

TELANGANASTATE TRADE PROMOTION CORPORATION LIMITED

CONDUCT DISCIPLINE AND APPEALS REGULATIONS

PART - I: GENERAL

1. SHORT TITLE, COMMENCEMENT AND APPLICATION

- i) These regulations may be called the Telangana State Trade Promotion Corporation Limited Staff Conduct, Discipline and Appeals Regulations 2015.
- ii) They shall be deemed to have come into force with effect from 27th September 2014.
- iii) They shall apply to all employees of Corporation whose conditions of Service may be regulated by the Corporation except to the extent otherwise expressly provided by a regulation or order of the Board or by a contract or agreement subsisting between such employee and the Corporation.

2. DEFINITIONS

In these regulations unless the context otherwise requires:

- i) "BOARD" means the Board of Directors of the Corporation and in relations to any powers exercisable by it, includes any Committee.
- ii) Managing Director in relation to any powers exercisable by him includes any Director or Officer who is authorised to exercise the powers and functions of the Managing Director during the temporary absence of the Managing Director.
- iii) General Manager/Dy. General Manager in relation to any powers exercisable by him includes an officer authorized to exercise the powers of the General Manager/Dy. General Manager during the temporary absence of the General Manager/Dy. General Manager.
- iv) "Member of the family" in relation to an employee includes
 - (a) A wife, child or step child of such employee whether residing with him or not but normally within his control or dependent on him, and
 - (b) Any other relative of his or his wife residing with him and normally within his control of dependent upon him
- v) "Employee" means any person employed by the Corporation but does not include a person who is employed on daily wages.
- vi) "Competent Authority" in relation to the exercise of any of the powers conferred by these regulations means the Board or any other authority authorised in that behalf by a regulation or by a resolution of the Board.

Words importing the masculine in general shall be taken to include the feminine, if circumstances so require.

3. POWER TO INTERPRET AND IMPLEMENT RULES:

The power to interpret regulations vests with the Managing Director who is also hereby empowered to issue such administrative instructions as may be necessary to give effect to and carry out the purposes of the provisions of these rules, or generally to secure effective control of the staff.

Provided that if as a result of any decision of the Managing Director, as regards the interpretation of the constructions of any regulation or regulations, an employee feels aggrieved, he shall have a right to appeal against such decision of the Managing Director, to the Board whose decision shall be final and binding on all concerned.

4. Any new regulation or alternation in the existing regulation shall be issued in the form of a circular for circulation among the employees.

5. DELEGATION OF POWERS:

The Managing Director may, by general or special order, direct that any power exercisable by him under these rules shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

6. SCOPE OF AN EMPLOYEE'S SERVICE:

- i) Unless in any case it is otherwise provided, the whole time of an employee shall be at the disposal of Corporation in its business in such capacity; and at such places as he may from time to time be directed.
- ii) Every employee shall at all time: -
 - a) Serve the Corporation loyally honestly and faithfully.
 - b) Use his utmost endeavour to promote interest of the Corporation.
 - c) Show courtesy in all transactions
 - d) Comply with the provision of all regulations or resolutions made by the Board: and
 - e) Obey all orders and directions which may, from time to time be given to him by any person or persons under whose jurisdiction, superintendence or control he may, for the time being, be placed.

PART-II : CONDUCT

7. ATTENDANCE;

- i) Save under circumstances beyond his control, of which he is required to furnish explanation to the satisfaction of the authority competent to grant him leave, no employee may absent himself from duty without obtaining prior permission or overstay his leave unless it has been extended.

- ii) Every employee shall be at work punctually at the time fixed and notified in that behalf by the Managing Director unless permitted to do so otherwise by his immediate superior officer.
- iii) No employee shall after reporting for work be found absent from his proper place of work during the period of work assigned to him without obtaining the permission of his immediate superior.

8. ABSENCE FROM HEAD QUARTERS:

No employee shall absent himself from his headquarters except on duty without obtaining prior permission of the Head of the office or Managing Director or Head of his Division as the case may be. If the employee himself is the head of the Division he shall not, save in the exceptional circumstances, leave his headquarters without prior permission of his immediate superior, provided that when an employee is on leave or is enjoying a holiday, he shall leave the headquarters only after intimation to the head of the office.

9. JOINT REPRESENTATION:

No joint representations from employees shall be entertained.

10. INFLUENCING SUPERIOR AUTHORITIES FOR FURTHERANCE OF INTERESTS

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority for the furtherance of his interest.

11. CONNECTION WITH PRESS & RADIO:

- i) No employee shall make any statement to the press or contribute an article or write any letter to the press or magazine either anonymously or in the name of any other person or give any talk on the radio, directly or indirectly connected with the Corporation, without the prior sanction of the competent authority, nor shall he ventilate any grievances to the press or through leaflets and the like.
- ii) No employee shall without previous permission of the competent authority publish any book and while applying for permission to publish any book he shall submit to such authority a manuscript copy thereof.

The competent authority shall not ordinarily refuse permission to an employee under clause (ii) unless the activity in respect of which permission is sought is likely to interfere with the satisfactory performance of his duty or is prejudicial to the interests of the Corporation.

12. SPECULATING IN STOCKS AND SHARES ETC.

- 1) No employee shall speculate in any investment.

Explanation: Habitual purchase or sale of securities of notoriously fluctuating values shall be deemed to be speculation.

- 2) No employee shall make or permit his wife or any member of his family to make an investment likely to embarrass or influence him in the discharge of his duties.

- 3) If any question arises whether a security or investment is of the nature referred to in sub-regulation (1) or sub-regulation (2) the decision of the Board shall be final.

13. OBLIGATION TO MAINTAIN SECRECY:

Every employee shall maintain strict secrecy regarding the Corporation's affairs of its constituents and shall not divulge, directly or indirectly any information of a confidential nature either to the press or to a member of the Public or of the Corporation's staff unless compelled to do so by a judicial or other authority or unless instructed to do so by writing by a superior officer in the discharge of his duties.

14. EVIDENCE BEFORE COMMITTEES OR ANY OTHER AUTHORITY:

- 1) Save as provided in Clause (3) below, no employee shall, except with the previous sanction of the competent authority give evidence in any enquiry conducted by any person, committee, or authority.
- 2) No employee giving such evidence shall criticize the policy of the Corporation.
- 3) Nothing contained in this regulation shall apply to evidence given before statutory committee which have the power to compel attendance and the giving of answers or to evidence given in judicial inquiries.

15. ACCEPTANCE OF GIFTS:

- 1) Save as otherwise provided in this regulation, no employee shall, except with previous sanction of the competent authority, accept directly or indirectly permit any member of his family to accept from any person any gift or gratuity.
- 2) An employee may accept a complimentary gift of flowers, fruits or similar articles of trifling value but all employees shall use their best endeavors to discourage the tender of such gifts.
- 3) An employee may accept or permit a member of his family to accept gifts of a value which is reasonable in all circumstances of the case from relations or personal friends on occasions such as weddings, anniversaries, funerals and religious functions when the receiving of such gifts is in conformity with prevailing religious or social customs but the acceptance of such gifts other than those of a trifling value shall be reported to the competent authority and shall be disposed off in such a manner as such authority may direct.
- 4) If any question arises whether any gift is of a trifling value or not or where an employee is in doubt whether a gift offered to him is trifling or not, a reference shall be made to the Managing Director whose decision shall be final.
- 5) No employee shall solicit or accept any gift from any person or firm having the business transactions with the Corporation or from any subordinate employee.
- 6) If any employee cannot without undue offence refuse a gift of substantial value, he may accept the same but shall, unless competent authority otherwise directs deliver the gift to it.

16. PRIVATE TRADING BUSINESS:

No employee shall engage in any commercial business or pursuit either on his own account or as agent for others, nor shall he be connected with the formation or management of a Joint Stock Company or a firm.

17. EMPLOYEES NOT TO SEEK OUTSIDE EMPLOYMENT:

No employee shall accept, solicit, or seek any outside employment or office, whether stipendiary or honorary, without the previous sanction of the Managing Director.

18. PART-TIME WORK FOR OUTSIDE BODIES

No employee shall undertake part-time work for a private or public body or a private person, or accept fee thereof, without the sanction of the Managing Director who may grant sanction only in exceptional cases when he is satisfied that the work can be undertaken without detriment to his official duties and responsibilities.

The Managing Director may in cases in which he think fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid in whole or in part, to the Corporation.

19. BIGAMOUS MARRIAGE:

- 1) No employee who has a spouse living shall contract another marriage notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.
- 2) No employee shall marry any person who has a spouse living.

20. PROHIBITION AGAINST PARTICIPATION IN POLITICS AND CONTESTING IN ELECTION:

- 1) No employee shall be a member of or be otherwise associate with any political party nor shall he take active part in politics or any political demonstration.
- 2) If any question arises whether any movement or activity falls within the scope of this regulation, the decision of the Managing Director thereon shall be final

No employee shall canvas or otherwise interfere or use his influence in connection with or take part in, an election to any Legislature or local authority provided that:

- i) An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted and
- ii) An employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

EXPLANATION: The display by an employee on his person, vehicle or residence of any electoral symbol shall amount to use his influence in connection with an election within the meaning of this clause.

21. RESTRICTIONS ON BORROWING AND INVESTMENTS:

- 1) An employee shall not borrow money from or in any place himself under a pecuniary obligation to a broker or an employee of the Corporation subordinate to him or any firm or person having dealings with the Corporation.
- 2) No employee shall make nor permit any member of the family to make any investment likely to embarrass or influence him in the discharge of his official duties.

22) SUBMISSION OF PROPERTY STATEMENT:

Every employee of the Corporation on joining duty and thereafter on every first January shall submit a statement showing the immovable property held by him.

23. EMPLOYEES IN DEBT:

An employee who is in debt shall furnish to the Managing Director a signed statement of his position at the time of his appointment and also half-yearly on the 30th June and 31st December, and shall indicate in the statement the steps he is taking to rectify his position. An employee who makes a false statement under this regulation or who fails to submit prescribed statement or appears unable to liquidate his debts within a reasonable time or applies for the protection of an insolvency in a court shall be liable to dismissal.

EXPLANATION: -I: For the purpose of this regulation, an employee shall be deemed to be in debt if his total liabilities exclusive of those which are fully secured by tangible assets exceed his substantive pay for six months.

EXPLANATION: -II: An employee shall be deemed to be unable to liquidate his debts within a reasonable time if it appears having regard to his personal resources and unavoidable current expenses that he will not cease to be in debt within a period of three years.

24. EMPLOYEES ARRESTED FOR DEBT OR ON CRIMINAL CHARGES:

- 1) An employee who is arrested for debt or on a criminal charge may, if so directed by the Managing Director be considered as under suspension from the date of his arrest and shall be allowed the payments admissible to an employee under suspension under clause (4) of Regulation 34 until the termination of the proceedings against him, when an adjustment of his pay and allowances shall be made according to the circumstances of the case and in the light of the decision as to whether his absence is to be accounted for as period on duty or leave the full pay and allowances being given only in the event of the employee being acquitted of all charges and treated as on duty during the period of his absence. An employee who is committed to prison for debt or is convicted of any offence involving moral turpitude shall be liable to dismissal.
- 2) Where a conviction of an employee is set aside by a higher court and the employee is acquitted honourably he shall be reinstated in service.

EXPLANATION: In this regulation the expression termination of proceedings shall mean the decision of the lower court which first finally disposes the case. Committal or conviction shall mean committal or conviction by the lower court or any of the appellate courts, and it shall be open to Board to dismiss an employee who is committed to prison

or who is convicted of a criminal charge as from the date of the order of court that convicts him.

25. HOLDING OR ACQUIRING IMMOVABLE PROPERTY:

- 1) No employee of the Corporation shall, save in good faith for the purpose of residence, acquire any immovable property in India by purchase or gift except with the previous sanction of the Managing Director.
- 2) The restrictions on the acquisition and possession of immovable property apply to the acquisition and possession of any personal interest in such property and to the acquisition and possession of such property by an employee of the Corporation in the name of any other person, but not to the acquisition or possession of an interest as trustee, executor or administrator only.
- 3) An employee of the Corporation who owns a house or site may not acquire another site for residential purpose without the permission of the Managing Director.

26. Without prejudice to the generality of the foregoing regulations, the following acts or omissions on the part of an employee shall be treated as misconduct.

- a) Unauthorisedly using the vehicle of the Corporation.
- b) Wilful insubordination or disobedience, whether or not in combination with another; of any lawful and reasonable order of a superior;
- c) Wilful slowing down in the performance of work abatement or instigation thereof;
- d) Theft, fraud, dishonesty in connection with the Corporation business or property;
- e) Taking or giving bribes or any illegal gratification;
- f) Absence without leave or overstaying sanctioned leave without sufficient grounds or proper or satisfactory explanation.
- g) Habitual breach of any standing order or any regulation or any regulations made there under;
- h) Collection without the permission of the Managing Director of any money within the premises of the establishment except as sanctioned by the Managing Director
- i) Drunkenness, riotous, disorderly or indecent behaviour on the premises of the establishment;
- j) Commission of an act subversive of discipline or good behaviour on the premises of the establishment;
- k) Habitual negligence or neglect of work or gross negligence;
- l) Wilful damage to any property of the establishment.
- m) Holding meetings within the premises without the previous permission of the Managing Director.
- n) Going on an illegal strike or abating, instigating or acting in furtherance thereof;
- o) Gambling within the premises of the establishment;

- p) Threatening or intimidating or using any form of violence against the employee inside the premises of the establishment;
- q) Conviction by any court of law on any criminal offence involving moral turpitude;
- r) Deliberately giving of false information regarding his name, age, father's name, address, qualifications or previous services or any other details at the time of employment.
- s) Loitering or being on the premises after authorised hours or work without permission;
- t) Refusing to accept a communication sent from the Corporation;
- u) Removing from the premises of the establishment without permission any document or any property of the establishment;
- v) Abetment of or attempt at any of the above acts of misconduct.

PAR T - III : PENALTIES:

27. PENALTIES:

- 1) Without prejudice to the provisions of other regulations an employee who commits a breach of the rules or regulations of the Corporation or who displays negligence, inefficiency or indulgence or who knowingly does anything detrimental to the interests or prestige of the Corporation in conflict with its instructions or who commits breach of discipline, or is guilty of any other act of misconduct or misbehaviour shall be liable to any of the following penalties:-

Minor Penalties:

- a) Censure
- b) Withholding of promotions.
- c) Withholding of increments of pay without cumulative effect
- d) Recovery from pay of the whole or part of any pecuniary loss caused to the corporation by the negligence or breach of orders.

Major Penalties:

- e) Withholding of increments of pay with cumulative effect
- f) Reduction to a lower post or grade or to a lower stage in his incremental scale (time scale)
- g) Compulsory retirement
- h) Dismissal.

EXPLANATION: - The following shall not amount to a penalty within the meaning of this regulation.

- i) Withholding of increment or promotion of an employee for failure to pass a departmental examination or to qualify to certain duties or subjects in accordance with the regulation or orders covering the service or post or terms of his appointment.
 - ii) Non-promotion whether it is substantive or officiating capacity of an employee, after consideration of his case, to a service, grade or post for the promotion to which he is eligible.
 - iii) Reversion to a lower service, grade or post of an employee officiating in a higher service, grade or post on the ground that he is considered, after trial to be unsuitable for such higher service, grade or post or on administrative grounds unconnected with his conduct.
 - iv) Reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations or resolution covering probation.
 - v) Termination of the services:
 - 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 or the regulation or resolution covering probation, or
 - b) of an employee in accordance with the general conditions of service applicable to permanent or temporary employment as the case may be, or
 - c) of an employee engaged under an agreement in accordance with the terms of such agreement, or
 - d) for reasons of mental or physical incapacity duly certified by a medical officer specified by the Board in that behalf.
2. The penalty of recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by an employee's negligence or breach of orders may be imposed in addition to any other penalty which may be inflicted in respect of the same act of negligence or breach of orders.
3. The penalty of withholding of promotion may be imposed in addition to any of the other penalties that may be imposed in respect of the same act or omission on the part of an employee.

28. PROCEDURE FOR IMPOSING PENALTIES:

- 1) No order imposing any of the penalties specified in items a, b & c of clause of regulation 27 shall be passed except after:
 - a) The employee concerned is informed in writing of the proposal to take action against him and is given an opportunity to make any representation he may wish to make; and
 - b) such representation, if any, is taken into consideration by the authority imposing penalty.

- 2) No employee shall be dismissed or removed or compulsorily retired or reduced to a lower service or post or to lower time-scale or to a lower stage in the time scale by the authority subordinate to that by which he was appointed and no order imposing on an employee any of the penalties specified in items 'd' to 'h' of clause- 1 of Regulation 27 supra shall be passed by the Disciplinary Authority (appointing authority) or higher authority without charge or charges being communicated to him in writing and without having been given a reasonable opportunity of denying himself against such charge or charges and of showing cause against the action proposed to be taken against him.
 - 3) The Disciplinary Authority empowered to impose any of the penalties in items (d) to (h) of clause-1 of Regulation 27 may itself enquire into such of the charge as are not admitted, or if it considers necessary so to do, appoint an Enquiry Officer for the purpose.
 - 4) The enquiries shall be conducted as per Rules and orders of the State Government.
 - 5) The competent Authority is empowered to entrust the cases of inquiries, at his discretion, against an employee to the General Administration (Commissionerate of Inquiries) Department, Government of Telangana.
29. Notwithstanding anything contained in Regulation 28 above
- i) Where a penalty is imposed on an employee on the grounds of his conviction on a criminal charge; or
 - ii) Where the authority concerned is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the regulation, the disciplinary authority may consider circumstances of the case and pass such orders thereon as it deems fit.
- 30) (i) The Board may impose any of the penalties specified in regulation 27 on an employee
- (ii) Without prejudice to the provisions of clause (1) any of the penalties specified in regulation 27 may be imposed on an employee by the appointing authority or any other authority authorised by a regulation or a resolution of the Board, subject to such conditions and limitations, if any, as may be specified.
 - (iii) Where in any case a higher authority has imposed or decline to impose a penalty under this regulation, a lower authority shall have no jurisdiction to proceed under this regulation in respect of the same case.
 - iv) The fact that a lower authority has imposed or declined to impose a penalty in any case shall not debar a higher authority from exercising his jurisdiction under this regulation in respect of the same case.

31. COMMUNICATION OF ORDERS IMPOSING PENALTIES:

All orders of punishment shall also state on the grounds on which they are passed and shall be communicated in writing to the employee against whom they are passed.

32. WITHHOLDING OF INCREMENTS:

In ordering withholding of an increment, the authority passing the order shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

33. PAY ON REDUCTION TO A LOWER POST:-

1. The authority which orders the reduction of an employee as a penalty from a higher to a lower post or lower time scale may be allowed to draw a pay not exceeding his pay in the higher post or higher time-scale or the maximum pay of the lower post or lower time-scale, whichever is less.
2. When an employee is reduced to a lower post or lower time-scale or to a lower stage in his time scale, the authority ordering such reduction shall state whether it will be permanent or whether it will be effective for a specified period only. In the latter case he should state whether on restoration, it shall so operate as to postpone future increments or to affect his seniority and if so to what extent.

PAR T - IV : SUSPENSIONS:

34. SUSPENSIONS:

- 1) An employee shall be placed under suspension by the appointing authority or by the Managing Director or superior to the appointing authority.
 - a) where a disciplinary proceeding against the employee is contemplated or is pending or
 - b) where a case against him in respect of any criminal offence is under investigation or trial or for any other reason where a penalty of dismissal, removal is considered necessary.
- 2) An employee who is detained in the custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority and shall remain under suspension until further orders.
- 3) A employee under suspension, or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to a subsistence allowance at an amount equal to the leave salary which the employee would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary.
 - (i) The amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months, if in the opinion of the said authority the period of suspension has been prolonged, due to reasons to be recorded in writing not directly attributable to the employee.
 - (ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding fifty percent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority the period of suspension has been prolonged, due to reasons to be recorded in writing directly attributable to the employee.

- (iii) The rate of D.A will be based on the increased or as the case may be, the decreased amount of subsistence allowance under clauses (i) and (ii) above.
- (iv) The amount of subsistence allowance shall be restricted to 50% in all cases where a prima-facie case is established on charges of corruption, misappropriation and demand or acceptance of illegal gratification until finalization of the disciplinary case.
- (v) Any other compensatory allowances admissible from time to time on the basis of pay of which the employee was in receipt on the date of suspension, subject to the fulfillment of other conditions laid down for the drawl of such allowance.
- (vi) No payment shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

35. PAY, ALLOWANCES AND TREATMENT OF SERVICE ON RE-INSTATEMENT;

- 1) When an employee who has been dismissed, removed or suspended is reinstated, the authority competent to reinstate shall consider and make a specific order as to:
 - a) the pay and allowance which shall be paid to the employee for the period of his absence from duty, and
 - b) whether or not the said period shall be treated as a period spent on duty, and
- 2) a) where such competent authority holds that the employee has been fully exonerated or in the case of suspension that it was unjustifiable the employee shall be granted the full pay and allowances to which he should have been entitled had he not been dismissed, removed or suspended as the case may be.
- b) In all other cases, the employee shall be granted such proportion of such pay and allowances as such competent authority may direct:-

Provided that the payment of allowances under this clause shall be subject to all other conditions subject to which such allowances are admissible.
- c) In a case falling under sub-clause (a), the period of absence from duty shall for all purposes be treated a period spent on duty.
- d) In a case falling in sub-clause (b), the period of absence from duty shall not be treated as a spent on duty unless such competent authority specifically directs that it shall be treated for any specific purpose. It will be open to the competent authority to convert the period into one of leave due.
- 3) Nothing contained in clauses (1) and (2) above shall apply in relation to the case of an employee falling under clause (4) of the regulation 34. If on termination of the criminal proceedings or his release from custody as the case may be, he is not either removed or dismissed from service, the period may be treated:
 - a) if he is absolved of blame, as leave due to him and

b) if otherwise in accordance with the provisions of sub-clause (d) of clause (2).

36. The employee against whom disciplinary proceedings have been initiated will cease to be in service on the date of superannuation but the disciplinary proceedings will continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof. The concerned employee will not receive any pay and / or allowance after the date of superannuation. He will also not be entitled for the payments of retirement benefits till the proceedings are completed and final order is passed thereon except his Provident Fund amount.

PAR T - V: APPEALS

APPEALS

37. 1) An employee shall be entitled to appeal as herein provided and not otherwise, from an original order passed by an authority.

- a) imposing on him any of the penalties specified in regulation 27 or
- b) denying or varying to his disadvantage his pay, allowances or other conditions of service as regulated by any regulation or by agreement or
- c) interpreting to his disadvantage the provisions of any regulation or agreement as aforesaid.

2) An employee may appeal against an order referred to in sub-clause (a) of clause (1) to the authority next above that which passed the original order.

3) An employee may appeal against an order referred to in sub-clause (b) and (c) of clause (1) to the Board or to such other authority as may be specified in this behalf by a resolution of the Board.

4) Notwithstanding anything contained in this regulation no appeal shall lie against an order passed by the Board.

38. PERIOD OF LIMITATION FOR APPEALS:

No appeal under this section shall be entertained unless it is submitted within a period of two months from the date on which the appellant receives a copy of the order appealed against, provided that the appellate authority may entertain the appeal after the expiry of the said period if he is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

39. FORM AND CONTENTS OF APPEAL:

- 1) Every person submitting an appeal shall do so separately and in his own name.
- 2) The appeal shall be legibly written in English, be accompanied with a copy of the order appeal against or if not written in English be accompanied by a translated copy in English and shall contain all material statement and arguments relied on by the appellant, and shall be complete in itself.
- 3) It shall be submitted through the proper channel.

40. WITHHOLDING OF APPEALS:

- 1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred if -
 - a) it is an appeal in a case in which under this regulation there is no right to appeal.
 - b) it is not preferred within the period specified in regulation 38 and no reasonable cause is shown for the delay or
 - c) it does not comply with the provisions of regulation 37 or
 - d) it is repetition of previous appeal which have already been decided and no new facts or circumstances are added which afford grounds for reconsideration, or
 - e) it is addressed to an authority to which no appeal lies under this regulation.
- 2) Where an appeal is withheld -
 - a) the appellant shall be informed of the facts and reasons there for and
 - b) a copy of the order withholding the appeal shall invariably be submitted to the authority to whom the appeal is addressed.
- 3) No appeal shall lie against the withholding of an appeal by a competent authority.

41. APPEAL MUST BE FORWARDED TO THE APPELLATE AUTHORITY:

An appeal which is not withheld under Regulation 40 shall be forwarded to the appellate authority with the comment of the officer concerned or Dy. General Manager/ General Manager or the Managing Director, as the case may be, as soon as possible.

42. DUTIES OF THE APPELLATE AUTHORITY:

- 1) In the case of an appeal against an order imposing any of the penalties specified in Regulation 27, the appellate authority shall consider -
 - a) whether the procedure prescribed in these regulations has been complied with.
 - b) whether the findings are justified; and
 - c) whether the penalty imposed is excessive, adequate, inadequate and after such consideration shall pass orders -
 - i) setting aside, reducing, confirming or enhancing the penalty; or
 - ii) remitting the case to the authority which imposed penalty or to any other authority, with such directions as it may be fit in the circumstances of the case provided that -
 - a) the appellate authority shall not impose any enhanced penalty which it is not authorised by the regulations to impose in the case;
 - b) no order imposing an enhanced penalty shall be passed unless the person

concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty and

- c) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (d) to (h) of clause (1) of Regulation 27 and an inquiry in accordance with the provisions of regulations 28 has not already been dealt in the case the appellate authority shall, subject to the provisions of regulations 28 itself hold such inquiry or direct that such inquiry shall be held and thereafter on consideration of the proceedings of such inquiry pass such orders as it may deem fit.
 - 2) An error or defect in procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers, for reasons to be recorded in writing, that the error or the defect was not material and has neither caused injustice to the person concerned nor affected the decision of the case.
 - 3) In the case of an appeal against an order referred to in sub-clause (b) and (c) of clause (1) of regulation 37, the appellate authority shall pass such orders as appear to be just and equitable, having regard to all the circumstances of the case.
43. Where an authority or higher authority imposes a higher penalty than the one appealed against, a second appeal shall lie to the authority next above to such authority or higher authority, except when Board itself passed the orders.

44. APPEAL NOT TO BE ADDRESSED TO DIRECTORS OF THE STATE GOVERNMENT:

Appeals shall not be addressed to the Ministers or Officers of the State Government, or to the Directors of the Board personally and any such action shall be deemed a breach of discipline.

45. REVIEW OF ORDERS IN DISCIPLINARY CASES:

The authority to which an appeal against an order imposing any of the penalties specified in regulation No.27 lies or a higher authority may of its own motion or otherwise call for the records of the case in a disciplinary proceeding, review any order in such a case and pass such orders as it deems fit, as if an employee had preferred an appeal against such order.

Provided that no action under this regulation shall be initiated more than six months after the date of the order to be reviewed.

46. BOARD'S POWERS TO REVIEW:

Notwithstanding anything contained in these regulations the Board may on its own motion or otherwise after calling for the records of the case, revise an order which is made or is appealable under these regulations and

- a) impose any penalty or conform modify or set aside the order
- b) remit the case to the authority which made the orders or to any other authority directing for such further action or inquiry as it considers proper in the circumstances of the case, or
- c) pass such orders as it deems fit; provided that;

- i) an order imposing or enhancing a penalty shall not be passed unless the employee concerned has been given an opportunity of making any representation which he may wish to make against such penalty; and
- iii) if the Board proposed to impose any of the penalties specified in items(d) to (h) of Regulations 27 in a case where an enquiry in accordance with the provisions of Regulation 28 has not been held, it shall direct that such enquiry be held, and thereafter on consideration of the proceedings, of such enquiry, pass such orders as it may deem fit.

PART VII - MISCELLANEOUS

MISCELLANEOUS

47. SPECIAL PROVISIONS APPLICABLE TO EMPLOYEES ON FOREIGN SERVICE

Where the services of an employee to be punished have been lent to an outside authority the power to impose any of the penalties specified in clause (1) of Regulation 27 in respect of matters arising during the outside employment, shall lie only with the authority competent to impose such penalty on the employee under these regulations. The borrowing authority shall in such a case complete the enquiry revert the employee concerned to the services of the corporation (if it is considered necessary to do so) and forward all the papers of the enquiry for such action as the appropriate authority may consider necessary.

Provided that the borrowing authority shall forthwith inform the Corporation all the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings against him as the case may be.

48. SUPPLY OF COPIES OF PROCEEDINGS ETC.

In cases where any of the penalties mentioned in items (d) to (h) of clause (1) of Regulation 27 have been imposed, the employee may if he so desires, be supplied with the copies of the evidence and the proceedings of the enquiry to the extent necessary, to enable him to prefer an appeal against the penalty imposed. In cases in which any other penalty has been imposed, the employee may on request be allowed the facility of perusing the proceedings for a similar purpose.

49. MANNER OF SERVICE OF COMMUNICATIONS, NOTICE OR ORDERS ON EMPLOYEES:

- 1) A communication, notice or order addressed to an employee in pursuance of any action taken or contemplated under these regulations shall, if practicable, be served personally on him by delivering or tendering to him one of the duplicates of such communication, notice or order.
- 2) Where, however, it has not been found practicable to serve the duplicate communication, notice or order personally on the employee, it shall be sent to the last known address of the employee by properly addressing, prepaying and posting by registered post with acknowledgement due, and unless the contrary is proved the communication, notice or

order shall be deemed to have been served on the employee at the time at which the copy so sent is delivered in the ordinary course by post.

- 3) For the purpose of this regulation, it shall be the duty of every employee to notify at the time of his first appointment to service, the address to which communications, etc. intended for him may be sent when he is not on duty and to keep the head of the office or unit to which he is attached to for the time being, the changes if any, occurring in his address from time to time.
- 4) If a communication, notice or order sent by post under clause (2) is for any reason returned-undelivered, then a copy of such communication, notice or orders shall be displayed for a period of not less than one week on the notice board of the office or unit in which the employee was last working, and on the expiry of such period, the communication, notice or order shall be deemed to have been served on the employee for the purpose of these regulations.

50. IMPLEMENTATION OF ORDERS PASSED BY AN APPELLATE OR HIGHER AUTHORITY

The authority, which made the original order, shall give effect to the orders passed by appellate authority or higher authority in exercise of its jurisdiction under these Regulations.

51. The employee against whom disciplinary proceedings have been initiated will cease to be in service on the date of superannuation, but the disciplinary proceedings will continue as if he was in service until the proceedings are concluded and final orders are passed in respect thereof. The concerned employee will not receive any pay and or allowances after the date of superannuation. He will also not be entitled for the payments of retirement benefits till the proceedings are completed and final orders are passed thereon, except his provident fund amount.
52. Wherever these Conduct, Discipline and Appeals Regulations are silent, the Government of Telangana Civil Services (Classification, Control and Appeal) Rules, Conduct Rules and Fundamental Rules with all their amendments from time to time will be applicable.

D. Jitendra
GM(Perl), TSIIC

K.S.
Dy. Secy. to Govt. I&C Dept.

R. Dhanand
Addl. Director O/o CoI