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***BANGALORE ELECTRICITY SUPPLY  
COMPANY***



***TRAINING PROGRAM ON "CDCA" RULES***

***HRD CENTER,  
BESCOM,  
CRESCENT TOWERS,  
CRESCENT ROAD,  
BANGALORE.***

**KEB EMPLOYEES' (CLASSIFICATION, DISCIPLINARY CONTROL & APPEAL)  
REGULATIONS, 1987**

THESE REGULATIONS ARE GIVEN EFFECT FROM 12-1-1989. PRIOR TO THESE REGULATIONS THE KARNATAKA CIVIL SERVICES (CLASSIFICATION, DISCIPLINARY CONTROL) REGULATIONS, 1957 WERE IN FORCE.

THERE ARE NINE PARTS:

- |       |  |                   |
|-------|--|-------------------|
| I.    | GENERAL                                | : Reg. 1 to 4     |
| II.   | CLASSIFICATION                         | : Reg. 5 to 6     |
| III.  | APPOINTING AUTHORITIES                 | : Reg.7           |
| IV.   | SUSPENSIONS                            | : Reg.8           |
| V.    | PENALTIES AND DISCIPLINARY AUTHORITIES | : Reg.9 to 10(A)  |
| VI.   | PROCEDURE FOR IMPOSING PENALTIES       | : Reg.11 to 16(A) |
| VII.  | APPEALS                                | : Reg.17 to 25    |
| VIII. | REVISION AND REVIEW                    | : Reg.26 to 27    |
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SCHEDULES I TO VIII

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**PART I**

**REGULATION 1: SHORT TITLE AND COMMENCEMENT**

**REGULATION 2: INTERPRETATION**

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|-------------------------------------|---------------------------|-------------|
| A).APPOINTING AUTHORITY<br>EMPLOYEE | B) DISCIPLINARY AUTHORITY | C) BOARD    |
| D) SCHEDULE                         | E) SERVICE                | F) CHAIRMAN |
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**REGULATION 3: APPLICATION**

**REGULATION 4: PROTECTION OF RIGHTS AND PRIVILEGES CONFERRED BY ANY LAW  
PART II**

**REGULATION 5:**

THE EMPLOYEES HAVE BEEN CLASSIFIED AS GROUP-A, GROUP-B, GROUP-C AND GROUP-D BASED ON THE TIME SCALE OF PAY THEY ARE IN.

AT PRESENT THE GROUPS ARE AS FOLLOWS:

**GROUP A:** MINIMUM PAY OF Rs.20, 600 AND ABOVE

**GROUP B:** MINIMUM PAY OF RS.18, 380 AND ABOVE BUT BELOW RS.20, 600.

**GROUP C:** MINIMUM PAY OF RS.9, 050 AND ABOVE BUT BELOW RS.18, 380.

**GROUP D:** BELOW RS.9, 050.

(The above are applicable w.e.f.1-4-2010)

**REGULATION 6:**

CONSTITUTION OF BOARD SERVICES: THE BOARD SERVICES UNDER GROUP-A, B, C AND D SHALL CONSISTS OF THE SERVICES OF POSTS SPECIFIED IN SCHEDULES I TO IV

**PART III – APPOINTING AUTHORITIES**

**REGULATION 7:**

SAVE AS OTHERWISE PROVIDED ALL FIRST APPOINTMENTS TO THE BOARD SERVICES IN GROUPS-A,B,C AND D SHALL BE MADE BY THE AUTHORITIES SPECIFIED IN THE SCHEDULE – I,II,III AND IV, FROM TIME TO TIME.

**PART IV – SUSPENSIONS**

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**REGULATION-8:**

THE APPOINTING AUTHORITY OR ANY AUTHORITY TO WHICH IT (THE APPOINTING AUTHORITY) IS SUBORDINATE OR ANY AUTHORITY EMPOWERED BY THE BOARD IN THIS BEHALF MAY PLACE A BOARD EMPLOYEE UNDER SUSPENSION

- i) WHERE A DISCIPLINARY PROCEEDINGS AGAINST HIM IS CONTEMPLATED OR IS PENDING OR
- ii) WHERE A CASE AGAINST HIM IN RESPECT OF ANY CRIMINAL OFFENCE IS UNDER INVESTIGATION OR TRIAL.

IF THE SUSPENSION IS MADE BY THE AUTHORITY EMPOWERED BY THE BOARD IN THIS BEHALF WHICH IS LOWER THAN THE APPOINTING AUTHORITY, SUCH AUTHORITY SHALL FORTHWITH REPORT TO THE APPOINTING AUTHORITY THE CIRCUMSTANCES IN WHICH THE ORDER IS MADE.

**DEEMED SUSPENSION:**

**CIRCUMSTANCES:**

- i) WITH EFFECT FROM THE DATE OF DETENTION, IF HE IS DETAINED IN CUSTODY WHETHER ON A CRIMINAL CHARGE OR OTHERWISE FOR A PERIOD EXCEEDING FORTY EIGHT HOURS.
  - ii) WITH EFFECT FROM THE DATE OF HIS CONVICTION, IF IN THE EVENT OF A 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 TO SUCH CONVICTION.
  - iii) WHEN AN EMPLOYEE, UNDER SUSPENSION, IS DISMISSED, REMOVED OR COMPULSORILY RETIRED AS A MEASURE OF PENALTY AND THE SAID ORDER IS SET ASIDE IN APPEAL OR ON
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REVIEW AND THAT THE CASE IS REMITTED BACK FOR FURTHER ENQUIRY OR FOR ANY OTHER ACTION.

WHEN AN EMPLOYEE, IS DISMISSED, REMOVED OR COMPULSORILY RETIRED AS A MEASURE OF PENALTY AND THE SAID ORDER IS SET ASIDE OR DECLARED 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, DECIDE TO HOLD FURTHER INQUIRY AGAINST HIM

A) AN ORDER OF SUSPENSION MADE OR DEEMED TO HAVE BEEN MADE UNDER THIS REGULATION SHALL CONTINUE TO REMAIN IN FORCE UNTIL IT IS NOTIFIED OR REVOKED BY THE AUTHORITY COMPETENT TO DO SO

B) WHEN AN EMPLOYEE IS UNDER SUSPENSION IN CONNECTION WITH A MISCONDUCT AND IF AN ANOTHER CASE OF MISCONDUCT ALSO COMES INTO LIGHT THE AUTHORITY COMPETENT MAY FOR REASONS TO BE RECORDED BY HIM IN WRITING , DIRECT THAT THE BOARD EMPLOYEE SHALL CONTINUE TO BE UNDER SUSPENSION UNTIL THE TERMINATION OF ALL OR ANY OF SUCH PROCEEDINGS

C)AN ORDER OF SUSPENSION MADE OR DEEMED TO HAVE BEEN MADE , AT ANY TIME BE MODIFIED OR REVOKED BY THE AUTHORITY CONCERNED OR BY HIS HIGHER AUTHORITY.

6. WHERE A BOARD EMPLOYEE HAS BEEN SUSPENDED BY AN AUTHORITY OTHER THAN THE BOARD AND FINAL ORDERS IN THE INQUIRY PENDING AGAINST HIM HAVE NOT BEEN PASSED WITHIN A PERIOD OF SIX MONTHS FROM THE DATE OF ORDER OR SUS PENION, THE CASE SHALL BE REPORTED TO THE BOARD FOR SUCH ORDERS AS IT MAY DEEM IT.

## **PART V- PENALTIES & DISCIPLINARY AUTHORITIES**

### **REGULATION 9:**

#### **NATURE OF PENALTIES:**

ONE OR MORE OF THE FOLLOWING PENALTIES FOR GOOD AND SUFFICIENT REASONS AND AS HEREINAFTER PROVIDED MAY BE IMPOSED ON BOARD EMPLOYEE, NAMELY:

#### ***MINOR PENALTIES:***

FINE IN THE CASE OF BOARD EMPLOYEES (BELONGING TO GROUP-D)

CENSURE WITHHOLDING OF INCREMENTS WITH OR WITHOUT CUMULATIVE EFFECT

iii (a) WITHHOLDING OF PROMOTION RECOVERY FROM PAY OF THE WHOLE OR PART OF ANY PECUNIARY LOSS CAUSED BY NEGLIGENCE OR BREACH OF ORDERS TO THE BOARD OR TO THE STATE GOVERNMENT, THE CENTRAL GOVERNMENT, ANY PERSON, BODY OR AUTHORITY, TO WHOM THE SERVICES OF THE OFFICER HAD BEEN LENT.

Iv (a) REDUCTION TO A LOWER STAGE IN THE TIME SCALE OF PAY FOR A PERIOD WITH A SPECIFIC DIRECTION AS TO WHETHER OR NOT THE BOARD EMPLOYEE WILL EARN INCREMENTS OF PAY DURING THE PERIOD OF SUCH REDUCTION WITH REFERENCE TO THE REDUCED PAY OR WHETHER THE PAY SHALL REMAIN CONSTANT AND WITH A FURTHER DIRECTION WHETHER ON THE EXPIRY OF THE PERIOD OF PENALTY THE REDUCTION WILL OR WILL NOT HAVE THE EFFECT OF POSTPONING THE FUTURE INCREMENTS OF HIS PAY

## ***MAJOR PENALTIES***

v) REDUCTION TO A LOWER TIMESCALE OFPAY, GRADE OR POST OR SERVICE WHICH SHALL, UNLESS OTHERWISE DIRECTED, BE A BAR TO THE PROMOTION OF THE BOARD EMPLOYEE TO THE TIME SCALE OF PAY, GRADE, POST OR SERVICE FROM WHICH HE WAS REDUCED WITH OR WITHOUT FURTHER DIRECTIONS REGARDING

A) SENIORITY AND PAY IN THE SCALE OF PAY, GRADE, POST OR SERVICE TO WHICH THE BOARD EMPLOYEE IS REDUCED

B) CONDITIONS OF RESTORATION TO THE SCALE OF PAY, GRADE OR POST OR SERVICE FROM WHICH THE BOARD EMPLOYEE WAS REDUCED AND HIS SENIORITY AND PAY ON SUCH RESTORATION TO THAT SCALE OF PAY, GRADE, POST OR SERVICE.

vi) COMPULSSORY RETIREMENT.

Vii) REMOVAL FROM SERVICE WHICH SHALL NOT BE A DISQUALIFICATION FOR FUTURE EMPLOYMENT.

Viii) DISMISSAL FROM SERVICE WHICH SHALL ORDINARILY BE A DISQUALIFICATION FOR FUTURE EMPLOYMENT

PROVIDED THAT IN THE ABSENCE OF SPECIAL AND ADEQUATE REASONS TO THE CONTRARY TO BE MENTIONED IN THE ORDER OF THE DISCIPLINARY AUTHORITY, NO PENALTY OTHER THAN THOSE SPECIFIED IN CLAUSE V TO VIII SHALL BE IMPOSED FOR AN ESTABLISHED CHARGE OF CORRUPTION.

THE FOLLOWING CANNOT BE CONSTRUED AS PENALTY:

1. WITHHOLDING OF INCREMENTS FOR HAVING NOT PASSED DEPARTMENTAL EXAMINATIONS
  2. NON PROMOTION, AFTER CONSIDERATION OF HIS CASE
  3. REVERSION TO A LOWER SERVICE, AFTER TRIAL (BUT ON ADMINISTRATIVE GROUND UNCONNECTED WITH HIS CONDUCT)
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4. REVERSION TO HIS PERMANENT SERVICE, GRADE OR POST OF A BOARD EMPLOYEE APPOINTED ON PROBATION TO ANOTHER SERVICE, GRADE OR POST IN ACCORDANCE WITH THE TERMS OF HIS APPOINTMENT OR THE REGULATION AND ORDERS GOVERNING PROBATION

5. COMPULSORY RETIREMENT OF A BOARD EMPLOYEE IN ACCORDANCE WITH THE PROVISION RELATING TO HIS SUPERANNUATION OR RETIREMENT.

6. TERMINATION OF THE SERVICES:

- OF A PERSON EMPLOYED UNDER AN AGREEMENT, IN ACCORDANCE WITH THE TERMS OF SUCH AGREEMENT, OR
- OF A BOARD EMPLOYEE APPOINTED IN PROBATION DURING OR AT THE END OF THE PERIOD OF HIS PROBATION IN ACCORDANCE WITH THE TERMS OF HIS APPOINTMENT OR THE REGULATIONS AND ORDERS GOVERNING SUCH PROBATION, OR
- OF A TEMPORARY EMPLOYEE IN ACCORDANCE WITH THE PROVISIONS OF KEB RECRUITMENT AND SERVICE CONDITIONS OF DAILY RATED WORKMEN) REGULATIONS, 1974.

**REGULATION 10:**

BOARD, APPOINTING AUTHORITY AND THE AUTHORITIES SPECIFIED IN THE SCHEDULES. WHILE ON DEPUTATION, THE BORROWING AUTHORITY WHO POSTED THE EMPLOYEE TO HIS PRESENT POST, CLASS OR GRADE.

**REGULATION 10(3):**

MAJOR PENALTY CAN NOT BE IMPOSED BY ANY AUTHORITY LOWER THAN APPOINTING AUTHORITY.

**REGULATION 10 (A):**

AUTHORITY TO INSTITUTE PROCEEDINGS:

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BOARD OR ANY OTHER AUTHORITY EMPOWERED BY THE BOARD (CAN BE ORDERED OR DELEGATED ) DISCIPLINARY AUTHORITIES COMPETENT UNDER THESE REGULATIONS CHAIRMAN (PRESENTLY MANAGING DIRECTOR) WHEN A JOINT DEPARTMENTAL ENQUIRY AGAINST THE DELINQUENTS FOR WHOM THE DISCIPLINARY AUTHORITIES ARE DIFFERENT BUT ARE HAVING EQUAL DISCIPLINARY POWERS. SPECIFIC ORDERS AS TO WHO HAS TO FUNCTION AS THE DISCIPLINARY AUTHORITY, HIS POWERS AND THE PROCEDURE TO BE FOLLOWED HAVE TO BE MADE. CHAIRMAN (PRESENTLY MANAGING DIRECTOR) WHEN A JOINT DEPARTMENTAL ENQUIRY AGAINST THE DELINQUENTS WHO ARE OF EQUAL RANK AND STATUS HAS TO BE ORDERED. ALL CEEs, SEEs, EEs AND AEEs HAVE EQUAL DISCIPLINARY POWERS AGAINST THE STAFF WORKING UNDER THEM.

## **PART-VI PROCEDURE FOR IMPOSING PENALTIES**

### **REGULATION 11:**

MAJOR PENALTIES SHALL NOT BE IMPOSED EXCEPT AFTER AN ENQUIRY HELD, AS FAR AS MAY BE, AS PROVIDED IN REGULATION 11 & 11-A. THE DISCIPLINARY AUTHORITY MAY ENQUIRE INTO OR APPOINT AN AUTHORITY THE DISCIPLINARY AUTHORITY SHALL DRAW UP OR CAUSED TO BE DRAWN UP:

- i) THE SUBSTANCE OF THE IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR INTO DEFINITE AND DISTINCT ARTICLES OF CHARGE
- ii) A STATEMENT OF THE IMPUTATIONS OF MISCONDUCT OR IN SUPPORT OF EACH CHARGE WHICH SHALL CONTAIN
  - A STATEMENT OF ALL RELEVANT FACTS INCLUDING ANY ADMISSION OR CONFESSION MADE BY THE BOARD EMPLOYEE
  - A LIST OF DOCUMENTS BY WHICH, AND A LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE ARE PROPOSED TO BE SUSTAINED.

THE DISCIPLINARY AUTHORITY SHALL DELIVER OR CAUSED TO BE DELIVERED THE CHARGE SHEET SAID ABOVE ON THE DELINQUENTS AND REQUIRE HIM TO SUBMIT

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HIS WRITTEN STATEMENT IN HIS DEFENCE WITHIN THE TIME LIMIT SPECIFIED AND TO STATE WHETHER HE DESIRES TO BE HEARD IN PERSON.

A) IF THE DELINQUENTS SUBMIT THEIR REPLIES AND REFUSE THE CHARGES FRAMED AGAINST THEM, THE DISCIPLINARY AUTHORITY HIMSELF MAY FUNCTION AS THE INQUIRING AUTHORITY OR APPOINT AN AUTHORITY FOR THE SAME. IF THE CHARGES HAVE BEEN ACCEPTED, THE DISCIPLINARY AUTHORITY MAY CONSIDER THE EVIDENCES AND DRAW HIS FINDINGS AND TAKE FURTHER ACTION AS IN REGULATION 11 (A).

B) IF NO REPLIES ARE SUBMITTED BY THE DELINQUENTS, THE DISCIPLINARY AUTHORITY HIMSELF MAY FUNCTION AS THE INQUIRING AUTHORITY OR APPOINT AN AUTHORITY FOR CONDUCTING THE PROCEEDINGS. C) THE DISCIPLINARY AUTHORITY MAY BY AN ORDER APPOINT A LEGAL PRACTITIONER OR A BOARD EMPLOYEE AS “PRESENTING OFFICER” TO PRESENT THE CASE.

THE FOLLOWING SHALL BE SENT TO THE INQUIRING AUTHORITY:

A) COPY OF THE ARTICLE OF CHARGES.

B) COPY OF THE STATEMENT OF IMPUTATION OF MISCONDUCT.

C) A COPY OF THE WRITTEN STATEMENT OF DEFENCE, IF ANY, SUBMITTED BY THE BOARD EMPLOYEE.

D) A COPY OF THE STATEMENTS OF WITNESSES IF ANY.

E) EVIDENCE PROVING THE DELIVERY OF THE DOCUMENTS REFERRED TO THE DELINQUENTS.

F) A COPY OF THE ORDER APPOINTING THE “PRESENTING OFFICER”. IF AN OFFICER OF LOKAYUKTA IS APPOINTED AS THE INQUIRING AUTHORITY AND IF THAT OFFICER FEELS NECESSARY, HE CAN MODIFY THE CHARGE SHEET AND THE ANNEXURES AND SERVE THE SAME ON THE DELINQUENTS AND REQUIRE HIS REPLY.

THE DELINQUENT EMPLOYEE SHALL APPEAR BEFORE THE INQUIRING AUTHORITY WITHIN THE TIME ALLOWED BY HIM THE DELINQUENT EMPLOYEE MAY ENGAGE A DEFENCE COUNSEL (AN EMPLOYEE IN SERVICE OR RETIRED. AN

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ADVOCATE MAY BE ENGAGED IF THE CASE PRESENTING OFFICER IS A LEGAL PRACTITIONER OR IF THE DISCIPLINARY AUTHORITY HAS APPROVED THE REQUEST OF THE DELINQUENT FOR THE SAME. IF A RETIRED EMPLOYEE WHOM THE DELINQUENT WANTS TO BE HIS DEFENCE COUNSEL IS ALSO A LEGAL PRACTITIONER IT CAN NOT BE CONSIDERED UNLESS THE CASE PRESENTING OFFICER IS ALSO A LEGAL PRACTITIONER OR THERE IS APPROVAL OF THE DISCIPLINARY AUTHORITY FOR THE SAME.

THE CO-EMPLOYEE SHALL REPRESENT AS DEFENCE COUNSEL IN ONE INQUIRY AT A TIME AND HOWEVER HE SHALL NOT BE PERMITTED AS A DEFENCE COUNSEL IN MORE THAN TWO ENQUIRIES IN A CALENDER YEAR. DURING THE PENDENCY OF AN INQUIRY HE SHALL NOT BE PERMITTED TO APPEAR AS DEFENCE COUNSEL IN ANY OTHER INQUIRY. THE DEFENCE COUNSEL SHALL DECLARE ACCORDINGLY BEFORE SEEKING PERMISSION.

IF THE DELINQUENT HAS NOT ADMITTED CHARGES NOR SUBMITTED HIS WRITTEN REPLY TO THE CHARGE SHEET BUT APPEARS BEFORE THE INQUIRING AUTHORITY ON THE DATE SPECIFIED, THE SAID AUTHORITY SHALL ASK HIM WHETHER HE IS GUILTY OR HAS 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 DELINQUENTS THEREON. HE SHALL RETURN A FINDING OF GUILT IN RESPECT OF THOSE ARTICLES OF CHARGE TO WHICH THE DELINQUENT PLEADS GUILTY.

IF THE DELINQUENT NEITHER SUBMITS REPLY NOR APPEAR IN PERSON BEFORE THE INQUIRING AUTHORITY ON THE DATE & TIME SPECIFIED, THE INQUIRING AUTHORITY MAY ASK THE CASE PRESENTING OFFICER TO PRODUCE THE PROSECUTION WITNESSES AND ADJOURN THE CASE TO A LATER DATE NOT EXCEEDING THIRTY DAYS, AFTER RECORDING AN ORDER THAT THE DELINQUENT MAY FOR THE PURPOSE OF PREPARING HIS DEFENCE

- i) INSPECT WITHIN FIVE DAYS OF THE ORDER OR WITHIN SUCH FURTHER TIME NOT EXCEEDING FIVE DAYS AS THE INQUIRING AUTHORITY MAY ALLOW THE DOCUMENTS SPECIFIED IN THE CHARGE SHEET (ANNEXURE-3).

- ii) SUBMIT A LIST OF DEFENCE WITNESSES
- iii) MAY APPLY IN WRITING FOR PERMISSION AND TAKE EXTRACT OF THE DOCUMENTS RELIED ON FOR THE CHARGES
- iv) SUBMIT WITHIN THE MAXIMUM OF TEN DAYS THE LIST OF DOCUMENTS NOT SHOWN IN THE ANNEXURE-3 OF THE CHARGE SHEET BUT FEEL NECESSARY FOR DEFENCE.

HOWEVER THE DELINQUENT SHALL INDICATE THE RELEVANCE OF THE SAID DOCUMENTS TO HIS DEFENCE. THE INQUIRING AUTHORITY SHALL WRITE TO THE CUSTODIAN OF THOSE RECORDS TO PRODUCE ON THE DATE AND TIME SPECIFIED BY HIM. HOWEVER IF THE INQUIRING AUTHORITY FEELS THAT THE RECORDS ARE IRRELEVANT HE CAN REFUSE THE REQUEST OF THE DELINQUENT AND RECORD THE SAME IN WRITING.

THE CUSTODIAN OF THE RECORDS SHALL PRODUCE THE SAID RECORDS UNLESS THEY ARE NOT TO BE DISCLOSED IN THE INTEREST OF SECURITY OR PUBLIC INTEREST. ON THE DATE FIXED FOR ENQUIRY PROCEEDINGS, THE CASE PRESENTING OFFICER SHALL EXAMINE THE PROSECUTION WITNESSES; DOCUMENTS CITED IN THE ANNEXURE OF THE CHARGE SHEET SHALL BE PRODUCED.

THE PROSECUTION WITNESSES CAN BE CROSS EXAMINED BY THE DELINQUENT OR BY HIS DEFENCE COUNSEL. THE CASE PRESENTING OFFICER CAN RE EXAMINE THE PROSECUTION WITNESSES ON THE POINTS RAISED DURING CROSS EXAMINATION AND NOT ON NEW POINTS WITHOUT PERMISSION OF THE INQUIRING AUTHORITY. THE INQUIRING AUTHORITY MAY ALSO PUT QUESTIONS TO THE PROSECUTION WITNESSES.

THE INQUIRING AUTHORITY MAY IF HE FEELS NECESSARY ALLOW THE CASE PRESENTING OFFICER OR HIMSELF CALL FOR PRODUCTION OF NEW EVIDENCE AND RE EXAMINE ANY WITNESS BUT WITH DUE OPPORTUNITY TO THE DELINQUENT TO INSPECT THE RECORDS AND COLLECT ADDITIONAL EVIDENCE. BUT THE ABOVE SHALL NOT TO FILL UP ANY GAP IN THE EVIDENCE UNLESS THERE IS AN INHERENT LACUNA OR DEFECT IN THE EVIDENCE WHICH HAS BEEN PRODUCED ORIGINALLY.

THE DELINQUENT EMPLOYEE SHALL SUBMIT HIS DEFENCE EITHER ORALLY OR IN WRITING. THE DELINQUENT EMPLOYEE SHALL PROODUCE DOCUMENTS IN HIS

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DEFENCE, EXAMINE HIS DEFENCE WITNESSES, INCLUDING HIMSELF, WHO MAY BE CROSS EXAMINED BY THE CASE PRESENTING OFFICER AND RE EXAMINED BY THE DELINQUENT EMPLOYEE AND EXAMINED BY THE INQUIRING AUTHORITY.

IF THE DELINQUENT HAS NOT EXAMINED HIMSELF IN HIS DEFENCE, THE INQUIRING AUTHORITY MAY GENERALLY QUESTION ON THE CIRCUMSTANCES APPEARING AGAINST HIM IN THE EVIDENCE.

THE INQUIRING AUTHORITY MAY HEAR THE CASE PRESENTING OFFICER AND ALLOW BOTH THE CASE PRESENTING OFFICER AND THE DELINQUENT EMPLOYEES TO FILE THEIR WRITTEN STATEMENTS IN THEIR FAVOUR.

IF THE DELINQUENT DOES NOT SUBMIT THE WRITTEN STATEMENT OF DEFENCE ON OR BEFORE THE DATE SPECIFIED FOR THE PURPOSE OR DOES NOT APPEAR IN PERSON BEFORE THE INQUIRING AUTHORITY OR OTHERWISE FAILS OR REFUSES TO COMPLY WITH THE PROVISIONS OF THIS REGULATION, AT ANY STAGE OF THE ENQUIRY, THE INQUIRING AUTHORITY MAY HOLD THE INQUIRY EX-PARTE.

- a) IF THE DISCIPLINARY AUTHORITY FEELS THAT MAJOR PENALTY NEED BE IMPOSED ON THE DELINQUENTS, HE SHALL SEND THE RECORDS WITH HIS FINDINGS TO THE AUTHORITY COMPETENT FOR HIS FURTHER ACTION.
- b) THE AUTHORITY WHO RECEIVED SUCH RECORDS AND FINDINGS MAY ACT ON THE EVIDENCE ON THE RECORD, AND IF HE FEELS JUSTIFIED, MAY RECALL THE WITNESSES AND EXAMINE, CROSS EXAMINE AND RE-EXAMINE THE WITNESSES AND IMPOSE SUCH PENALTY AS IT DEEM FIT.

IF THERE IS CHANGE OF INQUIRING AUTHORITY, THE NEW INCUMBENT MAY CONTINUE THE ENQUIRY PROCEEDINGS FROM THE PRESENT STAGE AND IF HE FEELS FURTHER EXAMINATION OF WITNESSES ARE NECESSARY, MAY RECALL, EXAMINE, CROSS EXAMINE AND RE EXAMINE ANY SUCH WITNESSES.

AFTER CONCLUSION OF THE INQUIRY, A REPORT SHALL BE PREPARED AND IT SHALL CONTAIN:

- a) ARTICLES OF CHARGES AND IMPUTATION OF MISCONDUCT
  - b) THE DEFENCE OF THE BOARD EMPLOYEE IN RESPECT OF EACH CHARGE
  - c) AN ASSESSMENT OF EVIDENCE
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d) THE FINDINGS AND THE REASONS THEREFOR. FINDINGS ON DIFFERENT CHARGE NOT FRAMED BUT ACCEPTED BY THE DELINQUENT CAN ALSO BE RECORDED BY THE INQUIRING AUTHORITY.

ALL THE SAID RECORDS WITH THE FINDINGS OF THE ENQUIRY BE SENT TO THE DISCIPLINARY AUTHORITY IF THE INQUIRING AUTHORITY IS NOT THE DISCIPLINARY AUTHORITY.

**REGULATION 11(A):**

ACTION ON THE INQUIRY REPORT:

THE DISCIPLINARY AUTHORITY, FOR THE REASONS TO BE RECORDED IN WRITING REMIT THE CASE TO THE INQUIRING AUTHORITY FOR FURTHER INQUIRY AND REPORT THE DISCIPLINARY AUTHORITY SHALL, IF IT DISAGREES WITH THE FINDINGS OF THE INQUIRING AUTHORITY RECORD ITS REASONS FOR SUCH DISAGREEMENT AND RECORDS ITS OWN FINDINGS .

IF THE DISCIPLINARY AUTHORITY AFTER THE ABOVE EXERCISE, IS OF THE OPINION THAT ONE OR MORE OF THE PENALTIES SPECIFIED SHOULD BE IMPOSED MAY DO SO.

**REGULATION – 12:**

PROCEDURE FOR IMPOSING MINOR PENALTIES:

SUBJECT TO REGULATION 11 (A) (3), ABOVE, (1)

(a) ISSUE PROPOSAL TO TAKE ACTION ON THE ARTICLES OF CHARGES, IMPUTATIONS OF MISCONDUCT AND THE EVIDENCES AVAILABLE AND OPPORTUNITY BE GIVEN TO THE EMPLOYEE TO SUBMIT HIS REPRESENTATION IN HIS DEFENCE.

b) HOLDING AN INQUIRY AS IN REGULATION 11(3) TO 11(23) OF THE REGULATION, IF THE DISCIPLINARY IS OF THE OPINION THAT THE SAME IS NECESSARY.

c) CONSIDER THE REPRESENTATION OF THE EMPLOYEE AND THE FINDINGS OF THE ENQUIRY.

(d) RECORD FINDINGS.

(e) CONSULT THE BOARD WHERE SUCH CONSULTATION IS NECESSARY.

THE RECORD OF SUCH CASE SHALL INCLUDE:

- i) COPY OF THE NOTICE OF PROPOSAL TO TAKE ACTION
- ii) COPY OF THE IMPUTATIONS OF MISCONDUCT
- iii) HIS REPRESENTATION
- iv) THE EVIDENCE PRODUCED DURING THE ENQUIRY
- v) FINDINGS
- vi) ORDERS ON THE CASE WITH REASONS THEREFOR.

**REGULATION 12(A):**

COMMUNICATION OF ORDERS:

THE FINAL ORDERS SHALL BE COMMUNICATED TO THE EMPLOYEE WITH A COPY OF THE REPORT OF THE INQUIRING AUTHORITY (AND THE RECOMMENDATION OF THE LOKAYUKTA/UPA LOKAYUKTA, IN SUCH CASES) IF THE SAME HAD NOT BEEN PROVIDED TO HIM ALREADY. REASONS FOR DISAGREEMENT WITH THE FINDINGS AND THE FINDINGS OF THE DISCIPLINARY AUTHORITY SHALL BE COMMUNICATED. HOWEVER IF THE EMPLOYEE IS EXONERATED NO SUCH COPY NEED BE PROVIDED.

**REGULATION 13:**

WHERE TWO OR MORE EMPLOYEES ARE CONCERNED IN ANY CASE, THE BOARD OR ANY OTHER AUTHORITY COMPETENT TO IMPOSE THE PENALTY OF DISMISSAL FROM SERVICE ON ALL SUCH EMPLOYEES MAY MAKE AN ORDER DIRECTING THAT THE DISCIPLINARY ACTION AGAINST ALL OF THEM MAY BE TAKEN IN A COMMON PROCEEDING.

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THE ORDER SHALL STATE AS TO WHO HAS TO FUNCTION AS THE DISCIPLINARY AUTHORITY, WHAT ARE THE PENALTIES HE IS COMPETENT TO IMPOSE AND THAT THE PROCEDURE TO BE FOLLOWED.

**REGULATION 14:**

SPECIAL PROCEDURE IN CERTAIN CASES:

NOTWITHSTANDING ANYTHING CONTAINED IN REGULATION 11, 12 AND 13 WHERE A PENALTY IS IMPOSED ON A BOARD EMPLOYEE

i) ON THE GROUND OF CONDUCT WHICH HAS LED TO HIS CONVICTION ON A CRIMINAL CHARGE; OR

ii) WHERE THE OFFICER CONCERNED HAS ABSCONDED, OR WHERE THE OFFICER CONCERNED DOES NOT TAKE PART IN THE INQUIRY OR WHERE FOR ANY REASONS TO BE RECORDED IN WRITING IT IS IMPRACTICABLE TO COMMUNICATE WITH HIM, OR WHERE THE DISCIPLINARY AUTHORITY, FOR REASONS TO BE RECORDED IN WRITING, IS SATISFIED THAT IT IS NOT REASONABLY PRACTICABLE TO FOLLOW THE PROCEDURE PRESCRIBED IN THE SAID REGULATIONS, OR

iii) WHERE THE BOARD IS SATISFIED THAT IN THE INTEREST OF THE SECURITY OF THE BOARD IT IS NOT EXPEDIENT TO FOLLOW SUCH PROCEDURE, THE DISCIPLINARY AUTHORITY MAY PASS SUCH ORDERS THEREON AS IT DEEMS FIT:

PROVIDED FURTHER THAT IN A CASE COVERED BY CLAUSE (i) NO ORDER IMPOSING A PENALTY MAY BE PASSED WITHOUT GIVING THE EMPLOYEE AN OPPORTUNITY TO MAKE A REPRESENTATION ON THE PROPOSED PENALTY.

**REGULATION 14-(A):**

SPECIAL PROCEDURE IN CERTAIN CASES OF MISCONDUCT

IN RESPECT OF THE CASES INVESTIGATED BY KARNATAKA LOKAYUKTA

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- WHERE THE ALLEGATIONS AGAINST EMPLOYEES WERE INVESTIGATED BY LOKAYUKTA AND THE RECOMMENDATIONS FOR DISCIPLINARY PROCEEDINGS, THE RECORDS WITH THE RECOMMENDATION SHALL BE SENT TO THE BOARD. AFTER EXAMINATION THE BOARD MAY DIRECT AN ENQUIRY BY LOKAYUKTA OR REFER THE FILE TO THE DISCIPLINARY CONCERNED FOR TAKING ACTION AS UNDER REGULATION OF THESE REGULATIONS (NOTE: HOWEVER WHEN THE RECOMMENDATION IS FOR ENTRUSTING THE CASE TO LOKAYUKTA, THE BOARD, IN PRACTICE HAS BEEN ACCEPTING IT AND ORDERING THE DISCIPLINARY PROCEEDINGS AND ENTRUST THEM TO LOKAYUKTA).
- WHERE THE CASES ARE ENTRUSTED TO LOKAYUKTA, THE OFFICER AUTHORISED WHO IS NOT LOWER IN RANK OF THE EMPLOYEES MAY ALSO CONDUCT THE PROCEEDINGS.
- THE SAID INQUIRING AUTHORITY SHALL CONDUCT THE ENQUIRY PROCEEDINGS AS IN REGULATION 11(2) TO (20) AND 11(23) OF THESE REGULATIONS AND HE SHALL HAVE THE POWERS OF THE DISCIPLINARY AUTHORITY FOR THE PURPOSE.
- AFTER THE ENQUIRY, THE FINDINGS OF THE ENQUIRY OFFICER AND THE RECOMMENDATIONS OF LOKAYUKTA SHALL BE SENT TO THE BOARD.
- THE BOARD, ON RECEIPT OF THE ABOVE SHALL TAKE ACTION AS IN REGULATION 11(21) AND 11(23) AND 11(A) OF THESE REGULATIONS AND IN ALL SUCH CASES THE BOARD SHALL BE COMPETENT TO IMPOSE ANY OF THE PENALTIES SPECIFIED IN REGULATION 9.

**REGULATION 15 AND REGULATION 16:**

WHEN THE SERVICES OF EMPLOYEES ARE LENT TO OTHERS, THEY SHALL BE CALLED AS THE BORROWING AUTHORITIES AND IF THEIR EMPLOYEES ARE DEPUTED TO THE BOARD, THE BOARD SHALL BE THE BORROWING AUTHORITY.

THE BORROWING AUTHORITY SHALL HAVE THE POWERS OF THE APPOINTING AUTHORITY TO PLACE THE EMPLOYEES UNDER SUSPENSION AND OF THE

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DISCIPLINARY AUTHORITY TO TAKE DISCIPLINARY PROCEEDINGS AND IMPOSE MINOR PENALTIES, IF CHARGES ARE HELD PROVED.

IF MAJOR PENALTIES ARE FELT WARRANTED, THE BORROWING AUTHORITY SHALL REFER THE RECORDS TO THE DISCIPLINARY AUTHORITY OF LENDING AUTHORITY FOR ACTION AS UNDER REGULATION 11(A) AS IT DEEMS FIT AND THE SERVICES OF THE EMPLOYEES BE REPATRIATED.

HOWEVER THE BOARD AS BORROWING AUTHORITY CAN IMPOSE THE MINOR PENALTIES AFTER CONSULTATION WITH THE LENDING AUTHORITY ON THE EMPLOYEES WHO'S SERVICES HAVE BEEN BORROWED. IN CASE OF DIFFERENCE OF OPINION, THE SERVICES OF THOSE BORROWED EMPLOYEES SHALL BE REPATRIATED

**REGULATION 16 (A):**

DISCIPLINARY ACTION FOR THE MISCONDUCTED COMMITTED BY HIM WHILE HE WAS IN SERVICE MAY BE INITIATED ON THE EMPLOYEE CEASED TO BE AN EMPLOYEE IF HE IS REAPPOINTED.

**PART VII – APPEAL**

**REGULATION 17:**

NOTWITHSTANDING ANYTHING CONTAINED IN THIS PART, NO APPEAL SHALL LIE AGAINST:

- ANY ORDER MADE BY THE BOARD
- ANY ORDER OF AN INTER-LOCUTORY NATURE OR OF THE NATURE OF A STEP-IN-AID FOR THE FINAL DISPOSAL OF A DISCIPLINARY PROCEEDING, OTHER THAN AN ORDER OF SUSPENSION
- ANY ORDER PASSED BY AN INQUIRING AUTHORITY IN THE COURSE OF AN INQUIRY UNDER REGULATION 11.

**REGULATION 18:**

1)

- a) ALL EMPLOYEES ARE ENTITLED FOR APPEAL AS PROVIDED IN THE SCHEDULE AGAINST THE ORDER OF PENALTY UNDER REGULATION 9 IMPOSED BY THE DISCIPLINARY AUTHORITY, APPELLATE OR REVIEW AUTHORITY
- b) DISCHARGING HIM. EXCEPT ON ABOLITION OF THE POST, IN ACCORDANCE WITH THE TERMS OF HIS CONTRACT FOR A FIXED OR FOR AN INDEFINITE PERIOD, PROVIDED HE HAS RENDERED UNDER EITHER FORM OF CONTRACT, CONTINUOUS SERVICE FOR A PERIOD EXCEEDING FIVE YEARS AT THE TIME WHEN HIS SERVICES ARE TERMINATED
- c) REDUCING OR WITHHOLDING PENSION ADMISSIBLE UNDER REGULATION
- d) SUSPENSION UNDER REGULATION 8.

2) APPEALS MAY BE REFERRED TO THE AUTHORITY SPECIFIED IN THE SCHEDULE. PROVIDED THAT IN CASES OF POSTS NOT INCLUDED IN COLUMN 2 OF THE SCHEDULES, THE HOLDER OR THE HOLDERS OF SUCH POSTS MAY APPEAL FROM ORDERS PASSED IN EXERCISE OF THE POWERS CONFERRED BY REGULATION 10 TO THE AUTHORITY IMMEDIATELY SUPERIOR TO THE AUTHORITY IMPOSING THE PENALTY. BOARD'S DECISION IN REPLY TO A CLARIFICATION, IF SOUGHT, SHALL BE FINAL.

IN RESPECT OF A JOINT DEPARTMENTAL ENQUIRY, THE APPEAL SHALL BE BEFORE THE HIGHER AUTHORITY IMMEDIATELY SUPERIOR TO THE DISCIPLINARY AUTHORITY AND WHEN THE DISCIPLINARY AUTHORITY, IF PROMOTED AND BECAME THE HIGHER AUTHORITY IN LINE, THEN THE APPEAL SHALL BE TO HIS IMMEDIATE HIGHER AUTHORITY.

**REGULATION 19:**

APPEAL AGAINST OTHER ORDER:

- 1. EMPLOYEES ARE ENTITLED TO APPEAL BEFORE THE BOARD AGAINST ANY ORDER PASSED BY A SUBORDINATE AUTHORITY WHICH:
-

- DENIES OR VARIES TO HIS DISADVANTAGE HIS PAY, ALLOWANCES, PENSION OR OTHER CONDITIONS OF SERVICES AS REGULATED BY ANY ORDER, RULES OR BY AGREEMENT OR
  - DIFFERENT INTERPRETATION RESULTING IN DISADVANTAGE TO THE EMPLOYEE
2. REVERTION TO LOWER SERVICE, GRADE OR POST NOT AS A PENALTY, REDUCING OR WITHHOLDING THE PENSION ORDENYING THE MAXIMUM PENSION ADMISSIBLE, DETERMINING THE SUBSISTENCE ALLOWANCE, DETERMINING THE PAY AND ALLOWANCE FOR THE PERIOD OF SUSPENSION, DETERMINATION OF INTERMITTENT PERIOD (ON RESTORATION) THE BOARD SHALL BE APPELLATE AUTHORITY IN CASE THE ORDER OF DISMISSAL CAN BE MADE ONLY BY THE BOARD. IN CASE OF OTHERS, BEFORE THE APPELLATE AUTHORITY SPECIFIED AS IF MAJOR PENALTY WAS IMPOSED.
3. NOTWITHSTANDING ANYTHING CONTAINED IN THESE REGULATIONS THERE SHALL BE NO APPEAL AGAINST NON SELECTION FOR A SELECTION POST.

**REGULATION 20:**

THREE MONTHS FROM THE DATE OF ORDER OF THE DISCIPLINARY AUTHORITY. DELAY CAN BE CONDONED IF THE APPELLATE AUTHORITY IS SATISFIED THAT THE APPELLATE HAD SUFFICIENT CAUSE FOR NOT SUBMITTING THE APPEAL WITHIN IN TIME.

**REGULATION 21:**

FORM AND CONTENTS OF APPEAL:

THE APPEAL MUST BE OF INDIVIDUAL AND IN HIS OWN NAME.

**REGULATION 22:**

SUBMISSION OF APPEAL:

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APPEAL ADDRESSED TO THE APPELLATE AUTHORITY SHALL BE SUBMITTED TO THE DISCIPLINARY AUTHORITY AND AN ADVANCE COPY MAY BE SENT TO THE APPELLATE AUTHORITY.

**REGULATION 23:**

WITH HOLDING OF APPEALS:

1. THE DISCIPLINARY AUTHORITY MAY WITHHOLD THE APPEAL, IF:

- i) IT IS AN APPEAL AGAINST AN ORDER FROM WHICH NO APPEAL LIES
- ii) THE PROVISIONS OF REGULATION 21 IS NOT COMPLIED WITH
- iii) APPEAL IS DELAYED AND NO REASONS HAVE BEEN SHOWN
- iv) THE APPEAL IS REPEATED WITH NO NEW FACTS OR CIRCUMSTANCES ARE SHOWN AND THAT THE OLD ONE HAS BEEN DECIDED BY THE APPELLATE AUTHORITY
- v) IF THE APPEAL IS ADDRESSED TO AN AUTHORITY TO WHICH NO APPEAL LIES
- vi) IT CONTAINS MATERIAL OR DOCUMENTS WHICH ARE TREATED AS CONFIDENTIAL

PROVIDED THAT IN EVERY CASE IN WHICH AN APPEAL IS WITHHELD, THE APPELLANT SHALL BE INFORMED OF THE FACT AND THE REASONS FOR IT. THE APPEAL WITHHELD UNDER CLAUSES ii, v, and vi, MAY BE RESUBMITTED AT ANY TIME WITHIN ONE MONTH IN THE FORM SPECIFIED.

A COPY OR ORDER WITHHOLDING THE APPEAL SHALL BE SUBMITTED TO THE APPELLATE AUTHORITY  
NO APPEAL AGAINST THE WITHHOLDING OF APPEAL.

**REGULATION 24:**

TRANSMISSION OF APPEALS:

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- i) UNLESS THE APPEAL IS WITHHELD, IT SHALL BE TRANSMITTED WITH RECORDS AND COMMENTS ON THE CONTENTS OF THE APPEAL WITHOUT AVOIDABLE DELAY TO THE APPELLATE AUTHORITY.
- ii) THE APPELLATE AUTHORITY MAY DIRECT THE DISCIPLINARY AUTHORITY TO TRANSMIT THE APPEAL WITH HELD AND THE RECORDS ALONG WITH THE COMMENTS OF THE DISCIPLINAY AUTHORITY.

**REGULATION 25:**

**CONSIDERATION OF APPEAL:**

IN CASE OF APPEAL AGAINST THE ORDER OF SUSPENSION, THE APPELLATE AUTHORITY SHALL CONSIDER WHETHER IN THE LIGHT OF THE PROVISIONS OF REG.8 AND HAVING REGARD TO THE CIRCUMSTANCES OF THE CASE THE ORDER OF SUSPENSION IS JUSTIFIED OR NOT AND CONFIRM OR REVOKE THE ORDER ACCORDINGLY.

IN THE CASE OF AN APPEAL AGAINST AN ORDER OF PENALTY, THE APPELLATE AUTHORITY SHALL CONSIDER:

- a) NON COMPLIANCE OF PROCEDURE RESULTING VIOLATION OF PROVISIONS OF THE CONSTITUTION OR IN FAILURE OF JUSTICE.
- b) WHTHER THE FINDINGS ARE JUSTIFIED.
- c) WHETHER THE PENALTY IMPOSED IS EXCESSIVE, ADEQUATE OR INADEQUATE AND AFTER CONSULTATION WITH THE BOARD IF SUCH CONSULTATION IS NECESSARY IN THE CASE, PASS ORDERS” SETTING ASIDE, REDUCING, CONFIRMING OR ENHANCING THE PENALTY; OR
- ii) 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 CASES;

PROVIDED THAT:-

- THE APPELLATE AUTHORITY SHALL NOT IMPOSE ENHANCED PENALTY UNLESS THE DISCIPLINARY AUTHORITY WAS COMPETENT TO IMPOSE THAT ENHANCED PENALTY.

- OPPORTUNITY SHOULD HAVE BEEN GIVEN TO THE APPELLANT TO SUBMIT HIS REPRESENTATION ON PROPOSED ENHANCED PENALTY.
- IF THE PROPOSED ENHANCED PENALTY IS A MAJOR PENALTY AND THAT NO ENQUIRY WAS HELD UNDER REG.11 ALREADY, THE APPELLATE AUTHORITY MAY HIMSELF HOLD AN ENQUIRY UNDER REG.11 OR CAUSED TO BE CONDUCTED AND AFTER ITS COMPLETION THE APPELLATE AUTHORITY SHALL EXAMINE THE RECORDS AND PASS ORDERS AS IT MAY DEEM FIT.

3) IN THE CASES OF AN APPEAL AGAINST ANY ORDER SPECIFIED IN CLAUSES b) and c) OF REGULATION 18 OR REGULATION 19, THE APPELLATE AUTHORITY SHALL CONSIDER ALL THE CIRCUMSTANCES OF THE CASE AND PASS SUCH ORDERS AS IT DEEMS JUST AND EQUITABLE.

## **PART – VIII - REVISION & REVIEW**

### **REGULATION 26:**

THE BOARD ON ITS OWN MOTION OR OTHERWISE REVIEW ANY ORDER WHICH IS MADE OR IS APPEALABLE AND

- CONFIRM, MODIFY OR SET ASIDE THE ORDER.
- IMPOSE ANY PENALTY OR SET ASIDE, REDUCE, CONFIRM OR ENHANCE THE PENALTY IMPOSED BY THE ORDER.
- REMIT THE CASE TO THE AUTHORITY WHICH MADE THE ORDER OR TO ANY OTHER AUTHORITY DIRECTING SUCH FURTHER ACTION OR INQUIRY AS CONSIDERED PROPER IN THE CIRCUMSTANCES OF THE CASE OR
- PASS SUCH OTHER ORDERS AS IT DEEMS FIT.

PROVIDED THAT:

- i) ENHANCED PENALTY SHALL NOT BE IMPOSED WITHOUT GIVING AN OPPORTUNITY TO THE EMPLOYEE CONCERNED FOR HIS SUBMISSION OF REPRESENTATION AGAINST THE PROPOSED ENHANCED PENALTY
- ii) IF THE PROPOSED ENHANCED PENALTY IS A MAJOR PENALTY AND THAT NO ENQUIRY WAS HELD UNDER REG.11 ALREADY, AN ENQUIRY UNDER REG.11 TO BE DIRECTED TO BE CONDUCTED AND AFTER ITS COMPLETION THE RECORDS BE EXAMINED AND PASS ORDERS AS IT MAY DEEM FIT.

PROVIDED FURTHER THAT NO APPLICATION BY A BOARD EMPLOYEE FOR REVIEWING AN ORDER IN DISCIPLINARY PROCEEDINGS IMPOSING ANY PENALTY OTHER THAN THOSE SPECIFIED IN CLAUSES v to viii OF REGULATION 9 AND IN RESPECT OF WHICH AN APPEAL IS PROVIDED SHALL LIE.

**REGULATION 27:**

REVIEW OF ORDERS IN DISCIPLINARY CASES

THE APPELLATE AUTHORITY ALSO REVIEW THE ORDERS OF THE DISCIPLINARY AUTHORITIES CONCERNED ON OWN MOTION OR OTHERWISE AND DISPOSE THE CASE AS THOUGH THE APPEAL WAS PREFERRED AND BEING DISPOSED. BUT, NO ACTION UNDER THIS REGULATION SHALL BE INITIATED MORE THAN SIX MONTHS AFTER THE DATE OF ORDER TO BE REVIEWED.

**PART IX)—MISCELLANEOUS**

**REGULATION 28:**

APPEARANCE OF LEGAL PRACTITIONER: SAVE AS OTHERWISE PROVIDED IN THESE REGULATIONS NO LEGAL PRACTITIONER OR AGENT SHALL BE ALLOWED TO APPEAR IN ANY PROCEEDINGS UNDER THESE REGULATIONS.



**REGULATION 28 (A):**

SERVICE OF ORDER, NOTICES, ETC.:

- 1) EVERY ORDER, NOTICE AND OTHER PROCESS MADE OR ISSUED UNDER THESE REGULATIONS SHALL BE SERVED IN PERSON ON THE BOARD EMPLOYEE CONCERNED OR COMMUNICATED TO HIM BY REGISTERED POST.
- 2) WHERE THE BOARD EMPLOYEE REFUSES TO RECEIVE, OR KEEPS OUT OF THE WAY FOR THE PURPOSE OF AVOIDING THE SERVICES OF SUCH ORDER, NOTICE, OR OTHER PROCESS, THE SAME MAY BE SERVED BY AFFIXING A COPY THEREOF ON THE NOTICE BOARD OF THE OFFICE OF THE DISCIPLINARY AUTHORITY OR OF THE INQUIRING AUTHORITY AND UPON SOME CONSPICUOUS PART OF THE HOUSE, IF ANY, IN WHICH HE IS KNOWN TO HAVE LAST RESIDED, OR BY PUBLICATION IN TWO DAILY NEWS PAPERS HAVING WIDE CIRCULATION IN THE STATE.

**REGULATION 28(B):**

POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY:

SAVE AS OTHERWISE EXPRESSLY PROVIDED, THE AUTHORITY COMPETENT TO MAKE ANY ORDER MAY, FOR GOOD AND SUFFICIENT REASONS OR IF SUFFICIENT CAUSE IS SHOWN, EXTEND THE TIME SPECIFIED IN THESE REGULATIONS FOR ANYTHING REQUIRED TO BE DONE UNDER THESE REGULATIONS OR CONDONE ANY DELAY.

**REGULATION 28(C):**

SUPPLY OF COPY OF BOARD'S ADVICE: WHENEVER THE BOARD IS CONSULTED A COPY OF THE ADVICE BY THE AND WHEN IT WAS NOT ACCEPTED, THE REASONS THERE FOR SHALL BE FURNISHED TO THE EMPLOYEE CONCERNED ALONG WITH THE ORDERS UNLESS HE IS EXONERATED OR THEY HAVE ALREADY BEEN GIVEN.

**REGULATION 29:**

APPLICABILITY FOR PENDING CASES:

- CASES INITIATED UNDER PREVIOUS REGULATIONS (KCS (CCA) RULES, 1957), SHALL BE CONTINUED AND DISPOSED OFF AS FAR AS MAY BE IN ACCORDANCE THESE REGULATIONS.
- NO EMPLOYEE SHALL BE DEPRIVED OF THE PROVISION FOR APPEAL PREFERRED UNDER KCS (CCA) RULES, 1957.
- AN APPEAL PENDING AT OR PREFERRED AT THE COMMENCEMENT OF THESE REGULATIONS AGAINST AN ORDER BEFORE SUCH COMMENCEMENT SHALL BE CONSIDERED AND ORDERS THEREON SHALL BE PASSED IN ACCORDANCE WITH THESE REGULATIONS.

**REGULATION 30:**

REMOVAL OF DOUBTS:

IF ANY DOUBT ARISES AS TO THE INTERPRETATIONS OF THE PROVISIONS OF THESE REGULATIONS, THE MATTER SHALL BE REFERRED TO THE BOARD, AND THE BOARD SHALL DECIDE THE SAME, WHICH SHALL BE FINAL AND BINDING.

**SCHEDULE I TO VIII**

AMENDMENTS ISSUED BUT NOT INCORPORATED BE VERIFIED BEFORE TAKING DECISION IN ANY CASE. THE ABOVE ARE ONLY NOTES AND NOT TEXT BY ITSELF. IT IS FOR EASY UNDERSTANDING PURPOSE ONLY.

END