

JMRC Conduct, Discipline & Appeal Rules, 2017

(JMRC CDA Rules, 2017)



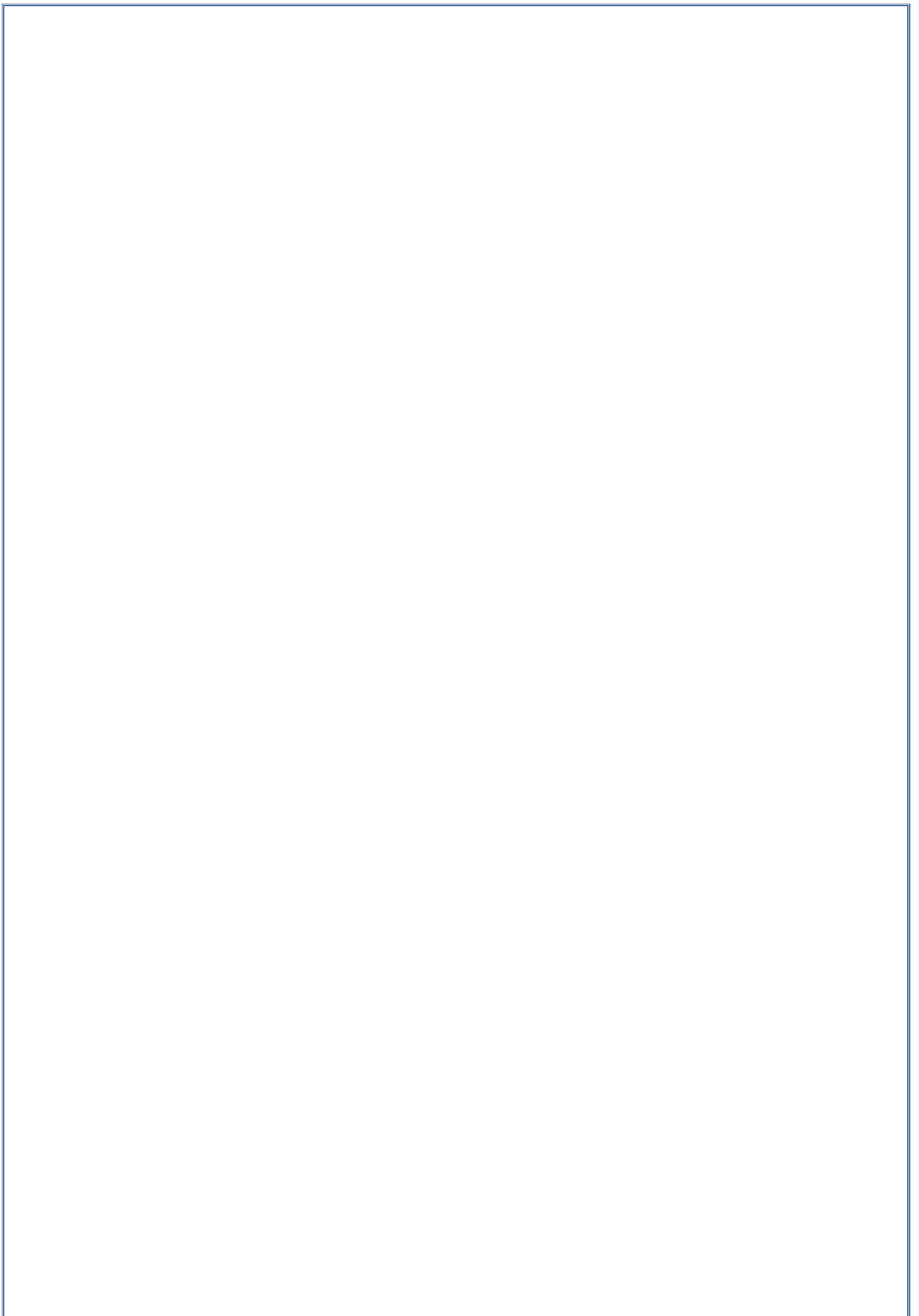
JAIPUR METRO

JAIPUR METRO RAIL CORPORATION LIMITED

KHANIJ BHAWAN, TILAK MARG,

JAIPUR – 302005

www.jaipurmetrorail.in



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**This document provides a broad framework of
General Conduct of JMRC employees and
procedure for Disciplinary Action & Appeal**

April , 2017



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PREAMBLE

Jaipur Metro Rail Corporation Ltd. (JMRC) is a Company registered under the Companies Act, 1956. These rules will be called the JMRC Conduct, Discipline & Appeal Rules, 2017, in short JMRC CDA Rules, 2017.

These rules shall regulate General conduct of JMRC employees and provide procedures for Disciplinary action and Appeal thereof. The provisions contained in JMRC Recruitment Rules, 2012 shall prevail in case of any contradiction with these rules.

All the employees of JMRC shall be treated as equal with dignity without any consideration to their race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age or disability. The work environment in JMRC shall be free of all forms of harassment, whether physical, verbal or psychological. Employee policies and practices shall be administered in a manner consistent with applicable laws and other provisions of this rule, respect for the right to be heard, and that in all matters equal opportunity shall be provided to those eligible and decisions shall be based on merit.

Nothing in these rules shall operate to deprive any JMRC employee of any right or privilege to which he is entitled:

- (i) by or under any law for the time being in force, or
- (ii) by the terms of any agreement subsisting between such person and the Corporation at the time of commencement of these rules, and amendments made thereafter, if any.

Chapter I

1. GENERAL:

1.1 Short Title:

These rules shall be called the JMRC CDA Rules, 2017.

1.2 Commencement:

These JMRC CDA Rules, 2017 shall be deemed to have come into force from the date these rules are approved by the Board of Directors of JMRC i.e., 24.03.2017.

1.3 Application:

These rules shall apply to all the Managerial cadre and Non-Managerial cadre employees of the Corporation except the persons employed on contract.

Chapter II

2. DEFINITIONS:

In these rules unless there is anything repugnant in the subject or context:

2.1 Appointing Authority:

means the Board of Directors of the Corporation or an Officer of the Corporation to whom the powers of making appointments have been delegated by the Board.

2.2 Board:

means the Board of Directors of the Jaipur Metro Rail Corporation Limited.

2.3 Chairman:

means the Chairman of the Jaipur Metro Rail Corporation Limited, appointed in accordance with Articles of Association of the Corporation.

2.4 Code:

means the relevant clauses of applicable Acts & Rules, Codes, manuals, policies, instructions, guidelines, duty list, etc. issued from time to time.

2.5 Competent Authority:

in relation to exercise of any power under these rules means the Jaipur Metro Rail Corporation Limited or any other authority to which the power is delegated by the Board under Schedule of Powers or under these rules.

2.6 Conduct Rules/CDA Rules:

means JMRC CDA Rules, 2017.

2.7 Corporation or Company or JMRC:

means the Jaipur Metro Rail Corporation Limited.

2.8 Employee:

means a person in the employment of the Corporation, other than those who are inducted on re-employment (after retirement), consultancy, contract, retainership basis.

2.9 Family:

means the employee's spouse, wholly dependent children, legally adopted children (including legally divorced / widowed daughter) and parents (excluding step parents) irrespective of where they reside.

Explanation : for the purpose of this clause;

- (i) Parents shall be deemed to be wholly dependent if their recurring total annual income from all sources does not exceed the financial limit as prescribed in sub clause (v) of this clause.
- (ii) A declaration regarding details of dependants shall be furnished by the employee in **Form-04** on the date of enforcement of these Rules and any change in income shall be intimated immediately.
- (iii) Any change in family shall be declared in **Form-12** by the employee within three months of the event.
- (iv) Dependent children shall mean and include:
 - (a) Son - till he gets married or starts earning income more than the financial limit as prescribed in sub clause (v) below or attains the age of 25 years, whichever is earlier.
 - (b) Daughter - till she gets married or starts earning income more than the financial limit as prescribed in sub clause (v) below whichever is earlier.

Note : Son /daughter suffering from any permanent disability of any kind (physical or mental) shall be treated as dependent irrespective of his age or marital status.

- (v) Financial limit for ascertaining dependency with regard to sub clause (i) & (iv) above, at present shall be Rs.6000 per month and to be revised from time to time at the competent level in JMRC and income from contributory provident fund, gratuity, government of India's prize bonds, insurance benefits etc. shall not be regarded as income for the purpose of this clause.

2.10 Government:

means the Government of Rajasthan.

2.11 Managing Director:

means the Managing Director of the Corporation appointed by the Government of Rajasthan under Articles of Association of the Company.

Chapter III

3. GUIDING PRINCIPLES OF GENERAL CONDUCT & ETHICS IN JMRC:

3.1 GENERAL CONDUCT:

- a) Every employee of JMRC shall work with professionalism, honesty and integrity, conforming to high moral and ethical standards. Such conduct shall be fair and transparent and be perceived to be so by third parties.
- b) Every employee of JMRC, at all times, shall ;
 - (i) maintain absolute integrity to the Corporation;
 - (ii) always functionally turn up on duty punctually, sober and smartly dressed in uniform, as applicable;
 - (iii) maintain devotion to duty; and
 - (iv) do nothing which is unbecoming of a public servant.
- c) Every employee shall be responsible for the implementation of and compliance with the Code in his environment. Failure to adhere to the Code could attract provisions of these CDA Rules.
- d) Every employee of the Corporation holding a supervisory/ executive post shall take all possible steps to ensure integrity and devotion to duty of all employees under his control and authority.

3.2 MISCONDUCT:

Without prejudice to the generality of the term 'misconduct' the following acts of omission and commission shall be treated as 'misconduct':

- a) Theft, fraud or dishonesty in connection with the business or property of the Corporation or property of another person within the premises of the Corporation;

- b) Taking or giving bribes or any illegal gratification;
- c) 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;
- d) Furnishing false information regarding name, age, address, parent's name, qualification, ability or previous service or any other matter related to the employment at the time of employment or during the course of employment;
- e) Acting in a manner prejudicial to the interest of the Corporation;
- f) Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior;
- g) Absence without sanctioned leave or overstaying the sanctioned leave without sufficient grounds and without proper or satisfactory explanation;
- h) Habitual late or irregular attendance for duty;
- i) Neglect of work or negligence in the performance of duty including malingering or slowing down of work;
- j) Damage to any property of the Corporation;
- k) Interference or tampering with any safety devices installed in or around the premises of the Corporation;
- l) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Corporation or outside such premises where such behaviour is related to or connected with employment;
- m) Gambling within the premises of the establishment;
- n) Smoking within the premises of the establishment except in smoking zones earmarked, if any;
- o) Collection, without the permission of the competent Authority, of any money within the premises of the

Corporation except as sanctioned by any law of the land for the time being in force or rules of the Corporation;

- p) Sleeping while on duty;
- q) Commission of any act which amounts to a criminal offence (non bailable) [including that of moral turpitude];
- r) Absence from the employee's appointed place of work without permission or sufficient cause;
- s) Purchasing properties, machinery, stores etc. from or selling properties, machinery, stores, etc. to the Corporation without express permission in writing from the competent Authority;
- t) Omission of any act subversive of discipline or of good behaviour;
- u) Abetment of or attempt at abetment of any act which amounts to misconduct;
- v) Private /personal visit of any foreign country for study, etc. without permission/ intimation;
- w) Sexual harassment of women at work place. In this regard:
 - (i) No employee of JMRC shall indulge in any act of sexual harassment of any woman at work place;
 - (ii) Every employee of JMRC who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place;
 - (iii) All the employees of JMRC will be covered under the provisions of "Sexual Harassment of Women at Work Place (Prevention, Probation and Redressal) Act, 2013 and the rules/ guidelines of Government extant on the subject. The cases of sexual harassment will be dealt, accordingly;
- x) No employee shall join or attend any educational institution or appear in any competitive examination or interview without prior permission of competent authority in JMRC & as per policy decided by Managing Director, JMRC.

Note : The above instances of ‘misconduct’ are illustrative in nature and not exhaustive.

3.3 EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES IN ANY CORPORATION OR FIRM ENJOYING PATRONAGE OF THE CORPORATION:

- a) No employee shall use his position or influence directly or indirectly to secure employment for any person related whether by blood or marriage to the employee or to the employee's spouse; whether such a person is dependent on the employee or not.
- b) No employee shall, except with the previous sanction of the competent Authority permit his son, daughter or any member of the family to accept employment with any company or firm with which he has official dealings, or with any company or firm, having official dealings with the Corporation. Where the acceptance of the employment cannot wait for prior permission of the competent authority, the employment may be accepted provisionally subject to the permission of the competent Authority to whom the matter shall be reported forthwith.
- c) No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to the superior official and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

3.4 TAKING PART IN DEMONSTRATION:

- a) No employee of the Corporation shall engage himself or participate in any demonstration which involves incitement to an offence.

- b) No employee of the Corporation shall engage himself in the following kinds of activities:
- (i) be an office bearer of a political party or an organization which takes part in politics;
 - (ii) take part in or assist in any manner in any movement/agitation or demonstration of a political nature;
 - (iii) take part in an election to any legislature or local authority;
 - (iv) canvass in any election to any legislature or local authority.

3.5 CONNECTION WITH MEDIA (Press, TV, Radio, Internet, Multi-media, etc.):

- a) No employee of the Corporation shall, except with the previous sanction of the competent authority, own wholly or in part, or conduct or participate in the editing or management of any newspapers or other periodical publication.
- b) No employee of the Corporation shall, except with the previous sanction of the competent authority, or in the bonafide discharge of duties, participate in a radio broadcast/ competitions on TV channels or contribute any article or write any letter either in his own name or anonymously, pseudonymously, or in the name of any other person, to any newspaper or periodical; provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character or such contribution is a part of official duty of employee.
- c) No employee of the Corporation shall, except with the previous sanction of the competent authority be permitted to upload any matter prejudicial to the interest of the Corporation, on internet. Provided that no such sanction shall be required if material/ contribution is of a purely literary, artistic or scientific character.
- d) No employee of the Corporation shall, except with the previous sanction of the competent authority be permitted to take part in any show or act in the film/documentary.

3.6 CRITICISM OF GOVERNMENT AND THE CORPORATION:

No employee shall, in any radio broadcast/TV show/ internet/ messaging/ social media or any document published under his name or in the name(s) of any other person or in any communication to the press or in any public utterances, make any statement:

- a) which has the effect of adverse criticism of any policy or action of the Central or State Government or of the Corporation, or
- b) which is capable of embarrassing the relations between the Corporation and the public.

Provided that nothing in these rules shall apply to any statement made or views expressed by an employee, of purely factual nature which are not considered to be of a confidential nature, in his official capacity or in due performance of the duties assigned to him.

3.7 EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY:

- a) Save as otherwise provided in these rules, no employee of JMRC shall, except, with the previous sanction of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority.
- b) Where any sanction has been accorded under Sub-Rule (a) above no employee giving such evidence shall criticize the policy or any action of the Central Government or of a State Government or of the Corporation.
- c) Nothing in this rule shall apply to:
 - (i) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Government/ Legislature or any PSU;
 - (ii) evidence given in any judicial enquiry; or
 - (iii) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

3.8 UNAUTHORIZED COMMUNICATION OF INFORMATION:

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

3.9 INVENTIONS:

- a) An employee who, while in the service of the Corporation makes any discovery, invention or modification to any process or method or equipment resulting in improvement of the Company's services, operations and products, shall forthwith communicate the act to the Company.
- b) The employee shall furnish, at the request and expense of the Company all particulars thereof and if required, shall apply for all letters of patent and rights in India or elsewhere and give assignments and transfers to the Company or its nominees as may be directed by the Company.
- c) Letter of patent, if taken out shall belong to the Company, and any remuneration payable to the employee for any such invention, discovery or modification shall be at the discretion of the Company.

3.10 GIFTS:

Save as otherwise provided in these rules, no employee of the Corporation shall accept or permit any member of his family or any other person acting on his behalf, to accept any Gift.

Explanation:

The expression 'Gift' shall include free transport, boarding, lodging or other service or any other pecuniary advantage when

provided by any person to the employee.

Note:

- (i) An employee of the Corporation shall avoid acceptance of lavish or frequent hospitality from any individual or firm having official dealings with him.
- (ii) On occasions such as weddings, anniversaries, funerals or religious functions, when the acceptance of gifts is in conformity with the prevailing religious or social practices, an employee of the Corporation may accept gifts from his near relatives but he shall make a report to the competent authority if the approximate value of any such gift exceeds monthly basic salary of the employee.
- (iii) On such occasions, as are specified in Note (ii) above, an employee of the Corporation may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the competent authority if the value of any such gift exceeds half of the monthly basic salary of the employee.
- (iv) In any other case, an employee of the Corporation shall not accept or permit any other member of his family or any other person acting on his behalf to accept any gifts without the sanction of the competent Authority if the value thereof exceeds Rs.5,000.
- (v) When more than one gift have been received by the employee from the same person/firm within a period of 12 months the matter shall be reported to the competent Authority if the aggregate value of the gift exceeds Rs 10,000.

3.11 DOWRY:

No employee of the Corporation shall:

- (i) give or take or abet the giving or taking of dowry; or

- (ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation:

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

3.12 TRADE OR EMPLOYMENT:

- a) No employee of the Corporation shall, except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business or undertake any other employment. Provided that an employee may, without such sanction, undertake honorary work of a special or charitable nature or occasional work of a literary, artistic or scientific character subject to the condition that his official duties do not thereby suffer.
- b) Every employee of the Corporation shall report to the competent Authority if any member of his family is engaged in a trade or business or owns or manages any agency which has any business interest with JMRC.
- c) No employee of the Corporation shall, without the previous sanction of the competent authority, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other corporation/ company, which is registered under the Companies Act, 1956 or required to be registered under the Companies Act, 2013 or other law for the time being in force or any cooperative society, firm, etc., for commercial purposes.
- d) No employee of the Corporation may accept any fee or any pecuniary advantage for any work done by him for any public body or any private person without the sanction of the competent authority.

3.13 INVESTMENT, LENDING AND BORROWING:

No employee shall invest money into, or borrow money from or lend money to or otherwise place himself under pecuniary obligation or permit any borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit or any member of his family to any person/firm/ organization with whom he has/had/is likely to have official dealings.

3.14 INSOLVENCY AND HABITUAL INDEBTEDNESS:

- a) An employee of the Corporation shall avoid habitual indebtedness unless he proves that such indebtedness or insolvency is the result of circumstances beyond his control and does not proceed from extravagance or dissipation.
- b) An employee of the Corporation who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to his competent authority.

3.15 PERMISSION/ INTIMATION FOR TRANSACTION OF MOVABLE, IMMOVABLE AND VALUABLE PROPERTY:

- a) No employee of the Corporation shall, except, with the prior intimation in the prescribed form to 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 dependent member of his family (**Form-01**). Any addition/extension in the immovable property subsequently shall also be intimated (**Form-03**).
- b) No employee of the Corporation shall, except, with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or a firm having official dealings with the employee or his subordinate.
- c) Every employee of the Corporation shall report to the competent authority every transaction concerning movable property owned or held by him and member of his family, if the value of such

property is equal to or exceeding the limits as prescribed in Schedule IV of Schedule of Powers (SoP) in prescribed format **(Form-02)**.

- d) An intimation shall also be made (on the proforma as prescribed) where cumulative transaction i.e. sale, purchase or both in shares debentures or mutual funds etc. in a year equal to or exceeding the limits as prescribed in Schedule IV of SoP for movable property in prescribed format **(Form-02)**.
- e) Expenditure incurred in visiting countries abroad as well as on children's education abroad also needs to be intimated as such expenditures normally exceeds the limits as prescribed in Schedule IV of SoP for movable property in prescribed format **(Form-02)**. Henceforth, such expenditures on foreign visits and children's education abroad should also be intimated under this rule.

Explanation No.1

The term "every transaction concerning movable property owned or held by him" includes all transactions of sale or purchase. For purpose of this sub-rule, the definition of movable property would include:

- (i) Jewellery and Insurance policy premium;
- (ii) shares, securities and debentures;
- (iii) loans, advances taken by such employee whether secured or not;
- (iv) motor cars, motor cycles or any other means of conveyance; and
- (v) refrigerators, radios, TV sets and computers etc.
- (vi) other items where value exceeds the limits prescribed in SOP.

Explanation No. 2

Transaction entered into by the spouse or any other member of family of an employee of the Corporation out of his own funds

(including Stri-dhan gifts, inheritance etc.) as distinct from the funds of the employee of the Corporation himself, in his own name and in his own right, would not attract the provisions of the above sub-rules.

- f) Every directly recruited or absorbed employee of Corporation shall, on first appointment in the Corporation submit returns of assets and liabilities within three months of his joining in the prescribed form giving the particulars regarding: **(Form-04 to 10)**
- (i) the immovable property inherited by him, or owned or acquired by him held by him on lease or mortgage, out of his own income either in his own name or in the name of any member of his family or in the name of any other person;
 - (ii) shares, debentures, and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
 - (iii) other movable property inherited by him or similarly owned, acquired or held by him if the value of such property is equal to or exceeding the limits prescribed for him in Schedule IV of SoP.
 - (iv) Life insurance policies in his name.
 - (v) debts and other liabilities incurred by him directly or indirectly.

NOTE:

Those employees who have already been appointed prior to issue of these rules shall submit such statements within three months of issue of these JMRC CDA rules, 2017.

- g) Every employee shall, submit a return of immovable property/ inherited/ owned/acquired as on 1st January of each calendar year by 31st January of same year. **(Form-11)**

- h) The competent authority may at any time, by general or special order require an employee to submit, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so, required by the competent authority, include details of the means by which or the source from which such property was acquired.

3.16 RESTRICTION IN RELATION TO ACQUISITION AND DISPOSAL OF IMMOVABLE PROPERTY OUTSIDE INDIA AND TRANSACTIONS WITH FOREIGNERS ETC. TO TRANSACT MOVABLE, IMMOVABLE AND VALUABLE PROPERTY:

Notwithstanding anything contained in sub-rule (a) of Rule-3.15, no employee shall, except with the previous sanction of the competent authority:

- a) acquire or dispose of any immovable property situated outside India by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family;
- b) enter into any transaction with any foreigner, foreign government, foreign organization or concern mission including international organizations, the acquisition or disposal 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.

3.17 CANVASSING OF NON-OFFICIAL OR OTHER INFLUENCE:

No employee shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the Corporation. The employees should not approach Members of Parliament or State Legislatures or other political/ outside authorities to

sponsor their cases in respect of service matters, including CDA matters. In case of violation, the following action will be taken against the concerned JMRC employee:

- a) JMRC employee violating the aforesaid provision of the Conduct Rule for the first time will be counselled and warned by the appropriate Disciplinary Authority, to desist from approaching Members of Parliament/ Members of State Legislature etc. to further his interest in respect of matters pertaining to his service conditions. A copy of this warning letter will also be placed in the ACR/ APAR dossier of the employee concerned.
- b) If he is found guilty of violating the aforesaid provisions of the Conduct Rules second time despite the issue of warning on the first occasion, disciplinary action will be initiated against him for major penalty by the appropriate Disciplinary Authority under the provision of JMRC CDA Rules, 2017, and deterrent punishment may be awarded.

3.18 GUIDELINES REGARDING MARRIAGE:

- a) No employee shall enter into, or contract marriage with a person having a spouse living, and
- b) No employee, having a spouse living, shall enter into or contract a marriage with any person.
- c) Provided that an employee may be exempted from the operation of sub rule (a) & (b) above, after being satisfied that there are special grounds permissible under the Personal Law applicable to such employee;
- d) If an employee has married a person other than that of Indian nationality, he shall forthwith intimate the fact, to the Corporation.

3.19 CONSUMPTION OF INTOXICATING DRINKS & DRUGS:

Every employee shall :

- a) abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being.
- b) Not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug.
- c) Not appear indecently at a public place in a state of intoxication.

Explanation:

For the purpose of this rule, "Public Place" means any place or premises (including a conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

Note:

In case any employee is habitual drinker, the Corporation may consider payment of half salary to the spouse of employee on the written request of spouse & after medical examination of employee.

3.20 BRIBE , DONATIONS AND SUBSCRIPTION:

- a) JMRC shall make all efforts to eliminate all forms of bribery, fraud and corruption. JMRC and its employees may accept and offer nominal gifts, as permissible under these rules, provided such gifts are customarily given and/or are of a commemorative nature.
- b) JMRC and its employees shall neither receive nor offer or make, directly or indirectly, any illegal payments, remuneration, gifts, donations or comparable benefits that are intended, or perceived, to obtain uncompetitive favours for the conduct of its business.
- c) Further, No employee shall, except with the previous sanction or order of JMRC, Government or the prescribe authority, ask for or accept contribution to , or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object, whatsoever.

3.21 REGULATORY COMPLIANCE:

Employees of JMRC in their business conduct, shall comply with all applicable laws and regulations, in letter and spirit, in all the territories in which they operate. If the ethical and professional standards of applicable laws and regulations are below that of these rules, then the standards of these rules shall prevail. As good governance practice employee shall safeguard the confidentiality of all information received by them by virtue of their position.

3.22 CONCURRENT EMPLOYMENT:

Consistent with applicable laws, an employee of JMRC shall not, without the requisite written approval of the Corporation, accept employment or a position of responsibility (such as a consultant or a director) with any other company or organization, nor provide freelance services to anyone.

3.23 CONFLICT OF INTEREST:

An employee of JMRC shall always act in the interest of the Corporation, and ensure that any business or personal association which he may have does not involve a conflict of interest with the operations of the Corporation and his role therein.

3.24 CONFIDENTIALITY OF INFORMATION:

An employee of JMRC and his immediate family shall not derive any benefit or counsel, or assist others to derive any benefit, from access to and possession of information about the company or group or its clients or suppliers that is not in the public domain and, thus, constitutes unpublished insider information.

3.25 PROTECTING COMPANY ASSETS:

The assets of JMRC shall not be misused; they shall be employed

primarily and judiciously for the purpose of conducting the business for which they are duly authorized.

These include tangible assets such as equipment and machinery, systems, facilities, materials and resources, as well as intangible assets such as information technology and systems, proprietary information, intellectual property, and relationships with customers and suppliers.

3.26 INTEGRITY OF DATA FURNISHED:

Every employee of JMRC shall ensure, at all times, the integrity of data or information furnished by him to the company.

He shall be entirely responsible in ensuring that the confidentiality of all data is retained and in no circumstance transferred to any outside person/ party in the course of normal operations without express guidelines from or, the approval of the management.

3.27 REPORTING SYSTEMS:

Every employee of JMRC shall promptly report to the management, when he becomes aware of any actual or possible violation of the Code or an event of Misconduct, act of misdemeanor, or any act by another employee which is not in the interest of JMRC.

3.28 IMMUNITY:

Every employee of JMRC shall be law abiding and will not embarrass the organization in any way.

No employee of JMRC will initiate any legal action against JMRC or any of its employees without exhausting internal avenues of corporation and prior approval of the Management.

Further, no employee of JMRC will raise grievances to any other

forum without exhausting all the channels available to him within JMRC.

3.29 SUBLETTING AND VACATION OF COMPANY ACCOMMODATION:

- a) Save as otherwise provided in any other law for the time being in force, no employee shall sublet, lease or otherwise allow occupation by any other person of company accommodation which has been allotted to him.
- b) The employee shall, after the cancellation of his allotment of company accommodation, vacate the same within time limit prescribed by the allotting authority.

Chapter IV

4. PROCEDURE OF DISCIPLINARY ACTION AND APPEAL:

4.1 SUSPENSION:

- a) The appointing Authority or any Authority to which it is subordinate or the Disciplinary Authority or any Authority empowered in that behalf by the Management by general or special order may place an employee under suspension (**SF-1**);
 - (i) Where Disciplinary proceedings against him are contemplated or are pending; or
 - (ii) Where a case against him in respect of any criminal offence is under investigation or trial.
- b) 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 time and date of detention, by an order of the Disciplinary Authority, and shall remain under suspension until further orders (**SF-2**).
- c) Where a penalty of dismissal or removal 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 in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- d) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Disciplinary Authority, in consideration of the circumstances of the case, decides to hold further

inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the competent Authority from the date of the original order of further orders.

- e) 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 **(SF-4)**.
- f) An order of suspension made or deemed to have been made under these Rules shall be reviewed by the competent Authority. It is also being provided that an order of suspension made or deemed to have been made under clause (a) & (b) of Rule-4.1 of these rules shall not be valid after 60 days unless it is extended after review for a further period before the expiry of 60 days. It is further being provided that extension of suspension shall not be for a period exceeding 180 days at a time.
- g) It is further provided that, no review of suspension shall be necessary in the case of deemed suspension under clause (b) of Rule-4.1, if the employee continues to be under detention at the time of completion of 60 days of suspension.

The period of review after a period of 60 days in such cases will count from the date the employee detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his Appointing Authority, whichever is later.

4.2 SUBSISTENCE ALLOWANCE:

- a) An employee under suspension shall be entitled to draw subsistence allowance equal to 50% of his basic pay provided the Disciplinary Authority is satisfied that the

employee is not engaged in any other employment or business or profession or vocation **(SF-3)**. In addition, he shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance of which he was in receipt on the date of suspension provided the suspending Authority is satisfied that employee continues to meet the expenditure for which the allowance was granted.

- b) When 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 basic pay and allowance thereon, if in the opinion of said Authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the employee under suspension.
 - (ii) the amount of subsistence allowance may be reduced to 25% of basic pay and allowance thereon, 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.

Note: If any 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 competent Authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

4.3 TREATMENT OF THE PERIOD OF SUSPENSION:

- a) When the employee under suspension is reinstated, the competent Authority may grant him the following pay and allowances for the period of suspension:
 - (i) If the employee is exonerated and not awarded any of the penalties mentioned in Rule-4.4, the full pay and allowances, which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him; and
 - (ii) If otherwise, such proportion of pay and allowances as the competent Authority may prescribe.
- b) In a case falling under Sub-rule (a) (i), the period of absence from duty will be treated as a period spent on duty. In a case falling under Sub-rule (a) (ii), it will not be treated as a period spent on duty unless the Competent Authority so directs. The Competent Authority shall clearly specify the manner of treatment of the period under suspension.

4.4 PENALTIES:

The following penalties may be imposed on an employee, as herein provided, for misconduct committed by him or for any other good and sufficient reasons.

(i) MINOR PENALTIES:

- a) Censure.
- b) Withholding of promotion for a specified period.
- c) Withholding of an increment of pay for a period not exceeding three years without cumulative effect.
- d) Reduction to a lower stage in the time scale of pay by one stage for a period not exceeding three years without cumulative effect.

- e) Recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of any rule or orders.

(ii) MAJOR PENALTIES:

- a) Save as otherwise provided for in clause (i) (d), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- b) Reduction to a lower service, grade or post; or to a lower time-scale or to a lower stage in the time scale of pay for a specified period, with further directions regarding conditions of restoration to the service, grade or post from which the employee was reduced and his seniority and pay on such restoration to that service, grade, or post;
- c) Compulsory retirement;
- d) Removal from service which shall ordinarily not be a disqualification for future employment under the Govt./PSUs;
- e) Dismissal from service which shall ordinarily be a disqualification for future employment under the Govt./PSUs.

Provided that in cases of persons found guilty of any act or omission resulted or would have, ordinarily, resulted in collision of metro trains, one of the penalties specified in sub rule (d) & (e) of Rule-4.4 (ii) shall ordinarily be imposed and in cases of passing of Metro Railway signals at danger, one of the penalties specified in sub rule (b) & (c) of Rule-4.4 (ii) shall, ordinarily, be imposed and where penalty is not imposed the reasons thereof shall be recorded in writing.

Provided further that in cases of person found guilty of having accepted or having obtained from any person any gratification,

other than remuneration, as a motive or reward for doing or forbearing to do any other act, one of the penalties specified in sub rule (d) & (e) of Rule-4.4 (ii) shall, ordinarily, be imposed and where such penalty is not imposed, the reason thereof shall be recorded in writing.

4.5 GENERAL GUIDANCE FOR PENALTIES:

- a) The cases in which there is reasonable ground to believe that any punishable offence including that of moral turpitude has been committed by a JMRC employee will warrant of a charge sheet.
- b) Further, for following matters also disciplinary proceedings for major penalty under JMRC CDA Rules will normally be initiated:
 - (i) Possession of disproportionate assets;
 - (ii) Obtaining or attempting to obtain illegal gratification;
 - (iii) Misappropriation of Government property, money or stores;
 - (iv) Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate;
 - (v) Falsification of JMRC records;
 - (vi) Gross irregularity or negligence in the discharge of official duties with a dishonest motive;
 - (vii) Misuse of official position or power for personal gains;
 - (viii) Disclosure of secret or confidential information even though it does not fall strictly within the scope of the Official Secret Act, 1923;
 - (ix) False claims like TA/DA, Medical claim, etc;
 - (x) Serious acts of misbehaviour with Metro commuters;
 - (xi) Acts of unsafe working resulting in grievous injury to Metro commuters;
 - (xii) Passing signals at danger or an act which would have resulted in collision of trains;
 - (xiii) Misuse of SV-4/duty cards and;
 - (xiv) Cases of gross indiscipline/ insubordination.

Explanation : The following shall not amount to a penalty within the meaning of this Rule:

- (i) withholding of increment of an employee for failure to pass a departmental examination in accordance with the rules or orders governing the service or post or the terms of his appointment;
- (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 a substantive or an officiating capacity of an employee, after consideration of his case, to a service, grade or post for promotion to which he is eligible;
- (iv) Reversion to a lower service, grade or post of an employee officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post, or on administrative grounds unconnected with his conduct;
- (v) Reversion to his previous service, grade or post of an employee appointed on probation to another service, grade or post, during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing probation;
- (vi) Retirement of an employee in accordance with the provisions of his service conditions;
- (vii) Termination of services:-
 - a) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing such probation ; or ;
 - b) of a temporary employee appointed otherwise than under a contract on the expiration of the period of appointment or under an agreement in accordance with the terms of such agreement;

- c) of any employee in the services of any of the integrating units, on non-selection or non-absorption for appointment in any of the services in accordance with the integration rules or orders;
- (viii) discharge of an employee :-
 - a) appointed on an ad-hoc or provisional basis to any of the posts in the integrated setup otherwise than for reasons of non-selection or non-absorption to any such services or posts in accordance with the integrated rules or orders, shall amount to removal or dismissal as the case may be;
 - b) failure to conform to the requisite standard of physical fitness;
 - c) on reduction of the corporation establishment.

4.6 DISCIPLINARY AUTHORITY:

The Disciplinary Authority, as specified in the **Appendix-I**, or any Authority higher than it, may impose any of the penalties specified in Rule-4.4 on any employee.

4.7 PROCEDURE FOR IMPOSING MINOR PENALTIES:

- a) Where it is proposed to impose any of the minor penalties specified in sub rule (a) to (e) of Rule-4.4(i), the employee concerned shall be informed in writing of the imputation of misconduct or misbehaviour against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days. The defence statement, if any, submitted by the employee shall be taken into consideration by the Disciplinary Authority before passing orders. **(SF-11)**
- b) The record of the proceeding shall include.
 - (i) a copy of the statement of imputation of misconduct or misbehaviour delivered to the employee :
 - (ii) his defence statement, if any; and

- (iii) the orders of the Disciplinary Authority together with the reason therefore or thereon.

4.8 PROCEDURE FOR IMPOSING MAJOR PENALTIES:

- a) Without prejudice to the provisions of the Public Servants (Inquires), Act, 1850, no order imposing any of the major penalties specified in sub rule (a) to (e) of Rule-4.4(ii), shall be made except after an inquiry is held in accordance with this rule.
- b) Whenever the Disciplinary Authority is of the opinion that there are grounds of inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself, inquire into, or appoint any public servant (hereafter called the Inquiring Authority) to inquire into the truth thereof.
- c) 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 witnesses by whom, the articles of charge are proposed to be sustained, shall be communicated in writing to the employee. The employee 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 charges, what explanation or defence, if any, he has to offer and whether he desires to be heard in person.
- d) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify; provided that such permission may be refused if, for the reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public interest to allow him access thereto. On receipt of the written statement of the employee or if no such statement is received within the time specified, the

Disciplinary Authority may itself enquire into such of the charges, as are not admitted or if, considers it necessary so to do, appoint a Board of Inquiry or an Inquiring Authority for the purpose, and where all the articles of charges have been admitted by the employee in his written statement of defence, the Disciplinary Authority shall record its finding on each charge.

- e) Where the Disciplinary Authority itself inquires or appoints an Inquiring Authority for holding an inquiry, it may, by an order, appoint a public servant to be known as the Presenting Officer to present on its behalf the case in support of the articles of charge **(SF-8)**.
- f) The employee may take the assistance of any other public servant but may not engage a legal practitioner for the purpose.
- g) On the date fixed by 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 guilt in respect of those articles of charge to which the employee concerned pleads guilty.
- h) If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a 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 mentioned in the charge-sheet;
 - (ii) submit a list of additional documents and witnesses that he wants to examine; and
 - (iii) be supplied with the copies of the statements of witnesses, if any, listed in the charge-sheet.

Note: Relevance of the additional document and the witnesses referred to in Sub- rule (c) 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 the relevance to the charges under inquiry.

- i) The Inquiring Authority shall ask the Authority in whose custody or possession the documents are kept for the production of the documents on such date as may be specified.
- j) The Authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition notice.

Provided that 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 Corporation. In that event, it shall inform the Inquiring Authority accordingly (**SF-6**).

- k) 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 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 (**SF-17, 18 &19**).
- l) 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 cross-examine a witness, who has been so summoned.
- m) 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.
 - n) 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.
 - o) 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.
 - p) The Inquiring Authority may, after completion of the production of evidence, hear the presenting officer, if any appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desire.
 - q) If the employee does not submit the written statement of defence referred to in sub-rule (c) above, 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 cooperate with any of the provisions of these rules, the Inquiring Authority may hold the inquiry ex-parte.
 - r) Whenever any Inquiring Authority, after having heard and recorded the whole or part of the evidence in an inquiry ceases to

exercise jurisdiction therein, and is succeeded by another Inquiring Authority (**SF-12**) 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 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 witness as hereinafter provided (**SF-17**).

- s) After the conclusion of the inquiry, report shall be prepared and it shall contain:
- (i) a gist of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (ii) a gist of the defence of the employee in respect of each article of charge;
 - (iii) an assessment of the evidence in respect of each article of charge;
 - (iv) the findings on each article of charge and the reasons thereof.

Explanation:

If in the opinion of 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.

- t) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority, the records of inquiry which shall include:

- (i) the report of the inquiry prepared by it under sub-clause (s) above;
- (ii) the written statement of defence, if any, submitted by the employee referred to in sub-rule (m);
- (iii) the oral and documentary evidence produced in the course of the inquiry;
- (iv) written briefs referred to in sub-rule (p), if any, and
- (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

4.9 ACTION ON THE INQUIRY REPORT:

- a) The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reason to be recorded by it in writing may remand the case to the Inquiring Authority for fresh or further inquiry and report and the Inquiring Authority shall there-upon proceed to hold the further inquiry according to the provision of Rule-4.8.
- b) 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 finding on such charge, if the evidence on record is sufficient for the purpose.
- c) 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.
- d) 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-4.4, should be imposed on the employee, it shall, notwithstanding anything contained in the Rule-4.8, make an order imposing such penalty. However, Major Penalties as per Rule 4.4 (ii) (c), (d) & (e) shall be imposed with the approval of Appointing Authority.

4.10 COMMUNICATION OF ORDERS:

The Order made by the Disciplinary Authority under Rule-4.8 or Rule-4.9 shall be communicated to the employee concerned who shall also be supplied with a copy of the report of inquiry, if any.

4.11 COMMON PROCEEDINGS:

Where two or more employees are concerned in a case, the Authority competent to impose a major penalty on all such employees may make an order directing the Disciplinary proceedings against all of them taken in a common proceedings and the specified Authority may function as the Disciplinary Authority for the purpose of such common proceedings (**SF-9, 10 & 13**).

4.12 SPECIAL PROCEDURE IN CERTAIN CASES (SF-14 & 15) :

Notwithstanding anything contained in Rules-4.8 or 4.9 or 4.10, the Disciplinary Authority may impose any of the penalties specified in Rule-4.4 in any of the following circumstances:

- a) Where the employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- b) Where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
- c) Where the Managing Director is satisfied that in the interest of the security of the Corporation, it is not expedient to hold any inquiry in the manner provided in these rules. Provided that, the employee may be given an opportunity for making representation in the penalty proposed to be imposed before any order is made.
- d) Notwithstanding anything contained to the contrary in any other rules, the services of any employee shall be terminated by the Corporation, if the employee remains on un-authorised absence

for sixty days or more and he fails to explain his conduct satisfactorily within 15 days from the date of receipt of the 'Show Cause Notice' by him. The management shall be empowered to take a decision without resorting to further inquiries.

The decision in the above case would be taken by a Committee of officers at appropriate level to be constituted for this purpose by the Managing Director. The reasons for the decision would be recorded in writing.

4.13 DISCIPLINARY PROCEEDINGS AFTER CESSATION OF EMPLOYMENT:

- a) If the employee does not remain in the services of Corporation during the pendency of disciplinary proceedings, said disciplinary proceeding instituted against him, while he was in service, shall be continued, as if the employee had continued in service until the proceedings are concluded and final order passed in respect thereof.
- b) He will also not be entitled for the payment of any gratuity and leave encashment benefits till the proceedings are completed and final orders are passed thereon. In case, the employee, as a result of the Disciplinary proceedings instituted against him, is found guilty of offences/ misconduct as mentioned in sub-section (6) of Section-4 of the Payment of Gratuity Act, 1972, or to have caused pecuniary loss to the Company by misconduct or negligence, during his service, the Disciplinary Authority may order recovery from gratuity of the whole or part of any pecuniary loss caused to the Company. However, the provisions of Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972, shall be kept in view in the event of delayed payment, in case the employee is fully exonerated.

4.14 APPEALS:

- a) An employee may appeal against an order imposing upon him any of the penalties specified in Rule-4.4 or against the order of suspension referred to in Rule-4.1. The appeal shall lie to the Authority specified in the **Appendix-I**.
- b) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the **Appendix-I** and submitted to the Authority whose order is appealed against with all material statements and arguments on which the appellant relies and shall not contain any dis-respectful or improper language and shall be complete in itself. The Authority whose order is appealed against shall forward the appeal together with its comments and the records of the case to the Appellate Authority within 15 days. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of the appeal. The Appellate Authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the Authority which imposed the penalty or to any other Authority with such direction as it may deem fit in the circumstances of the case (**SF-16**).
- c) Provided that if the enhanced penalty which the Appellate Authority proposed to impose is a major penalty specified in sub rule (a) to (e) of Rule-4.4(ii), and an inquiry as provided in Rule 4.8 has not already been held in the case, the Appellate Authority shall direct that such an inquiry be held in accordance with the provisions of Rule 4.8 and thereafter consider the record of the inquiry and pass such order as it may deem proper, if the Appellate Authority decides to enhance the punishment but an inquiry has already been held as provided in Rule 4.8, the Appellate Authority shall give a show cause notice to the employee

as to why the enhanced penalty should not be imposed upon him. The Appellate Authority shall pass final order after taking into account the representation, if any, submitted by the employee **(SF-20)**.

- d) The authority whose order is appealed, shall give the effect to the orders passed by the appellate authority. However, Major Penalties as per Rule 4.4 (ii) (c), (d) & (e) shall be imposed with the approval of Appointing Authority.
- e) Notwithstanding any thing contained in these rules, no appeal shall lie against any order made by the Board or Government imposing any of the penalties specified in these Rules.

4.15 REVIEW:

- a) Notwithstanding anything contained in these rules, the Reviewing Authority as specified in the **Appendix-I** may call for the record of the case within six months of the date of the final order and after Reviewing the case pass such orders thereon as it may deem fit.
- b) Provided that if the enhanced penalty, which the Reviewing Authority proposed to impose, is a major penalty specified in sub rule (a) to (e) of Rule-4.4(ii), and on inquiry as provided under Rule-4.8 has not already been held in the case, the Reviewing Authority shall direct that such an inquiry be held in accordance with the provisions of Rule-4.8 and thereafter consider the record of the inquiry and pass such order as it may deem proper. If the Appellate Authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of Rule-4.8, the Reviewing Authority shall give show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The Reviewing Authority shall pass final order after taking into account the representation, if any, submitted by the employee.
- c) The authority whose order is appealed and then reviewed, shall give the effect to the orders passed by the Reviewing authority.

However, Major Penalties as per Rule 4.4 (ii) (c), (d) & (e) shall be imposed with the approval of Appointing Authority.

- d) In special circumstances, the Board may review any disciplinary case under these rules.

4.16 SERVICE OF ORDERS, NOTICES, ETC.:

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address with a copy through his last known e-mail on records. In case the registered post returns undelivered, a notice may be pasted on the notice board of his office/depot under witness of two employees on record copy and then the notice/letters shall be deemed to have been served to the concerned employee.

4.17 MODEL TIME LIMITS FOR DISCIPLINARY PROCEEDINGS:

A model time limit for the Disciplinary proceedings is prescribed below for timely disposal of Disciplinary cases:

S. No	Proceeding	Model time limit
1.	Disposal of minor penalty cases	Within 1 month from the date of issuing charge-sheet
2.	Disposal of major penalty cases	Within 6 months from the date of issuing charge-sheet.
3.	Review of suspension	Before expiry of 60 days of suspension
4.	Appeal by employee against the penalty imposed upon him	Within one month from the date of communication of order of penalty
5.	Disposal of appeal by Appellate Authority	Within 3 months from the date of appeal.

S. No	Proceeding	Model time limit
6.	Review of Appeal	Notwithstanding anything contained in these rules, the Reviewing Authority as specified in the schedule may call for the records of the case within six months of the date of the final order and after Reviewing the case pass such orders thereon as it may deem fit.

4.18 HONORARIUM TO THE INQUIRY OFFICER/ PRESENTING OFFICER & ASSISTING OFFICIAL:

In order to compensate the officers and staff involved in these CDA Rules for conducting enquiry in major penalty charge-sheet cases, in addition to their assigned duties, the following rates of honorarium per inquiry are prescribed -

- i. Enquiry Officer - Rs. 3000 per inquiry
- ii. Presenting Officer -Rs. 1000 per inquiry

The terms and conditions for payment of the honorarium shall be as under:

- (i) Before the payment is received it will be the responsibility of the Inquiry Officer (IO) to ensure that;
 - (a) All case records and inquiry report (two ink signed copies) properly documented and arranged are handed over to the Disciplinary Authority by the IO.
 - (b) The report returns findings on each of the Article of Charge which has been inquired into and should specifically deal and address to each of the procedural objections, if any, raised by the charged officers as per the extant rules and instructions.
- (ii) The honorarium shall be reduced by 50% in case of delay in completion of inquiry beyond 4 months from the date of appointment as IO, if it is not due to non- cooperation of the charged officer or due to stay order.
- (iii) The number of Disciplinary cases shall be restricted to 06 cases in a year with one Inquiry Officer, with not more than 2 cases pending at a time.



4.19 POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY:

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

Chapter V

5. PROCEDURE OF DISCIPLINARY ACTION AND APPEAL IN CASE OF EMPLOYEES ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENTS OR ANY OTHER ORGANISATION OF CENTRAL GOVERNMENT/ STATE GOVERNMENTS:

5.1 SUSPENSION:

Where an order of suspension is made or Disciplinary proceeding are initiated against an employee, who is on deputation to the Corporation from the Central or State Government, or another public undertaking, or a local authority, the Authority lending his services shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the Disciplinary proceeding, as the case may be.

5.2 DISCIPLINARY PROCEEDINGS:

- i. Whenever the Disciplinary Authority is of the opinion that there are grounds of Inquiring into the truth of any imputation of misconduct or misbehaviour against an employee on deputation, it shall frame a draft of definite charges on the basis of the allegations against the employee. The draft of charges, together with a statement of the allegations on which they are based, a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained, with the consent of MD, JMRC, shall be sent to the Lending Department / organisation of the employee for approval and issuance.
- ii. JMRC shall serve the Charge sheet approved and signed by the Lending Department / organisation and disciplinary proceedings shall be initiated by the Lending Department in accordance with their Conduct, Disciplinary and Appeal Rules applicable to the employee on deputation.

Chapter VI

6. INTERPRETATIONS/ RELAXATIONS/ REMOVAL OF DOUBTS, REPEAL & SAVINGS:

6.1 INTERPRETATIONS/RELAXATIONS/ REMOVAL OF DOUBTS:

In case of any doubt or dispute regarding application, interpretation and scope of these rules, the decision of Managing Director shall be final. Managing Director shall also have the powers to relax any of the item of the provisions of these rules, found necessary in future, in exceptional circumstances for reasons to be recorded in writing.

6.2 REPEAL & SAVINGS:

- a) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under these rules, which have been superseded by these rules.
- b) An appeal pending at the commencement of these rules against an order made before the commencement of these rules shall be considered and orders thereon shall be made, in accordance with these rules.
- c) The proceedings pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceeding under these rules.
- d) Any misconduct etc. committed prior to the issuance of these rules which was misconduct under the then existing Code/rules/guidelines, shall be deemed to be misconduct under these Rules.

Appendix – I

SCHEDULE OF DISCIPLINARY, APPELLATE AND REVIEWING AUTHORITIES IN JMRC

1. For Minor Penalty:

NAME OF POST	DISCIPLINARY AUTHORITY	APPELLATE AUTHORITY	REVIEWING AUTHORITY
Maintainer & equivalent	Manager and above	DGM and above	GM and above
CRA/HNA & equivalent	Manager and above	DGM and above	GM and above
SC/TO/J.E./Steno-grapher & equivalent	Manager and above	DGM and above	GM and above
SS/TIA/EO & Equivalent	DGM and above	GM and above	ED and above
Manager	GM and above	ED and above	Director and above
PS/ DGM/ JGM & equivalent	ED & Above	Director & Above	MD/CMD
GM & equivalent	Director and above	MD/CMD	Chairman/ Board
ED & above	MD/CMD	Chairman/ Board	Board

2. For Major Penalty:

NAME OF POST	DISCIPLINARY AUTHORITY	APPELLATE AUTHORITY	REVIEWING AUTHORITY
Maintainer & equivalent	DGM and above	GM and above	ED and above
CRA/HNA & equivalent	DGM and above	GM and above	ED and above
SC/TO/JE/ Steno-grapher & equivalent	GM and above	ED and above	Director and above
SS/TIA/EO & Equivalent	GM and above	ED and above	Director and above
Manager	ED and above	Director and above	MD/CMD

NAME OF POST	DISCIPLINARY AUTHORITY	APPELLATE AUTHORITY	REVIEWING AUTHORITY
PS/DGM/ JGM & equivalent	Director and above	MD/CMD	Chairman/ Board
GM & equivalent	MD/CMD	Chairman/ Board	Board
ED & above	MD/CMD	Chairman/ Board	Board

Note:

1. In case of employees not covered under above mentioned posts, then applicability will be as per equivalent or just above post/scale.
2. If any case regarding applicability or equivalency arises, then decision of MD/CMD will be final.
3. The level of appellate and review authority shall be at least one level above of disciplinary and appellate authority respectively.
4. The Notice Imposing Penalty shall be issued after entering in service records in consultation with HR department.
5. The copy of charge sheet and Notice Imposing Penalty shall be forwarded to HR department for records and necessary action.
6. Major Penalties as per Rule 4.4 (ii) (c), (d) & (e) shall be imposed , with the approval of Appointing Authority.

Appendix – II**LIST OF FORMS**
(JMRC CDA RULES, 2017)

Form No.	Form for
(1)	Prior intimation or seeking previous sanction for transaction in respect of immovable property.
(2)	Prior intimation or seeking previous sanction for transaction in respect of movable property.
(3)	Report/application for permission to the prescribed authority for the building of or addition to a house.
(4)	Form for dependent status on first appointment.
(5)	Form for nomination in respect of gratuity/leave encashment and other admissible claims on cessation/ death on first appointment.
(6)	Statement of movable property on first appointment.
(7)	Statement of immovable property on first appointment (e.g. lands, house, shops, other buildings, etc.).
(8)	Statement of liquid assets on first appointment.
(9)	Statement showing life insurance policy/policies on first appointment.
(10)	Statement of debts and other liabilities on first appointment.
(11)	Statement of annual return of immovable property.
(12)	Statement of change in family under JMRC CDA Rules, 2017.

FORM FOR PRIOR INTIMATION OR SEEKING PREVIOUS SANCTION FOR TRANSACTION IN RESPECT OF IMMOVABLE PROPERTY UNDER RULE 3.15 OF THE JMRC CDA RULES, 2017

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

(c)	Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future?	
(d)	Nature of official dealings with the party	
(e)	How was the transaction arranged? (Whether through any statutory body or a private agency through advertisement or through friends and relatives. Full particulars to be given).	
13.	In case of acquisition by gift, whether sanction is also required under Rule-3.10 of the JMRC CDA Rules, 2017	
14.	Any other relevant fact which the applicant may like to mention.	

Note:

1. For personal savings, proof to be furnished by way of photo copy of Bank statement / FD/Mutual Funds etc.
2. For interest free loan from close relatives, similar proof as well as a declaration from such relative on stamp paper of Rs.10/- alongwith their financial status is required to be produced.

DECLARATION

I, hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described above from/to the party whose name is mentioned in item (13) above.

OR

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

Station:

Signature:.....

Date:

Designation:

Note:

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

FORM FOR INTIMATION OR SEEKING PREVIOUS SANCTION FOR TRANSACTION IN RESPECT OF MOVABLE PROPERTY UNDER RULE 3.15 OF THE JMRC CDA RULES, 2017

1.	Name & Employee Id	
2.	Scale of Pay and present pay	
3.	Purpose of application-sanction for transaction/prior intimation of transaction	
4.	Whether property is being acquired or disposed of	
5. (a)	Probable date of acquisition or disposal of property	
(b)	If the property is already acquired/disposed of - Actual date of transaction	
6. (a)	Description of the property (e.g. Car/Scooter/Motor Cycle/Refrigerator/radio/ radiogram/ jewelry/loans/insurance policies / shares/ debentures etc.)	
(b)	Make, model (and also registration number in case of vehicles), where necessary	
7.	Mode of acquisition/disposal (purchase/sale, gift, mortgage, lease or otherwise)	
8.	Sale/purchase price of the property. (Market value in the case of gifts)	
9.	In case of acquisition, source or sources from which financed/proposed to be financed: (a) Personal savings (b) Other sources giving details	
10.	In the case of disposal of property, was requisite sanction/intimation obtained/given for its acquisition (A copy of the sanction/ acknowledgement should be attached)	
11. (a)	Name and address of the party with whom transaction is proposed to be made/has been made	
(b)	Is the party related to the applicant? If so, state the relationship	

(c)	Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future?	
(d)	Nature of official dealings with the party	
(e)	How was the transaction arranged? (Whether through any statutory body or a private agency through advertisements or through friends and relatives. Full particulars to be given)	
12.	In the case of acquisition by gifts, whether sanction is also required under Rule-10 of the JMRC CDA Rules, 2017	
13.	Any other relevant fact which the applicant may like to mention.	

DECLARATION

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

OR

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

Station:

Signature:.....

Date:

Designation:.....

Note:

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

**FORM OF REPORT/APPLICATION FOR PERMISSION TO THE PRESCRIBED
AUTHORITY FOR THE BUILDING OF OR ADDITION TO A HOUSE
(Rule 3.15 of the JMRC CDA Rules, 2017)**

Date

To,
.....
.....
.....

Intimation may kindly be acknowledged / Permission may be granted to me for the building of a house/addition to the house as per details given below:

- (A) The estimated cost of the land and materials for the construction extension is given below:

<p>(1) <u>Land:</u> (a) Location — (i) Survey number: (ii) Village: (iii) District: (iv) State: (b) Area: (c) Cost: (d) Whether previous sanction obtained in acquiring the land#</p>	
<p>(2) <u>Estimated Construction Cost:</u> (a) Civil works: (b) Electrical works: (c) Any other special fittings: (d) Other costs with details etc: (e) Total cost of constructions</p>	

The construction will be supervised by myself/ will be done by (..... name and address of contractor)

* I do not have any official dealings with contractor nor did I have any official dealings with him in the past.

* I have/had official dealings with the contractor and the nature of my dealing with him is/was as under: **.....

(B) The financing of the proposed construction will be as under:

- | | Amount (in Rs.) |
|---------------------------------------|-----------------|
| (i) Own savings: | |
| (ii) Loans/Advance with full details: | |
| (iii) Other sources with details: | |

Yours faithfully,

.....

Name (in full) and Emp. ID

-
- * Strike out the portions not applicable.
 - ** Enter the name and place of business of the contractor.
 - # please enclose copy of sanction.

**FORM FOR JMRC EMPLOYEES IN RESPECT OF DEPENDENT STATUS ON
FIRST APPOINTMENT**

(Under Rule-2.9 of JMRC CDA Rules, 2017)

- | | |
|---------------------------------------|----------------------|
| (1) Name: | (2) Employee ID No: |
| (3) Designation: | (4) Date of Birth: |
| (5) Date of entry in the Corporation: | (6) Marital Status : |

Sl. No	Name of the family members	Relationship with the employee	Whether Dependent or not	Nationality	Age	Occupation	Residential Address

I _____ hereby declare that I have no illegal marital status and the particulars furnished above are complete, true and correct as on date and undertake to keep the above particulars upto date by notifying to Head of Office any addition or alteration.

Place:

Date:

Signature:

Form-05

**FORM FOR JMRC EMPLOYEES ON FIRST APPOINTMENT FOR
NOMINATION IN RESPECT OF GRATUITY/ LEAVE ENCASHMENT AND
OTHER ADMISSIBLE CLAIMS**

(Under Rule-3.15 of JMRC CDA Rules, 2017)

I, _____, hereby nominate the person(s) noted below and confer the right to receive the gratuity and other claims etc. as might be admissible in the event of my death but in case of pending settlement or in case of death while in service.

Claim*	Particulars of nominees(s)	Relationship	Age	Share payable	Alternate Nominee, if 1st nominee is pre-deceased	Share payable
Gratuity						
Leave Encashment						
Others (if any admissible)						

This nomination supersedes any nomination made earlier.

Dated the ____ day of _____ at _____

WITNESS:

Signature of the employee

(1)

Name & Designation:

Employee ID No:

(2)

Office Address:

Signature of Head of Office

Designation:

* As admissible from time to time as per JMRC Rules.

STATEMENT OF MOVABLE PROPERTY ON FIRST APPOINTMENT

(Under Rule-3.15 of JMRC CDA Rules, 2017)

- (1) Name (in full): (2) Employee ID No.:
 (3) Designation: (4) Present Basic Pay:
 (5) Department: (6) Scale of Pay:
 (7) Date of Appointment:

Sl. No.	Description of Items (Shares, Securities, Debentures, Jewellery, and other movable Property like Motor vehicle, etc.)	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchased on hire-purchase or installment basis	If not in own name, the name and address of person in whose name held and his relationship with the employee	How acquired with approximate date of acquisition (purchase, gift, etc.)	Remarks
1	2	3	4	5	6

I, _____ hereby declare that the particulars furnished above are complete, true and correct to my knowledge and belief.

Date:

Place:

Signature:

Note: In this form following details should be provided:

- (1) Jewellery owned by employee (total value).
- (2) Silver and other precious metals and precious stones owned by employee not forming part of jewellery (total value).
- (3) (i) Motor Car, (ii) Scooters/Motor Cycles, (iii) Refrigerators/Air-conditioners, (iv) Radios, Radiograms, Television sets and any other article, the value of which individually exceeds the amount as per schedule IV of SoP.
- (4) Value of terms of movable property individuals worth less than the amount as per schedule IV of SoP other than articles of daily use such as clothes, utensils, books, crockery, etc. added together as lump sum.
- (5) In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

STATEMENT OF IMMOVABLE PROPERTY ON FIRST APPOINTMENT (e.g. Lands, House, Shops, Other Buildings, etc.) as on 1st January 20.....

(Under Rule-3.15 of JMRC CDA Rules, 2017)

- (1) Name (in full) and cadre to which the officer/ employee belongs
- (2) Present post..... Present pay
- (3) Date of Joining
- (4) Employee ID No.

Sl. No.	Description of the property including under construction	Precise Location (name of district, Taluk and Village in which property is situated and also its distinctive number, etc)	Area of land in case of land and buildings	Nature of land in case of landed property	Extent of interest	If not in own name, state in whose name held and his relationship to the employee	Date of Acquisition	How acquired (whether by purchase, lease, mortgage, gift or otherwise), with details of persons from whom acquired	Value of the property and how financed (Pl. see Note 2 below)	Particulars of sanction of prescribed authority, if any	Total annual Income from the property	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Date:
Note:

Signature:

- (1) For the purposes of Column 9, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or receiving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the employee, such a lease should be shown in this column irrespective of the term of lease, whether it is short term or long term and the periodicity of the payment of rent.
- (2) In Column 10, following should be shown:
 - (a) Where the property has been acquired by purchase, construction, mortgage or lease, the price of premium paid for such acquisition;
 - (b) Where it has been acquired by lease, the total annual rent thereof also; and
 - (c) Where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

STATEMENT OF LIQUID ASSETS ON FIRST APPOINTMENT as on 1st January 20....

(Under Rule-3.15 of JMRC CDA Rules, 2017)

- (1) Name of officer (in full) and service to which the officer belongs
- (2) Present post..... Present pay
- (3) Date of Joining.....
- (4) Employee ID No.

Sl. No	Description (Cash and Bank balance exceeding 3 month's emoluments, shares, debentures, Bonds etc.)	Name and address of Company, Bank, etc.	Amount	If not in own name, the name and address of person in whose name held and his relationship with the employee	Annual income derived	Remarks
1	2	3	4	5	6	7

Date:

Signature:

Note:

- (1) The term 'emoluments' means the pay and allowances received by the employee.
- (2) In Column 7, particulars regarding sanction obtained or report made in respect of the various transactions may be given.

STATEMENT SHOWING LIFE INSURANCE POLICY/POLICIES ON FIRST APPOINTMENT as on 1st January 20....

(Under Rule-3.15 of JMRC CDA Rules, 2017)

- (1) Name of officer (in full) and service to which the officer belongs
- (2) Present post.....Present pay.....
- (3) Date of Joining
- (4) Employee ID No.....

S. No.	Policy No. and Date of Policy	Name of Insurance Company	Sum Insured/ date of Maturity	Amount of Annual Premium	Remarks
1	2	3	4	5	6

Date:

Signature:

Note:

Insurance policies for which the annual premium is not exceeding the amount of one month basic pay, need not be included.

STATEMENT OF DEBTS AND OTHER LIABILITIES ON FIRST APPOINTMENT as on 1st January 20.....

(Under Rule-3.15 of JMRC CDA Rules, 2017)

- (1) Name of employee (in full) and cadre to which the officer belongs
- (2) Present post..... Present pay
- (3) Date of Joining
- (4) Employee ID No.....

Sl. No	Amount	Name and address of Creditor	Date of incurring liability	Details of transactions	Remarks
1	2	3	4	5	6

Date:

Signature:

Note:

- (1) Individual items of loans not exceeding twice the amount of basic pay need not be included.
- (2) In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.
- (3) The statement should also include various loans and advances available to employees like advance for purchase of conveyance, etc. (other than advances of pay and traveling allowances, advances from the Provident fund, and loans on Life Insurance Policies and Fixed Deposits.

Form-11

STATEMENT OF ANNUAL RETURN OF IMMOVABLE PROPERTY

(Rule 3.15 of the JMRC CDA Rules, 2017)

As on

Name (in full)

Employee ID No.....

Present post

Present pay

Name of District, Sub-division, Taluk and Village in which property is situated	Name and details of property		Present Value	If not in Own Name, state in whose name held and his relationship to the employee	How acquired- (Whether by purchase, lease*, Mortgage, gift or Otherwise), with date of acquisition and name, with details of persons from whom acquired	Annual Income from property	Remarks
	Housing & Other building	Land					
1	2	3	4	5	6	7	8

Date:

Signature:

- (1) Inapplicable clause to be struck out.
- (2) In case where it is not possible to access the value accurately, the approximate value in relation to present conditions may be indicated.
- (3) * Includes lease more than one year only.

Note: The declaration form is required to be filled in and submitted by every employees of JMRC as on the 1st January every year giving particulars of all immovable property owned, acquired or inherited by him on lease or mortgage either in his name or in name of any member or in the name of any other person by 31st January of that year.

**STATEMENT OF CHANGE IN FAMILY
(Rule 2.9 of the JMRC CDA Rules, 2017)**

1. Name of the employee :
2. Designation :
3. Employee Id No. :
4. Directorate :
5. Change in family :

S. No.	Name	Relation	Date of change	Reason

Date :

Place :

Signature of the employee

Appendix – III**LIST OF STANDARD FORMATS (SF)
(JMRC CDA Rules, 2017)**

SF	Name of Standard format
1.	Order of Suspension
2.	Order placing an official under suspension when he is detained in custody
3.	Certificate to be furnished by the suspended employee
4.	Order for revocation of suspension
5.	Charge-sheet for major penalty
6.	Form for refusing permission to inspect Documents
7.	Order relating to appointment of Inquiring Authority
8.	Order relating to appointment of Presenting Officer
9.	Order for taking Disciplinary action in Common Proceedings
10.	Order for appointment of Inquiring Authority in Common Proceedings
11.	Memorandum of charge for minor penalty
12.	Order relating to appointment of Inquiry Officer
13.	Order for appointment of Presenting Officer in Common Proceedings
14.	Show-cause notice for imposing penalty to be issued on the employee on conviction
15.	Order for imposing penalty on the employee on his conviction
16.	Order for setting aside order of punishment on appeal being decided in favour of the employee
17.	Summoning a Public Servant / private individual
18.	Certificate by Inquiry Officer for witnesses
19.	Certificate by Inquiry Officer to the Presenting Officer/ Defense Assistant
20.	Order for holding departmental inquiry on appeal being decided in favour of the employee

STANDARD FORM FOR ORDER OF SUSPENSION

[Rule-4.1 (a) of the JMRC CDA Rules, 2017]

No:

Dated:

ORDER

WHEREAS a Disciplinary proceeding against Mr./Ms.
..... (name Emp. ID & designation of the JMRC official)
is contemplated / pending.

NOW, THEREFORE, the undersigned, in exercise of the powers conferred by Rule - 4.1 (a) of the JMRC CDA Rules, 2017 hereby places the said Mr./Ms..... under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Mr./Ms.....Name & designation of the JMRC official) should be (name of the place) and the said Mr./Ms. shall not leave the headquarters without obtaining the prior permission of the undersigned.

Signature
Name and Designation of suspending Authority

Copy to:

- 1) Mr./Ms.
(Name & designation of the suspended employee)
- 2) HR Department

(Orders regarding subsistence allowance admissible to him during the period of his suspension will be issued separately.)

SF-2

STANDARD FORM FOR ORDER OF SUSPENSION WHEN THE EMPLOYEE IS DETAINED IN CUSTODY

[Rule-4.1(b) of the JMRC CDA Rules, 2017]

No:

Dated:

ORDER

Whereas a case against Mr./Ms.....
(name Emp. ID & designation, of the employee) in respect of a criminal offence is under investigation.

AND WHEREAS the said Mr./Ms..... was detained in custody onfor a period exceeding forty eight hours.

Now, therefore, the said Mr./Ms. is deemed to have been suspended with effect from the date of detention, i.e., the in terms of Sub-Rule- 4.1(b) of the JMRC CDA Rules, 2017 and shall remain under suspension until further orders.

Signature
Name and Designation of suspending Authority

Copy to:

1) Mr./Ms.

(Name & designation of the suspended employee)

2) HR Department

(Orders regarding subsistence allowance admissible to him during the period of his suspension will be issued separately).

SF-3

Standard Form of Certificate to be furnished by the suspended employee
[Rule-4.2 (a) of the JMRC CDA Rules, 2017]

I, (name of the employee) having been placed under suspension by Order No. dated, while holding the post of do hereby certify that I have not been employed in any business, profession or vocation for profit / remuneration/ salary.

Signature

Name
Desig./ Deptt
Emp. ID No.
Address
Contact No.

SF- 4

STANDARD FORM OF ORDER FOR REVOCATION OF SUSPENSION

[Rule-4.1(e) of the JMRC CDA Rules, 2017]

No:

Dated:

ORDER

Whereas an order placing Mr. /Ms. (name & designation of the JMRC official) under suspension was made/ was deemed to have been made by on

Now, therefore, the undersigned (the Authority which made or is deemed to have made the order of suspension or any Authority to which that Authority is subordinate), in exercise of the powers conferred by JMRC CDA Rules, 2017 hereby revokes the said order of suspension with immediate effect.

Signature :

Name and Designation of
Authority making this order

Copy to:

1) Mr./Ms.

(Name & designation of the suspended employee)

2) HR Department

STANDARD FORM OF CHARGE-SHEET FOR MAJOR PENALTY

[Rule- 4.8 of JMRC CDA Rules, 2017]

No-

Place:

Dated:

MEMORANDUM

The undersigned proposes to hold an enquiry against Mr./Ms..... under Rule-4.8 of the JMRC CDA Rules, 2017. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2. Mr./Ms. is directed to submit within 15 days of the receipt of this Memorandum a written statement of his defense and also to state whether he desires to be heard in person.
3. Mr./Ms. is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
4. Mr./Ms. is further informed that if he does not submit his written statement of defense on or before the date specified in Para.- 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule- 4.8 of the JMRC CDA Rules, 2017 or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry against him ex parte.
5. Attention of Mr./Ms..... is invited to Rule-3.17 of the JMRC CDA Rules, 2017, under which no JMRC employee shall bring or attempt to bring any political or outside influence to bear upon any superior Authority to further his interest in respect of matters pertaining to his service in the Corporation. If any representation is received on his behalf from another person in respect of any matter dealt with in the proceedings it will be presumed that Mr./Ms..... is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-3.17 of the JMRC CDA Rules, 2017.
6. The receipt of the Memorandum may be acknowledged.

(Sign, Name and Designation of competent authority)

SF-5 (ANNEXURE – I)

Statement of articles of charge framed against Mr./Ms.
..... (Name, Designation and Emp. Id of the
employee).

Article - I

That the said Mr./Ms..... while functioning
as.....during the period

Article - II

That during the aforesaid period and while functioning in the aforesaid
office, the said Mr./Ms.

Article - III

That during the aforesaid period and while functioning in the aforesaid
office, the said Mr./Ms.

SF-5 (ANNEXURE -II)

Statement of imputation of misconduct or misbehavior in support of the articles of charge framed against Mr./Ms..... (Name, Designation and Emp. ID of the employee).

Article - I

Article - II

Article - III

SF-5 (ANNEXURE –III)

List of documents by which the articles of charge framed against Mr./Ms. (Name, Designation and Emp. ID of the employee) are proposed to be sustained.

SF-5 (ANNEXURE –IV)

List of witnesses by which the articles of charge framed against
Mr./Ms.
(Name, Designation and Emp. ID of the employee) are proposed to be
sustained.

SF- 6

STANDARD FORM FOR REFUSING PERMISSION TO INSPECT DOCUMENTS

[Rule- 4.8 of the JMRC CDA Rules, 2017]

No:

Dated:

ORDER

Mr./Ms. (Name, Desig. and Emp. ID) has requested permission to inspect and take extracts from the records specified below for the purpose of his defense in the enquiry pending against him in pursuant to Memorandum No. dated

The undersigned has carefully considered the request and has decided to refuse such permission for the reasons recorded below against each item:-

Description of Records	Reasons for refusing inspection or taking extracts
1
2
3
4
5

Signature :

Name and Designation of Inquiry Authority

Copy to:

Mr./Ms. (Name & designation of the Charged employee)

SF-7

**STANDARD FORM OF ORDER RELATING TO APPOINTMENT OF INQUIRING
AUTHORITY**

[Rule-4.8 of the JMRC CDA Rules, 2017]

No:.....

Dated :.....

Whereas an inquiry under Rule- 4.8 of the JMRC CDA Rules, 2017 is being held against Mr./Ms..... (name & designation of the Charged Employee).

AND WHEREAS the Competent Authority considers that an Inquiring Authority should be appointed inquire the charges framed against the said Mr./Ms.

NOW, THEREFORE the undersigned in exercise of the powers conferred Rule-4.8 of the said rules, hereby appoints Mr./Ms..... (name and designation of Inquiring Officer) as the Inquiring Authority to inquiry into the charges framed against the said Mr./Ms.

Signature
Designation of the Competent Authority

Copy to:

1. Name and designation of the Charged Employee.
2. Inquiring Authority

SF-8

**STANDARD FORM OF THE ORDER RELATING APPOINTMENT OF
PRESENTING OFFICER**

[Rule –4.8(e) of the JMRC CDA Rules, 2017]

No:

Dated:

ORDER

Whereas an inquiry under Rule-4.8(e) of the JMRC CDA Rules, 2017 is being held against Mr./Ms..... (name & designation of the charged official).

AND WHEREAS the Competent Authority considers that a Presenting Officer should be appointed to present on behalf of the Disciplinary Authority/ undersigned the case in support of the articles of charge.

NOW, therefore the undersigned in exercise of the powers conferred by Rule 4.8(e) of the said rules, hereby appoints Mr./Ms..... (Name and designation) as the Presenting Officer.

Disciplinary Authority

Copy to:

1. The Presenting Officer
2. The Charged Employee
3. The Inquiry Officer

SF-9

ORDER FOR TAKING DISCIPLINARY ACTION IN COMMON PROCEEDINGS

[Rule-4.11 of JMRC CDA Rules, 2017]

No:

Dated:

ORDER

WHEREAS the JMRC Officials specified below are jointly concerned in a Disciplinary case:-

Mr./Ms.

Mr./Ms.

Mr./Ms.

NOW THEREFORE, in exercise of the powers, conferred by Rule-4.11 of the JMRC CDA Rules, 2017, the undersigned hereby directs:-

- (i) that Disciplinary action against all the said JMRC employee shall be taken in a common proceeding.
- (ii) that..... (name and designation of the Authority) shall function as the Disciplinary Authority for the purpose of the common proceeding and shall be competent to impose the following penalties, namely: (specify the penalties)
- (iii) that the procedure prescribed in Rule-4.11 shall be followed in the said proceedings.

Signature

Name & designation of the Competent Authority

Copy to:-

1. Mr./Ms.(name & designation)
2. Mr./Ms. (name & designation)
3. Mr./Ms. (name & designation)

SF-10

**STANDARD FORM OF ORDER FOR APPOINTMENT OF INQUIRING
AUTHORITY IN COMMON PROCEEDINGS**

[Rule-4.11 of JMRC CDA Rules, 2017]

No:

Dated:

ORDER

WHEREAS an enquiry under Rule-4.11 of the JMRC CDA Rules, 2017, is being held against the Officers specified below:-

Mr./Ms.....

Mr./Ms.....

Mr./Ms.....

WHEREAS common proceedings have been ordered against the said employees.

AND WHEREAS the undersigned considers that the Inquiring Authority should be appointed to inquire into the charges framed against the said officers.

Now, THEREFORE, the undersigned in exercise of the powers conferred under Rule-4.11 of the said rules, hereby appoints Mr./Ms..... (name and designation) as Presenting officer to present the case in support of the articles of charge against the said officers before the Inquiring Authority.

Signature

Disciplinary Authority/ Competent Authority

Copy to:

1. The Charged Employee
2. The Presenting Officer
3. The Inquiring Authority

Signature

Disciplinary Authority/ Competent Authority

SF-11

STANDARD FORM OF MEMORANDUM OF CHARGE FOR MINOR PENALTIES

[Rule-4.7 of JMRC CDA Rules, 2017]

No:.....

Dated:.....

MEMORANDUM

Mr./Ms..... (Desig./ Deptt.)..... Emp.

No..... is hereby informed that it is proposed to take action against him under Rule-4.7 of JMRC CDA Rules, 2017. A statement of the imputations of misconduct or misbehavior on which said action is proposed to be taken are as below:

- i.
- ii.
2. Mr./Ms. is hereby given an opportunity to make such representations as he may wish to make against the proposal.
3. If, Mr./Ms. fails to submit his representation within 15 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Mr./Ms. ex parte.
4. The receipt of this Memorandum should be acknowledged by Mr./Ms.

Signature
(Name & Desig. of the Competent Authority)

To,
Mr./Ms.

SF-12

STANDARD FORM OF ORDER RELATING TO APPOINTMENT OF INQUIRY OFFICER

(In place of Inquiry Officer originally appointed)
[Rule-4.8 & 4.9 of the JMRC CDA Rules, 2017]

No:

Dated:.....

ORDER

Whereas an inquiry under Rule-4.8 of the JMRC CDA Rules, 2017 is being held against Mr./Ms..... (name & designation of the Charged Official).

WHEREAS Mr./Ms..... (name and designation of the Authority who was holding inquiry) was appointed Inquiring Authority to enquire into the charges against Mr./Ms..... (name and designation of the official facing enquiry), vide Order No..... dated

AND WHEREAS Mr./Ms..... (name of the previous Inquiry Officer) after having heard and recorded the whole/ part of the evidence has since been transferred / is not available and it is necessary to appoint another officer as Inquiring Authority to enquire into the charges against Mr./Ms.....

NOW, THEREFORE the undersigned in exercise of the powers conferred Rule-4.9 (r) of the said rules, hereby appoints (name and designation of new Inquiring Officer) as Inquiring Authority to inquire into the charges framed against the said Mr./Ms..... (name and designation of the official facing enquiry) vice Mr./Ms..... (name of the previous Inquiry Officer).

Signature

Designation of the Competent Authority

Copy to:

1. Name and designation of the New Inquiry Authority.
2. Name and designation of the earlier Inquiry Authority.
3. Name and designation of Charged Employee.

SF-13

**STANDARD FORM OF ORDER FOR APPOINTMENT OF PRESENTING OFFICER IN
COMMON PROCEEDINGS**

[Rule-4.11 of JMRC CDA Rules, 2017]

No:.....

Dated:.....

ORDER

WHEREAS an inquiry under Rule-4.11 of the JMRC CDA Rules, 2017, is being held against the Officers specified below:-

Mr./Ms.

Mr./Ms.

Mr./Ms.

WHEREAS common proceedings have been ordered against the said officers.

AND WHEREAS the undersigned considers it necessary to appoint a Presenting Officer to present the case in support of the articles of charge against the said officers before the Inquiring Authority.

Now, THEREFORE, the undersigned in exercise of the powers conferred Rule-4.11 of the said rules, hereby appoints Mr./Ms..... (name and designation of Inquiring Officer) as the Inquiring Authority to inquiry into the charges framed against the said officers.

Signature

Disciplinary Authority/ Competent Authority

Copy to:

1. The Charged Employees
2. Presenting Officer
3. Inquiring Authority with relevant documents

Signature

Disciplinary Authority/ Competent Authority

SF-14

**SHOW-CAUSE NOTICE FOR IMPOSING PENALTY TO BE ISSUED ON THE JMRC
EMPLOYEE ON HIS CONVICTION**

[Rule-4.12 of JMRC CDA Rules, 2017]

No:

Dated:.....

MEMORANDUM

WHEREAS Mr./Ms. (name and designation of the employee) has been convicted on a criminal charge under Section of (here enter the name of the statute concerned) and has been awarded a sentence of (here enter the sentence awarded by the Court).

AND WHEREAS the undersigned proposes to award an appropriate penalty under Rule-4.12 of the JMRC CDA Rules, 2017 taking into account the gravity of the criminal charges;

AND WHEREAS before coming to a decision about the quantum of penalty Mr./Ms. (name of the convicted official) was given an opportunity of personal hearing to explain the circumstances why penal action should not be taken against him in pursuance of the provisions of the Rule-4.12;

AND WHEREAS on a careful consideration of the inquiry report (copy enclosed), the undersigned has provisionally come to the conclusion that Mr./Ms..... (name of the convicted official) is not a fit person to be remained in service/ the gravity of the charge is such as to warrant the imposition of a major/ minor penalty and accordingly proposes to impose on him the penalty of (here enter the proposed penalty).

NOW THEREFORE, Mr./Ms. (name of the convicted official) is hereby given an opportunity of making representation on the penalty proposed above. Any representation which he may wish to make against the penalty proposed will be considered by the undersigned. Such a representation, if any, should be made in writing and submitted so as to reach the undersigned not later than fifteen days from the date of receipt of this memorandum by Mr./Ms.... (name of the convicted employee).

The receipt of the Memorandum should be acknowledged.

Name & designation of the Competent Authority

To,

Mr./Ms.

Designation Emp. ID No.....

SF-15

FORM OF ORDER FOR IMPOSING PENALTY TO BE ISSUED ON THE EMPLOYEE ON HIS CONVICTION

[Rule-4.12 of JMRC CDA Rules, 2017]

No:.....

Dated:.....

ORDER

WHEREAS Mr./Ms..... Designation Emp. ID has been convicted on a criminal charge under section of (here enter the name of the statute concerned);

AND WHEREAS it is considered that the conduct of the said Mr./Ms..... Designation..... Emp. ID which has led to his conviction is such as to render his further retention in the public service undesirable/the gravity of the charge is such as to warrant the imposition of a major/minor penalty;

AND WHEREAS Mr./Ms..... was given an opportunity of personal hearing and offer his written explanation;

AND WHEREAS the said Mr./Ms..... has given a written explanation which has been duly considered by the undersigned;

NOW, THEREFORE, in exercise of the powers conferred by Rule-4.12 of the JMRC CDA Rules, 2017, the undersigned hereby imposes the penalty of on the said Mr./Ms Designation..... Emp. ID.....

Station:

Date:.....

Disciplinary Authority

SF-16

**ORDER FOR SETTING ASIDE ORDER OF PUNISHMENT ON APPEAL BEING DECIDED
IN FAVOUR OF THE EMPLOYEE**

[Rule-4.14 of JMRC CDA Rules, 2017]

No:

Dated:.....

ORDER

WHEREAS Mr./Ms..... Designation..... Emp. ID
has been awarded penalty Vide Order No..... dated
..... on the ground of misconduct as a public servant.

WHEREAS the penalty of..... (here enter the name of
penalty) was imposed on Mr./Ms..... Designation..... Emp. ID
..... on the grounds of misconduct as a public servant;

AND WHEREAS the said imposition of penalty has been set aside by a
competent authority and the said Mr./Ms..... has been acquitted of
the said charge;

NOW, THEREFORE, the undersigned hereby sets aside the order of
imposition of the penalty.....

Station:

Date:.....

Disciplinary Authority

SF-17

SUMMONING A PUBLIC SERVANT/ PRIVATE INDIVIDUAL AS WITNESS

[Rule-4.8 of JMRC CDA Rules, 2017]

No:.....

Dated:.....

To,

Sir,

I am the Inquiring Authority in the proceedings against Mr./Ms..... in which your evidence is considered material. I request you to appear before me on at (date, time and place).

You are / are not likely to be required to stay at the place for more than a day.

Yours faithfully,

(Inquiring Officer)

Copy to: Concerned Controlling Officer- With the request to permit the official mentioned above to attend the enquiry on these dates.

SF-18

FORM OF CERTIFICATE BY INQUIRY OFFICER FOR WITNESS

[Rule-4.8 of JMRC CDA Rules, 2017]

No:

Dated:.....

This is to certify that Mr./Ms Designation
Emp. ID, appeared before me as a witness on
at..... in the departmental enquiry against Mr./Ms.....
Designation Emp. ID and the witness was
discharged on at hrs.

Nothing has been paid to him on account of his travelling and other
expenses.

Signature
(Disciplinary Authority/Inquiring Officer)

Copy to:- Concerned Controlling Officer- For kind information please.

SF-19

CERTIFICATE BY INQUIRY OFFICER TO PRESENTING OFFICER/ DEFENSE ASSISTANT

[Rule-4.8 of JMRC CDA Rules, 2017]

No:.....

Dated:.....

This is to certify that Mr./Ms..... Designation Emp. ID, attended the proceedings in the departmental inquiry against Mr./Ms..... Designation Emp. ID, to present the case in support of charges / to assist the said Mr./Ms..... in presenting his case on at hrs.

Nothing has been paid to him on account of his travelling and other expenses.

Signature
(Disciplinary Authority/Inquiring Officer)

Copy to:- Concerned Controlling Officer- For kind information please.

SF- 20

**STANDARD FORM OF ORDER FOR HOLDING INQUIRY ON APPEAL BEING DECIDED
IN FAVOUR OF THE EMPLOYEE**

[Rule -4.14 of the JMRC CDA Rules, 2017]

No:

Dated:.....

ORDER

Whereas Mr./Ms. (name & designation of the JMRC official) was dismissed / removed/ compulsorily retired from service with effect from on the grounds of conduct which led to his conviction on a criminal charge;

or,

Whereas the penalty of (name of penalty imposed) was imposed on Mr./Ms. (name & designation of the JMRC official) on the ground of conduct which led to his conviction on a criminal charge;

AND whereas the said conviction is set aside by a competent Court of Law and the said Mr./Ms. (name & designation of the JMRC official) has been acquitted of the said charge;

AND whereas in consequence of such acquittal the competent Authority has decided that the said order of dismissal / removal/ compulsory retirement/ imposing the penalty of (name of penalty imposed) should be set aside;

AND whereas the competent Authority on a consideration of the circumstances of the case has also decided that a further enquiry should be held under the JMRC CDA Rules, 2017, against the said Mr./Ms. (name & designation of the JMRC official) on the allegations which led to his dismissal / removal/ compulsory retirement from service/ the imposing the penalty of (name of penalty imposed).

NOW THEREFORE, the competent Authority / undersigned hereby-

- (i) sets aside the said order of dismissal / removal/ compulsory retirement from service/ imposing the penalty of (name of penalty imposed);
- (ii) directs that a further enquiry should be held under the provisions of the JMRC CDA Rules, 2017, against Mr./Ms. (name & designation of the JMRC official) on the allegations which led to his dismissal / removal/ compulsory retirement from service/ the imposing the penalty of (name of penalty imposed).

- (iii) directs that the said Mr./Ms. (name & designation of the JMRC official) shall under Rule 4.1 of the JMRC CDA Rules, 2017, be deemed suspended with immediate effect from (here enter the date of the dismissal or removal or compulsory retirement from service) and shall continue to remain under suspension until further orders.

Disciplinary Authority

End of the Document

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