

New Okhla Industrial Development Authority Service Regulations, 1981

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New Okhla Industrial Development Authority Service Regulations, 1981

In exercise of the powers under section 19 of the U.P. Industrial Area Development Act, 1976 (U.P. Act No. 6 of 1976) the New Okhla Industrial Development Authority, with the previous approval of the Government of Uttar Pradesh hereby makes the following regulations to provide for the conditions of service of the employees or the said Authority and for matters incidental thereto.

CHAPTER 1

Preliminary

1. Short Title and Commencement :-

(1) These regulations may be called the New Okhla Industrial Development Authority Service regulations, 1981. (2) They shall come into force on January 14, 1981.

2. Application :-

These regulations shall apply to every whole time employee of the Authority except a person working with the Authority on deputation from the Union Government or any State Government or a Local Authority or a Corporation or any other organization, by whatever name called, and such a persons shall continue to be governed by the rules applicable to him in relation to his service under his parent department or organization, by whatever name called unless such person is absorbed in the service of the Authority as a regular employee.

3. Definition :-

In these regulations, unless the context otherwise require:- (a) Act means the U.P. Industrial Area Development Act, 1976; (b)

Appointing Officer means an officer who for the time being has the power to make appointment to any post under the Authority; (c) Authority means the New Okhla Industrial Development Authority constituted under section 3 of the Act; (d) Chief Executive Officer means the Chief Executive Officer of the Authority; (e) Disciplinary Officer means an officer competent to impose any penalty under these regulations; (f) Duty includes - service on: i) Probation; (ii) Joining time; and (iii) any period declared as duty by the Chief Executive Officer. (g) Employee means an employee of the Authority to whom these regulations apply; (h) Enquiring Officer means an officer appointed by the Appointing Officer to conduct an inquiry against an employee; (i) Pay means amount drawn monthly by an employee as:- (i) Basic pay sanctioned for the post; (ii) Special pay or personal pay; (iii) Any other emoluments which may be specifically classed as pay by the Authority, but does not include dearness allowance, traveling allowance or similar other allowance. (j) Personal pay means additional pay granted to an employee:- a. to save him from any loss of substantive pay in respect of regular post other than a temporary post, due to revision of pay or to any reduction of such pay otherwise than as a disciplinary measure; or b. in exceptional circumstances, on other personal considerations. (k) Probationer means an employee, who is provisionally employed to fill a vacancy or promoted to any post under the Authority and is under probation, that is to say, he has not completed the specified period of probation or extended period of probation, as the case may be and not issued with a written order of the Appointing Officer for successful completion of probation; (l) Regular employee means an employee whose employment by terms of his employment is terminable by three months notice as provided in regulation 22 or who has been absorbed in a permanent capacity against any post under the Authority without limit of time; (m) Service means service in the Authority; (n) Special pay means an addition, of the nature of pay to the emoluments of a post of an employee granted by the Authority in consideration of:- (i) the arduous nature of the duties; or (ii) a specific addition to the work or responsibility. (o) State Government means the Government of Uttar Pradesh; (p) Temporary employee means an employee whose employment in accordance with the terms of his employment is made terminable by one months notice as provided in regulation 22; (q) Temporary post means a post created as a temporary measure.

4. Power to Relax :-

Where the Authority is satisfied that the operation of any regulation causes any undue hardship in any particular case, it may, dispense with or relax the requirements of that regulation to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner consistent or commensurate with the interest of the Authority.

5. Interpretation and Implementation :-

(1) The power to interpret these regulations vests in the Chief Executive Officer who may issue such administrative instructions as he may consider necessary to give effect and carry out the purpose of these regulations. (2) If any employee feels aggrieved by the interpretation or implementation of any of these regulations he shall have a right to appeal to the Authority whose decision thereon shall be final and conclusive.

CHAPTER 2

General Conditions of Recruitment

6. Classification of Posts :-

(1) The classification of posts under the Authority for the purposes of these regulations shall broadly be as in Annexure-A. (2) The Authority may change the classification in respect of any posts. (3) The Authority shall from time to time fix the number of posts in all groups of posts and also their pay scales.

7. Nationality :-

A candidate for recruitment to a post or service under the Authority must be:- (a) a citizen of India; or (b) a Tibetan refugee, who came over to India before January 1, 1962 with the intention of permanently settling in India; or (c) a person of Indian origin who has migrated from Nepal, Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda, and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India. Provided that a candidate belonging to category (b) or (c) above shall be a person in whose favour a certificate of eligibility has been issued by any State Government. Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by any police officer of the State Government not below the rank of a Deputy Inspector General of Police. Provided also that if a candidate belongs to category (c) no certificate of eligibility will be valid for a period of more than one year, and such a candidate may be

retained in service after a period of one year only if he has required Indian Citizenship. Provided always that candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused may be admitted to an examination or called to an interview arranged for selection and may be provisional appointed, subject to the necessary certificate being obtained by him or issued in his favour and made available to the Authority within the time stipulated therefore by the Authority or any officer empowered by the Authority in that behalf.

8. Age :-

(1) Without prejudice to the provisions of sub-regulation (2) the Authority or any officer empowered in that behalf by the Authority, may from time to time, prescribe the minimum and maximum age limits for appointment to any posts or class of posts. Until the age limit are proscribed as aforesaid the same may be prescribed by the Chief Executive Officer. (2) The maximum age limit will be relaxable in the case of scheduled castes, scheduled tribes and backward class candidates as may be decided by the Authority after taking into consideration the relevant orders of the State Government issued from time to time. (3) Every employee shall at the time of his initial appointment produce proof of his age to the satisfaction of the Appointing Officer. (4) The proof of age, to be produced by the employee, shall be the certificate of his having passed the High School or equivalent examination on where the employee has not passed any such examination or where for reasons beyond his control it is not possible for him to produce such certificate, the employee shall produce other proof of age to the satisfaction of the Appointing Officer. (5) Date of birth of an employee recorded in the certificate of his having passed the High School or equivalent examination, or where an employee has not passed any such examination, the date of birth or the age recorded in his service book at the time of his entry into service, shall be deemed to be his correct date of birth or age, as the case may, and no application or representation shall be entertained for correction of such date or age in any circumstances whatsoever.

9. Qualification :-

The Appointing Officer shall lay down the minimum essential qualifications, desirable qualifications and also specific experience required for the various posts.

10. Character :-

The character of a candidate for direct recruitments to the service must be such as may render him suitable in all respects for employment under the Authority. Persons dismissed by the Union Government or a State Government or by any Corporation, Undertaking or Body owned or controlled by the Union State Government or by a Local Authority shall be deemed to be ineligible. Where a person has been convicted of an offence by any Criminal Court, the circumstances of the conviction should be taken into account and if they involve no moral turpitude, or association with any such crime, violence, or a movement which has as its object to overthrow by violent means a Government by law established, such conviction by itself may not be regarded as a disqualification.

11. Physical Fitness :-

No person shall be appointed to a post unless he is in good mental and bodily health and free from any physical defects likely to interfere with the efficient performance of his duties. For this purpose, every candidate will be required to appear before such medical officer, by whatever name called, as may be specified by the Authority or by the Appointing Officer. The Appointing Officer may direct medical examination of an employee at any time, during the period of his service, if he is satisfied that doing so will be in the interest of the Authority. On his being found medically unfit, his service may be terminated.

12. Marital :-

(1) No male candidate who has more than one wife living and no female candidate who has married a man already having a wife living shall be eligible for appointment to any post under the Authority. (2) The Appointing Officer may, if satisfied that there are special grounds for exempting any person from the operation of this regulation refer the matter to the Authority whose decision shall be final.

13. Reservation of Posts :-

Reservation for candidates belonging to Scheduled Castes Scheduled Tribes or Backward Classes, in respect of posts under the Authority shall be in accordance with such orders of the State Government for their reservation as may, from time to time, be issued or made applicable through the issue of guidelines or directions.

14. Creation of Post :-

The Authority may create such posts with such designations and carrying such pay so it may consider necessary for the performance of its functions under the Act.

15. Appointing Officers :-

The Authority shall specify the Appointing Officers for different posts or categories or classes of posts under it and until so specified the Chief Executive Officer shall be the Appointing Officer in relation to all posts under the Authority.

16. Sources of Recruitment :-

(1) Recruitment to any post under the Authority may be made from any of the sources:- (a) by direct recruitment. (b) by promotion from amongst the employees occupying post carrying a lower scale through a departmental test or an interview of selection or in any other manner specified by the Authority. (c) by deputation or re-employment or on contractual basis. (d) from any other source approved by the Authority. (2) (i) Sixty six percent of Group A posts shall be filled in by direct recruitment and the remaining thirty four percent posts shall be filled in by promotion from amongst the employees upon the basis of seniority subject to the rejection of the unfit and fulfillment of the requisite qualifications and also subject to the condition of the particular employee having worked for at least a period of two years on a post carrying scale of pay next below. If at any time it is found that sufficient number of employees are not available for filling in the percentage prescribed for promotion such posts may be filled in by direct recruitments. (ii) Various posts falling under Group B will be filled in such a way as to ensure that fifty percent of the posts are filled in the promotion from amongst the employees and such promotion shall be made on the basis of seniority subject to the rejection of the unfit and fulfillment of the requisite qualifications and also subject to the condition of the particular employee having worked on a carrying the scale of pay next below for a period of at least two years. (iii) Posts under Group C carrying lowest scale of pay shall be filled in to the extent of twenty five percent by promotion from amongst the employees belonging to the Group D on the basis of seniority subject to the rejection of the unfit and fulfillment of the requisite qualifications and also subject to the condition of the particular employee having worked on a post carrying a scale of pay next

below for at least a period of two years. The remaining seventy five percent of such posts shall be filled in by direct recruitment. (iv) Notwithstanding any thing hereinbefore contained the Authority shall have full power to modify the source of recruitment or the percentage of promotion or direct recruitment in relation to any posts or class of posts. Explanation:- Any post the maximum of the scale of which is less than the maximum of the scale of any other post shall be deemed to be post carrying a lower scale of pay.

17. Selection :-

Subject to the provisions of regulation 13 or regulation 16 the Chief Executive Officer may, from time to time, decide the mode of selection for filling the various posts in the Authority. For every selection there shall be constituted a selection committee by the Appointing Officer which will consist of not less than three persons and such selection committee shall draw up a panel of names of candidates for selection arranged in order of preference and furnish it to the Appointing Officer together with its recommendations in the order of merit. Any panel prepared in this manner will remain alive for one year from the date of its finalization and, in the case of vacancy during the said period of one year, the Appointing Officer may, without calling for fresh applications, appoint the candidates in the order in which their names are arranged on the panel.

18. Commencement of Service :-

The service of an employee shall be deemed to commence from the working day in the forenoon of which he reports for duty at the place and time intimated to him in his appointment letter. In a candidate joins in the afternoon the service shall be deemed to commence with effect from the next day.

19. Probation :-

(1) Any employee whether appointed directly for the first time against a regular post or promoted to a regular post under the Authority shall be placed on probation for a period of one year from the date of joining the new post; provided that the Authority may in exceptional cases, such as the appointment of experts and like, waive the requirement of probation. (2) The performance of the employee in the new post will be watched during the period of probation and the Appointing Officer may extend the period of probation for a further period not exceeding one year without assigning any reasons thereafter.

20. Discharge during Probation :-

(1) Any employee directly recruited to a post may at any time, during or at the end of the period of probation or, as the case may be, during the extended period of probation, be discharged from the service of the Authority under the orders of the Appointing Officer without assigning any reasons of giving the notice or pay in lieu thereof. (2) Any employee promoted to a higher post on probation may be reverted by the Chief Executive Officer to his original post any time during or at the end of probation, as the case may be, without assigning any reason therefore.

21. Regularization :-

A probationer may be given a regular appointment by an order in writing, at the end of the period of probation or the extended period of probation, as the case may be, if his work and conduct are reported to be satisfactory, his integrity is certified, and the Appointing Officer considers him to be otherwise fit for appointment.

22. Termination of Employment :-

(1) Unless otherwise agreed upon in writing between the regular employee and the Authority a regular employee may resign from the service of the Authority at any time on giving to the Authority at least three months notice in writing of his intention to do so or on payment of a sum equivalent to the amount of pay and allowance, if any, for the period of notice or, as the case may be, for the period by which such notice falls short of the said period of three months. (2) Unless otherwise agreed upon in writing between the Authority and the Regular Employee, the Authority shall be entitled to terminate the services of a regular employee without assigning any reason by giving him not less than three months notice in writing or on payment of a sum equivalent to the amount of pay and allowances, if any, for the period of notice or, as the case may be, for the period by which such notice falls short of the said period of three months. (3) The services of a temporary employee or an employee on probation can be terminated at any time without assigning any reason by giving him one month notice in writing or on payment of a sum equivalent period of notice or, as the case may be, for the period by which such notice falls short of the said period of one month, if any. (4) No such notice or pay in lieu thereof as aforesaid will be required to be paid when the service of an employee is terminated by way of punishment for an act of misconduct or where an employee retires on attaining the

age of retirement or superannuating.

23. Acceptance of Resignation :-

The resignation of an employee shall not be effective unless it is accepted by the Appointing Officer. The Appointing Officer may refuse to accept the resignation if:- (a) the employee is under an obligation to serve the Authority for a specified period which has not yet expired; or (b) the employee owes to the Authority any sums of money or other liability till such time as the said amount is paid or the liability is discharged; or (c) for any other sufficient ground to be recorded in writing.

24. Seniority :-

(1) A category wise gradation list of all the regular employees of the Authority shall be maintained for determining the inter-so seniority of employees within the category. The Chief Executive Officer may order that the gradation list for any particular category shall be prepared for the Authority as a whole or separately for each of its units. (2) Where the seniority of an employee has not been specifically fixed by an order of the Appointing Officer, it will ordinarily be fixed on the basis of the date of his initial regular appointment in the category. Wherever more than one person have been appointed in the same category on the same date their inter-so seniority shall be determined by the Appointing Officer having regard to the age of the concerned employee. (3) Where appointment has been made as a result of promotion and no merit list has been prepared, the inter-so seniority of the employee in the next grade in one selection shall be fixed in accordance with their seniority in the lower grade from which the promotion is made. (4) Where any appointments in the same category and in the same grade are made on the same date by promotion and by direct recruitment an employee appointed by promotion shall be deemed to be senior to the employee recruited directly.

25. Retirement :-

An employee shall retire at the age of fifty-eight years.

CHAPTER 4

Pay, Allowances and Other Service Conditions

26. Pay on Recruitment :-

(1) An employee directly recruited shall draw pay and allowances admissible to the post, provided that in reserving cases, a higher starting pay may be allowed by the Authority. (2) Unless the Authority otherwise prescribes, the fixation of pay is to be carried

out in the cases of promotion keeping in view the relevant Government rules contained in Financial Hand Book, Volume 2, Part II to IV on the subject.

27. Fixation of pay of Employee appointed on Contract :-

In cases of employee appointed on contract, the fixation of pay will be in accordance with the conditions of contract between the Authority and the employee concerned.

28. Annual Increment :-

(1) Annual increments may be allowed to an employee in accordance with the provisions of sub-regulation (2) and at the rate as shown in scale of pay of the employee concerned unless the increment has been withheld as a disciplinary measure or at the Efficiency Bar. (2) Notwithstanding anything herein contained, an employee will be granted increment on the first day of the month in which the increments fall due. (3) If the period of probation is extended, such extension will not count for increment, unless the Appointing Officer directs otherwise. (4) In the case of an employee who has remained off duty on extra ordinary leave, study leave or any other such similar leave, the date of increment shall correspondingly be shifted and the period of such leave shall not be counted for the purposes of increment. An employee who officiated in a higher post or in a higher scale of pay shall be eligible to count for increments the period spent by him on such higher post or higher time scale of pay in his lower post when reverted to that post of time scale of pay.

29. Premature Increment :-

To reward and encourage employee for excellent performance and in order to motivate him for continuous excellent performance, the Authority may grant premature increment subject to a maximum of three to an employee in the time scale of pay.

30. Crossing of Efficiency Bar :-

(1) No employee shall be allowed to cross an efficiency bar unless the Appointing Officer is satisfied that he has been working efficiently and to the best of his ability and his integrity is beyond doubt. (2) Subject to the provisions of sub-regulation (1) an employee may be allowed to cross the efficiency bar in the time scale of his pay on the basis of his character roll and the over-all satisfaction of the Appointing Officer or passing of any departmental examination prescribed by Authority in this behalf.

31. Dearness Allowance :-

The Authority may with the previous approval of the State Government decide, from time to time, the rate of amount of dearness allowance that may be admissible to the different classes and entires of employees, and also prescribe the and conditions regulating the grant of such allowance.

32. Other Allowances and Medical Facilities :-

The Authority may with the previous approval of the State Government decide and regulate the grant of other allowances such as , city compensatory allowance, house rent allowance or conveyance allowance and medical facilities.

33. Working Hours :-

The employees shall observe such working hours as may be Prescribed from time to time by the Chief Executive Officer or by any other officer authorized by the Authority in that behalf.

34. Holidays :-

The holidays to be observed by the employees of the Authority in each calendar year shall be as prescribed by the Chief Executive Officer, from time to time.

35. Retirement Benefits :-

The Authority may with the previous approval of the State Government decide the retirement benefits such as Provident Fund, Family Pension Scheme or the like and matters incidental thereto or auxiliary therewith.

36. Scope of Service :-

(1) Unless otherwise provided the whole time of an employee shall be at the disposal of the Authority and he shall serve the Authority in such capacity and at such places as he may be directed, from time to time. (2) All orders and instructions of the Authority for the purposes of regulating work, safety, discipline, cleanliness, good conduct, avoidance of waste of time, materials and money shall be binding on and be observed by, an employee and he shall comply with and obey such orders and directions as may, from time to time, be given to him by any officer under whose control or superintendence he may for the time being be. (3) An employee shall serve the Authority honestly and faithfully, and shall do his utmost to promote the interests of the Authority and shall show courtesy, attention and diligence in all transactions with any person with whom he may come into contact in his official capacity.

37. Attendance :-

An employee shall comply with instructions from time to time relating to the proceeding of time and arrival for work and departure from the place of work, period of duty, hours and work and matters incidental thereto or auxiliary therewith.

38. Absence from Station :-

No employee shall leave the station of duty without obtaining prior permission from the officer under whose control and superintendence he is for the time being posted.

39. Application for Employment elsewhere :-

An employee seeking employment also whose outside the Authority shall not send his application except through the Appointing Officer or any other officer authorized by the Authority in that behalf who shall have the power to with-hold any such application without assigning any reason then for.

40. Publication of Written Articles :-

No employee shall publish or cause to be published any such article written by him on any matter whatsoever in any news Papers, journal other publication as may have a bearing on the affairs of the Authority and which directly or indirectly affects the interests of the Authority in any manner whatsoever.

CHAPTER 5

Leave Rules

41. Leave to be matter of Discretion :-

Leave cannot be claimed as of right. When the exigencies of the service so require, discretion to refuse or revoke leave of any description is reserved with the officer empowered to grant it.

42. Earning of Leave :-

Leave is earned by duty only. Willful absence from duty after the expiry of leave may be treated as a misconduct.

43. Officer empowered to grant Leave :-

Except as expressly provided otherwise, leave other than leave extending beyond the date of retirement may be such officers of the Authority as the Authority may, from time decide.

44. Commencement and Termination of Leave :-

Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which the charge is resumed. Sunday or other recognized holidays may be prefixed or

suffixed to leave or joining time subject to such conditions and under such circumstances as the Authority may, from time to time, decide.

45. Combination of Leave :-

Except as hereinafter provided any kind of leave under these regulation may be granted in continuation of or in combination with any other kind of leave.

46. Employment during the Leave :-

An employee on leave shall not take up any service or accept any employment in any other office or organization, by whatever name called.

47. Recall from Leave :-

(1) All orders recalling an employee to duty before the expiry of his leave shall state whether to return to duty is optional or compulsory. (2) In the event of return to duty being compulsory the employee shall be treated as on duty from the date on which he starts for the station to which he is ordered to reach and to draw traveling allowance for such journey. (3) Notwithstanding anything hereinbefore contained no employee shall be recalled except with the previous approval of the Chief Executive Officer.

48. Casual Leave :-

An employee shall be entitled to casual leave not exceeding fourteen days in one calendar year and not more than five days at any one time, provided that, if an employee joins the service of the Authority during the currency of the calendar year the sanctioning officer may, in his discretion, grant casual leave proportionately.

49. Combination of Casual Leave with Any Other Leave Prohibited :-

Causal leave will not be combined with any other leave and shall lapse with the close of the calendar year.

50. Earned Leave :-

The rate of earned leave by an employee during his span of Service, the maximum amount that can be accumulated before further accumulation starts lapsing, the amount of leave that can be granted to an employee at a time shall all be similar to the relevant rules applicable to the employees of the State Government. However, in specific cases, the Authority may with the previous approval of the State Government make a departure from such rules.

51. Extraordinary Leave :-

(1) when no other leave is admissible under these regulations, extra ordinary leave, calculated at the rate of fifteen days for each completed year of service, ordinarily not exceeding one hundred twenty days on any one occasion and not exceeding three hundred sixty five days during the entire period of his service may be granted to an employee. (2) The Officer who has the power to sanction leave may grant extra ordinary leave in combination with, or in continuation of, any leave that is admissible and may commute retrospectively the period of absence without leave into extra ordinary leave. (3) Where an employee, fails to resume duty on the expiry of the maximum period of extra ordinary leave granted to him or where such an employee is granted lesser period or extra ordinary leave than the maximum period admissible remains absent from duty for any period which, together with extra ordinary leave granted exceeds the limit upto which he could have been granted such leave on any one occasion under this regulation, he shall, unless the officer, granting such leave in view of the exceptional circumstances of the case decided otherwise, be deemed to have resigned his appointment and shall accordingly, cease to be in Authority's employment. In all cases where, it is proposed to consider the services of an employee to have been based as aforesaid such officer shall send communication to that effect in writing to such employee.

52. Leave on Medical Certificate :-

(1) An employee may be granted leave on medical certificate for a period equivalent to ten percent of his entire service under the Authority subject however to a maximum of twelve months of such leave in the aggregate. Such leave shall be given only on production of a certificate from such authorized medical attendant as the Authority may, by general or special order, specify in this behalf and for a period not exceeding that recommended by such authorized medical attendant: Provided that when the maximum period of twelve months is exhausted further leave on medical certificate not exceeding six months in all during the entire service may be granted in exceptional cases on the recommendations of a Medical Board, constituted for the purpose by the Chief Executive Officer. (2) No leave may be granted under this regulation unless the officer empowered to sanction leave is satisfied that there is a reasonable probability that the employee will be fit to return to duty on the expiry of the leave applied for. (3) No employee who

has been granted leave on medical certificate may return to duty without first products the medical certificate of fitness in such form as the Authority may, from time to time, prescribe.

53. Special Leave :-

Special leave is applicable to an employee who has to undergo Treatment for Tuberculosis or Cancer or any other very serious disease provided the application for such special leave is supported by certificate from a qualified specialist and the employee does not have to his credit any other leave. The sanction of special leave, payment of pay and allowances during the period of special leave and matters incidental there to shall be decided by the Authority in each case.

54. Maternity Leave :-

(1) Maternity leave on full pay which a female employee, whether regular or temporary, may be drawing on the date of proceeding on such leave, may be granted to her for a period which may extend:-
(a) in cases of confinement, upto the end of three months, from the date of commencement of the leave. (b) in cases of miscarriage, including abortion up to a total period of six weeks on each occasion, provided that the application for leave is supported by a certificate from the authorized medical attendant. Provided that such leave shall not be granted for more than three times during the entire service. Provided further that no such leave shall be admissible until a period of at least two years has elapsed from the date of expiry of the last maternity leave granted under this regulation. (2) Maternity leave shall not be debited against the leave account and may be combined with leave of any other kind. (3) Earned leave in continuation of maternity leave may also be granted in case of illness of newly born baby, subject to the female employee producing a medical certificate from the authorized medical attendant to the effect that the illness of the ailing baby, warrants the mothers personal attention and that her presence at the babys is absolutely necessary. (4) In the case of a temporary employee the leave granted under these regulations shall not extend beyond the period the appointment is likely to last.

55. Study Leave :-

Study leave may be granted by the Authority to an employee for the purpose of undertaking studies of a scientific, technical or of a specialized nature in or would be in the interest of the Authority to do so. An employee granted Study leave by the Authority, shall

have to execute a Bond in the form given in Annexure-B for serving the Authority on his return from leave.

56. Leave Pay Allowance :-

(1) Except as otherwise provided in these regulation, an employee, who is on leave shall during the leave, draw leave pay and allowances as hereafter mentioned. (2) If any employee proceeds on earned leave, or on leave on medical certificate against the limit of twelve months he shall, subject to the provisions of subregulation (4), be entitled to leave pay and allowances equal to pay and allowances to which he is entitled immediately before the commencement of the leave. (3) If he proceeds on leave on medical certificate under the proviso to sub-regulation (1) of regulation 52, he shall be entitled to leave pay and allowances equal to half the amount specified in sub-regulation (2) subject to a maximum of seven hundred fifty rupees per month. (4) If he proceeds on extra ordinary leave or study leave he shall not be entitled to any leave or allowances for the period during which he remains on such leave.

57. Obligation to furnish address during leave :-

Every employee shall, before proceeding on leave intimate to the officer granting the leave, the address during the period of leave and any change in place during the leave shall also be intimated like wise to the such officer.

58. Power to remove Difficulties :-

If any difficulty, arises in giving effect to the provisions of these regulations, the Authority may, by a general or special order, do anything not inconsistent with the provisions of Financial Hand Book, Volume 2 Part II to IV of the Government of Uttar Pradesh, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

CHAPTER 6

Discipline, Penalties, Suspension and Appeal, etc.

59. Suspension :-

(1) The Authority or the Appointing Officer or any officer empowered by the Authority in that behalf may place an employee under suspension. (a) Where a disciplinary proceeding against him is contemplated or is pending; or (b) Where a case against him in respect of any original office involving moral turpitude is under investigation or trial. Provided that where the order of suspension is made by an officer lower than the Appointing Officer such officer

shall forth with report to the Appointing Officer the circumstances in which the order was made. (2) An employee who is detained in custody, whether on a original or other charge, for a period exceeding forty eight hours, shall be deemed to have been suspended with effect from the date of detention by an order of the Appointing Officer and shall remain under suspension until further orders. (3) Where an employee has been placed under suspension and the inquiry into his conduct results in his dismissal or removal from service, the order of the dismissal or removal shall take effect from the date of such suspension. (4) Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside in appeals under these regulations and the case is remitted for further inquiry or action or with any other directions the order of suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders. (5) An order of suspension made or deemed to have been made under this regulation may at any time be removed by the officer who made or is deemed to have made the order or by an officer to whom that officer is subordinate or by the Authority.

60. Subsistence Allowance during Suspension :-

Subject to any general or special order, of the Authority in this behalf, an employee during the period of his suspension shall be entitled to receive subsistence allowance equivalent to fifty percent of his pay and allowances.

61. Penalties :-

The following penalties may, for good and sufficient reasons to be recorded in writing and as hereinafter provided, be imposed upon an employee of the Authority, namely, (1) Fine in the case of employee the maximum of whose scale of pay does not exceed three hundred twenty rupees. Provided that the total amount of fine shall not exceed half months pay of such employee and its shall be deducted from his pay in instalments not exceeding one quarter of his monthly salary. (2) Censure. (3) With-holding of increments or promotion. (4) Recovery from pay of the whole or part of any pecuniary loss caused to the Authority by negligence or breach of orders. (5) Reduction to lower service, grade or post or to a lower time scale of pay or to a lower stage in the time scale. (6) Removal from the service of the Authority which shall not be a disqualification for future employment. (7) Dismissal from the service of the Authority which shall ordinarily be in disqualification

for future employment. Explanation:- The following shall not amount to a penalty within the meaning this regulation:- (1) Withholding of increment of an employee for failure to pass a departmental examination, if may, laid down by the Authority in relation to a particular post. (2) Stoppage of an employee at the efficiency bar in the time scale on the ground of his unfitness to cross such bar. (3) Non-promotion, whether in a substantive or officiating capacity, of an employee, after consideration of his case to a service, grade or post for promotion, to which he is eligible. (4) Reversion to a lower service, grade or post of an employee officiating in a higher service, grade or post unless it is the result of any departmental proceedings against him. (5) Reversion to a permanent service, grade or post of an employee appointed on probation to an other service, grade or post during or at the end of the period of probation in co-ordination with the terms of his appointments or these regulations. (6) Compulsory retirement of an employee in accordance with the provisions relating to his retirement. (7) Termination of the Service:- (a) of an employee on probation during or at the end of the period of probation in accordance with the terms of his appointment or those regulations; (b) of an employee in accordance with the terms of his appointment; or (c) of an employee employed under an agreement in accordance with the terms of such agreement.

62. Disciplinary Officer competent to impose Penalty :-

(1) No employee shall be removed or dismissed or reduced to a lower service grade or post or to a lower time scale of pay or to a lower stage in a time scale by an officer subordinate to that by whom he was appointed. (2) Where an employee is temporarily appointed to any other service or post and the officer who would have been competent under sub-regulation (1) to impose upon him any of the penalties specified in sub-regulation (5) or sub-regulation (6) or sub-regulation (7) of regulation 61, hereinafter called the major penalties, had he not been so appointed to such other service or post is not subordinate to the officer competent to impose any of the said penalties after such appointment, the latter officer shall not impose any such penalty except after consulting the former officer.

63. Procedure for imposing Major Penalties :-

(1) No order imposing on an employee any of the major Penalties, shall be passed except after an inquiry held, as far as may be, in the manner herein after provided. (2) The disciplinary officer shall

frame define to charges on the basis of the allegations on which the inquiry is proposed to be hold. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the employee and he shall be required to submit, within such time as may be specified by the disciplinary officer, a written statement of his defence and also to state whether he desires to be board in person. (3) Such employee shall for the purpose of preparing his defence, the permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if for reason to be recorded in writing, such records, in the opinion of the disciplinary officer, are not relevant for the purpose or its is against the public interest to allow access thereto. (4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the disciplinary officer may himself inquire into such of the charges as are not admitted, or, if he considers to necessary so to do, appoint an. Inquiring Officer for the purpose. (5) The disciplinary officer may also nominate any person to present the case in support of the charges before himself or before the inquiring officer into the charges. The employees any present his case with the assistance of any other employee with the permission of the disciplinary officer. Neither the Authority nor the employee shall be entitled to be represented by a legal practionor. (6) The disciplinary officer or the inquiring officer, as the case may be shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in connection with the charges. The employee shall be entitled to Cross-examine the witnesses examined in support of the charges and to give evidence in his defence. The person precutting the also in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence. If the inquiring officer declines to examine any witness on the ground that his evidenced is not relevant or material, he shall record reasons therefore. (7) At the conclusion of the inquiry, the disciplinary officer or the inquiring officer, as the case may be, shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefore. It in the opinion of such officer the proceedings of the inquiry establish charges different from those originally framed he may record findings on such charges as well provided the employee has admitted the acts constituting them or had reasonable opportunity of defending himself against the. (8) The record of the inquiry shall include:- (i)

The charges framed against the employee and the statement of allegations furnished to him under sub-regulation (2). (ii) A written statement of defence, if any. (iii) The oral evidence taken in the course of the inquiry. (iv) The documentary evidence considered in the course of the enquiry. (v) Routine orders, if any, made by the inquiring officer during the process of the inquiry, and (vi) A report setting out the findings on each charge and reasons therefore. (9) The disciplinary officer shall, if he is not himself the inquiring officer, consider the record of the inquiry and record his own findings on each charges. (10) (a) If the disciplinary officer having regard to the findings on the charges is of the opinion that, any of the major penalties should be imposed, he shall:- (i) furnish to the employee a copy of the report referred in sub-regulations (7) and where the disciplinary officer is not the inquiring officer, a statement of the inquiring officers findings together with brief reasons for disagreement, if any, with such finds; and (ii) serve a notice upon the employee stating this action proposed to be taken in regard to him and calling upon him to submit with a specified time such representation as he may wish to make against the proposed suction. (b) The disciplinary officer shall consider the entire material on record and the representation, if an, made by the employee in reasons to the notice served under clause (a) and if he is of the opinion that any major penalty should be imposed on the employee, he shall pass appropriate orders in the case and such orders shall also form part of the record. (11) Orders passed by the disciplinary officer shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiring officer and where the disciplinary officer is not the inquiring officer, a statement of his finding together with the brief reasons for is agreement, if any, with the findings of the inquiring officer unless they have already been supplied to him.

64. Procedure for imposing Minor Penalties :-

(1) No order imposing my of the penalties specified in sub-regulation (1) to subregulation (4) of regulation 61, hereinafter called the minor penalties, shall be passed except after. (a) the employee is informed in writing of the proposal to take section against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make within the specified time; and (b) Such representation, if any, is taken into consideration by the disciplinary officer. (2) The record of proceedings in such cases shall include:-

(a) a copy of the intimation to the employee of the proposal to take action against him; (b) a copy of the statement of allegations communicated to him; (c) his representation, if any; and (d) the routine orders passed during the pendency of the proceedings. (3) The disciplinary officer shall consider the record of the proceedings and if he is of the opinion that a minor penalty should be imposed on the employee he shall pass such orders as he may deem fit and such orders shall also form part of the record.

65. Joint Inquiry :-

(1) Where two or more employees are jointly involved in any case, the disciplinary officer competent to impose major penalties on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceedings but in so doing the disciplinary officer and the inquiring officer, if any, shall ensure that all such employee get adequate opportunity of making representation and adducing evidence in their defence.

66. Special Procedure in certain Cases :-

Notwithstanding anything contained in these regulations:- (i) where a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge; or (ii) where the disciplinary officer is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in those regulations, the disciplinary officer, may consider the circumstances of the case and pass such orders thereon as he deems fit.

67. Appeals against Orders imposing Penalties :-

An employee may appeal against an order imposing upon him any of the penalties specified in regulation 61 to the officer to whom the disciplinary officer is immediately subordinate and where the Chief Executive Officer himself imposed the penalty to the Authority.

68. Appeal against Other Orders :-

(1) An employee may also appeal against an order which:- (a) denies or varies to his disadvantage his pay, allowances or any other condition of service, or (b) interprets to his disadvantage the provisions of these regulations or the agreement, if any. (2) An appeal against an order:- (a) stopping an employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar; or (b) reverting to a lower service, grade or post, an employee officiating in a higher service grade or post, otherwise

than as penalty; or (c) determining the pay and allowances for the period or suspension to be paid to an employee on his reinstatement, shall lie to officer to whom an appeal against order imposing a penalty would lie and in the case of an order passed by the Chief Executive Officer, to the Authority.

69. Period of Limitation for Appeals :-

No appeal under these regulations shall be entertained unless it is submitted within a period of sixty days from the date on which the order appealed against is passed: Provided that the appellate officer or the Authority, as the case may be, may entertain the appeal after the expiry of the said period, if the appellate officer of the Authority, as the case may be, is satisfied that the appellant has sufficient cause for not submitting the appeal in time.

70. Contents of Appeal :-

(1) Every person submitting an appeal shall do so in his own name. (2) The appeal shall be addressed to the appellate officer or the Authority, as the case may be, and shall contain all material statements and arguments on which the appellant relies, and be complete in itself.

71. Submission of Appeals :-

Every appeal shall be submitted to the officer who passed the order appealed against.

72. With-holding of Appeals :-

(1) The Officer who passed the order appealed against may withhold the appeal if:- (i) It is an appeal against an order from which no appeal lies; or (ii) It does not comply with any of the provisions of regulation 70; or (iii) It is not submitted within the period, specified in regulation 69 and no cause is shown for the delay; or (iv) It is repetition of an appeal already decided:- Provided that an appeal withheld only on the ground that it does not comply with the provisions of regulation 70 shall be returned to the appellant and, if resubmitted within a period of thirty days from the date of such return after compliance with the said provisions, it shall not be withheld. (2) Where an appeal is withheld, the appellant shall be informed of the fact of its being withheld and the reasons therefore. (3) At the commencement of each quarter, a list of the appeals withheld by any officer during the previous quarter, together with the reasons for withholding them shall be furnished by him to the appellate officer or the Authority, as the case may be.

73. Transmission of Appeals :-

(1) Two officer who passed the order appealed against shall, without any avoidable delay, transmit to the appellate officer or the Authority, as the case may be, every appeal which is not with-hold as aforesaid together with his comments thereon and the relevant records. (2) The appellate officer or the Authority, as the case may be, order the transmission to it of any appeal with-hold as aforesaid and thereupon such appeal shall be transmitted to the appellate officer or the Authority, as the case may, together with the comments of the officer with-holding the appeal and the relevant records, and with appellate office or the Authority, as the case may be, may entertain the appeal and consider it as if it was not with-hold.

74. Consideration of Appeals :-

(1) In the case of an appeal against an order imposing any of the penalties specified in regulation 61 the appellate officer or the Authority, as the case may be, shall consider:- (a) Whether the procedure prescribed in these regulations have been complied with, and if not, whether such non-compliance has resulted in the failure of justice. (b) Whether the penalty imposed is excessive, adequate or inadequate and may pass orders. (i) Setting aside, reducing, confirming or enhancing the penalty. (ii) Remitting the case to the disciplinary officer or to my other officer with such directions as it may deem fit in the circumstances of the case. Provided that no order imposing an enhanced penalty shall be passed unless the appellant is given a reasonable opportunity of making a representation which he may wish to make against such enhanced penalty. Provided further that if the enhanced penalty which such officer or the Authority, as the case may be, proposes to impose is one of the major penalties and an inquiry in accordance with the provision of these regulation has not already been held in the case, such officer or the Authority, as the case may, shall make such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving to the in opportunity of making any representation which he may wish to make against such penalty, pass such orders is may be consider fit. (2) In the case of in appeal against any order specified in regulation 68, the appellate officer or the Authority, as the case may be, shall consider all the circumstances of the case and pass such orders as may be considered just and equitable.

75. Implementation of Order passed in Appeal :-

The disciplinary office shall give effect to the orders passed by the appellate officer or the Authority, as the case may be.

CHAPTER 7

Miscellaneous

76. Temporary employees already in the service of the authority to continue as temporary employees till take regular :-

Subject to the provision of regulation 78 a temporary employee in the service of the Authority on the date of the commencement of these regulations shall be deemed to be a temporary employee of the Authority within the meaning of these regulations and all the provisions relating to a temporary employee shall apply to him.

77. Oath of Allegiance :-

Every employee at the time of joining the post and in the case of an employee already in the service of the Authority on the date of commencement of these regulations, within a period of thirty days from such commencement or within such extended time, as the Chief Executive Officer may allow, furnish on oath of allegiance in the Form given in Annexure-C.

78. Employees Declaration :-

(1) Every employee at the time of joining the post and in the case of an employee already in the service of the Authority on the date of commencement of these regulations, within a period of thirty days from such commencement or within such extended time, as the Chief Executive Officer may allow, furnish a declaration in the Form given in Annexure-D to the effect that he agrees to be governed by these regulations. (2) When an employee who is in the service of the Authority on the date of commencement of these regulations fails to furnish a declaration referred to in subregulation (1) he shall, notwithstanding anything contained in these regulations, continue to be governed by the terms of his initial appointment and shall not be entitled to any benefit of these regulations.

79. U.P. Government conduct rules to apply to employees :-

The provision of U.P. Government Service Conduct Rules, 1956 as amended from time to time, shall mutates mutandis apply to the employees.

80. Regulation to be subject to rules, etc. of the State Government :-

For the removal of doubt it is hereby declared that these regulations shall be subject to any rules made by the State Government under the Act or and directions issued by the State Government under section 41 of the U.P. Urban Planning and Development Act, 1973 or to the provisions of any other law made on the subject by an Act of the Legislature of Uttar Pradesh or the Parliament.

81. Amendment, etc. of these regulations :-

The Authority may with the previous approval of the State Government add, amend, vary or rescind these regulations to such extent as it may consider expedient.

SCHEDULE 1

Annexure A

SCHEDULE 2

Annexure B

(See Regulation 55)

This Indenture is made on the day of in the year One Thousand Nine Hundred and..... between the New Okhla Industrial Development Authority (hereinafter remtioned as the First Party) of the First Party and Shri/Smt/Km. aged..... years resident of hereinafter called as the Second Party) of the Second Part, and) Sh r i / S m t / K m aged years Son/Wife/Daughter of Shri resident of .first surety) and S h r i / S m t / K m) aged Years son/wife/Daughter of Shri resident of (second surety) (hereinafter collectively referred to as the Sureties) of the third part.

Whereas the Second Party, who is serving the First Party as desires to proceed on study leave for a period of months to presecute his/studies at in and the first party has agreed to grant such leave.

Now this Indenture Withnesses as follows:-

1. That the Second Party shall strictly follow the programme of his/her study at a recognized institution as approved by the First Party and no subsequent change in the course of her/her study shall be made without the prior approval fot he First Party.
2. That the First Party will be entitled as any time to terminate the study leave of the Second Party without assigning and reason therefore.
3. That on the completion of the course of his/her study the Second Party shall submit to the First Party a certificate in the proper form together with certificates of Examinations passed or of special duty showing the dates of commencement and termination of the course, with remarks, if any, by the Instructor, by whatever name called.
4. That the Second Party agrees and binds himself/herself to serve the First Party, if so required, for a period of at least three years from the expiry of his/her leave

and after completing his/her course of study in accordance with the instructions of the First Party and on pay and allowances considered adequate by the First Party. Provided always and it is hereby agreed that in the event of a breach of this agreement, the Second Party or the Sureties aforesaid shall be jointly and severally liable to refund and pay in full to the First Party all the expenses actually incurred by the First Party on the Second Party in connection with and consequent upon the study leave hereinafter mentioned.

Provided further and always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or for any forbearance, act or omission of the First Party or any person authorized by him (whether with or without the consent or knowledge of the said sureties) nor shall it be necessary for the First Party to sue the Second Party before suing the sureties for amounts due hereunder. And it is hereby declared that without prejudice to any other remedy the First Party may recover all dues hereunder, including recovery charges, as arrears of land revenue.

In witness whereof the Second Party and the Sureties have executed this Indenture in favour of the First Party on the day and year first above written.

In the presence of: Signed by the Second Party.

- 1.
- 2.

In the presence of: Signed by the First Surety.

- 1.
- 2.

Signed by the Second Surety.

SCHEDULE 3

Annexure C

(See Regulation 77)

I aged year
Son/Daughter/Wife of Shri hereby solemnly declared that
..... during the tenure of my
service under the New Okhla Industrial Development Authority I shall always apply
myself loyally and faithfully to the service of the New Okhla Industrial
Development Authority and that I shall always maintain absolute secrecy of the
affairs thereof and shall not divulge and information which I shall come across in
the course of the performance of my duties or otherwise.

Signature:

Designation:

Dated:

Recreation No. XXXII:- To consider the leave encashment facility be the employee of the Authority.

The Authority considered the proposal of leave encashment facility to its employees and accorded its approval for adding the following para in the service rules.

"50A the leave encashment applicable be State Govt. para will also be applicable to the employees of this Authority.