

THE RAJASTHAN SMALL INDUSTRIES CORPORATION LTD.
(A Government of Rajasthan Concern)
J A I P U R.

DISCIPLINE & APPEAL RULES, 1974.

PART - I.

DISCIPLINE

1. Short title and commencement.
 - (a) These rules may be called the Rajasthan Small Industries Corporation Services (Discipline & Appeal) Rules, 1974.
 - (b) They shall come into force with effect from the date of approval by the Board of Directors i.e. 22.1.1974.
2. Applicability.

These rules shall apply to all the employees of the Corporation except:

 - (a) Persons who are on deputation from the Govt. of India or from any of the State Governments.
 - (b) Persons who are on deputation from any Public Undertakings.
 - (c) Persons who are workmen within the meaning of standing orders issued from time to time.
- * 3. Interpretations.

In these rules, unless the context otherwise requires.

 - (a) "Appellate Authority" means the authority in which an appeal lies under the provisions of these rules.

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- (b) "Appointing Authority" means the authority empowered to make appointments of any employee in the Corporation as indicated in column 3 of schedule.
 - (c) "Corporation" means Rajasthan Small Industries Corporation Ltd.
 - (d) "Disciplinary Authority" means the authority competent to take disciplinary action against the employee of the Corporation, as envisaged in the column 4 & 5 of the schedule.
 - (e) "Head of the Office" means the authority declared as such for the purposes of these rules by the Managing Director.
 - (f) "Schedule" means the Schedule annexed to these rules.
 - (g) "Service" means the period spent on duty as well as leave including extra-ordinary leave.
 - * (h) "Selection Committees" means the Selection Committee of the Corporation.
 - * (i) "Activity Head" means the authority Deputy General Managers and above, declared as such for the purposes of these rules by the Managing Director.
 - * Included vide Office Order No.RSIC/CO.Aff./Rules/96-97/635-724 Dated 15.4.1996.
4. Conduct.
- (i) An employee of the Corporation shall devote his time and energy exclusively to the work and interest of the Corporation. He shall not even while on leave, directly or indirectly engage in any other profession or business or enter the service of, or be employed in any capacity or for any purpose what soever and for any part of his time, by

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any other person, Government Department, firm of company etc. and shall not have any private financial dealings with persons firms etc. having business relation with the Corporation for sale or purchase of any materials, equipment or supply of labour, or for any other purpose.

- (ii) An employee of the Corporation shall not do any thing to undermine, tarnish and damage the good name, reputation and good will of the Corporation.
- (iii) An employee of the Corporation shall at all times conduct himself soberly and temporarily while in office or factory/establishment premises or outside and show proper respect and civility to all concerned and shall use his best endeavour to maintain and promote good reputation thereof.

** 5.

Acts and Omissions Constituting Mis-Conduct.

The following acts omissions on the part of an employee shall be treated as mis-conduct rendering him liable for disciplinary action under the rules contained in this part.

- (i) Willful disobedience of an order or in-subordination to the superior.
- (ii) Theft, fraud, forgery, embezzlement or dishonesty in connection with the Corporation's property or business.
- (iii) Non-observance of safety precautions or the rules on the subject.
- (iv) Habitual late attendance and willful or habitual absence from duty without leave or without sufficient cause.
- (v) Habitual negligence or neglect of duty or deliberate slowing down of work and sleeping on duty.

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- (vi) Taking or giving bribes or any illegal gratification.
- (vii) Unauthorised communication of official documents or information and disclosure to any unauthorised person of information relating to the Corporation's business and operations.
- (viii) Acceptance of gifts from sub-ordinate employees, lending or borrowing money to or from subordinate employees.
- (ix) Habitual indebtedness or insolvency.
- (x) Unauthorised use of Corporation's land or quarters.
- (xi) Conviction in any court of law any criminal offence involving moral turpitude.
- (xii) Being under the influence of liquor while on duty.
- (xiii) Improper behaviour towards other employees.
- (xiv) Assaulting and/or obstructing an employee in the discharge of his duties.
- (xv) Taking part in subversive political activities.
- (xvi) Imputing malicious or false allegations against other employees of the Corporation.
- ** xvii) To travel without ticket
- ** Added vide Board's Resolution No.198(13) in 198th meeting dated 17.3.1988.
- ** (xviii) Leaving country whether as tourist or for any other purpose without taking prior permission of the management of the Corporation.
- ** Added vide Office Order No.RSIC/ESTT/19216-85 Dated 2.9.1988.

NOTE:- The above list is illustrative. It is not exhaustive. It is not possible to list all possible offences that should be treated, as misconduct. The competent authority will, therefore, exercise its discretion whether any act or omission of

an employee not covered by the above list shall also be treated as mis-conduct.

Q 6. Penalties for Misconduct:

The following penalties may, for good and sufficient reasons, which shall be recorded and as hereinafter provided be imposed on employees for mis-conduct namely:

- (i) Censure,
- (ii) With holding of increments or promotion,
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of any law, rule or order,
- (iv) Reduction to a lower service, grade or post, or to a lower time-scale or to a lower stage in the time-scale.
- (v) Removal from service.
- (vi) Dismissal from service.

Qx 6. PENALTIES FOR MISCONDUCT:

The following penalties may, for good and sufficient reasons, which shall be recorded and as hereinafter provided be imposed on employees for mis-conduct namely:-

MINOR PENALTIES:

- (i) Censure;
- (ii) Withholdings of increments without cumulative effect;
- (iii) Recovery from pay or otherwise of the whole or part of any pecuniary loss caused to the Corporation;

MAJOR PENALTIES:

- (iv) Withholdings of increments with cumulative effect;
- (v) Reduction to a lower service, grade or post,

or to a lower time scale or to a lower stage in the time scale:

- (vi) Removal from service which shall not be a disqualification for further employment;
- (vii) Dismissal from service which shall ordinarily be a disqualification for further employment".

EXPLANATION:

Minor penalty No. (iii) may be imposed separately or together with any other penalties as mentioned above.

Substituted vide Office Order No. RSIC/CO.AFF/RULES/96-97/635-724 Dated 15.4.1996.

7.

Procedure for imposing minor penalties:

- (1) The disciplinary authority may impose any of the penalties specified in clause (i) to (iii) of Rule after following the procedure as under:-
 - (a) The employee shall be informed in writing of the proposal to take action against him and of the allegations on which the action is proposed to be taken.
 - (b) In reply to the notice referred to in sub-clause (a) above, the employee shall have an opportunity to make a representation to the disciplinary authority within seven days of the date of receipt of such notice.
 - (c) The disciplinary authority shall pass such order as it may deem fit after taking into consideration the representation, if any made by such employee.
- (2) The record of proceedings in such cases shall include:-
 - (i) A copy of the intimation to the employee of the proposal to take action against him.
 - (ii) A copy of the statement of allegations communicated to him.

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- (iii) His representation if any, and
- (iv) The orders on the case together with the reasons therefor.

8. Procedure for imposing major penalties;

1. Order imposing any of the penalties specified in clause (iv) to (vii) of the rule 6* shall be passed only after an enquiry into the charge or charges is held, and as far as may be, in the manner hereinafter provided.

* Amended vide Office Order No.RSIC/CO.AFF/RULES/96-97/635-724 Dated 15.4.1996.

2. The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the enquiry is proposed to be held. Such charges together with a statement of the allegations on which they are based shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the Disciplinary Authority, a written statement indicating whether he admits the truth explanation or defence if any; he has to offer and whether he desires to be heard in person.

3. The employee shall, for the purpose of preparing his defence be permitted to inspect and take extract from such official records as he may specify, provided that such permission may be refused, if for 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 interest of the Corporation to allow him access thereto.

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4. On receipt of the Written Statement of defence, 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 it considers it necessary so to do, appoint a Board of Enquiry or an Enquiry Officer for the purpose.
5. The Disciplinary Authority may nominate any person to present the case in support of the charges before the authority enquiring into the charges (hereinafter referred to as the Enquiring Authority), the delinquent employee may present his case with the assistance of any other employee of the Corporation, approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose, unless the Disciplinary Authority having regard to the circumstances of the case, so permits.
6. The Enquiring Authority shall in the course of the enquiry consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The delinquent employee shall be entitled to cross examine, witnesses examined in support of the charges and to give evidence in person presenting the case in support of the charges shall be entitled to cross examine the delinquent employee and the witnesses examined in his defence. If the Enquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reason in writing.
7. At the conclusion of the enquiry, the Enquiring

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Authority shall prepare a report of the Enquiry, recording its findings on each of the charges, together with reasons therefore, if in the opinion of such authority the proceedings of the enquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the delinquent employee has admitted the facts constituting them or has/had an opportunity of defending himself against them.

8. The record of the enquiry shall include:-
- (i) The charges framed against the employee and the statement of allegations furnished to him under sub-rule 2 ;
 - (ii) His written statement of defence, if any ;
 - (iii) The oral evidence taken in the course of the enquiry.;
 - (iv) The documentary evidence considered in the course of the enquiry ;
 - (v) The orders if any, made by the Disciplinary Authority in regard to the enquiry; and
 - (vi) A report setting out the findings on each charges and the reasons therefore.
9. The Disciplinary Authority shall, if it is not the Enquiring Authority, consider the record of the enquiry and record its findings on each charge.
10. If the Disciplinary Authority having regard to the findings on the charges against the employee, is of the opinion that any of the penalties specified in Rule 6, should be imposed, it shall pass

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appropriate orders in the case.

11. Orders passed by the Disciplinary Authority under sub-rule 10, shall be communicated to the employees, who shall also be supplied with a copy of the findings of, charges, and the final order.

12. SUSPENSION:

1. The Appointing Authority or Disciplinary Authority may place the employee under suspension:-

- (a) Where a disciplinary proceeding against him is contemplated or is pending or
- (b) Where a case against him in respect of any original offence is under investigation or trial.

2. An employee who is detained in custody, whether on a ~~original~~ charge or otherwise for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the Appointing Authority and shall remain under suspension until further orders.

3. 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.

10. Subsistence allowance and leave during suspension and pay and allowance on Reinstatement :-

- (i) An employee under suspension shall be entitled to subsistence allowance and leave as per the provisions contained in rule 33 and 35 respectively of chapter V of the Rajasthan Small Industries

Corporation Ltd. Service Rule, 1972.

- (ii) Pay and Allowance on reinstatement shall be paid to the employee as per the provisions contained in Rule 34, of Chapter V of the Rajasthan Small Industries Corporation Ltd. Service Rules, 1972.

NOTE:- For the sake of Convenience, Rules 33 to 35 of Chapter V of the Rajasthan Small Industries Corporation Ltd. Service Rules, 1972 are reproduced as below :-

SUSPENSION:

33. Scale of subsistence allowance during suspension:
- An employee shall be entitled to the following payments during the period of suspension:-
1. During the period of first twelve months of suspension Subsistence allowance equal to the amount of half of leave salary admissible to him on leave and dearness allowance on such reduced salary.
 2. Period of suspension (a) Subsistence allowance may be increased upto the extent of 50% of the subsistence allowance admissible during the period of first twelve months if it is established that the period of suspension

has not been prolonged directly attributable to the employee under suspension; or

(b) Subsistence allowance reduced to the extent of 50% of the subsistence allowance admissible during the period of first twelve months, if it is established that the period of suspension has been prolonged due to reasons directly attributable to the employee under suspension.

(c) Dearness allowance based on the increased or decreased amount of subsistence allowance as the case may be under sub clause 2(a) & (b), above.

(d) Any compensatory allowance which an employee under suspension was receiving on the date of suspension provided it is certified by the employee that continues to meet the expenditure for which it was granted.

When the headquarter of a suspended employee is

transferred in Public interest, he will draw such compensatory allowance which are applicable at such place of his headquarters.

34. Pay & Allowances on reinstatement:

An authority competent to order reinstatement shall make a specific order with regard to pay and allowances to be paid to an employee for the period of suspension and whether or not the said period shall be treated as a period spent on duty.

35. No leave shall be granted to an employee under suspension but in optional cases permission to leave the Headquarters could be granted by a competent authority ; keeping in view the state of the enquiry and the possible effects of the absence on the enquiry's progress.

11. Joint Enquiry:

1. Where two or more employees are involved in any case, the Disciplinary/Appointing Authority if common to all such employees and in any other case the Managing Director may make an order directing that disciplinary action against all of them may be taken in a common proceedings.
2. Any such order shall specify the authority which may function as the Disciplinary Authority for the purpose of such common proceedings.

12. Special procedure in Certain Cases:

Notwithstanding anything contained in these rules:-

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- (1) Where a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge ,

or

- (ii) When the Appointed Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules :-

The Appointing Authority may consider the circumstances of the case and pass such orders as it deems fit.

PART - II.

APPEALS:

13. Appeals against order of suspension.

An employee may appeal against an order of suspension to the authority to which the authority made or is deemed to have made the order is immediately subordinate.

14. Appeals against order imposing penalty:

An employee may appeal against an order imposing upon him any of the penalties specified in rule 6 to the Appellate Authority, whose decision shall be final. No further appeal shall lie to any other authority.

15. Conditions which an appeal should satisfy:

- (1) Every employee submitting an appeal shall do so separately and in his own name.
- (ii) Every appeal preferred under these rules shall contain all material statement and arguments relied upon by the appellant and shall contain no disrespectful or improper language and shall be

complete in itself.

16. Period of Limitation for appeals.

No appeal under this part shall be entertained unless it is submitted within a period of 30 days from the date on which the appellant receives a copy of the order appealed against.

17. Duties of Appellate Authorities:

The Appellate Authority shall consider:

- (i) Whether the facts on which the order was based have been established ;
- (ii) Whether the facts established afford sufficient grounds for taking action ; and
- (iii) Whether the penalty imposed is adequate, inadequate or excessive ;

And thereafter pass an order either -

- (a) Setting aside, reducing, confirming or enhancing the penalty
- (b) Remitting the case to the authority which imposed the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case.

18. Submission of Appeals:

Every appeal shall be submitted through the proper channel to the authority, which made the order appealed against. Provided that a copy of the appeal may be submitted to the Appellate Authority.

19. When appeals may be withhold:

The appeal may be withheld by an authority not lower

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than the authority against whose order the appeal is preferred if :-

- (i) It is not made in accordance with rule 14 to 16.
- (ii) It is not submitted within specified time, and
- (iii) It is repetition of an appeal already decided.

20. Transmission of Appeals:

- (i) The authority which made the order appealed against shall without any avoidable delay, transmit to the Appellate Authority, every appeal which is not withheld under Rule 19, together with its comments thereon and the relevant records.
- (ii) The authority to which the appeal lies may direct transmission to it, of any appeal withheld under rule 19, and there upon such appeal shall be transmitted to that authority together with the comments of the Authority withholding the appeal and relevant record.

21. Personal hearing to Appellant:

Where the penalty is other than censure, the Appellate Authority may in its discretion give the employee, personal hearing before disposing of the appeal.

22. Review of Cases after Appeal :

Notwithstanding any thing contained in these rules the Board of Directors on its own motion or otherwise after calling for the record of the case, Review any order which is made or is appealable under these rules and pass such order as it deems fit.

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23. Implementation of orders in appeal:

The Authority which make the order appealed or reviewed against shall give effect to the orders passed by the appellate authority or the reviewing authority.

THE RAJASTHAN SMALL INDUSTRIES CORPORATION LTD.
(A Government of Rajasthan undertaking)
Jaipur.

OFFICE ORDER

In exercise of the powers delegated in the Rajasthan Small Industries Corporation Service (Discipline & Appeal) Rules, 1974 under Rule 3 (e) & (i) following are hereby declared as Activity Head & Head of Office for the purpose of these rules with immediate effect:-

I) HEAD OFFICE:

	<u>Name of Activity</u>	<u>Activity Head</u>	<u>Head of Office</u>
1.1 A.	Raw Material	ED/GM	For A Dy.GM/Sr.Mgr./ AO
	B. Personnel		For B Sr.Manager/Mgr.
	C. Co.Affairs		For C Secretary
	D. Others		For D -
1.2	Handicrafts	G.M.	Dy.GM/Sr.Man- ager/Mgrs.
	Exports		
	Pub.Relations		
1.3	Accounts & Finance	F.A.	Dy.G.M./ Sr.Manager/ Mgr./AO
1.4	GAD & Plan	DY.GM	Sr.Manager/AO
1.5	Marketing	Dy.GM	" "
1.6	Special scheme, Training, Carpet Training & DDRC.	Dy.GM	" "

II) UNITS:

	<u>Name of unit</u>	<u>Activity Head</u>	<u>Head of Office</u>
2.1	All RMDs & SRMDs	ED/GM	Sr.Mgr./AO (RM)
2.2	All Rajasthanis and Rajasthan Pavilion, Delhi.	GM	Sr.Mgr./Manager
2.3	All ICDS & ACC	GM	" "

Note:

1. If more than one Officers are declared as Activity Head/Head of Office, then superior/senior most will be the Activity Head/Head of Office for that activity.

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SCHEDULE T THE RAJASTHAN SMALL INDUSTRIES CORPORATION SERVICES (DISCIPLINE & APPEAL) RULES, 1977 (AMENDED AND SUBSTITUTED IN 240th BOARD MEETING HELD ON 2.3.1996)

HEAD OFFICE OFFICIALS.

S.NO.	CATEGORY OF OFFICERS/ OFFICIALS	APPOINTING AUTHORITY	DISCIPLINARY AUTHORITY FOR IMPOSING PENALTY	APPELLATE AUTHORITY FOR MINOR MAJOR
1.	1. Deputy General Managers and above	Board of Directors/ Selection Committee	Sub Committee of Board	Board
2.	2. Secretary, Senior Managers	Managing Director/ Selection Committee	Managing Director	Board
3.	3. Administrative Officer/ Designer/Manager/Private Secretary.	Managing Director/ Selection Committee	Managing Director	Board
4.	4. Assistant Administrative Officer/Assistant Manager	Managing Director/ Selection Committee	Managing Director	Board
5.	5. Personal Assistant/Steno- grapher Grade A, B & C.	Managing Director/ Selection Committee	Managing Director	Board
6.	6. Employees of the rank of Accountant/Area Programme Inspector/Field Officer	Managing Director/ Selection Committee	Managing Director	Board
7.	7. Employees of the rank of Jr.Accountant/Jr.Area Procurement Inspector/ Sr.Assistant/Sr.Sales Assistant/Jr.Assistant/ Jr.Sales Assistant	Managing Director/ Selection Committee	Managing Director	Board
8.	8. Driver/Electrician/ Class-IV/Packer/Checker/ Masters/Helpers etc.	Managing Director/ Selection Committee	Managing Director	Board

1. 2. 3. 4. 5. 7.

OFFICIALS WORKING IN UNITS.

1.	2.	3.	4.	5.	7.
2. 1.	Senior Managers	Board of Directors/ Selection Committee	Managing Director	Managing Director	Board
2. 2.	Manager/Administrative Officer	Managing Director/ Selection Committee	Activity Head	Managing Director	Board
2. 3.	Assistant Manager/ Asstt. Adm. Officer	Managing Director/ Selection Committee	Activity Head	Managing Director	Board
2. 4.	Employees of the rank of Accountant/Area Pro- curement Inspector/ Field Officer	Managing Director/ Selection Committee	Activity Head	Managing Director	Board
2. 5.	Employees of the rank of Jr. Accountant/Jr. Area Procurement Inspector/ Sr. Assistant/Sr. Sales Asstt./Jr. Assistant/Jr. Sales Assistant	Managing Director/ Selection Committee	Head of Office	Managing Director	Board
2. 6.	Class IV / packer etc.	Managing Director/ Selection Committee	Head of Office	Managing Director	Board

NOTES:- (i) Posts which are not mentioned in Sl.No. 1.1 to 1.8 & 2.1 to 2.6 above, will be treated as per their pay scales accordingly.
(ii) 'Sub-Committee' of the Board means Sub-Committee constituted by the Board for this purpose.
(iii) The following Sub-Committee was constituted by the Board for the above purpose:
(1) Chairman of the Board (2) Director of Industries (3) Managing Director of the (4) Dy. Secretary Finance (5) As directors of the Board

AMENDED VIDE OFFICE ORDER NO. RSIC/CO.OFF/RTES/96-97/635-724 DATED 15.4.1996.

THE RAJASTHAN SMALL INDUSTRIES CORPORATION LTD.
(A Government of Rajasthan Undertaking)
Udyog Bhawan, Tilak Marg, C-Scheme, JAIPUR.

OFFICE ORDER

In pursuance of the decision taken by the Board of Directors in its 240th meeting held on 2.3.1996 vide Resolution No.240(5) the following amendments in The Rajasthan Small Industries Corporation Services (Discipline & Appeal) Rules, 1974 be and are hereby made with immediate effect:-

(1) INTERPRETATIONS:

Interpretation of the 'Selection Committee' and 'Activity Head' be and is hereby included in the Rule 3 by the following:-

- (h) "Selection Committee" means the Selection Committee of the Corporation.
- (i) "Activity Head" means the authority ^{/Deputy} General Manager and above, declared as such for the purposes of these rules by the Managing Director.

(2) PENALTIES FOR MISCONDUCT:

Rule 6 of the said rules be and is hereby substituted by the following:-

"RULE - 6 : PENALTIES FOR MISCONDUCT:

The following penalties may, for good and sufficient reasons, which shall be recorded and as hereinafter provided be imposed on employees for mis-conduct namely:-

: 2 :

MINOR PENALTIES:

- i) Censure;
- ii) Withholdings of increments without cumulative effect;
- iii) Recovery from pay or otherwise of the whole or part of any pecuniary loss caused to the Corporation;

MAJOR PENALTIES:

- iv) Withholdings of increments with cumulative effect ;
- v) Reduction to a lower service, grade or post, or to a lower time scale Or to a lower stage in the time scale ;
- vi) Removal from service which shall ~~xxxxxx~~not be a disqualification for further employment ;
- vii) Dismissal from service which shall ordinarily be a disqualification for further employment".

EXPLANATION :

Minor penalty No. (iii) may be imposed separately or together with any other penalties as mentioned above.

The present schedule attached to the RSIC Service (Discipline & Appeal) Rules, 1974 be and is hereby amended and substituted as per the schedule attached herewith.

S.R.
MANAGING DIRECTOR.

: 3 :

NO:RSIC/CO.AFF/RULES/96-97/635-724

DT: 15.4.1996

Copy to:-

1. All General Managers, RSIC., F.A.RSIC.
2. All Dy.Gen.Managers, RSIC.
3. All Sr.Managers, RSIC.
4. All Managers/Adm.Officers, RSIC.
5. All Units of RSIC.
6. Board Meeting file.
7. Office Order file.


SECRETARY.

S T A T E M E N T

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	DISCIPLINARY AUTHORITY	APPELLATE AUTHORITY
NO.	CATEGORY OF EMPLOYEES	FOR IMPOSING MINOR PENALTIES
	APPOINTING AUTHORITY	FOR IMPOSING MAJOR PENALTIES

OFFICERS:

1. Secretary & Senior Executives	Board of Directors	Board of Directors.
2. Officers in the Pay-Scale of 375-850 & above.	Managing Director	Managing Director
3. Other Officers such as Section Officer, Asstt. Personal Officer (A.A.Os) etc. etc.	Managing Director	(1) Managing Director in respect of minor penalties. (2) Board of Directors in respect of major penalties.

MINISTERIAL STAFF:

1. P.A. Cum-Stenographer	Head of the Office	Secretary
2. Employees of the rank of Accountants	Head of the Office	Secretary
3. Employee of the rank of Jr. Accountants and below	Head of the Office	Secretary

OTHER STAFF:

Drivers & Class-IV	Head of the Office	Head of the Office Secretary.
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