

CONDUCT, DISCIPLINE & APPEAL

CONDUCT

General observance of good conduct, discipline, integrity, diligence, fidelity, etc:

- 50(1) Every Officer shall conform to and abide by these rules and shall observe, comply with and obey all lawful and reasonable orders and directions which may from time to time be given to him by any person under whose jurisdiction, superintendence or control he may for the time being be placed.
- 50(2) Every such officer shall undertake and perform his duties as an official of the Bank. in such capacity and at such place as he may from time to time be directed by the Bank.
- 50(3) No Officer shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under, the direction of his official superi(~H.
- 50(4) Every Officer shall, at all times, take all possible steps to ensure and protect the interest of the Bank and discharge his duties with utmost integrity, honesty, devotion and diligence and do nothing which is unbecoming of a Bank Official.
- 50(5) Every Officer shall maintain good conduct and discipline and show courtesy and attention to all persons in al transactions and negotiations.
- 50(6) Every Officer shall take all possible steps to ensure the integrity and devotion to duty of all persons for the time being under his control and authority.
- 50(7) Every Officer shall make a declaration of fidelity and secrecy in the form set out in the Second Schedule to the State Bank of India Act, 1955 and shall be bound by the declaration.
- 50(8) No Officer shall take or give atte:mpt to take or give any unfair assistance or use or attempt to use any unfair methods or means in respect of any examination or test conducted or held by the Bank or any other authority or institution.
- 50(9) No officer shall abuse or fail to comply with any of the terms and conditions in respect of any loan, advance or other facility granted by the Bank either directly or indirectly to the officer or through any other agency, including loans for purchase of vehicles or construction of houses.

Engaging in Trade, business, employment, acceptance of fee association with newspapers, other communicatio'n systems etc:

- 51(1) No Officer shall, except with th9 previous sanction of the Competent Authority, engage directly or indirectly in any trade or business or under take any other employment.
- Provided that an officer may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic, scientiftc, professional, cultural, educational, religious or social character, subject to the condition that his official duties do not thereby suffer or the undertaking of such work is not detrimental to the interest of the Bank; but he shall not undertake, or shall discontinue such work if so directed by the Competent Authority.
- (i) Canvassing by an officer in support of the business of insurance agency, commission agent, etc; owned or managed by a member of his family shall be deemed to be a breach of this sub-rule.
- (ii) Prior sanction under this rule is not necessary for holding an office ex-officio outside the Bank, under any law or rules, regulations or bye laws made there under, for the time being in force, or under directions from any Authority to whom the officer is subordinate.
- 51(2) Every Officer shall report to the Competent Authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

51 (3) No Officer 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 company which is required to be registered under the Companies Act, 1956 or any other law for the time being in force or any cooperative society for commercial purposes,

Provided that an officer may take part in registration, promotion, or management of a cooperative society intended for the benefit of the Bank employees/officers and registered under the Co-operative Societies Act, 1912 or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 or any corresponding law in force.

51 (4) No Officer shall accept any fee for any work done by him for any public body or any private person without the sanction of the Competent Authority,

51 (5) No Officer shall act as an agent of or canvass business in favour of an insurance company or corporation in his individual capacity except that he may act as agent for an insurance company or corporation for or on behalf of the Bank.

51 (6) No Officer shall, except with the previous sanction of the Competent Authority or in the bona fide discharge of his duties;

- i) Own wholly or in part or conduct or participate in the editing or management of any newspaper or any other periodical publication, or
- ii) Participate in radio broadcast or contribute any article or write any letter either in his own name or anonymously or in the name of any other person, to any newspaper or periodical or make public, or publish or cause to be published or pass on to others any documents, papers or information which may come into his possession in his official capacity, or
- iii) Publish or cause to be published any book or any similar printed matter of which he is the author or not, or deliver talk or lecture in public meetings or otherwise.

Provided that no such sanction is, however, required if such broadcast or contribution or publication or talk or lecture is of a purely literary, artistic, scientific, professional, cultural, educational, religious or social character.

51 (7) No Officer shall in any radio broadcast or in any published document or communication to the press or in public utterance make any statement which has the effect of disparaging the Bank or its Management or bringing the same into disrepute.

Use of Position or influence in matters of Employment, Sanction of Loan etc; to Relatives.

52(1) No Officer shall use his position or influence as such officer, directly or indirectly, to secure employment for any person related whether by blood or marriage to the officer or to the officer's wife or husband whether such a person is dependent on the officer or not.

52(2) No Officer shall, except with the prior permission of the Competent Authority, permit his son, daughter or any other member of his family to accept employment in any private undertaking which is obligated to the Bank through his official dealings or in any other undertaking which to his knowledge is obligated to the Bank.

Provided that where the acceptance of the employment cannot await prior permission of the Competent Authority or its otherwise considered urgent the matter shall be reported to the Competent Authority and the employment may be accepted provisionally subject to the permission of the Competent Authority.

52(3)

- i) No Officer shall grant on behalf of the Bank any loan or advance to himself or his spouse, a Joint Hindu Family of which he or his spouse is a member or a partnership with which he or his spouse is connected in any manner or a trust in which he or his spouse is a trustee, or a private or public limited company, in which he or his spouse hold substantial interest.
- ii) Save and except against specified security or in cases as may otherwise be specified by the Central Board from time to time and subject to clause (i) above, no officer shall grant on behalf of the Bank any loan or advance to;

- a) relative of his;
 - b) an individual in respect of whom a relative is a partner or guarantor;
 - c) a Joint Hindu Family in which a relative is a member;
 - d) a firm in which a relative is a partner, manager or guarantor; and
 - e) a company in which a relative holds substantial interest or is interested as director, manager or guarantor.
- iii) No Officer shall in discharge of his official duties knowingly enter into or authorize the entering into by or on behalf of the Bank any contract, agreement, arrangement or proposal not being related to a loan or advance referred to in clause (i) or (ii) above, with any undertaking or person if any of his relatives is employed in that undertaking or under that person or if he or any of his relatives has interest in any other manner. In such contract, agreement, arrangement or proposal and the officer shall refer every such matter, contract, agreement, arrangement or proposal to his superior and the matter of such contract, agreement, arrangement or proposal shall thereafter be disposed of according to the instructions of the authority to whom such a reference is made.

Explanations

- (i) For the purpose of clauses (i) and (ii) of this sub-rule, the terms "Loans or Advance", "Relative" and "Specified Security" shall have the same meaning as has been given to them in the State Bank of India General Regulations, 1955.
- (ii) For the purpose of this sub-rule, "Substantial Interest" shall have the same meaning as in Clause(nc) of Section 5 of the Banking Regulation Act, 1948.

Active Part in Politics

53. No Officer shall take an active part in politics or political demonstration, or stand for election as member of a municipal council, district board or any legislative body.
Participation in Demonstration, Association.
- 54(1) No Officer shall engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign state, public order, decency or morality or which involves contempt of the court, defamation or incitement to an offence.
- 54(2) No Officer shall join, or continue to be a member of an association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity or India or public order or morality.

Evidence in enquiry, committee etc:

- 54A. (1) Save as provided in sub-rule(3), no officer shall except with the previous approval of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority.
- (2) Where any approval has been accorded under sub-rule(1), no officer giving such evidence shall criticise the policy or any action of the Central Government or of a State Government or of the Bank.
- (3) Nothing in sub rules(1) & (2) shall apply to any evidence given;
- a. at an enquiry before an authority appointed by the Central Government, State Government, Parliament or a Stat Legislature or;
 - b. in any judicial enquiry; or
 - c. at any departmental enquiry ordered by the Bank; or
 - d. at any action or proceedings taken by or on behalf of the Bank. Receiving Complimentaries, Valediction, etc;
- 55(1) No officer shall, except with the previous sanction of the competent authority, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other employee of the Bank.

Provided that nothing in this sub-rule shall apply to:-

- (a) a farewell entertainment of a substantially private and informal character held in honour of the officer or any other employee of the Bank on the occasion of his transfer or retirement or any person who has recently left the service of the Bank; and
- (b) the acceptance of simple and inexpensive entertainment arranged by employees of the Bank.

55(2)

- a) No Officer shall directly or indirectly exercise pressure or influence on any employee of the Bank to induce or compel him to subscribe towards any farewell entertainment.
- b) No Officer shall collect subscription for farewell entertainment from any intermediate or lower grade employee for the entertainment of any officer belonging to any higher grade.

Acceptance of Gift by Self & Family, and Dowry.

56(1) Save as otherwise provided in this rule, no officer shall accept or permit any member of his family or any person acting on his behalf to accept any gift.

Explanation: The expression "GIFT" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person who is obligated to the Bank through official dealings with the officer other than a near relative or a personal friend.

NOTE: A casual meal, lift or other social hospitality shall not be deemed as a gift.

56(2) On occasions such as marriages, anniversaries, funerals or religious functions when the making of gifts is in conformity with the prevailing religious or social practice, an officer may accept gifts from his near relatives but he shall make a report to the Competent Authority if the value of the gifts exceeds RS.500/-

56(3) On such occasions as specified in sub-rule(2). an officer may also accept gifts from his personal friends who are not obligated to the Bank through official dealings with the officer but he shall make a report to the competent authority if the value of such gifts exceed RS.200/-

56(4) In any other case, the officer shall not accept any gifts without the sanction of the Competent Authority if the value of the gifts exceeds RS.75/-

Provided that when more than one gift has been received from the same person within a period of 12 months, the matter shall be reported to the Competent Authority if the aggregate value thereof exceeds RS.500/-

NOTE: As a normal practice, an officer shall not accept any gift from a person obligated to the Bank through official dealings with the officer.

56(5) No Officer Shall;

- i) give or take or abet the giving or taking of dowry; or
- ii) demand directly or indirectly from the parent or guardian of a bride or bridegroom as the case may be, any dowry.
Explanation: For the purpose of this sub-rule, "DOWRY" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961)

Bringing Political or Outside Influence.

57. No Officer shall bring or attempt to bring any political or other outside influence including that of individual directors or members of the Local Board to bear upon any Superior Authority to further his own interest in respect of matters pertaining to his service in the Bank.

Absence from Work.

58(1) No officer shall absent himself from his duty or be late in attending office work or leave the station without having first obtained the permission of the Authority empowered to sanction leave.

Provided that in unavoidable circumstances where availing of prior permission is not possible or is difficult, the permission may be obtained later subject to the satisfaction of the concerned authority that prior permission could not have been obtained.

58(2) No officer shall ordinarily absent himself in case of sickness or accident without submitting a proper medical certificate.

Provided that in case of temporary indisposition or sickness of a casual nature, the production of a medical certificate may, at the discretion of the authority empowered to sanction leave, be dispensed with.

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Borrowing, Incurring Debts Buying & Selling Shares, Lending Money, Guarantee etc; 59. No

Officer shall, in his individual capacity;

- i) borrow money or permit any member of his family to borrow money or otherwise place himself or a member of his family under a pecuniary obligation to a broker or a money lender or a subordinate employee of the Bank or any person, association of persons, firm, company or institution, whether incorporated or not, having dealings with the Bank;

Provided that nothing in this clause shall apply to borrowing from the Bank, the Life Insurance Corporation of India, a Co-operative Credit Society or any Financial Institution including a Bank subject to such terms and conditions as may be laid down by the Bank.

Provided further that an officer may accept a loan, subject to other provisions of these rules, from a relative or personal friend or operate a credit account with a bona fide tradesman.

- ii) buy or sell stocks, shares or securities of any description without funds to meet the full cost in the case of a purchase or scrip's for delivery in the case of a sale.
- iii) incur debts at a race meeting.
- iv) lend money in private capacity to a constituent of the Bank or have personal dealings with a constituent in the purchase or sale of bills of exchange, Government paper or any other securities; and
- v) guarantee in his private capacity the pecuniary obligations of another person or agree to indemnify in such capacity another person from loss, except with the previous permission of the competent authority.

Provided that an officer may stand as surety in respect of a loan taken from a Co-operative Credit Society of which he is a member by another member.

Provided further that nothing in this clause shall apply to any guarantee/indemnity that an officer may execute in favour of;

- a) the President of India in support of a passport application for any relative of his;
- b) any financial institution or educational trust for a loan or advance that such institution or trust may give to any relative of his for educational purposes.

Drawing Advance Salary, Discounting Cheques, Accepting Contribution, Collecting Subscription.

60(1) No Officer shall draw his salary in advance of the date on which it is payable without the previous sanction of the Competent Authority.

60(2) No Officer shall discount or negotiate or cause to be discounted or negotiated Cheques or other instruments drawn on his account without sufficient balance therein.

60(3) No Officer shall, except with the previous sanction of the Competent Authority, ask for or accept contributions to or otherwise associate himself with the raising of any funds or other collections in cash or in kind.

60(4) No Officer shall canvass for membership or collect dues or subscriptions for or carry on any activity in connection with any association, union or other organization during office hours or within the premises of the Bank without the previous permission in writing of the Competent Authority.

Speculation, Insolvency, Indebtedness.

61 (1) No Officer shall speculate in any stocks, shares or securities or commodities or valuables of any descriptions or shall make investments which are likely to embarrass or influence him in the discharge of his duties.

Provided that nothing in this rule shall be deemed to prohibit an officer from making a bona fide investment of his own funds in such securities as he may wish to buy.

NOTE: Frequent purchase or sale or both of shares or securities or other investments shall be deemed to be speculation for the purpose of this rule.

61 (2) An Officer shall so manage his private affairs as to avoid insolvency or habitual indebtedness. An officer against whom any legal proceedings are instituted for the recovery of any debts due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceedings to the Bank.

Submission of Statement of Assets & Liabilities.

- 62(1) Every Officer shall on his first appointment, either by direct recruitment or by promotion, submit a return of his assets and liabilities giving full particulars regarding;
- a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
 - b) shares, securities, debentures and cash including Bank deposits inherited by him or similarly owned or acquired or held by him;
 - c) Other movable property inherited by him or similarly owned or acquired or held by him; and
 - d) Debts and other liabilities incurred by him directly or indirectly.
- 62(2) Every officer shall every year on a date to be specified by the Bank submit a return of his movable, immovable and valuable property to the Bank.
- 62(3) No officer shall except under previous intimation in writing, 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 member of his family;
- Provided that the previous sanction of the competent authority shall be obtained by the officer if any such transaction is;
- a) with a person obligated to the Bank through official dealings with the officer;
 - b) otherwise than through a regular or reputed dealer.
- 62(4) Every Officer shall report to the Competent Authority every transaction concerning movable property owned or held by him either in his own name or in the name of a member of his family if the value of such property exceeds Rs.5,000/-
- Provided that the previous sanction of the Competent Authority shall be obtained if any such transaction is;
- a) with a person obligated to the Bank through official dealings with the officer;
 - b) otherwise than through a regular or reputed dealer.
- 62(5) The Bank may, at any time, by general or special order, require an officer to furnish, within a period to be specified in the order, a full and complete statement of assets and liabilities including such movable and/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 a statement shall, if so required by the Bank, include the details of the means by which or the source from which such property was acquired.

Recourse to Court

63. No Officer shall, except with the previous sanction of the Managing Director, have a recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or any attack of a defamatory character.
- Provided that nothing in this rule shall be deemed to prohibit an officer from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken the officer shall submit a report to his immediate superior within a period of 3 months from the date such action is taken by him.

Second Spouse.

- 64(1) (a) No officer shall enter into, or contract, a marriage with a person having a spouse living; and
- (b) No officer having a spouse living shall enter into, or contract, a marriage with any person.

Provided that the Competent Authority may permit an officer to enter into, or contract, any such marriage as is referred to in clause (a) or clause (b) if it is satisfied that;

- i) Such a marriage is permissible under the personal law applicable to such officer and the other party to the marriage; and
- ii) There are other grounds for so doing.

64(2) An Officer who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Competent Authority.

Consumption of Intoxicating Drinks etc;

65(1) An Officer shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be posted for the time being.

65(2) An officer shall refrain from consuming any intoxicating drink or drug in a public place. 65(3)

It is also the duty of the Officer to see that;

- a) he is not under the influence of any intoxicating drink or drug during the course of his duty and takes due care that the performance of his duty is not affected in any way by the influence of any intoxicating drink or drug;
- b) He does not appear in public place in a state of intoxication;
- c) He does not use any intoxicating drink or drug to excess.

Explanation: For the purpose of this rule, "Public Place" means any place or premises (including clubs, even exclusively meant for members where it is permissible for the members to invite non-members as guests, bars and restaurants, conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

66. A breach of any of the provisions of these rules shall be deemed to constitute misconduct punishable under Rule 67.

Note: for the purpose of Rules 51, 52, 56, 59, & 62 "Family" shall mean:-

- (i) In the case of a male officer, his wife, whether residing with him or not, but does not include legally separated wife and in the case of a female officer, her husband, whether residing with her or not, but does not include legally separated husband.
- (ii) Children or step-children of the officer, whether residing with the officer or not, and wholly dependent on such officer but does not including a child or step-child of whose custody the officer has been deprived of by or under any law; and
- (iii) Any other person related by blood or marriage, to the officer or to his souse and wholly dependent on such officer.

Penalties.

67. Without prejudice to any other provisions contained in these rules, anyone or more of the following penalties may be imposed on an officer, for an act of misconduct or for any other good and sufficient reason:-

Minor Penalties:

- a) Censure;
- b) Withholding of increments of pay with or without cumulative effect;
- c) Withholding of promotion;
- d) Recovery from payor such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Bank by negligence or breach of orders.
- e) Reduction to a lower stage in time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting the officer's pension.

Major Penalties:

- f) Save as provided for in (e) above, reduction to a lower stage in the time scale of pay for specified period with further directions as to whether or not the officer will earn increment to pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of the pay.

- g) reduction to a lower grade or post, or to a lower stage in a time scale;
- h) compulsory retirement;
- i) removal from service;
- j) dismissal.

Explanations:

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

- (i) withholding of one or more increments of an officer on account of his failure to pass a proscribed departmental test or examination in accordance with the terms of appointment to the post which he holds;
- (ii) stoppage of increments of an officer at the efficiency bar in a time scale, on the grounds of his unfitness to cross the bar;
- (iii) not giving an officiating assignment or non promotion of an officer to a higher grade or post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) reserving or postponing the promotion of an officer for reasons like completion of certain requirements for promotions or pendency of disciplinary proceedings;
- (v) reversion to a lower grade or post of an officer officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct;
- (vi) reversion to the previous grade or post, of an officer appointed on probation to another grade or post during or at the end of the period of probation, in accordance with the terms of his appointment or rules or orders governing such probation;
- (vii) reversion of an officer to his parent organization in case he had come on deputation; (viii) termination of service of an officer;
 - (a) appointed on probation, in terms of sub-rule (1) of rule 16(3)(a);
 - (b) appointed in temporary capacity otherwise than under a contract or agreement on the expiration of the period for which he was appointed, or earlier in accordance with the terms of his appointment;
 - (c) appointed under a contract or agreement, in accordance with the terms of such contract or agreement; and
 - (d) as part of retrenchment.
- (ix) termination of service of an officer in terms of sub rule 3 of rule 20.
- (x) retirement of an officer in terms of rule 19.

Decision to Initiate and Procedure for Disciplinary Action.

- 68(1) (i) The Disciplinary Authority may itself, or shall when so directed by its superior authority institute disciplinary proceedings against an officer.
- (ii) The Disciplinary Authority or any Authority higher than it may impose any of the penalties in Rule-67 on an officer;

Provided that where the Disciplinary Authority is lower in rank than the Appointing Authority in respect of the category of officers to which the officer belongs, no order imposing any of the major penalties specified in clauses (e), (f), (g) and (h) of Rule on Penalties shall be made except by the Appointing Authority or any authority higher than it on the recommendations of the Disciplinary Authority.

- 68(2) (i) No order imposing any of the major penalties specified in clauses (e), (f), (g) and (h) of rule on Penalties shall be made except after an inquiry is held in accordance with this sub-rule.
- (ii) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct against an officer, it may itself inquire into, or appoint any other officer or public servant (hereinafter referred to as the Inquiring Authority) to inquire into the truth thereof.

Explanation: When the Disciplinary Authority itself holds the enquiry, any reference in clauses (viii) to (xxi) to the Inquiring authority shall be construed as a reference to Disciplinary Authority.

- (iii) Where it is proposed to hold an inquiry, the Disciplinary Authority shall frame definite and distinct charges on the basis of the allegations against the Officer. The articles of charge, together with a statement of the

allegations on which they are based, shall be communicated in writing to the officer, who shall be required to submit within such time as may be specified by the Disciplinary Authority not exceeding 15 days or within such extended time as may be granted by the said Authority, a written statement of his defence.

- (iv) On receipt of a written statement of the officer, or if no such statement is received within the time specified, an enquiry may be held by the Disciplinary authority itself, or if it considers it necessary to do so appoint under clause (ii) an Inquiring Authority for the purpose.

Provided that it may not be necessary to hold an enquiry in respect of the articles of charge admitted by the officer in his written statement but it shall be necessary to record its findings on each such charge.

- (v) The Disciplinary Authority shall, where it is not the Inquiring authority, forward to the Inquiring Authority:-
- a) a copy of the articles of charge and statements of imputations of misconduct;
 - b) a copy of the written statement of defence, if any, submitted by the officer;
 - c) a list of documents by which and list of witnesses by whom the articles of charge are proposed to be substantiated;
 - d) a copy of statement of the witnesses, if any;
 - e) evidence proving the delivery of the articles of charge under clause (iii);
 - f) a copy of the order appointing the "Presenting Officer" in terms of clause (vi)

NOTE: The forwarding of the documents referred to in this clause need not necessarily be done simultaneously. (vi) Where the Disciplinary Authority itself enquires or appoints an Inquiring Authority for holding an enquiry, the Bank may, by an order, appoint an officer or a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

- (vii) The Officer may take the assistance of an officer as defined in clause (m) of rule (3) (hereinafter referred to as Officer's representative) but shall not engage a legal practitioner for the purpose.
- (viii) (a) The Inquiring Authority shall by notice in writing specify the date on which the officer shall appear in person before the Inquiring Authority.
- (b) On the date fixed by the Inquiring Authority, the officer shall appear before the Inquiring authority at the time, place and date specified in the notice.
- (c) The Inquiring Authority shall ask the officer whether he pleads guilty or has any defence to make and if he pleads guilty to all or any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the officer thereon.
- (d) The Inquiring Authority shall record a finding of guilt in respect of those articles of charge to which the officer concerned pleads guilty.
- (ix) If the officer does not plead guilty, the inquiring Authority may, if considered necessary, adjourn the case to a later date not exceeding 30 days or within such extended time as may be granted by it.
- (x) (a) The Inquiring Authority shall where the officer does not admit all or any of the articles of charge furnish to such officer a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be proved.
- (b) The Inquiring Authority shall also record an order that the officer may for the purpose of preparing his defence:
- I - inspect and take notes of the documents listed within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow;
 - II - submit a list of documents and witnesses that he wants for inquiry;
- III - be supplied with copies of statements of witnesses, if any, recorded earlier and the Inquiring Authority shall furnish such copies not later than three days before the commencement of the examination of the witnesses by the Inquiring Authority.
- IV - give a notice within ten days of the order or within such further time not exceeding ten days as

the Inquiring Authority may allow for the discovery or production of the documents referred to at (II) above.

NOTE: The relevancy of the documents and the examination of the witnesses referred to at (II) above shall be given by the officer concerned.

(xi) The Inquiring Authority shall, on receipt of the notice for the discovery or production of the documents, forward the same or copies thereof to the authority whose custody or possession the documents are kept, with a requisition for the production of the documents on such date as may be specified.

(xii) On receipt of the requisition under clause (xi), the authority having custody or possession of the requisitioned documents shall arrange to produce the same before the Inquiring authority on the date, place and time specified in the requisition.

Provided that the authority having 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 Bank. In that event, it shall inform the inquiring Authority accordingly.

(xiii) 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 Bank. The witnesses produced by the Presenting Officer shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the officer. The Presenting Officer shall be entitled to re-examine his 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.

(xiv) Before the close of the case in support of the charges, 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 officer shall be given opportunity to inspect the documentary evidence before it is taken on record, or to cross-examine a witness who has been so summoned. The Inquiring Authority may also allow the officer to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

(xv) When the case in support of the charges is closed, the officer 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 officer shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer.

(xvi) The evidence on behalf of the officer may then be produced. The Officer may examine himself as a witness in his own behalf, if he so prefers. The witnesses, if any, produced by the officer shall then be entitled to re-examine any of his witnesses on any points on which they have been cross-examined, but not on any new matter without the leave of the Inquiring Authority.

(xvii) The Inquiring authority may, after the officer closes his evidence, and shall if the officer has not got himself examined, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the officer to explain any circumstances appearing in the evidence against him.

(xviii) The Inquiring Authority may after the completion of the production of the evidence, hear the Presenting Officer, if any, appointed and the officer or his representative, if any or permit them to file written briefs of their respective cases within 15 days of the completion of the production of evidence, if they so desire.

(xix) If the officer does not submit the written statement of defence referred to in clause (iii) on or before the date specified for the purpose or does not appear in person, or through the officer's representative or otherwise fails or refuses to comply with any of the provisions of these rules which require the presence of the officer or his representative, the Inquiring Authority may hold the enquiry *ex parte*.

(xx) 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 which has, and which exercised, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall and cause that to be examined, cross-examined and re-examined as hereinbefore provided.

(xxi) (a) on the conclusion of the inquiry, the Inquiring Authority shall prepare a report which shall contain the following:-

- 1) a gist of the articles of charge and the statement of the imputations of misconduct;
- 2) a gist of the defence of the officer in respect of each article of charge;
- 3) an assessment of the evidence in respect of each article of charge;
- 4) the findings on each article of charge and the reasons there for.

Explanation: If, In the opinion of the inquiring Authority, the proceedings of the inquiry establish any article of charge different from the original article of 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 officer has either admitted specifically and not by inference the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

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

- 1) the report of the inquiry prepared by it under (a) above.
- 2) the written statement of defence, if any, submitted by the officer referred to in clause (xv) the oral and documentary evidence produced in the course of the inquiry.
- 3) written briefs referred to in clause (xviii), if any, and the orders, if any, made by the Disciplinary authority and the inquiring Authority in regard to the inquiry. The Disciplinary Authority, if it is not itself the Inquiring Authority, may, for reasons to be recorded by it in writing, remit the case to the inquiring Authority-whether the Inquiring Authority is the same or different- for fresh or further inquiry and report, and the inquiring Authority shall thereupon proceed to hold further inquiry according to the provisions of sub-rule(1) as far as may be.

(ii) The disciplinary Authority shall, if it disagrees with the findings of the inquiring Authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(iii) If the Disciplinary Authority, having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in rule 67 should be imposed on the officer, it shall, notwithstanding anything contained in sub-rule(4), make an order imposing such penalty.

Provided that where the Disciplinary Authority is of the opinion that the penalty to be imposed is any of the major penalties specified in clauses (e), (f), (g) and (h) or rule 67 and if it is lower in rank to the Appointing Authority in respect of the category of officers to which the officer belongs, it shall submit to the Appointing Authority the records of the enquiry specified in clause (xxi)(b) of sub-rule(2), together with its recommendations regarding the penalty that may be imposed and the Appointing Authority shall make an order imposing such penalty as it considers in its opinion appropriate.

(iv) If the disciplinary Authority or the Appointing Authority, as the case may be, 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 officer concerned.

(i) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of rule 67 the officer shall be informed in writing of the imputations of lapses against him and be given an opportunity to submit his written statement of defence within a specified period not exceeding 15 days or such extended period as may be granted by the Disciplinary Authority. The defence statement, if any, submitted by the officer shall be taken into consideration by the Disciplinary Authority before passing orders.

(ii) Where, however, the Disciplinary authority is satisfied that an enquiry is necessary, it shall follow the procedure for imposing a major penalty as laid down in sub-rule (2).

- (iii) The record of proceedings in such cases shall include;
- a) a copy of the statement of imputations of lapses furnished to the officer;
 - b) the defence statement, if any, of the officer; and
 - c) the orders of Disciplinary Authority together with the reasons therefore.
- (iv) Notwithstanding anything contained in sub-rules (i), (ii) and (iii) above, if in a case it is proposed, after considering the written statement of defence, if any, submitted by the officer under sub-rule (i) to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an enquiry shall be held in the manner laid down in sub-rule (2) to Rule 68, before making an order imposing on an officer any such penalty.
- 68(5) Orders made by the Disciplinary Authority or the Appointing Authority as the case may be under sub-rules (3) and (4) shall be communicated to the officer concerned, who shall also be supplied with a copy of the report of inquiry, if any.
- 68(6) Where two or more officers are concerned in a case, the authority competent to impose a major penalty on all such officers may make an order directing that disciplinary proceedings against all of them may be taken in a common proceeding.
- 68(7)(i) Notwithstanding anything contained in sub-rules (2), (3) and (4), where an officer is at any time or has been adjudicated insolvent or has suspended payments or has compounded with his creditors or is or has been convicted by a criminal court of an offence involving mortal turpitude, the appointing Authority may discharge the officer from the Bank's service without any notice whatsoever, and no appeal shall be against such discharge.
- (ii) Without prejudice to what is stated in clause (i) above and notwithstanding anything contained in sub-rules (2), (3) and (4), the Disciplinary Authority or the Appointing Authority, as the case may be, may impose any of the penalties specified in rule 67, if the officer has been convicted of a criminal charge or on the strength of facts or conclusions arrived at by a judicial trial. Provided that before a penalty is imposed in terms of this clause, the officer/employee may be given an opportunity of making representation on the penalty to be imposed, before any order is made.

Suspension

68A. (1) An Officer may be placed under suspension by the Disciplinary Authority:

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

68A. (2) If an officer who is detained under custody whether on a criminal charge or otherwise for a period exceeding forty eight hours is placed under suspension by an order of the Disciplinary Authority, it shall be open to the Disciplinary Authority to give effect to such suspension from a retrospective date not earlier than the date of such detention or such conviction.

Explanation: The period of forty eight hours referred to above shall be computed from the commencement of the imprisonment after conviction or detention and for this purpose, intermittent periods of imprisonment or detention, if any, shall be taken into account.

68A. (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer under suspension is set aside in appeal or on review under rule 69 and the case is remitted for further inquiry or action or with any 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 or compulsory retirement and shall remain in force until further orders.

68A.(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer under suspension is set aside or declared or rendered void in consequence of, or by, a decision of a court of law, and the Disciplinary authority on consideration of the circumstances of the case decides to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officer shall be deemed to have been placed under suspension by the

Disciplinary Authority from the date of the original order of dismissal, *removal* or compulsory retirement and shall continue to remain under suspension until further orders.

68A.(5) (a) An order or suspension made under this rule shall continue to remain in force until modified or revoked by the authority which made the order;

(b) An order of suspension made under this rule may at any time be modified or revoked by the authority which made the order.

68A.(6) No leave shall be granted to an officer under suspension.

68A.(7) (i) An officer who is placed under suspension shall be entitled to *receive* during the period of such suspension and subject to clauses (if) and (iii) subsistence allowance equal to half of his substantive salary and such other allowances as the competent authority may decide.

(ii) During the period of suspension an officer may, at the discretion of the Bank, be allowed occupation of an official house upto a period of four months but shall not be entitled to free use of the Bank's car or receipt of conveyance or entertainment allowance or special allowance.

(iii) No Officer who IS under suspension shall be entitled to *receive* payment of subsistence allowance unless he furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

68A.(8) (i) Where the Appointing Authority holds that the officer has been fully exonerated or that the suspension was unjustifiable, the officer shall be granted the full pay to which he would *have* been entitled, had he not been so suspended, together with any allowance of which he was in receipt immediately prior to his suspension or may *have* been sanctioned subsequently and made applicable to all officers. The period of absence from duty in such a case shall, for all purposes, be treated as period spent on duty.

(ii) In all cases other than those referred to in clause (i) *above* and where the officer has not been subjected to the penalty of dismissal \, the period spent under suspension shall be dealt with in such a manner as the Disciplinary Authority may decide and the pay and allowances of the officer during the period adjusted accordingly.

Appeal Against Punishment or Suspension, Review, Service of Order, Extension of Time Limit etc;

69(1) An officer may appeal to the Appellate Authority against an order imposing upon him any of the penalties specified in rule 67 or against the order of suspension referred to in rule 68A.

69(2) An appeal shall be preferred within 45 days from the date of receipt of the order appealed against. The appeal shall be addressed to the Appellate Authority and submitted to the authority whose order is appealed against. The Officer may, if he so desires submit an advance copy to the Appellate Authority. The authority whose order is appealed against shall forward the appeal together with its comments and records of the case to the Appellate Authority. The Appellate Authority shall consider whether the findings are justified and/or whether the penalty is excessive or inadequate and pass appropriate orders. The Appellate Authority may pass an 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 directions as it deems fit in the circumstances of the case.

Provided that;

(i) if the enhanced penalty which the Appellate Authority proposes to impose is a major penalty specified in clauses (e), (f), (g) and (h) of rule 67 and an enquiry as provided in sub-rule (2) of rule 68 has not already been held in the case, the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of sub-rule(2) of rule 68 and thereafter consider the records of the inquiry and pass such orders as it may deem proper;

(ii) if the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in sub-rule (2) of rule 68, the Appellate Authority shall give a show-cause notice to the officer as to why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer;

(iii) Where the enhanced penalty proposed to be imposed is a major penalty specified in clauses (e), (f), (g) and (h) of rule 67 and the Appellate Authority is not of the same rank as or higher than the Appointing Authority in respect of the category of the officers to which the officer belongs, it shall submit to the Appointing Authority

the record of the proceedings together with its recommendations and the Appointing authority shall pass such final order on the appeals as it may deem appropriate.

69(3) Notwithstanding anything contained in this section, the Reviewing Authority 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.

Provided that;

- (i) if the enhanced penalty, which the Reviewing Authority proposes to impose, is a major penalty specified under clauses (e), (f), (g) or (h) of rule 67 and an enquiry as provided under sub-rule(2) of rule 68 has not already been held in the case, the Reviewing Authority shall direct that such an enquiry be held in accordance with the provisions of sub-rule(2) of rule 68 and thereafter consider the record of the enquiry and pass such orders as it may deem proper;
- (ii) if the Reviewing Authority decides to enhance the punishment but an enquiry has already been held in accordance with sub-rule(2) of rule 68, the Reviewing Authority shall give show-cause notice to the officer also why the enhanced penalty should not be imposed upon him and shall pass final order after taking into account the representation, if any, submitted by the officer.

69(4) Every order, notice and other process made or issued under this section shall be served on the officer concerned in person or communicated to him by registered post at his last known address.

69(5) Save as otherwise expressly provided in the rules in this section, the authority competent there under may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified there under for anything required to be done there under or condone any delay.

Central Vigilance Commission

70. **The Bank shall consult the Central Vigilance Commission, wherever necessary, in respect of all disciplinary cases having vigilance angle.**