which appointed authority is the highest.
- (b) ‘Disciplinary Authority’, in relation to the imposition of a penalty on Corporation employee means the authority competent under these rules to impose on him that penalty.
- (c) Corporation employee means a person who holds a post under the Corporation and includes permanent or temporary employees and excludes persons on foreign service or deputation.
- (d) Schedule means the Schedule to these rules.
- (e) ‘CMD’ means The Chairman and Managing Director of the Corporation.

- (f) Director F.T. means Director(Engineering) and Director (Finance) of the Corporation.
- (g) HOD(HR) means Head of Division of the Human Resources
- (h) ZM means Zonal Manager

3. Application. 1

These rules apply to all Corporation employees including retired employees against whom disciplinary proceedings were initiated before retirement except those who fall in any of the following categories:-

- (a) Employee on foreign service or deputation;
- (b) Persons in casual employment;
- (c) Persons subject to discharge from service on less than one month's notice;
- (d) Persons for whose appointment and other matters covered by the Rules special provision is made by or under any law for the time being in force, in regard to the matters covered by such law;
- (e) Workcharged employees of the Corporation.

4. Protection of Rights and Privileges conferred by any Law Agreement.

Nothing in these rules shall operate to deprive any Corporation employee of any right or privilege to which he is entitled:-

- (a) by or under any law for the time being in force;
- (b) by the terms of any agreement subsisting between such persons and the Corporation at the commencement of these rules.

PART II-CLASSIFICATION

5. Classification of Services.

The services of the Corporation shall be classified as follows:

- (a) Category I. The post carrying a pay scale, the minimum of which is Rs. 10,000/- p.m. and above in CDA scales/or equivalent in IDA Pay Scale.
- (b) Category II The post carrying a pay scale, the minimum of which ranges between Rs. 5000 to 8000 p.m. in CDA Scale/or equivalent in IDA pay scale.
- (c) Category III Post carrying a pay scale, the minimum of which ranges between Rs.2750 to 4500 p.m. in CDA scale or equivalent in IDA pay scale.
- (d) Category IV – Post carrying a pay scale, the minimum of which is below Rs.2750 p.m. in CDA scale of equivalent in IDA pay scale.

As specified in the Schedule.

PART III – APPOINTING AUTHORITIES

6. Appointments to Category I & II Posts

All appointments to Category I & II shall be made by the C.M.D.

Provided that the C.M.D. may, by a general or a special order and subject to such conditions as he may specify, delegate to any other authority the power to make such appointments.

7. Appointments to Other Posts

All appointments to the Category III & IV shall be made by the authorities specified in this behalf in the schedule.

PART IV – SUSPENSION

8. Suspension

The appointing Authority or any authority to which it is subordinate or any other authority empowered by the M.D. in that behalf may place a Corporation employee under suspension:-

- (a) where a disciplinary proceeding against him is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial.

2. A Corporation employee who is detained in custody, whether on a criminal charge of otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of Appointing Authority and shall remain under suspension until further orders.

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

4. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Corporation 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 a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations of which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Corporation employee shall be deemed to have been placed under suspension by the appointing Authority from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

5. An order of suspension made or deemed to have been made under this 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.

PART V – DISCIPLINE**9. Nature of Penalties**

The following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on a Corporation employee, namely:-

MINOR PENALTIES

- (i) Censure;
- (ii) withholding of his promotion;
- (iii) recovery from his pay the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders;
- (iii)(a) 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 his pension,”
- (iv) withholding of increments to pay;

MAJOR PENALTIES

- (v) Save as provided for in Clause (iii) (a) reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the deduction will or will not have the effect of postponing the future increments of his pay.”
 - (vi) reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Corporation employee to the time-scale of pay grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or Service from which the Corporation employee was reduced and his seniority and pay on such restoration to that grade, post or Service;
 - (vii) Compulsory retirement;
 - (viii) removal from service which shall not be a disqualification for future employment,
 - (ix) dismissal from service which shall ordinarily be a disqualification for future employment,
- (a) Provided that in every case in which the charge of possession of assets disproportionate to know/sources of income of the charge of acceptance from any person of any gratification other than legal remuneration as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed.
 - (b) Provided further that in any exceptional case and for special reasons to be recorded in writing, any other penalty may be imposed.

Explanation:-

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

- (i) with-holding of increment of Corporation employee for failure to pass a departmental examination in accordance with the rules or orders governing the Service or post or the terms of his appointment;
- (ii) stoppage of a Corporation employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in a substantive or officiating capacity of a Corporation employee, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;

- a. reversion to lower Service, grade or post of a Corporation employee officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post or on administrative ground unconnected with his conduct;
- (v) reversion to his permanent Service, grade or post of Corporation employee appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;
- (vi) replacement of the services of an employee whose services have been borrowed from a Stage Government or an authority under the control of State Government at the disposal of the authority which had lent his services;
- (vii) compulsory retirement of a Corporation employee in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the service;
 - (a) of a Corporation 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 and orders governing probation;
 - or
 - (b) of a temporary Corporation employee in accordance with the terms of his appointment,
 - or
 - (c) of a Corporation employee, employed under an agreement in accordance with the terms of such agreement.

10. Disciplinary Authorities

The Authorities mentioned in the Schedule may impose any of the penalties specified in rule 9 on any Corporation employee.

11. Procedure for imposing Major Penalties

- 1. The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, with a statement of the allegations on which they are based, shall be communicated in writing to the Corporation employee and he shall be required to submit within such time as may be specified by the disciplinary Authority,
 - (a) to such authority,
 - or
 - (b) where a Board of Inquiry or Inquiring Officer has been appointed to that Board of Officer.

Written statement of his defence and also to state whether he desired to be heard in person.

Explanation: In this sub-rule and in sub-rule (2), the expression the 'Disciplinary Authority' shall include the authority competent under these rules to impose upon the Corporation employee any of penalties specified in clauses (i) to (iv) of rule 9.

The Disciplinary authority may inquire into the charges itself or, if it considers it necessary to do so, it may, either at the time of communicating the charges to the Corporation employees or at any time thereafter appoint a Board of Inquiry or Inquiring Officer for the purpose.

2. The Corporation employee, shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused for reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public or Corporation's interest to allow him access thereto.

3. On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary Authority or, as the case may be, the Board of Inquiry or the Inquiring Officer may inquire into such of the charges as are not admitted.

4. The Disciplinary Authority may nominate a Corporation employee to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The Corporation employee may present his case with the assistance of any other Corporation employee approved by the disciplinary Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority as aforesaid is a legal practitioner or unless the disciplinary Authority, having regard to the circumstances of the case, so permits.

“Note- The Corporation employees shall not take the assistance of any other Corporation employee who has seven pending disciplinary cases on hand in which he has to give assistance.”

5. The Inquiring Authority shall, in course of the Inquiry consider such documentary evidence and take such evidences as may be relevant or material in regard to the charges. The Corporation employee shall be entitled to cross examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross examine the Corporation employee and the witnesses examined in the defence. If the Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

6. At the conclusion of the Inquiry, the Inquiring Authority shall prepare a report of the Inquiry, recording its findings on each of the charges together with reasons therefore. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the Corporation employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

7. The record of the inquiry shall include :
- (i) the charges framed against the Corporation employee and the statement of allegations furnished to him;
 - (ii) his written statement of defence, if any;
 - (iii) the oral evidence taken in the course of the inquiry;
 - (iv) the documentary evidence considered in the course of the inquiry;
 - (v) the orders, if any made by the Disciplinary Authority and the reasons thereof,

8. The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the Inquiry and record its findings on each charge.
9. If the disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 9 should be imposed it shall:
 - (a) furnish to the Corporation employee a copy of the report of the Inquiring Authority and where the Disciplinary Authority is not the Inquiring Authority, a statement of its finding together with brief reasons for disagreement, if any, with the finding of the Inquiring Authority;
 - and**
 - (b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.
10. Orders passed by the Disciplinary Authority shall be communicated to the Corporation employee who shall also be supplied with a copy of the report of the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.
11. (a) Where the disciplinary authority itself inquires into any article (s) of charges or appoints an inquiring authority for holding and inquiry into such charge, it may by an order, appoint a Corporation employee or a Legal practitioner, to be known as the 'Presenting Officer' to present on its behalf the case in support of the article(s) of charge.
 - (b) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority, a copy of the order appointing the 'Presenting Officer'.
 - (c) The Corporation employee may take the assistance of any other Corporation employee to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the 'Presenting Officer' appointed by the disciplinary authority is a legal practitioner, or the disciplinary having regard to the circumstances of the case. So permits.
 - (d) The employees involved in disciplinary proceedings may also take the assistance of the retired employees/Officers of the Corporation subject to the following conditions:-
 - (i) "No retired employee/officer concerned can take up more than seven cases at a time.
The retired employee/officer should satisfy the Inquiring Officer that he does not have more than seven cases in hand including the case in question."
"The retired employee/officer concerned should not have, in any manner, been associated with the case at investigation stage or otherwise in his official capacity."
 - ii) a retired employee/officer of the Corporation cannot assist an employee after the expiry of three years from the date of his retirement or the date of final cessation of duties on the expiry of re-employment in Central Government service without any break after retirement.
 - iii) if the retired employee/officer of the Corporation is also a legal practitioner, the provisions of Rule 11.11(C) of the NPCC(CC&A) (First amendment) Rules 2005 will apply.
 - iv) for payment of traveling and other expenses, the retired employee/officer of the Corporation will be deemed to belong to the grade of employee/officer of the Corporation to retirement. The expenditure on this account will be borne by the Department or office to which the delinquent employee/Officer belongs."

12. Procedure for Imposing Minor Penalties.

1. No order imposing any of the penalties specified in clauses (i) to (iv) of rule 9 shall be passed except after :
 - (a) the Corporation employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make.
 - (b) Such representation, if any, is taken into consideration by the Disciplinary Authority.
2. The record of proceedings in such cases shall include:
 - (i) a copy of the intimation to the Corporation employee of the proposal to take action against him;
 - (ii) a copy of the statement of allegations communicated to him;
 - (iii) his representation, if any;and
 - (iv) the orders of the case together with the reasons therefore.

13. Joint Inquiry

1. Where two or more Corporation employees are connected in any case, the M.D. or any other authority competent to impose the penalty of dismissal from service on all such Corporation employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.
2. Subject to the provisions of rule 10, any such order shall specify:
 - (i) the authority which may function as the Disciplinary authority for the purpose of such common proceeding;
 - (ii) the penalties specified in rule 9 which such Disciplinary Authority shall be competent to impose, and
 - (iii) whether the procedure prescribed in rule 11 or rule 12 may be followed in the proceedings.

14. Special Procedure in certain Cases.

Notwithstanding anything contained in rules, 11, 12 and 13,

- (i) where a penalty is imposed on Corporation employee on the ground of conduct which has led to his conviction on a criminal charge;
- (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules;
- (iii) where the M.D. is satisfied that in the interest of the Corporation, it is not expedient to follow such procedure the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deemed fit.

14(A)

- (i) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
- (ii) During the pendency of the disciplinary proceeding, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offence/misconduct as mentioned in sub-section (6) of section 4 of the payment of Gratuity Act, 1972 or have caused pecuniary loss to the company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of section 7 (3) and 7(3A) of the payment of Gratuity Act, 1972 shall be kept in view in the event of delayed payment, in case the employee is fully exonerated.

14(a) "For the cases falling under Gender inequality and of Sexual Harassment, the Complaints Committee constituted vide Ref. No.500121 dated 16th January, 1998 will be an Inquiry Authority and the report of the Complaints Committee shall be an Inquiry Report under these rules."

15. Provisions Regarding Officers lent to the Central or State Government etc:

1. Notwithstanding anything contained in these rules, where the services of a Corporation servant are lent to the Central Govt. or a State Government on an authority Subordinate thereto or to a local or other authority (hereinafter in this rule referred to as the borrowing authority), the borrowing authority shall have the Powers of the appointing authority for the purpose of placing him under suspension and of the disciplinary authority for the purpose of taking a disciplinary proceeding against him:

Provided that the borrowing authority shall forth with inform the Corporation of the circumstance leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be.

2. In the light of the findings in the disciplinary proceedings taken against the Corporation servant:-

(i) If the Borrowing authority is of the opinion that any of the penalties specified in clause (i) to (iv) of rule 9 should be imposed on him if may in consultation with the Corporation, pass such orders on the case as it deems necessary,

Provident that in the event of difference of opinion between the borrowing authority and the Corporation, the services of the Corporation servant shall be replaced at the disposal of the Corporation.

(ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 9 should be imposed on him it shall replace his services at the disposal of the Corporation and transmit to it the proceeding of the inquiry and thereupon the Corporation may refer the case to the disciplinary authority who shall pass such orders thereon as it deems necessary in accordance with those rules.

Explanation: The disciplinary authority may make an order under this clause on the record of the inquiry transmitted by the borrowing authority, or after holding such further inquiry as it may deem necessary.

16. Provisions Regarding Employees Borrowed from the Central or State Government etc.

1. Where an order of suspension is made or a disciplinary proceeding is taken against a Government servant, other than an officer of the All India Services, whose services have been borrowed by the Corporation from the Central Government or a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in this rule 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.

2. In the light of the findings in the disciplinary proceeding taken against the Government servant -

(i) if the disciplinary authority is of the opinion that any of the penalties specified in clause (i); (ii) & (iv) of rule 9 should be imposed on him, it may, after consultation with the, lending authority, pass such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the Corporation and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority.

(ii) if the disciplinary authority is of the opinion that any of the penalties specified in clause (v) to (ix) to rule 9 should be imposed on him, it shall replace his service at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action if deems necessary.

PART VI – APPEALS

17. Appeals Against Order of Suspension

A Corporation employee may appeal against an order of suspension to the authority to which made or is deemed to have made the order is immediately subordinate.

18. Appeals Against Order Imposing Penalties

A Corporation employee may appeal against an order imposing upon him any of the penalties specified in rule 9 to the authority specified in this behalf in the Schedule.

19. Appeal Against other Orders

- (1) A Corporation employee may appeal against order which:
 - (a) denies or varies to his disadvantage his pay, allowances, or other conditions of services as regulated by any rule or by agreement.
 - or
 - (b) interprets to his disadvantage the provisions of any such rule or agreement to the Managing Director.
- (2) An appeal against an order:
 - (a) Stopping Corporation employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar;
 - (b) reverting to a lower Service, grade or post, a Corporation employee officiating in a higher Service, grade or post, otherwise than as penalty,
 - (c) reducing or withholding the employees contribution or denying the maximum contribution admissible under the rule and

- (d) determining the pay and allowances for the period of suspension to be paid to a Corporation employee on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose, shall lie :
 - (i) In the case of an order made in respect of a Corporation employee on whom the penalty of dismissal from service can be imposed only by the M.D. to the Board; and
 - (ii) In the case of an order made in respect of any other Corporation employee to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

20. Period of Limitation for Appeals

No appeal under this part shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against.

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 submitting the appeal in time.

21. Form and Contents of Appeal

- 1. Every person submitting an appeal shall do so separately and in his own name
- 2. The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

22. Submission of Appeals

Every appeal shall be submitted to the authority which made the order appealed against:

Provided that a copy of the appeal may be submitted direct to the appellate authority

23. Withholding of Appeals

- 1. The authority which made the order appealed against may withhold appeal if:-
 - (i) It is an appeal against and or from which no appeal lies;
 - or
 - (ii) it does not comply with any of the provisions of rule 21;
 - or
 - (iii) it is not submitted within the period specified in rule 21 and no cause is shown for the delay;
 - or
 - (iv) it is repetition of an appeal already decided and no new facts or circumstance are adduced;

Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 21 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions; the appellant shall not be withheld.

2. Where an appeal is withheld the appellant shall be informed of the fact and the reasons therefore.
3. Within a fortnight after the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter, together with the reasons for withholding them, shall be furnished by that authority to the appellate authority.

24. Transmission of Appeals

1. The authority which made the order appealed against, shall without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 23 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

2. The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 23 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

25. Consideration of Appeals

1. In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 8 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

2. In the case of an appeal against an order imposing any of the penalties specified in rule 9, the appellate authority shall consider,

- (a) whether the findings are justified;
- (b) whether the procedure prescribed in these rules have been complied with and, if not whether such non-compliance has resulted in failure of justice;
- (c) whether the penalty imposed is excessive, adequate or inadequate, and pass orders:-
 - (i) setting aside, reducing confirming or enhancing the penalty;
 - or
 - (ii) 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:-

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority propose to impose is one of the penalties specified in clause (v) to (ix) of rule 9 and an Inquiry under the rule 11 has not already been held in the case, the appellate authority shall subject to the provisions of rule 14, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

3. In the case of an appeal against any order specified in rule 19 the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

26. Implementation of Order in Appeal

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

27. Provision when Disciplinary Authority etc. subsequently becomes Appellate Authority.

Notwithstanding anything contained in this part, where the person who made the order appealed against become by virtue of his subsequent appointment or otherwise, the appellate authority under rules 17 to 19 in respect of the appeal against such order, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall in relation to that appeal be deemed to be the appellate authority for the purposes of rules 25 and 26.

PART VII - REVIEW

28. Power to review

Notwithstanding anything contained in these rules, the Board may, on its own motion or otherwise, after calling for the records of the case, review any order which is made or is appealable under these rules and

- a) confirm, modify or set aside the order;
- b) impose any penalty or set aside, reduce, confirm,
or
enhance the penalty imposed by the order,
- c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as considered proper in the circumstances of the case;
- d) pass such other orders as deemed fit:

Provided that-

- (i) an order imposing of enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.
- (ii) if the Board proposes to impose any of the penalties specified in clauses (v) to (ix) of rule 9 in a case where an inquiry under rule 11 has not been held, it shall subject to the provisions of rule 14 direct, that such inquiry held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as may be deemed fit.

29. Review of Orders in Disciplinary Cases.

The authority to which an appeal against an order imposing any of the penalties specified in rule 9 lies may, of its own motion or otherwise, call for the records of the case in disciplinary proceeding, review any order passed in such a case and pass such orders as it deems fit, as if, the Corporation employee had preferred and appeal against such order.

Provided that no action under this rule shall be initiated more than six month's after the date of the order to be reviewed.

30. Removal of Doubts:

Where a doubt arises as to who is the head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rule, the matter shall be referred to the Board whose decision thereon shall be final.

31. Savings

The provision of these rules shall be in addition to, and not in derogation of the provisions of the Articles of Association of the Corporation and of the provision of companies Act, 1956 and of any other enactment for the time being in force and the rules and regulations made or prescribed there under.

(Case No. 500120)

SCHEDULE

**NPCC (CLASSIFICATION, CONTROL AND APPEAL) (First Amendment) Rules-2005
Nature of penalties, Disciplinary & appellate authorities etc...
(Refer Rule – 10)**

S No	Category of employee	Appointing Authority	For Minor Penalty		For Major Penalty		For Suspension	
			D.A.	Appellate Authority	D.A.	Appellate Authority	Punishing Authority	Appellate Authority
1.	Officer of Category-I	CMD	CMD	Board	CMD	Board	CMD	Board
2.	Officer of Category-II	CMD	CMD	Board	CMD	Board	CMD	Board
3.	Estt. Of Category-III	Director F.T.	Director F.T.	CMD	Director F.T.	CMD	Director F,T,	CMD
4.	Category —IV Misc Estt. 1. At Corp. Office	HOD(HR)	HOD (HR)	Director F.T.	HOD (HR)	Director F.T.	HOD (HR)	Director F.T.
	2. At Zonal/Unit Office	Z.M.	Z.M.	Director F.T.	Z.M.	Director F.T.	Z.M.	Director F.T.

2. This schedule containing nature of penalties, Disciplinary Authority & Appellate Authorities, will be appended with NPCC (CC&A) (First Amendment) Rules 2005 and will come into force with effect from the date of approval of the NPCC (CC&A) (First Amendment) Rules 2005 by the Board.

Explanation:- Any Disciplinary proceeding pending before the commencement of NPCC (CC&A) (First amendment) Rules 2005 shall be continued and disposed of in accordance with the schedule appended with NPCC (CC&A) Rule 1966.

2 In case of joint Inquiry where two or more Corporation employees are involved and if the Disciplinary Authorities for such Corporation employees as specified in the schedule are different, the highest of the such authorities will be the Disciplinary Authority for such case.