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# RAJASTHAN STATE INDUSTRIAL DEVELOPMENT & INVESTMENT CORPORATION LIMITED EMPLOYEES (CLASSIFICATION, DISCIPLINARY ACTION & APPEAL) RULES, 1979.

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Gaurav Bajad
Advisor (A&M)
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and Investment Corporation Ltd.
Udyog Bhawan, Tilak Mary, JAIPUR-202008

### 1. **Short Title:**

These rules may be called the Rajasthan State Industrial Development and Investment Corporation Employees (Classification, Disciplinary Action and Appeal) Rules, 1979.

### 2. Applicability:

- (i) These rules shall apply to: -
- All the employees of the Corporation whether permanent or (a) temporary.

(b) All the persons retired but re-employed.

- Persons who are employed on daily wages or consolidated wage in the (c) Corporation.
- But, these rules shall not apply to :-(ii)

Persons who are in casual employment of the Corporation. (a) (b)

Persons who are appointed on part time or payment or retainer

allowance.

Persons who are on deputation to the Corporation from the State (c)Government /other Governments / Autonomous Institutions/ Corporations/ Boards and other local bodies. Such persons shall be governed by the Rules of their parent Institutions/Organisations for purposes of disciplinary action, but the Corporation shall be entitled to make preliminary enquiry and to report to the concerned authority of their parent Institutions/Organisations in respect of lapses on the part of lent persons.

Persons on whom the certified Standing Orders, certified under the (d) Industrial Employment (Standing Orders) Act, 1946 are applicable.

On any such establishment of the Corporation which is covered (e) under the Industrial Employment (Standing Orders) Act, 1946 (and in whose case model Standing Orders are applicable).

### Commencement: 3.

These rules shall come into force immediately.

### 4. **Definitions:**

In these rules, unless the context otherwise required the

'Appointing Authority' means the authority (i) empowered to make appointments of employees;

'Board' means the Board of Directors of the Corporation (ii)

'Working Committee' means the Committee of Board of Directors (iii) constituted by the Board of Directors of the Corporation.

'Chairman' means the Chairman of the Board of Directors of the (iv) Corporation appointed in accordance with Article 94 of the Article of Association of the Corporation.

'Managing Director' means the Managing Directors of the Corporation (v) appointed under Article 94 of the Articles of Association of the Corporation.

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'Corporation' means the Rajasthan State Industrial Development & (vi) Investment Corporation Ltd.

'Disciplinary Authority' means the authority Competent under the (vii) rules to impose penalty.

'Employee' means a person who is in the whole time employment of (viii) the Corporation in connection with its affairs;

'Service' means the employment under the Corporation. (ix) 'State Government' means the Government of Rajasthan. (x)

All other words not defined herein shall have the meaning as per (xi)RIICO Employees Service Rules;

Deleted vide Office Order No.A.1(4)99/80 dated 15th November,1994. 5.

### Appointing Authority/Disciplinary Authority: -6.

The appointing Authority/the Disciplinary Authority for imposing penalty and appellate authority shall be as per Appendix 7 (a) and 7 (b).

(a) \* The Chairman will be the appellate authority against the decision taken by the Managing Director being a disciplinary authority. However, where the orders have been issued by CMD then the appeals will be decided by the Working Committee/Board of Directors as per existing provisions. \* (Board of Directors meeting held on 26.04.2012 vide item No.6)

### 7. Suspension:

- The appointing authority or any other authority empowered by these (1)rules to take disciplinary action against employee may place an employee under suspension if having regard to the nature of the charges and circumstances, if any case, it so considered either necessary or desirable to do.
- An employee who is detained in custody, whether on a criminal (2)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 or any other authority empowered under the rules and shall remain under suspension until further orders.
- Where the penalty of dismissal or removal from service imposed upon (3)an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further enquiry 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, removal and shall remain in force until further orders.

Where a penalty of dismissal, removal from service imposed upon an employee is set aside or declared or rendered void in consequence or by a decision of Court of Law and the disciplinary authority, on consideration of the circumstances of the cases; decides to hold a Advisor (ASANIA Quamissal or removal was originally imposed, an employee, shall be placed under suspension by the Appointing and investment Corporation 130.

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Authority from the date of the Original Order of dismissal removal and shall continue to remain under suspension until further orders.

- (5) An order of suspension made or deemed to have been made under this Rule may at any time be revoked by the authority, which made, or is deemed to have made the order or by any authority to which that authority is subordinate.
- (6) Suspension pending enquiry is not to be considered as punishment.

### 8. Subsistence Allowance:

An employee who is placed under suspension under clause (7) shall during the period of such suspension, be paid a subsistence allowance as provided for in Rule 33 of RIICO Service Rules.

### 9. Pay, allowances and treatment of period of reinstatement:

- (i) Where an order imposing any of the major penalties is passed under these rules, the employee shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period, and the subsistence allowance already paid to him shall not be recovered.
- (ii) Where an order imposing fine or stoppage of annual grade increment is passed under these rules, the employee shall be deemed to have been on duty during the period of suspension and shall be entitled to the same pay/wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

Provided that subsistence allowance under these rules shall be subject to the employee concerned not taking up any employment during the period of suspension and shall be required to make his attendance on all the working days at the specified place prescribed by the disciplinary/appointing authority.

### 10. Penalties:

(i) An employee who is found guilty for any act of misconduct or who commits breach of any rules/regulations of the Corporation on or why displays negligence, insolvency or who knowingly does any other act which is detrimental to the interest of the organisation where employed, shall be liable to any of the following penalties which should be commensurate with the offences of the employee concerned.:

### (a) Minor Penalties:

(i) Censure,

(ii) With holding of increment without cumulative effect.

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(iii) Recovery from pay of the whole part of any pecuniary loss caused to the Corporation.

### (b) Major Penalties:

- (i) With-holding of increment with cumulative effect.
- (ii) Reduction in rank.
- (iii) Compulsory retirement.
- (iv) Removal from Service.
- (v) Dismissal from service.
- (ii) Without prejudice to the provision of other rules of the Corporation, no order shall be passed by the competent authority imposing any of the penalties specified in rules 10(i) above on an employee, unless the concerned persons has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity for defence within reasonable time.

### **Explanation:**

Discharge/removal or a persons from the service or the termination of service of a persons shall not be considered as disqualification for further employment.

### 11. (A) Procedure for imposing minor penalties:

In case where it is proposed, on the basis of preliminary enquiry, or otherwise, to impose any of the minor penalties on an employees, the employees concerned shall be given a statement of allegations in writing indicating at the same time a proposal to take action against him under Rule 11 (A) and employee shall be given reasonable opportunity (\*) of being heard in person, if he so desires. The representation together with documentary evidence produced in defence and submissions made during personal hearing shall be given due consideration before a final decision is taken in the matter.

### (B) Procedure for imposing major penalty:

No employee shall be subjected to any of the major penalties on the basis of preliminary enquiry except after an enquiry held into the charges based on a statement

(\*) to make any representation & an opportunity of allegations duly formulated and given to the employee concerned, so that the person shall have a reasonable opportunity to answer them either in writing or in persons as he may desire. The employee's written statement shall be based on relevant documents with a list of witnesses, if any, required to be produced in defence which should be given due consideration before a final decision is taken in the matter by the Competent Authority.

### (a) Enquiry Officer:

An Enquiry Officer may be a person appointed by the Competent Authority for conducting an enquiry into the charges against an

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employee, but shall not be a person junior to one against who the enquiry is proposed to be conducted.

### (b) Access to Official Records:

An employee who is charged may request for an access to official records for the purpose of preparing written statement, but for reasons to be recorded in writing, the concerned employee may be refused such access if not strictly relevant to the case, in the interest of the Corporation.

### (c) Expenses of witnesses:

The expenses of witnesses, if any called by the enquiry officer for purposes of evidence against the persons charged shall be borne by the Corporation and the expenses of witnesses to be produced by the delinquent employee shall be borne by the person who called them as witness.

### (d) Presentation of case before enquiry offices:

The disciplinary authority may nominate any person to present the case before the enquiry officer in support of the charges against the concerned employee. The delinquent employee, on the other hand , may present his or her case before the enquiry officer with the assistance of any other employee of the Corporation but he will not be permitted to engage a legal practitioner for this purpose.

### (e) Evidence of witnesses and cross-examination:

The enquiry officer shall in the course of enquiry consider such documentary evidence and take such oral evidence as is considered relevant to the charge. The delinquent employee shall be entitled to cross-examine the witnesses examined in support of the charges and to give evidence in person. Similarly, the person presenting the case before the enquiry officer in support of the charges shall be entitled to cross-examine the delinquent employee and the witnesses examined in defence.

(f) Report of enquiry:

The enquiry officer after hearing the arguments of both the parties at the conclusion of enquiry, shall prepare a report and submit the same alongwith the findings on each of the charges, to the competent authority.

### (g) Joint Enquiry:

In case where two or more employees are involved, the disciplinary authority may make an order for a joint enquiry officer appointed for the purpose.

### 12. Special Procedure in certain cases:

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It is not necessary to follow the procedure as laid-down in rule 11 above in respect of the penalties specified under rule 10: -

- (i) Where the appointing authority is satisfied for reasons to be recorded in writing that the employee has absconded or where it is for any other reason impracticable to communicate with the person concerned:
- (ii) Where an employee has been convicted on a criminal charge by a court of law;
- (iii) Where an employee charged is a temporary person;
- (iv) Where the employee charged has admitted the charges;
- (v) Where an employee is found committing an act of subversive nature involving the interest and security of the State of Rajasthan/the country or where the employee's subversive act has material bearing on the Corporation's property or premises in its smooth and efficient working.

### 13. <u>Decision</u>:

- (1) After due examination of the report of Enquiry Officer, Disciplinary Authority shall if it is not the enquiring Authority, consider the record of the enquiry and record its findings on each charge.
- (2) If the Disciplinary Authority having regard to its findings on the charge is of the opinion that any of the penalties specified in Rule 10 (i) (b) should be imposed, it shall:
  - (a) Furnish to the delinquent employee a copy of the report of the enquiry officer and where the Disciplinary Authority is not the Enquiry Officer a statement of its findings together with the brief reasons for disagreement, if any, with the report of the Enquiry Officer, and
  - the enquiry and pass such orders as it may deem fit after taking in to consideration the representation, if any, made by the delinquent employee.

\*Substituted vide order no. A1(4)99/80(I) dated 31.03.2006

(3) If the Disciplinary Authority having regard to its findings is of the opinion that any of the penalties specified in Rule 10 (i) (a) should be imposed it shall pass appropriate order in the case.

### 14. Appeal:

(a) An employee who has been awarded punishment has a right to appeal through proper channel against the punishment, to the appellate authority within a period of 60 days from the date, on which the appellant receives the order to be appealed against.



- (b) The appeal shall be in a proper language and complete in itself, containing all material, statement, and arguments on which the appellant relies.
- (c) An appeal can be with-held with due intimation to the appellant, if
  - (i) It is time barred;
  - (ii) It is not made in accordance with the rules;
  - (iii) It is repetition of an appeal already decided and contains no new facts and circumstances.
- (d) No appeal shall lie against the order of the Board. It's decision shall be final.

**NOTE:** Only under special circumstance and on valid grounds the period of limitation can be extended by 30 days by the Appellate Authority (for 30 days).

### 15. Review:

- (i) Notwithstanding anything contained in these rules, the Chairman, if no appeal has been preferred, either at his own notion or otherwise, after examination of the records of the case obtained or on further investigation, if considered necessary, may review-any order made under these rules.
- (ii) No proceedings for review shall be commenced until after: -
  - (a) the expiry of the period of limitation for any appeal or
  - (b) the disposal of the appeal where any appeal has been preferred.

### 16. Repeal and saving:

All rules/regulations corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed and any action taken under those rules/regulations shall be deemed to have been taken under the corresponding provision of these rules.

17. If any question arises relating to the interpretation of these rules, the matter shall be referred to the Chairman whose decision there on shall be final.

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and Investment Mary, JAIPUR-302008
Udyog Bhawan, Tilak Mary, JAIPUR-302008

### ORDER

No.	Dated:
WHE	CREAS a disciplinary proceeding against Shri
is cor	(Name & Designation of the Employee) ntemplated/ pending or a criminal offence is under investigation / trial.
2.	NOW, THEREFORE, the undersigned in exercise of the powers conferred by Rule 7 of the RIICO Employees (Classification, Disciplinary Action & Appeal) Rules, 1979, hereby place the said Shri under suspension with immediate effect.
	His headquarter during the period of suspension will be at
3.	Shriis allowed to draw subsistence allowance of his / her salary admissible thereon during the period of his / her suspension.
	Signature Name Designation
Conv. f	Signature & Designation of the Disciplinary Authority.
Copy I	forwarded to:

Gauray Bajad

Gauray Bajad

Advisor (A&M)

Rejection Development

Rejection State Industrial Development

and Investment Corporation Lid.

National Investment Corporation Lid.

Rejection Lid

### APPENDIX - II (a) ORDER

No	o Dated :	
2.	WHEREAS an enquiry under Rule 11 (b) (Classification, Disciplinary Action & Appeal) against Shri_ (Name & Designation of employees)	Rules, 1979 is being held
	AND WHEREAS the undersigned considers that appointed to enquire into the charges framed again	an Enquiry Officer should be ainst him / her.
3.		
	(Name & Designation of the Enquiry as Enquiry Officer to enquire into the charges f	Officer). ramed against the said Shri
4.	The Enquiry Officer will complete the endmonths as far as	quiry within a period of possible.
		Signature & Designation of the Disciplinary Authority.
No	Dated	
Copy	py forwarded to :	
1.	Shri( Name & Designation of the Enquiry Officer )	
2.	Shri	
	( Name & Designation of the Employees)	
3.	Other concerned if any	

Gauray Dajad

Advisor (A8M)

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and Investment Corporation Lad.
2018 Shawan, Tilak Merty, JAIPUR-302008

### APPENDIX - II (b)

### ORDER

			Da	ated	w				
	continuation dersigned ap								the
		( N	lame	& Designa	tion)				
as	Enquiry			enquire		the	case/s	rega	rding
-						left	pending	by	the
for	mer	Er	nquiry	T.		Officer			Shri
							ure & Des		
				Date	d				
forw	arded to :-								

Gaurav Bajad
Advisor (A&M)
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### APPENDIX - III

### MEMORANDUM

INO	Dated
1.	Shriis hereby informed that is proposed to held an enquiry against him / her under Rule 11 (b) of Rules, 1979. The allegations on which the enquiry is proposed to be held are set out in the enclosed statement of allegations and the charges framed on the basis of the said allegation are specified in the enclosed statement of charges.
2.	Shri is hereby required to submit to the undersigned a written statement of his / her defence within a period of 15 days from the date of receipt of this communication and also:-
	<ul> <li>(a) to state whether he / she desires to be hear in person;</li> <li>(b) to furnish the names and addresses of the witnesses, if any, whom he / she wishes to call in support of his / her defence;</li> <li>(c) to furnish list of documents, if any, which he / she wishes to produce in support of his / her defence.</li> </ul>
Gauray Bajad  Gauray Bajad  Advisor (Ashr)	shri is further informed that if for the purpose of preparing his / her defence, he / she wishes to inspect and take extracts from records, he/she should furnish a list of such records to the undersigned as that arrangements may be made to provide proper facilities for the purpose. He / she should, however, note that if in the opinion of the undersigned such records are not relevant for the purpose or it is against the Corporation's interest.
Gaurav Ba) och Advisor (A&M). Advisor (A&M). Advisor (A&M). Rejestion State Industrial Avenum Lib. and Investment Corporation Lib. and Investment Corporation. JAIPUR. Udyor Bhawan, Tilak Maru.	Shri is further informed that if the written statement of his / her defence is not received on or before the date specified above the enquiry is liable to be held expert.
5.	The receipt of this memorandum may be acknowledged.
Shri _	Signature , Name & Designation of the Disciplinary Authority.

### APPENDIX - IV

Statement of charges framed against Shri		
( Name & Designation of the e	employee )	
CHARGE	<u>E - I</u>	
That the said Shri	whil	e
functioning as	during the period	d
para/s Allegations.		n of
CHARGE	<u> </u>	
That during the aforesaid period and while fu the said Shri	anctioning in the aforesaid office	·,
as indicated in para/sstatement of Allegations.	of the	е
	Signature & Designation o the Disciplinary Authority	

Gaurav Bajad

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Advisor (A.SAI)

Advisor (A.SAI)

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Corporation Ltd.

Rajashan State Industrial Davelopment

Udyog Bhawan, Tilak Marij, Jalaur.

Udyog Bhawan, Tilak Marij, Jalaur.

### APPENDIX - V

Statement of Allegations on the basis of whice Shri	ch charges are framed against
(Name & Designation of the en	nployee)
ALLEGATIONS REGARDING CHARGE ALLEGATIONS REGARDING CHARGE ALLEGATIONS REGARDING CHARGE	II II I
	Signature & Designation of the Disciplinary Authority.
<b>Note:</b> The allegations should indicated clear concerned is culpable, i.e. what exactly his particular case and how he /she failed to discharge	ly now exactly the employee / her responsibility was in a arge it .

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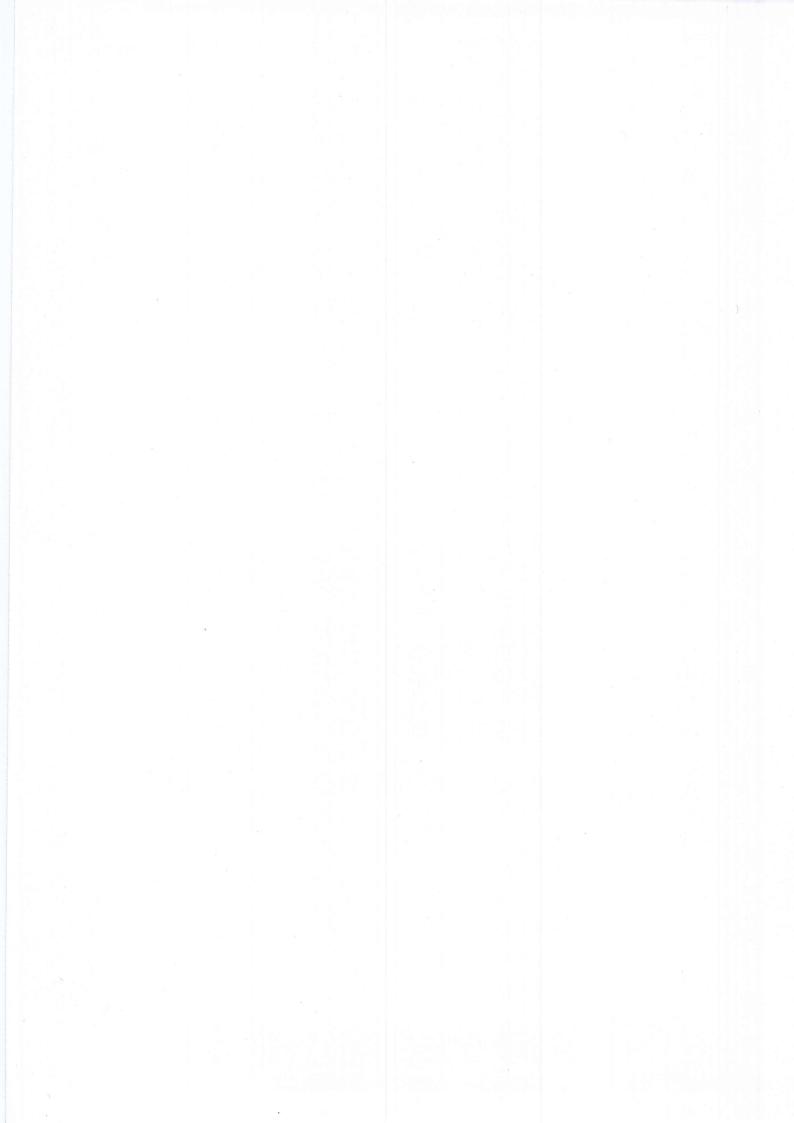
### APPENDIX - VI (a) and VI (b)

Forwarding Copy of Enquiry Report to Delinquent	
No	Dated
From:	
(Disciplinary Authority)	
Το,	
(Concerned employee)	

- 1. The Enquiry Officer appointed to enquire into charges framed against you has submitted the report. A copy of the report is enclosed.
- 2. The Disciplinary authority will take a suitable decision after considering the report. If you wish to make any representation or submission, you may do so in writing to the Disciplinary Authority within fifteen days of receipt of this letter.
- 3. The receipt of this letter may please be acknowledged.

Signature & Designation of the Disciplinary Authority

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# ANNEXURE- 'I'

APPENDIX - 7 (a) (Rule 6 & 6 (a) of CDA & Appeal Rules)

# APPOINTING AUTHORITY/DISCIPLINARY AUTHORITY IN CASE OF EMPLOYEES POSTED IN

HEAD OFFICE\*.

			HEAD OFFICE*	*			
No.	Category of Employees	Appointing Authority	Disciplinary Authority for imposing minor penalty	APPELLATE AUTHORITY	Disciplinary Authority for imposing	Review/ Appellate	
-	Employrees of oll and and				major penalty.		7
;	in the grade pay of which	Board of Directors	Managing Director**	CHAIRMAN*	Board of	Board of	T
	exceeds Rs.7,600/-			м,	Directors	Directors	
			***************************************	Board of			
			Own.	Directors*			
رز ا	Employees in the grade pay of which exceeds	Chairman	Managing Director**	CHAIRMAN*	Chairman	Working	
	Rs.5,400/- but does not	J				Committee	
	exceed Rs.7,600/-			Working			
			CMD**	Committee*			
က်	Employees in the grade Executive	Executive	Controlling Officer	Managing	Executive	Monomina	-
	pay of which exceeds	Director	(Not below the rank of Director	Director	Director	Managing	
	not exceed Rs.5,400/-		Auvisor/ General Manager)				
,							
4.	Employees in the grade   Advisor(A&M)	Advisor(A&M)	Controlling Officer	Executive	Advisor (A 8-M)	Drygonting	
	pay of which does not		(Not below the rank of Director	Director	TIGNISON (DONN)	Diagram	
	exceed ***Rs.4,200/-		Advisor/ G M)			Director	
	* Ac non A management II IDII Co a		1				

\* As per Annexure-II [RIICO Employees Service( Revised Pay Scale) Rules, 2008] approved by Board of Directors' decision dated 10.10.2008 \*\*Substituted vide order no. A.1(4)99/80(I) dated 03.05.2012

\*\*\* Amended vide order A.1(9)93/2008-13 dated 29.07.2013

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ANNEXURE- 'I'

APPENDIX - 7 (b) (Rule 6 & 6 (a) of CDA & Appeal Rules)

# APPOINTING AUTHORITY/DISCIPLINARY AUTHORITY IN CASE OF EMPLOYEES POSTED IN INFRA UNIT OFFICES\*.

. 0 >										
Review/ Appellate Authority	Working Committee		Managing Director		Managing Director					
Disciplinary Authority for imposing	major penalty. Chairman		Executive Director		Executive Director					
APPELLATE AUTHORITY	CHAIRMAN**	Working Committee**	Managing Director		Managing Director					
Disciplinary Authority for imposing minor penalty	Managing Director**	CMD**	Advisor (Infra)		1. Advisor (Infra) full powers except Sr.Acctt. / Sr.L.A. 2. Advisor (Law) full powers	.—	powers in respect of Sr.Accountant.	4. Unit Head (Not below the	rank of KM-1) powers for imposing penalty of	
Appointing Authority	Chairman		Executive Director		Executive Director					
Category of Employees	Employees in the grade pay of which exceeds Rs.5.400/-	but does not exceed Rs.7,600/-	Employees in the grade pay of which exceeds ***Rs.4800/-	but does not exceed Rs.5,400/-	Employees in the grade pay of which exceeds ***Rs.4,200/-	but does not exceed ***Rs.4,800/-				
No.	-i		7.		က်					

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Review/ Appellate Authority	Executive Director		Advisor (A&M
Disciplinary Authority for imposing	Advisor (A&M)		Unit Head (Not below the rank of RM-I)
APPELLATE AUTHORITY	Executive Director		Advisor (A&M)
Disciplinary Authority for imposing minor penalty	1. Advisor (Infra) full powers except Accountant & Legal Assistant.	<ol> <li>Advisor (Law) full powers for L.A.</li> <li>Financial Advisor full powers for Accountant.</li> <li>Unit Head (Not below the rank of RM-I ) powers for imposing penalty of censure and stoppage of upto two increments.</li> </ol>	effect.
Appointing Authority	Advisor (A&M)		the Unit Head (Not which below the rank exceed of RM-I)
Category of Employees	grade pay of which exceeds ***Rs.3,600/-	***Rs.4,200/-	Employees in the Unit Head (Not grade pay of which below the rank 40es not exceed of RM-I)
No.	<u>.</u>		rç.

\* As per Annexure-II [RIICO Employees Service( Revised Pay Scale) Rules, 2008] approved by Board of Directors' decision dated 10.10.2008 \*\*Substituted vide order no. A.1(4)99/80(I) dated 03.05.2012. \*\*\* Amended vide order A.1(9)93/2008-13 dated 29.07.2013

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