

CHAPTER-II

PERSONNEL POLICIES

(b) Conduct, Discipline & Appeal Rules

10. Acceptance of resignation tendered by officers against whom disciplinary cases are

pending or contemplated.

The Committee on Public Undertakings in their 50th Report (7th Lok Sabha) expressed concern at the helplessness of the Ministry and the Public Enterprises when certain officers against whom departmental proceedings had been initiated could not be prosecuted of the charges framed against them as they left the service of the company by invoking the contractual clause relating to three months notice, which forms an essential ingredient of the terms and conditions of appointment in the public sector enterprises. Similar cases have been brought to the notice of the Bureau by the Central Vigilance Commission. It is noted that under the extant dispensation, such executives could stop coming on duty after the expiry of the notice period indicated in their letter of resignation.

2. The Bureau of Public Enterprises had examined this matter for finding suitable safeguards to ensure that the delinquent officers do not go Scot free by merely resigning from posts in public undertakings, in consultation with the CVC, DP&AR and the Ministry of Law. It has been suggested that the problem could be tackled on two fronts, that is, at the induction level and the termination level. As far as the safeguards which are required to be taken at the time of induction of an individual candidate are concerned, the instructions spelt in the BPE's Confidential D.O. letter No.2(34)/78-BPE(GM.I) dated 6th June 1979 relating to the verification of character and antecedents including finding out the circumstances under which the candidate has submitted his resignation in the previous employment are considered good enough to prevent entry of undesirable elements in the service of an enterprise. Proper dissemination of information relating to the disadvantages of not-adhering to the procedure for having their applications routed 'Through Proper Channel' as per the BPE's OM dt. 14.12.82 could also have a salutary effect in this regard.

3. As far as the termination of service is concerned, the administrative Ministries have been advised vide BPE's 'Secret' D.O. letter dt. 19th December, 1982, dealing with the terms and conditions of appointment of the incumbents of the Top posts to incorporate a clause in the said terms and conditions of appointment that the Government reserves the right not to accept the resignation of the Chief Executives and other Executives at the Board level if the circumstances so warrant, that is, if the disciplinary proceedings are pending or a decision has been taken by the competent authority to issue a charge sheet etc. A similar provision may be incorporated in the terms and conditions of appointment of the Executives below the Board level. In such situation it will not then be open to the Executives to get 'discharge-simplicitor'.

4. I, therefore, request you that the issues raised in the preceding paragraphs may be placed before the Board of Directors of the enterprise and appropriate decision taken

regarding non-acceptance of the resignation of the Executives under the circumstances specified above.

5. A line in reply about the action taken will be highly appreciated.

(BPE DO No. 2(21)/82-BPE(GM-I) dated 19th January, 1983)
