

CHAPTER-II
PERSONNEL POLICIES

(b) Conduct, Discipline & Appeal Rules

16. Extension of circulars issued by DOPT regarding conduct rules of Government Servants to PSUs

I am directed to forward herewith a copy each of the three notifications/office memoranda mentioned below, issued by the Department of Personnel & Training concerning Conduct Rules of Government Servants for your information and necessary action in the matter by the Company in the context of its own employees.

- i. DOPT OM No. 11013/6/91-ESTT.(A) dated 8.4.92 regarding intimation of total amount of shares purchased in the year by the employees .
- ii. DOPT Notification No. 11012/4/86-ESTT.(A) dated 13.7.90 & 26.5.92 regarding amendment to Rule 11 of the CCS (CCA) Rules, 1965.
- iii. DOPT OM No. 22011/1/91-ESTT.(A) Dated 31.7.91 regarding review of instructions on promotions of Government Servants whose conduct is under investigation.

Copy of DOPT OM No. 11013/6/91-Estt. (A) dated 8.4.92 regarding CCS [Conduct] Rules, 1964—Transactions in sale and purchase of shares and debentures etc.

As the Ministries/Departments are aware, the provisions of sub- rule(4) of Rule 18 of the CCS [Conduct] Rules, 1964 provide that the Government or the prescribed authority may, at any time, by general or special order, require a Government Servant to furnish within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or 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 Government or by the prescribed authority, include the details of the means by which or the source from which, such property was acquired.

2. Sub-rule (1) of the Rule 16 also provides that no Government Servant shall speculate in any stock, share or other investment. It has also been explained that frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

3. It has been brought to the notice of the Government that a number of employees are investing in shares, securities and debentures etc. frequently. With a view to enable the administrative authorities to keep a watch over such transactions, it has been decided that an intimation may be sent in the enclosed Proforma to the prescribed authority in the following cases:

- i. Group 'A' & 'B' Officers:— If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 50000/- during the calendar year.

ii. Group 'C' & 'D' Officers:- If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 25000/- during the calendar year.

4. It is clarified that since shares, securities, debentures etc. are treated as movable property for the purpose of Rule 18 (3) of the CCS [Conduct] Rules, 1964 if an individual transaction exceeds the amount prescribed in Rule 18(3), the intimation to the prescribed authority would still be necessary. The intimation prescribed in para 3 will be in addition to this, where cumulative transaction[s] i.e. sale, purchase or both in shares, securities, debentures or mutual funds etc. in a year exceed the limits indicated in para 3.

5. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions are being issued after consultation with the Comptroller & Auditor General of India.

6. Ministry of Agriculture, etc. are requested to bring these instructions to the notice of all concerned authorities under their control.

ANNEXURE

Form for giving intimation under Rule 18(4) of CCS [Conduct] Rules, 1964 for transactions in shares, securities, debentures and investment in mutual fund schemes etc.

1. Name and Designation

2. Scale of pay and present pay

3. Details of each transaction made in shares, securities, debentures, mutual funds scheme etc. during the calendar year.

4. Particulars of the party/firm with whom transaction is made:-

a) Is party related to the applicant?

b) Did the applicant have any dealings with the party in his official capacity at any time or is the applicant likely to have any dealings with him in the near future?

5. Source or sources from which financed:-

a) Personal savings

b) Other sources giving details

6. Any other relevant fact which applicant may like to mention

DECLARATION :

I hereby declare that the particulars given above are true.

Station : Signature.....

Date : Designation.....

[To be Published in Part II Section 3 Sub-section II of the Gazette of India]

Copy of DOPT Notification No. 11012/4/86-Estt. (A) dated 13th July, 1990 and 26-5-92 an amendment to Rule 11 the CCS(CCA) Rules, 1965

S.O. No. In exercise of the powers conferred by the Provisions to Article 309 and Clause [5] of Article 148 of the Constitution, and after consultation with the Comptroller & Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control & Appeal) Rules, 1965 namely:

1. (1) These rules may be called the Central Civil Services [Classification, Control and Appeal] Amendment Rules 1990.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In rule 11 of the Central Civil Services [Classification, Control & Appeal] Rules, 1965 under the heading 'Minor Penalties' after Clause(iii), the following clause shall be inserted namely:-

"(iii a) reduction to a lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension".

Copy of DOPT Notification No. 11012/4/86-Estt. (A) dated 26.5.1992

S.O. In exercise of the powers conferred by the provisions to Article 309 and clause [5] of Article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services [Classification, Control, Appeal] Rules, 1965 namely :

1. (1) These rules may be called the Central Civil Services [Classification, Control, Appeal] Rules, 1992.

(2) These rules shall come into force from the date of their publication in the Official Gazette.

2. In rule 11 of the Central Civil Services [Classification, Control, Appeal] Rules, 1965, under the heading "Major Penalties" for clause [V], the following clause shall be substituted, namely :-

'[V] Save as provided for in Clause (iii a), reduction to a lower stage in this time scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay'.

Copy of DOPT OM No. 22011/1/91-Estt. (A) dated 31.7.1991 regarding review of Instructions on Promotion of Government Servants whose conduct is under investigation.

The undersigned is directed to refer to the Ministry's O.M. No. 22011/2/86-Estt.[A] dated 12.1.88 regarding procedure and guidelines to be followed in the matter of promotion of Government Servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation and to say that in view of various judicial pronouncements subsequent to the issue of aforesaid O.M., the question of applicability of sealed cover procedure in respect of Government Servants against whom an investigation on serious allegations of corruption, bribery or similar grave misconduct is in progress either by the C.B.I. or any other agency, departmental or otherwise as envisaged in para 2[iv] of that O.M. has been reviewed and it has been decided in consultation with the Ministry of Law that para 2[iv] of the O.M. 22011/2/86-Estt.[A] dated 12-1-1988 be deleted with immediate effect.

2. It is further clarified that:—

i. All cases kept in sealed cover on date of this O.M. on account of conditions obtainable in para 2[iv] of the O.M. dated 12.1.88 will be opened. If the official had been found fit and recommended by DPC, he will be notionally promoted from the date his immediate junior had been promoted. The pay of the higher post would, of course, be admissible only on assumption of actual charge in view of provisions of FR 17[i] [since only officiating arrangements if necessary and giving promotion in such cases].

ii. If any case is in a sealed cover on account of any of the other conditions mentioned in para 2[i] to 2[iii] of the O.M. Dated 12.1.88, the case will continue to be in the sealed cover.

iii. On opening of the sealed cover because of deletion of para 2[iv], if an officer is found to have been recommended as 'unfit' by the DPC, no further action would be necessary.

3. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller & Auditor General of India.

(DPE O.M. No. 15(1)/92-GM dated 4th September, 1992)
