

H.P Power Transmission Corporation Limited
(A State Govt. Undertaking)
Barowalia House, Khalini, Shimla-2.
Phone No.0177-2626283-84

HPPTCL CONDUCT, DISCIPLINE AND APPEAL (CDA) RULES

Rule 1

Short title and commencement:

1. These rules may be called **HPPTCL Conduct, Discipline and Appeal Rules**.
2. They shall come into force on and apply to all employees employed before the date of issuance of these Rules, also including Employees on contract and those on secondment/deputation from HPSEB in whose case terms of deputation will be kept in view.

Rule 2

Applications:

These rules shall apply to all employees including Employees on Secondment/deputation from HPSEB except:-

Those in casual employment or paid from contingencies;
 Those governed by the Standing Orders under the Industrial Employment (Standing Orders) Act, 1946.

Rule 3

Definitions:

In these, rules unless the context otherwise requires:-

"Employee" means a person in the employment of the Corporation other than the casual, work charged or contingent staff or workman defined in the Industrial Employment (Standing Orders) Act, 1946, but includes a person on deputation/secondment to the Company.

"Workman" means a person as defined in the Industrial Employment (Standing Orders) Act, 1946, and to whom the provisions of these Rules shall not apply.

"Company" means the Himachal Pradesh Power Transmission Corporation Limited.

"Board" means the Board of Directors of the Company and includes, in relation to exercise of powers, any committee of the Board/Management or any officer of the Company to whom the Board delegates any of its powers.

"Chairman/Managing Director" means the Chairman/Managing Director of the Company.

"Disciplinary Authority" means the authority specified in the Schedule appended to these Rules and competent to impose any of the penalties specified in Rule 23.

"Competent Authority" means the Chairman, or any other authority empowered by Board of Directors by any general or special rule or orders to discharge the function or use the powers specified in the Rule or Order.

"Appellate Authority" means the authority specified in the Schedule appended to these Rules.

"Reviewing Authority" means the authority specified in the Schedule attached to these Rules.

"Family Members" in relation to an employee includes:-

The wife or husband as the case may be of 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. Sons or Daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or step-child who is no longer dependent on the employee or of whose custody the employee has been deprived by or under any law (Employee shall declare names of such child who are not dependent).

Any other person, related whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.

"Public Servant" shall mean and include a person as mentioned in Section 21 of Indian Penal Code as amended from time to time.

Movable Property means:

Jewellery, insurance policies, the annual premium of which exceeds (Rs. 10,000) or one-sixth of the total annual emoluments, whichever is less, shares, securities and debentures;

All loans, whether secured or not, advanced or taken by the employee from outside agencies.

Motor cars, motor cycles, scooter, horses or any other means of conveyance; and Refrigerators, radios (Radiograms and television sets).

Rule 4

General:

1. Every employee of the Company shall at all times:-

Maintain absolute integrity;

Maintain devotion to duty; and

Do nothing which is unbecoming of a public servant.

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

Rule 5

Misconduct:

- Without prejudice to the generality of the term "misconduct", the following acts of omission and commission shall be treated as misconduct :-
- Theft, fraud or dishonesty in connection with the business or property of the Company or of property of another person within the premises of the company.
- Taking or giving bribes or any illegal gratification.
- Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- Furnishing false information regarding name, age, father's name, qualifications, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- Acting in a manner prejudicial to the interests of the Company.
- Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- Habitual late or irregular attendance.
- Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- Damage to any property of the Company.
- Interference or tampering with any safety devices installed in or about the premises of the Company.
- Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Company or outside such premises where such behaviour is related to or connected with the employment.
- Gambling within the premises of the establishment.
- Smoking within the premises of the establishment where it is prohibited.
- Collection without the permission of the competent authority of any money within the premises of the Company except as sanctioned by any law of the land for the time being in force or rules of the Company.
- Sleeping while on duty.
- Commission of any act, which amounts to a criminal offence involving moral turpitude.

- Absence from the employee's appointed place of work without permission or sufficient cause.
- Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores, etc. to the Company without express permission in writing from the competent authority.
- Commission of any act subversive of discipline or of good behaviour.
- Abetment of or attempt at abetment of any act which amounts to misconduct.

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

Rule 6

Employment of near relatives of the employees of the Company in any Company or firm enjoying patronage of the Company: -

1. No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.

2. No employee shall, except with the previous sanction of the competent authority, permit his Son, Daughter or any member of the family to accept employment with any private firm with which he has official dealings or with any other firm, having official dealings with the Company:

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

3. No employee shall in the discharge of his official duties deal with any other person if any member of his family is employed in that Company or under that person or if he or any member of his family is interested in such matter or contract in any other matter 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.

Rule 7

Taking part in demonstration:

No employee of the Company shall engage himself or participate in any demonstration which involves incitement to an offence.

Rule 8

Connection with Press or Radio:

1. No employee of the Company 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 of the Company shall, except with the previous sanction of the competent authority or the prescribed authority or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical:

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

Rule 9

Criticism of Government and the Company:

No employee shall, in any radio broadcast or in document published under his name or in the name of any other person or in any communication to the press or in any public utterances, make any statement Which has the effect or adverse criticism of any policy or action of the Central or State Governments or of the Company; or Which is capable of embarrassing the relation between the Company and the public: Provided that nothing in these rules shall apply to any statement made or views expressed by an employee, of a purely factual nature which are not considered to be of a confidential 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 bonafide expression of views by him as an office-bearer of a recognized trade union for the purpose of safeguarding the condition of service of such employees or for securing an improvement thereof.

Rule 10

Evidence before committee or any other authority:

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

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

3. Nothing in this rule shall apply to -

Evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or any Company.

Evidence given in any judicial enquiry; or

Evidence given in any departmental enquiry ordered by authorities subordinate to the Government.

Rule 11**Unauthorized communication of information:**

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

Rule 11A**Representations to external agencies:**

No employee shall make any communication or representation connected with his conditions of service or any matter connected with his employment in the Corporation or any matter related to the business of the Corporation to any external agency, including the Government, without routing such communication/ representation through proper channel.

Rule 12**Gifts:**

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

Explanation: The explanation "gift" shall include free-transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee.

Note: An employee of the Company shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.

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 of the Company may accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift exceeds Rs.7000/-.

3. On such occasions as are specified in sub-rule (2), an employee of the Company 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.7000/-.

4. In any other case, an employee of the Company shall not accept or permit any member of his family or any other person acting on his behalf to accept any gifts without the sanction of the competent authority if the value thereof exceeds Rs.1500/-.

Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value of the gifts exceeds Rs.1500/-.

Rule 12A

Dowry:

No employee of the Company shall:

Give or take or abet the giving or taking of dowry; or

Demand, directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Note: For the purposes of this rule, 'dowry' has the same meaning as defined in the Dowry Prohibition Act, 1961 (No. 78 of 1961), which reads as follows:

Rule 2 "Definition of Dowry", in this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly.

By one party to a marriage to the other party to the marriage; or

By the parents of either party to the marriage or by any person to either party to the marriage or to any other person at or before or after the marriage as consideration for marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim-Personal Law (Shariat) applies.

Explanation 1: For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section unless they are made as consideration for the marriage of the said parties.

Explanation 2: The expression "valuable security" has the same meaning as in Section 30 of the Indian Penal Code.

Rule 12B

Prohibition of sexual harassment of working women.

1. No Employee shall indulge in any act of sexual harassment of any woman at her work place.

2. Every employee who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation: - For the purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as:

physical contact and advances;

demand or request for sexual favours;

sexually coloured remarks;

showing any pornography ; or

any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

Rule 13

Private Trade or employment:

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

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

2. Every employee of the Company 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 of the Company shall, without the previous sanction of the competent authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or other law for the time being in force or any cooperative society for commercial purposes:

Provided that an employee of the Company may take part in the registration, promotion or management of a Consumer/House Building Cooperative Society substantially for any benefit of employees of the Company registered under the Cooperative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1960 (21 of 1960), or any corresponding law in force.

4. No employee of the Company may 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.

Rule 14

Investment, lending and borrowing:

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

Rule 15

Insolvency and habitual indebtedness:

1. An employee of the Company shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
2. An employee of the company who applies to be or is adjudged or declared insolvent shall forthwith report the fact to his competent authority.

Rule 16

Movable, immovable and valuable property:

1. No employee of the Company shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.
2. No employee of the Company 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 dealing with the employee or his subordinate.
3. Every employee of the Company shall report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds Rs.20000/-.
4. Every employee shall on first appointment in the Company submit a return of assets and liabilities in the prescribed form giving the particulars regarding:
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.
Shares, debentures, and cash including bank deposits inherited by him or similarly owned, acquired, or held by him.
Other movable property inherited by him or similarly owned, acquired or held by him if the value of such property exceeds Rs.5000/-.
Debts and other liabilities incurred by him directly or indirectly.
Every employee shall on 1st January submit a return on Annexure – V regarding immovable property inherited/owned/acquired.
5. The Competent Authority may at any time by general or special order an employee to submit, within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the competent authority, include details of the means by which or the source from which such property was acquired.
6. Information in respect of 16.1, 16.2 and 16.3 be furnished in the format as given at Annexure-IV.

Rule 17**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 Company.

Rule 18**Marriages:**

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

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

Provided that Management may permit an employee to enter into or contract, any such marriage as is referred to in clause (1) or clause (2), if management is satisfied that such marriage is permissible under the personal law applicable to such employee and the other party to the marriage or in the opinion of the Management good and sufficient reasons exist for doing so.

3. An employee who has married or marries a person other than that of Indian nationality, shall forthwith intimate the fact to his appointing authority.

Rule 19**Consumption of intoxicating drinks and drugs:**

An employee of the Company shall:

Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

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

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

Not appear in a public place in a state of intoxication.

Not use any intoxicating drink or drug to excess.

Explanation:

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

2. An employee of the Company should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Missions whether within the Mission premises or in halls/lounges exclusively reserved or at parties arranged by Government,

Public Undertakings or semi- Government Organizations where foreigners are entertained or at similar parties hosted by others.

Rule 19A

Observance of small family norms as per National Population Policy:
Every employee should ensure that:

1. He does not have more than three children after 30.9.77; and
2. Where he has more than three children on 30.9.77, the number is not exceeded after that date.

Rule 20

Suspension:

1. The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Competent Authority by general or special order may place an employee under suspension:

Where a disciplinary proceeding against him is contemplated or is pending; or

Where a case against him in respect of any Criminal offence is under investigation or trial.

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

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 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 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.

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.

Rule 21

Subsistence Allowance:

1. An employee under suspension shall be entitled to draw subsistence allowance equal to 50 percent of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or 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 provided the suspending 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:

The amount of subsistence allowance may be increased to 75 percent 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.

The amount of subsistence allowances may be reduced to 25 percent 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 allowance is 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.

Rule 22

Treatment of the period of suspension:

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

If the employee is exonerated and not awarded any of the penalties mentioned in Rule 23, the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him; and

If otherwise, such proportion of pay and allowances as the competent authority may prescribe.

2. In a case falling under sub-clause (a) the period of absence from duty will be treated as a period spent on duty. In case, falling under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so direct.

Rule 23

Penalties:

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

Minor Penalties:

Censure.

Withholding of increments of pay with or without cumulative effect.

Withholding of promotion.

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 company by negligence or breach of orders.

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 terminal benefits.

Major Penalties:

Save as provided in Clause (e), 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 expiry of such period, the reduction will or will not have the effect of postponing the future increment of pay.

Reduction to a lower time scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post.

Compulsory Retirement.

Removal from service which shall not be a disqualification for future employment under the Govt. or the Corporation/Company owned or controlled by the Govt.

Dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Corporation/Company owned or controlled by the Govt. Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or 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 (i) or (j) shall be imposed.

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

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

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.

Stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar.

Non-promotion, whether in an officiating capacity or otherwise, of an employee, to higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case.

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 this conduct.

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.

Termination of service-

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

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

Of an employee appointed under contract or agreement in accordance with the terms of such contract or agreement; and

Of any employee on reduction of establishment.

Rule 24

Disciplinary Authority:

The Disciplinary Authority, as specified in the schedule, or any authority higher than it, may impose any of the penalties specified in Rule 23 on any employee.

Rule 25

Procedure for imposing major penalties:

No order imposing any of the major penalties specified in Clause (f), (g), (h), (i) and (j) of Rule 23 shall be made except after an inquiry is held in accordance with this rule.

Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may itself enquire into or appoint any public servant or by retired officers of the Public Sector Undertaking / Government / Corporation established by or under a central, provincial or state act, or a government company as defined in Section 6.7 of the Company's Act. (hereinafter called the Inquiring Authority) to enquire into the truth thereof.

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 will not be necessary to show the documents listed with the charge-sheet or any other document to the employee at this stage.

On receipt of the written statement of the employee, if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or by an Inquiring Authority under sub-clause (2).

Provided that it may not 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.

Where the disciplinary authority itself inquires 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. The employee may take the assistance of any other public servant but may not engage a legal practitioner for the purpose.

Provided that the employee shall not take assistance of a public servant who has two pending disciplinary cases on hand in which he has to function as "Defence Assistant".

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 inquiring 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.

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

Inspects the documents listed with the charge sheet.

Submit a list of additional documents and witnesses that he wants to examine; and

Be supplied with the copies of the statement of witnesses, if any, listed in the charge sheet.

Note: Relevancy of the additional documents and the witness referred to in sub-clause 8 (ii) above will have to be given by the employee concerned and the document and the witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the charges under inquiry.

The inquiring authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.

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 the production of such documents will be against the

public interest or the interest of the company. In that event, it shall inform the inquiring authority accordingly.

On the date fixed for 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.

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 witnesses. 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.

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

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 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. After the completion of the production of the evidence, the employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence.

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 enquiry *ex parte*.

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

Provided that if the succeeding inquiring authority is of 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.

(i) After the conclusion of the inquiry, report shall be prepared and it shall contain-
A gist of the articles of charge and the statement of the imputations of misconduct or misbehavior;

A gist of the defence of the employee in respect of each article of charge;

An assessment of the evidence in respect of each article of charge;

The finding of each article of charge and the reasons therefore.

Explanation - 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 that the findings on such articles 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.

19 (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 -

the report of the inquiry prepared by it under sub-clause (i) above;

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

the oral and documentary evidence produced in the course of the enquiry;

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

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

Rule 26

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 the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 25 as far as may be.

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 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 rule 23 should be imposed on the employee, it shall notwithstanding anything contained rule 27 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.

Rule 27**Procedure for imposing minor penalties:**

1. Where it is proposed to impose any of the minor penalties specified in clause (a) to (e) of Rule 23, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and give 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 orders.

2. The record of the proceedings shall include:-

a copy of the statement of imputations of misconduct or misbehavior delivered to the employee;

his defence statement, if any; and

The order of the disciplinary authority together with the reasons therefore.

Rule 28**Communication of order:**

Orders made by the disciplinary authority under Rule 26 or 27 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

Rule 29**Common Proceedings:**

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

Rule 30**Special procedures in certain cases:**

Notwithstanding anything contained in Rule 25 or 26 or 27, the disciplinary authority may impose any of the penalties specified in Rule 23 in any of the following circumstances:-

The employee has been convicted on a criminal charge, or on the strength of facts or conclusion arrived at by a judicial trial; or

Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these Rules; or

Where the disciplinary authority is satisfied that in the interest of the security of the Corporation/Company, it is not expedient to hold an enquiry in the manner provided in these rules.

Rule 30-A (i)

Disciplinary Proceedings After Retirement:

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.

Rule 30-A (ii)

Withholding Payment of Gratuity:

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

Rule 31

Employees on deputation/secondment from the Central Government or the State Government or secondment/deputation from HPSEB etc.:

i) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation/secondment to the company from the Central or State Government or another public undertaking or a local authority, including employees of HPSEB on deputation, 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.

ii) In the light of the findings of the disciplinary proceeding taken against the employee:-

If the Disciplinary Authority is of the opinion that any of minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary and shall send a copy to the lending authority.

If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the Lending Authority and

transmit to it the proceedings of the enquiry for taking disciplinary action and the lending authority will send a copy of action taken to the Corporation.

iii) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (ii) (a), it will be disposed of by the Competent Authority of the Corporation as per rules.

Rule 32

Appeals:

i) An employee may appeal against an order imposing upon him any of penalties specified in Rule 23 or against the order of suspension referred to in Rule 20. The appeal shall lie to the authority specified in the schedule.

ii) 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 the Schedule and submitted to the authority whose order is appealed against. 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 (f) to (j) of Rule 23 and an inquiry as provided in Rule 25 has not already been held in the case, the appellate authority shall direct that such an enquiry be held in accordance with the provisions of Rule 25 and thereafter consider the record of the inquiry and pass such order as it may deem proper. If the appellate authority decided to enhance the punishment but an enquiry has already been held as provided in Rule 25, 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.

Rule 33

Reviews:

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

Provided that if the enhanced penalty, which the reviewing authority proposes to impose, is a major -penalty specified in clauses (f) to (j) of Rule 23 and an enquiry as provided under rule 25 has not already been held in these cases, the reviewing authority shall direct such an enquiry be held in accordance with the provisions of Rule 25 and

thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Rule 25, 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.

Rule

34 Service of orders, notice 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.

Rule 35

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.

Rule 36

Savings:

1. Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, which have been superseded by these rules.
2. An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made in accordance with these rules.
3. The proceedings pending at the commencement of the rules shall be continued and disposed as far as may be in accordance with the provisions of these rules, as if such proceeding were proceeding under these rules.
4. Any misconduct, etc. committed prior to the issue of these rules shall be deemed to be misconduct under these rules.

Rule 37**Clarification of Disciplinary Authority and Competent Authority:**

Notwithstanding anything contained in these rules, for the purpose of disciplinary proceedings under rules 20 to 35 (both inclusive), wherever the terms Disciplinary Authority and Competent Authority have been used either interchangeably or otherwise, they shall mean the authorities as specified in the Schedule appended to the CDA Rules for exercising various powers as detailed therein.

Rule 38**Procedure for disciplinary cases having vigilance overtones:**

Vigilance Department will submit preliminary investigation reports, in case of non-executives working in the project to the project General Manager and in case of other officers upto E- 7 level working in the Project to the respective functional Director with copies to AGM [Personnel]. Further in case of executives upto E-7 level and non-executives in Corporate Centre, the Vigilance Department will submit report to the Functional Director and those of others above E- 7 but below Board level whether working at Project or Corporate Centre to Chairman/Managing Director with a copy in all cases to AGM (personnel). These above designated authorities in consultation with AGM (Personnel) will decide on initiation or otherwise of the disciplinary proceeding. Detailed procedure for conduct of proceedings in respect of minor, major penalties and disposal of appeals is as under:

Rule 38.1**Proceeding in respect of minor penalty:**

In cases in which the designated authority has decided to institute minor penalty proceedings, he shall send the case to Vigilance Department who will forward the draft charge-sheet and other necessary papers to the designated authority, for signature and issue of the charge-sheet. As far as possible, the charge-sheet will be issued to the charged officer within 15 days of its receipt.

The final decision will be taken by the designated authorities after taking into consideration the facts of the case, the statement of defence submitted by the employee, the advice of the Corporate Vigilance/AGM (Personnel) and merits of the case. In case the authority is satisfied that there is no case against the employee, it may decide to exonerate the employee.

In case the designated authority is satisfied that the charge(s) against the employee are established, it will decide on the penalty to be imposed, taking into consideration the gravity of the charges, material on record, written statement of the employee etc. and keeping in mind that the penalty imposed is not disproportionate to the gravity of misconduct(s).

Rule 38.2

Proceedings in respect of major penalty:

After the decision for initiation of major penalty disciplinary proceeding is taken as per above procedure by the designated authority, the Corporate Vigilance will forward the draft charge-sheet along with other necessary papers to the concerned designated authority who will sign and issue the charge-sheet, within 15 days of receipt of the case from Vigilance Department, as far as possible. The Designated Authority will go through the facts of the case, the written statement of defence submitted by the employee in response to charge-sheet and after applying its mind may decide to exonerate the employee if it is satisfied that charges are not tenable and pass a speaking order to the effect. Where the Designated Authority is not satisfied with the reply, it may order an enquiry. The enquiry officer so appointed shall be an officer who is at least one rank higher than the charged officer. In such a case, the enquiry officer will conduct the enquiry and expeditiously submit the Enquiry Report to the Designated Authority, preferably within three months. The Enquiry Report will be referred to the Corporate Vigilance Department who will render necessary advice to the Authority in consultation with AGM (personnel).

The Designated Authority will go through the material on record, proceedings of enquiry, findings of the Enquiry Officer, the advice of the Vigilance Department/AGM (personnel) etc. before taking a final decision in the matter, and pass speaking order, leading to:

Imposition of a major penalty; or

Imposition of a minor penalty if it is satisfied that charges proved are not grave enough to warrant imposition of major penalty;

or

Exoneration of the employee, if charges are not proved, as the case may be;

or

Remit the case back to Enquiry Officer for fresh or further enquiry under 26(i) of HPPTCL, CDA Rules.

Where the decision of the Designated Authority is at variance with the Vigilance/AGM (Personnel) advice, the matter will be referred to next higher authority before imposing punishment except in case where Chairman/Managing Director is the Disciplinary Authority, in such a case his decision shall be final.

If the Designated Authority comes to the conclusion that charges proved in the inquiry and the misconduct committed by the employee is so grave as to warrant removal/dismissal from the service, it shall forward the papers to the appropriate appointing authority, indicated in Annexure- I, II, and III for taking decision in the matter.

Rule 38.3

The Designated Authority while ordering the punishment of reduction to a lower grade or post or to a lower stage in a time scale should ordinarily specify the period for which such reduction will remain in operation. He should also indicate, wherever applicable, the manner in which the service rendered by an employee in the pre-reverted grade or post or time scale is to be treated, once conclusion of such specified period. The order should also contain what shall be his pay on such reduction and how it has to be regulated on placement back to the original grade or post or stage in the time scale. It should also mention any changes in the date of drawal of the increment on account of the reduction in rank etc.

Rule 38.4 Disposal of Appeals:

On an appeal preferred by the penalized employee in all cases under the CDA Rules, the Appellate Authority shall pass an appropriate speaking order after taking into consideration the facts on record, the comments of the Personnel Department/Disciplinary Authority.

Rule 39**Removal of Doubts:**

Where a doubt arises as to the interpretation of any of these rules, the matter shall be referred to the MD/AGM (Personnel) for final decision.

Rule 40**Amendment:**

The Board may amend, modify or add to these rules, from time to time, and all such amendments, modifications or additions shall take effect from the date stated therein.