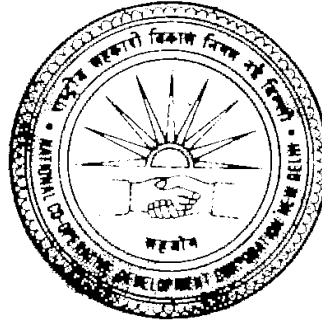


**NATIONAL COOPERATIVE DEVELOPMENT CORPORATION  
SERVICE REGULATIONS**



**राष्ट्रीय सहकारी विकास निगम  
NATIONAL COOPERATIVE DEVELOPMENT CORPORATION  
4-SIRI INSTITUTIONAL AREA, HAUZ KHAS,  
NEW DELHI-110016.**

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# 1. NCDC SERVICE REGULATIONS

(Published under Part III Section 4 of the Gazette of India No. 21 dated 25-5-1968)  
(Incorporates Amendments upto 20.3.2004)

In exercise of the powers conferred by Section 23 of the National Cooperative Development Corporation Act 1962 (26 of 1962), the National Cooperative Development Corporation with the previous sanction of the Central Government hereby makes the following Regulations namely:

## CHAPTER I

### PRELIMINARY

#### 1. Short Title, Commencement and Application

1. These Regulations may be called the National Cooperative Development Corporation Service Regulations 1967.
2. They shall come into force on the date of their publication in the Gazette of India.
3. They shall apply to all the employees of the Corporation except the Managing Director and the personnel employed by the Corporation on contract or on deputation in respect of all matters not regulated by the contract or by the terms of deputation as the case may be.

#### 2. Interpretation

Where any dispute arises regarding the interpretation of these Regulations, it shall be decided by the Board of Management of the National Cooperative Development Corporation.

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*Note: (i) The words 'Executive Committee', 'Secretary' and 'Joint Secretary' in the original Regulations were substituted by the words 'Board of Management', 'Managing Director' and 'Secretary' respectively vide notification No. NCDC: 1-1/75-Admn dated 15-2-79 and published in the Gazette of India No.8 dated 24.2.1979. Amendments effective from 20.11.1975.*

*(ii) The word 'Secretary' wherever occurring in the Regulations was substituted by the words 'General Manager' vide notification No.NCDC:1-1(i)/78-Admn. Dated 16-2-79 and published in the Gazette of India No.8 dated 24-2-1979. Amendment effective from the date of publication in the Gazette.*

*(iii) The post of 'General Manager' was re-designated as 'Deputy Managing Director' vide office order No.NCDC/2-3/88-Admn dated 15.6.1988.*

*(iv) The words 'Class I', 'Class II', 'Class III' and 'Class IV' in the original Regulations were substituted by the words 'Group A', 'Group B', 'Group C' and 'Group D' respectively, vide notification No. NCDC/1-1/75-Admn dated 28.4.80 published in the Gazette of India No. 20 of 17-5-80.*

## CHAPTER II

### DEFINITIONS AND CLASSIFICATIONS

#### 3. Definitions

In these Regulations, unless the context otherwise requires.

- (a) "Appointing Authority" means the Board of Management or the authority to which are delegated powers of appointment of the employees by the Board of Management.
- (b) "Corporation" means the National Cooperative Development Corporation established under Section 3 of the National Cooperative Development Corporation Act, 1962 (26 of 1962);
- (c) "Employee" means a person in the whole-time or part-time employment of the Corporation but does not include a person employed on daily wages;
- (d) "Board of Management" means the Board of Management of the Corporation;
- (e) "Financial Adviser" means the Financial Adviser of the Corporation appointed under rule 12 of the National Cooperative Development Corporation Rules 1963;
- (f) "Managing Director" means the Managing Director of the Corporation;
- (g) <sup>1A</sup>["General Manager"] means the <sup>1</sup>[General Manager] of the Corporation;
- (h) "Selection Committee" means the Committee appointed by the Board of Management or the appointing authority for selecting personnel for various posts in the Corporation.

#### 4. Classification of Employees

<sup>2</sup>[The employees of the Corporation are classified as under:

- Group 'A' Officers the minimum of whose scale of pay is Rs.2000/- or more;
- Group 'B' Employees the minimum of whose scale of pay is Rs.1400/- or more but below Rs.2000/-;
- Group 'C' Employees the minimum of whose scale of pay is Rs.950/- or more but below Rs.1400/-;
- Group 'D' Employees the minimum of whose scale of pay is less than Rs.950/-.]

<sup>1A</sup> The post of 'General Manager' was re-designated as 'Deputy Managing Director' vide office order No.NCDC:2-3/88-Admn dated 15.6.88.

<sup>2</sup> Substituted for the original Regulation vide notification No.NCDC.1-4/83-Admn dated 18.7.88 published in the Gazette of India No.32 dated 6.8.88.

## CHAPTER III

### RECRUITMENT APPOINTMENT ETC.

#### 5. Number and Category of Staff

The Board of Management or such other authority to whom powers in this respect may be delegated, shall determine, from time to time, the number and category of the staff employed under the Corporation, both permanent and temporary, under various classes.

#### 6. Appointing Authority

Appointments to all posts, other than the Managing Director shall be made by the authorities to whom powers may be delegated in this behalf by the Board of Management.

#### 7. Recruitment and Appointment

<sup>3</sup>[Appointment to various posts shall be made by direct recruitment or by promotion or by borrowing officers from the Central Government, State Governments, public sector undertakings, statutory bodies or cooperative institutions in accordance with such terms and conditions as may be laid down from time to time by the Board of Management.

Provided that in making any such appointments, vacancies shall be reserved for members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs) in accordance with the general instructions issued by the Central Government from time to time.]

#### 7-A. <sup>4</sup>[The Recruitment Rules etc. shall be framed by the Board of Management and shall be notified in the Gazette of India.]

#### 8. Furnishing of Security

A person holding or appointed to the post of store keeper or cashier shall furnish such security in cash or otherwise, as the Managing Director may determine.

<sup>3</sup> Substituted Regulation 7 vide circular No.NCDC:13-1/94-Admn. dated 27.9.1995 and published in Gazette of India No.22 dated 3.6.1995. Amendment effective from 8.9.1993.

<sup>4</sup> Inserted vide notification No. NCDC:1-1(i)/78-Admn. dated 16.2.79 published in the Gazette of India No.8 dated 24.2.79.

## 9. Probation

- (1) Every employee selected by direct recruitment shall be appointed on probation for a period of two years. Provided that the appointing authority may, in exceptional circumstances of any case, reduce the period of probation for reasons to be recorded in writing.
- (2) The appointing authority may, if it thinks fit, in the case of any employee, extend the period of probation, such extended period being not more than two years.
- (3) A probationer shall be liable to be discharged from service if :
  - (a) he fails to perform satisfactorily the duties assigned to him during the period of probation or undergo to the satisfaction of the appointing authority any training that may be prescribed during the period of probation or
  - (b) the appointing authority is satisfied that the probationer was ineligible for appointment to the post or cadre in the Corporation to which he is appointed.
- (4) Such discharge of a probationer shall not amount to removal or dismissal from service.

## 10. Medical Certificate

- <sup>5</sup>[(1) Every <sup>6</sup>['Group A'], 'Group B' and 'Group C' employee, other than a person on deputation from the Central Government, State Government, local authority or public sector undertaking or retired government servant re-employed under the Corporation within three months of his retirement, shall be required to produce a medical certificate in the form prescribed by the Managing Director, from a Civil Surgeon or a District Medical Officer or any other Medical Officer of equivalent status.
- (2) Every 'Group D' employee shall be required to produce a medical certificate from an authorized medical attendant possessing any of the medical qualifications included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956) or where there is no such authorized medical attendant, by a Government Medical Officer of the nearest dispensary or hospital, possessing such qualifications.
- (3) The following classes of employees are exempted from producing medical certificate under this Regulation, namely:

<sup>5</sup> The original sub-regulations (1) & (2) of Regulation 10 were omitted and the remaining sub-regulations re-numbered as (1), (2) and (3), vide notification in Gazette of India No.17 of 24.4.71 (File No. NCDC:1-2/69-Admn)

<sup>6</sup> Added by Gazette notification *ibid* dated 24.4.71.

- (a) a person employed under the Corporation in a temporary vacancy for a period not exceeding three months; and
- (b) an employee of the Corporation who has already been medically examined in respect of his service in some Government office if he is appointed under the Corporation within three months of his resigning or leaving the service in such Government office.]]

## **11. Notice by an Employee**

- (1) A temporary employee of the Corporation shall not leave or discontinue service in the Corporation without giving one month's notice in writing of his intention to do so.
- (2) Where the employee fails to give such notice, he shall be required to pay to the Corporation an amount equivalent to his one month's salary.
- (3) The appointing authority may, in its discretion, waive such notice in appropriate cases.

## **12. Termination of Services of an Employee**

- (1) The services of a temporary employee other than a probationer may be terminated by giving him one month's notice or salary in lieu thereof.
- (2) The services of a permanent employee may be terminated by giving him three month's notice or salary in lieu thereof if he is declared medically unfit on account of any ailment which he develops while in service disabling him from discharging his normal duties or if the post is abolished.
- (3) The power to terminate the services of an employee may be exercised by the appointing authority.

## **13. Superannuation**

- (1) <sup>7</sup>[Every employee shall retire on attaining the age of sixty years.]
- (2) <sup>8</sup>[No employee shall be granted any extension after attaining the age of superannuation.]
- (3) No employee shall be re-employed after he completes the age of sixty except in exceptional circumstances.
- (4) The power to re-employ an employee who has completed the age of sixty shall be exercised only by the Board of Management.

<sup>7&8</sup> Substituted for the original sub-regulation (1) and (2) vide notification No.NCDC:2-1/82-Admn. dated 29.6.1998 and published in the Gazette of India dated 11.7.1998. Amendments effective from 29.6.1998.



<sup>9</sup>[(5) Notwithstanding anything contained in this Regulation:-

- (i) The authority competent to make substantive appointment shall, if it is of the opinion that it is in public interest to do so, have the absolute right to retire any employee by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice;
  - (a) If he is holding Group A or Group B post after he has attained the age of fifty years or completed thirty years service;
  - (b) In any other case if he has attained the age of fifty-five years or completed thirty years of service <sup>10</sup>( ).
- (ii) Any employee may by giving notice of not less than 3 months in writing to the appointing authority retire from service after he has attained the age of fifty years or completed thirty years service if he is holding Group A or Group B post and in all other cases after he has attained the age of fifty five years or completed thirty years service <sup>11</sup>( ).

<sup>12</sup>[(iii) Notwithstanding anything contained in this Regulation, an employee, at any time, after he has completed twenty years of service may, by giving notice of not less than three months in writing to the appointing authority, retire voluntarily from service.

- (iv) The qualifying service as on the intended date of retirement of an employee retiring under Clause (ii) or retiring voluntarily under Clause (iii) shall be increased for the purpose of gratuity by a period not exceeding five years subject to the condition that the total qualifying service rendered by the employee does not in any case exceed thirty three years of service and it does not take him beyond the date of superannuation.
- (v) In the case of an employee intending to retire under Clause (ii) or intending to voluntarily retire under Clause (iii), the competent authority may, for good and sufficient reasons, relax the requirement of notice period of three months.]

<sup>13</sup>[(vi) An employee who has elected to retire under this Regulation and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority :

Provided that the request for withdrawal shall be made before the intended date of his retirement.]

<sup>9</sup> Substituted for the original sub-regulation (5) (i) & (ii) by notification No. NCDC:1-1/75-Admn. dated 28.4.80 published in Gazette of India No. 20 dated 17.5.80. Amendments effective from the date of publication in the Gazette.

<sup>10&11</sup> The words "provided that nothing in this clause shall apply to Group-D employees who entered the service of the Corporation on or before 23<sup>rd</sup> July, 1966" deleted from clause (i)(b) and clause (ii), vide notification No.NCDC:1-1/2003-Admn. dated 5.3.2004 published in the Gazette of India No. 12 dated 20.3.2004. Deletion effective from the date of publication in the Gazette.

<sup>12</sup> Clause (iii), (iv) and (v) inserted vide notification No.NCDC:1-1/2003-Admn. dated 5.3.2004 published in the Gazette of India No.12 dated 20.3.2004. Amendments effective from the date of publication in the Gazette.

<sup>13</sup> Clause (vi) inserted vide notification No.NCDC:1-1/2003-Admn. dated 5.3.2004 published in the Gazette of India No.12 dated 20.3.2004. Amendments effective from the date of publication in the Gazette.

## CHAPTER IV

### 14. Pay Scale

<sup>14</sup>(1) The scales of pay of the posts under the Corporation shall, unless otherwise determined by the Board of Management, be as indicated below:-

S. No.	Name of Post	Pay Band No.	Pay Band	Grade Pay
1.	Deputy Managing Director	PB-4	Rs.37400-67000/-	Rs.8900
2.	Executive Director/Financial Adviser	PB-4	Rs.37400-67000/-	Rs.8900
3.	Chief Director	PB-4	Rs.37400-67000/-	Rs.8700
4.	Director	PB-3	Rs.15600-39100/-	Rs.7600
5.	Deputy Director	PB-3	Rs.15600-39100/-	Rs.6600
6.	Assistant Director/ Hindi Officer/Librarian/ Assistant Editor/Commercial Artist	PB-3	Rs.15600-39100/-	Rs.5400
7.	Programme Officer/ <sup>16</sup> Programme Officer(A/cs)/ Programme Officer(Hindi)/ <sup>15</sup> Private Secretary/ EDP Officer/ Reception Officer/Junior Engineer (Elect.)	PB-2	Rs.9300-34800/-	Rs.4600
8.	Assistant/Accounts Assistant/EDP Assistant/ Senior Personal Assistant/Junior Engineer (Civil)/ Staff Car Driver (Special Grade)	PB-2	Rs.9300-34800/-	Rs.4200
9.	<sup>17</sup> Staff Car Driver (Grade-I)	PB-1	Rs.5200-20200/-	Rs.2800
10.	UDC/Accounts Clerk/ <sup>18</sup> Personal Assistant/ Library Clerk/Staff Car Driver (Grade-II)	PB-1	Rs.5200-20200/-	Rs.2400
11.	LDC/Telephone Operator/Staff Car Driver (Ordinary Grade)/Electrician/Scooter Rider	PB-1	Rs.5200-20200/-	Rs.1900
12.	Junior Roneo Operator/ Plumber/Library Attendant/ Jamadar/ Daftry/Packer/Peon (Selection Grade)/ Farash(SG)/ Peon/Farash/ Chowkidar/ Gardener/ Khalasi Serviceman	PB-1	Rs.5200-20200/-	Rs.1800

Note:- The principal regulations were published vide notification number 21 dated 25.5.1968

(2) The pay of every employee on deputation with the Corporation shall be determined in consultation with the employer under whom he was serving before the deputation.

<sup>14</sup> Regulation 14(1) amended vide notification No.NCDC:6-1/2006-Admn dated 22.7.2009 and published in the Gazette of India No.7 dated 13.2.2010. Amendment effective from 1.1.2006.

<sup>15</sup> PS to MD, Steno Gr.I/ Gr.II and Steno Gr.III were redesignated as Sr. Private Secretary, Private Secretary and Sr. Personal Assistant respectively without any change in the respective pay scales, vide office order No.NCDC:4-3/2002-Admn. dated 19.4.02 and published in the Gazette of India dated 13.4.02. These redesignations effective from 14.3.02.

<sup>16</sup> 'Accountant' re-designated as 'Programme Officer (A/cs)' vide Notification No.NCDC:1-1/88-Admn dt 28.2.05 and published in Gazette of India dated 12.3.2005

<sup>17</sup> Senior Staff Car Driver, Junior Staff Car Driver (pre-21<sup>st</sup> Oct'86 entrant) and Junior Staff Car Driver (post-20<sup>th</sup> Oct'86 entrant) were redesignated as Staff Car Driver (Gr.I), Staff Car Driver (Gr.II) and Staff Car Driver (Ord. Grade) respectively without any change in the respective pay scales and a new grade namely, Staff Car Driver (Spl. Grade) in the scale of Rs.5000-150-8000/- was introduced, vide office order No.NCDC:4-3/2002-Admn dated 26.9.02 and published in the Gazette of India dated 10.8.02 (English version) and 17.8.02 (Hindi version). These changes were effective from 8.11.96.

<sup>18</sup> Steno Gr.IV redesignated as Personal Assistant w.e.f. 14.3.02 vide office order No.NCDC:4-3/2002-Admn. dated 19.4.02 as published in the Gazette of India dated 13.4.02.

## **15. Dearness and Compensatory Allowance**

- (1) <sup>20</sup>[Unless otherwise decided by the Board of Management with the approval of the Central Government, an employee shall be entitled to the dearness, compensatory (city) and house rent allowances at the same rate and subject to the same terms and conditions as are applicable to corresponding Central Government employees.]
- (2) When an employee occupies residential accommodation provided by the Central Government rent for which is charged under Rule 45(B) of the Fundamental Rules or at such market rates as may be determined by the Government from time to time he shall be liable to pay the rent which would have been payable by him for that accommodation if he were a Government servant or in the case of an officer who is on deputation from the Central Government rent at the rate at which he would have been required to pay had he not come on deputation.

## **CHAPTER-V**

### **DISCIPLINE**

## **16. Liability for Foreign Service**

The Corporation may place the services of any employee who has been selected by direct recruitment, at the disposal of the Central Government, a State Government, a public sector undertaking, any other statutory authority or a cooperative institution on such terms and conditions as the Board of Management may specify.

## **17. General**

- (1) Every employee shall at all times
  - (i) maintain absolute integrity;
  - (ii) maintain devotion to duty; and
  - (iii) do nothing which is unbecoming of an employee.
- (2) (i) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

<sup>20</sup> Substituted for the earlier sub-regulation (1) vide notification No. NCDC 14-7/68-Admn. dated 16.10.75 published in the Gazette of India No.45 dated 8.11.75. Amendment effective from 1.9.68.

- (ii) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his superior official and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of his direction as soon thereafter as possible.

*Explanation:- Nothing in clause (ii) of sub-regulation (2) shall be construed as empowering an employee to evade his responsibility by seeking instructions from or approval of a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities applicable to him.*

## **18. Employment of Near Relative of Employee in Private Undertaking Enjoying Corporation Patronage**

- (1) No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertaking with which the Corporation has official dealings.
  
- (2) (i) No Group A officer shall, except with the prior permission of the Board of Management, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealings with the Corporation;  

Provided that where the acceptance of the employment cannot await the grant of prior permission of the Board of Management or is otherwise considered urgent, the matter shall be reported to the Corporation; and the employment may be accepted provisionally subject to the permission of the Chairman of the Board of Management.
- (ii) An employee other than a Group A employee, shall, as soon as he becomes aware of the acceptance by a member of his family of an employment of the nature referred to in clause (i) intimate the fact of such acceptance to the Managing Director and shall also intimate whether the employee has or had any official dealings with the concerned undertaking.
  
- (3) No employee shall in the discharge of his official duties, deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family is employed in that undertaking or under that person or if the employee or any member of his family has interest in such matter or contract in any other manner, and the employee shall refer every such matter or contract to the Managing Director and the matter or contract thereafter be disposed of according to the instructions of the Managing Director.

## **19. Taking Part in Politics and Elections**

- (1) No employee shall be a member of, or be otherwise associated with any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be, subversive of the Corporation and the Government as by law established, and where an employee is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Managing Director.
- (3) If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-regulation (2), the decision of the Board of Management thereon shall be final.
- (4) No employee shall canvass or otherwise interfere with 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 to any person of the manner in which he proposes to vote or has voted.
  - (ii) an employee shall not be deemed to have contravened the provisions of this sub- 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 using his influence in connection with an election within the meaning of this sub-regulation.*

## **20. Joining of Associations by Employees**

No employee shall join or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality or to the interests of the Corporation.

## **21. Demonstrations and Strikes**

No employee shall -

- (i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
- (ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other employee.

## **22. Connection with Press or Radio**

- (1) No employee shall, except with the previous sanction of the Managing Director own wholly or in part, or conduct or participate in the editing or management of any News paper or other periodical publications.
- (2) No employee shall except with the previous sanction of the Managing Director or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical.

Provided that no such sanction shall be required if such broadcast or contribution is of a purely literary, artistic or scientific character.

## **23. Criticism of Corporation**

No employee shall, in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance make any statement of fact or opinion:

- (i) which has the effect of an adverse criticism of any policy or action of the Corporation or Government.
- (ii) which is capable of embarrassing the relations between the Corporation, Central Government and the Govt. of any State; or
- (iii) which is capable of embarrassing the relations between the Central Govt. and the Govt. of any foreign State.

Provided that nothing in this Regulation shall apply to any statements made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

## 24. Evidence before Committee or any other Authority

- (1) Save as provided in sub-regulation (3), no employee shall, except with the previous sanction of the Managing Director give evidence in connection with any inquiry conducted by any person committee or authority.
- (2) Where any sanction has been accorded under sub-regulation (1), no employee while giving such evidence shall criticize the policy or any action of the Corporation or Government.
- (3) Nothing in this Regulation shall apply to:-
  - (a) evidence given at any inquiry before an authority appointed by the Corporation, Government, Parliament or a State Legislature; or
  - (b) evidence given in any judicial inquiry; or
  - (c) evidence given at any departmental inquiry ordered by the Corporation or the Board of Management or any other officer empowered under these Regulations to order a departmental inquiry.

## 25. Unauthorized Communication of Information

No employee shall, except in accordance with any general or special order of the Corporation, the Board of Management or his superior officer, or in the performance in good faith or the duties assigned to him communicate, directly or indirectly the contents of any official document or any part thereof or other information to any other employee or any other person to whom he is not authorized to communicate such contents or information.

## 26. Subscription

No employee shall, except with the previous sanction of the Managing Director ask for or accept any contribution to, or otherwise associate himself with the raising of, any funds or other collection in cash or in kind in pursuance of any object whatsoever.

## 27. Gifts

- (1) Save as otherwise provided in these Regulations, no employee shall accept or permit any member of his family or any person acting on his behalf to accept any gift.

*Explanation: The expression 'gifts' shall include free transport, boarding, lodging, or other service or any pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the employee.*

**Note: 1** A casual meal, lift or other social hospitality shall not be deemed to be a gift.

**Note: 2** An employee shall avoid accepting lavish hospitality or frequent hospitality, from any individual having official dealing with him or from industrial or commercial firms, organizations and the like.

- (2) Where a gift is received on an occasion, such as a wedding, anniversary, funeral or religious function when the making of a gift is in conformity with the prevailing religious or social practice, an employee may make a report to the Corporation if the value of such gift exceeds:
- (i) Rs.500/- in the case of an employee holding any Group A or Group B post;
  - (ii) Rs.250/- in the case of an employee holding any Group C post; and
  - (iii) Rs.100/- in the case of an employee holding any Group D post.
- (3) On such occasions as are specified in sub-regulation (2), an employee may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the Corporation if the value of any such gift exceeds-
- (i) Rs.200/- in the case of an employee holding any Group A or Group B post;
  - (ii) Rs.100/- in the case of an employee holding any Group C post; and
  - (iii) Rs.50/- in the case of an employee holding any Group D post.
- (4) In any case other than those referred to in sub-regulations (2) and (3), an employee shall not accept any gift without the previous sanction of the Managing Director if the value thereof exceeds-
- (i) Rs.75/- in the case of an employee holding any Group A and Group B post; and
  - (ii) Rs.25/- in the case of any employee holding any Group C or Group D posts.

## **28. Public Demonstrations in Honour of Employees**

No employee shall, except with the previous sanction or the Managing Director receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in honour of any other employee:-

Provided that the prohibition contained in this Regulation shall not apply to:-

- (i) a farewell entertainment of a substantially private and informal character held in honour of an employee on the occasion of his retirement or transfer or of any person who has recently quit the service of the Corporation; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies institutions.

**Note:** *Exercise of pressure or influence of any sort on any employee to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character, and the collection of subscriptions from Group D employees under any circumstances for the entertainment of any employee not belonging to Group D is forbidden.*



## 29. Private Trade or Employment

- (1) No employee shall, except with the previous sanction of the Managing Director engage himself directly or indirectly in any trade or business or undertake any other employment:

Provided that an employee may without such sanction undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer and that he shall discontinue such work if so directed by the Managing Director.

*Explanation: Canvassing by an employee in support of the business of insurance agency, commission agency and the like owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-regulation.*

- (2) Every employee shall report to the Managing Director if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- (3) Except in the discharge of his official duties, no employee shall, without the previous sanction of the Managing Director, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force, or any cooperative society for commercial purposes;

Provided that an employee may take part in the registration, promotion or management of a cooperative society intended substantially for the benefit of employees, and which is required to be registered under the Cooperative Societies Act, 1912 (2 of 1912), or any other laws for the time being in force, or of a literary, scientific or charitable society required to be registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

- (4) No employee shall accept any fee for any work done by him for any public body or any private person without the sanction of the Managing Director.

## 30. Investment, Lending and Borrowing

- (1) No employee shall speculate in any stock, share or such other investment.

*Explanation: Frequent purchase or sale or both, of shares, security or other investments shall be deemed to be speculation within the meaning of this sub-regulation.*

- (2) No employee shall make or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties.

- (3) If any question arises whether any transaction is of the nature referred to in sub-Regulation (1) or sub-regulation (2), the decision of the Board of Management thereon shall be final.
- (4) No employee shall, save in the ordinary course of business with a bank or a firm of standing, duly authorized to conduct banking business, either himself or through any member of his family or any other person acting on his behalf:-
  - (i) lend or borrow money, as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person, or
  - (ii) lend money to any person on interest or in a manner whereby return in money or in kind is charged or paid.

Provided that an employee may, give to, or accept from a relative or a personal friend a purely temporary loan of a small amount free of interest, or operate a credit account with a bona-fide tradesman or make an advance of pay to his private employee.

### **31. Insolvency and Habitual Indebtedness**

- (1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency.
- (2) An employee against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings of the Corporation.

*Note: The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the employee.*

### **32. Movable, Immovable and Valuable Property**

- (1) Every employee shall, on his first appointment to any post and thereafter at such intervals as may be specified by the Managing Director submit a return of his assets and liabilities in such form as may be prescribed by the Managing Director giving the full particulars regarding :-
  - (i) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person;

- (ii) shares, debentures and cash including bank deposits inherited by him or owned, acquired or otherwise held by him:
- (iii) other movable property inherited, owned, acquired or otherwise held by him; and
- (iv) debts and other liabilities incurred by him directly or indirectly.

**Note: 1** *Sub-regulation (1) shall not ordinarily apply to Group D servants but the Board of Management in appropriate cases may direct by order in writing that it shall apply to any such employee or Group of such employees.*

**Note: 2** *In all returns, the value of items of movable property worth less than <sup>21</sup>[Rs.2,000/-] may be added together and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books and the like need not be included in such returns.*

**Note: 3** *Every employee who is in service on the date of commencement of these Regulations shall submit a return under this sub-regulation on or before such date as may be specified by the Managing Director after such commencement.*

**Note: 4** *Officers on deputation from Central or State Governments shall send the prescribed returns of property directly to their respective Governments with a copy to the Managing Director.*

- (2) <sup>22</sup>[No employee shall, except with the previous knowledge of the Managing Director, acquire or dispose of any immovable property by lease, mortgage purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.]

Provided that the previous sanction of the Chairman of Board of Management in the case of Group A officers and the Managing Director in the case of other employees shall be obtained by the employee if any such transaction is with a person having official dealings with the employee.

- (3) <sup>23</sup>[Every employee shall report to the Managing Director the purchase or sale of any movable property either in his own name or in the name of a member of his family, if the value of such property exceeds Rs.10,000/- in the case of an employee holding any Group A or Group B post or Rs.5000/- in the case of any employee holding any Group C or Group D post.]

Provided that the previous sanction of the Vice-Chairman of the Board of Management in the case of Group A employees and of the Managing Director in other cases shall be obtained if any such transaction is with a person having official dealings with the employee.

<sup>21</sup> *Substituted for Rs.1000/- by notification No.NCDC:1-4/83-Admn. dated 20.12.1984 published in the Gazette of India No.2 dated 12.1.1985. Amendment effective from the date of publication in the Gazette.*

<sup>22&23</sup> *Substituted by office order No.NCDC:1-1/88-Admn. dated 10.5.1991 as published in the Gazette of India No.8 dated 23.2.1991. Amendments effective from 6.3.1990.*

- (4) The Managing Director may, at any time, by general or special order, require an employee to furnish within a period specified in the orders, a full and complete statement of such movable or immovable property held or acquired by him, or on his behalf or any member of his family as may be specified in the order. Such statement shall, if so required by the Managing Director, include the details of the means by which, or the sources from which, such property was acquired.
- (5) The Board of Management may exempt any category or an employee belonging to Group C or Group D from any of the provisions of this Regulation except sub-regulation (4).

**Explanation:** For the purposes of this Regulation the expression 'movable property' includes-

- <sup>24</sup>[(i) Jewellery, insurance policies the value of annual premia of which exceeds Rs.2000/- or one-sixth of the total annual emoluments received from the Corporation whichever is less, shares, securities and debentures;]
- (ii) loans advanced by an employee, whether secured or not;
- (iii) motor cars, motor cycles, horses, or any other means of conveyance; and
- <sup>25</sup>[(iv) refrigerators, radios, radiograms and television sets.]

### **33. Vindication of Acts and Character of Employees**

- (1) No employee shall except with the previous sanction of the Managing Director, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or any attack of a defamatory character.
- (2) Nothing in this Regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in his private capacity is taken the employee shall submit a report to the Managing Director regarding such action.

### **34. Canvassing of Non-Official or other Influence**

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Corporation.

<sup>24&25</sup> Substituted by notification No.NCDC:1-4/83-Admn. dated 20.12.1984 published in the Gazette of India No.2 dated 12.1.1985. Amendments effective from the date of publication in the Gazette.

### **35. Bigamous Marriages**

- (1) No employee, who has a wife living, shall contract another marriage without first obtaining the permission of the Board of Management, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.
- (2) No female employee shall marry any person who has a wife living without first obtaining the permission of the Board of Management.

### **36. Consumption of Intoxicating Drinks and Drugs**

An employee shall :-

- (i) strictly abide by the law relating to intoxicating drinks or drugs in force in the area in which he may happen to be for the time being;
- (ii) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;
- (iii) not appear in a public place in a state of intoxication;
- (iv) not habitually use any intoxicating drink or drug to excess.

### **37. Prohibition to Absence Without Leave**

An employee shall not absent himself from his duties or from the station of his posting without having first obtained the permission of the appropriate authority.

### **38. Imposition of Penalties**

The following penalties may for good and sufficient reasons, be imposed on an employee namely :-

- A Major penalties:**
- (i) Dismissal from service which shall be disqualification for future employment in the Corporation; .
  - (ii) Removal from service, which shall not be a dis-qualification for future employment in the Corporation;
  - (iii) Reduction in rank to a lower grade in service or post on a lower time scale ;
  - (iv) compulsory retirement. ,

- B. Minor penalties**
- (v) Censure;
  - (vi) withholding of promotion for a specified period;
  - (vii) withholding of increments;
  - (viii) recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders.

*Explanation:- The following shall not amount to a penalty within the meaning of this Regulation, namely :-*

- (i) withholding of increments of an employee for failure to qualify in a training course or to pass a departmental examination in accordance with the orders governing the service or post or the terms of his appointment;*
- (ii) stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;*
- (iii) non-promotion of an employee, whether in a substantive or in an officiating capacity, after due consideration of his case, to a higher post for promotion to which he is eligible on the basis of his service record, seniority and the like;*
- (iv) 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;*
- (v) 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 rules and orders governing probation;*
- (vi) replacement of the services of an employee whose services have been borrowed from a State Government or an authority under the control of a State Government at the disposal of the authority which had lent his services;*
- (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;*
- (viii) 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 rules and orders governing probation; or*
  - (b) of an employee employed under an agreement, in accordance with terms of such agreement; or*
  - (c) of an employee in accordance with Regulation 12.*

### 39. Authorities for Imposing Penalties

- <sup>26</sup>(1) The disciplinary authorities for imposing minor or major penalties in relation to the employees shall be as under:

Group of Employees	Authority for imposing minor penalties	Authority for imposing major penalties
Group A	Managing Director	Appointing Authority
Group B	Managing Director	Appointing Authority
Group C	(i) Deputy Managing Director (ii) Regional Director concerned in respect of employees working under his control.	Appointing Authority
Group D	(i) Dy. Director (Admn.) (ii) Regional Director concerned in respect of employees working under his control.	Appointing Authority

**Note:** No penalty shall be imposed on the Financial Adviser except in consultation with the concurrence of the Government of India.

**Explanation:** Disciplinary authority means the authority to impose a penalty under Regulation 38.]

- (2) Whenever it is found necessary to take disciplinary action against a deputationist, such action shall be taken in accordance with the relevant rules applicable to him in his parent department in the Central or State Governments or in the undertaking or local authority, as the case may be, as in consultation with the parent department, undertaking or local authority. In the light of the findings in the disciplinary proceedings taken against such employee:-

- (a) if the disciplinary authority is of the opinion that any of the minor penalties should be imposed on him, it may, after consultation with the lending authority pass such orders on the case as it may deem necessary;

Provided that in the event of difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

- (b) if the disciplinary authority is of the opinion that any of the major penalties should be imposed on such employee the services of such employee shall be replaced at the disposal of the lending authority and proceedings of the inquiry shall be transmitted by the borrowing authority to the lending authority for such action as it may deem necessary.

<sup>26</sup>Substituted by notification No.NCDC:2-1/82-Admn. dated 29.5.95 and published in the Gazette of India No.27 dated 8.7.95 and corrigendum issued under notification No.NCDC:2-1/82-Admn dated 19.9.95 and published in the Gazette of India No.40 dated 7.10.95.

#### **40. Information to the Employee Before Taking Disciplinary Action**

An employee shall be informed in writing, when it is proposed to take disciplinary action against him of the allegations on which is proposed to take action and he shall be given an opportunity to make a representation he may wish to make in this regard by the prescribed date. A formal charge-sheet with a statement of allegations shall be served on him if it is proposed to hold a departmental inquiry against him after considering such representation, if any.

#### **41. Procedure for Imposing Major Penalties**

- (1) Without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850 (37 of 1850), no order imposing on an employee any of the penalties specified in these Regulations shall be passed except after an inquiry, held as far as may be, in the manner hereinafter provided.
- (2) The appointing authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges together with a statement of the allegations on which they are based shall be communicated in writing to the employee and he shall be called upon to submit within such time as may be specified to the enquiry officer a written statement of his defence and also to state whether he desires to be heard in person.

*Explanation: In this Regulation*

- (a) *"appointing authority" means the officer authorized or empowered to make appointment of the class of officials against whom departmental inquiry has been ordered or a penalty is proposed to be levied.*
  - (b) *"enquiry officer" means a Board of Enquiry or an enquiry officer constituted or appointed as the case may be by the appointing authority to hold a departmental inquiry into the charges approved by the appointing authority.*
  - (c) *"disciplinary authority" means the authority competent to impose a penalty under Regulation 39.*
- (3) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may, by order in writing, be refused by the enquiry officer if in his opinion such records are not relevant for the purpose or it is against the public interest to allow him access thereto.
  - (4) On receipt of the written statement or where no such statement is received within the time specified, the enquiry officer may inquire into such of the charges as are not admitted.



- (5) The Managing Director may nominate any person to present the case in support of the charges before the enquiry officer.
- (6) The employee concerned shall, ordinarily, not be permitted to engage a legal practitioner for the purpose of his defence unless the enquiry officer, for special reasons to be recorded in writing and in consideration of the circumstances of the case, orders otherwise.
- (7) The enquiry officer shall, in the course of the inquiry summon such documentary evidence including records of the Corporation and take such oral evidence in the presence of the employee as may be relevant or material to the charges.
- (8) The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person and the person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence.
- (9) The enquiry officer may, if he considers that the evidence of any witness is not relevant or material to the subject matter of the enquiry, refuse to examine such witness, recording the grounds for the refusal.
- (10) Documents shall be admitted in evidence in original and secondary evidence in respect thereof shall be admissible only when the same is proved or attested in the presence of the employee concerned.
- (11) The enquiry officer shall record the statement of the employee concerned when the evidence in support of the charges against him is concluded.
- (12) In conducting the inquiry, the enquiry officer shall act in a quasi-judicial manner.
- (13) The enquiry officer may alter the charges originally framed if the evidence adduced at the enquiry so warrants, provided that findings shall not be recorded on the newly framed charges unless the employee has had the opportunity to defend himself against them.
- (14) At the conclusion of the inquiry, the enquiry officer shall prepare a report of the inquiry recording his finding of "guilty" or "not guilty", as the case may be, on each of the charges together with the reasons therefor.
- (15) The enquiry officer shall not, under any circumstances, make recommendations relating to the nature or quantum of penalties or punishments that may be imposed.
- (16) The records of the inquiry shall include:
  - (i) the charges framed against the employee and the statement of allegation communicated to him under sub-regulation (2);
  - (ii) his written statement of defence, if any;

- (iii) the oral evidence taken in the course of the enquiry;
  - (iv) the documentary evidence considered in the course of the enquiry;
  - (v) the order, if any, made by the enquiry officer in regard to the inquiry; and
  - (vi) a report setting out the findings on each charge and the reasons therefor.
- (17) The enquiry officer shall, at the conclusion of the inquiry, send his report with the other records of the inquiry referred to in sub-regulation (16) to the Managing Director of the Corporation, who shall forward the report of inquiry together with its records to the disciplinary authority unless he himself is the disciplinary authority under Regulation 39.
- (18) <sup>27</sup>[If the disciplinary authority after going through the report of the enquiry officer is of the opinion that any of the major penalties specified in Regulation 38 should be imposed on the employee, he shall make an order imposing such penalty and it shall not be necessary to give that employee any opportunity of making representation on the penalty proposed to be imposed.]
- (19) If the disciplinary authority having regard to the findings of the enquiry officer and the circumstances of the case <sup>28</sup>[ ] is <sup>29</sup>[ ] of the opinion that the penalty to be imposed is a minor penalty specified in Regulation 38 and not a major penalty specified therein, it shall pass appropriate orders in the case, notwithstanding the fact that under Regulation 39 the authority competent to pass orders in respect of the minor penalties is lower authority. Reasons shall, however, be recorded in the final order as to why a minor penalty has been imposed instead of a major one.
- (20) If the disciplinary authority to whom the case has been forwarded under sub-regulation (17) is of the view, on consideration of the finding of the enquiry officer and records of the departmental inquiry, that the case against the employee concerned on any of the charges has not been established, he shall by order in writing, after recording his reasons, absolve the employee from any disciplinary action and discharge him and thereupon if he himself is not the Managing Director, forward his order together with the records of the departmental inquiry proceedings to the Managing Director.
- (21) Final order passed by the disciplinary authority in a departmental inquiry shall be communicated to the employee concerned and a copy of the final order shall be furnished to him.

<sup>27</sup> Substituted for clauses (a), (b), (c) and (d) of sub-regulation 18 by notification No.NCDC:1-4/83-Admn. dated 20.12.1984 and published in the Gazette of India No.2 dated 12.1.1985. Amendment effective from the date of publication in the Gazette.

<sup>28</sup> The words "and after consideration of such representation as may be filed by the employee under clause (c) of sub-regulation 18" deleted vide notification *ibid*.

<sup>29</sup> The word "finally" deleted vide notification *ibid*.

**42. Procedure for Imposing Minor Penalties**

- (1) No order imposing any of the minor penalties specified in Regulation 38 shall be passed except after:
  - (a) the employee has been informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make in that behalf;
  - (b) such representation, if any, is taken into consideration by the authority competent to impose such a penalty.
- (2) The record of proceedings in such cases shall include:
  - (i) a copy of the intimation to the employee of the proposal to take action against him;
  - (ii) a copy of the statement of allegations communicated to him;
  - (iii) his representation, if any;
  - (iv) the orders in the case together with the reasons therefor.

**43. Procedure Regarding Suspension**

- (1) The authorities as shown below may place under suspension any employee of the Corporation other than a deputationist:
  - (a) where disciplinary proceedings against him are contemplated or are pending; or
  - (b) where a case against him in respect of any criminal offence is under investigation or trial.

<b>Group of officers</b>	<b>Authority competent to pass orders of suspension</b>
Group – ‘A’	Appointing Authority
Group – ‘B’	Managing Director
Group – ‘C’ & ‘D’	<sup>30</sup> [General Manager]

**Note:** The authorities mentioned above shall also be competent to re-instate suspended employees.

<sup>30</sup> The post of ‘General Manager’ was re-designated as ‘Deputy Managing Director’ vide office order No.NCDC:2-3/88-Admn dated 15.6.88.

- (2) The employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority, and the employee shall remain under suspension until further orders.
- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these Regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force from the date of the original order of dismissal, removal or compulsory retirement and shall still remain in force until further orders.
- (4) Where a penalty or dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority competent to impose a penalty on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement, and shall continue to remain under suspension until further orders.
- (5) An order of suspension made or deemed to have been made under this Regulation may, at any time, be revoked by the authority which made or is deemed to have made the order.

#### **44. Payment During the Period of Suspension**

- (1) An employee under suspension shall be entitled to receive for the period of such suspension the following payments, namely:
  - (a) 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, based on such leave salary;

Provided that, where the period of suspension exceeds twelve months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount or subsistence allowance for any period subsequent to the period of the first twelve months, as follows:

- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the first twelve months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons, which shall 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 per cent of the subsistence allowance admissible during the first twelve months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, which shall be recorded in writing, directly attributable to the employee;
    - (i) the rate of dearness allowance shall be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) or (ii).
  - (b) any other compensatory allowance, admissible from time to time on the basis of pay, which the employee was in receipt of on the date of suspension.
- (2) No payment under sub-regulation (1) shall be made unless the employee furnishes a certificate that, during the period of suspension, he was not engaged in any other employment, business, profession or vocation;

Provided that, where an employee fails to produce such a certificate, he shall be entitled to subsistence allowance and other allowance equal to the amount by which his earnings during such period fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him;

Provided further that nothing in the preceding proviso shall apply to the employee where the subsistence and other allowances admissible to him are equal to or less than the amount earned by him during the period.

#### **45. Pay and Allowances on Reinstatement**

- (1) When an employee, who has been dismissed, removed, compulsorily retired or suspended is reinstated or would have been reinstated but for his retirement on superannuation during the period he was under suspension, the authority competent to order the reinstatement shall consider and make a specific order-
  - (a) regarding the pay and allowances to be paid to the employee for the period of his absence from duty or the period of suspension ending on the date of his retirement on superannuation, as the case may be, or
  - (b) whether or not the said period shall be treated as a period spent on duty.

- (2) Where the authority mentioned in sub-regulation (1) is of opinion that the employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified the employee shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired, or suspended, as the case may be.
- (3) In other cases the employee shall be given such proportion of such pay and allowances as the competent authority may determine;

Provided that the payment of pay and allowances under sub-regulation (2) and this sub-regulation shall be subject to all other conditions under which such allowances are admissible.

Provided further that the proportion of the pay and allowances payable under this sub-regulation shall not be less than the proportion of the subsistence and other allowances payable under Regulation 44.

- (4) In a case falling under sub-regulation (2), the period of absence from duty shall be treated as a period spent on duty for all purposes.
- (5) In a case falling under sub-regulation (3), the period of absence from duty shall not be treated as a period spent on duty, unless the competent authority specifically direct that it shall be so treated for any specific purpose;

Provided that if the employee so desires, such authority may direct that the period of absence from duty be converted into leave of any kind due and admissible to the employee.

## **CHAPTER VI**

### **APPEALS AND REPRESENTATIONS**

#### **46. Appeals**

- (1) An employee shall be entitled to appeal against an order imposing any penalty specified in Regulation 38; and such appeal shall be preferred-
  - (i) to the Board of Management, where the order was one passed by the Vice-Chairman of the Board of Management.
  - (ii) to the Vice-Chairman of the Board of Management where the order was one passed by the Managing Director.

- (iii) to the Managing Director where the order was one passed by the <sup>31</sup>[General Manager].
  - (iv) to the <sup>32</sup>[General Manager] where the order was one passed by the Dy. Director (Admn).
- (2) There shall be no appeal against the orders of suspension and other interim orders.
- (3) A second appeal against the orders of the appellate authorities referred to in sub- Regulation (1) shall be-
- (i) in the case of Group 'A' officers, to the Corporation.
  - (ii) in the case of Group 'B' officers, to the Board of Management.
  - (iii) in the case of Group 'C' officers, to the Vice-Chairman of the Board of Management.
  - (iv) in the case of Group 'D' employees, to the Vice-Chairman of the Board of Management as regards major penalties and to the Managing Director as regards minor penalties.

#### **47. Limitation for Appeal**

No appeal shall be entertained, unless such appeal is preferred within a period of sixty days from the date on which the appellant receives the order appealed against:

Provided that the appellate authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

**Note:** *Time taken in obtaining copy of the order appealed against, if any, shall not be counted for the purpose of computing the period of limitation for filing appeals.*

#### **48. Contents of Appeal**

- (1) Every appeal preferred under Regulation 46 shall set forth concisely and under distinct heads the grounds of objection to the order appealed against and shall also contain all other relevant statements relied on by the appellant and shall also be accompanied by a copy of the order appealed against.

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<sup>31&32</sup> The post of 'General Manager' was redesignated as 'Deputy Managing Director' vide office order No.NCDC:2-3/88-Admn dated 15.6.1988.

- (2) An appeal shall not be couched in disrespectful or improper language.
- (3) Every person submitting an appeal shall do so separately and in his own name.
- (4) Where an appeal is not drawn up in the manner hereinbefore provided, it may be rejected, or be returned to the appellant for necessary compliance within a time to be fixed by the appellate authority.

#### **49. Procedure for Filing Appeals**

- (1) Appeals may be presented in writing in person or be sent by registered post acknowledgement due addressed to the appellate authority.
- (2) Where an appeal lies to the Board of Management, it shall be presented in person to the Managing Director of the Corporation for consideration in the next meeting of the Board of Management.

#### **50. Consideration of Appeals**

- (1) On receipt of an appeal, the appellate authority may, in his or its discretion, as the case may be either fix a date for oral hearing of the appeal or call for records or obtain comments from the lower authority, whose order is appealed against.
- (2) After consideration of the records of the case, hearing the appellant and such evidence as may be considered necessary, the appellate authority shall pass an appropriate order in writing with reasons therefor confirming, reducing or setting aside the said penalty imposed on the appellant.
- (3) The appellate authority may remit the case to the authority which imposed the penalty with such direction as it may deem fit in the circumstances of the case.
- (4) The authority which made the order appealed against shall give effect to the order passed by the appellate authority.

#### **51. Review**

The authority which is competent to impose a penalty or the appellate authority may review his or its orders, as the case may be either on his or its own motion or otherwise within a period of six months from the date of passing of the original or appellate order concerned, and pass such orders with reasons therefor, as it may deem fit.

Provided that any proceeding for review shall not be commenced until after the period of limitation for an appeal has expired and if an appeal has been preferred, until the same has been disposed of by the appellate authority.



## 52. Representation

- (1) If in regard to service conditions, an employee of the Corporation is aggrieved otherwise than as a result of disciplinary action, he may file a representation to the Managing Director of the Corporation through proper channel.
- (2) Every such representation shall be couched in appropriate and respectful language.
- (3) Representations on routine matters which do not involve any misapprehension or miscarriage of justice shall not ordinarily be entertained and may be withheld by the immediate superior, who may, however, at his discretion forward it with his comments.
- (4) Where any decision has been taken on any representation made under this Regulation, no further representation shall be entertained within six months from the date of the aforesaid decision.

## CHAPTER VII

### LEAVE

## 53. Categories of Leave

- (1) Every employee shall be eligible to the following categories of leave provided that no employee shall claim leave as a matter of right.

Causal Leave	(See Regulation 58)
Earned Leave	(See Regulation 59(1))
Half pay Leave	(See Regulation 59(2))
Maternity Leave	(See Regulation 60)
<sup>33</sup> [Paternity Leave	(See Regulation 60(3))
<sup>33A</sup> [Child Care Leave	(See Regulation 60(4))
Extraordinary Leave (without pay)	(See Regulation 61)
Commutated Leave	(See Regulation 62)
Leave not due	(See Regulation 63)
Special disability Leave	(See Regulation 64)
Study Leave	(See Regulation 65)

- (2) No appeal shall lie against an order refusing leave except in a case where the application for leave was accompanied by medical certificate.

<sup>33</sup> Added vide notification No.NCDC:1-1/88-Admn. dated 15.3.1999 and published in the Gazette of India No.16 dated 17.4.1999. Amendment effective from 1.1.1998.

<sup>33A</sup> Added vide notification No.NCDC:6-1/2006-Admn. dated 22.7.2009 and published in the Gazette of India No.33 dated 15.8.2009 Amendment effective from 15.8.2009 and subsequently the effective date of amended to 1.9.2008 vide Gazette Notification No.53 dated 31.12.2011.

- (3) Where the leave applied for is on medical grounds but the medical certificate produced is not from a registered medical practitioner, the Managing Director in the case of all employees other than Financial Adviser, and the Vice-Chairman of the Board of Management, in the case of Financial Adviser may, in his discretion require the employee to obtain a medical certificate from a registered practitioner. The expense of medical examination in such cases shall be borne by the employee.

**54. Entitlement to Leave**

No employee during the first year of his service shall be granted any kind of leave other than casual leave, leave on medical certificate and earned leave except under special circumstances.

**55. Prefixing & or Suffixing of Sundays or Holidays to Leave**

Sundays or holidays may be prefixed or suffixed to any type of leave with the prior permission of the authority empowered to sanction leave and such Sunday or holiday shall not in that case be counted as part of the leave.

**56. Sunday or Holiday to Count as Part of Leave Except Casual Leave**

A Sunday or holiday falling between the first and the last day of any period of leave shall count as part of the leave except in the case of casual leave.

**57. Authority to Grant Leave**

The Board of Management may from time to time determine the authorities who shall be competent to grant leave to employees of the Corporation.

**58. Casual Leave**

<sup>34</sup>[An employee shall be eligible for casual leave to the extent of eight days in a calendar year either for private reasons or on account of sickness. Normally not more than eight days casual leave shall be allowed at anyone time.]

<sup>34</sup> As amended vide notification No.NCDC:1-1/88-Admn. dated 15.3.1999 and published in the Gazette of India No.16 dated 17.4.1999. Amendment effective from 1.1.1998.

<sup>35</sup>[[59. (1) **Earned Leave**

(a) Earned leave is earned as follows:-

<sup>36</sup>[(i) Earned leave shall be credited to the leave account of an employee at the uniform rate of 15 days on the first January and 1<sup>st</sup> of July every year provided that if any employee has availed of any extra-ordinary leave and/or some period of absence has been treated as dies-non in a half year, the credit to be afforded in his leave account at the commencement of the next half year shall be reduced by 1/10<sup>th</sup> of the period of such leave and/or dies-non subject to a maximum of 15 days.]

<sup>37</sup>[(ii)] In the case of an employee appointed after 1st January/1st July Earned leave shall be credited to his leave account at the rate of 2½ days for each completed month of service which he is likely to render in the calendar half year in which he is appointed; Provided further that in the case of an employee who is due to retire or resign from the service the credit of leave for the half year in which he is due to retire/resign shall be afforded at the rate of 2½ days per completed month.

(b) <sup>38</sup>[Earned leave can be accumulated upto three hundred days. The earned leave due to an employee if the leave which he has earned, diminished by the leave actually taken. Provided that the duration of earned leave which can be taken at any one time is one hundred and twenty days.]

(c) An officer on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

(d) An officer on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in clause (c).

(e) An officer on commuted leave is entitled to leave salary equal to the amount admissible under clause (c).

(f) An officer on extraordinary leave is not entitled to any leave salary.

(g) <sup>39</sup>[In case an officer dies in harness, his family would be entitled to leave salary that the deceased officer would have got, had he gone on earned leave but for the death, due and admissible to him on the date immediately following the date of death, subject to a maximum of leave salary for <sup>40</sup>[240] days without any reduction on account of pension equivalent of death-cum-retirement gratuity.] ]

<sup>35</sup> As amended vide notification No.1-1/75-Admn. dated 28.4.1980 and published in the Gazette of India No.20 dated 17.5.1980. Amendments effective from the date of publication in the Gazette.

<sup>36</sup> Substituted for sub-clauses (i) and (ii) of sub-regulation (1) by notification No.NCDC:1-4/83-Admn. dated 20.12.1984 published in the Gazette of India No.2 dated 12.1.1985. Amendment effective from the date of publication in the Gazette.

<sup>37</sup> The earlier sub-clause (iii) re-numbered as (ii) vide notification *ibid*.

<sup>38</sup> Substituted vide notification No.NCDC:1-1/88-Admn. dated 15.3.1999 and published in the Gazette of India No.16 dated 17.4.1999. Amendment effective from 1.1.1998.

<sup>39</sup> Substituted by notification No.NCDC:1-4/83-Admn. dated 20.12.1984 published in the Gazette of India No.2 dated 12.1.1985. Amendment effective from the date of publication in the Gazette.

<sup>40</sup> Substituted for earlier "180" days vide notification No.NCDC:1-4/83-Admn. dated 18.6.1987 and published in the Gazette of India No.27 dated 4.7.1987. Amendment effective from 1.7.1986.

- (2) <sup>40A</sup> **Half Pay Leave:** During the entire period of his service, an employee may be granted half pay leave in advance in two instalments of ten days each on the first day of January and July of every calendar year.

## 60. Maternity Leave

- (1) <sup>41</sup>[A female employee shall be eligible for grant of maternity leave on full pay for a period of one hundred and eighty days from the date of commencement of such leave and she shall be allowed leave of all kind due and admissible, including commuted leave for a period not exceeding sixty days and leave not due, that can be granted in continuation shall not exceed two years.]
- (2) <sup>42</sup>[Maternity leave under this Regulation may also be granted in cases of miscarriage including abortion, subject to the conditions that:
- (i) the leave does not exceed 45 days in the entire career of a female employee of the Corporation;
  - (ii) such leave availed prior to 16.6.1994 will not be taken into account;
  - (iii) the application for the leave is supported by a certificate from a Registered Medical Practitioner.]

<sup>43</sup>[(3) A male employee (including an apprentice) with less than two surviving children shall be eligible for Paternity Leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be eligible for salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of Maternity Leave). It may not normally be refused under any circumstances.]

## <sup>43A</sup>[60-A Child Care Leave

- (1) A female employee having two minor children may be granted Child Care Leave by the competent authority, for a maximum period of Seven hundred and thirty days in the entire service for taking care of two eldest surviving children only whether for rearing or to look after any of their needs like examination, sickness etc.

<sup>40A</sup> Substituted vide notification No.NCDC:6-1/2006-Admn. dated 22.7.2009 and published in the Gazette of India No.33 dated 15.8.2009. Amendment effective from 15.8.2009.

<sup>41</sup> Substituted vide notification No.NCDC:6-1/2006-Admn. dated 22.7.2009 and published in the Gazette of India No.3 dated 15.8.2009. Amendment effective from 15.8.2009.

<sup>42</sup> Substituted by notification No.1-1/88-Admn. dated 17.8.1995 and published in the Gazette of India No.36 dated 9.9.1995. Amendment effective from 16.6.1994.

<sup>43</sup> Inserted vide notification No.NCDC:1-1/88-Admn. dated 15.3.1999 and published in the Gazette of India No.16 dated 17.4.1999. Amendment effective from 1.1.1998.

<sup>43A</sup> Inserted vide notification No.NCDC:6-1/2006-Admn. dated 22.7.2009 and published in the Gazette of India No.33 dated 15.8.2009. Amendment effective from 15.8.2009.

- (2) Child Care leave shall not be admissible after the child has attained the age of eighteen years.
- (3) During the period of such leave, the female employee shall be paid leave salary equal to the pay drawn immediately before proceeding on such leave.
- (4) It may be availed of in more than one spell.
- (5) It shall not be debited against the leave account.
- (6) It may also be allowed for the third year as leave not due without production of medical certificate.
- (7) It may be combined with leave of the kind due and admissible.
- (8) Child Care leave cannot be demanded as a matter of right.
- (9) No employee shall proceed on Child Care Leave without prior approval of the competent authority.
- (10) The leave shall be deemed as Earned Leave and sanctioned as per its procedure.
- (11) It shall be admissible only when the employee has no earned leave at her credit.
- (12) The leave account for Child Care leave shall be maintained separately.

<sup>43B</sup>[The Child Care Leave shall come into force from 1.9.2008.]

#### **61. Extra-ordinary Leave (Leave without Pay)**

- (1) Extraordinary leave may be granted to any employee when no other kind of leave is admissible to him. Except in exceptional circumstances, the duration of the extra- ordinary leave shall not exceed three months on anyone occasion.
- (2) The authority empowered to sanction leave may grant extraordinary leave in combination with or in continuation of leave, in appropriate cases, of another kind admissible to the employee, and may commute retrospectively periods of absence without leave into extraordinary leave.
- (3) <sup>44</sup>[No pay and dearness allowances are admissible during the period of extraordinary leave. The periods of extraordinary leave except those taken on medical certificates shall not count for increment provided that in a case where the appointing authority is satisfied that the leave was taken for causes beyond employee's control, it may direct that such leave may count for increment.]

<sup>43B</sup> The effective date of child care leave was amended to 1.9.2008 vide Gazette Notification No.53 dated 31.12.2011.

<sup>44</sup> Substituted by notification No.NCDC:1-4/83-Admn. dated 20.12.1984 published in the Gazette of India No.2 dated 12.1.1985. Amendment effective from the date of publication in the Gazette.

**Note:** *The order of the competent authority regarding the treatment of the period of absence from duty passed under this provision is absolute and no higher sanction shall be necessary for the grant of extraordinary leave in excess of the three months in so far as temporary employees are concerned.*

#### <sup>45</sup>[62. **Commutated Leave**

- (1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to an employee subject to the following conditions:-
  - (i) The authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry.
  - (ii) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.
  - (iii) The authority competent to grant leave obtains an undertaking from the employee that in the event of his resignation or retiring voluntarily from service, he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.
- (2) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) when such leave is utilized for an approved course of study certified to be in public interest by the leave sanctioning authority.]

#### **63. Leave not Due**

<sup>46</sup>[Save in the case of leave preparatory to retirement, leave not due may be granted to an officer in permanent employ limited to a maximum of 360 days during the entire period of service on medical certificates subject to the following conditions :-

- (a) the sanctioning authority is satisfied that there is reasonable prospect of the employee returning to duty on the expiry of the leave.
- (b) leave not due shall be limited to the half-pay leave he/ she is likely to earn thereafter.
- (c) leave not due shall be debited against the half-pay leave the employee may earn subsequently.]

**Note:** *Leave not due should be granted only if the sanctioning authority is satisfied that there is a reasonable prospect of the employee returning to duty on the expiry of the leave and should be limited to half pay leave he is likely to earn thereafter.*

<sup>45</sup> Substituted vide notification No. NCDC:1-1/75-Admn. dated 28.4.80 published in the Gazette of India No. 20 dated 17.5.80 and Corrigenda dated 7.10.80 in the Gazette No. 51 dated 20.12.80.

<sup>46</sup> Substituted vide notification No. NCDC:1-1/88-Admn. dated 15.2.1989 and published in Gazette of India No.12 dated 25.3.1989. Amendments effective from date of publication in the Gazette.

#### **64. Special Disability Leave**

- (1) Subject to the conditions hereinafter specified, the Corporation may grant special disability leave to an employee, whether permanent or temporary, who is disabled by injury inflicted or caused, or in consequence of, the due performance of his official duties or in consequence of his official position.
- (2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to the notice of the authorities concerned.

Provided that the Managing Director may, if he is satisfied as to the cause of the disability, direct granting of leave in cases where the disability manifested itself more than three months after the occurrence.

- (3) The period of leave granted shall be such as is certified by the authorised medical attendant of the employee concerned, to be necessary for the purpose. The period shall not be extended except on the certificate of the said medical attendant and shall in no case exceed twenty four months.
- (4) Such leave may be granted more than once if the disability is aggravated or occurs again in similar circumstances at a later date, but not more than twenty four months of such leave shall in all be granted in consequence of anyone disability.
- (5) Such leave may be combined with leave of any other kind.
- (6) Leave salary during such leave shall be equal
  - (i) for the first four months of any period of such leave including a period of such leave granted under sub-regulation (5), to average pay, and
  - (ii) for the remaining period of any such leave to half average pay.
  - (iii) or at the employee's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay.

#### **65. Study Leave**

- (1) Study leave may be granted to an employee with due regard to the exigencies of public service to enable him to undergo in, or out of, India a special course of study consisting of higher studies or specialized training in a professional or a technical subject having a direct and close connection with the sphere of his duties.
- (2) Study leave shall not be granted unless (i) it is certified by the authority competent to sanction leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest; (ii) it is for prosecution of studies in subjects other than academic or literary subjects; and (iii) the Economic Affairs Department of the Ministry of Finance or the

Government of India agrees to the release of foreign exchange involved in the grant of study leave if such leave is to be spent outside India.

- (3) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India.
- (4) Study leave shall not ordinarily be granted to an employee (i) who has rendered less than five years service in the Corporation, or (ii) who does not hold a Group-A post under the Corporation, or (iii) who is due to retire or has the option to retire within three years of the date on which he is expected to return to duty after expiry of the leave.
- (5) The maximum period of study leave shall ordinarily be:-
  - (i) Twelve months at a time, which shall not be exceeded save for exceptional reasons;
  - (ii) Twenty four months (inclusive of study leave granted under any other rules) during his entire service.
- (6) Study leave may be combined with other kinds of leave but in no case shall the grant of study leave in combination with leave other than extra-ordinary leave involve a total absence of more than twenty eight months from the regular duties.
- (7) Study allowance may be granted in accordance with the rules and at the rates applicable to Central Government servants.

## **CHAPTER VIII**

### **66. Medical Facilities**

The employees and their families shall be entitled to such medical facilities as the Board of Management may determine from time to time.

## **CHAPTER IX**

### **<sup>47</sup>[67. Travelling Allowance, Daily Allowance, Transfer Allowance**

Employees of the Corporation shall, with the prior sanction of the Government be entitled to such travelling allowance, daily allowance, transfer allowance, out door duty allowance etc. as may be prescribed, from time to time by the Board of Management.]

<sup>47</sup> Inserted vide notification No. NCDC:1-1(i)/78-Admn. dated 16.2.79 published in the Gazette of India No.8 dated 24.2.79, by deleting original Regulation 67 to 74.



## CHAPTER X

### GENERAL

<sup>48</sup>[68]. In all matters relating to service Regulations not covered by these Regulations the corresponding rules and Regulations of the Central Government shall apply until otherwise superseded by specific resolutions of the Board of Management.

Provided that the Board of Management may lay down such other conditions of service for the employees of the Corporation including their welfare as may be deemed appropriate and necessary, from time to time, in furtherance of the objectives of the Corporation, and efficient discharge of the duties of such employees.

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<sup>48</sup> The original Regulation 75 was re-numbered as Regulation 68 vide notification No.NCDC:1-1(i)/78-Admn. dated 16-2.79 and published in the Gazette of India No.8 dated 24.2.79.