

## **ANDHRA PRADESH KHADI AND VILLAGE INDUSTRIES BOARD EMPLOYEES DISCIPLINE AND APPEAL REGULATIONS**

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## **ANDHRA PRADESH KHADI AND VILLAGE INDUSTRIES BOARD EMPLOYEES DISCIPLINE AND APPEAL REGULATIONS**

Under Section 29 of the Andhra Pradesh Khadiand Village Industries Board Act, 1958 (A.P. Act IV of 1959), the Andhra

Pradesh Khadi and Village Industries Board with the previous sanction of the Government hereby makes the following Regulations.

PART 1

General

**1. Title :-**

Application and Commencement:

1. The Regulations may be called the Andhra Pradesh Khadi and Village Industries Board Employees Discipline and Appeal Regulations .
2. These Regulations shall apply to all the employees of the Board except;
  - (a) Those in casual employment or paid from contingencies.
  - (b) Those governed by the standing orders and;
  - (c) Those in respect of whom the Board may have issued or may issue, separate Regulations regarding discipline and appeal.
3. They shall come into force from the date of notification in the official Gazette.

**2. Definition :-**

1. "appointing authority" in relation to any employee means the authority empowered to make appointments to the category, class or grade in which the employee is for the time being is included.
2. "board" means the Andhra Pradesh Khadi and Village Industries Board, constituted under sub section (3) of Section 3 of the Act.
3. "board" premises includes its Sub ordinate offices and establishments.
4. "Chairman" means the Chairman of the Board.
5. "chief executive officer" means the Chief Executive Officer of the Board.
6. "disciplinary authority" means the authority competent to impose any penalty under these Regulations specified in the schedule.
7. "employee" means a person who holds a post under the Board.
8. "schedule" means the schedule appended to these Regulations

### **3. Nature of Penalties :-**

1. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed on an employee namely:

2. Minor Penalties:

(a) Censure

(b) Fine

(c) with holding of increment or promotion.

(d) Recovery from pay of the whole or part of the recovery of loss damage to the Board.

3. Major Penalties:

(a) Suspension as a specific punishment.

(b) Reduction to a lower grade or post, or stage in a time scale of pay.

(c) Removal or dismissal from service.

Explanation: The following shall not amount to a penalty within the meaning of these Regulations.

(1) With holding of increment on amount to work being found unsatisfactory or for failure to pass the prescribed tests or examination.

(2) Stoppage at the efficiency Bar in a time scale on the ground of unfitness to cross the Bar.

(3) Non Promotion, whether in an officiating capacity or otherwise to a higher post on grounds of unsuitability.

(4) Reversion to a lower grade or post on the grounds of unsuitability for such higher grade or post, or on administrative grounds unconnected with his conduct.

(5) Termination of probation during or at the end of the period of probation, in accordance with the terms of his appointment or probation.

(6) Termination of service.

(a) of an employee appointed in a temporary capacity on the expiration of the period for which he was appointed, or earlier in accordance with the terms of appointment.

(b) of an employee in accordance with the terms of his appointment and;

(c) of an employee on reduction of establishment, or abolition of posts.

#### **4. Acts of Mis conduct :-**

1. Without prejudice to the general meaning of the term misconduct, it shall include the following:-

2. habitual late attendance, wilful or habitual absence from duty without leave or without sufficient cause.

3. Negligence or neglect of duty, malingering, loitering, idling, wasting of time during working hours and wilfully allowing, slowing down the performance or work or inciting others to do so.

4. Leaving station without permission.

5. Gambling, drunkenness, intoxication or riotous or disorderly or indecent behaviour, threatening, intimidating, coercing other employees or interference with the work of other employees.

6. Collection of or canvassing for, money without the prior written permission of competent authority.

7. Acceptance of gifts, from and lending or borrowing money to or from subordinate employees.

8. Deliberately spreading false information or rumours with a view to bringing about disruption of the Board's normal work.

9. Unauthorised use or occupation of the Board's premises, land or other property.

10. Habitual indiscipline or wilful insubordination or disobedience of any lawful or reasonable order of higher authority, and also neglecting the order to work overtime in accordance with the Board's regulation of any other law that may be in force from time to time.

11. Theft of Board's property, misappropriation, fraud or dishonestly in connection with the Board's business or property

either within or outside the Board s premises or its precincts of thefts of another employee s property within the Boards premises of its precincts.

12. Giving false information regarding one s particulars for purposes of employment or concealing any facts about any previous employment, age and other particulars in this respect or giving false evidence at the time of any departmental enquiry.

13. Taking or giving offering or asking for bribes or any illegal gratification whatsoever or indulging in corrupt practices.

14. Assaulting or intimidating employees of the Board.

15. Sabotage or wilful damage to, or loss of Board s goods or property.

16. Unauthorised communication of official documents or information relating to the Board s activities.

17. Striking work or inciting others to strike work in contravention of the provision of any law or rule having the force of law.

18. Conviction by a court of law for any criminal offence involving moral turpitude.

19. Breach of any law applicable to the workers or of the conduct rules and any other rules or orders issued by the Board from time to time.

20. Contracting another marriage while wife is still alive, or marrying a person who has a wife living without first obtaining the permission of the Board.

21. Adjudged insolvency not warranting continuance of the Board s trust and confidence which the duties of the employees call for.

22. Writing of anonymous letters etc., addressing appeals or representations to an authority other than the appellate or the appropriate authority.

23. Abetment or attempt at an act of misconduct.

24. Engaging in other employment while still in the service of the Board without prior permission of the competent authority.

25. Commission of any act subversive to good behaviour or of the discipline of the Board.

26. Canvassing for party membership or the collection of party dues, funds contribution etc., on the Board s premises or its precincts.
27. Distributing or exhibiting in the Board s premises or its precincts hand bills, pamphlets, posters or causing to be displayed by means of signs or writing or other visible representations, any matter without previous sanctions of the authority.
28. Organising, holding, attending or taking part in any meeting within the Board s premises or its precincts without sanction of the authority.
29. Conduct within the Boards premises or its precincts which is likely to danger the life or safety of any person.
30. Refusal to accept charge sheet, order or other communications served either in accordance with these rules or in the interest of discipline.
31. Wilful falsification, defacement, or destruction of personal records or any records of the Board.
32. Refusal to work on holidays or on Sunday, when notified to do so in the exigencies of the Board s or work.
33. Surrounding or forcibly detaining Management or any of the Board s Officers.
34. Allowing an unauthorised person to operate Board s vehicles.
35. Possession of any lethal weapons on the Board s premises or within its precincts.

## **5. Disciplinary Authorities :-**

1. The appointing authority may impose any of the penalties specified in Rule (3) on any employee. Like wise, the Board may impose any of the penalties specified in Rule (3) on any employee except an employee on foreign service from Government or any other body or institution.
2. Without prejudice to the provisions of sub rule (1) the disciplinary authority specified on Col. 4 of the Schedule can impose minor penalties and the disciplinary authority specified in column (5) of the schedule can impose major penalties upon the categories of employees shown in Col. (1) of the Schedule.

## **6. Procedure for Imposing Minor Penalties :-**

1. When it is proposed to impose any of the minor penalties on an employee he shall be informed in writing of the allegations or charges on account of which it is proposed to impose the penalty on him and asked to submit his explanation within a specified period not exceeding seven days. The explanation and evidence, if any furnished by the employee shall be taken into consideration by the disciplinary authority before passing orders.

2. The record of proceedings in such case shall include:

(a) A copy of the statement of allegations and or charges communicated to the employee.

(b) The explanation and evidence, if any furnished by the employee, and

(c) The findings of and the orders passed by the disciplinary authority.

Explanation:-

1. Imposition of the penalty of "fine" shall be subject to the provision of the Payment of Wages Act, 1936.

2. Where the penalty of withholding of increment or promotion or reduction to a lower grade or post is imposed on any employee, the disciplinary authority shall state the period for which it will be effective and where increment is withheld it will be granted on the expiry of that period. without affecting the normal date of increment in future, unless the order indicates that the stoppage of increment will have cumulative effect.

## **7. Procedure for Imposing Major Penalties :-**

1. When an employee is charged with misconduct which may lead to the imposition of a major penalty, the disciplinary authority shall frame definite charge on the basis of the allegations against him. The charge together with a statement of the allegations on which they are based. shall be communicated in writing to the employee with a direction that he shall submit written statement of defence within such time as may be specified by the disciplinary authority (not exceeding 15 days)

2. On receipt of the written statement of the employee, if such statement is received within the time specified, on the expiry of such period, an enquiry may be held by the disciplinary authority

itself, or by an officer or committee appointed for the purpose (here in after called the Enquiry authority) by the disciplinary authority.

3. At the enquiry, reasonable opportunity shall be afforded to employee for explaining his case, but he will not be allowed to engage legal practitioner for this purpose, unless specifically allowed by the competent authority.

**8. The record of the enquiry in such cases shall include :-**

1. The charges framed against the employee and the statement of allegations furnished to him under sub rule (1) of Rule 7.

2. His written statement of defence, if any;

3. The oral and or documentary evidence, if any adduced in the course of the enquiry, and

4. The finding on each charge and the reasons therefor.

**9. . :-**

The disciplinary authority shall consider the record of enquiry, record its conclusion on each charge and pass appropriate order.

**10. Joint enquiry :-**

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

**11. Special procedure in certain cases :-**

1. The disciplinary authority may dismiss an employee from service without following the procedure laid down in Rule 7, if a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge.

**PART 3**

**Suspension**

**12. Suspension :-**

1. Where disciplinary proceedings under Regulation 7 are contemplated, or are taken, against an employee or where a case, against him in a respect of any criminal offence is under investigation or trial, he may be placed under suspension by the



disciplinary authority subject to a report being made simultaneously to the appointing authority where the disciplinary authority is not the appointing authority.

2. An order or suspension made under this Regulation may at any time be revoked by the authority which made the order or by any higher authority.

### **13. Subsistence Allowance :-**

1. An employee under suspension shall be entitled to subsistence allowance equal to half of the total of his basic pay and dearness allowances, if any, provided that he declares to the satisfaction of the disciplinary authority that he is not engaged in any other employment, business, profession or vocation.

2. In case where, for reasons to be recorded in writing the period of suspension exceeds six months for reasons for which the employee is not responsible, the subsistence allowance will be 3/4th of his basic pay plus dearness allowances if any for the period beyond six months.

### **14. Payment of Pay Allowances on reinstatement :-**

1. When an employee who has been dismissed, removed or suspended is reinstated the authority competent to order the reinstatement should consider and make a specific order.

(a) Regarding the pay and allowances to be paid to the employee for the period of his absence from duty; and

(b) Where or not the said period shall be treated as period spent on duty.

2. Where the competent authority is of opinion that the employee has been exonerated or in the case of suspension where it was wholly unjustified, the employee shall be given the full pay and allowances, to which he would have been entitled, had he not been dismissed, removed or suspended, as the case may be treating the period of absence as duty.

3. In other cases, the employee should be given such proportion of pay and allowances as the competent authority may specify provided that the payment of allowances shall be subject to the conditions under which the allowances are otherwise admissible and that such proportion shall not be less than the subsistence and

other allowances.

4. In cases, the employee is not exonerated, the period should not be treated as a period spent on duty unless the competent authority specifically directs that it should be treated as duty for any specified purposes. If the employee so desires that the period of absence from duty may be converted into leave of any kind due and admissible to the employee.

5. On conversion of the period of suspension into leave if it is found that a part of the period is to be treated as extraordinary leave for which no leave salary is admissible for the recovery of the subsistence allowance already paid for the corresponding period would be in order.

#### PART 4

#### Appeals

### **15. Appeals against order imposing penalties :-**

1. An employee can appeal against any order imposing penalty upon him. The appeal shall lie to the authority specified in column (6) of the schedule.

### **16. Appeals against other orders :-**

1. An employee may appeal against an order which;

(a) denies or varies to his advantages, his pay, allowances provident fund or other conditions of service as regulated by the rules or by agreement; or

(b) interprets to his disadvantage the provisions of any such rule or agreement, to the authority as per column 5 of the schedule.

2. In all other matters an employee may send a representation or a petition in the matter prescribed in Regulation 17.

### **17. Procedure for submission of appeals :-**

1. An appeal shall be preferred to the appellate authority within one month from the date of the order appealed against.

2. Submission of an appeal to an authority other than the appellate authority, shall be deemed to be misconduct, provided that where an appellant does not get any reply within 30 days of the submission of the appeal, he may send a copy of appeal direct to the next higher appellate authority explaining the circumstances

necessitating, his doing, so and sending a copy thereof to the authority to whom his appeal was originally submitted.

**18. Consideration of Appeals :-**

1. The appellate authority shall consider whether the findings are justified and whether the penalty imposed is excessive or adequate and pass suitable orders.

**19. Review :-**

1. Notwithstanding anything contained in these Regulations the Board may call for the record of any case involving a major penalty within 6 months of the date of the final order and after reviewing the case, pass such orders thereon it may deem fit.

PART 5

Miscellaneous

**20. Interpretations :-**

1. The interpretation of these regulations shall be final.

SCHEDULE 1

SCHEDULE 1

SCHEDULE (RULES)					
S.No.	Category of the Post	Appointing authority	Minor penalties	Major penalties	Appellate authorities in case of major penalties
(1)	(2)	(3)	(4)	(5)	(6)
1.	Category I	Board	C.E.O.	Chairman	Board
2.	Category II	Board	C.E.O.	Chairman	Board
3.	Category III to VIII	C.E.O.	Dy. C.E.O.	C.E.O.	Chairman
4.	Category IX to X	C.E.O.	Dy. C.E.O.	C.E.O.	Chairman