



नीटी

(वर्गीकरण, नियंत्रण एवं अपील) नियमावली- 1988

एवं

नीटी आचरण नियमावली - 1988

NITIE

(CLASSIFICATION, CONTROL AND APPEAL) Rules - 1988

AND

NITIE CONDUCT RULES - 1988

राष्ट्रीय औद्योगिक इंजीनियरी संस्थान (नीटी)
विहार सरोवर, मुम्बई - 400 087

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**NATIONAL INSTITUTE OF INDUSTRIAL ENGINEERING (NITIE)
VIHAR LAKE, MUMBAI - 400 087.**

(जुलाई-2006 तक अद्यतन)

(Updated upto July,2006)

**NATIONAL INSTITUTE OF INDUSTRIAL ENGINEERING
(CLASSIFICATION, CONTROL AND APPEAL) RULES-1988**

**PART I
GENERAL**

Short title and commencement

1. (1) These Rules may be called the National Institute of Industrial Engineering (Classification, Control and Appeal) Rules 1988.

(2) They shall come into force on the 1st April 1989.

Interpretation

2. In the Rules, unless the context otherwise requires,
- (a) "Appointing authority", in relation to an employee of the Institute means the authority empowered to make appointment to the post which the employee of the institute for the time being holds.
 - (b) "Institute" means National Institute of Industrial Engineering (NITIE), Mumbai
 - (c) "Board" means the Board of Governors of the Institute.
 - (d) "Chairman" means the Chairman of the Board.
 - (e) "Vice-Chairman" means the Vice-Chairman of the Board.
 - (f) "Director" means the Director of the Institute.
 - (g) "Registrar" means the Registrar of the Institute.
 - (h) "Society" means the National Institute of Industrial Engineering (NITIE), Mumbai, registered under the Societies Registration Act 1960.
 - (i) "Employee" means a person who is appointed by the Institute.
 - (j) "Disciplinary Authority" means the authority competent under these Rules to impose on an employee of the Institute any of the penalties specified in Rule 7.

However, in case the Disciplinary Authority is not available, penalties can be imposed by a person who has been delegated such powers or by the higher Disciplinary Authority.

(k) "Head of the Institute" means the Director of the Institute.

(l) **Appellate Authorities**

An appeal shall lie from any original order made:

- i) by the Registrar to the Director
- ii) by the Director to the Board
- iii) by the Board to the Society

3. **Application**

- a) These Rules shall apply to every employee of the Institute.
- b) Notwithstanding anything contained in sub-rule (a) the Board may by resolution exclude any category of the Institute employees from the operation of all or any of these Rules.

PART II

CLASSIFICATION

4. **The employee of the Institute shall be classified as follows:**

- 1) Group "A" :- A post carrying a pay of not less than Rs. 13500/- or a scale of pay the maximum of which is not less than Rs. 13500/-
- 2) Group "B" :- A post carrying a pay of not less than Rs. 9000/- but less than Rs. 13500/- or a scale of pay the maximum of which is not less than Rs. 9000/- but less than Rs. 13500/-
- 3) Group "C" :- A post carrying a pay of not less than Rs. 4000/- but less than Rs. 9000/- or a scale of pay the maximum of which is not less than Rs. 4000/- but less than Rs. 9000/-
- 4) Group "D" :- A post carrying a pay of Rs. 4000/- or less or a scale of pay the maximum of which is Rs. 4000/- or less.

The above classification is subject to reclassification of posts as indicated above and also subject to such exceptions and revision of pay scales as the Board may, by any general or special resolution, make from time to time.

PART III

APPOINTING AUTHORITIES

5. The Appointing Authorities in respect of posts of the Institute shall be as follows:
- | | |
|---------------------|-----------|
| (a) Group "A" | Board |
| (b) Group "B" & "C" | Director |
| (c) Group "D" | Registrar |
- provided that the Board may, by a resolution and subject to such conditions as the Board may specify in such resolution, delegate to any other authority the power to make such appointments.

Note :

Chapters VII & VIII relating to Code of Discipline and Appeals and Review contained in the NITIE Service Rules shall be deemed to have been deleted and in their place these Rules as in force and amended from time to time, shall be incorporated.

PART IV

SUSPENSION

Suspension

6. (1) The Appointing Authority or any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf may place an Institute employee under suspension :
- (a) Where disciplinary proceedings against him/her are contemplated or are pending; or
 - (b) Where in the opinion of the authority aforesaid, he/she has engaged himself/herself in activities prejudicial to the interests of the security of the Institute, or the Central Government or State Government; or
 - (c) Where a case against him/her in respect of any criminal offence is under investigation, inquiry or trial;
- (2) An Institute employee shall be deemed to have been placed under suspension by an order of the Appointing Authority:
- (a) With effect from the date of his/her detention, if he/she is detained in custody, whether on a criminal charge

or otherwise, for a period exceeding forty eight hours;

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

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

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

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

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

- (5) a) An order of suspension made or deemed to have

been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

- (b) Where an Institute employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of the suspension, the authority competent to place him/her under suspension may, for reasons to be recorded by him in writing, direct that the Institute employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (c) An order of suspension made or deemed to have been made under this rule may at any time be modified or 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

PENALTIES AND DISCIPLINARY AUTHORITIES

Penalties

7. The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an Institute employee, namely_

Minor Penalties

- (i) censure;
- (ii) withholding of promotion;
- (iii) recovery from his/her pay of the whole or part of any pecuniary loss caused by him/her to the Institute by negligence or breach of orders;
- (iv) withholding of increments of pay;

Major Penalties

- (v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Institute employee will earn increments of pay during the period of such

reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increment of pay;

- (vi) reduction to lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the institute employee to the time-scale of pay, grade, post or service from which he/she was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the institute employee was reduced and his/her 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 under the Institute;
- (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Institute.

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

- (i) withholding of increment of an Institute employee for his/her failure to pass any departmental examination in accordance with the rules or orders governing the service to which he/she belongs or post which he/she holds or the terms of his/her appointment;
- (ii) stoppage of an Institute employee at the efficiency bar in the time-scale of pay on the ground of his/her unfitness to cross the bar;
- (iii) non-promotion of an Institute employee, whether in a substantive or officiating capacity, after consideration of his/her case, to a service, grade or post for promotion to which he/she is eligible;
- (iv) reversion of an Institute employee officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he/she is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his/her conduct;
- (v) reversion of an Institute employee, appointed on

probation to any other service, grade or post, to his/her permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his/her appointment or the rules and orders governing such probation;

- (vi) replacement of the services of an Institute employee whose services had been borrowed from Central or a State Government or any authority under the control of a Central or State Government, at the disposal of Central or State Government or the authority from which the services of such employee had been borrowed;
- (vii) compulsory retirement of an Institute employee in accordance with the provisions relating to his/her superannuation or retirement;
- (viii) termination of the services :
 - a) of an Institute employee appointed on probation, during or at the end of the period of his/her probation, in accordance with the terms of his/her appointment or the rules and orders governing such probation, or
 - b) of a temporary Institute employee in accordance with the provisions of these rules.
 - c) of an Institute employee, employed under an agreement, in accordance with the terms of such agreement.

Disciplinary Authorities

8. The Disciplinary authorities may impose any of the penalties specified in Rule 7 on any of the Institute employees.

Authority to Institute Disciplinary Proceedings

9. (1) The Disciplinary Authority or any other authority empowered by general or special order may :
- a) Institute disciplinary proceedings against any of the Institute employees on whom that disciplinary authority is competent to impose under these Rules

any of the penalties specified in Rule 7.

- b) A Disciplinary Authority competent under these Rules to impose any of the penalties specified in clause (i) to (iv) of Rule 7 may institute disciplinary proceedings against any of the Institute employees for the imposition of any of the penalties specified in clause (v) to (ix) of Rule 7 notwithstanding that such Disciplinary Authority is not competent under these Rules to impose any of the latter penalties.

PART VI

PROCEDURE FOR IMPOSING PENALTIES

Procedure for imposing major penalties

10. (1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 7 shall be made except after an inquiry held, as far as may be in the manner provided in this Rule.

- (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an Institute employee, it may itself inquire into, or appoint under this Rule an authority to inquire into the truth thereof.

Explanation: Where the Disciplinary Authority itself holds the inquiry, any reference in Sub-Rule (7) to Sub-Rule (20) and in Sub-Rule (22) to the inquiring authority shall be construed as a reference to the Disciplinary Authority.

(3) Where it is proposed to hold an inquiry against an Institute employee under this Rule, the Disciplinary Authority shall draw up or cause to be drawn up :

- (i) the substance of the imputation of misconduct or misbehaviour into definite and distinct articles of charge;
- (ii) a statement of the imputation of misconduct or misbehaviour in support of each article of charge, which shall contain.
- a) a statement of all relevant facts including any admission or confession made by the Institute Employee.
- b) a list of documents by which, and a list of

witnesses by whom, the articles of charge are proposed to be sustained.

- (4) The Disciplinary Authority shall deliver or cause to be delivered to the Institute employee a copy of the articles of charge, the statement of the imputation of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the Institute employee to submit, within such time as may be specified, a written statement of his/her defence and state whether he/she desires to be heard in person.
- (5) (a) On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary to do so, appoint under Sub-Rule (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the institute employee in his/her written statement of defence, the Disciplinary Authority shall record its finding on each charge after taking such evidence as it may think fit and shall act in the manner laid down in this Rule.
- (b) If no written statement of defence is submitted by the Institute employee, the Disciplinary Authority may itself inquire into the articles of charge, or, may, if it considers it necessary to do so, appoint, under Sub-Rule (2) an inquiring authority for the purpose.
- (c) Where the Disciplinary Authority itself inquires into any article of charge or appoints an inquiring authority for holding any inquiry into such charge, it may, by an order, appoint an Institute employee or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (6) The Disciplinary Authority shall, where it is not the inquiring authority, forward to the inquiring authority-
 - (i) a copy of the articles of charge and the statement of the imputation of misconduct or misbehaviour;
 - (ii) a copy of the written statement of the defence, if any, submitted by the Institute employee;

- (iii) a copy of the statements of witnesses, if any, referred to in Sub-Rule (3);
- (iv) evidence proving the delivery of the documents referred to in Sub-Rule(3) to the Institute employee; and
- (v) a copy of the order appointing the "Presenting Officer".

(7) The Institute employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him/her of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiry authority may, by notice in writing specify, in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.

- (8) (a) The Institute employee may take the assistance of any other Institute employee posted in any office either at his/her headquarters or at the place where the inquiry is held, to present the case on his/her behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or the Disciplinary Authority having regard to the circumstances of the case, so permits;

Provided that the Institute employee may take the assistance of any other Institute employee posted at any other station, if the inquiry authority having regard to the circumstances of the case; and for reasons to be recorded in writing, so permits.

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

- (b) The Institute employee may also take the assistance of a retired Institute employee to present the case on his/her behalf, subject to such conditions as may be specified by the Director from time to time by general or special order in this behalf.

(9) If the Institute employee who has not admitted any of the articles of charge in his/her written statement of defence or

has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him/her whether he/she is guilty or has any defence to make and if he/she 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 Institute employee thereon.

- (10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the Institute employee pleads guilty.
- (11) The inquiring authority shall, if the Institute employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he/she proposes to prove the articles of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Institute employee may, for the purpose of preparing his/her defence -

- (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in Sub-Rule (3);
- (ii) submit a list of witnesses to be examined on his/her behalf;

Note: If the Institute employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in Sub-Rule (3) the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority.

- (iii) Give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of the Institute employee but not mentioned in the list referred to in Sub-Rule (3);

Note: The Institute employee shall indicate the relevance of the documents required by him/

her to be discovered or produced by the Institute.

- (12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition;

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

- (13) On receipt of the requisition referred to in Sub-Rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority;

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reason to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the Institute, Central or State Government, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the Institute employee and withdraw the requisition made by it for the production or discovery of documents.

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

- (15) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Institute employee or may itself call for new evidence or recall and re-examine any witness and in such case the

Institute employee shall be entitled to have, if he/she demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Institute employee an opportunity for inspecting such documents before they are taken on the records. The inquiring authority may also allow the Institute employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary, in the interest of Justice.

Note: New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (16) When the case for the Disciplinary Authority is closed, the Institute employee shall be required to state his/her defence, orally or in writing, as he/she may prefer. If the defence is made orally, it shall be recorded, and the Institute 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.
- (17) The evidence on behalf of the Institute employee shall then be produced. The Institute employee may examine himself in his/her own behalf if he/she so prefers. The witnesses produced by the Institute employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the Disciplinary Authority.
- (18) The inquiring authority may, after the Institute employee closes his/her case, and shall, if the Institute employee has not examined himself/herself, generally question him/her on the circumstances appearing against him/her in the evidence for the purpose of enabling the Institute employee to explain any circumstances appearing in the evidence against him/her.
- (19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any,

appointed and the Institute employee, or permit them to file written briefs of their respective cases, if they so desire.

(20) If the Institute employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (i) to (iv) of Rule 7 (but not competent to impose any of the penalties specified in clause (v) to (ix) of Rule 7) has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clause (v) to (ix) of Rule 7 should be imposed on the Institute employee, that authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.

(b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine and re-examine the witnesses and may impose on the Institute employee such penalty as it may deem fit in accordance with these Rules.

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

Provided that if the succeeding inquiring authority is

of 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 hereinbefore provided.

- (23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain -
- (a) the articles of charge and the statement of the imputation of misconduct or misbehaviour;
 - (b) the defence of the Institute employee in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each article of charge;
 - (d) the findings on each article of charge and 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 charge, it may record its findings on such article of charge:

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

- (ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the Disciplinary Authority the records of inquiry which shall include -
- (a) the report prepared by it under clause (i);
 - (b) the written statement of defence, if any, submitted by the Institute employee;
 - (c) the oral and documentary evidence produced in the course of the inquiry;
 - (d) written briefs, if any, filed by the Presenting Officer or the Institute employee or both during the course of the inquiry; and

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

Action on the inquiry report

11. (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 further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 10.
- (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 records is sufficient for the purpose.
- (3) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 7 should be imposed on the Institute employee, it shall notwithstanding anything contained in Rule 12, 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 and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of Rule 7 should be imposed on the Institute employee, it shall make an order imposing such penalty and it shall not be necessary to give the Institute employee an opportunity of making representation on the penalty proposed to be imposed.

Procedure for imposing minor penalties

12. (1) Subject to the provisions of Sub-Rule (3) of Rule 11, no order imposing on an Institute employee any of the penalties specified in clauses (i) to (iv) of Rule 7 shall be made except after -
- (a) informing the Institute employee in writing of the proposal to take action against him/her and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him/her reasonable opportunity of making such representation as he/she may wish to make against the proposal;

- (b) holding an inquiry in the manner laid down in Sub-Rules (3) to (23) of Rule 10, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary;
 - (c) taking the representation, if any, submitted by the Institute employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
 - (d) recording a finding on each imputation of misconduct or misbehaviour; and
- (1-A) Notwithstanding anything contained in clause (b) of Sub-Rule (1), if in a case it is proposed after considering the representation, if any, made by the Institute employee under clause (a) of that Sub-Rule, to withhold increment of pay and such withholding of increment is likely to affect adversely the amount of pension payable to the Institute employee or to withhold increment of pay for a period exceeding three years or to withhold increment of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in Sub-Rules (3) to (23) of Rule 10, before making an order imposing on the Institute employee any such penalty.
- (2) The record of the proceedings in such cases shall include:
- (i) a copy of the intimation to the Institute employee of the proposal to take action against him/her;
 - (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him/her;
 - (iii) his/her representation, if any;
 - (iv) the evidence produced during the inquiry;
 - (v) the findings on each imputation of misconduct or misbehaviour; and
 - (vi) the orders on the case together with the reasons thereof.

Communication of Orders

13. Orders made by the Disciplinary Authority shall be communicated to the Institute employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the Disciplinary Authority and a copy of its findings on each article of charge, or where the Disciplinary Authority is not the inquiring authority, a copy of the report of the inquiring authority and statement of the

findings of the Disciplinary Authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority unless they have already been supplied to him.

Common Proceedings

14. Where two or more Institute employees are concerned in any case, the Disciplinary Authority or any other authority competent to impose the penalty of dismissal from service on all such Institute employee may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Special procedure in certain cases

15. Notwithstanding anything contained in Rule 10 to Rule 14;
- (i) where any penalty is imposed on an Institute employee on the ground of conduct which has led to his/her conviction on a criminal charge, or
 - (ii) where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these Rules, or
 - (iii) where the Disciplinary Authority is satisfied that in the interest of the security of the Institute or Central or State Government it is not expedient to hold an inquiry in the manner provided in these Rules, the Disciplinary Authority may consider the circumstances of the case and make such orders thereon as it deems fit.

Provisions regarding officers borrowed from Central or State Government or Local Authority etc.

16. (1) Where an order of suspension is made or a disciplinary proceeding is conducted against such employee whose services have been borrowed, 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 the suspension of such employee or of the commencement of the disciplinary proceeding, as the case may be.

- (2) In the light of the findings in the disciplinary proceeding

conducted against such employee if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 7 should be imposed on him, it may, subject to the provisions of Sub-Rule (3) of Rule 11 after consulting with the lending authority, pass such orders on the case as it may deem necessary;

- (i) provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of such employee 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 clauses (v) to (ix) of Rule 7 should be imposed on such employee, it shall replace the services of such employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

PART VII

A P P E A L S

Orders against which no appeal lies

17. Notwithstanding anything contained in this part, no appeal shall lie against :
- (i) any order made by the Institute;
 - (ii) any order of an interlocutory nature or of the nature of a step in aid or the final disposal of a disciplinary proceeding, other than an order of suspension;
 - (iii) any order passed by an inquiry authority in the course of an inquiry under Rule 10.

Orders against which appeal lies

18. Subject to the provisions of Rule 16, an Institute employee may prefer an appeal against all or any of the following orders namely;
- (i) an order of suspension made or deemed to have been made under Rule 6;
 - (ii) an order imposing any of the penalties specified in Rule 7 whether made by the Disciplinary Authority or by any appellate or reviewing authority.

- (iii) an order enhancing any penalty, imposed under Rule 7;
- (iv) an order which -
 - a) denies or varies to his/her disadvantage his/her pay, allowances, pension or other conditions of service as regulated by Rules or by agreement; or
 - b) interprets to his/her disadvantage the provisions of any such rule or agreement;
- (v) an order -
 - a) stopping him/her at the efficiency bar in the timescale of pay on the ground of his/her unfitness to cross the bar;
 - b) reverting him/her while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty;
 - c) reducing or withholding the pension or denying the maximum pension admissible to him/her under the rules;
 - d) determining the subsistence and other allowances to be paid to him/her for the period of suspension or for the period during which he/she is deemed to be under suspension or for any portion thereof;
 - e) determining his/her pay and allowances -
 - i) for the period of suspension, or
 - ii) for the period from the date of his/her dismissal, removal, or compulsory retirement from service, or from the date of his/her reduction to a lower service, grade, post, time-scale or stage in a time-scale of pay to the date of his/her reinstatement or restoration to his/her service, grade or post; or
 - f) determining whether or not the period from the date of his/her suspension or from the date of his/her dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in time-scale of pay to the date of his/her reinstatement or restoration to his/her

service, grade or post shall be treated as a period spent on duty for any purpose.

Explanation : In this rule -

- (1) The expression "Institute employee" includes a person who has ceased to be in Institute service;
- (2) The expression "Pension" includes additional pension, gratuity, and any other retirement benefit.

Appellate Authority

19. An Institute employee, including a person who has ceased to be in the Institute service, may prefer an appeal against all or any of the orders specified in Rule 18 to the authority specified in this behalf in Rule 2 (1).

Period of limitation of appeals

20. No appeal preferred under this Part shall be entertained unless such appeal is preferred within a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant;

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

Form and contents of appeal

21. (1) Every person preferring an appeal shall do so separately and in his/her own name.
- (2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.
- (3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

Consideration of appeal

22. (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 6 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 appeal against an order imposing any of the penalties specified in Rule 7 or enhancing any penalty imposed under the said rules, the appellate authority shall consider -
- a) whether the procedure laid down in these Rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of these Rules or in the failure of justice;
 - b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
 - c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; and pass orders -
 - i) confirming, enhancing, reducing or setting aside the penalty; or
 - ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;
- (3) In an appeal against any other order specified in Rule 18 the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

Implementation of orders in appeal

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

PART VIII

REVISION AND REVIEW

(Revision)

24. (1) Notwithstanding anything contained in these Rules

- (i) the appellate authority, within six months of the date of the order proposed to be (revised), or may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and (revised) any order made under these Rules but from which no appeal has been preferred or from which no appeal is allowed, may-
 - a) confirm, modify or set aside the order; or
 - b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
 - c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or
 - d) pass such other orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by any (revising) authority unless the Institute employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of Rule 7 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 10.

- (2) No proceeding for (revision) shall be commenced until after-
 - (i) the expiry of the period of limitation for an appeal, or
 - (ii) the disposal of the appeal, where any such appeal has been preferred.
- (3) An application for (revision) shall be dealt with in the same manner as if it were an appeal under these Rules.

REVIEW

- 24-A The Disciplinary Authority or any other higher authority may, at any time, either on his own motion or otherwise,

review any order passed under these Rules, when any new material or evidence which could not be produced or was not available at the time of the passing the order under review and which has the effect of changing the nature of the case, has come or has been brought to his notice.

Provided that no order imposing or enhancing any penalty shall be made by the said Authority unless the Institute employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in Rule 7 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under Rule 10 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Rule 10, subject to the provisions of Rule 15.

PART IX

MISCELLANEOUS

Service of orders, notices etc.

25. Every order, notice and other process made or issued under these Rules, shall be served in person on the Institute employee concerned or communicated to him/her by registered post.

Power to relax time limit and to condone delay

26. Same 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.

Removal of doubts

27. If any doubt arises as to the interpretation of any of the provisions of these Rules, the matter shall be referred to the Board and the Board shall decide the same and the decision on the same will be final.

APPENDIX I
PROCEEDINGS AFTER RETIREMENT

Disciplinary proceedings initiated while an officer was in service should be deemed to be proceedings under Rule 9 of NITIE (CCA) Rules, after his/her retirement and should be continued and concluded under the provisions of that Rule. In such a case, the function of the Disciplinary Authority is only to reach a finding on the charges and to submit a report recording its findings to the Board. It is then for the Board to consider the findings and take a final decision under Rule 9 of NITIE (CCA) Rules.

Disciplinary proceedings can be initiated against a retired officer in the manner provided in Rule 9 for the purpose of withholding or withdrawing a pension or any part of it either permanently or for a specified period and also for ordering recovery from person and/or Death-cum-Retirement Gratuity of the whole or a part of any pecuniary loss sustained by the Institute on account of the negligence of the retired officer. Such order can also be passed under that Rule and in the manner provided therein, if the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement.

Where any departmental or judicial proceedings is instituted under Rule 9 or where a departmental proceeding is continued under that Rule, the retired officer should be granted at provisional pension in accordance with the provision of Rule 69 of the Pension Rules applicable to Institute employee.

Extract from
Institute (Pension) Rules

- (1) The Board reserves to itself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Institute if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his/her service, including service rendered upon re-employment after retirement ;

Provided that the Institute shall be consulted before any final orders are passed;

Provided further that where a part of pension is withheld or

withdrawn, the amount of such pension shall not be reduced below the amount of rupees sixty per mensem.

- (2) (a) The departmental proceedings referred to in Sub-Rule (1) if instituted while the Institute employee was in service whether before his/her retirement or during his/her re-employment shall, after the final retirement of the Institute employee, be deemed to be proceeding under this Rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Institute employee had continued in service;

Provided that where the departmental proceedings are instituted by an authority subordinate to the Board, that authority shall submit a report recording its findings to the Board.

- (b) The departmental proceedings, if not instituted while the Institute employee was in service, whether before his/her retirement or during his/her re-employment -
- (i) shall not be instituted save with the sanction of the Board.
 - (ii) shall not be in respect of any event which took place more than four years before such institution, and
 - (iii) shall be conducted by such authority and in such place as the Board may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Institute employee during his/her service.

- (3) No judicial proceedings, if not instituted while the Institute employee was in service, whether before his/her retirement or during his/her re-employment, shall be instituted in respect of a cause of action which arose, or in respect of an event which took place, more than four years before such institution.

- (4) In the case of Institute employee who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings

are instituted or where departmental proceedings are continued under Sub-Rule (2) a provisional pension as provided in Rule 69 shall be sanctioned.

- (5) Where the Board decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of an Institute employee.
- (6) For the purpose of this Rule -
 - (a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Institute employee or pensioner, or if the Institute employee has been placed under suspension from an earlier date, on such date; and
 - (b) judicial proceedings, shall be deemed to be instituted-
 - (i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognisance, is made, and
 - (ii) in the case of civil proceedings, on the date the plaint is presented in the Court.



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**NATIONAL INSTITUTE OF INDUSTRIAL ENGINEERING
(CONDUCT) RULES-1988**

Short title, commencement and application

1. (1) These Rules may be called the National Institute of Industrial Engineering (Conduct) Rules 1988.
 - (2) They shall come into force on the 1st April 1989.
 - (3) These rules shall apply to the Institute employees.
2. In these rules unless the context otherwise requires-

Definitions

- (a) "Institute" means National Institute of Industrial Engineering (NITIE), Bombay.
- (b) "Institute employee" means any person appointed by the Institute.

Explanation: An Institute employee whose services are placed at the disposal of the Institute shall for the purpose of these Rules, be deemed to be an Institute employee serving under the Institute, notwithstanding that his/her salary is drawn from a source other than the Consolidated Fund of India.

- (c) "Member of Family" in relation to the Institute employee includes:
 - (i) the wife or husband, as the case may be, of the Institute employee, whether residing with the Institute employee or not but does not include a wife or husband, as the case may be, separated from the Institute employee by Personal Law, a decree or order of a competent Court;
 - (ii) son or daughter or step-son or step-daughter of the Institute employee and wholly dependent on him/her but does not include a child or step-child who is no longer in any way dependent on the Institute employee or of whose custody the Institute employee has been deprived of or under any law;
 - (iii) any other person related, whether by blood or

marriage, to the Institute employee or to the Institute employee's wife or husband and wholly dependent on the Institute employee.

General :

3. (1) Every Institute employee shall at all times
 - (i) maintain absolute integrity;
 - (ii) maintain devotion to duty; and
 - (iii) do nothing which is unbecoming of an Institute employee.
- (2) (i) Every Institute employee holding a supervisory post shall take possible steps to ensure the integrity and devotion to duty of all Institute employees for the time being under his/her control and authority.
- (ii) No Institute employee shall, in the performance of his/her official duties or in the exercise of power conferred on him/her, act otherwise than in his/her best judgement except when he/she is acting under the direction of his/her official supervisor;

Explanation : An Institute employee who habitually fails to perform the task assigned to him/her within the time set for the purpose and with quality, in that case the performance expected of him/her shall be deemed to be lacking in devotion to duty within the clause (ii) of Sub-Rule (1).

Employment of near relatives of Institute employees in companies or firms

4. (1) No Institute employee shall use his/her position or influence directly or indirectly to secure employment for any member of his/her family in any company or firm.
- (2) No Group "A" officer shall, except with the previous sanction of the Board, permit his/her son, daughter or other dependant to accept employment in any company or firm with which he/she has official dealings or in any other company or firm having official dealings with the Institute.
- (3) No Institute employee shall in the discharge of his/her official duties deal with any matter or give or

sanction any contract to any company or firm or any other person if any member of his/her family is employed in that company or firm or under that person or if he/she or any other member of his/her family is interested in such matter or contract in any other manner and the Institute employee will refer every such matter or contract to his/her official superior and the matter or contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

Taking part in politics and elections

5. (1) No Institute employee shall be a member or be otherwise associated with any political party or any organisation which takes part in politics nor shall he/she take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) It shall be the duty of every Institute employee to endeavour to prevent any member of his/her family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or trends directly or indirectly to be, subversive of the Government or Institute as by law established and where an Institute employee is unable to prevent a member of his/her family from taking part in or subscribing in aid of or assisting in any other manner, any such movement or activity, he/she shall make a report to that effect to the Institute.
- (3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of Sub-Rule (i) the decision of the Institute thereon shall be final.
- (4) No Institute employee shall canvass or otherwise interfere with or use his/her influence in connection with or take part in, an election to any legislature or local authority, provided that:
 - (i) an Institute employee qualified to vote at such election may exercise his/her right to vote, but where he/she does so, he/she shall give no indication of the manner in which he/she proposes to vote or has voted;

- (ii) an Institute employee shall not be deemed to have contravened the provisions of this Sub-Rule by reasons only that he/she assists in the conduct of an election in the due performance of a duty imposed on him/her by or under any law for the time being in force.

Explanation: The display by an Institute employee on his/her person, vehicle or residence of any electoral symbol shall amount to using his/her influence in connection with an election within the meaning of this Sub-Rule.

Joining of Association by Institute employee

- 6. No Institute employee shall join or continue to be a member of an Association, the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or Institute or public order or morality.

Demonstrations and Strikes

- 7. No Institute employee shall -

- (i) engage himself/herself or participate in any demonstration which is prejudicial to the interest of Institute or to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public orders, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
- (ii) resort to or in any way abet any form of strike or coercion or physical duress in connection with any other Institute employee.

Connection with Press, Radio or T.V.

- 8. (1) No Institute employee shall, except with the previous sanction of the Institute, own wholly or in part, or conduct or participate in the edition or management of, any newspaper or other periodical publication.
- (2) No Institute employee shall, except with the previous sanction of the Institute or of the prescribed authority or except in the bonafide discharge of his/her duties -
 - (a) publish a book himself/herself or through a

publisher, or contribute an article to a book or a compilation of articles, or

- (b) participate in a Radio or T.V. broadcast or contribute an article or write a letter to a newspaper or periodical, either in his/her own name or anonymously or in the name of any other person.

Provided that no such sanction shall be required -

- (i) if such publication is through a publisher and is of a purely literary, artistic or scientific character, or
- (ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character.

Criticism of Institute or Government

9. No Institute employee shall, in any Radio or T.V. broadcast or in any document published in his/her own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion -

- (i) Which has the effect of an adverse criticism of any current or recent policy or action of the Central Government, a State Government or Institute.
- (ii) Which is capable of embarrassing the relations between the Central Government and the Government of any State or Institute.
- (iii) Which is capable of embarrassing the relations between the Central Government and the Government of any foreign State or Institute.

Provided that nothing in this rule shall apply to any statements made or views expressed by an Institute employee in his/her official capacity or in the due performance of the duties, assigned to him/her.

Evidence before a Committee or any other authority

- 10. (1) Save as provided in Sub-Rule (3) no Institute employee shall, except with the previous sanction of the Institute, 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 Institute employee giving such evidence shall criticise the policy or any action of the Central Government or of a State Government or Institute.

(3) Nothing in this rule shall apply to -

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

(b) evidence given in any judicial enquiry; or

(c) evidence given at any departmental enquiry ordered by the authorities of the Institute.

Unauthorised communication of information

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

Explanation: Quotation by an Institute employee (in his/her representation to the authorities of the Institute or Board or any other person) of or from any letter, circular or office memorandum, or from the notes on any file, to which he/she is not authorised to have access, or which he/she is not authorised to keep in his/her personal custody or for personal purposes shall, amount to unauthorised communication of information within the meaning of this Rule.

Subscriptions

12. No Institute employee shall, except with the previous sanction of Institute or of the prescribed authority, ask for or accept contribution to, or otherwise associate himself/herself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever.

Gifts

13. Save as otherwise provided in these Rules, no Institute employee shall accept, or permit any member of his/her family or any other person acting on his/her behalf to accept any gift.

Explanation : The expression "Gift" shall include free transport,

boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with Institute employee.

Note 1 : A casual meal, lift or other special hospitality shall not be deemed to be a gift.

Note 2 : An Institute employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him/her or from industrial or commercial firm, organisations, etc.

13. A. No Institute employee shall-

- i) give or take, abet the giving or taking of dowry; or
- ii) demand, directly or indirectly from the parents or guardians of a bride or bridegroom, as the case may be, any dowry.

Explanation : For the purpose of this rule "dowry" has the same meaning as in the Dowry Prohibition Act 1961.

Public demonstration in honour of Institute employee

14. No Institute employee shall, except with the previous sanction of the Institute, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his/her honour, or in the honour of any other Institute employee.

Provided that nothing in this rule shall apply to -

- (i) a farewell entertainment of a substantively private and informal character held in honour of an Institute employee or any other Institute employee on the occasion of his/her retirement or transfer or any person who has recently left the services of the Institute.
- (ii) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

Private trade or employment

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

Provided that an Institute employee may without such sanction :

- (i) undertake honorary work of a social or charitable nature, or
- (ii) undertake occasional work of a literary, artistic or scientific character, or;
- (iii) participate in sports activities as amateur; subject to the condition that in all these cases his/her official duties do not thereby suffer. He/she shall not undertake or shall discontinue such work or activity, if so directed by the Institute.

Explanation: Canvassing by an Institute employee in support of the business or insurance agency, commission agency, etc. excepting that sponsored by Government, owned or managed by his wife or any other member of his/her family shall be deemed to be a breach of this Sub-Rule.

- (2) Every Institute employee shall report to the Institute if any member of his/her family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- (3) No Institute employee shall, without the previous sanction of the Institute, except in the discharge of his/her official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act 1956 (1 of 1956) or any other law for the time being in force or any co-operative society for commercial purposes

Provided that an Institute employee may take part in the registration, promotion or management of -

- (i) a literary, scientific or charitable society or of a company, club or similar organisation the aims and objects of which relate to promotion of sports, cultural or recreational activities, registered under the societies Registration Act 1860 (21 of 1860) or the Companies Act 1956 or any other law for the time being in force; or
- (ii) a co-operative society substantially for the benefit of Institute employee registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force.

- (4) Unless otherwise provided by general or special order of the Board, no Institute employee may accept any fee and work done by him/her for any private or public body or any private person without the sanction of the prescribed authority.

16. Investment, lending and borrowing

- 16.(1) No Institute employee shall speculate in any stock, share or other investment, excepting sponsored by Government.

Explanation : Frequent purchase or sale of both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this Sub-Rule.

- (2) No Institute employee shall make or permit any member of his/her family or any person acting on his/her behalf to make any investment which is likely to embarrass or influence him/her in the discharge of his/her official duties.
- (3) If any question arises whether any transaction is of the nature referred to in Sub-Rule (2) the decision of the Institute thereon shall be final.
- (4) No Institute employee shall, save in the ordinary course of business with a bank or a public limited company, either himself/herself or through any member of his/her family or any other person acting on his/her behalf:
- (a) Lend or borrow or deposit money, as a principal or agent to, or from or with any person or firm or limited company within the local limits of his/her authority or with whom he/she is likely to have official dealing or otherwise place himself/herself under any pecuniary obligation to such person or firm or limited company; or
- (b) Lend money to any person on interest or in a manner whereby return in money or in kind is charged or paid;

Provided that an Institute employee may, give to or accept from a relative or a personal friend a purely temporary loan of a small amount free of interest or operate a credit account with a bonafide tradesman or make an advance to pay to his/her private employee;

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by an Institute employee with the previous sanction of the Institute.

Insolvency and habitual indebtedness

17. An Institute employee shall so manage his/her private affairs as to avoid habitual indebtedness or insolvency. An Institute employee against whom any legal proceedings is instituted for the recovery of any debt due from him/her or for adjudging him/her as an insolvent, shall forthwith report the full facts of the legal proceeding to the Institute.

Movable, immovable and valuable property

18. Every Institute employee shall, on his/her first appointment to any service or post, submit a return of his/her assets and liabilities, in such form as may be prescribed by the Institute giving the full particulars regarding:
- (a) the immovable property inherited by him/her or owned or acquired by him/her or held by him/her on lease or mortgage, either in the name of any member of his/her family or in the name of any other person.
 - (b) shares, debentures and cash including bank deposits inherited by him/her or similarly owned, acquired or held by him/her;
 - (c) other movable property inherited by him/her or similarly owned, acquired or held by him/her; any
 - (d) debts and other liabilities incurred by him/her directly or indirectly.

Vindication of acts and character of Institute employee

19. (1) No Institute employee shall, except with the previous sanction of the Institute, have recourse to any Court or to the Press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.
- (2) Nothing in this rule shall be deemed to prohibit an Institute employee from vindicating his/her private character or act done by him/her in his/her private

capacity and where any action for vindicating his/her private character or any act done by him/her in private capacity is taken, the Institute employee shall submit a report to the prescribed authority regarding such action.

Canvassing of non-official or other outside influence

20. No Institute employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his/her or any other employee's interest in respect of any matter pertaining to his/her or others service under the Institute.

Restriction regarding marriages

21. (1) No Institute employee shall enter into, or contract a marriage with a person having a spouse living; and
- (2) No Institute employee having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Institute may permit an Institute employee to enter into, or contract, any such marriage as is referred to in Clause (1) or Clause (2), if it is satisfied that -

- (a) Such marriage is permissible under the personal law applicable to such Institute employee and the other party to the marriage; and
- (b) there are other grounds for so doing.
- (3) An Institute employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Institute.

Consumption of intoxicating drinks and drugs

22. An Institute employee shall -

- (a) 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;
- (b) not be under the influence of any intoxicating drink or drug during the course of his/her duty and shall also take due care that the performance of his/her duties at any time is not affected in any way by the influence of such drink or drug.
- (c) refrain from consuming any intoxicating drink or drug in public place.

- (d) not appear in a public place in a state of intoxication.
- (e) not use any intoxicating drink or drug to excess.

Prohibition of sexual harassment of Women Employees at work places.

23. Strict prohibition of sexual harassment of women employees at work places. Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) sexually-coloured remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Delinquent employees will face severe disciplinary action leading to imposing penalties as detailed in NITIE (CCA) Rules 1988 as amended from time to time.

24. Representation

1. Whenever an employee wishes to put forth any claim or seek redress of any grievance or of any wrong done to him/her, he/she must forward his/her case through proper channel, and shall not forward such advance copies of his/her application to any higher authority, unless the lower authority has rejected the claim or refused relief or the disposal of the matter is delayed by more than three months.
2. No employee shall be a signatory to any joint representation addressed to the authorities for redress of any grievance or of any other matter.

Interpretation

25. If any question arises relating to the interpretation of these Rules, it shall be referred to the Board, whose decision thereon shall be final.

Delegation of Powers

26. The Institute may, by general or special order, direct that any power exercisable by it or any other authority under these Rules (except the powers under Rule 24 and this

Rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

Repeal and Saving

27. Any Rules corresponding to these Rules in force immediately before the commencement of these Rules and applicable to the Institute employees to whom these Rules apply are hereby repealed.

