

**THE ODISHA STATE COOPERATIVE MILK PRODUCERS FEDERATION LTD.  
D-2, SAHIDNAGAR, BHUBANESWAR – 751 007.**

**CONDUCT, DISCIPLINE AND APPEAL RULES - 1984**

**Rule – 1 Short title and commencement:**

- i) These rules may be called “Orissa State Cooperative Milk Producers’ Federation Limited Conduct, Discipline and Appeal Rules, 1984.
- ii) They shall come into force w.e.f 1<sup>ST</sup> August 1984.

**Rule – 2 Applications:**

These rules shall apply to all employees of the Federation who are not governed by the Standing orders.

**Rule – 3 Definitions:**

In these rules, unless the context otherwise requires:

**a) Employee means:-**

- i) A person in the employment of the Federation including employees whose services are temporarily placed at the disposal of government or a subsidiary or any Public Undertaking but does not include Casual Employee, Work-charged or Contingent staff or Workmen as defined in the Industrial Employment (Standing Orders) Act 1956; and
- ii) Person on deputation to the Federation from Government or a Subsidiary or any other Public Undertakings;

**b) Federations mean the Orissa State Cooperative Milk Producers’ Federation limited;**

**c) Board means the Board of Directors of the Federation and includes, in relation to the exercise of powers, any committee of the Board or any Officer of the Federation to whom the Board delegates any of its powers;**

**d) Chairman means the Chairman of the Board of Directors;**

**e) Disciplinary Authority means the authority Specified in the Schedule appended to these Rules and Competent to impose specified penalties enumerated in Rule-24;**

**f) Competent means the authority specified the Authority schedule appended to these Rules;**

**g) Government means the Government of Orissa or Govt. of India as the case may be;**

- h) Appellate means the authority specified in the Authority Schedule appended to these Rules;
- i) Reviewing means the authority specified in the Authority Schedule appended to these Rules;
- j) Family in relation to an employee includes:-
  - i) The wife or husband, as the case may be of the employee, whether residing with him or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court;
  - ii) Son or daughter or step-son or step-daughter of the employee and wholly dependant on him , but does not include a son/daughter or step- son /daughter who is no longer in anyway dependant on their employee or of whose custody the employee has been deprived by or under any law ;
  - iii) Father, mother, brother, sister wholly dependent on the employee;
- k) **Public servant** shall mean and include a person as mentioned in section 21 of Indian Penal Code as amended form time to time;
- l) **Schedule** means the schedule appended to these rules and includes any amendment made by the Board of Directors form time to time;
- m) **Subsidiary Unit** means a Unit of the Federation;
- n) Holding Federation means the Orissa State Cooperative Milk Producers' Federation Limited.

#### **Rule – 4 General:**

- 1) Every employee of the federation shall at all times confirm to and abide by these rules and shall observe, comply with and obey all orders and directions which may, form time to time, be given to him/her in the course of his/her Official duties by any person or person under whose jurisdiction, superintendence or control he/she may, for the time being be placed.
- 2) Every employee of the Federation shall at all times:
  - i) Maintain absolute integrity;
  - ii) Maintain devotion to duty; and
  - iii) Conduct himself at all times in a manner which will enhance the reputation of the Federation.
- 3) Every employee of the Federation holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

## **Rule – 5 Misconduct:**

Without prejudice to the generality of the term “Misconduct ” the following acts of omission and commission shall be treated as misconduct: -

- 1) Theft, fraud or dishonesty in the connection with the business or property of the Federation or of a subsidiary or of property of the person within the premises of the Federation.
- 2) Taking or giving bribes or any illegal gratification.
- 3) Possessing of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- 4) Furnishing false information regarding name, age, father's name, qualification, ability nor previous service or any other matter germane to the employment at the time of employment or during the course of the employment.
- 5) Acting in a manner prejudicial to the interest of the Federation.
- 6) Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable orders of his superior.
- 7) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient ground or proper or satisfactory explanation.
- 8) Habitual late or irregular attendance or willful absence from duty.
- 9) Neglect of work or negligence in the performance of the duty including malingering or slowing down of work.
- 10) Damage to any property of the federation.
- 11) Interference or tampering with any safety devices instilled in or about the premises of the Federation.
- 12) Drunkenness or riotous or disorderly or indecent behavior in the premises of the Federation or outside such premises where such behavior is related to be connected with the employment.
- 13) Gambling within the premises of the establishment.
- 14) Smoking within the premises of the establishment where it is prohibited.
- 15) Collection without the permission of the competent authority of any money within the premises of the Federation except as sanctioned by any law of the land the time being in force of rules of the Federation.



- 16) Sleeping while on duty.
- 17) Commission of any act, which amounts to criminal offence involving moral turpitude.
- 18) Absence from the employee's appointed place of work without the permission or sufficient cause.
- 19) Purchasing properties, machinery, stores etc. from selling properties, machinery, stores, etc, to the Federation without express permission in writing from the competent authority.
- 20) Commissions of any act subversive of discipline or of good behavior.
- 21) Abetment of or attempt at the abetment of any act, which amounts to misconduct.
- 22) Holding meetings within the works premises owned by the Federation without the previous written permission of the Management.
- 23) Striking from work or, inciting others to strike from work, or adopting any unfair labour practices as has been prescribed in the Vth schedule of I.D ACT of 1947.
- 24) Unauthorized use or, occupation of Federation land quarters or, properties. Subletting of the quarters belonging to the Federation. Breach of any terms of allotment of Federation quarters.
- 25) Habitual breach of any Rules or under a sub Rule applicable to the employees of the Federation as also commission/repetition of an Act for which a minor punishment has been earlier imposed.
- 26) Contracting another marriage, while the spouse is still alive when it is not permissible under the personal law for the time being in force.
- 27) Second marriage by any person who has a spouse living without first obtaining the permission of the management.
- 28) Hiding away or attempting to hide away any article or, materials of the Federation.
- 29) Taking casual leave or Earned Leave en masse causing disruption to work of the Federation or in any of its Units.
- 30) Doing work in other concerns without the prior approval of the Authority.
- 31) Obtaining any benefit under a false pretext or by making false statement.
- 32) Wilful disfigurement, destruction or alteration of any record.



- 33) Indulging in political activities during working hours, or within the work premises.  
~~Demonstrating or restraining or detaining employee or employees inside the work~~  
premises causing disruption of work.

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

**Rule – 6**      Employment of near relatives of the employees of the Federation in private undertakings enjoying patronage of the Federation.

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

2) No employee, except with the previous sanction of the competent Authority, permit any member of his family to accept employment with any private firm with which the Federation has official dealings, with any other firm having official dealings with the Federation or a subsidiary unit. Provided that where the acceptance of the employment cannot await the prior permission of the competent authority, the employment may be accepted provisionally subject to the permission of the competent Authority, to whom the matter shall be reported forthwith.

3) No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any firm or any other person if any of his relatives is employed in that firm or under that person or if he or any of his relatives is interested in such matter or contract in other matter or employee shall refer every such matter or contract of his official superior and the matter or the contract shall thereafter be despatched according to the instructions of the authority to whom the reference is made.

**Rule - 7**    a) Taking part in politics and election:

Except in so far as otherwise be specifically authorized by any law, no employee shall be a member of, or be otherwise associated with, any political party or any organization which takes part in the politics, or assist any political movement or activity, for election, without the permission of the Federation as member of the local authority or legislative body.

b) Taking part in demonstration:

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

**Rule – 8** Connection with Press or Radio:

1) No employee of the Federation shall, except with the previous sanction of the Competent Authority, on his own wholly or in part, conduct or participate in the editing or management of, any newspaper or other periodical publication.

2) No employee of the Federation shall, except with the previous sanction of the Competent Authority, or in the bonafide discharge of his duties, participate in a radio broadcast or write or publish a book or contribute an article or write a letter either in his own name or

anonymously, pseudonymously or in the name of any other person to a newspaper or periodical .provided that no such sanction shall be required if such boardcast or such contribution is of a purely literacy, artistic or scientific character.

**Rule - 9 Criticism of Government and the Federation:**

No employee shall, in any radio broadcast or in any document published under his name or under any pen-name or pseudonym or in any communication to the press, or in any public utterances, make any statement:-.

a) which has the effect of adverse criticism of any policy or action of the Government or of the Federation; or

b) which is capable of embarrassing the reflections between the Federation and the Government.

Provided that nothing in this rule shall apply to any statement made or views expressed by an employee, or a purely factual nature which are not considered to be of a confidential nature, in his official capacity or in due performance of the duties assigned to him.

**Rule-10 Evidence before committee or any other authority:**

1)Save as provided in rule 10 (3) no employee of the Federation shall, except with the previous sanction of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority.

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

3) Nothing in the rule shall apply to;

a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature of the Federation or a subsidiary Unit.

b) evidence given in any judicial enquiry; or

c) evidence given at any departmental enquiry, ordered by authorities subordinate to the Government;

d) EVIDENCE given at any departmental enquiry ordered by any Public Sector Undertaking

**Rule-11 Un-authorized communication of information and/or responsibilities of employees in connection with classified documents.**

No employee shall except in accordance with any general or special order of the Federation or in performance in good faith of the duties assigned to him, communication directly or indirectly official document or information to any employee or any other person to whom he is not authorized to communicate such document or information. Such wrongful communication or information as well as the retention or removal of any document

containing such information is punishable under the Official Secrets Act (Act No. XIX of 1923)

### **Rule - 12 Gifts;**

1. Save as otherwise provided in these rules, no employee of the Federation 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, board, lodging or other services or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealing with the employee.

**Note – i)** A casual meal, lift or other social hospitality shall not be deemed to be a gift.

ii) An Employee shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.

2. On occasions such as weddings anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, an employee of the Federation may accept gifts from his near relatives but he shall make a report to the competent authority if the value of the gift exceeds .

i) RS.250/- in the case of Executives and

ii) RS.250/- in the case of non-executives.

3. On such occasion as are specified in Sub-rule (2), an employee of the Federation may accept gifts from his personal friends having no official dealings with him, but he shall make and report to the competent authority if the value of any such gift exceed Rs. 250/-,

4. In any other case, an employee of the federation shall not accept any gifts without the sanction of the competent authority if the value thereof exceed Rs .250/-.

Provided that when more than one gift has been received from same person /firm within a period of 12 months, the matter shall be reported to the competent authority if the aggregate value of gifts exceed Rs .250/-.

### **Rule- 13 Giving or taking dowry;**

No employee of the Federation shall –

i) give or take or abet giving or taking of dowry; or

ii) demand, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

**Explanation:** For the purpose of this rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961. (28 of 1961)



#### **Rule -14 Private trade or employment:**

1. No Employee of the Federation shall, except with the previous sanction of the competent authority engage directly or indirectly in any trade or business or undertake any other employment or negotiate for taking any an employment.

Provided that an employee may, with sanction of competent authority undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character subject to the condition that his official duties do not thereby suffer.

2. Every employee of the Federation shall report to the competent authority if any member of his family is engaged in any Organization or trade or business or owns or manages an insurance agency or commission agency.

3. No employee of the Federation shall, without the previous sanction of the competent authority, except in the discharge of this official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act 1956 (**1 of 1956**) or any other law for the time being in force or any cooperative society for commercial purposes;

Provided that an employee of the Federation may take part in the registration , promotion or management of a Consumer/House Building Cooperative Society substantially for the benefit of employees of the Federation or a subsidiary unit, registered under the Cooperative Societies Act 1912 (**2 of 1912**) or any other law for the time being in force or of literary scientific or charitable society registered under the Societies Registration Act, 1960 (**1of 1960**) or any corresponding law in force .

4. No employee of the Federation may accept any fee or any remuneration or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority.

#### **Rule-15 Investment, lending and borrowing:**

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

#### **Rule-16 Insolvency and habitual indebtedness:**

1. An employee of the Federation shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.

2. An employee of the Federation who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to the competent authority.

**Rule -17 Movable, immovable and valuable property:**

1) No Employee of the Federation shall , expect with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase sale, gift or otherwise, either in his own name or in the name of member of his family .

2) No employee of the Federation shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate.

**Explanation:**

For the purpose these Sub-rules the expression “Movable property” includes inter-alia the following:

a) jewellery, insurance policies the annual premium of which exceeds Rs. 1,000/- or one sixth of the total annual emoluments received from the Federation whichever is less, shares, securities and debentures;

b) loans, advance by such employee whether secured or not;

c) motor cars, motor cycles, horses or any other means of conveyances; and

d) refrigerators, radios, radiograms and television sets.

3) Every employee of the Federation shall within one month report to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds;

i) Rs.2, 500/- in the case of executive; and

ii) Rs.1, 000/- in the case of Non-executive.

4) Every employee shall, on first appointment in the Federation unit submit a return of assets and liabilities in the prescribed form giving the particulars regarding:-

a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

b) shares, debentures, and cash including bank deposits inherited by him or similarly owned, acquired or held by him;

c) other movable property inherited by him if similarly owned, acquired or held by him, if the value of such property exceeds:

i) Rs. 2.500/-in the case of executives; and

ii)Rs.1, 000/-in the case of non-executives.

d) debts and other liabilities incurred by him directly or indirectly.

e) every employee shall, beginning 1st January submit a return of immovable property inherited, owned/acquired every year.

5. The component authority may, at any time by general or special order require an employee to submit within a period specified in the order, a full and complete statement of such movable or property held or acquired by him or on his behalf or by any member of his family, as may be specified in the order. Such Statement shall, if so required by the competent authority include details of the means by which, or the source from which such property was acquired.

**Rule-18 Canvassing or influence:**

No employee shall bring or attempt to bring any influence to further his interests in respect of matters pertaining to his service in the Federation.

**Rule-19 Bigamous marriages:**

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

2) No employee, having a spouse living shall enter into or contract a marriage with any person: Provided that the Board may permit an employee to enter into or contract, any such marriage as is referred to in Clause (1) or Clause (2), if it is satisfied that -

a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and

b) there are other justifiable grounds for doing so.

3. An employee, who has married or marries a person other than an Indian National, he shall forthwith intimate the fact to the competent authority.

**Rule -20 Consumption of intoxication drinks and drugs:**

An employee of the Federation shall take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drugs.

**Rule -21 Suspensions:**

1) The appointing authority or any authority empowered to that behalf by the Board by General or Special order 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 criminal offence is under investigation or trial.



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

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

4) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of court of law and the disciplinary authority on consideration of the circumstance of the case, decided to hold a further enquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.

5) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

6) During the period of suspension an employee shall not enter the work premises except with the permission of the Management nor shall leave the station without the permission of the Management. During the period of suspension the employee concerned will report his attendance daily at an appointed place. (56<sup>th</sup> meeting of BoD held on 07.05.97)

#### **Rule-22 Subsistence Allowance:**

1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50% of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition he shall be entitled to Dearness Allowance and any other Compensatory Allowance admissible on such subsistence allowance of which he was in receipt on the date of suspension provided the suspending Authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.

2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension, shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follow :-

a) The amount of subsistence allowance may be increased to 75% of basic pay and allowance thereof if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension.

b) The amount of subsistence allowance may be reduced to 25% of basic pay and allowance thereon if, in the opinion of the said authority, the period of suspension has been prolonged

due to the reasons to be recorded in writing directly attributable to the employee under the suspension.

3) If an employee is arrested by the Police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the Competent Authority decides to continue the suspension, the employee shall be entitled to subsistence from the date he is granted bail.

**Rule-23 Treatment of the period of suspension:**

1) When the employee under suspension is re-instated, the Competent Authority may grant to him the following pay and allowance for the period of suspension.

a) If the employee is exonerated and not awarded any of the penalties mentioned in rule-24, the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him ; and

b) If otherwise, such proportion of allowances as the Competent Authority may prescribe.

2) In case falling under Sub-Clause (a) the period of absence from duty will be treated as a period spent on duty. In case falling under Sub-Clause (b) it will not be treated as a period spent on duty unless the Competent Authority so directs.

**Rule- 24 Penalties:**

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

**A) Minor Penalties.**

a) Censure.

b) Withholding of increments of pay with or without cumulative effect.

c) Withholding of promotion.

d) Recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Federation or a Subsidiary Unit by negligence or breach of orders.

**B) Major Penalties:**

e) Reduction to a lower grade or post, or to a lower stage in a time scale.

f) Removal from Service which shall not be a disqualification for future employment.

g) Dismissal from service which disqualifies for future employment under the Federation.

**Explanation:**

The following shall not amount to a penalty within in the meaning of the rule;

- 1) Withholding of increment of an employee for his failure to pass a prescribed test or examination;
- 2) Stoppage of an employee at the efficiency bar in the time scale, on the ground of his unfitness to cross the bar;
- 3) Non- promotion, whether in an officiating capacity or otherwise of an employee to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- 4) Reversion to a lower grade or post, of an employee officiating in a higher grade or post ,on the ground that he is considered, after trial, to be unsuitable for such higher grade or post , or on administrative grounds unconnected with his conduct;
- 5) Reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment.
- 6) Termination of service:
  - a) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment;
  - b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement , on the expiration of the period for which he was appointed, or earlier in accordance with the terms of appointment ;
  - c) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
  - d) of any employee on reduction of establishment.

**Rule-25 Disciplinary Authorities:**

The Board or the Disciplinary Authority, as specified in the Schedule, may impose any of the penalties specified in Rule 24 on any employee.

**Rule -26 Procedure for imposing Major Penalties:**

- 1) No order imposing any of the major penalties specified in Clauses (e), (f) and (g) of Rule -24 shall be made except after an inquiry is held in accordance with this rule.
- 2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring in to the truth of any imputation of misconduct or misbehavior against an employee, it may itself enquire into, or appoint any executive of the Federation or any of its subsidiary or any public servant or any Retired Judge/Retired Judicial Officer/ Retired Administrative Officer



(hereinafter called the Inquiring Authority) to inquire in to the truth thereof which shall be completed within a period of 180 days. While appointing the Judges / Officers as Inquiring Authority, the Disciplinary Authority shall decide the honorarium payable for such appointment.

3) Where it is proposed to hold an inquiry, the disciplinary authority shall frame definite charges on the basis of the imputations of misconduct or misbehavior against the employee. The charges, together with a statement of the imputations of misconduct or misbehavior on which they are based a list of documents by which and a list of witnesses by whom, the article of charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding fifteen days), a written statement whether he admits or denies any of or all the articles of charges.

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

4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority, itself or by any other public servant appointed as an Inquiring Authority under Sub-Clause (2 ) after taking such evidence as it may deem fit . Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written Statement. The Disciplinary Authority shall, however, record its findings on each such charge after taking such evidence as it may think fit.

5)Where the Disciplinary Authority itself inquiries or appoints an inquiring authority for holding an inquiry, it may, by an order appoint a public servant or any employee of the Federation or its subsidiaries to be known as “Presenting Officer” to present on its behalf the case in support of the articles of charge .

6) The employee may take the assistance of any other public servant or any employee of the Federation or its subsidiaries to present the case on his behalf but may not engage a legal practitioner for the purpose.

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

7) On the date fixed by the Inquiring Authority, the employee shall appear before the Inquiring Authority at the time, date and place specified in the notice. The Inquiring Authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilty in respect of those articles of charge to which the employee concerned pleads guilty.

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

i) inspect the documents listed with the charge –sheet;

ii) submit a list of additional documents and witnesses that he wants to examine; and

iii) be supplied with the copies of the statements of witnesses, if any, listed in the Charge sheet.

Note: Relevancy of the additional documents and the witnesses referred to in Sub –Clause 8 (ii) above will have to be given by the employee concerned and the documents and the witnesses may be summoned if the Inquiring Authority is satisfied about their relevance to the charges under inquiry.

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

10) The authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition notice.

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the public interest or the interest of the Federation. In that event, it shall inform the Inquiring Authority accordingly. The Inquiring Authority shall, on being so informed, communicate the information to the employee concerned.

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

12) Before the close of the prosecution case, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the articles of charge or may itself call for new evidence of recall or re- examine any witness. In such case the employee shall be given an opportunity to inspect the documentary evidence before it is taken on record; or to cross –examine a witness, who has been so summoned.

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

14) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross – examination, re-examination and examination by the Inquiring Authority according to the provision applicable to the witnesses for the Disciplinary Authority.



15) The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

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

17) If the employee does not submit the written statement of defense referred to in Sub-Rule (3) on or before the date specified for the purpose or does not appear in person or through the assisting officer or otherwise fails or refuses to comply with of the provisions of these rules, the Inquiring Authority may hold the enquiry exparte.

18) Whenever any Inquiring Authority after having heard and recorded the whole or any part of the evidence in an inquiry case to exercise jurisdiction there in , 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, or partly recorded by its predecessor, and partly recoded 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 , if it may recall examine , cross examine and re-examine any such witnesses as herein before provided .

19) i) After the conclusion of the inquiry, report shall be prepared and it shall contain:

- a) a gist of the articles of charge and the statement of the imputations of misconduct of misbehavior;
- b) a gist of the defense of the employee in respect of article of charge;
- c) on assessment of the evidence in respect of each article of charge;
- d) the findings on each articles of charge and the reason therefore.

**Explanation:**

If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different form the original articles of the charge, it may record its finding on such article of charge, provided that the findings on such articles of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has a reasonable opportunity of defending himself if against such article of charge.

ii) The Inquiring Authority , where is not itself the disciplinary authority shall forward to the Disciplinary Authority the records of inquiry which shall include :-

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



b) the written statement of defense, if any submitted by the employee referred to in Sub-Rule (13),

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

d) written briefs referred to in Sub-Rule (18) if any, Inquiring Authority in regard to the inquiry.

**Rule-27 Action on the inquiry report:**

1) The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by it in writing remit the case to the same or another Inquiring Authority for fresh or further inquiry and report and the inquiry authority shall there upon proceed to the further inquiry according to the provisions of Rule -26 as far as may be.

2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority, on any articles of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

3) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in Rule -24 should be imposed on the employee it shall, notwithstanding anything contained in Rule-27 , make an order imposing such penalty.

4) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge, it is of the opinion that no penalty is called for it may pass an order exonerating the employee concerned.

**Rule – 28 Procedure for imposing minor penalties:**

1) Where it is proposed to impose any of the minor penalties specified in Clause (a) to (d) of Rule- 24 the employee concerned shall be informed in writing of the imputations of misconduct of misbehavior against him and given an opportunity to submit his written statement of defence with specified period not exceeding 15 days . The defence statement if any submitted by the employee shall be taken into consideration by the Disciplinary Authority before passing orders.

2) The record of the proceeding shall include:-

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

b) his defence statement, if any; and

c) the order of the Disciplinary Authority together with the reasons there for.

### **Rule -29 Communication of orders:**

Orders made by the Disciplinary Authority under Rule-27 or Rule-28 shall be communicated to the employee concerned, who shall be supplied with a copy of the report of enquiry, if any, as also for disagreement, if any with the Inquiring Authority.

### **Rule-30 Common proceedings :**

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

### **Rule-31 Special procedure in certain case :**

Notwithstanding anything contained in Rule -26 or 27 or 28 the Disciplinary Authority may impose any of the penalties specified in rule-24 in any of the following circumstances:

- i) the employee has been convicted on a criminal charge or on the strength of fact or conclusions arrived at by a judicial trial; 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 enquiry in the manner provided in these rules; or
- iii) ~~major penalty on all such employees may make an order directly that Disciplinary~~ where the Board is satisfied that in the interest of the security of the Federation it is not expedient to hold any inquiry in the manner provided in these rules.

### **Rule-32 Employees on deputation from the Central Government or the State Government etc.**

i) Where an order of suspension is made or disciplinary proceedings is taken against an employee, who is on deputation to the Federation from the Central or State Government or another Public Undertaking or a local authority, the authority lending his service (hereinafter referred to as the Lending Authority) shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be.

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

a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority.

Provided that in the event of a difference of opinion between the Disciplinary and Lending Authority the service of the employee shall be placed at the disposal of the Lending Authority.

b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as it deems necessary.

iii) If the employee submits an appeal against an order imposing a minor penalty on him under Sub-Rule (ii), (a), it will be disposed of after consultation with the Lending Authority.

Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority, and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

**Rule-33 Provision regarding employees lent to State or Central Government, or other Public Undertaking etc.**

1) Where the services of an employee are lent to the Government or any Authority subordinate there to or to any other Public Undertaking (hereinafter referred to as the borrowing authority) the Borrowing Authority shall have the powers of the appointing authority for the purpose of placing such an employee under suspension and of the Disciplinary Authority for the purpose of conducting Disciplinary proceeding against him. Provided that the borrowing authority shall forthwith inform the Federation (hereinafter referred to as the Lending Authority) of the circumstances leading to the order of suspension of an employee or the commencements of the disciplinary proceedings as the case may be.

2) In the light of the findings of the Inquiring Authority against the employee:-

i) If the borrowing authority is of the opinion that any of the penalties specified in Clause (a), (b), (c) or (d) of Rule -24 (Minor Penalties) should be imposed on the employee, it may after consultation with the Lending Authority make such orders in the case, as it deems necessary.

Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority the services of the employee shall be placed at the disposal of the Lending Authority.

ii) If the Borrowing Authority is of the opinion that any of the penalties specified in clauses (a), (b) or (c) of rule -24 (Major Penalties) should be imposed on the employee it shall place his services at the disposal of the Lending Authority and transmit to it the proceedings of the enquiry for such action as deemed necessary.

Explanation:



The Disciplinary Authority may make an order under this Clause on the record of inquiry transmitted to it by the Borrowing Authority or by holding such further enquiries, as it may deem necessary, as far as may be necessary in accordance with Rule -26. or 27 or 28.

#### **Rule -34 Appeals:**

- 1) An employee may appeal against an order of penalty imposed upon him specified in Rule-24 or against the order of suspension referred to in Rule-21. The appeal shall lie to the authority specified in the schedule.
- 2) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the Schedule and submitted to the authority whose order is appealed against. The Authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the appellate authority within 15 days. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders preferably within three months of the date of appeal. The Appellate Authority may pass order confirming, enhancing, reducing so setting side the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case. Provided that if the enhanced penalty which the Appellate Authority proposes to impose is a major penalty specified in Clauses (e), (f) and (g) of Rule -24 and an inquiry as provided in rule -26 has not already been held in the case, the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of Rule-26 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in Rule-26, the Appellate Authority shall give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final order after taking into account the representation, if any submitted by the employee.

#### **Rule -35 Review:**

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

Provided that if the enhanced penalty , which the reviewing authority proposes to impose ,is a major penalty specified in causes (e), (f) or (g) of Rule -24 and an enquiry as provided under Rule -26 has not already been held in the case, the reviewing authority shall direct that such an enquiry be held in accordance with the provisions of Rule -26 and thereafter consider the record of the enquiry and pass such orders as it may deem proper, if the reviewing authority decides to enhance the punishment but an enquiry has already been held in accordance with the provisions of Rule -26, the reviewing authority shall give show - case notice to the employee as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

**Rule -36 Service or Orders, notices etc:**

Every order, notice and other process made or issued under these Rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address.

**Rule -37 Power to relax time - limit and a condone delay:**

Save as otherwise expressly provided in these Rules, the Authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

**Rule -38 Savings:**

1) Nothing in these Rules shall be construed as depriving any person to whom these Rules apply of any right of appeal which had accrued to him under the rules, which have been superseded by these rules.

2) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules.

3)The proceedings pending at the commencement of the rules shall be continued and disposed as far as may be ,in accordance with the provisions of these rules as if such proceedings were proceedings under these rules .

4) Any misconduct, etc., committed prior to the issue of these rules which was a misconduct under the superseded rules shall be deemed to be a misconduct under these rules.

**Rule – 39 Removal of doubts:**

Where doubt arises as to the interpretation of any of these rules, the matter shall be referred to the Board for final decision.

**Rule – 40 Amendment:**

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

## SCHEDULE

Sl. No.	Category of Employees	Disciplinary /Competent Authority	Penalties it can impose	Appellate Authority	Reviewing Authority
01	Employees whose appointments are made by the President/Governor	President/Governor	All	President Governor	President Governor
02	Employees whose appointments are made by the Board of Directors	Managing Director Board of Directors	Minor Penalties (24-A) Major Penalties (24-B)	Board of Directors General Body	General Body Registrar of Cooperative Societies
03	Employees whose appointments are made by the Managing Director	Managing Director General Manager	All Minor Penalties (24-A)	Board of Directors Managing Director	General Body Board of Directors
04	Employees whose appointments are made by the Empowered Authority	Empowered Authority	All	Managing Director	BOARD

### RESOLUTION NO.1432, PASSED IN THE 79<sup>TH</sup> BDM HELD ON 07.03.2009

**SUB.:** Reconstitution of Disciplinary Committee under Rule-34 of the Conduct, Discipline and Appeal Rules- 1984 of the Federation.

The Committee will consist of the following:

- I) CHAIRMAN, OMFED
- II) Registrar Cooperative Societies or his representative, Orissa
- III) Director, AH & VS, Orissa

Recommendation will be placed before the Board for final approval.