

## **CHAPTER II**

PERSONNEL POLICIES

### **(f) Conduct, Discipline & Appeal Rules**

**4.**

**DPE/Guidelines/II(f)/4**

#### **Terms and Conditions of appointment of incumbent of Top Posts.**

You are probably aware that while specifying the terms and conditions of appointment of Chief Executives and full-time Functional Directors of Public Enterprises, a clause is incorporated that in so far as matters not specified in the terms and conditions are concerned, the rules and regulations of the Company would apply. Thus while specified terms and conditions are spelt out regarding tenure of appointment, stage at which pay is drawn, house rent allowance, etc. the Conduct, Discipline and Appeal Rules applicable to the incumbents of the top posts are not spelt out.

2. The question of formulating separate Conduct/ Discipline and Appeal Rules in respect of the Chief Executives and full-time Functional Directors drawn either from the public or private sectors or from the Government services vis-à-vis extending the provisions of the CDA Rules formulated by the individual enterprises in respect of their employees to these executives has been examined in consultation with the CVC and the DFR. It has been decided that the administrative ministries while spelling out the terms and conditions of the incumbents of top posts i.e. the Chief Executives and full-time Functional Directors, in the letter of appointment, the following provisions will be incorporated:-

(i) "That the CDA Rules framed by individual public enterprises in respect of their non-workmen category of staff would also mutatis mutandis apply to the incumbents of the top posts when the incumbent is drawn from sources other than the Govt. services with the modification that the Disciplinary Authority in such cases would be the President. In the case of the incumbent of the top posts drawn from Government services, the rules as framed for the government Servants would continue to apply to them.

(ii) The Government also reserves the right not to accept the resignation of a Chief Executive/other executives. If the circumstance, so warrant, i.e., if disciplinary proceedings are pending or a decision has been taken by the Competent Authority to issue a charge-sheet to him. In the case of incumbents of top posts who are drawn from Government Services; the instructions issued by the Government from time to time regarding acceptance of resignation during the pendency of the departmental proceedings will apply.

(iii) Till such time, the concerned public sector enterprise is able to draw up its CDA rules on the basis of model CDA rules circulated by the Bureau, the terms and conditions of appointment should invariably mention that the incumbents of the top posts other than those drawn up from the organized services would be governed by the model CDA Rules, a copy of which should be appended to the terms and conditions of appointment of the concerned executives.

3. I shall be grateful if you could kindly issue suitable instructions to the Heads of Divisions in your Ministry to keep the above points in view while finalising the terms and conditions of appointment of incumbent of top posts.

**(D.O No.2(28)/75-BPE(GM-I) dated 9th December, 1982)**