

CHAPTER II
PERSONNEL POLICIES

(f) Conduct, Discipline & Appeal Rules

16. DPE/Guidelines/II(f)/16

Model Conduct, Discipline and Appeal Rules.

The undersigned is directed to refer to BPE's letter No.2(121)/73-BPE-GM.I dated 26.4.74 forwarding therewith a copy of Model Conduct Discipline and Appeal Rules which could be adopted by Public Enterprises and to state that it has been decided, in consultation with Ministry of Labour, Department of Legal Affairs, Department of Personnel & Training, Department of Pension and Pensioners' Welfare and CVC, to incorporate the following provisions as Rule 30-A:—

Rule 30-A (i) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.

(ii) During the pendency of the disciplinary proceeding, the disciplinary authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found in a disciplinary proceeding or judicial proceeding to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in case the employee is fully exonerated.

All the Administrative Ministries/Departments are requested to advise the PSEs under their control to incorporate the above Provisions in their respective CDA Rules suitably. Action taken in this regard may kindly be intimated to this Department.

(DPE O.M.No. 15(7)/99(GL-021)/GM(DPE) dated 16th December, 1999)
