

Coal India Executives'
**Conduct
Discipline
and
Appeal Rules
1978**

Third Edition
Amended upto April, 2000



Coal India Limited

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Calcutta – 700 001

Foreword

The Conduct Discipline and Appeal Rules applicable to the executive of Coal India Limited and its subsidiaries were first issued in 1978. For quite sometime now, need has been felt for a thorough revision and updation of these Rules. The task was assigned to the Personnel Division and the Vigilance Division of CIL. I am happy that the work has been completed and the revised Rules are now being published after approval of the Board of Director of CIL. I hope that the Rules now revised and updated will facilitate more disciplined and effective functioning of the executive cadre which, in turn, will enhance the efficiency of Coal India and its Subsidiaries.



(P. K. Sengupta)
Chairman

Preface

The Conduct Discipline and Appeal Rules (CDA Rules) of CIL and its subsidiaries became effective after approval by the Board of Directors of CIL at its meeting held on 24th February 1978. Since these CDA Rules were framed in 1978, the need for review of Rules has been felt for quite sometime.

In a review meeting taken by the Central Vigilance Commissioner with the Secretary, Ministry of Coal and the CVOs of CIL and its Subsidiary Companies on 29th August 1996, it was decided that the CDA Rules of CIL should be reviewed and revised to remove certain deficiencies experienced while taking action in accordance with those Rules and also to take care of certain new provisions.

The amendments proposed after a review of CDA Rules, 1978 by CVO, CIL, in consultation with CVOs of the subsidiaries, were placed before the Board of Directors of CIL in its 172nd meeting held on 18th February 1998. The Board directed that a Committee headed by Director (P&IR), CIL should consider the amendments and submit its report. Accordingly, the Committee after taking into consideration the DPE guidelines, the Rules of other Public Sector Undertakings and various Government Departments, recommended certain amendments and additions in the CDA Rules of 1978.

A draft incorporating the proposed amendments and additions were placed before the Board of Directors in their meeting held on 24th May 1999. The Board while approving the proposed amendments in principle, gave directions on some of the issues and authorised Chairman, CIL and Director (P&IR), CIL to carry out necessary amendments in CIL CDA Rules, 1978 as would deem fit and appropriate.

Accordingly the revised CDA Rules have been finalised by Chairman, CIL and Director (P&IR), CIL on the direction given by the Board of Directors of CIL.

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General

1.0 SHORT TITLE AND COMMENCEMENT

- 1.1 These rules may be called **Coal India Executives Conduct, Discipline and Appeal Rules**.
- 1.2 They shall come into force with effect from 24th February, 1978 in supersession of the existing Conduct and Discipline Rules applicable to the executives of the Company.

2.0 APPLICATION

- 2.1 These rules shall apply to all employees holding posts in the Executive Cadre scales of pay of Coal India and its subsidiary companies and to such other employees as may be notified by the Company from time to time.
- 2.2 The employees governed by Railway Rules/Civil Rules, as the case may be, and who have been allowed by the Company to draw pay under the Central Government scales of pay, shall continue to be governed by the said rules as may be in force from time to time.
- 2.3 These employees may opt for Coal India Executives Conduct, Discipline and Appeal Rules, if they so wish.

3.0 DEFINITIONS

- 3.1 In these rules, unless the context otherwise requires —
 - (a) 'Appellate Authority' means the authority specified in the schedule attached to these rules.
 - (b) 'Board of Directors' means the Board of Directors of CIL provided that where special reference is made to the Board of Directors of the subsidiary company, such Board of Directors.
 - (c) 'Company' means the Coal India Ltd. and includes its subsidiary companies.
 - (d) 'Competent Authority' means the authority empowered by the Board of Directors of the company by any general or special order or rules to discharge the function or use the powers specified in the rule or order.
 - (e) 'Disciplinary Authority' means the authority as specified in column 3 of the schedule.

- (f) 'Employee' means an officer holding a post in the executive cadre scales of pay or any other person notified by the Company, if such officer or person is employed on a whole time basis by the Company provided that such persons on deputation to the Company shall continue to be governed by these rules or the rules applicable to them in their parent organisations as may be settled at the time of finalisation of their terms and conditions of deputation.
- (g) 'Family' – In relation to an employee includes —
 - (i) The wife or husband, as the case may be of the employee, whether residing with him or not but does not include a wife or husband, as the case may be separated from the employee by a decree or order of a competent court.
 - (ii) Son or daughter or step-son or step-daughter of the employee and wholly dependent on him but does not include a child or step-child who is no longer in anyway dependent on the employee or of whose custody the employee has been deprived by or under any law.
 - (iii) Any other person related, whether by blood or marriage to the employee or to such employee's wife or husband and wholly dependent on such employee.
- (h) 'Public servant' shall mean and include a person as mentioned in Section 21 of the Indian Penal Code/Section 2(c) of the Prevention of Corruption Act, 1988 as amended from time to time.
- (i) 'Relative' – A person shall be deemed to be a relative of another, if, and only if —
 - (i) They are members of a Hindu undivided family; or
 - (ii) They are husband and wife; or
 - (iii) The one is related to the other in the manner indicated in Schedule - I A of the Indian Companies Act.

Comments —

Relative — It means, all members including females of a Hindu undivided family, husband and wife and persons related to one another in the manner indicated in Schedule - IA of the Indian Companies Act. Under Schedule - 1A of the Companies Act, the list of relatives is as under —

Father, mother (including step-mother), son (including step-son), son's wife, daughter (including step-daughter), father's father, father's mother, mother's mother, mother's father, son's son, son's wife, son's daughter, son's daughter's husband, daughter's son, daughter's son's wife, daughter's daughter, daughter's husband, brother (including step-brother), brother's wife, sister (including step-sister) and sister's husband.

Conduct

4.0 DUTIES AND OBLIGATIONS OF EXECUTIVES

4.1 Every employee of the company shall at all times —

- (i) maintain absolute Integrity;
- (ii) maintain devotion to duty;
- (iii) conduct himself at all times in a manner which will enhance the reputation of the Company; and
- (iv) do nothing which is unbecoming of a public servant.

4.2 Every employee shall take all possible steps to ensure integrity and devotion to duty of all employees for the time being under his supervision, control and authority.

4.3 Every employee must carry out the work for which he is employed and obey all lawful orders of his superiors or of the Company.

4.4 No employee shall engage himself either directly or indirectly in any other business/profession/trade or calling within or outside the working hours except with previous permission of the competent authority as may be specified from time to time.

4.5 Each employee is responsible for and must take proper care of all Company's property specifically entrusted to him.

4.6 No employee shall, in the performance of his official duties or in the exercise of powers conferred on him act otherwise than on his best judgement except where he is acting under the direction of his official superior.

5.0 MISCONDUCT

Without prejudice to the generality of the terms 'misconduct', the following acts of omission and/or commission shall be treated as misconduct —

- 1 Theft, fraud or dishonesty in connection with the business or property of the Company or of property of another person within the premises of the Company.
- 2 Taking or giving bribes or any illegal gratification.

- 3 Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- 4 Furnishing false information regarding name, age, father's name, qualifications, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- 5 Acting in a manner prejudicial to the interests or image of the Company.
- 6 Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- 7 Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds, or proper or satisfactory explanation.
- 8 Habitual late attendance or^{*} habitual absence without taking prior permission for leave.
- 9 Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- 10 Wilful damage to property of the Company.
- 11 Interference or tampering with any safety devices installed in or about the premises of the Company or any of its establishments/offices/units.
- 12 Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Company or outside such premises where such behaviour is related to or connected with the employment.
- 13 Gambling within the premises of the establishment.
- 14 Smoking within the premises of the establishment where it is prohibited.
- 15 Collection without the permission of the Competent Authority of any money within the premises of the Company except as sanctioned by any law of the land for the time being in force or rules of the Company.
- 16 Sleeping while on duty.
- 17 Commission of any act which amounts to a criminal offence involving moral turpitude.
- 18 Absence from the employee's appointed place of work without permission or sufficient cause.
- 19 Purchasing properties, machinery, stores, etc. from or selling properties, machinery stores etc. to the Company without express permission in writing from the Competent Authority.

- 20 Commission of any act subversive of discipline or of good behaviour.
- 21 Abatement of or attempt at abatement of any act which amounts to misconduct.
- 22 Any act of sexual harassment of women employees at her place of work.
- 23 Any lapse on the part of an employee in discharging his duties with regard to any official documents or part thereof of the office or in his custody.
- 24 Unauthorised communication of any official information as referred to in rule 12.
- 25 Bringing or attempting to bring himself or through any other person any outside influence to bear upon any superior authority to further his interest in matters pertaining to his service in the company.
- 26 Any breach of any of the provisions of these rules or any other statutes or rules.

Note

The above instances of misconduct are illustrative in nature and not exhaustive.

6.0 EMPLOYMENT OF NEAR RELATION(S)

- 6.1 No employee shall use his position or influence directly or indirectly to secure employment under the Company for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.

Every employee shall submit in Form No. 1 (annexed) a statement regarding employment of relatives under the Company at the time of his first appointment and at such intervals as may be decided by the Competent Authority. Every employee in addition to the statement in Form No. 1, shall also furnish to the Competent Authority a declaration in Form No. II (annexed) at the time of his first appointment and at such intervals thereafter as may be decided by the Competent Authority showing the details of his/her relatives employed in any company or firm, or business houses doing business with the Company.

- 6.2 No employee shall, except with the previous sanction of the Competent Authority, permit his son, daughter or any member of the family to accept employment with any company or firm with which he has official dealings.

Provided that where the acceptance of the employment can not await the prior sanction of the Competent Authority, the employment may be accepted subject to the sanction of the Competent Authority, being sought forthwith.

- 20 Commission of any act subversive of discipline or of good behaviour.
- 21 Abatement of or attempt at abatement of any act which amounts to misconduct.
- 22 Any act of sexual harassment of women employees at her place of work.
- 23 Any lapse on the part of an employee in discharging his duties with regard to any official documents or part thereof of the office or in his custody.
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Provided that where the acceptance of the employment can not await the prior sanction of the Competent Authority, the employment may be accepted subject to the sanction of the Competent Authority, being sought forthwith.

- 6.3 No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that firm or under that person or if he or any member of his family is interested in such matter or contract in any other matter and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

6.4 TAKING PART IN POLITICS AND ELECTION

- (i) No employee shall be a member of or otherwise associated with any political party or any organisation 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.
- (ii) No employee shall canvass or otherwise interfere or use his influence in connection with, or take part in an election to any parliament, State Legislature or Local Bodies.

7.0 TAKING PART IN DEMONSTRATIONS

- 7.1 No employee of the Company shall engage himself or participate in any demonstration/strike in connection with condition of his service and/or which involves incitement to an offence.

8.0 CONNECTION WITH PRESS OR OTHER MEDIA

- 8.1 No employee of the Company shall, except with the previous sanction of the Competent Authority, own wholly or in part or conduct or participate in the editing or management of any newspaper or other periodical publication in press or electronic media.

- 8.2 No employee of the Company shall, except with the previous sanction of the Competent Authority or in the bonafide discharge of his duties, participate in a radio broadcast or telecast through any electronic media 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 telecast or such contribution is of a purely literary, artistic or scientific character.

- 8.3 No employee shall, except with previous sanction of the Competent Authority or except in the bonafide discharge of his duties, publish a book himself or through a publisher or contribute an article to a book or compilation of articles, provided, however, that no such sanction shall be required if such publication is of a purely literary, artistic or scientific character.

9.0 CRITICISM OF THE COMPANY AND GOVERNMENT

9.1 No employee shall in any radio broadcast or telecast through any electronic media or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterances, make any statement of fact or opinion, which —

- (a) has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government and/or the Company; or
- (b) is capable of embarrassing the relation between the Central Government/ any State Government and the Government of any foreign state and/or the Company.

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

10.0 JOINING OF ASSOCIATION BY EMPLOYEES

10.1 No employee shall join or continue to be member of an organisation banned by Government or of an Association, the objectives and activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.

11.0 EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY

11.1 Save as provided in sub-rule 11.3, no employee of the Company shall, except with the previous sanction of the Competent Authority, give evidence in connection with any enquiry conducted by any person, committee or authority.

11.2 Where any sanction has been accorded under sub-rule 11.1 no employee giving such evidence shall criticise the policy or any action of the Central Government or of a State Government, of the Company.

11.3 Nothing in this rule shall apply to —

- (a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or the Company; or
- (b) evidence given in any judicial enquiry; or
- (c) evidence given at any enquiry ordered by any authority of the Government or the Company.

12.0 UNAUTHORISED COMMUNICATION OF INFORMATION

12.1 No employee shall, except in accordance with any general or special order of the Company or in the performance in good faith of the duties assigned to

him communicate, directly or indirectly, any official document or any part thereof or information to any officer or other employee, or any other person to whom he is not authorised to communicate such document or information.

13.0 SUBSCRIPTIONS

- 13.1 No employee shall, except with the previous sanction of the Company or of the such authority as may be empowered by it in this behalf, ask for or accept contributions to or otherwise associate himself with the raising of any fund in pursuance of any object, whatsoever, except as sanctioned by any law of the land, or rule or order of the Company, for the time being in force.

Note

- (i) Mere payment of subscription to a charitable or benevolent fund does not be itself violate this rule.
- (ii) Voluntary association of an employee with the collection of Flag Day contributions is permissible and no prior permission is necessary for this purpose.

14.0 GIFTS

- 14.1 Save as otherwise provided in these rules, no employee of the Company shall accept or permit any member of his family or any other person acting on his behalf, to accept any gift, from any individual or firm having official dealings with him.

Explanation

The expression 'gift' shall include free transport, board, lodging or other services or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employees.

Note

- (i) An employee of the Company shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.
 - (ii) A casual meal, gift or other social hospitality shall not deemed to be a 'gift'.
- 14.2 On occasions such as weddings, anniversaries, funerals or religious functions or social functions when the making of gifts is in conformity with the prevailing religious or social practices, an employee of the Company may accept gifts from his near relatives and personal friends having no official dealings with him but he shall make a report to the Competent Authority if the value of the gift exceeds Rs. 5000/-.

14.3 In any other case, an employee of the Company shall not accept or permit any member of his family or any other person acting on his behalf to accept any gifts without the sanction of the Competent Authority if the value thereof exceeds Rs. 2500/-. Provided that when more than one gift has been received from the same person/firm within a period of 12 months, the matter shall be reported to the Competent Authority if the aggregate value of the gifts exceeds Rs. 2500/-.

14.4 An employee of the Company may accept gifts from foreign dignitaries or firms having no official dealings with him, the value of which shall not exceed Rs. 2500/- within a period of 12 months but he shall make a report to the Competent Authority about the acceptance of the gifts.

14.5 DOWRY

No employee of the Company shall —

- (i) give or take or abet the giving or taking dowry; or
- (ii) demand directly or indirectly from the parents or guardians of a bride or bridegroom as the case may be, any dowry.

Explanation

For the purpose of this rule 'Dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

15.0 PUBLIC DEMONSTRATIONS IN HONOUR OF A COMPANY EMPLOYEE

15.1 No employee shall except with previous sanction of the Company, receive any complimentary or valedictory address or accept any testimonials, attend any meeting or entertainment held in his honour or in the honour of any other employee.

Provided that nothing in this rule shall apply to a farewell entertainment held in honour of an employee or on the occasion of his retirement or transfer.

16.0 PRIVATE TRADE OR EMPLOYMENT

16.1 No employee of the Company shall, except with the previous sanction of the Competent Authority, engage 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 but he shall not undertake or shall discontinue such work if so directed by the Competent Authority.

Every employee shall submit a statement in Form No. III (annexed) details of any kind of business done by him either in his own name or in the name of his family members or 'Benami' at the time of his first appointment and by the 31st January of every subsequent year.

- 16.2 Every employee of the Company shall report to the Competent Authority if any member of his family is engaged in trade or business or owns or manages an insurance agency or commission agency.
- 16.3 No employee of the Company shall, without the previous sanction of the Competent Authority, except in the discharge of his official duties, 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 other law for the time being in force or any co-operative society for commercial purposes. Provided that an employee of the Company may take part in the registration, promotion or management of a House Building Co-operative Society substantially for the benefit of employees of the Company, or any other co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.
- 16.4 No employee of the Company may accept any fee/honorarium or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the Competent Authority.

16.5 RESTRICTIONS ON TOP LEVEL EXECUTIVES OF PUBLIC ENTERPRISES JOINING PRIVATE COMMERCIAL UNDERTAKINGS AFTER RETIREMENT

No functional Director of the company including CMD who has retired from the services of the company or shall retire in due course, after such retirement, shall accept any appointment or post whether advisory or administrative, in any firm or company, whether Indian or foreign, with which the Company has or had business relations, within two years from the date of his retirement without prior approval of the Government.

17.0 INVESTMENT, LENDING AND BORROWING

- 17.1 No employee shall speculate in any investment.

Explanation

The habitual purchase or sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this rule.

17.2 No employee shall make, or permit any member of his family to make any investment likely to embarrass or influence himself in the discharge of his official duties.

17.3 If any question arises whether a security or investment is of the nature referred to in Rule 17.1 or Rule 17.2 the decision of the Competent Authority there-on shall be final.

17.4 No employee shall, except with the previous sanction of the Competent Authority lend money to any person possessing land or valuable property within the local limits of his authority or at interest to any person.

Provided that an employee may make an advance of pay to a private servant, or give loan of small amount free of interest to a personal friend or relative, even if such person possessing land within the local limits of his authority.

17.5 No employee shall save in the ordinary course of business with a Bank or LIC or a firm of standing borrow money from or otherwise place himself under pecuniary obligation to any person within the local limits of his authority, or any other person with whom he is likely to have official dealing nor shall he permit any member of his family, except with the previous sanction of the Competent Authority to enter into such transaction.

Provided that an employee may accept a purely temporary loan of such amount, free of interest, from a personal friend or relative or operate a credit account with a bonafide tradesman.

17.6 When an employee is appointed or transferred to a post of such nature as to involve him in the breach of any of the provisions of rule 17.4 or rule 17.5 he shall forthwith report the circumstances to the Competent Authority and shall thereafter act in accordance with such orders as may be passed by the Competent Authority.

18.0 INSOLVENCY AND HABITUAL INDEBTEDNESS

18.1 An employee of the Company shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.

18.2 An employee of the Company who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to his Competent Authority.

19.0 MOVABLE, IMMOVABLE AND VALUABLE PROPERTY

19.1 No employee of the Company shall, except with the previous knowledge of the Competent Authority, 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. Information regarding acquisition/disposal of immovable properties should be brought to the knowledge of the Competent Authority in Form-IVA (annexed) subject to the provision of rule 19.3 below.

- 19.2 Every employee of the Company shall report in Form-IVB (annexed) to the Competent Authority every transaction concerning movable property acquired or disposed of by him in his own name or in the name of any member of his family, within one month from the date of such transaction, if the value of such property exceeds Rs.10,000/- in each transaction subject to the provision of rule 19.3 below.
- 19.3 No employee of the Company shall, except with the previous sanction of the Competent Authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate. Application for such permission should be made in Form IVA or IVB, as the case may be.
- 19.4 Every employee shall, on first appointment in the Company, submit a return of assets and liabilities giving the particulars regarding —
 - (a) Movable property inherited by him or owned, acquired or held by him if the value of individual item of property exceeds Rs.10,000/-, such return should be submitted in Form-VA (annexed);
 - (b) The immovable property inherited by him, or owned or acquired 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; such return should be submitted in Form-VB (annexed).
- 19.5 Every employee shall, thereafter, every year, submit to the Competent Authority a return of immovable property inherited/owned/acquired during a year latest by the 31st January of the following year in Form No. VB (annexed).
- 19.6 The Competent Authority may, at any time, by general or special order require an employee to submit, within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Competent Authority include details of the means by which, or the source from which such property was acquired.

Explanation No. I

The term movable property would include –

- (a) Shares, debentures and other securities and cash including bank deposits;
- (b) Loan advanced or taken by the employee whether secured or not;
- (c) Jewellery and insurance policies the annual premium of which exceeds Rs.10,000/-;
- (d) Motor cars, motor cycles etc.; and
- (e) Refrigerators, television sets, audio and video equipment, personal computers etc.

Explanation No. II

Transaction entered into by the spouse or any other member of family of an employee of the Company out of his or her own funds (including stridhan, gifts, inheritance etc.) as distinct from the funds of the employee of the company himself, in his own name and in his own right, would not attract the provisions of the above sub-rules.

Explanation No. III

Transactions as members of Hindu Undivided Joint Family do not require the Company's prior permission. In such cases, transactions in immovable property should be included in the annual property returns and those immovable property should be reported to the competent authority within the prescribed period. If an employee is unable to give an idea of his share of such immovable property, he may give details of the full property and the names of the members who share it.

20. VINDICATION OF ACTS AND CHARACTER OF EMPLOYEES

- 20.1 No employee shall, except with the previous sanction of the Company, 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 an attack of defamatory character.

Explanation

Nothing in this rule shall be deemed to prohibit an employee from vindication of his private character or any act done by him in his private capacity.

21.0 CANVASSING OR NON-OFFICIAL OR OTHER OUTSIDE INFLUENCE

- 21.1 No employee shall bring or attempt to bring himself or through any other person or political party, any outside influence to bear upon any superior

authority to further his interests in respect of matter pertaining to his service in the Company.

22.0 MARRIAGES

22.1 No employee shall enter into, or contract, a marriage with a person having a spouse living.

22.2 No employee, having a spouse living, shall enter into or contract, a marriage with any person.

Provided that the Competent Authority may permit an employee to enter into or contract any such marriage as is referred to in Clause 22.1 or Clause 22.2 if it is satisfied that —

- (a) Such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
- (b) There are other grounds for so doing.

22.3 The employee who has married or marries a person other than that of Indian Nationality, shall forthwith intimate the fact to the Competent Authority.

23.0 CONSUMPTION OF INTOXICATING DRINKS AND DRUGS

23.1 An employee of the Company shall not be under the influence of any intoxicating drink or drug during the course of his duties.

23.2 SEXUAL HARRASSMENT

- (i) No employee shall indulge in any act of sexual harassment of any woman at her work place.
- (ii) Every employee who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation

For the purpose of this rule, 'Sexual Harassment' includes such unwelcome sexually determined behaviours, whether directly or otherwise as -

- (a) Physical contact and advances;
- (b) Demand or request for sexual favours;
- (c) Sexually coloured remarks;
- (d) Showing any pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Suspension

24.0 SUSPENSION

24.1 The Appointing Authority or any Authority to which it is subordinate or any other Authority to whom the powers to suspend is delegated may place an employee under suspension –

- (a) where a disciplinary proceeding against him is contemplated or is pending;
or
- (b) where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interests or the security of the Company/ State;
or
- (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

Provided that where the order of suspension is made by an Authority lower than the Appointing Authority, such Authority shall forthwith report to the Appointing Authority the circumstances under which the order was made.

An order of suspension may be issued in Form VI. CMDs of the subsidiary companies will have full power to suspend executives from E1 to E5 grade. They will also have the power to suspend executives from M1 to M3 grade for a period not exceeding three months.

Chairman, Coal India Limited as the appointing authority has full power to suspend any executive.

24.2 It is desirable to issue the order of suspension along with the charge sheet in Form VI but whenever this is not possible, the charge sheet must follow within a reasonable time. Wherever necessary the suspension order may follow the charge sheet.

24.3 DEEMED SUSPENSION

- (i) An employee shall be deemed to have been placed under suspension by an order of the authority competent to suspend —

- (a) With effect from the date of his detention, if he is detained in custody whether on criminal charge or otherwise for a period exceeding forty eight hours;
- (b) With effect from the date of his conviction if in the event of conviction for an offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired consequent on such conviction.

An order of deemed suspension may be issued in Form VIA (annexed) in case of an employee having been detained on criminal charges.

- (ii) It shall be the duty of the employee who have been arrested for any reason to intimate promptly, the fact of his arrest and the circumstances connected therewith to his official superior even though he might have been released on bail subsequently. Failure on the part of the employee to so inform his official superior will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the action that may be called for on the outcome of the Police Case against him.
- (iii) 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 and the case is remitted for further inquiry or action or with any directions, the order of his suspension shall be deemed to have continued in force on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (iv) Where a penalty of dismissal or removal 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, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegation on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension from the date of the original order of dismissal and shall continue to remain under suspension until further orders.

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical ground without going into the merit of the case.

- (v) An order of suspension made or deemed to have been made under rule 24.3 (i) shall continue to remain enforce until it is modified or revoked by the Authority competent to do so.

An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the Authority which made or is

deemed to have made the order or by any Authority to which that Authority is subordinate.

- 24.4 Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing direct that the employee shall continue to be under suspension until the termination of all or any such proceedings.
- 24.5 During the period of suspension the employee shall not enter the work-place/ office premises except with the written permission of the Suspending Authority or any other Authority competent to give such permission, nor shall he leave station without the written permission of the Competent Authority. No leave shall be granted during the period of suspension.

25.0 SUBSISTENCE ALLOWANCE

- 25.1 An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent of his basic pay provided the Disciplinary Authority satisfied that the employee is not engaged in any other employment or business or profession or vocation. In addition, he shall be entitled to dearness allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension provided the Suspending Authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
- 25.2 Where the period of suspension exceeds six months, the Authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows —
- (i) The amount of subsistence allowance may be increased to 75 per cent of basic pay and allowance thereon if, in the opinion of the said Authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension.
 - (ii) The amount of subsistence allowance may be reduced to 25 per cent of basic pay and allowance thereon if in the opinion of the said Authority, the period of suspension has been prolonged due to the reason directly attributable to the employee under suspension.
- 25.3 Before making any payment to a suspended employee he would be required to furnish to the Competent Authority a certificate every month that he is not engaged in any other employment, business or profession or vocation.

25.4 EFFECTING RECOVERIES FROM SUBSISTENCE ALLOWANCE

The following normal deduction shall be made from subsistence allowance —

- (i) Income Tax (provided the employee's yearly income, calculated with reference to the subsistence allowance, is taxable);
- (ii) House rent and allied charges, i.e. electricity, water, furniture etc;
- (iii) Repayment of loans and advances taken from the Company at such rate as may be fixed by the Competent Authority;
- (iv) Subscription to Provident Fund (contributory).

26.0 TREATMENT OF THE PERIOD OF SUSPENSION

26.1 When an order placing an employee under suspension is revoked or would have been revoked but for his retirement (including premature retirement) while under suspension, the Authority competent to order revocation shall consider and make specific orders —

- (a) Regarding pay and allowances to be paid to the employee for the period of suspension ending with revocation of suspension or date of his retirement (including premature retirement) as the case may be; and
- (b) Whether or not the said period shall be treated as a period spent on duty.

26.2 Notwithstanding anything contained in rule 25, where an employee under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowance for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

26.3 Where the Authority competent to order revocation is of the opinion that the suspension was wholly unjustified, the employee shall, subject to sub-rule (8), be paid full pay and allowance to which he would have been entitled had he not been suspended.

Provided that where such authority is of the opinion that the termination of proceedings against the employee had been delayed due to reasons directly attributable to the employee, it may after giving him an opportunity to make his representation within thirty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in

writing, that the employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine. The pay and allowances so determined should not be less than the subsistence allowance already paid to the employee.

- 26.4 In a case falling under sub-rule (3), the period of suspension shall be treated as a period spent on duty for all purposes.
- 26.5 In cases other than those falling under sub-rules (2) and (3) the employee shall, subject to the provisions of sub-rules (7) and (8), be paid such amount (not being the whole) of pay and allowances to which he would have been entitled had he not been suspended, as the Competent Authority may determine, after observing the procedure of issuing show cause notice and consideration of representation, if any, submitted by the employee. The amount so determined should not be less than the subsistence allowance already paid to the employee.
- 26.6 Where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the employee, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rules (3), (4) or (5), as may be applicable.
- 26.7 In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the Competent Authority specifically directs that it shall be so treated for any specific purpose.
- Provided that if the employee so desires, such Authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the employee.
- 26.8 The payment of allowances under sub-rules (2), (3) or (5) shall be subject to all other conditions under which such allowances are admissible.

Discipline

27.0 NATURE OF PENALTIES

27.1 The following penalties may, for good and sufficient reasons, be imposed on an employee for misconduct, viz. —

(i) Minor Penalties

- (a) Censure;
- (b) Withholding increment, with or without cumulative effect;
- (c) Withholding promotion; and
- (d) Recovering from pay or gratuity of the whole of or part of any pecuniary loss caused to the company by negligence or breach of orders or trust.

(ii) Major Penalties

- (a) Reduction to a lower grade or post or stage in a time scale;

Note

The Authority ordering the reduction shall state the period for which it is effective and whether, on the expiry of that period, it will operate to postpone future increments or, to affect the employee's seniority and if so, to what extent.

- (b) Compulsory retirement;
- (c) Removal from service; and
- (d) Dismissal.

Note 1

Removal from service will not be a disqualification for future employment in Coal India Limited and its Subsidiary Companies while dismissal disqualifies a person for future employment.

Note 2

The following shall not amount to penalty within the meaning of this rule —

- (i) With-holding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard or for failure to pass a prescribed test or examination.
- (ii) Stoppage of increment at the efficiency bar in the time scale on the ground of his unfitness to cross the bar.
- (iii) Non-promotion, whether in a substantive or officiating capacity of an employee, after consideration of his case to a service, grade or post for promotion to which he is eligible.
- (iv) Reversion to 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 ground 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 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 Central or a State Government or an authority under the control of Central or 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 order governing probation; or
 - (b) of a person appointed in a temporary capacity otherwise than under a contract or agreement in accordance with the general conditions of service applicable to temporary employment;
 - (c) of an employee employed under an agreement or contract, in accordance with the terms of such agreement or contract;
 - (d) of a person on reduction of establishment; and
 - (e) of a person who is liable to be discharged for failure to qualify in certain duties or subjects under the conditions of his services.

27.2 DISCIPLINARY AUTHORITY

- (i) Subject to the provisions in sub-rule (ii) below, the Authorities specified in column 3 of the Schedule appended to these rules or any Authority higher than it may impose the penalties specified in column 4 upon employees in different grades of pay shown in column 1 of the Schedule.

Note

The Authorities empowered to impose penalties on employees officiating in higher posts shall be determined by the post held by the employee at the time when the penalty is imposed and a non-executive staff of the Company officiating in executive post at the time of imposition of penalty, shall be treated as an employee holding the executive post in a substantive capacity.

- (ii) Notwithstanding anything contained in these rules no employee shall be removed or dismissed by an Authority lower than that by which he is appointed to the post held by him.

28.0 AUTHORITY TO INSTITUTE PROCEEDINGS

- 28.1 The Disciplinary Authority or any Authority higher than it may institute disciplinary proceedings against any employee.
- 28.2 A Disciplinary Authority competent under these rules to impose any of the penalties specified in clauses (a) to (d) of rule 27.1 and clause (a) of rule 27.1 (ii) may institute disciplinary proceedings against any employee for imposition of any of the penalties specified in clauses (b) to (d) of rule 27.1 (ii) notwithstanding that such Disciplinary Authority is not competent under these rules to impose any of the latter penalties.
- 28.3 Where a Disciplinary Authority competent to impose any of the penalties specified in clause (a) to (d) of rule 27.1 (i) and clause (a) of rule 27.1 (ii) but not competent to impose any of the penalties specified in the clauses (b) to (d) of rule 27.1 (ii), has itself inquired into or caused to be inquired into any charge and that Authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that any of the penalties specified in clauses (b) to (d) of rule 27.1 (ii) should be imposed on the employee, that Authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.

29.0 PROCEDURE FOR IMPOSING MAJOR PENALTIES

- 29.1 No order imposing any of the major penalties specified in rule 27 shall be made except after an inquiry is held in accordance with this rule.

29.2 Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiry into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint any person or a committee (hereinafter called the Inquiring Authority) to inquire into the truth thereof.

29.3 Where it is proposed to hold an inquiry against an employee under these rules, the Disciplinary Authority shall draw up or cause to draw up –

- (a) the substance of imputations of misconduct or misbehaviour into definite and distinct articles of charge;
- (b) a statement of imputations of misconduct or misbehaviour in support of each article of charge which shall contain –
 - (i) a statement of all relevant facts including any admission or confession made by the employee;
 - (ii) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

Note

The articles of charge, the statement of imputations and the covering memorandum should be prepared in Form-VIIA (annexed).

Explanation

It will not be necessary to show the documents listed with the charge sheet or any other document to the employee at this stage.

29.4 On receipt of the written statement of the employee, or if no such statement is received within the time specified, an inquiry may be held by the Disciplinary Authority itself, or by any other officer or a committee appointed as an Inquiring Authority under rule 29.2.

Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The Disciplinary Authority shall, however, record its findings on each such charge.

29.5 Where the Disciplinary Authority itself inquires or appoints an Inquiring Authority for holding an inquiry, it may, by an order appoint an officer(s) of the Company or any public servant to be known as the Presenting Officer to present on its behalf the case in support of the articles of charge.

29.6 The Disciplinary Authority shall where it is not the Inquiring Authority, forward to the Inquiring Authority–

- (i) a copy of the articles of charge and the statement of imputation of misconduct or misbehaviour;
- (ii) a copy of the written statement of defence, if any, submitted by the employee;
- (iii) a copy of the statements of witness, if any, referred to in rule 29.3;
- (iv) evidence providing the delivery of documents referred to in rule 29.3 to the employee;
- (v) a copy of the order appointing the Presenting Officer.

29.7 On the date fixed by the Inquiring Authority, the employee shall appear before the Inquiring Authority, at the time, place and date specified in the notice. The Inquiring Authority shall ask the employee whether he pleads guilty or had any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee concerned pleads guilty.

29.8 The employee may take the assistance of any other employee posted at his Head Quater/Station or the station where the inquiry is held to present the case on his behalf but may not engage a legal practitioner for the purpose.

29.9 If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence —

- (i) inspect the documents listed with the charge sheet;
- (ii) submit a list of additional documents and witnesses that he wants to examine; and
- (iii) be supplied with the copies of the statements of witnesses, if any, listed in the charge sheet.

Note

Relevancy of the additional documents and the witnesses referred to in sub-rule 29.9 above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the Inquiring Authority is satisfied about their relevance to the charges under inquiry.

29.10 The Inquiring Authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.

- 29.11 The Authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition notice.

Provided that the Authority having the custody or possession of the requisitioned documents may claim privilege if the production of such documents will be against the interest of the company. In that event, it shall inform the Inquiring Authority accordingly.

- 29.12 On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witness shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witness on any points on which they have been cross-examined, but not on a new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.
- 29.13 Before the close of the prosecution case, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge sheet or may itself call for new evidence or recall or re-examine any witness. In such case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record or to cross-examine a witness, who has been so summoned.
- 29.14 When the case for the Disciplinary Authority is closed, the employee may be required to state his defence orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer, if any appointed.
- 29.15 The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witness produced by the employee shall then be examined and shall be liable to cross-examination by the presenting officers, re-examination by the employee and examination by the Inquiring Authority according to provision applicable to the witnesses for the Disciplinary Authority.
- 29.16 The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

29.17 The Inquiring Authority may after completion of the production of evidence, hear the presenting officer, if any, appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desire.

29.18 If the employee does not submit the written statement of defence referred to in sub-rule 3 on or before the date specified for the purpose or does not appear in person or through the Assisting Officer or otherwise fails or refuses to comply with any of the provisions of these rules, the Inquiring Authority may hold the enquiry *ex parte*.

29.19 Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction to therein, and is succeeded by another Inquiring Authority which has and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor and partly by itself.

Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine and such witnesses as herein before provided.

29.20 After the conclusion of the inquiry, report shall be prepared and it shall contain —

- (i) (a) a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (b) a gist of the defence of the employee in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge; and
- (d) the findings on each article of charge and the reasons therefor.

Explanation

If in the opinion the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge. Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) The Inquiring Authority, where is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include —

- (a) the report of the inquiry prepared by it under sub-clause (i) above;
- (b) the written statement of defence, if any, submitted by the employee referred to in sub-rule 29.14;
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written brief referred to in sub-rule 29.17 if any; and
- (e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

30.0 ACTION ON THE INQUIRY REPORT

- 30.1 The Disciplinary Authority, if it is different from the Inquiring Authority shall, before making a final order in the case, forward a copy of the inquiry report to the employee concerned with the following endorsement —

"The report of the Inquiry Officer is enclosed. The Disciplinary Authority will take a suitable decision after considering the report. If you wish to make any representation or submission, you may do so in writing to the Disciplinary Authority within 15 days of the receipt of this letter".

- 30.2 On receipt of the reply of the employee, or if no reply is received within the time allowed, the Disciplinary Authority will examine the report and the records of the inquiry including the reply received from the employee, if any, and will record its findings in respect of each article of charge saying whether, in its opinion, it stands proved or not.
- 30.3 If the Disciplinary Authority disagrees with the findings of the Inquiring Authority on any article of charge, it will, while recording its own findings, also record the reasons for its disagreement.
- 30.4 If the Disciplinary Authority considers that a clear finding is not possible or that there is any defect in the inquiry, the Disciplinary Authority may, for reasons to be recorded in writing, remit the case to the Inquiring Authority for further inquiry and report. The Inquiring Authority will, there upon, proceed to hold the further inquiry according to the provisions of rule 29.3 as far as may be.
- 30.5 If the Disciplinary Authority having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in rule 27 should be imposed on the employee it shall notwithstanding anything contained in rule 31 make an order imposing such penalty, subject to the provision of the schedule.

- 30.6 If the Disciplinary Authority having regard to its findings on all or any of the articles of charge, is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

31.0 PROCEDURE FOR IMPOSING MINOR PENALTIES

- 31.1 Where it is proposed to impose any of the minor penalties specified in rule 27, the employee concerned shall be informed in writing of the imputations of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days.

The defence statement, if any submitted by the employee shall be taken into consideration by the Disciplinary Authority before passing orders.

Note

The memorandum of charges for minor penalties should be issued in Form VIIB (annexed).

- 31.2 The record of the proceedings shall include —
- (i) a copy of the statement of imputations of misconduct or misbehaviour delivered to the employee;
 - (ii) his defence statement, if any; and
 - (iii) the orders of the Disciplinary Authority together with the reasons therefor.

32.0 COMMUNICATION OF ORDERS

- 32.1 Orders made by the Disciplinary Authority under rule 29 or rule 31 shall be communicated to the employee concerned.

33.0 COMMON PROCEEDINGS

- 33.1 Where two or more employees are concerned in a case, the Authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken in a common proceedings and the specified Authority may function as the Disciplinary Authority for the purpose of such common proceedings.

34.0 SPECIAL PROCEDURE IN CERTAIN CASES

- 34.1 Notwithstanding anything contained in rule 29 or 30 or 31 the Disciplinary Authority may impose any of the penalties specified in rule 27 in any of the following circumstances —

- (i) where the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- (ii) where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
- (iii) where the Disciplinary Authority is satisfied that in the interest of the security of the Company, it is not expedient to hold any inquiry in the manner provided in these rules.

Provided that the employee may be given an opportunity of making a representation to the penalty proposed to be imposed before any order is made under clause (i) above.

- 34.2 Disciplinary proceeding, if instituted while the employee was in service whether before his retirement or during his re-employment shall, after the final retirement of the employee, be deemed to be proceeding and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.
- 34.3 During the pendency of the disciplinary proceedings, the Disciplinary Authority may withhold payment of gratuity, for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the company if have been guilty of offences/misconduct as mentioned in Sub-Section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment, in the case the employee is fully exonerated.

35.0 EMPLOYEES ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENT ETC.

- 35.1 Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Company from the Central or State Government, or another Public Undertaking, or a Local Authority, the Authority lending his services (hereinafter referred to as the 'Lending Authority') shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings as the case may be.
- 35.2 In the light of the findings in the disciplinary proceeding taken against the employee —
- (a) If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders on the

case as it deems necessary after consultation with the Lending Authority. Provided that in the event of a difference of opinion between the Disciplinary and the Lending Authority, service of the employee shall be placed 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 him it should place his service at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.
- (c) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule 35.2 (a) it will be disposed of after consultation with the Lending Authority provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

Appeals

36.0 An employee may appeal against an order imposing upon him any of the penalties specified in rule 27 or against the order of suspension referred to in rule 24. The appeal shall be to the authority specified in column 5 of the schedule

36.1 An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be presented to the Authority specified in the schedule to whom the appeal lies, a copy being forwarded by the appellant to the Authority which made the order appealed against. The latter Authority, on receipt of the copy of the appeal, shall forward the same together with its comments and the records of the case to the Appellate Authority within 15 days without waiting for any direction from the Appellate Authority. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The Appellate Authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the Authority which imposed the penalty or to any other Authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the Appellate Authority proposes to impose is a major penalty specified in rule 27 and an inquiry as provided in rule 29 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of rule 29 and thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in rule 29, the Appellate Authority shall give a show-cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final order after taking into account the representation, if any, submitted by the employee.

37.0 REVIEW

37.1 Notwithstanding anything contained in these rules, the Appellate Authority as specified in the schedule may call for the record of the case within six

months of the date of the final order and after reviewing the case pass such orders thereon as it may deem fit.

Provided that if the enhanced penalty, which the Appellate Authority proposes to impose, is a major penalty specified in rule 27 and an enquiry as provided under rule 29 has not already been held in the case, the Appellate Authority, shall direct that such an inquiry be held in accordance with the provisions of rule 29 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the Appellate Authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of rule 29 the Appellate Authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final order taking into account the representation, if any, submitted by employee.

The Coal India Limited, Board of Directors may at any time call for the records of any inquiry, review any order and pass necessary order, as it may deem fit.

38.0 SERVICES OF ORDERS, NOTICES ETC.

- 38.1 Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address.

39.0 POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY

- 39.1 Save as otherwise expressly provided in these rules, the Authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

40.0 SAVING

- 40.1 Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal or right of procedure or rule which had accrued to him under the procedure rules, which have been superseded by these rules.
- 40.2 An appeal pending at the commencement of these rules against an order made before the commencement of these rules, shall be considered and orders thereon shall be made in accordance with these rules.
- 40.3 The proceedings pending at the commencement of these rules shall be continued and disposed, as far as may be, in accordance with the provisions of these rules, as if such proceedings under these rules.
- 40.4 Any misconduct etc. committed prior to the issue of these rules which was a misconduct under the superseded rules shall be deemed to be misconduct under these rules.

41.0 REMOVAL OF DOUBTS

- 41.1 Where a doubt arises as to the interpretation of any of these rules, the matter shall be referred to the Board of Directors of Coal India Limited for final decision.

42.0 AMENDMENTS

- 42.1 The Coal India Limited Board may amend, modify or add to these rules, from time to time and all such amendments, modifications or additions shall take effect from the date stated therein.

43.0 REPEAL

These rules supersede all the existing rules in respect of Conduct, Discipline and Appeal Rules concerning executive cadre employees of Coal India Limited and its subsidiaries. Such rules include —

- (i) Conduct and Discipline Rules of BCCL, 1972;
- (ii) Conduct and Discipline Rules of BCCL, 1972 made applicable to executive cadre employees of CMAL and its subsidiaries; and
- (iii) National Coal Development Corporation Limited Services Conduct and Discipline Rules.

FORM — I

(Rule 6.1)

Statement Regarding Employment of Relatives in the Company

OFFICE MEMORANDUM

1. Name of the office (in full)
Department
2. Present post held Area No.
Colliery
3. Present basic pay and scale
4. Date of joining the Company

Particulars of the relatives employed in
Company

Name & Designation	Colliery/office/ Deptt. in which employed	Basic pay and scale	Relation- ship with employee	Date of appointment of the relative employed in the Company	Remarks
1.	2.	3.	4.	5.	6.

Signature of the employee

Date

FORM — II

(Rule 6.1)

Declaration Regarding Relations Connected with Firms/Business House Doing Business with the Company

1. Name of the officer (in full)
2. Present post held
3. Place of posing
4. Present basic pay and scale
4. Date of joining the Company

I, the undersigned, hereby declare that none of my relations is/are the following relations are connected with any firms or business houses engaged in business dealing with the Company.

Sl. No.	Complete address of the firm/business house doing business with the Company with name of proprietor/partner/manager	Nature of relationship of the officer with proprietor/partner/manager of the said firm or business house	Nature of business dealings with the Company	Nature of pecuniary or other interest of the officer having relations with said firm/business house
1.	2.	3.	4.	5.

2. I also undertake to inform the management immediately about the changes that may take place regarding the connections of my relations with the firms doing business with the Company.
3. I further declare that I shall not participate in decisions relating to award of contracts/giving orders for purchase or sale or any other matter to the advantage of the firm where my relation(s) is/are having connection.

Place :

Date :

Signature

* *Strike off whichever is not applicable.*

FORM — III

(Rule 16.1)

Statement Regarding any Kind of Business Done by the Employee Either in his/her Own Name or in the Name of his/her Family Members or Benami

1. Name of the office (in full)
Department
2. Present post held Area No.
Colliery
3. Present basic pay and scale
4. Date of joining the Company

Details of the Business	Name of the person in whose name the business is held/conducted	Relationship of the employee in whose name the business is held/conducted	Approximate monthly income
1.	2.	3.	4.

Signature of the employee

Date

FORM IV A

(Rule 19.1/19.3)

Form for giving prior intimation or Seeking Previous sanction in respect of Immovable property.

1. Name and designation :
2. Scale of pay and present pay :
3. Purpose of application -
Sanction for transaction/prior intimation
of transaction :
4. Whether property is being acquired or disposed of :
5. Probable date of acquisition/disposal of property :
6. Mode of acquisition/disposal :
7.
 - (a) Full details about location viz. Municipal No.
Street/Village/Taluk District and state in
which situated. :
 - (b) Description of the property, in the case of
cultivable and, dry or irrigated land. :
 - (c) Whether freehold or leasehold :
 - (d) Whether the applicant's interest in the property
is in full or part (in case of partial interest the
extent of such interest must be indicated.) :
 - (e) In case the transaction is not exclusively in the
name of the Employee, particulars of ownership
and share of each member :
8. Sale/purchase prices of the property (Market value in
the case of gifts) :
9. In case of acquisition, sources or sources from
which finance/proposed to be finance :
 - (a) Personal savings :
 - (b) Other sources giving basis :
10. In the case of disposal of property was requisite sanction.
intimation obtained/given for its acquisition? :
(A copy of the sanction/acknowledgement
should be attached) :
11.
 - (a) Name and address of the party with whom
transaction is proposed to be made :

FORM IV A

(Rule 19.1/19.3)

Form for giving prior intimation or Seeking Previous sanction in respect of Immovable property.

1. Name and designation :
2. Scale of pay and present pay :
3. Purpose of application -
Sanction for transaction/prior intimation
of transaction :
4. Whether property is being acquired or disposed of :
5. Probable date of acquisition/disposal of property :
6. Mode of acquisition/disposal :
7.
 - (a) Full details about location viz. Municipal No.
Street/Village/Taluk District and state in
which situated. :
 - (b) Description of the property, in the case of
cultivable and, dry or irrigated land. :
 - (c) Whether freehold or leasehold :
 - (d) Whether the applicant's interest in the property
is in full or part (in case of partial interest the
extent of such interest must be indicated.) :
 - (e) In case the transaction is not exclusively in the
name of the Employee, particulars of ownership
and share of each member :
8. Sale/purchase prices of the property (Market value in
the case of gifts) :
9. In case of acquisition, sources or sources from
which finance/proposed to be finance :
 - (a) Personal savings :
 - (b) Other sources giving basis :
10. In the case of disposal of property was requisite sanction.
intimation obtained/given for its acquisition? :
(A copy of the sanction/acknowledgement
should be attached) :
11.
 - (a) Name and address of the party with whom
transaction is proposed to be made :

- (b) Is the party related to the Applicant ?
If so, state the relationship :
 - (c) Did the applicant have any dealings with the party
in his official capacity at any time or is the applicant
likely to have any dealings with him in the near
future ? :
 - (d) How was the transaction arranged ? (Whether
through any statutory body or a private agency
through advertisement or through friends and
relatives. full particulars to be given.) :
12. Any other relevant fact which the applicant may like
to mention :

DECLARATION

I,hereby declare that the particulars given
above are true. I request that I may be given permission to acquire/dispose of property as described
above form/to the party whose name is mentioned in item 11 above.

OR

I,hereby intimate the processed acquisition/disposal
of property by me as detailed above. I declare that the particulars given above are true.

Station :

Signature :

Date :

Designation :

Note 1 - In the above form, different portions may be used according to requirement.

Note 2 - Where previous sanction is asked for, the application should be submitted at least 30 days
before the success date of the transaction.

FORM - IV B
(Rule 19.2/19.3)

Form for giving intimation or seeking previous sanction for transaction in respect of movable property.

1. Name of the Employee :
2. Scale of pay and present pay :
3. Purpose of application - Sanction for transaction/
prior intimation of transaction :
4. Whether property is being acquired or disposed of :
5. (a) Probable date of acquisition/disposal of property :
(b) If the property is already acquired/disposed of
actual date of transaction:
6. (a) Description of the property (e.g. Car/Scooter/Motor
Cycle/Radiogram/Jewellery/Loans/Insurance
policies etc. :
(b) Make Model (and also Registration No. in case of
vehicles) where necessary :
7. Mode of acquisition/disposal (purchase/sale/gift/
mortgage lease or otherwise) :
8. Sale/purchase price of the property (Market value in
the (Market value in the case of gifts) :
9. In case of acquisition, sources from which
financed proceed to be financed :
(a) Personal savings :
(b) Other sources giving details :
10. In the case of disposal of property, was requisite
Sanction /intimation obtained/given for its acquisition
(a copy of sanction/acknowledgement should be attached) :
11. (a) Name and address of the party with whom
transaction is proposed to be made/has
been made :
(b) Is the party related to the applicant ? If so, state
the relationship :
(c) Did the applicant have any dealings with the party
in his official capacity at anytime or is the applicant

likely to have any dealings with him in the near future ? :

(d) Nature of official dealings with the party :

(c) How was the transaction arranged ? (Whether through any statutory body or a private agency through advertisements or through friends and relatives (Full particulars to be given) :

12. Any other relevant fact which the applicant may like to mention. :

DECLARATION

I,.....hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described above from/to the party whose name is mentioned in item 11 above.

OR

I,.....hereby intimate the acquisition/disposal of property by me as detailed above. I declare that the particulars given above are true.

Station :

Signature :

Date :

Designation :

Note 1 In the above form, different portions may be used according to requirement.

Note 2 Where previous sanction is asked for, the application should be submitted at least 30 days before the success date of the transaction.

(Rule 19.4 (a))

Name (in full) Date of joining the company

Present post held Department

Employee code No. Area

Present basic pay Place of posting

Signature of employee
Date

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FORM - VB **STATEMENT OF IMMOVABLE PROPERTY**

To be submitted in Duplicate (Rule 19.4 (b)/19.5) On First appointment/
for the year

Name (must be in full) Date of joining the company
Present post held Department
Employee code No. Area
Present basic pay Place of posting

Name of District Sub-div., Taluk and village in which property is situated	Name and detail of property		Value of the property at the time of acquiring and date of acquisition	Present value	If not in own name, state in whose name held and his relationship with employee	How acquired whether by purchase, mortgage, inheritance gift or otherwise with details of person/persons from whom acquired	Source of finance	Annual income from the property	Remarks particulars regarding sanction obtained or report made in respect of purchase, gift or otherwise with reference no. & date, if any.	Details of sale of property, if any, (i) Date or report (ii) Amount (iii) to whom
	Houses and other buildings	Land								
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

NB : 1. Column 4 – Value of property to be shown item wise in cases such as —
(a) Where the property has been acquired by purchase, mortgage, lease, the price or premium paid for such acquisition.
(b) Where it has been acquired by lease, the total annual rent.
(c) Where the acquisition is by inheritance, gift, exchange, the approximate value of the property so acquired.
2. Column 5 – In case where it is not possible to assess the value accurately, the approximate value in relation to present conditions may be indicated.
3. Column 6 – Property held in name of other members of family, as defined in CDA Rules may please also be reflected here.

Signature Date

FORM -VI

(Rule 24.1)

No.....

Name of the Company.....

Place of issue.....Dated.....

ORDER

Whereas a disciplinary proceeding against
Sri/Smt.
(name & designation of the Employee)
is contemplated/ pending.

Whereas a case against
Sri/Smt.
(name & designation of the employee) in
respect of an original offence is under
investigation/inquiry/trial.

Now, therefore, the undersigned (authority competent to suspend), in exercise of the powers conferred by Rule 24.1 of Conduct, Discipline and Appeal Rules, hereby place the said Sri/ Smt.under suspension with immediate effect.....and untill further order.

It is further ordered that during the period this order shall remain in force the Headquarter of Sri/Smt.(name & designation of the employee) shall be(name of place) and said.....Sri/ smt.shall not leave the Headquarters without obtaining the previous permission of the undersigned.

Signature

(Name & designation of the suspending Authority)

1. Copy to Sri/Smt.(name & designation of the employee). Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.

2. Copy to Sri/Smt.(name & designation of the lending authority) for information.

3. The circumstances in which the order of the suspension was made are as follows :

(Here give details of the case and reasons for suspension)

Note – paras 2 and 3 should not be inserted in the copy of the order of suspension sent to the employee to be suspended.

Distribution :

1.

2.

FORM -VIA

[Rule 24.3 (i)]

No.....

Name of the Company.....

Place of issue.....

ORDER

Whereas a case against Shri/Smt..... (name and designation of the employee) in respect of criminal offence is under investigation.

And Whereas the said Shri/Smt..... was detained in custody on..... for a period exceeding fortyeight hours.

Now, therefore, the said Shri/Smt..... is deemed to have been suspended with effect from the date of detention i.e..... in terms of sub-rule 24.3(i) of the Conduct, Discipline and Appeal Rules, 1978 and shall remain under suspension until further orders.

Signature.....

Name and designation of the Suspending Authority

FORM -VII A

(Rule 29.0)

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri..... under Rule 29 of the Conduct, Discipline and Appeal Rules, 1978 of Coal India Limited. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement or articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A List of documents by which, and list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri..... is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri..... further informed that if he does not submit his written statement of defence on or before that date specified in para 2 above or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 29 of the Conduct, Discipline and Appeal Rules, 1978 of CIL or the orders/directions issued in pursuance of the inquiry against him ex parte.

5. Attention of Shri..... is invited to Rule 21.1 of the Conduct, Discipline and Appeal Rules, 1978 of CIL under which no public servant shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to the service under the Company. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri..... is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 21.1 of the Conduct, Discipline and Appeal Rules, 1978 of CIL.

6. The receipt of the Memorandum may be acknowledged

To:

Shri.....

.....

Name & Designation of the Competent Authority

ANNEXURE -I

Statement of articles of Charge framed against Shri
.....
(Name and designation of the employee)

Article - I

That the said Shri..... while functioning
as.....during the
period.....

Article -II

That during the aforesaid period and while functioning in the aforesaid
office, the said shri.....

Article -III

That during the aforesaid period and while functioning in the aforesaid
office, the said shri.....

ANNEXURE -II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri.....
.....(Name and designation of the employee)

Article - I

Article - II

Article - III

ANNEXURE -III

List of documents by which the articles of charge framed against shri..... (Name & designation of the employee) are proposed to be sustained.

- 1.
- 2.
- 3.

ANNEXURE - IV

List of witnesses by whom the articles of charge framed against shri.....(Name and designation of the employee) are proposed to be sustained.

- 1.
- 2.
- 3.

FORM - VII B

(Rule 31.0)

MEMORANDUM

Shri.....

(Designation)(Office in which working).....

.....is hereby informed that it is proposed to take action against him under Rule 31 of the Conduct, Discipline and Appeal Rules, 1978 of Coal India Limited. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

2. Shri.....fails to submit his opportunity to make such representation as he may wish to make against the proposal.

3. If Shri.....fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri.....ex parte.

The receipt of this Memorandum should be acknowledged by Shri

(Signature)

Name & designation of the Competent Authority

To :

Shri

SCHEDULE UNDER RULE 27.0

Sl. No.	Grade of Employee	Disciplinary Authority	Penalties which it may impose	Appellate Authority
1.	2.	3.	4.	5.
1.	CMD & Whole time Directors of CIL and its Subsidiary Companies to whom the CIL Executives conduct. Discipline & Appeal Rules Apply	President of India	All penalties	President of India
2.	(a) Officers in Grade E-1 to M-3 posted in CIL or any of the Subsidiary Companies	Chairman-cum Managing Director, Coal India Limited	All penalties	Board of Directors Coal India Limited
	(b) Officers posted in CIL Hqrs and other allied office(s) under the direct administrative control of Coal India Ltd. except NEC In E1 to M3 grade	(1) Functional Directors of CIL in respect of officers working under them (2) Director (P&IR), CIL for all officers working in the departments directly reporting to Chairman, CIL	All penalties except those under Rule 27.1(ii)(b) to 27.1(ii)(d)	Chairman-cum Managing Director, CIL
	In E1 to E5 grade	Head of Divisions of CIL Hqrs in respect of officers working under them	All minor penalties	(i) Concerned Functional Director (ii) Director (P&IR), CIL for officers working in the Departments directly reporting to Chairman, CIL
	(c) Officers posted in NEC			
	(i) E 1 to M3	Director Incharge of NEC	All penalties except under Rule 27.1 (ii) (b) to 27.1 (ii) (d)	Chairman, CIL
	(ii) E1 to E5	CGM/GM, NEC	All minor penalties	Director (P&IR), CIL

3.	(a)	Officers in grade E-1 to M-3 posted in Subsidiary Companies	CMD of the concerned Subsidiary Company	All penalties except those under Rule 27.1 (ii)(b) to 27.1(ii)(d)	Chairman-cum-Managing-Director, CIL
	(b)	Officers in grade E-1 to E-5 posted in Subsidiary Companies	Functional Directors of the concerned Company in respect of officers working under them.	All minor penalties	Chairman-cum-Managing Directors of the concerned Company
	(c)	All employees from different subsidiaries nominated as leaders/ members of CIL Coal Stock Measurement Teams	Director (Technical), Coal India Ltd.	All penalties except those under Rule 27.1 (ii)(b) to 27.1(ii)(d)	Chairman-cum-Managing Director, CIL

The jurisdiction of the Disciplinary Authority shall be determined with reference to the Company/Unit where the alleged misconduct was committed.