

Karnataka State Road Transport Corporation Servants (Conduct And Discipline) Regulations, 1971

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Karnataka State Road Transport Corporation Servants (Conduct And Discipline) Regulations, 1971

In exercise of the powers conferred by Section 14 and 45 of the Road Transport Corporations Act, 1950 (Central Act 64 of 1950) and with the previous sanction of the State Government, the Karnataka State Road Transport Corporation hereby makes the following Regulation, namely :-

PART 1 PRELIMINARY

1. Title and Commencement :-

- 1) These Regulations may be called the Karnataka State Road Transport Corporation Servants (Conduct and Discipline) Regulations, 1971.
- 2) They shall come into force on such date as the Corporation may appoint by publication of a notice specifying the date on the Notice Board of the Central Office of the Corporation at Bangalore.

2. Definitions :-

In these Regulations, unless the context otherwise requires.

- (a) "Appellate Authority" means the Authority competent under these Regulations to exercise the powers of Appellate Authority;
- (b) "Corporation" means the Karnataka State Road Transport Corporation ;-
- (c) "Corporation Servant" means an Officer or servant of the Corporation whose conditions of appointment and service can be determined by the Corporation by Regulations made under the Road Transport Corporation Act, 1950;
- (d) "Disciplinary Authority" in relation to imposition of penalties on

a Corporation servant means the Authority competent under these Regulations to impose on him that penalty;

(e) "Member of family" in relation to a Corporation servant includes-

(i) the wife or husband as the case may be, of such Corporation servant whether residing with the Corporation servant or not but does not include a wife or husband as the case may be, separated from the Corporation servant by a decree or order of a competent court;

(ii) the son or daughter or the step-son or step-daughter of such Corporation servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Corporation Servant or of whose custody the Corporation servant or of whose custody the Corporation servant has been deprived by or under any law; and

(iii) any other person related whether by blood or marriage, to the Corporation servant or to the Corporation servants wife or husband and wholly dependent on the said Corporation servant.

(f) "schedule" means the schedule appended to these Regulation.

(g) "Service" means the service in the Corporation

2A. Application :-

(1) These Regulation apply to every Corporation servant, but shall not apply to-

(a) any person in causal employment,

(b) any person for whom special provision is made, in respect of matters covered by these Regulations by or under any agreement entered into in regarded to matters covered by such specific provision.

(2) If any doubt arises, whether these Regulations or any of them applies to any person, the matter shall be referred to the Corporation, which shall decide the same.

PART 2 PROVISIONS RELATING TO CONDUCT

3. General :-

(1) Every employee of the Corporation shall at all time:-

(i) maintain absolute integrity;

(ii) maintain devotion to duty;

(iii) do nothing which is unbecoming of a Corporation servant.

(2) (i) Every Corporation servant holding a supervisory post shall

take all possible steps to ensure the integrity and devotion to duty of all Corporation servants for the time being under his control and authority.

(ii) No Corporation servant shall in the performance of his official duties or in the exercise of the powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible. Explanation:- Nothing in clause-(ii) of Sub-Regulation (2) shall construed as empowering a Corporation servant to evade his responsibilities by seeking instruction from, or approval of a superior Officer or Authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Private Trade or Employment :-

(1) No Corporation servant shall expect with the previous sanction of the Corporation, engage directly or indirectly in any trade or business or undertaken any other employment.

Explanation:- Canvassing by a Corporation servant in support of the business of insurance agency, commission agency and the like owned or managed by his wife or by any other member of his family shall be deemed to be breach of this Sub Regulation.

(2) Notwithstanding anything contained in Sub-Regulation(i), a Corporation servant may undertake any honorary work of a social or charitable nature or occasional work of a literary artistic or scientific character:

Provided that such work does not interfere with his official duties. Provided further that he shall not undertaken and shall, if he has already undertaken, discontinue such work if so directed by the Corporation.

(3) Every Corporation servant shall report to the Corporation if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(4) Except in the course of the discharge of his official duties, no employee shall, without the previous sanction of the Corporation, 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 (Central Act 1 of 1956) or any other law for

the time being in force or any co-operative society for commercial purposes: Provided that a Corporation servant may taken part in the registration, promotion or management of a co-operative society substantially for the benefit of Corporation servants registered under the Karnataka Co-operative Societies Act, 1959, or of a literary, scientific or charitable society registered under the Karnataka Societies Registration Act, 1960

(5) No Corporation servant may accept any fee for any work done by him for any public body or any private person without the sanction of the Corporation.

5. Insolvency and Habitual Indebtedness :-

A Corporation servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Corporation servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the Corporation. Note:- The burden of proving that the insolvency or indebtedness was the result of circumstance which, with exercise of ordinary diligence, the Corporation servant could not have foreseen or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Corporation servant.

6. Demonstrations, etc :-

(1) No Corporation servant shall engage himself or participate in any demonstration which is prejudicial to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, Public order, decency or morality or which involves contempt of court defamation or incitement to an offence.

(2) No Corporation servant shall hold within the precincts of any office any place under the control of the Corporation, any demonstration which is violent or which prevents or is calculated to prevent or which obstructs or is calculated to obstruct, the normal transaction of business in such office or place.

(3) No Corporation servant shall obstruct any person from lawfully entering or leaving any office or place under the control of the Corporation, or from carrying on any business in such office or place.

(4) No Corporation servant shall act in any manner calculated to undermine the confidence of the persons using the facilities

provided by the Corporation.

7. Consumption of intoxicating Drinks and Drugs :-

(1) A Corporation servant shall -

(a) Strictly abide by the 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 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 any intoxicating drink or drug.

(2) A Corporation servant shall not-

(a) Appear in a public place in a state of intoxication.

(b) If he is Driver or Conductor have taken or used any intoxicating drink or drug within eight hours of the commencement duty or take such drink or drug during the course of duty

8. Employment of near relatives of Corporation servants in private undertakings enjoying Corporation Patronage :-

(1) No Corporation servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertaking.

(2) (i) No Class-I Officer shall, except with the previous sanction of the Corporation, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealing or in any other undertaking having official dealings with the Corporation. Provided that where the acceptance of the employment cannot await prior permission of the Corporation or is otherwise considered urgent the employment may be accepted provisionally subject to the permission of the Corporation and the fact of such acceptance shall at once be reported to the Corporation

(ii) A Corporation servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking intimate such acceptance to the Corporation and shall also intimate whether he has had any official dealing with that undertaking. Provided that no such intimate shall be necessary in the case of Class-I Officer if he had already obtained the sanction of, or sent a report to, the Corporation under Clause (i)

(3) No Corporation servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or other person if any member of his family is

employed in that undertaking or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Corporation servant shall refer every such matter or contract to his official supervisor Officer or Authority and the matter or contract shall thereafter be disposed of according to the instruction of such Officer or Authority.

9. Taking part in Politics and Elections :-

(1) No Corporation servant shall be a member of, or be other associated with, any political party or any organisation which takes part in politics nor shall he takes part in, subscribe in aid of or assist in an other manner, any political movement or activity.

(2) It shall be the duty of every Corporation servant to Endeavour to prevent any member of his family from taking part in, subscribing aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Corporation servant is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Corporation.

(3) If any question arises whether a party is a political party or whether any organisation take part in politics or whether any movement or activity falls within the scope of sub-Regulation (2), the decision of the Corporation thereon shall be final.

(4) No Corporation servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any Legislature or Local Authority:

Provided that-

(i) a Corporation servant qualified to vote at such election may exercise his right vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(ii) a Corporation servant shall not be deemed to have contravened the provisions of this SubRegulation be reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation: The display by a Corporation servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of the Sub-Regulation.

(5) Notwithstanding anything contained in the Regulation, the

Supervisory cadre of employees and above shall not associate themselves and or be members of any Trade Union and or Federation and or Association formed by the workers. They shall also not associate with or be members of any Trade Union and or Federation and or Association formed by the other Class of Employees in the Corporation.

For the purpose of this Regulation, the Supervisor category shall include:

- 1) Traffic Inspector
- 2) Chargeman
- 3) Chargeman (Printing)
- 4) Divisional Security Inspector
- 5) Inspector of Accounts
- 6) Junior Engineer
- 7) Draughtsman
- 8) Stenographer (Senior)
- 9) Store Keeper
- 10) Supervisor (Accounts)
- 11) Supervisor (Administration)
- 12) Supervisor (Statistical)
- 13) Supervisor (Labour)
- 14) Assistant Traffic Superintendent
- 15) Assistant Works Superintendent
- 16) Supervisor (Electrical)
- 17) Technical Superintendent
- 18) Personal Assistant
- 19) Stores Superintendent
- 20) Superintendent (Administration)
- 21) Superintendent (Accounts)
- 22) Superintendent (Statistical)
- 23) Assistant Engineer
- 24) Head Artisan
- 25) Assistant Traffic Inspector and any other category that may be included in future in the Supervisory category.

(6) Notwithstanding anything contained in the Regulation, the Security personnel shall not associate themselves and or be members of any Trade Union and or Federation and or Association formed by the workers. They shall also not associate with or be members of any Trade Union and or Federation and or Association formed by any other Class of employee in the Corporation.

For the Purpose of this Regulation, Security Personnel shall include:-

- 1) Divisional Security Inspector
- 2) Assistant Security Inspector
- 3) Watch and Ward Inspector
- 4) Security Havildar
- 5) Security Head Guard
- 6) Security Guard

And other category that may included in future in the Security Department.

10. Unauthorised Communication of information :-

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

Explanation: Quotation by a Corporation servant (in his representations to official superior Authorities) of or from any letter, Circular or office memorandum, or from the notes on any file, to which he is not authorised to have access or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this Regulation.

11. Subscriptions :-

No Corporation servant shall, except with the previous sanction of the Corporation or such Authority as the Corporation may specify ask for or accept contribution to or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

12. Gifts :-

(1) Save as otherwise provided in this part, no Corporation servant shall accept, or permit any member of his family or any person acting on his behalf to accept, any gift. Explanation: The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage hen provided by any person other than a near relative or personal friend having no official dealing with the Corporation servant.

Note- A causal meal, lift or other form of social hospitality shall not be deemed to be a gift.

(2) A Corporation servant of the Corporation shall avoid accepting lavish hospitality from any individual having official dealing with him or from industrial or commercial firms, organisations and the like.

(3) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious or social practice, a Corporation employee may accept gifts from his near relatives but shall report of such acceptance to the Corporation if the value of any such gifts exceeds.

(i) Rs.10,000 in the case of a Corporation servant holding any Class-I or Class-II post.

(ii) Rs.5,000 in the case of a Corporation servant holding any Class-III post; and

(iii) Rs.4,000 in the case of a Corporation servant holding any Class-IV post.

(4) On such occasions as are specified in Sub-Regulation (3), a Corporation servant may accept gifts from his personal friends having no official dealing with him but he shall make a report to the Corporation if the value of any such gifts exceeds:

(i) Rs.8,000 in the case of a Corporation servant holding any Class-I or Class- II post,

(ii) Rs.4,000 in the case of a Corporation servant holding any Class-III post; and

(iii) Rs.3,000 in the case of a Corporation servant holding any Class-IV post.

(5) In any other case, a Corporation servant shall not accept any gift without the sanction of the Corporation if the value thereof exceeds

(i) Rs.1,000 in the case of a Corporation servant holding any Class-I or Class-II post.

(ii) Rs.500 in the case of a Corporation servant holding any Class-III or Class- IV post.

Note- Receipt of presents by Corporation servants at the time of their marriage, in the form of cash, ornaments, clothes, or other articles, otherwise than as consideration for marriage, from the relatives and personal friends, will be regulated by Sub-Regulation (3) and

(4) above. The receipt of such presents, from persons other than relatives and personal friends, will be regulated by Sub Regulation

(1), read with Sub-Regulation (5) above.

13. Investment, lending and borrowing :-

(1) No Corporation servants shall speculate in any stock, share or other investment.

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

(2) No employee shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is the nature referred to in Sub- Regulation (1) or Sub-Regulation (2), the decision of the Corporation thereon shall be final.

(4) (i) No Corporation servant shall, save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business either himself or through any member of his family or any other person acting on his benefits.

(a) Lend or borrow money, as principal or agent, to or from any persons with whom he is likely to have official dealing, or otherwise place himself under any pecuniary obligation to such person, or

(b) Lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid: Provided that an employee may give to, or accept from, a relative or a personal friend, a purely temporary loan of a amount free of interest, or operate a credit account with bona-fide tradesman or make an advance of a pay to his private employee: Provided further that nothing in this Sub-Regulation shall apply in respect of any transaction entered into by a Corporation servant with the previous sanction of the Corporation.

(ii) When a Corporation servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of Sub-Regulation (2) or SubRegulation

(4), he shall forthwith report the circumstances to such Authority as the Corporation may specify and shall thereafter act in accordance with such order as may be made by such Authority.

14. Movable, immovable and valuable property :-

(1) Every Corporation servant shall on his first appointment to the Corporation service there-after at interval of every twelve months

in lieu and thereafter at such intervals as may be specified by the Corporation, submit a return of his assets and liabilities and of all members of his family in such form as may be prescribed by the Corporation giving full particulars regarding.

(a) The immovable property inherited by him or any member of his family or owned or acquired by him or any member of his family or lease or mortgage, either in his own name, or in name of any member of his family or in name of any other person.

(b) The shares, debentures and cash including bank deposits inherited by him or any member of his family or similarly owned, acquired, or held by him or any member of his family.

(c) Other movable property inherited by him or any member of his family or similarly owned, acquired, or held by him or any member of his family.

(d) Debts and other liabilities incurred by him or any member of his family directly or indirectly.

Note: (i) Sub-Regulation (1) shall not ordinarily apply to Class-IV Corporation Servants, but the Corporation may in appropriate cases direct that it shall apply to any of such corporation servants.

(ii) In every return, the values of items of movable property worth less than Rs.10,000/- may be added and shown as lump sum. The values of articles of daily use such as clothes, utensils, crockery, books and the like need not be included in such return.

(iii) Every Corporation servant who is in service on the date of commencement of these Regulations shall submit a return under this Sub-Regulation or before such date as may be specified by the Corporation after such commencement.

(2) No Corporation servant or any member of his family shall except with the knowledge of the Corporation, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift, or otherwise either in his own name or in name of any member of his family.

Provided that the previous sanction of the Corporation shall be obtained by the Corporation servant if any such transaction is:-

(i) with a person having official dealings with the Corporation servant; or

(ii) otherwise than through a regular or reputed dealer.

(3) Every Corporation servant shall report to the Corporation every transaction concerning movable property owned or held by him or any member of his family either in his own name or in the name of a member of his family. If the value of such property exceeds Rs.50,000/- in the case of a Corporation servant holding any Class-

I or Class-II post or Rs.25,000/- in the case of a Corporation servant holding any Class-III or IV post;

Provided that the previous sanction of the Corporation shall be obtained if any such transaction is:-

(i) with a person having official dealing with the Corporation servant; or

(ii) Otherwise than through a regular or reputed dealer.

3 (A). Every Corporation servant shall report to the Corporation every transaction concerning cash received by him or by any member of his family from sources other than the Corporation servant's salary and allowance, Insurance or Provident Fund if such cash exceeds Rs.50,000/- in the case of an employee holding any Class-I or Class-II post or Rs.25,000/- in the case of a Corporation servant holding any Class-III or Class-IV post.

(4) The Corporation or any Authority empowered by it in this behalf may, at any time, by a general or special order, require a Corporation servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or any member of his family or in his behalf or by any member of his family as may be specified in the order. Such a statement shall, if so required by the Corporation or by Authority so empowered include the details of the means by which, or the source from which, such property was acquired.

(5) The Corporation may exempt any category of Corporation servants belonging to Class III or Class IV from any of the provisions of this Regulation except Sub-Regulation (4)
Explanation: For the purpose of this Regulation the expression "movable property includes:

(a) Jewellery, Insurance policies the annual premia of which exceed Rs.1,000,00/- or one sixth of the total annual emoluments received from the Corporation whichever is less, shares, securities and debentures.

(b) loans advanced by such Corporation servants whether secured or not: (c) Motor cars, motor cycles, or any other means of conveyance; and (d) Refrigerators, radios radiograms

15. Canvassing of Non-official or other influence :-

No Corporation servant shall bring or attempt to bring any political or other influence to bear upon any superior Authority to further his interests in respect of matters pertaining to his service under the Corporation.

16. Bigamous marriage :-

(1) No Corporation servant shall enter into, or contract a marriage with a person having a spouse living; and

(2) No Corporation servant having a spouse living shall enter into, or contract, a marriage with any other person: Provided that the Corporation may permit a Corporation servant to enter into, or contract, any such marriage as is referred to in clause(1) and clause(2), if it is satisfied that;

(a) such marriage is permissible under the personal law applicable to such Corporation servant and the other party to the marriage.

(b) There is other ground for so doing.

17. Obligation to abide by All Administrative Instruction :-

Notwithstanding anything contained in the Regulations in this part, a Corporation servant shall be governed by all the administrative instructions that may be issued from time to time in regard to the conduct of Corporation servants.

PART 3 DISCIPLINARY PROCEEDINGS

18. Nature of Penalties :-

Any one or more of the followings penalties, may, for good and sufficient reasons and as hereinafter provided, be imposed on a Corporation servant, namely:

A. Minor penalties:-

(i) Fine in the case of Class-III and IV servants;

(ii) Censure;

(iii) With-holding of increments of wages or pay;

(iv) With-holding of his promotion;

(v) Recovery from his wages or salary of the whole or part of any pecuniary loss caused by him to the Corporation by negligence or breach of orders or unauthorised absence from duty.

(vi) Reduction to a lower stage in the time scale of wages or pay for a specified period, with further direction as to whether the Corporation servant will earn increments of wages or pay during the period of such reduction and whether, on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his wages or pay;

(vii) Suspension for a period not exceeding 60 days with subsistence allowance of an amount equal to one half of his wages or

pay which he would have drawn if he had been on duty;

(viii) Reduction to a lower time scale of wages or pay, grade, post or service which shall ordinarily be a bar to the promotion of the Corporation servant to the time scale of wages or pay, grade, post or service from which the Corporation servant was reduced, with or without further directions regarding the conditions or restoration of the time scale of wages or pay, grade or post or service from which the Corporation servant was reduced and his seniority and wages or pay on such restoration to that time scale of wages or pay, grade, post or service.

B- Major Penalties:

(ix) Removal from service which would not be a disqualification for future employment;

(x) Dismissal from service which would ordinarily be a disqualification for future employment.

Explanation-1:- The following shall not amount to penalties within the meaning of this Regulation namely.

(i) With-holding of increments of a Corporation servant for his failure to pass any departmental examination, in accordance with the Regulations or orders governing the service to which he belongs or post which he holds or the terms of his appointments.

(ii) Stoppage of a Corporation servant at the efficiency bar in the time scale of wages or pay on the ground of his unfitness to cross the bar.

(iii) Non-promotion of a Corporation servant whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible.

(iv) Suspension under Regulation-21.

(v) Reversion of a Corporation servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable to such higher service, grade or post or any administrative ground unconnected with his conduct.

(vi) Reversion of a Corporation servant, appointed on probation to an any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the Regulations or orders governing such probation.

(vii) Termination of the services-

(a) of a Corporation servant appointed on probation, during or at the end of the period of his probation, in a accordance with the terms of his terms of his appointment or the Regulations or orders

governing such probation; or

(b) of a temporary Corporation servant in accordance with the terms of the employment; or

(c) of a Corporation servant employed under an agreement, in accordance with the terms of such agreement.

Explanation 2:- When the penalty of suspension is imposed on any Corporation servant the period of such suspension, shall not be treated as period spent on duty, but the suspension shall not have the effect of suspending the contract of service and shall not be treated as a break in service. The period of his service shall however be reckoned excluding the period of suspension.

19. Disciplinary Authorities :-

(1) The Corporation may impose any of the penalties specified in Regulation-18 on any Corporation servant.

(2) Without prejudice to the provisions of Sub-Regulation (1) any of the penalties specified in Regulation-18 may be imposed on a Corporation servant by the Authority specified in the schedule in this behalf or by any other Authority empowered in this behalf by a general or special order of the Corporation.

20. Authority to institute proceedings :-

(1) The Corporation or any other Authority empowered by it by general or special order may:

(a) institute, Disciplinary proceedings against any Corporation servant.

(b) direct a Disciplinary Authority to institute Disciplinary proceedings against any Corporation servant on whom that Disciplinary Authority is competent to impose under these Regulations any of the penalties specified in Regulation-18.

(2) A Disciplinary Authority competent under these Regulations to impose any of the penalties specified in clauses (i) to (viii) or Regulation-18 may institute Disciplinary proceedings against any Corporation servant for the imposition of any of the penalties specified in clauses (ix) and (x) of Regulation-18 notwithstanding that such Disciplinary Authority is not competent under these Regulations to impose any of the latter penalties.

21. Suspension Pending inquiry :-

(1) The Disciplinary Authority or any other Authority to which it is

subordinate or any other Authority empowered in that behalf by the Corporation by general or special order, may place a Corporation servant under suspension.

a) Where a disciplinary proceeding against him is contemplated or is pending, or

b) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

Provided that where the order of suspension is made by an Authority lower than the Disciplinary Authority, such Authority shall forthwith report to the Disciplinary Authority the circumstances in which the order was made.

(2) A Corporation servant shall be deemed to have been placed under suspension by an order of the Disciplinary Authority a) With effect from the date of his detention if he is detained in custody, whether or a criminal charge or otherwise, for a period exceeding forty- eight hours; b) With effect from the date of his conviction, if in the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding forty- eight hours and is not forthwith dismissed or removed consequent to such conviction. Explanation: - The period of forty-eight hours referred to in clause (b) of this SubRegulation 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 or removal from the service imposed upon a Corporation servant under suspension is set aside in appeal or on suo-moto revision under these Regulations and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have been 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) (a) An order of suspension made or deemed to have been made under this Regulation shall continue to remain in force until it is modified or revoked by the Authority competent to do so.

(b) Where a Corporation Servant is suspended or is deemed to have been Suspended (whether in connection with any Disciplinary proceedings or otherwise) and any other Disciplinary proceedings is commenced against him during the continuance of that suspension the Authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the Corporation servant 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 Regulation 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.

(5) (1) A corporation Servant who is placed or deemed to have been placed or continue to be under suspension shall be entitled to the following payment namely:-

(a) Subsistence allowance at an amount equal to the leave salary which the Corporation Servant would have drawn if he had been on leave on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary and

(b) House Rent Allowance and City Compensatory Allowance admissible from time to time on the basis of pay of which the Corporation Servant was in receipt on the date of suspension subject to fulfillment of other conditions laid down for drawl of such allowances. Provided that 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:-

(i) The Amount of Subsistence allowance may be increased by a suitable amount not exceeding fifty percent of the subsistence allowance admissible during the period of first six months, 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 Corporation servant.

(ii) The Amount of Subsistence allowance may be reduced by a suitable amount not exceeding fifty percent of the subsistence allowance admissible during the period of first six months, if in the opinion of the said Authority, the period of suspension has been prolonged for reasons, to be recorded in writing, directly attributable to the Corporation servant.

(iii) The amount of Dearness Allowance shall be based on the increase or decrease in the amount of Subsistence allowance as the case may be, admissible under Clause (i) and (ii) above.

(2) No payment under Sub-Regulation (i) shall be made unless the corporation Servant furnishes a certificate that he has not engaged in any other employment, business, profession or vocation.

Provided that in the case of a Corporation Servant where a penalty of removal or dismissal from service imposed upon a Corporation Servant under suspension is set aside in appeal or on review under

these Regulations, and the case is remitted for further inquiry or action or with any other directions and if the order of suspension is deemed to have been continued in force on and from the date of original order of removal or dismissal and remain in force until further orders or where a penalty of removal or dismissal from service imposed upon a Corporation Servant is set aside or declared or rendered void in consequence or by a decision of a Court of Law and Disciplinary Authority on a consideration of the circumstances of the case decides to hold further inquiry against him on the allegations on which the penalty of removal or dismissal was originally imposed and if the Corporation servant is deemed to have been placed under suspension by the Disciplinary Authority from the date of the original order of removal or dismissal and continues to remain under suspension until further orders and who fails to produce such a certificate for any period or periods during which he is deemed to have been placed or to continue to be under suspension he shall be entitled to the Subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods as the case may be fall short of amount of Subsistence allowance and other allowances that would otherwise be admissible to him but when the Subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him nothing in this proviso shall apply to him.

(6) (a) When a Corporation servant who has been dismissed, removed or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the Authority competent to order reinstatement shall consider and make orders as to-

(i) The wages or pay and allowances which shall be paid to the Corporation servant for the period of his absence from duty or for the period of suspension ending with the date of his retirement on superannuation, as the case may be; and

(ii) Whether or not the said period shall be treated as period spent on duty.

(b) (i) Where such Competent Authority holds that the Corporation servant has been exonerated or, in the case of suspension under this Regulation that it was unjustifiable the Corporation servant shall be granted the full wages or pay to which he would have been entitled, had he not been dismissed, removed or suspended, as the case may be, together with any allowances of which he was in receipt immediately prior to his dismissal, removal or suspension or may have been sanctioned subsequently and made applicable to

Corporation servant of his class.

(ii) In all other cases, the Corporation servant shall be granted such proportion of such wages or pay and allowances as such Competent Authority may direct. Provided that the payment of allowances under this clause shall be less than subject to all other conditions subject to which such allowance are admissible. Provided further that the wages or pay and allowances granted under this sub-clause shall not be less than subsistence and other allowances admissible under SubRegulation(5).

(c) (i) In a case falling under Sub-clause (i) of clause (b), the period of absence from duty shall for all purposes be treated as a period spent on duty.

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

22. Procedure for imposing minor penalties :-

(1) Subject to the provisions of SubRegulation (26) of Regulation-23 and Regulation-15, no order imposing on a Corporation servant any of the penalties specified in clause (i) to (viii) of Regulation-18 shall be made except after-

(a) Informing the Corporation servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which it is proposed to be taken, and given him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) Holding an inquiry in the manner laid down in Sub-Regulations (3) to 23) of Regulation-23 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 Corporation servant 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 misbehavior;

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

(i) a copy of the intimation to the Corporation servant of the proposal to take action against him;

(ii) his representation, if any;

(iii) the evidence produced during the inquiry; if any;

(iv) the findings on each imputation of misconduct or misbehavior; and (v) the orders on the case together with reasons therefore.

23. Procedure for imposing major penalties :-

(1) No order imposing any of the penalties specified in clauses (ix) and (x) of Regulation-18 shall be made except after an inquiry, held, as far as may be in the manner provided in this Regulation.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against a Corporation servant it may itself inquiry into or appoint under this Regulation an Authority to inquire into the truth thereof.

Explanation: Where the Disciplinary Authority itself holds the inquiry; any reference in Sub-Regulation (7) to (20) and in Sub-Regulation (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 a Corporation servant under this Regulation the Disciplinary Authority shall draw up or cause to be drawn up-

(i) the substance of the imputation of misconduct or misbehavior into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehavior 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 Corporation servant;

(b) a list of documents by which and a list of witnesses by whom, the article of charge are proposed to be sustained.

(4) The Disciplinary Authority shall deliver or cause to be delivered to the Corporation servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehavior and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the Corporation servant to submit, within such time as may be specified a written statement of his defence and to state whether he 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 so to do, appoint, under Sub-Regulation (2), an Inquiring Authority for the purpose and where all the articles of charge have been admitted by the Corporation servant in his written statement of defence, the

Disciplinary Authority; shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Sub Regulation (24) to (26).

(b) If no written statement of defence is submitted by the Corporation servant, the Disciplinary Authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under Sub-Regulation (2) an Inquiring Authority for the purpose.

(c) Where the Disciplinary Authority itself inquires into any articles of charge or appoints an Inquiring Authority for holding an inquiry into such charge, it may, by an order, appoint a Corporation servant, to be known as the "Presenting Officer" to present on its behalf the case in support of 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 imputations of misconduct or misbehavior;

(ii) a Copy of the written statement of defence, if any, submitted by the Corporation servant;

(iii) a copy of the statement of witnesses, if any, referred to in Sub-Regulation (3);

(iv) a copy of the order appointing the "Presenting Officer".

(7) The Corporation servant shall appear in person before the Inquiring Authority on such day at such time within ten working days from the date of receipt by him of the articles of charge and the statement of imputations of misconduct or misbehavior, as the Inquiring Authority may by a notice in writing specify in this behalf, or within such further time not exceeding ten days, as Inquiring Authority may allow.

(8) The Corporation servant may take assistance of any other Corporation servant from the same Division or Unit where the accused corporation servant is working, to present the case on his behalf but may not engage a legal practitioner for the purpose.

(9) If the Corporation servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before Inquiring Authority such Authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty of any of the articles of charge, the Inquiring Authority shall record the plea, sign the record, and obtain the signature of the Corporation servant thereon.

(10) The Inquiring Authority shall return a finding of guilt in

respect of that articles of charge to which the Corporation servant pleads guilty.

(11) The Inquiring Authority, shall, if the Corporation servant fails to appear within the specified time or refuses or omits to plead, required the Presenting Officer to produce the evidence by which he 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 Corporation servant may, for the purpose of the preparing the 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-Regulation (3);

(ii) submit a list of witnesses to be examined on his behalf.

Note- If the Corporation servant applies orally or in writing for the supply of copies of statements of witnesses mentioned in the list referred to in Sub-Regulation (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 notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow, for the discover or production of any documents which are in the possession of the Corporation but not mentioned in the list referred to in Sub- Regulation-(3).

Note- The Corporation servant shall indicate the relevance of the documents required by him to be discovered or produced by the Corporation.

(12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same of copies thereof to the Authority in whose custody of 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-Regulation (21), every Authority having the custody of 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 reasons to be recorded

in writing that the production of all or any such documents would be against the public interest, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall on being so informed, communicate the information to the Corporation servant and withdraw the requisition made by it for the production or discovery of such 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 Corporation servant the Presenting Officer shall be entitled to re-examine the witnesses on any points 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 at 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 Corporation servant or may itself call for new evidence or recall and re-examine any witness and in such case the Corporation servant shall be entitled to have, if he 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 adjourned. The Inquiring Authority shall give the Corporation servant an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the Corporation servant to produce new evidence if it is of the opinion that the production of such evidence is necessary in the interests 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 of the Disciplinary Authority is closed, the corporation servant shall be required to state his defense, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Corporation servant 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 Corporation servant shall then be produced. The Corporation servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Corporation servant 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 Corporation servant closes his case, and shall, if the Corporation servant has not examined himself, generally question him on the circumstances, appearing against him in the evidence for the purpose of enabling the Corporation servant to explain any circumstances appearing in the evidence against him.

(19) The Inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Corporation servant or permit them to file written briefs of their respective cases, if they so desire.

(20) If the Corporation servant 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 Regulation, 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 (viii) of Regulation-18 but not competent to impose any of the penalties specified in clauses (ix) and (x) of regulation-18 has itself inquired into or causes to be inquired into the articles of any charge and that Authority, having regard to its own findings or having regard to its decision or any of the findings of any Inquiring Authority appointed by it, is of the opinion that the penalties specified in clauses (ix) and (x) of Regulation-18 should be imposed on the 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 the 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 witness and may impose on the Corporation servant such penalty as it may deem fit in accordance with these Regulations.

(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 herein before 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 imputations of misconduct or misbehavior;

(b) The defense of the Corporation servant in respect of each article of charge;

(c) An assessment of the evidence in respect of each article or charge;

(d) The findings on each article of charge and the reasons therefore. Explanation: If in the opinion of the Inquiring Authority the proceeding 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 article of charge shall not be recorded unless the Corporation servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending may record its findings on 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 Corporation servant;

(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 Corporation servant or both during the course of the inquiry; and

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

(24) 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 this Regulation as far as may be.

(25) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any article of charge, record its reasons for such dis-agreements and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(26) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that one or more of the penalties specified in Regulation-18 should be imposed on the Corporation servant, it shall make an order imposing such penalty.

24. Summary procedure for imposing minor penalties in certain cases :-

(1) Summary proceedings may be held by the Disciplinary Authority as provided in Sub-Regulation (2) in cases -

(a) Where a Corporation servant is caught red-handed having committed or while committing any act of misconduct or misbehavior;(b) where there is obvious evidence of misconduct or misbehavior.

(b) Where there is obvious evidence of misconduct or misbehavior.

(2) The Disciplinary Authority may hold summary proceedings under this Regulation on the spot and take a decision on the evidence available after charge sheeting of the Corporation servant concerned and after giving him an opportunity to make a statement.

25. Circumstances to be taken into consideration for imposition of penalties :-

Without prejudice to the provisions of any law for the time being in force any Corporation servant who is found guilty of any act of misconduct or misbehavior shall be liable to one or more of the penalties specified in Regulation-18 according to the gravity of the misconduct or misbehavior and also on his past record.

26. Communication of orders :-

The orders made by the Disciplinary Authority shall be communicated to the Corporation servant 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 finding 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 a statement of the findings of the Disciplinary Authority together with brief reasons for its disagreement, if any, with the findings of the Inquiring Authority.

27. Common proceedings :-

(1) Where two or more Corporation servants are concerned in any case, the Corporation or any other Authority competent to impose the penalty of dismissal from service on all such Corporation servants may make an order directing that disciplinary action against all of them may be taken in common proceeding. Note:

(1) If the Authorities competent to impose the penalty of dismissal on such Corporation servants are different, an order for taking Disciplinary action in a common proceeding may be made by the highest of such Authorities with the consent of the others.

(2) Any such order shall specify-

(i) The authority which may function as the Disciplinary Authority for the purpose of such common proceedings;

(ii) The penalties specified in Regulation-18 which such Disciplinary Authority shall be competent to impose;

(iii) Whether the procedure laid down in Regulation-22 or Regulation-23 shall be followed in the proceedings.

28. Special procedure in certain cases :-

Notwithstanding anything contained in Regulations - 22 to 27.

(i) Where any penalty is imposed on a Corporation servant on the ground of conduct which has led to his 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 Regulations, the Disciplinary Authority may consider the circumstances of the case and make such orders thereon as it deems fit.

29. Orders against which on appeal lies :-

No appeal shall lie against-

(i) Any order made by the Corporation;

- (ii) Any order of an interlocutory nature of a step-in aid for the final disposal of a Disciplinary proceeding, other than an order of suspension;
- (iii) Any order passed by an Inquiring Authority in the course of an inquiry under Regulation-23.

30. Orders against which appeal lies :-

Subject to the provision of Regulation-29 Corporation Servant 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 Regulation-21;
- (ii) An order imposing any of the penalties specified in Regulation-18 whether made by the Disciplinary Authority or by any Appellate Authority;
- (iii) An order enhancing any penalty imposing under Regulation-34.

Explanation:- In this Regulation the expression "Corporation Servant" includes a person who has ceased to be in the Corporation Service.

31. Appellate Authorities :-

(1) A Corporation servant, including a person who has ceased to be a Corporation servant, may prefer an appeal against any of the orders specified in Regulation- 30 to the Authority specified in this behalf either in the schedule or by a General or Special order of the Corporation or where no such Authority is specified: -

(i) Where such Corporation servant is or was a Class-I or Class-II servant-

(a) to the Appointing Authority, where the order appealed against is made by an Authority subordinate to it; or

(b) to the Corporation where such order is made by any other Authority;

(ii) Where such Corporation servant is Class-III or Class-IV servant, to the Authority to which the Authority making the order appealed against is immediately subordinate.

(2) notwithstanding anything contained in Sub-Regulation-(1)

(i) an appeal against the order in a common proceeding under Regulation-27 shall lie to the Authority to which the Authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate.

(ii) where the person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the

Appellate Authority in respect of such order, an appeal against such order shall lie to the Authority to which such person is immediately subordinate.

32. Period of limitation for appeals :-

No appeal preferred under these Regulations 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.

33. Form and contents of appeal :-

(1) Every person preferring an appeal shall do so separately and in his 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 the copy of the appeal, forward the same with its comments thereon together with the relevant records to the Appellant Authority without any avoidable delay, and without waiting for any direction from the Appellant Authority.

34. Consideration of appeal :-

(1) In the case of an appeal against an order of suspension under Regulation-21 the Appellate Authority shall consider whether in the light of the provisions of the said Regulation, and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in Regulation-18 or enhancing any penalty imposed under the said Regulation, the Appellate Authority shall consider-

(a) whether the procedure laid down in these Regulations has been complied with, and if not, whether such non compliance has

resulted 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;

(i) confirming enhancing, reducing or setting aside the penalty; or

(ii) remitting the case of the Authority which imposed or enhanced the penalty or to any other Authority with such direction as it may deem fit in the circumstance of the case;

Provided that-

(i) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clauses (ix) and (x) of Regulation-18 and an inquiry under Regulation-23 has not already been held in the case the Appellate Authority shall, subject to the provisions of Regulation-28 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Regulation-23 and thereafter, on a consideration of the proceedings of such inquiry, make such orders as it may deem fit;

(ii) if the enhanced penalty which the Appellate Authority proposes to impose is on of the penalties specified in clauses (ix) and (x) of Regulation-18 and an inquiry under Regulation-23 has already been held in the case, the Appellate Authority shall make such order as it deem fit; and

(iii) no order imposing an enhanced penalty shall be made in any case unless the appellant has been given a reasonable opportunity as far as may be in accordance with the provisions of Regulation-22 of making a representation against such enhanced penalty.

35. Revision :-

(1) notwithstanding anything contained in these Regulations:-

(i) the Corporation or

(ii) any other Authority specified in this behalf by the Corporation by a general or special order and within such time as may be prescribed in such general or special order may at any time on its own motion call for the records of any inquiry and revise any order made under these Regulations or under the Rules or Standing Orders or other provisions repealed by Regulation-39 from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed and may-(a) confirm, modify or set aside the orders; 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 inquiry 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 Corporation Servant 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 Clause (ix) or (x) of Regulation-18 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in these clauses, no such penalty shall be imposed except after the inquiry, in the manner laid down in Regulation-23.

(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) Whereas it is expedient to substitute a new "schedule? in the place of the existing schedule as set out in the KSRTC servants (Conduct and Discipline) (Amendment) regulations, 1992 for the "Schedule" to the Principal Regulations. Now, therefore, the revised "Schedule? shall be substituted in the place of the Schedule enumerated in the KSRTC Servants (Conduct and Discipline) (Amendment) Regulations, 1981.

(4) Disposal of pending Disciplinary proceedings:-

(a) Notwithstanding anything contained in the schedule to the KSRTC servants (Conduct and Discipline) (Amendment) Regulations, 1981, the provisions contained in the amended KSRTC servants (Conduct and Discipline) (Amendment) Regulations, 1992 shall be applicable to all the pending Disciplinary, Appellate, proceedings before the Disciplinary and Appellate and Authorities as if the Principal Regulations [The KSRTC Servants (Conducts and Discipline) Regulations, 1971] were in force and nothing in these Regulations shall operate to deprive any employee to whom these Regulations apply, any right which had accrued to him under these Regulations. Any Disciplinary proceedings,

Appeal, Revision Petition at or preferred after the commencement of these Regulations against an order passed before such commencement shall be considered and disposed off as far as may

be, under these Regulations.

(b) All Applications, Disciplinary proceedings and Appellate proceedings before the commencement of these K.S.R.T.C. servants (Conduct and Discipline) (Amendment) Regulations, 1992 shall stand transferred to the appropriate Disciplinary and Appellate Authorities as specified in the KSRTC servants (Conduct and Discipline) (Amendment) Regulations, 1992 and shall be disposed off as if these proceedings had been instituted or commenced by or before such Disciplinary or Appellate Authority.

36. Service of orders notices etc :-

Every order, notice and other process made or issued under these Regulations shall be served in person on the Corporation Servant concerned or communicated to him by registered post.

37. Power to relax time limit and to condone delay :-

Save as otherwise provided under these Regulations the Authority competent under these Regulations to make any order may for good and sufficient reasons or if sufficient cause is shown, extend the time specified under these Regulations or condone any delay.

38. Operation of other enactments :-

Wherein the case of any Corporation servant, the provisions of any Enactments or Rule, or order made there under regulates any matter, in respect of which, provision is made in this part, such matter shall, notwithstanding anything contained in this part, be dealt in accordance with the provisions of the said Enactments, Rule or order.

PART 4 MISCELLANEOUS

39. Repeal and savings :-

The Mysore Government Road Transport Department Standing Orders, the B.T.S. Standing Orders, the Bombay State Road Transport Employee Service Regulations, the Hyderabad Civil Services (Classification, Control and Appeal) Rules and the Rules contained in the Nizam's State Railways Establishment Code which were adopted by the Corporation in its Resolution No.8 in so far as they relate to Conduct and Disciplinary proceedings and imposition

of penalties, provided for in these Regulations, are hereby repealed:

Provided that-

(a) such repeal shall not affect the previous operation of the said Standing Orders, Regulations or Rules or any order made or anything done, or any action taken, there under;

(b) any proceedings under the said Standing Orders, Regulations, or Rules pending at the commencement of these Regulations shall be continued and disposed of as far as may be, in accordance with the provisions of these Regulations, as if such proceedings were commenced under these Regulations.

(2) Nothing in these Regulations shall be construed as depriving any person to whom these Regulations apply, of any right of appeal which had accrued to him under the Standing Orders, Regulations, Rules or other provisions in force before the commencement of these Regulations.

(3) An appeal pending at the commencement of these Regulations against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with those Regulations, as if such orders were made and the appeals were preferred under these Regulations.

(4) As from the commencement of these Regulations, any appeal or application for revision against any orders made before such commencement shall be preferred or made under these Regulations as if such orders were made under these Regulations. Provided that nothing in these Regulations shall be construed as reducing any period of limitation for any appeal or revision provided by any Standing Orders, Regulations or Rules in force before the commencement of these Regulations.

40. Removal of doubts :-

If any doubt arises as to the interpretation of any of the provisions of these Regulations, the matter shall be referred to the Corporation or such other Authority as may be specified by the Corporation a general or special order and the Corporation or such other Authority shall decide the same.