

THE NEW INDIA ASSURANCE COMPANY LIMITED (CONDUCT, DISCIPLINE & APPEAL) RULES, 2014

01. Short title, Commencement and Application:-

- (1) These rules shall be called The New India Assurance Company Limited (Conduct, Discipline and Appeal) Rules, 2014.
- (2) These rules shall come into force with immediate effect and replace The New India Assurance Company Limited (Conduct, Discipline & Appeal) Rules, 2003. The proceedings which were initiated and continuing under the erstwhile The New India Assurance Company Limited (Conduct, Discipline & Appeal) Rules, 2003, shall continue to remain operative and binding till conclusion of the proceedings initiated under the erstwhile Rules. No provision of the disciplinary proceedings under the erstwhile Rules shall become in-operative consequent upon coming into operation of The New India Assurance Company Limited (Conduct, Discipline & Appeal) Rules 2014. All provisions of the erstwhile CDA Rules shall continue with the same force as it was operative under the erstwhile CDA Rules.
- (3) Save as otherwise provided, these rules shall apply to every person appointed to any post under The New India Assurance Company Limited, including officials posted on transfer from National Insurance Company Limited, the Oriental Insurance Company Limited, United India Insurance Company Limited, General Insurance Corporation of India and Agriculture Insurance Company Limited
- (4) These Rules shall also apply to a person governed by General Insurance (Employees') Pension Scheme 1995 to the extent provided under the said Scheme.

02. Definitions :-

- (a) 'Act' means the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) and subsequent amendments thereto.
- (b) 'Appellate or Appointing or Disciplinary or Memorial Authority' means the authorities specified in the Schedule – A, appended to these rules.
- (c) 'Board or Board of Directors' means the Board of the Company including the Directors of the Board
- (d) 'CMD' means the Chairman-cum-Managing Director of the Company.
- (e) 'Company' means The New India Assurance Company Ltd.

- (f) 'Competent Authority' shall ordinarily mean the Superior Authority to whom the employee reports.
- (g) 'Employee' means any employee of the Company other than the casual, work-charged or contingent staff.
- (h) '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) sons or daughters or step-sons or step-daughters of the employee and wholly dependent on him, but does not include a child or stepchild who is no longer in any way 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.
- (i) 'Board Sub-Committee (HR)' means a sub-committee of Directors of the Board nominated by the Board.
- (j) 'Public Servant' shall mean and include a person as mentioned in Section 21 of Indian Penal Code as amended from time to time.
- (k) 'Retired Officer' shall mean and include a person who has retired from the services of the Company either voluntarily or on reaching superannuation, including retired officers of other Public Sector Undertaking/Organizations/Government.
- (l) 'Sexual Harassment' means sexual harassment as defined under 'the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'.
- (m) 'Work Place' means work place as defined under 'the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'.

Explanation :

The words "he", "him" and "his" wherever appearing in these Rules are to be read as "she", "her" and "her" respectively, in respect of a female employee.

03. General :-

- (1) Every employee shall at all times:
 - (i) maintain absolute integrity ;

- (ii) maintain devotion to duty ;
 - (iii) do nothing which is unbecoming of a public servant;
 - (iv) conform to and abide by these Rules and shall observe, comply with and obey all orders and directions which may, from time to time, be given to him, in the course of his official duties by any person or persons under whose jurisdiction, superintendence or control he may, for the time being, be placed;
- (2) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.
- (3) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation :

Nothing in sub-rule (3) shall be construed as empowering an employee to evade his responsibility by seeking instructions from, or approval of, superior officer or authority when such instructions are not necessary under the schemes of distribution of powers and responsibilities.

04. Misconduct :-

Without prejudice to the generality of the term (Misconduct), the following acts of omission and/or commission shall be treated as misconduct:-

- (01) Theft, fraud or dishonesty in connection with the business or property of the Company of the property of another person within the premises of the Company.
- (02) Taking or giving bribes or any illegal gratification or providing undue favor to anybody at the cost of the Company.
- (03) 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.
- (04) Furnishing false information regarding name, age, Caste, 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.

- (05) Acting in a manner prejudicial to the interest of the Company.
- (06) Willful insubordination or disobedience, whether or not in combination with others, or any lawful and reasonable order of his superior.
- (07) Absence without leave or over-staying the sanctioned leave for more than four consecutive days without sufficient grounds or proper or satisfactory explanation.
- (08) Habitual late or irregular attendance.
- (09) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- (10) Damage to any property of the Company, including interference or tampering with any safety devices, installed in or around the premises of the Company.
- (11) Drunken or riotous or disorderly or indecent behavior in the premises of the Company or outside such premises.
- (12) Gambling within the premises of the Establishment.
- (13) 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.
- (14) Sleeping while on duty.
- (15) Commission of any act which amounts to a criminal offence Involving moral turpitude.
- (16) Absence from the employee's appointed place of work without permission or sufficient cause.
- (17) Smoking within the premises of the office.
- (18) Purchasing properties, machineries, stores etc. from, or selling properties, machineries, stores, etc. to the Company without express permission in writing from the Competent Authority.
- (19) Commission of any act subversive of discipline or of good behavior.

- (20) Abetment of or attempt at abetment of any act which amounts to misconduct.
- (21) Sharing of computer password with others without written sanction from the Competent Authority.
- (22) Any wrongful/illegal activity committed through the use of Computer/Internet and/or violation of the provisions of the Information Technology Act, 2000 and / or the IT Policy of the Company, as amended from time to time.
- (23) Indulging in any act of sexual harassment of any woman at workplace.
- (24) Possession of or consuming of or being under the influence of narcotics or drugs of similar nature, in the premises of the Company or outside such premises.

Note:

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

05. Scope of an Employee's Service:-

Unless, in any case, it is otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Company, as the case may be, and he shall serve the Company in its business in such capacity and at such places as he may, from time to time, be directed.

06. Employees not to seek outside Employment:-

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

07. Part-time work:-

No employee shall undertake part-time work for a private or public body or a private person or accept fees therefor without the sanction of the Competent Authority which shall grant sanction only in exceptional cases when it is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The Competent Authority may, in cases in which it thinks fit to grant such sanction, stipulate that any fees received by the employee for undertaking the work shall be paid, in whole or part, to the company.

08. Obligation to maintain Secrecy:-

No employee shall, while in service or after his retirement, resignation or discharge, except in accordance with any general or special order of his superior officer/s or Company or in performance in good faith, of the duties assigned to him, communicate directly or indirectly any official document or information to any employee/s or any other person/s to whom he is not authorized to communicate

such document or information.

09. Evidence before Committee or any other authority:-

- (1) Save as provided in sub-rule (3) below, no employee shall, except with the previous sanction of the Competent Authority, give evidence in connection with any inquiry conducted by any person, Committee or Authority.
- (2) Where any sanction has been accorded under sub-rule (1), no employee giving such evidence shall criticize the policy or any action of the Company or of the Government.
- (3) Nothing in this shall apply to :
 - (a) evidence given to an inquiry before an authority appointed by the Government, by Parliament, or by a State Legislature, or Company ; or
 - (b) evidence given in any judicial inquiry ; or
 - (c) evidence given at any departmental inquiry ordered by the Company or by any authority subordinate to it or by the Government.

10. Prohibition against participation in politics and contesting for Election by filing for nomination:-

- (1) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner, any movement which is or tends directly or indirectly to be subversive of the company or of the Government as by law established, and where an employee is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Company as the case may be.
- (2) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Company thereon shall be final.
- (3) No employee shall take part in any election to any legislature or local authority.

Provided that

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

Explanation

The display by an employee on his personal vehicle or residence, of any electoral symbol shall amount to using his influence in connection with an election within the meaning of any sub rule.

11. Participation in Demonstration:-

No employee of the Company shall engage himself or participate in any demonstration which involves incitement to an offence nor shall he resort to or abet any form of strike.

12. Connection with Press and Radio:-

- (1) No employee shall except with the previous sanction of the Company, own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other periodical publication.
- (2) No employee shall, except with the previous sanction of the Company or any other Authority empowered in this behalf, or in the bonafide discharge of his duties, participate in a Radio broadcast or contribute any article or write any letter anonymously, pseudonymously or in his own name or in the name of other person to any newspaper or periodical.

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

Provided further that this rule will not apply to any statements to the press made by office-bearers of a registered Trade Union of the employees in any matter which is of the nature of a trade dispute and does not contravene the provisions of rule 8.

13. Acceptance of Gifts:-

- (1) Save as otherwise provided in these Rules, :-
 - (i) An employee of the Company shall avoid acceptance of lavish gifts and / or frequent hospitality from any individual or firm having official dealings with him;
 - (ii) No employee of the Company shall accept or permit any member of his family or any person acting on his behalf to accept any gift;

Explanation:

The expression 'gift' shall include free transport, board, lodging or other service 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 employee’.

- (2) On occasions such as weddings, anniversaries, funerals or religious functions when the making of gifts is in conformity with the prevailing religious or social practice, an employee of the Company may accept gifts from his near relatives but he shall make a report to the Competent Authority if the value of the gift exceeds Rs.10,000/-.
- (3) On such occasions as are specified in sub-rule (2) above, an employee of the Company may accept gifts from his personal friends having no official dealings with him but he shall report to the Competent Authority if the value of any such gifts exceeds Rs.7,000/-.
- (4) In any other case, an employee of the Company shall not accept any gifts without the sanction of the Competent Authority if the value thereof exceeds Rs.5,000/-.

Provided that when more than one gift has been received from the same person / firm within a period 12 months the matter shall be reported to the Competent Authority if the aggregate value of the gifts exceeds Rs.5,000/-.

14. Private Trading:-

- (1) No employee shall act as an insurance agent, nor shall he allow any member of his family to act as an insurance agent.
- (2) No employee shall except with the previous sanction of the Company, engage directly or indirectly in any trade, business, or profession.
- (3) No employee shall canvass in support of any business, trade, commission agency etc. owned or managed by his spouse or any other member of his family.
- (4) No employee shall without the previous sanction of the Company 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 Company’s Act, 1956 or any other law for the time being in force or any Co-operative Society for commercial purposes.

Provided that an employee may take part in registration, promotion or management of a Cooperative Society, substantially for the benefit of employees, registered under the Cooperative Society’s Act, 1912 or any other law for the time being in force **or any non-commercial, non-profit making institution, organization or body of cultural, social, educational or philanthropic nature.**

15. Speculating in Stocks, Shares etc.:-

No employee shall speculate in any stock, share or other investment.

Explanation:

Frequent purchase and sale of stock, shares, securities or other investment shall be deemed to be speculation within the meaning of this rule.

16. Restriction on Borrowing and Investments:-

No employee shall, save in the ordinary course of business with a bank or a public limited company, either himself or through any member of his family or any other person acting on his behalf :

- (a) lend or borrow or deposit money, as a principal or an agent, to or from, or with any person or firm of private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company.
- (b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid ;

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

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the Company.

16 A. Submission of Property Returns:-

- (1) Every employee shall submit a return of his/her Assets & Liabilities in the form of Property Returns in the prescribed format, giving full particulars regarding :
 - (a) The immovable property inherited, owned or acquired by him or held by him either in his own name or in the name of any other person, solely or jointly.
 - (b) Shares, Debentures and Cash including Bank Deposits inherited by him or similarly owned, acquired or held by him.
 - (c) Other movable property inherited by him similarly owned, acquired or held by him if the value of such property exceeds two months Basic Salary.
 - (d) Debts and other Liabilities incurred by him directly or indirectly.
- (2) Every employee shall submit to the Competent Authority an Annual return referred to in sub-rule (1) above before a date as may be prescribed by the Competent Authority.

- (3) Every employee shall thereafter submit to Competent Authority an Annual return of immovable property acquired by him either in his own name or in the name of any member of his family, solely or jointly during the year. The Annual Return shall be submitted by 30th April each year for the period ending 31st March immediately preceding.
- (4) No employee shall, except with the previous sanction of Competent Authority, enter into any transactions concerning any immovable or movable property with a person or firm having official dealings with the employee concerned or his subordinate/ (s).
- (5) No employee 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.
- (6) Every employee shall report in the prescribed format to the Competent Authority all transactions concerning movable property owned by him in his own name or in the name of a member of his family if the value of such movable property exceeds two months Basic Salary. Such returns shall be furnished within 30 days of the transactions.
- (7) The Competent Authority may, at any time, require an employee to submit within a period to be specified a full and complete statement of immovable or movable property held or acquired by him/her or on his/her behalf by any member of his/her family including details of the means by which or the sources from which such property was acquired.

17. Employees in debt:-

An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who is in debt shall furnish to the Competent Authority a signed statement of his position half-yearly on the **31st March and 30th September**, and shall indicate in a statement the steps he is taking to rectify his position. An employee, who makes false statement under this rule or fails to submit the prescribed statement or appears unable to liquidate his debts within a reasonable time or applies for the protection of an insolvency court, shall be liable to disciplinary action.

Explanation

- (1) For the purpose of this rule an employee shall be deemed to be in debt if his total liabilities exclusive of those which are fully secured or those taken from the Employee's Co-operative Credit Society exceeds his salary for six months.
- (2) An employee shall be deemed to be unable to liquidate his debts within a reasonable time if it appears, having regard to his personal resource and unavoidable current expenses, that he will not cease to be in debt within a period of three years.

18. Employees are not to be absent from Duty without permission or be late in Attendance:-

- (1) An Employee shall not absent himself from his duties without having obtained the permission of the Competent Authority, nor shall he absent himself in case of sickness or accident without submitting a medical certificate satisfactory to the Competent Authority.

Provided that in case of an emergency an employee may be allowed to avail of one day's casual leave without prior sanction, subject to the condition that the Competent Authority is promptly advised of the circumstances in which prior sanction could not be obtained.

- (2) An Employee who absents himself from duty without leave or overstays his leave shall not be entitled to draw any pay or allowance during such absence or overstay and shall further be liable to such disciplinary measures as the Competent Authority may deem necessary. Provided, however, that the Competent Authority may treat such period of absence or overstay, if not followed by termination of service, as period spent on Casual Leave, Earned Leave, Sick Leave or Leave on Loss of Pay, but the employee shall not be entitled as of right to such treatment.

Provided further that Competent Authority may treat such absence or overstay as period spent on Leave on Loss of Pay, irrespective of whether the employee has any other leave to his credit or not.

19. Absence from Station:-

No employee shall absent himself from his station overnight, without the prior sanction of the Competent Authority.

20. Suspension:-

- (1) **The Appropriate Authority** may place an employee under suspension
 - (a) Where a disciplinary proceeding against him is contemplated or is pending ; or
 - (b) Where a case against him in respect of any criminal offence is under investigation or trial.
- (2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Appropriate Authority and shall remain under suspension until further orders.
- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension, is set aside on appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued to be in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Competent Authority, on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the Appropriate Authority from date of the original order of Dismissal, Removal or Compulsory Retirement and shall continue to remain under suspension until further orders.
- (5) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the Authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

Note:

Review of suspension order may be made by the Competent Authority at least once in three months, who may take appropriate decision for consideration of revocation of suspension or payment appropriate subsistence allowance on merits.

21. Subsistence Allowance:-

- (1) An employee under suspension shall be entitled to draw Subsistence Allowance equal to 50% of the monthly/gross emoluments (comprising of basic salary, dearness allowance, city compensatory allowance, house rent allowance, hill station allowance, qualification pay, personal pay, special pay and deputation allowance) drawn on the date immediately prior to the date on which the employee is suspended.
- (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% of the monthly gross emoluments (Comprising of basic salary, dearness allowance, city compensatory allowance, house rent allowance, hill station allowance, qualification pay, personal pay, special pay and deputation allowance) drawn on the date prior to the date on which the employee is suspended, if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, not directly attributable to the employee under suspension. **However, the suspended employee shall not have a right to claim for increase in subsistence allowance immediately after completion of 6 months.**
 - (ii) The amount of Subsistence Allowance may be reduced to 25% of the monthly gross emoluments (comprising of basic salary, dearness allowance, city compensatory

allowance, house rent allowance, hill station allowance, qualification pay, personal pay and deputation allowance) drawn on the date prior of the date on which the employee is suspended, if in the opinion of the said authority, the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the employee under suspension.

- (3) If an employee is arrested by the Police on a criminal charge and bail is not granted, no Subsistence Allowance is payable. On grant of bail, if the Appropriate Authority decides to continue the suspension, the employee shall be entitled to Subsistence Allowance from the date he is granted bail.

Note:

For Rules 20 and 21, the "Appropriate Authority" shall be the authority competent to impose a major penalty on the concerned employee as specified in the Schedule provided that the Appropriate Authority, in case of Assistant, Record Clerk, Sub-Staff and equivalent cadres, shall be the head of concerned office or department.

22. Treatment of the period of suspension:-

When the suspension of an employee is held to be unjustified or not wholly justified, or when an employee who has been dismissed, removed or suspended is reinstated, the Competent Authority, whose decision shall be final, may grant to him for the period of his absence from duty:

- (a) If he is honorably acquitted, the full pay and allowances which he would have been entitled to if he had not been dismissed, removed or suspended, less the subsistence allowance ;
- (b) If otherwise, such proportion of pay and allowances as the Competent Authority may prescribe.

In a case falling under clause (a), the period of absence from duty will be treated as period spent on duty. In a case falling under clause (b), the period of absence shall not be treated as period spent on duty, but the Competent Authority may, at its discretion, grant leave for the period to the extent admissible to the employee under the rules. Any period of absence which has not been treated as period spent on duty or on leave shall not count as service for any purpose under these rules but will not constitute break in service.

No order passed under this rule shall have the effect of compelling any employee to refund the subsistence allowance payable under rule 21.

23. Penalties:-

Without prejudice to the provision of other rules, any one or more of the following penalties for

good and sufficient reasons, and as herein after provided, be imposed by the Disciplinary Authority on an employee who commits a breach of discipline, or who is guilty of any other act prejudicial to good conduct :

Minor Penalties

- (a) Censure.
- (b) Withholding of one or more increments for a specified period.
- (c) Recovery of the whole or part of any pecuniary loss caused to the Company by negligence or breach of orders from pay or such other amount as may be due to him.
- (d) Reduction to a lower stage in the time-scale for a period not exceeding three years without cumulative effect.

Major Penalties

- (e) Withholding of one or more increments permanently.
- (f) Reduction to a lower service or post or to a lower time-scale or to a lower stage in a time-scale.
- (g) Compulsory retirement.
- (h) Removal from service which shall not be a disqualification for future employment.
- (i) Dismissal which shall ordinarily be a disqualification for future employment.

Explanation

The following shall not amount to a penalty within meaning of this rule :-

- (i) withholding of increment of an employee on account of his/her work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test or examination
- (ii) stoppage of an employee at the efficiency bar in a time-scale, on the ground of his unfitness to cross the bar ;
- (iii) non-promotion, whether in an officiating capacity or otherwise, of an employee, to a higher post for which he/she may be eligible for consideration but for which he is found unsuitable after consideration of his/her case ;

- (iv) reversion to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that he/she is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his / her conduct ;
- (v) reversion to his/her previous grade or post of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his/her appointment ;
- (vi) Termination of Service
 - (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 ;
 - (b) of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment ;
 - (c) of an employee appointed under a contract or agreement, in accordance with the terms of such contract or agreement ; and
 - (d) of any employee on reduction of establishment.

24. Disciplinary Authority:-

The Disciplinary Authority, as specified in these Rules or in the Schedule or any authority higher than it may impose any of the penalties specified in Rule 23 on any employee.

25. Procedure for Imposing major Penalties:-

- (1) No order imposing any of the major penalties specified in Clauses (e), (f), (g), (h) and (i) of Rule 23 shall be made except after any inquiry is held in accordance with this rule.
- (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation or misconduct or misbehavior against an employee, it may itself inquire into or appoint a retired Officer or any Public Servant (hereinafter called the inquiring Authority) to inquire into the truth thereof.
- (3) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite charges on the basis of the allegations against the employee. The charges together with a statement of the allegations, on which they are based, a list of documents by which and a list of witness by whom, the articles of charge are proposed to be substantiated, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether

he admits or denies any of or all the Articles of Charge.

Provided where departmental action has been initiated by framing of charge sheet and the same is pending & continuing on the date of retirement or superannuation of an employee, the departmental inquiry shall not be deemed to be concluded on exit from the Company due to retirement or superannuation of an employee and shall be continuing as if the employee continues in service. However, continuation of departmental inquiry under this rule shall not give *per se* right for extension of services beyond retirement age or age of superannuation prescribed under service rules. Provided further where departmental inquiry is continuing/pending after retirement, the same shall be concluded within three months of retirement or superannuation of the employee. However, any departmental inquiry cannot ipso-facto be deemed to be concluded on expiry of three months of time from retirement/superannuation.

- (4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary Authority itself, or a Retired Officer or by any Public Servant appointed as an Inquiring Authority under sub-clause (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 or Inquiring Authority shall however, record its finding on each such charge.

- (5) Where the disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry it may, by an order appoint any Public Servant to be known as "Presenting Officer" to present on its behalf the case in support of the articles of charge.

However, Officers are not to be appointed as Inquiring Authority and Presenting Officers against whom disciplinary proceedings are pending. The Inquiring Authority should always be one step higher than the Presenting Officers.

- (6) The employee may take the assistance of any other employee of the company but may not engage a legal practitioner for the purpose. In case, the Presenting Officer appointed by the DA is a legal practitioner, the DA may also be allowed a legal practitioner as Defence Assistant. However, employees from other organizations, including PSGICs, cannot act as Defence Assistant in any disciplinary proceedings initiated against any employee of the Company.

No employee while on duty shall act as Defence Assistant in any disciplinary proceedings conducted outside the Regional Office where he is posted; nor shall he act as a Defence Assistant in more than two cases at a time. However, this rule does not apply in the cases where more than one Regional Office is situated in the same city and selection of Defence

Assistant is made from the same city but from a different Regional Office within the city. An employee acting as Defence Assistant in breach of this rule shall not be entitled to any TA/DA in connection with the disciplinary proceeding.

- (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 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 employee concerned thereon. The inquiring authority shall return a finding of guilty in respect of those articles of charge to which the employee concerned pleads guilty.
- (8) If the employee does not plead guilty, the inquiring authority shall adjourn the case to later date not exceeding 30 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 witness that he wants to examine ; and
 - (iii) be supplied with the copies of statements of witness, if any listed in the charge-sheet .

Note: Relevancy of the additional documents and the witness referred to in sub-clause (8) (ii) 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 enquiry.

- (9) The inquiry 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.
- (10) The authority in whose custody or possession the requisitioned documents are available, 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 public interest or the interest of the Company. In that event, it shall inform the inquiring authority accordingly.

- (11) 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 witnesses 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 witnesses 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.

- (12) 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.
- (13) 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.
- (14) 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 witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the Disciplinary Authority.
- (15) 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.
- (16) After the completion of the production of the evidence, the employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence.
- (17) 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 provision of these rules, the inquiring authority may hold the inquiry ex-parte.
- (18) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to exercise jurisdiction 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, or partly recorded by its predecessor and partly recorded 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 any such witnesses as hereinbefore provided.

- (19) (i) After the conclusion of the inquiry, report shall be prepared and it shall contain :
- (a) a gist of the article of charge and the statement of the imputations of misconduct or misbehavior;
 - (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 articles of charge ;
 - (d) the findings on each article of charge and reason there for.

Explanation:

If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original article 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 it 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 (1) above
 - (b) the written statement of evidence, if any, submitted by the employee referred to in sub-rule(13) ;
 - (c) the oral and documentary evidence produced in the course of the inquiry ;
 - (d) written briefs referred to in sub-rule (16), if any ; and
 - (e) the orders, if any, made by the Disciplinary Authority and the inquiring authority in regard to the inquiry.

26. Action on the inquiry report:-

- (1) The Disciplinary Authority, if it is not itself the inquiry authority, may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for fresh or further inquiry and report

and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 25 as far as practicable.

It is obligatory on the part of the Disciplinary Authority to furnish a copy of the Inquiry Report to the delinquent employee inviting his representation on the findings of the Inquiry Officer where the charges against the employees have been proved. The time period for forwarding observation by the charged employee should normally be limited to 15 days of the receipt of the inquiry report.

- (2) The Disciplinary Authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charges, if the evidence on record is sufficient for the purpose.
- (3) If the Disciplinary Authority having regard to its findings on all or any of the article of charge is of the opinion that any of the penalties specified in rule 23 should be imposed on the employee, it shall, notwithstanding anything contained in rule 27 make order imposing such penalty.
- (4) 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.

27. Procedure for imposing minor penalties:-

- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (e) of rule 23, the employee concerned shall be informed in writing of the imputation of misconduct or misbehavior against him/her and given an opportunity to submit his/her 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.
- (2) The record of the proceeding shall include:
 - (i) a copy of the statement of imputations of misconduct or misbehavior delivered to the employee;
 - (ii) his/her defence statement, if any, and
 - (iii) the orders of the Disciplinary Authority together with the reasons there for.

28. Communication of orders:-

Orders made by the Disciplinary Authority under Rule 26 or Rule 27 shall be communicated to the employee, who shall also be supplied with a copy of the Report of Inquiry, if any.

All communications under Rules 23, 24, 25, 26 and 27 and copies of orders passed there under may be delivered personally to the employee if he/she is attending the office; otherwise they shall be sent by registered post to the address noted in the service record. Where such communications or copies of orders cannot be served on him/her personally or by registered post, copies thereof shall be affixed on the notice board of the office in which the employee is employed, and on such affixing, such communications and orders shall be deemed to have been properly served on him.

29. Common proceedings:-

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

30. Special procedure in certain cases:-

Notwithstanding anything contained in Rule 25 or 26 or 27, the Disciplinary Authority may impose any of the penalties specified in Rule 23 in any of the following circumstances:

- (i) The employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial, the Disciplinary Authority may order appropriate penalty on an employee who has been convicted in a criminal court, without holding any inquiry in any form.
- (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
- (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.
- (iv) Where an employee has abandoned his post, the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

Explanation :

For the purpose of this rule, an employee shall be deemed to have abandoned his post if he absents himself from duty without leave or overstays his leave for a continuous period of 90 days without any intimation there for in writing.

31. Right of Appeal:-

Every employee shall have a right of appeal to the Appellate Authority against an order imposing upon him any of the penalties specified under Rule 23. An appeal against an order of suspension passed under Rule 20 shall be on the authority to which the authority which made or is deemed to have made the order of suspension is immediately subordinate. Notwithstanding anything contained in this rule and subject to the provisions of the act and the Rules framed there under, no appeal shall lie against an order made by the Company under Rule 20 or Rule 23.

32. Period of Limitation for Appeals:-

No appeal under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against.

33. Form and Contents of Appeal:-

- (1) Every person submitting an appeal shall do so separately and in his own Name.
- (2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

34. Submission of Appeal:-

- (1) Every appeal shall be submitted through the authority which made the order appealed against.

Provided further that a copy of the appeal may be submitted directly to the Appellate Authority.

35. Withholding of Appeals:-

- (1) The authority which made the order appealed against may withhold the appeal if :
 - (i) it does not comply with any of the provisions of Rule 33 ; or
 - (ii) it is not submitted within the period specified in Rule 32 and no cause is shown for the delay ; or
 - (iii) it is a repetition of an appeal already decided and no new facts of circumstances are adduced.

Provided that an appeal withheld under this sub-rule shall be returned to the appellant and if resubmitted within one month thereof after complying with the provisions of Rule 33 shall not be withheld.

- (2) Where an appeal is withheld, the appellant shall be informed of the facts and the reasons therefor.
- (3) At the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter, together with the reasons for withholding them, shall be furnished by that Authority to the Appellate Authority.

36. Transmission of Appeals:-

- (1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 35 together with its comments thereon and the relevant records.
- (2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under Rule 35 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and relevant records.

37. Consideration of Appeals:-

- (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 20 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in Rule 23, the appellate authority shall consider:
 - (a) Whether the procedure prescribed in these Rules has been complied with, and if not, whether such non-compliance has resulted in failure of justice ;
 - (b) Whether the findings are justified ; and
 - (c) Whether the penalty imposed is excessive, adequate, or inadequate, and pass orders :
 - (i) 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 case.

Provided that :

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;

- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty ; and
 - (iii) If the enhanced penalty which the appellate authority proposes to impose is one of the penalties in clause (b) to (i) of Rule 23, and an inquiry under the said rule has not already been held in the case, the appellate authority shall itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.
- (3) All appeals should be disposed of as expeditiously as possible and in any event not later than 6 months from the date of receipt of the appeal by the Appellate Authority.

38. Appeal against Other Orders:-

- (1) An employee may appeal against an order which :
- (a) denies or varies to his disadvantage his salary or other conditions of service as regulated by any orders, regulations, rules or agreement ; or
 - (b) interpret to his disadvantage the provisions of such orders, regulations, rules or agreements, to the Company if the order is passed by the authority which made the orders or regulations or rules or agreements, as the case may be, or by any authority to which such authority is subordinate, and to the authority which made such orders or regulations or rules or agreements if the order is passed by any other authority.
- (2) An appeal against an order :
- (a) stopping an employee of the efficiency bar in the time scale on the ground of his unfitness to cross the bar;
 - (b) determining the salary and allowance for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as period spent on duty for any purpose, shall lie to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.
- (3) In the case of an appeal under this rule, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

39. Review:-

- (1) Notwithstanding anything contained in these Rules, the Company may, on its own motion or otherwise, after calling for the records of the case, review any order which is made or appealable under these Rules, and
 - (a) confirm, modify or set aside the order;
 - (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;
 - (c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as it considers proper in the circumstances of the case ; or
 - (d) pass such other orders as it deems fit.

Provided that an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.

- (2) The authority to which an appeal against an order imposing any of the penalties specified in Rule 23 lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case and pass such orders as it deems fit, as if the employee had preferred an appeal against such order.

Provided that an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.

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

- (3) The CMD may on his own motion or otherwise call for the records of the case of any employee in any proceedings pending before any competent or appellate authority subordinate to him, and remit the case to any authority in any office who, if the employee had been working in that office, would have adequate disciplinary powers to deal with the case, with such direction as the CMD may deem fit in the circumstances of the case with regard to further proceedings in the case.

40. Memorial:-

An employee whose appeal under these Rules has been rejected by the appellate authority or in whose case such appellate authority has enhanced the penalty either on appeal under Rule 37 or on review under Rule 39(2), may address a Memorial to the appropriate Memorial Authority as per schedule of authorities within a period of 6 months from the date the appellant received a copy of the

order of such appellate authority

41. Canvassing non official or outside influence:-

- (1) No employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the company.
- (2) No appeal, petition, memorial shall be addressed by any employee to the members of the Company by name or to any outside authority or an authority not prescribed in these rules.

42. Interpretation:-

If any question arises relating to the interpretation of these rules, it shall be referred to the Board whose decision thereon shall be final.

43. Amendments:-

The 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.

44. Authority to issue administrative instruction:-

The CMD of the Company may from time to time issue instructions or directions as may be necessary to give effect to and carry out the provisions of these rules and in order to secure effective control over the employees.

**THE NEW INDIA ASSURANCE COMPANY LIMITED
(CONDUCT, DISCIPLINE & APPEAL) RULES, 2014**

SCHEDULE – A

SCHEDULE OF AUTHORITIES

<i>Category of Employees/ Officers</i>	<i>Appointing Authority</i>	<i>Disciplinary Authority</i>	<i>Appellate Authority</i>	<i>Memorial Authority</i>
Sub-Staff/Driver & Equiv. Cadres	An Officer in Scale-IV	An Officer in Scale-II	An Officer in Scale-V	CMD
Record Clerk/ Assistant & Equiv. Cadres	An Officer in Scale-IV	An Officer in Scale-III	An Officer in Scale-V	CMD
Sr. Assistant & Equiv. Cadres / Superintendent / Development Officer	An Officer in Scale-V	An Officer in Scale-IV	An Officer in Scale-VI	CMD
For Officers in Scale I & Scale II	An Officer in Scale-VI	An Officer in Scale-V	An Officer in Scale-VII	CMD
For Officers in Scale-III	An Officer in Scale-VI	An Officer in Scale-VI	An Officer in Scale-VII	CMD
Officers in Scale-IV & V	An Officer in Scale-VII	An Officer in Scale-VII	CMD	Board Sub- Committee (HR)
Officers in Scale- VI & VII	CMD	CMD	Board Sub- Committee (HR)	Board

Note:

Notwithstanding the provisions contained in this Schedule, the penalty of removal from service and dismissal shall be awarded by an authority not lower than the Appointing Authority. In such cases, the next higher Authority will be the Appellate Authority.