



**MAHARASHTRA STATE WAREHOUSING
CORPORATION**

**MAHARASHTRA STATE
WAREHOUSING CORPORATION (STAFF)
SERVICE REGULATIONS**



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MAHARASHTRA STATE WAREHOUSING CORPORATION (STAFF) SERVICE REGULATIONS

Preamble.—In exercise of powers conferred under section 42 of the Warehousing Corporation Act, 1962 (58 of 1962), the Maharashtra State Warehousing Corporation, with the previous sanction of the Government of Maharashtra, hereby makes the following regulations, namely :

CHAPTER I

PRELIMINARY

1. *Short Title.*—These regulations may be called the Maharashtra State Warehousing Corporation (Staff) Service Regulations.

2. *Commencement.*—These regulations shall come into force from the date of its sanction by the Government of Maharashtra, by notification in the *Official Gazette*.

3. *Application.*—These regulations shall apply to all classes or categories of employees of the Corporation including all persons employed by the Corporation on contract or on deputation in respect of all matters not regulated by the contract or by the terms of deputation, as the case may be.

4. *Definitions.*—In these regulations, unless there is anything repugnant to the subject or context :—

(a) "Age" means length of life commencing from the date of birth as per English calendar.

(b) "Appendix" means an appendix to these regulations.

(c) "Board" or "Board of Directors" means the Board of Directors of the Corporation and in relation to any powers exercisable by it, includes the Executive Committee.

(d) "Chairman" means the Chairman of the Board of Directors of the Corporation.

(e) "Compensatory Local Allowance" means an allowance granted to meet expenditure necessitated by the special circumstances in which duty is performed.

(f) "Corporation" means the Maharashtra State Warehousing Corporation established under the Warehousing Corporations Act, 1962 (58 of 1962).

(g) "Daily Wage" means daily wages as may be fixed by the Corporation from time to time.

(h) "Day" means a day of 24 hours beginning and ending at midnight.

(i) "Departmental Enquiry" is an enquiry ordered under these Regulations to enquire into the conduct of an employee with a view to determining whether the charges framed against him are proved and,

where so required, the nature and quantum of punishment in respect of charges found proved.

(j) "Disciplinary authority" in relation to imposition of penalty on an employee means the authority competent under these regulations to impose on him that penalty.

(k) "Duty" means service which counts for pay and regular leave with pay and allowances and includes service as probationer, on his first appointment in the Corporation provided such service shall not be regarded as duty for leave unless it be followed by confirmation but excludes any period of suspension unless the period of suspension is treated duty by a specific order.

(l) "Employee" means a person who is in the whole time service of the Corporation and any person employed hereinafter by the Corporation but does not include a person employed by the Corporation on daily wages or on casual basis.

(m) "Enquiry Officer" is an officer appointed under these Regulations to hold a departmental enquiry against an employee.

(n) "Executive Committee" means the Executive Committee of the Corporation as defined under section 25 of the Warehousing Corporations Act, 1962.

(o) "Family" means,—

(i) In case of male employee, his wife and children whether married or unmarried but actually dependent on him and the dependent widow and children of deceased son of the employee.

(ii) In case of female employee, her husband and actually dependent children, of the employee, and the dependent widow and children of the deceased son of the female employee.

(p) "Managing Director" means the Managing Director of the Corporation appointed by the Government under sub-section 1(c) of Section 20 of the Warehousing Corporations Act, 1962 or any other officer authorised to officiate in that post during temporary absence of the Managing Director.

(q) "Pay" means the amount drawn by the employee as,—

(i) the pay which has been sanctioned for a post held by him substantively or in an officiating capacity or which he is entitled by reason of his position in the cadre;

(ii) special pay and personal pay, if, they are so classified as pay by the Board, and

(iii) any other emoluments which may be so classified as pay, by the Board.

(r) "Personal Pay" means additional pay not attached to a post but granted to the holder of the post on personal consideration, or to save him from loss of pay (basic) due to revision of pay or to any reduction of such pay otherwise than a disciplinary measure.

(s) "Secretary" means the Secretary of the Corporation and includes an officer authorised by the Managing Director to officiate in that post during temporary absence of the Secretary.

(t) "Special Pay" means an addition in the nature of pay to the emoluments of a post or of an employee granted in consideration of,—

(i) the specially arduous nature of duties, or

(ii) a specific addition to the work or responsibility.

(u) "State Government" means the Government of Maharashtra.

(v) "Warehouse" shall mean a godown or a place where the Corporation arranges storage of goods.

5. *Classification of Posts.*—(1) The employees of this Corporation shall be Classified as under :—

(i) Class I Officers, the minimum of whose scale of pay is Rs. 680 or more.

(ii) Class II Officers, the minimum of whose scale of pay is Rs. 600 or more but below Rs. 680 except the Stenographers in any grade.

(iii) Class III employees, the minimum of whose scale of pay is Rs. 260 or more but below Rs. 600 and the Stenographers in any grade.

(iv) Class IV and other employee, the minimum of whose scale of pay is less than Rs. 260.

(2) In case of revision of pay scales of the employees, the corresponding minimum of the revised scale of pay shall be treated as the minimum of the scale of pay for the purpose of classification of posts as mentioned in sub-regulation (1).

6. *Categories of Employees.*—For the purpose of these Regulations there shall be two categories of employees as under :—

(i) *Permanent employees.*—Permanent employees are those employees who have been appointed, either by direct recruitment or by promotion, to a permanent post and have completed the prescribed period of probation and subsequent extensions in probation period, if any and whose appointments are confirmed in writing by the appointing authority.

(ii) *Temporary employees.*—Temporary employees are those employees, who are not permanent employees.

7. *Strength of Staff.*—The Board shall fix, from time to time, the number of permanent and temporary posts in all classes and may, from time to time, create new posts for carrying-out functions of the Corporation :

Provided that the Managing Director may, create any temporary post in Class III or Class IV for a period not exceeding one year. In such cases he shall report the matter to the Board for approval at its next meeting immediately, after such creation of post.

CHAPTER II

APPOINTMENTS, PROBATION, TERMINATION OF SERVICE AND SUPPERANNUATION
SECTION I—APPOINTMENT

8. *Appointing Authority.*—(1) Appointments to posts in Class I and II shall be made by the Board of Directors or by the Executive Committee.

(2) Appointments to posts in Class III and IV shall be made by the authorities as mentioned in schedule at Appendix-I, and also by the authorities to whom powers are delegated by the Board of Directors or Executive Committee.

9. *Recruitment.*—(1) The Board of Directors shall by an order lay down the policy and procedure for recruitment to the posts in various classes and categories and may also prescribe the form or forms of application to be filled in by the candidate and certificates and testimonials to be enclosed with such application.

(2) The appointing authorities in the Corporation shall while making recruitment to the services of the Corporation, follow the directives issued by Government of Maharashtra from time to time in connection with recruitment of candidates belonging to S.C., ST, DT/NT, OBC, handicapped persons ex-servicemen, etc. for recruitment in Government departments.

10. *Age.*—(1) The age of a person at the time of his first appointment to the service of the Corporation shall not exceed the limit prescribed by the Board of Directors from time to time under Regulation 9 :

Provided that the Board of Directors for Class I and Class II officers and the Managing Director for other classes of employees may in special cases, appoint or authorise the appointment of persons above the said age limit to obtain services of expert and/or experienced persons or for any other reason :

Provided further that the relaxations in age limit prescribed by the Government of Maharashtra for recruitment of the candidates belonging to S.C., ST, DT/NT, OBC, handicapped persons, ex-servicemen, etc. shall be followed "*mutatis mutandis*."

(2) Evidence of age shall be produced by the employee to the satisfaction of the appointing authority at the time of employment or within such period as the appointing authority may direct but in any case within six months from the date of appointment :

Provided that if any employee is unable to produce satisfactory evidence of his age, the appointing authority may direct such employee to obtain at his own cost certificate of his age from a Civil Surgeon or any Government Medical Officer and in that case, his age shall be taken as mentioned in such certificate on the date of issue of that certificate.

11. *Medical Certificate.*—(1) Every person appointed for the first time to any post in the Corporation shall, before joining duty in that post, or within two months from the date of joining, furnish a medical certificate of fitness

in the form prescribed in Appendix II. Such certificate shall be obtained from a Civil Surgeon or any Government Medical Officer.

(2) No medical certificate of fitness need be furnished by a person who is to be or has been appointed on deputation from Central or State Government or an Institution.

(3) The fee, if any, for obtaining such medical certificate shall be paid by such person in the first instance and it shall be reimbursed to him on production of a receipt if he has been found medically fit.

12. *Furnishing of Security of Employees.*—Every employee shall, if so required by the Managing Director, furnish for faithful discharge of his duties, such security in cash or in such form as the Managing Director in his discretion may determine and execute a security bond in the form prescribed in Appendix III. The security so furnished shall be invested by the Corporation in such manner as the Managing Director may determine from time to time.

13. *Reappointment.*—(1) No person who has been dismissed or has otherwise ceased to be in the service of the Corporation may be re-employed, without the specific approval of the Board.

(2) Except as otherwise provided by the Board at the time of his re-employment, these regulations shall apply to a person who is re-employed in the service of the Corporation as if he has entered the service, for the first time on the date of his re-employment.

SECTION II—PROBATION

14. *Period of Probation.*—Every employee except those appointed on deputation shall on his first appointment in the Corporation's service or on promotion be on probation for a period not less than six months commencing from the date of appointment or promotion :

Provided, that the period of probation may be further extended by the respective appointing authority such that the total probation period does not exceed two years.

15. *pay during Probation period.*—(1) Employees on probation after first appointment may be paid a stipend or consolidated salary (inclusive of all allowances) as fixed by the Managing Director, or in the time scale of pay attached to the post alongwith other allowances admissible under these Regulations.

(2) Drawal of increment of an employee on probation after his first appointment on time scale of pay shall be regulated as under :—

(a) The first increment shall be released on completion of one year of his probation and subsequent increment shall be released on completing the probationary period satisfactorily.

(b) An employee whose probationary period is extended on account of failure to pass any examination prescribed within the prescribed time limit or on account of leave (except casual leave) taken by such employee during probationary period, shall be allowed to draw on his appointment to the post on long term basis after completion of probationary period satisfactorily, such pay as he would have drawn had he not been on probation and would also be eligible for arrears of pay and allowances due to him.

(c) An employee whose probationary period is extended on account of unsatisfactory performance shall be allowed to draw second increment only with effect from the date of satisfactory completion of the probationary period and he shall not be eligible to any arrears of pay and allowances.

(d) The orders regarding extension of probationary period issued in individual cases should specifically indicate, the reasons for such extensions.

SECTION III—TERMINATION OF SERVICE

16. *Termination of Service by the Corporation.*—(1) The Corporation may at any time and without assigning any reason discharge an employee from the service of the Corporation during his probation period on his first appointment by giving notice in writing in that behalf for a period not less than,—

(a) Seven days during the first month, and

(b) One month during the rest of the probation period, or by making payment of seven days or one months pay, as the case may be in lieu thereof.

(2) The Corporation may at any time terminate the services of any temporary employee after giving one months' notice in writing or one months' pay in lieu thereof.

(3) The Corporation may at any time terminate the services of any permanent employee after giving three months' notice in writing or three months' pay in lieu thereof.

(4) Power to discharge employees on probation or terminate the services of the employees under sub-regulations (1), (2) and (3) shall be exercised by the respective appointing authorities.

(5) Nothing contained in this regulation shall affect the right of the Corporation (a) to retire, remove or dismiss an employee without giving notice or pay in lieu thereof in accordance with the provisions of Chapter VI and (b) to terminate the services of an employee without notice or pay in lieu thereof on his being certified by the Civil Surgeon to be permanently incapacitated for further continuous service in the Corporation.

(6) Every temporary or permanent employee on termination of his services by the Corporation shall be entitled to receive pay and allowances for the unavailed earned leave at his credit on the date of termination subject to

the maximum limit of the earned leave normally allowed to be accumulated at his credit.

17. *Notice of termination of service by an employee.*—(1) No employee of the Corporation shall leave or discontinue his service in the Corporation by tendering resignation or otherwise without giving prior notice in writing to the Managing Director of his intention to leave or discontinue the service. The period of such notice shall not be less than the notice period prescribed for the corporation under regulation 16 for probationers, temporary and permanent employees.

(2) If an employee leaves or discontinues service in the Corporation in contravention of the provision of sub-regulation (1), the employee shall be liable to pay as compensation to the Corporation as a sum equal to his pay for the period of notice applicable to and required of him. Provided that the Board, in case of class I and II Officers or the Managing Director in case of Class III and IV employees, at its/his discretion waive either wholly or in part the payment of such compensation by the employee.

Explanation.—The expression "Month" used in this section shall be reckoned according to the English calendar and shall commence from the day following that on which notice is given by the employee or the Corporation as the case may be.

Explanation II.—Notice given by an employee under sub-regulation (1) shall be deemed to be proper only, if he remains on duty during the period of the notice and an employee shall not be entitled to set off any leave earned and not availed of by him against the period of such notice.

Explanation III.—If an employee to whom notice is given by the Corporation in pursuance of the provisions of this Section absents from duty without permission or sanction of leave during the period of notice, he shall not be entitled to receive any pay or allowance during the period of absence and shall be further liable to such penalties as the Managing Director may deem fit to impose.

SECTION IV—SUPERANNUATION, EXTENSION OF SERVICE AND INVALIDATION

18. *Retirement and Extension.*—(1) Every employee except a Class IV employee shall retire on attaining the age of fifty eight years, and

(2) Every Class IV employee shall retire on attaining the age of sixty years :

Provided, that the Board of Directors in case of Class I and Class II Officers and Managing Director in case of Class III and IV employees may extend, by order in writing, the period of service of any employee beyond the age of superannuation as prescribed above for any period not exceeding one year at a time and two years in the aggregate :

Provided, further that nothing in these regulations shall be deemed to affect the powers of the Corporation to extend the period of service of an employee beyond the period of extensions already granted or to employ on

contract any person above the age of 58 years in exceptional cases if the interests of the Corporation so require.

19. Every employee who has retired from the service of the Corporation shall be entitled to receive salary for the unavailed earned leave at his credit on the date of his retirement subject to the maximum limit of the earned leave normally allowed to be accumulated at his credit.

20. *Invalidation.*—Notwithstanding anything contained in regulation 18, an employee shall, on invalidation by the Civil Surgeon cease to be in service on account of complete and permanent incapacitation determined in accordance with the relevant rules of the Government of Maharashtra in force from time to time.

21. *Voluntary Retirement.*—Notwithstanding anything contained in these regulations an employee may, with prior approval of the appointing authority, retire voluntarily after the completion of minimum service of 20 years with the Corporation. The relevant rules, regulations and orders of the Government of Maharashtra shall be applicable to such retired employees in respect of payment of retirement benefits to him as available in the Corporation.

CHAPTER III

PAY, ALLOWANCES AND OTHER BENEFITS.

SECTION I—PAY.

22. *Power to Revise.*—The power to revise the scales of pay of posts in the Corporation shall vest in the Board of Directors and shall be subject to prior approval of the Government of Maharashtra :

Provided, that pay of employee on deputation shall be regulated in accordance with the rules, for the time being in force, of the concerned State or Central Government :

Provided further that deputation allowance given to an employee shall not exceed the limits prescribed by the concerned State or Central Government in this behalf.

23. *Pay of Corporation Employees on Deputation.*—The scales of pay and pay of the employees sent deputation to Central or State Government, or any institution shall be determined in accordance with the terms and conditions of the deputation as prescribed by the Corporation from time to time.

Note.—(i) No employee shall be permitted to go on deputation during the period of probation and till he completes service with the Corporation for a period not less than five years.

(ii) Notwithstanding anything contained in the terms and conditions prescribed for sending employees on deputation an employee on deputation

may be recalled by the Corporation any time after giving one month's notice in this behalf to the concerned State or Central Government, or Institution.

24. *Pay.*—(1) *Fixation of initial pay.*—The initial pay in a scale of pay of an employee, whether on first appointment or on promotion or on reversion or otherwise, shall be fixed in accordance with the relevant rules and regulations, for time being in force, of the Government of Maharashtra for fixation of initial pay of a State Government employee :

Provided, that in the interests of the Corporation and in deserving cases the appointing authority may, at its discretion, fix initial pay higher than what would have been admissible as per the rules and regulations in this behalf.

(2) *Reduction of pay as a measure of penalty.*—(a) If an employee is reduced to a lower stage in his time scale the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, the period of reduction shall operate to postpone further increments, and if so, to what extent.

(b) If an employee is reduced as a measure of penalty to a lower service, grade or post, or to a lower time scale, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective ; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and if so, to what extent.

(3) *When an order withholding increment or reduction is set aside or modified.*—Where an order of penalty of withholding increment of a employee on his reduction to a lower service, grade or post, or to a lower time scale or to a lower stage in a time scale is set aside or modified by a competent authority on appeal or review, the pay of such employee shall, notwithstanding anything contained in these regulations be regulated in the following manner :—

(a) if the said order is set aside, he shall be given for the period for which such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn ;

(b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation.—If the pay drawn by a employee in respect of any period prior to the issue of the orders of the competent authority under this regulation is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.

25. *Increments.*—(1) The increments in a time scale of pay of a post to which a person is appointed shall ordinarily be drawn as a matter of course, unless it is withheld or stopped as a penalty under the relevant

regulations of these Regulations. In ordering the withholding of increments, the withholding authority shall state :—

(i) the period for which it is withheld.

(ii) whether the postponement shall have the effect of postponing future increments and

(iii) whether the period for which the increment has been withheld will be exclusive of any interval spent on leave before the period is completed.

(2) All increments shall fall due on the 1st day of the month in which it accrues.

(3) (i) Where an efficiency bar is prescribed in a time scale, the increments next above the bar shall not be allowed to an employee without the specific sanction of the authority empowered to withhold increment under sub-regulation (1) above or the relevant disciplinary regulations of these regulations or any other authority who is authorised in this behalf by general or special order of the competent authority.

(ii) On being permitted to cross the efficiency bar previously enforced against an employee such employee who comes on the time scale at such stage as the authority competent to declare the bar removed, may fix for him. The pay to be allowed in such cases shall not exceed the rate of pay that would have been admissible had he not been held up at the efficiency bar.

(4) The period spent on all leave except extra ordinary leave without pay (and allowances) shall be counted for the purpose of counting one year to fix the actual date of fall of increment and the increment shall be admissible from the 1st of the month in which it falls.

(5) The appointing authority may grant premature increments to any employee as additional or advance increments provided that, such increments would be given only in special cases in recognition of outstanding ability or performance of an employee or on the basis of any other criteria fixed by the Board of Directors from time to time for the same :

Provided further that, such increments shall not affect the interse seniority of other employees of the Corporation in the grade :

Provided further that, such premature additional or advance increments shall be granted subject to following conditions :—

(i) Not more than 2 advance/additional increments may be granted at a time.

(ii) The advance/additional increments may not be granted more than once in 5 years to the same person.

(iii) The number of persons belonging to any cadre to be granted advanced/additional increment in any one year should not exceed 5% of the strength of the cadre on which they are borne.

(iv) The number of persons belonging to any cadre to be granted 2 advance/additional increments in any one year, should not exceed 2% of the strength of the cadre on which they are borne.

26. *Special Pay.*—The grant of special pay to an employees shall require the sanction of the Board.

27. *Personal Pay.*—An appointing authority shall be competent and grant personal pay in the circumstances referred to in Regulation 4(r) Provided that grant of personal pay to the holder of a post for personal consideration shall be subject to prior sanction of the Board.

SECTION II—ALLOWANCES AND OTHER BENEFITS.

28. *Allowances.*—Unless otherwise provided or stipulated in the terms and conditions of employment, every employees shall be entitled, *inter alia*, to dearness allowance, house rent allowance, compensatory local allowance, etc., at such rates and under such general rules and regulations as are applicable from time to time to the employees of the Government of Maharashtra in the corresponding grades :

Provided that grant of any allowance (other than dearness, house rent and compensatory local allowance, where these are in accordance with the rates prescribed for State Government employees) shall be subject to specific sanction of the Board and further approval of the State Government.

29. *Travelling Allowance and Daily Allowance on Tour of Transfer.*—(1) Save as otherwise provided in these regulations, every employee shall in respect of travelling allowance and daily allowance on tour or transfer be governed by the general rules and regulations, in this behalf applicable from time to time to the employees of the Government of Maharashtra in the corresponding grades subject to framing of separate rules and regulations by the Corporation and their approval by the State Government.

(2) The employees of the Corporation shall be entitled to transfer allowance and daily allowance at the rates as may be made applicable from time to time with prior approval of the State Government.

(3) No travelling allowance shall be admissible for joining on first appointment in the Corporation.

30. *Additional Pay/Special Pay.*—(1) Additional pay/Special pay shall be admissible to an employee of the Corporation for holding temporarily the charge of another post, (a) either in the same grade or (b) of a higher grade, in addition to his own duties, in accordance with the Government Rules in this respect.

(2) If an employee is temporarily promoted to officiate in a higher post, and also holds the charge of his own substantive (Lower) post, concurrently, he shall be entitled to such pay and allowances as he would have drawn had he been promoted to the higher post in normal course.

(3) Additional pay/Special pay shall not be granted except without prior approval of the Managing Director in case of Class I and II officer and Secretary in case of Class III and IV employees.

31. *Overtime Allowance.*—Notwithstanding the fact that the whole time of an employee is at the disposal of the Corporation, the Corporation may grant overtime allowance not counting as pay for any purpose to an employee in Class III and IV who is required to work on Sundays and holidays or to put in extra hours on week days in connection with the Corporation's work subject to such terms, conditions and rates as may be prescribed by the Corporation for such overtime allowance from time to time :

Provided that no overtime allowance shall be payable for the work done during overtime which has not been specifically approved by the Managing Director or any other officer duly authorised by the Managing Director in this behalf.

32. *Leave Travel Allowance.*—Leave travel allowance may be paid to every employee of the Corporation, except the employees on deputation in accordance with the orders of the Board of Directors, in this behalf from time to time :

Provided that Leave Travel Allowance will be admissible to the employees on deputation as per terms and conditions of their deputation.

33. *Surrender of Leave and Leave Encashment.*—Every employee of the Corporation, except employees on deputation, shall be permitted to surrender leave and encash it in accordance with the orders passed by the Board in this behalf from time to time :

Provided that surrender of leave and leave encashment will be admissible to their employees on deputation as per terms and conditions of their deputation.

Explanation.—Leave travel allowance, surrender of leave and leave encashment shall be sanctioned by the authority who is competent to sanction leave as provided in Regulation 37.

34. *Reimbursement of Medical Expenses.*—An employee may be reimbursed the expenses on medical treatment of himself or his family at such rates and in such manner as the Board of Directors may determine from time to time.

CHAPTER IV

LEAVE, HOLIDAYS AND JOINING TIME

SECTION I—LEAVE.

35. *Casual Leave.*—(1) Total casual leave admissible to an employee of the Corporation on full pay during a calendar year shall be twelve days or as admissible to Government employees from time to time :

Provided that on first appointment in the Corporation, the casual leave shall be admissible to an employee at the rate of one day for each completed month till he completes the service of one year in the Corporation.

(2) Not more than seven days casual leave including holidays interposed prefixed or suffixed can be availed at a time which may be extended upto ten days in exceptional circumstances.

(3) Casual leave shall not be combined with any other leave.

(4) If the absence of an employee is extended beyond the limits laid down in this Regulation or any other condition laid down in this Regulation is not fulfilled, the employee may be treated as on, one or more types of regular leave due and admissible in this behalf for the entire period of his absence.

(5) The casual leave in balance, if any, at the credit of an employee shall lapse on every 31st December.

(6) Ordinarily, casual leave can be availed by an employee only after giving application and getting prior permission in writing from the authority competent to sanction casual leave. The Managing Director may from time to time prescribe the procedure for applying for and granting of casual leave and also specify the authorities competent to grant casual leave to various classes of employees.

36. *Kinds of Regular Leave.*—Subject to the provisions of these Regulations the following kinds of regular leave may be granted to an employee,—

(a) Earned Leave.

(b) Half Pay leave.

(c) Commuted (sick) leave.

(d) Maternity leave.

(e) Extra ordinary leave without pay.

(f) Other kinds of leave admissible to State Government employees.

37. *Authority competent to grant regular leave.*—The power to grant regular leave shall vest in the Managing Director :

Provided that the Managing Director may from time to time delegate the power to grant regular leave to employees including those on deputation.

38. *Power to refuse leave or recall an employee on leave.*—Leave including Casual Leave cannot be claimed as of right. When the exigencies of services so require discretion to refuse or revoke leave of any description is reserved with the authority empowered to grant it. An employee already on leave (except leave on medical grounds) may be recalled by that authority when it is considered necessary in the interests of the Corporation :

Provided that, an employee so recalled from leave will be allowed on application, to avail the unexpired portion of leave.

39. *Return from leave.*—Unless he is permitted to do so by the authority which granted his leave, an employee on leave may not return to duty before the expiry of the period of leave granted to him.

40. *Obligation to furnish leave address.*—An employee shall, before proceeding on leave, inform the competent authority or mention in his leave application, his full postal address while on leave and shall keep the said authority informed of any change in the address provisionally furnished.

41. *Station to which an employee should report on duty.*—An employee on leave shall, unless instructed to the contrary, return for duty to the place at which he was last stationed.

42. *Medical certificate of illness, etc.*—(1) Commuted leave shall be granted on medical grounds only on production of medical certificate about illness from a registered medical practitioner.

(2) Maternity leave shall be granted only on production of medical certificate from registered medical practitioner.

(3) If any other kind of leave is applied for on medical grounds for more than seven days, such leave application shall be supported by a medical certificate from a registered medical practitioner.

(4) The authority competent to grant leave may direct an employee, who applies for or actually avails any kind of leave on medical grounds, to produce a medical certificate about his illness from or send him for medical examination to a Civil Surgeon or any other Government Medical Authority, if deemed necessary to do so :

Provided that the expense, if any incurred by an employee for medical examination at the instance of the Corporation shall be reimbursable to such employee by the Corporation on production of money receipt for the same, if his illness is certified to be true.

43. *Medical certificate of fitness.*—(1) A medical certificate of fitness should ordinarily be produced by an employee before his return to duty from leave, if such leave is availed on medical grounds and on the basis of a medical certificate of illness.

(2) The authority competent to grant leave may require an employee, who has availed leave for reasons for ill-health to produce a medical certificate of fitness before he is allowed to resume duty even though such leave was not actually granted on a medical certificate.

(3) If the authority competent to grant leave is not satisfied with the medical certificate of fitness produced by an employee as per sub-regulations (1) or (2), he may direct such employee to produce medical certificate of fitness from a Civil Surgeon or any other Government Medical Authority and in that case the expenses, if any, incurred, by such employee for medical examination shall be reimbursable to him on production of money receipt, if he is certified to be medically fit to resume duty.

44. *Leave not admissible to an employee under suspension.*—Leave may not be granted to an employee under suspension or against whom proceedings are pending under Chapter VI of these regulations.

45. *Application for regular leave.*—(1) Application for regular leave shall ordinarily be submitted at least fifteen days before the date of proposed commencement of leave.

(2) Nature of leave required alongwith details of prefixing or suffixing holidays, if any, shall be specifically mentioned in the application.

(3) Applications which do not satisfy the requirements of these regulations may be refused forthwith.

46. *Remaining absent or availing leave without application and/or sanction.*—No employee shall remain absent or avail any kind of leave without submitting application for leave as provided for in these Regulations and without getting his leave sanctioned from the authority competent to grant such leave.

47. *Entitlement to leave, leave salary, etc.*—Save as otherwise provided in these Regulations, every employee of the Corporation shall, in respect of any kind of leave mentioned in Regulation 36 and regulation of pay during leave, etc. be governed by the rules and regulations as may be applicable from time to time to an employee of the State Government of the Corresponding category.

48. *Extension of leave.*—(1) An employee who desires to extend his leave shall apply in writing stating reasons for such extension of leave well in advance before the expiry of his leave.

(2) Extension of leave may be granted by the authority competent to grant leave subject to fulfilment of requirements under these Regulations and after taking into consideration the exigencies of work and reasons for such extension.

49. *Contravention of leave Regulations.*—Any employee, who remains absent or avails any kind of leave in contravention of these Regulations shall be liable to disciplinary action as provided in Chapter VI of these Regulations.

50. *Leave in the case of Employees on Deputation.*—Employees on deputation from State or Central Government or any Institutional shall continue to be entitled to leave, under the rules to which they would be normally subject to in their parent department. An employee of the Corporation on deputation to State or Central Government, or an Institution shall be governed by these Regulations regarding leave.

SECTION II—HOLIDAYS

51. *Holidays.*—(1) Holidays which are admissible from time to time to State Government employees as Public Holidays shall be admissible to the employees of the Corporation with suitable alterations as deemed fit by the Managing Director.

(2) Employees of the Corporation may avail the holidays, subject to the declaration of such holidays by the Managing Director by a written order.

(3) Holidays can be prefixed or suffixed or both to any kind of regular leave.

52. *Optional/Local Holidays.*—(1) Optional/Local holidays which are admissible and the manner in which they are admissible to State Government employees shall be admissible in the same manner to the employees of the Corporation.

(2) Employees to whom optional/local holidays are admissible as provided in sub-regulations (1) may avail such optional/local holidays subject to the declaration of such optional holidays by the Managing Director by a written order.

(3) Optional/local holidays can be prefixed or suffixed or both to any kind of regular leave.

53. *Weekly holidays.*—One holiday on any day in a week as specified by an order of the Managing Director or any other officer so authorised by the Managing Director, shall be allowed as 'Weekly holiday' to every employee of the Corporation.

54. *Compensatory holidays.*—(1) An employee in Class III and IV who has been directed to attend to duty on his weekly holiday and/or any other holiday by his immediate superior authority shall be, allowed compensatory holiday equal in number to number of weekly holidays and/or holidays so lost, subject to such conditions as may be prescribed by the Corporation from time to time.

(2) Compensatory holidays should not be accumulated for more than three days.

(3) Compensatory holidays shall be allowed at the discretion of immediate superior authority keeping in view the exigencies of situation as well as convenience of the employees concerned.

(4) Compensatory holiday should be granted as soon as possible but within seven days from the date of weekly holiday and/or holidays for which such compensatory holiday is to be granted.

(5) Compensatory holiday can be prefixed or suffixed or both to regular leave and/or holidays.

SECTION III—JOINING TIME

55. *Joining Time and Pay Admissible.*—An employee on transfer from one station to another shall be entitled to such joining time and such pay during the period of joining time as a State Government employee on transfer likewise will be entitled to under the relevant provisions prescribed by Government.

CHAPTER V

RECORD OF SERVICE, SENIORITY, PROMOTION AND TRANSFER.

56. *Record of Service.*—(1) A record of service shall be maintained in respect of each employee in such form as may be prescribed from time to time by the Managing Director.

(2) The service records in respect of Class I and II officers shall be maintained and signed by the Secretary and in respect of Class III and IV employees by the Personnel Officer :

Provided that the Managing Director may from time to time, fix any other authority for maintenance of records of the employees.

57. *Seniority.*—(1) Every employee of the Corporation, permanent or temporary on his recruitment shall rank for seniority.

(2) Save as otherwise provided, seniority of an employee shall be fixed according to his date of appointment in the particular post.

(3) In case the employees belonging to two or more different posts in the same scale of pay are eligible for promotion in one or more different higher posts in the same scale of pay, a joint seniority list of the employees belonging to the different posts in accordance with their dates of appointments, shall be prepared and such joint seniority list may be taken into consideration for fixing seniority for the purpose of promotion to the higher post or posts, subject to other provisions regarding seniority and promotion mentioned in these Regulations.

(4) The Managing Director may prescribe any other criteria for the purpose of fixing seniority, if found necessary subject to the approval of the Board.

58. *Promotion.*—(1) The Corporation reserves the right to fill in the posts in the Corporation either by promotions or by recruitment or both either wholly or in part in terms of number of posts available for filling in as per directions given from time to time by the Board of Directors.

(2) Promotions shall be generally governed by the principle of "Seniority-cum-Merit" and no employee shall claim promotion only on the basis of seniority.

(3) Sets of criteria may be fixed by the Managing Director for determining merit for promotion to different posts in accordance with general directions of the Board of Directors in this behalf.

(4) The authorities, which are competent to make appointments to different posts under these Regulations shall be competent to appoint employees, on promotion, to the posts for which they are competent to make appointments otherwise.

(5) The promotions to the employees belonging to S.C., S.T., D.T./N.T., O.B.C. etc. shall be considered as per the relevant rules, regulations, and

orders of Government of Maharashtra, applicable from time to time to State Government employees belonging to the castes and tribes, etc. as mentioned above, subject to the fulfilment of other conditions for promotion by such employees.

59. *Reversion.*—Except in the circumstances mentioned in Regulation 75, no employees shall be reverted to a lower post or grade or scale of pay or lower stage in a time scale unless the procedure prescribed in these Regulations for imposing major penalties is followed and completed.

60. *Transfer.*—An employee of the Corporation may be transferred at any time from one place to another in any part of Maharashtra State and also from one section or department to another at the discretion of the Managing Director or such other officer as may be empowered by the Managing Director in this behalf. Normally no transfer allowance or T.A. claims should be allowed to an employee if he is transferred at his own request. However, the Managing Director may allow transfer allowance or T.A. claims to the employees transferred at their own request, if deemed necessary.

CHAPTER VI

CONDUCT, DISCIPLINE AND APPEALS

SECTION I—CONDUCT AND DISCIPLINE

61. *Scope of an Employee's Service.*—Unless in any case it is otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Corporation and he shall be bound to serve the Corporation in its business in such capacity and at such place as may be directed by the Corporation from time to time.

62. *Liability to abide by the Regulations and Orders.*—Every employee shall conform to and abide by these Regulations and shall observe, comply with and obey all orders and directions which may from time to time be given to him by any person or persons under whose jurisdiction, superintendence or control he may be placed.

63. *Employee to promote the Corporation's interests.*—Every employee shall serve the Corporation honestly and faithfully and use his utmost endeavours to promote the interests of the Corporation and shall show courtesy and attention in all transaction and intercourse to every person with whom he may come into contact in his capacity as an employee of the Corporation.

64. *Prohibition against participation in Politics and standing for elections.*—No employee shall take an active part in politics or in any political demonstrations or stand for election as a member for a Municipal Council, Zilla Parishad or any other local authority, or any legislative body.

65. *Contribution of Press.*—No employee shall contribute to press without prior sanction of the Managing Director or make public, publish or

disclose any document, paper or information which may come into his possession in his official capacity.

66. *Employees not to seek outside Employment.*—No employee shall accept, solicit or seek any outside employment or office, whether stipendiary or honorary without prior sanction of the Managing Director.

67. *Part time work for outside bodies.*—No employee shall undertake part time work for a private or public body or private person, or accept fee therefor without the sanction of the Managing Director who may grant sanction only in exceptional cases when he is satisfied that the work can be undertaken without detriment to his official duties and responsibilities. The Managing Director may, in cases in which he thinks fit to grant such sanction, stipulate that any fees received by the employees for undertaking the work shall be paid, in whole or in part, to the Corporation.

68. *Employees not to be absent from duty without permission or be late in attendance.*—(1) An employee shall not absent himself from his duties or from the station of his posting without having first obtained permission from the person under whose jurisdiction, superintendence or control he may be placed nor shall he absent himself in case of sickness or accident without submitting within three days of such absence a proper medical certificate :

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

(2) An employee who absents himself from duty without leave or overstays his leave except under circumstances beyond his control, for which he must tender a satisfactory explanation, shall not be entitled to draw pay and allowances during such absence or overstay. Such unauthorised absence may be treated as a misconduct and the employee shall be further liable to such penalties for misconduct as the disciplinary authority may deem fit.

(3) The services of an employee who absents himself from duty without leave or overstays his leave for more than fifteen days except under circumstances beyond his control and without written intimation to that effect to the Managing Director and fails to resume duty without any reasonable cause communicated in writing even after being given notice by the Corporation, shall be liable to be terminated for deserting the services with the Corporation :

Provided that before the services of an employee is terminated on the ground of desertion, he shall be given a notice, by the Managing Director to resume his duty within a reasonable period of time and if he fails to resume his duty after expiry of the period of the first notice, he shall be given a second notice requiring him to join duty by a specified date :

Provided further that (a) an order of termination of services of a Class I or Class II Officer on the ground of desertion of service shall not be issued except with the prior approval of the Board of Directors and (b) even if such, employee (including officers in Class I and II) joins duty on receipt of the

first or second notice as stated above, he shall not absolve himself of the liability for penalty as mentioned in sub-regulation (2).

(4) The period of such absence or overstayal may, if not followed by termination of services as per sub-regulation (3) or removal or dismissal as per these Regulations, be treated as period spent on such type of regular leave as the appointing authority may determine.

(5) An employee, who is habitually late in attendance shall be liable to such penalty as the Managing Director may deem fit to impose in the prescribed manner.

69. *Acceptance of Gifts.*—(1) Save as otherwise provided in these Regulations an employee shall not, except with the previous sanction of the Managing Director, accept, directly or indirectly on his behalf or on behalf of any person or permit any member of his family so to accept any gift, gratuity or reward or any offer of a gift, gratuity or reward from a person not a member of his family.

(2) Subject to any general or special orders of Managing Director, any employee may accept present of fruits or flowers or articles of trifle value but all employees shall use their best endeavours to discourage the tender of such gifts.

(3) Any employee may accept or permit any member of his family to accept a gift from a personal friend provided he is not in a position to confer any benefit upon the donor in the discharge of his official duties and has no reason to suppose that the gift is offered with any ulterior motive.

(4) If an employee cannot without giving undue influence refuse a gift of substantial value he may accept it but shall report the fact of acceptance to Managing Director and thereafter act as he may direct.

70. *Private trading or business or speculation in Stocks, Shares etc.*—No employee shall engage in any commercial business or permit either on his own account or as agent for others nor act as an agent for an Insurance Company, nor shall he be connected with formation of or management of a joint stock company or firm, not speculate in stocks, shares, securities or commodities of any description. Provided, that nothing in this Regulation shall prohibit an employee from making a bonafide investment of his own funds in such manner as he may consider necessary.

71. *Restrictions on Borrowings and Investments.*—(v) An employee shall not borrow money from or any way place himself under a pecuniary obligation to a broker or any other employee of the Corporation (Subordinate to him) or any firm or person having dealings with the Corporation.

(2) No employee shall make or permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

72. *Employees in debt.*—(1) When an employee of the Corporation is adjudged or declared an insolvent or when a moiety of the salary of such employee is being constantly attached or has been continuously under attachment for more than two years or is attached for a sum which in ordinary circumstances, having regard to his personal resources and unavoidable current expenses, cannot be repaid within a period of two years, he shall be liable to dismissable.

(2) In such cases involving Class I and II Officers of the Corporation the Managing Director shall report the matter to the Board and take action as directed by the Board.

73. *Employees arrested for debt or on criminal charge or otherwise.*—(1) An employee shall be deemed to have been placed under suspension by an order of appointing authority.—

(a) With effect from the date of his detention if he is detained in police or judicial custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) With effect from the date of his conviction, if in the event of a conviction for an offence, is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired, consequent to such conviction.

Explanation.—The period of forty-eight hours referred to in clause (b) of this Sub-Regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(1A) The employee suspended under Regulation (1) above shall be allowed the payments admissible to an employee under suspension under these Regulations until the termination of proceedings against him.

(2) Adjustment of pay and allowances of such employees under suspension shall be made according to the circumstances of the case and in the light of the decision as to whether his absence is to be counted as period on duty or leave:

Provided that full pay and allowances may be given only in the event of the employee being acquitted of all blame and treated as on duty for the period of his absence less the period spent by him in actual detention.

(3) An employee who is committed to prison for debt or is convicted of any offence involving moral turpitude shall be liable to summary dismissal without any departmental enquiry.

(4) The Corporation may initiate departmental disciplinary proceeding against such employee who is under suspension as mentioned in sub-regulation (1) for the same or similar or ancillary charges during the period of his trial in the court of law by extending his suspension, if necessary, provided such charges are in connection with or related to the affairs of the Corporation.

Explanation.—In this regulation the expression “termination of proceedings” shall mean the decision of the lowest court which first finally disposes of the case. Committal or conviction shall mean committal or conviction by the lowest court or any of the appellate courts and it shall be open to the Corporation to dismiss an employee who is committed to prison or who is convicted of a criminal charges as from the date of the order of the court that convicts him.

(5) Where a conviction of an employee is set aside by a higher court and the employee is set aside by a higher court and the employee is acquitted honourably, he may be reinstated in service. Provided that the appointing authority may in his discretion proceed departmentally against such an employee and impose any penalty in accordance with these Regulations.

74. *Acts of misconduct.*—I. Without prejudice to the general meaning of the term “misconduct”, it shall be deemed to mean and include the following:—

- (1) Misappropriation, fraud or dishonesty in connection with the Corporation's business or property; or the property of the depositors of goods in its warehouses;
- (2) Theft of property inside the warehouse/office premises/any place of work; belonging to any employee, Corporation or any depositor of the Corporation, etc.;
- (3) Taking or giving bribes or any illegal gratification whatsoever;
- (4) Drunkenness, fighting, riotous or disorderly or indecent or indecorous behaviour within or outside the premises of any establishment of the Corporation;
- (5) Causing wilful damage to work in process or to any other property of the Corporation;
- (6) Threatening or intimidating or using any form of violence against any employee within or without any establishment of the Corporation; or against any outside person within any establishment of the Corporation.
- (7) Gambling within the premises of any establishment of the Corporation;
- (8) Associating with or participating in the activities of any organisation declared illegal by the Central or State Government;
- (9) Unauthorised use of gate passes, permits, token or matal tickets etc.;
- (10) Disclosing to any unauthorised person any information in regard to the processes of any establishment of the Corporation which may come into the possession of the employee in the course of his work, or remove from the premises of the establishment/centre without permission any document or any property of the Corporation or its depositors unauthorisedly;
- (11) Publishing or causing to be published any article or other matter relating to any process of work of the Corporation, or the stock position, or the financial position of the Corporation, or its dealings without prior permission of the Managing Director;

(12) Wilful insubordination or disobedience, whether alone or in combination with another or others, of any lawful and reasonable order of a superior;

(13) Indiscipline or breach or flouting of any instructions or orders issued by the Corporation, from time to time regarding working, conduct etc.

(14) Instigation and/or abetment or attempt of any of the acts of misconduct;

(15) Failure to observe any safety rules as notified from time to time and to use safety equipment when necessary;

(16) Striking work either singly or with others in contravention of these Regulations or any statute, law, rule or enactment from time to time and for the time being in force, or where there is no such statute, law, rule or enactment, striking work either singly or with others without giving 14 days' previous notice; or inciting any employee within the precincts of a warehouse or office premises or any place of work to strike work;

(17) Collection or canvassing for collection of any moneys within any establishment of the Corporation for purposes not sanctioned by the Managing Director;

(18) Canvassing for union membership or collection of union dues within the premises of establishment except in accordance with any law or with the permission of the Managing Director;

(19) Holding meeting within the premises of the establishment without the previous sanction of the Managing Director;

(20) Malingering or slowing down of work;

(21) Insolvency;

(22) Writing of anonymous letter criticising his superiors or the Corporation;

(23) Habitual or gross negligence, in the performance of duties;

(24) Habitual late attendance and habitual absence without leave or without sufficient causes;

(25) Absence without leave or without sufficient cause from appointed work;

(26) Leaving work spot without permission;

(27) Loitering or being on the premises of any establishment of the Corporation after authorised hours of work without permission;

(28) Carrying on any private business without the previous permission of the Managing Director;

(29) Giving false information regarding his name, surname, age, father's name, qualifications or previous service at the time of employment;

(30) Distribution or exhibition of any news papers, hand bills, pamphlets or posters within the Warehouse/Office premises/any place of work without previous sanction of the Managing Director;

(31) Refusal to work on another job or post;

(32) Smoking and spitting within the establishment in places where it is prohibited ;

(33) Refusal to accept a charge-sheet or a written warning or any order/letter issued by the superior or competent authority ;

(34) Abusing any employee by his caste, creed or religion or using abusive, obscene language against any employee.

(35) Breach of any provision/provisions of these Regulations.

II. The list of acts of misconduct given in sub-regulation (I) is not comprehensive but illustrative. Any other misconduct or misbehaviour or act of indiscipline not mentioned in sub-regulation (I) shall also be deemed to mean an act of misconduct for the purpose of this Regulation.

SECTION II

IMPOSITION OF PENALTIES AND DISCIPLINARY AUTHORITY

75. *Penalties.*—(1) Without prejudice to the provisions of other Regulations an employee who is found guilty of breach of any of these Regulations, or of breach of discipline or of committing any act or acts of misconduct mentioned in Regulation 74 or any other acts of misconduct or misbehaviour or negligence or inefficiency or indolence in the performances of his duties or of knowingly doing any thing detrimental to the interests or prestige of the Corporation or in conflict with any of its instructions or who is convicted of criminal offence or for any other good and sufficient reason, shall be liable to imposition of one or more of the following penalties, namely :—

(a) *Minor Penalties.*—

(i) Censure.

(ii) Fine.

(iii) Withholding of his promotion.

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

(v) Withholding of increments of pay including stoppage of increment at an Efficiency Bar, if any for the period upto three years without cumulative effect.

(b) *Major Penalties.*—

(vi) Withholding of increments of pay for the period exceeding three years without cumulative effect or with cumulative effect for any period.

(vii) Reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not, the employee will earn increments of 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 his pay.

(viii) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of an employee to

the time scale of pay, grade, post or service from which he was, reduced, with or without further directions regarding conditions of restoration to the time scale of pay, grade, post or service from which the employee was reduced and his seniority and pay on such restoration to that time scale of pay, grade post or service.

(ix) Compulsory retirement.

(x) Removal from service, which shall not be a disqualification for future employment in the Corporation.

(xi) Dismissal from service which shall ordinarily be a disqualification for future employment in the Corporation.

Explanation.—The following shall not amount to a penalty within the meaning of this Regulation :—

(a) Withholding of increment of an employee for failure to pass a departmental examination in accordance with the rules or orders governing recruitment or promotion to the post or the terms of his appointment ;

(b) Stoppage of increment of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar ;

(c) Non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible, on administrative grounds unconnected with his conduct ;

(d) Reversion of employee officiating in a higher service, grade or post to a lower service grade or post on the grounds that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct ;

(e) Reversion of an employee appointed on probation to any another service, grade or post to his permanent or substantive service, grade or post during or at the end of period of probation in accordance with the terms of his appointment or the rules and orders governing such probation ;

(f) Replacement of the service of any employee at the disposal of the Government or Institution which had lent his services to the Corporation ;

(g) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement ;

(h) Termination of the services of an employee :—

(i) In accordance with the provisions of regulation 16 or 17, or

(ii) Is employed under an agreement, in accordance with the terms of such agreement or

(iii) Of an employee appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation.

(2) Where a penalty mentioned in item (vii) or (viii) in Sub-Regulation (1) is imposed on any employee, the authority imposing the penalty shall expressly state in the order imposing the penalty that the period for which

the reduction is to be effective will be exclusive of any interval spent on leave before the period is completed.

76. *Disciplinary Authority.*—The power to impose penalties shall be exercised by the disciplinary authority as specified below :—

(a) In case of Class I and Class II Officers the power to impose any minor penalty shall be exercised by the Chairman provided that the Managing Director shall have the power to impose the penalty of "censure" on any Class I and Class II Officer of the Corporations. Provided further that the Executive Committee may at its discretion, authorise, the Chairman to impose any major penalty on any Class I or Class II Officer of the Corporation.

(b) In case of Class III and IV employees, the power to impose all major penalties shall be exercised by respective appointing and/or disciplinary authorities. The Managing Director shall be appointing and/or disciplinary authority for all Class III employees of the Corporation except employees in the grade of Junior Clerks or equivalent grades and the Secretary shall be the appointing and/or disciplinary authority for all Class III employees in the grade of Junior Clerks or equivalent grade as well as all Class IV employees. Provided that in respect of godown labourers employed by the Corporation departmentally at any place of work, the Managing Director may designate any other officer of the Corporation as appointing and/or disciplinary authority.

(c) The power to impose minor penalties on Class III and Class IV employees may be delegated by the Managing Director from time to time to other officers and employees of the Corporation, including those on deputation with the Corporation.

Explanation.—The next higher disciplinary authority shall be competent to exercise the powers to impose penalties exercisable by any lower disciplinary authority specified above.

SECTION III—SUSPENSION

77. *Power to suspend.*—Without prejudice to these Regulations, an employee may be placed under suspension by the concerned disciplinary authority competent to impose major penalties provided that in the case of Class I and II Officer the Managing Director may exercise the power to suspend but he shall immediately afterwards report all the facts of the case known to him to the Chairman and to the Board/Executive Committee at its first meeting after issue of the order of suspension for consideration and approval.

78. *When an Employee may be Suspended.*—(1) Suspension should be ordered only when the circumstances are found to justify it and the description should be exercised with care. The general principle would be that ordinarily suspension should not be ordered unless the allegation made against an employee are of a serious nature and on the basis of evidence available

there is a *prima facie* case for his compulsory retirement, removal or dismissal or there is reason to believe that his continuance in active service is likely to cause embarrassment or to hamper the investigation of the case or prejudice investigation, trial or any enquiry or to subvert discipline or to cause public scandal or any other reason deemed fit by the concerned disciplinary authority competent to impose major penalty.

(2) An employee may be suspended as soon as allegations are made even before investigation or during investigation or preliminary enquiry or at any time before, during or after the departmental enquiry.

(3) In the cases other than those mentioned in sub-regulations (1) it will suffice if steps are taken to transfer the employee concerned to another place, to ensure that he has no opportunity to interfere with the witnesses or to tamper with the evidence against him.

(4) Where a penalty of dismissal, removal, or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these Regulations 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 or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of, or by, a decision of a court of law, and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to place under suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(6) (a) An order of suspension made or deemed to have been made under these Regulations shall continue to remain in force until it is modified or revoked by the authority competent to place under suspension.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by it in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceeding.

(c) An order or suspension made or deemed to have been made under these Regulations may at any time be modified or revoked by the authority which made or is deemed to have been made the order or by any authority to which that authority is subordinate.

79. *Application of Service Regulations during Suspension.*—(1) An employee under suspension shall continue to be governed by these Regulations and it shall not be permissible for him to accept any employment or do business while under suspension except with the permission of the respective appointing authority in case of Class III and IV employees and Managing Director in case of Class I and Class II employees.

(2) An employee under suspension shall not leave his Head Quarters without permission.

(3) If an employee under suspension commits a breach of sub-regulation (1) or (2), the concerned disciplinary authority for Class III and Class IV employee and Managing Director for Class I and Class II officers may consider and decide whether the subsistence allowance should be paid to him and if so, for what period and to what extent.

(4) An employee who is placed under suspension shall require to give undertaking as per Appendix IV.

80. *Leave during Suspension.*—Leave may not be ordinarily granted to an employee under suspension.

81. *Resignation during Suspension.*—Resignation of an employee under suspension and during pendency of a departmental enquiry under suspension may not be accepted.

82. *Retirement during Suspension.*—An employees under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the age of superannuation but shall be retained in service till the enquiry is completed and final order is passed thereon.

83. *Payment during Suspension.*—(1) An employee on suspension shall be entitled to receive the following payments, namely :—

A subsistence allowance of an amount equal to the leave salary which the employee would have drawn if he had been on leave on half-pay in addition dearness allowance based on such leave salary :

Provided, that where the period of suspension exceeds three months, the suspending authority may vary the amount of subsistence allowance, for any period subsequent to the period of the first three months as follows :—

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged, for reasons to be recorded in writing, not directly attributable to the employee :

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the

said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee.

(iii) the rate of dearness allowance shall be based on the increased or the decreased amount of subsistence allowance admissible under sub-clauses (1) or (ii) as the case may be ;

(2) Other compensatory allowances, if any of which the employee was in receipt on the date of suspension may be paid to such extent and subject to such conditions as the authority suspending the employees may direct.

Provided, that the employee shall not be entitled to the compensatory allowances unless the said authority is satisfied that the employee continues to meet the expenditure for which they are granted.

(3) No payment under sub-regulation (1) and (2) shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business profession or vocation.

84. *Restrictions on withholding Subsistence Allowance.*—(1) The subsistence allowance should not be withheld except in the circumstances mentioned in Regulation 79.

(2) The following provisions shall apply to recovery of dues from the subsistence allowances :—

(a) *Compulsory deductions.*—The following deductions should be enforced from the subsistence allowance :—

(i) Income tax and Profession tax.

(ii) Licence fees and allied charges i.e. electricity, water, furniture, etc.

(iii) Repayment of loans and advance taken from the Corporation at such rates as fixed by the competent authority.

(iv) Contribution of Group Savings Linked Insurance Scheme.

(b) *Optional deductions.*—The following deductions shall not be made except with the written consent of the employees.

(i) Premia due on postal life assurance Policy.

(ii) Amounts due to Co-operative Stores and Co-operative Credit Society.

(iii) Refund of advances taken from Contributory Provident Fund.

(c) *Other deductions.*—The deductions of the following nature shall not be made from subsistence allowance :—

(i) Subscription to Contributory Provident Fund.

(ii) Amounts due on Court attachments.

(iii) Recovery of loss caused to the Corporation for which the employee is responsible.

(3) There is no bar to effecting the recovery of overpayments from the subsistence allowance, but the competent authority will exercise discretion to

decide whether the recovery should be held wholly in abeyance during the period of suspension or it should be effected at full or reduced rate ordinarily not exceeding one third of the amount of the subsistence allowance only i.e. excluding dearness allowance and other compensatory allowances.

85. *Recoveries from Compensatory Allowances.*—The dearness and other compensatory allowance sanctioned to an employee under suspension do not form part of the subsistence allowance but are paid in addition. There shall be no objection to such allowance being appropriated towards satisfaction of amounts due to the Corporation even when the person concerned is under suspension.

86. *Pay and allowances on Re-instatement.*—(1) When an employee who has been dismissed, removed compulsorily retired or suspended, is re-instated the concerned disciplinary authority shall consider and make a specific order :—

(a) Whether or not the said period shall be treated as a period spent on duty; and

(b) Regarding the pay and allowances to be paid to the employee for the period of his absence from duty.

(2) Where the authority mentioned in sub-regulation (1) is of the opinion that the employee has been fully exonerated and that the suspension, if any, under which he was placed was unjustified, the employee shall be given the full pay and allowances (other than allowances granted to him for the performance of any specified duty) to which he would have been entitled had he not been dismissed, removed, compulsorily retired or suspended, as the case may be.

(3) In other cases the employee shall be given such proportion of pay and allowances (other than allowances granted to him for the performance of any specified duty) as the authority mentioned in sub-regulation (1) may prescribe :

Provided, that the payment of any allowances under sub-regulation (2) or sub-regulation (3) shall be subject to all other conditions under which such allowances are admissible. Provided, further that such proportion shall not be less than the proportion in which the subsistence and other allowances are payable under regulation 83.

(4) In case falling under sub-regulation (2), the period of absence from duty shall not be treated as a period spent on duty, unless the authority

(5) In a case falling under sub-regulation (3) the period of absence from duty shall not be treated as a period spent on duty, unless the authority mentioned in sub-regulation (1) specifically directs that it shall be so treated for any specified purpose :

Provided, that if the employee so desires, the said authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the employee.

Section IV—Procedure for taking disciplinary action and imposing penalties.

87. *Preliminary Enquiry Investigation.*—(1) Before a departmental enquiry is held or is ordered to be held it should be considered whether a preliminary enquiry is necessary or desirable.

(2) A preliminary enquiry may be considered desirable where the allegations against an employee are grave or are such as would entail a major penalty such as reduction in rank, compulsory retirement, permanent stoppage of increments, removal or dismissal.

(3) A preliminary enquiry held with the object to ascertain whether there is case for framing charges against an employee in respect of allegations made against him shall not amount to a departmental enquiry under these regulations.

(4) The preliminary enquiry should be ordered by the concerned disciplinary authority and shall be held by such person as may be directed by the disciplinary authority.

(5) On receipt of the report of the preliminary enquiry or, where there has been no preliminary enquiry, on perusal of other material available, the disciplinary authority shall determine :—

(i) whether a prima-facie case exists for action, if so ;

(ii) whether the employee concerned should be prosecuted in a Court of Law or whether he should be dealt with departmentally ;

(iii) if it is decided to deal with the employee departmentally, whether any major penalty appears justified or whether any one or more minor penalties would be adequate.

(iv) whether the employee concerned should be suspended pending a departmental enquiry and/or prosecution ;

(v) whether the services of the employee concerned could and should be terminated without a departmental enquiry.

(6) The preliminary enquiry report shall be confidential document and shall not be available to the employee/s against whom the enquiry was conducted. However, written statements recorded during the preliminary enquiry and/or other documents concerning the preliminary enquiry may, on request, be made available to the employee concerned provided that the charges levelled against him are based on such written statements or documents.

88. *Agency for conducting preliminary Enquiry/Investigation.*—The disciplinary authority may direct any employee of the Corporation, not below the rank of the employee/s concerned or any other Government agency like Anti-corruption Bureau to conduct preliminary/investigation taking into consideration nature of the allegations and other factors.

89. *Procedure for Imposing Minor Penalties.*—No order imposing any of the minor penalties specified in Regulation 75 shall be passed except after following the procedure laid down hereunder, namely :—

(1) Where on the basis of the material available, the disciplinary authority, or such other authority as has been delegated the power to impose minor penalties, is satisfied that there is prima facie case to hold the employee concerned guilty of a particular charge/charges, and if the charges are proved, it will result in the imposition of one or more minor penalties, the authority shall reduce the grounds on which it is proposed to take action against an employee in the form of a definite charge/charges.

(2) The charges so framed shall be communicated by the disciplinary authority or such other authority as has been delegated the power to impose minor penalties to the person charged alongwith a statement of allegations on which the charges are based and the said authority shall at the same time, issue a notice (first notice) asking the employee to show cause within a stipulated time as to why the charges should not be held to have been proved against him and suitable action taken against him.

(3) If in reply to the first show-cause notice the person charged makes any statement as regards the charges, or refuses to make any such statement and if on consideration of such statement, or refusal to do so, the disciplinary authority, or, such other authority as has been delegated the power to impose minor penalties, comes to the conclusion that the charges have been proved and the employee deserves to be punished, the said authority shall take a provisional decision regarding the quantum of penalty.

(4) Thereafter the said authority shall inform the delinquent employee of the conclusions arrived at in respect of the charges and of the provisional decision taken regarding quantum of penalty and give him a further notice (second notice) to show-cause why the proposed penalties should not be imposed upon him.

(5) The person charged will be entitled to show-cause against the conclusions reached by the disciplinary authority and against the proposed penalties regarding quantum or nature of the penalties.

(6) Final decision regarding the penalties should be taken after considering the reply from the person charged to the second show-cause notice.

90. If non-re-examination of the case in the light of the explanation and/or material subsequently made available or any other reason the disciplinary authority may decide that imposition of one of the major penalties is justified, though originally some of the minor penalties were contemplated, the procedure prescribed for imposition of major penalties shall be initiated and completed before imposing any of the major penalties.

SECTION V—MAJOR PENALTIES.

91. *Departmental Enquiry with necessary.*—A departmental enquiry shall be necessary on the part of disciplinary authority only if punishment contemplated is one of the major penalties as mentioned in Regulation 75 viz. Major Penalties from Serial No. vi to xi).

92. *Departmental Enquiry when unnecessary.*—It shall not be necessary on the part of disciplinary authority to conduct a departmental enquiry in cases :—

(i) Where the material before the disciplinary authority indicates that one or more of the minor penalties as mentioned in Regulation 75 “(viz., Minor penalties from Serial No. i to v)” would be adequate, or

(ii) where penalty is imposed on the ground of conduct which has led to the conviction of an employee on criminal charge, or

(iii) where service is terminated in accordance with terms or conditions of employment, or

(iv) where a person appointed on probation is discharged during or at the end of the period of his probation, or

(v) where a person appointed otherwise than under contract to hold a temporary appointment is discharged on the expiration of the period of the appointment, or

(vi) where a person engaged under a contract, is discharged in accordance with the terms of his contract, or

(vii) where the disciplinary authority is satisfied for reason to be recorded in writing, that it is not reasonably practicable to hold a departmental enquiry, or

(viii) where the Board is satisfied that it is not in the interests of the Corporation to hold a departmental enquiry even if its necessary as per Regulation 91.

93. *Authority Competent to issue charge sheet and Order Departmental Enquiry.*—The authority having powers to take disciplinary action against an employee shall be competent to issue charge sheet to and order a departmental enquiry against him :

Provided, that in the case of Class I and Class II Officers, the Chairman or with the prior permission of the Chairman, the Managing Director, shall be competent to issue charge sheets and order of departmental enquiries.

94. *Issue of Charge Sheet.*—Charge sheet to the employees concerned shall be issued by the authority competent to issue charge sheet as per Regulation 93 and it shall be in the form as per Appendix V.

95. *Order for Departmental Enquiry.*—The order of departmental enquiry shall be communicated to the person charged alongwith name and designation of the Enquiry Officer appointed to conduct departmental enquiry against him as well as the name and designation of the Presenting Officer.

96. *Appointment of Enquiry Officer.*—(1) The disciplinary authority shall appoint any employee or officer of the Corporation not below the rank of the person charged, or any outside person as Enquiry Officer to conduct departmental enquiry against the person charged.

(2) The disciplinary authority itself may act as Enquiry Officer and hold the departmental enquiry right from the beginning or from any stage of the departmental enquiry proceedings.

(3) The holding of a departmental enquiry should, as far as possible, be entrusted to an employer or officer of the Corporation who has not been closely associated with allegations on which the charges are based or with preliminary investigations or who is likely to be cited as witness for or against the person charged.

(4) The Enquiry Officer so appointed shall not entrust the departmental enquiry to any other person.

97. *Procedure for Imposing Major Penalties.*—No order imposing any of the major penalties specified in regulation 75 (other than an order based on facts which have led to his conviction in a criminal court) against any employees shall be made except after a departmental enquiry held, as far as may be, in the manner provided hereunder in this Regulation.

(1) The grounds on which it is proposed to take action shall be reduced in the form of definicharge or charges which shall be communicated to the employees concerned together with a statement of allegations, on which each charge is based and any other circumstances which it is proposed to take into consideration in passing order in the case.

The disciplinary authority shall by a written notice in the charge sheet require the employee to submit to it within such time as may be specified in the notice, a written statement of his defence and to state whether he desires to be heard in person. The disciplinary authority shall deliver or cause to be delivered to the employee a copy of charge sheet alongwith its accompaniments.

(2) The charge sheet shall normally be accompanied with,—

(i) A statement of allegations including any admission or confession made by the employee,

(ii) A list of documents relied upon, and

(iii) A list of witness :

Provided, that any other documents and/or names of witnesses may be added by the disciplinary authority or the Enquiry Officer during the course of conducting departmental enquiry in the interest of the enquiry :

Provided, further that Enquiry Officer may take cognizance of any other document and/or examine any other witness of his own in the interest of the enquiry.

(3) If demanded and found relevant to the case, copies of such relevant documents shall be supplied to the person charged, alongwith recorded statement of witnesses, if any, or the person charged shall be allowed to take copies or have copies made at his own cost. All reasonable facilities shall be given to the person charged to enable this to be done :

Provided, that copies of documents and statements which are not to be used against the person charged shall not be supplied or allowed to be taken.

(4) After receipt of charge-sheet and statement of allegations etc. the employee charged shall put in his written statement of defence to the disciplinary authority and state why the charges or any of them if held proved, should not be considered good and sufficient ground for imposing upon him any of the major penalties specified in Regulation 75 and state whether he desires to be heard in person, also furnish names of witnesses in his defence, if any, within a reasonable time allowed to him in the charge sheet or subsequently.

(5) (i) On receipt of written statement of defence, the disciplinary authority may itself conduct the departmental enquiry into such of the charges as are not admitted, or, if it considers it necessary as to do, appoint, under Regulation 96, as Enquiry Officer to hold the departmental enquiry and furnish the employee charged with a copy of the order of departmental enquiry. A copy of the said order shall be sent simultaneously to the Enquiry Officer so appointed alongwith the following documents,—

(a) A copy of charge sheet alongwith statement of allegations, list of documents and list of witnesses.

(b) Copies of documents relied upon and copies of written statements of witness, if any.

(c) A copy of written statements of defence if any submitted by the employee alongwith its accompaniments.

(ii) Where all the charges have been admitted by the employee charged in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in these Regulations.

(iii) If no written statement of defence is submitted by the employee charged the disciplinary authority may itself conduct the departmental enquiry or may, if it considers it necessary to do so appoint an Enquiry Officer to hold the departmental enquiry.

(6) The Enquiry Officer, on examination of documents, received by him shall communicate the date, time and place for holding the departmental enquiry to the employee charged and direct him to remain present in person for the enquiry. The employee charged shall appear in person before the disciplinary authority or Enquiry Officer on such day and time as directed. If the employee charged fails to remain present in person without reasonable and sufficient cause and intimation to the Enquiry Officer, the Enquiry Officer may proceed exparte in the enquiry.

(7) No legal practitioner or outside person shall be allowed to appear in the Enquiry. However, the employee charged may take the assistance of any employee/officer or any member or office bearer (who is not an outsider) of the concerned Union of the employees to defend his case before the enquiry officer, subject to prior permission from the Enquiry Officer. It shall

be the responsibility of the employee charged to inform and make present his assistant at the time of the enquiry.

(8) If the employee charged who has not admitted any of the charges in his written statement of defence, or has not submitted any written statement of defence, appears before the Enquiry Officer, the Enquiry Officer shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the charges, the Enquiry Officer shall record the plea, sign the record and obtain signature of the employee thereon.

(9) The employee charged shall also be allowed to produce documents, if any, in his defence and furnish names of witnesses on the first date or any other subsequent date fixed by the Enquiry Officer.

(10) Any employee/officer of the Corporation as appointed by the disciplinary authority shall attend such enquiry as Presenting Officer and examine the Corporations witnesses and cross examine the defence witnesses and person charged and also file copies of any documents on behalf of the Corporation.

(11) The employee charged shall be allowed to examine witnesses in his defence and also cross-examine witnesses of the Corporation and file copies of any documents before the Enquiry Officer.

(12) An employee attending a departmental enquiry in any capacity shall be treated as on duty.

(13) The enquiry officer shall return a finding of guilt in respect of those charges to which the employee charged pleads guilty.

(14) The Enquiry Officer shall, if the employee charged fails to appear within the specified time or refuses or admits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the charges and shall adjourn the case to the later date after recording an order that the employee charged may, for the purpose of preparing his defence,—

(i) inspect within the specified time, the documents specified in the list referred to in sub-regulation (2) above;

(ii) submit a list of witnesses to be examined on his behalf;

(iii) give a notice within a specified time for the discovery of or production of any documents which are in possession of the Corporation but not mentioned in the list referred to in sub-regulation (2) above, indicating the relevance of such documents.

(15) Where the employee charged applies orally or in writing for the supply of copies of the statements of witnesses, the Enquiry Officer shall furnish him with such copies as early as possible.

(16) Where the Enquiry Officer receives a notice from employee charged for the discovery of or production of documents, the Enquiry Officer shall forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of documents by such date as may be specified in such requisition, provided

that an Enquiry Officer may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(17) On receipt of the requisition referred to in (16) above every authority having the custody or possession of the requisitioned documents shall produce the same before the Enquiry Officer:

Provided that, if the authority having the custody or possession of the requisitioned documents, is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public or Corporation's interests it shall inform the Enquiry Officer and the Enquiry Officer shall, on being so informed, communicate the information to the employee charged and withdraw the requisition made by him for the production or discovery of such documents.

(18) The enquiry shall be commenced on the dates fixed in that behalf by the Enquiry Officer and shall be continued thereafter on such date or dates as may be fixed from time to time by that authority.

(19) On the dates fixed for the enquiry, the oral and documentary evidence which the charges are proposed to be proved shall be produced by or behalf of the disciplinary authority. The Presenting Officer shall be entitled to re-examine, the witnesses on any points on which they have been cross-examined but not on any new matter, without the leave of the Enquiry Officer. The Enquiry Officer may also put such questions to the witnesses as he thinks fit.

(20) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the Enquiry Officer may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee charged or may itself call for new evidence or recall and re-examine any witness and in such case the employee charged shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and adjournment of the enquiry for three clear days before the production of such new evidence, exclusive of the day of the adjournment and the day to which the enquiry is adjourned. The Enquiry Officer shall give the employee charged an opportunity of inspecting such documents before they are taken on the record. The Enquiry Officer may also allow the employee charged to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice:

Provided, that no new evidence shall be permitted or called for any witness shall be recalled to fill up any gap in the evidence, unless there is an inherent lacuna or defect in the evidence which has been produced originally.

(21) When the case for the disciplinary authority is closed, the employee charged shall 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 employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer appointed, if any.

(22) The evidence on behalf of the employee charged shall then be produced. The employee charged may examine himself in his own defence if he so prefers. The witnesses produced by the employee charged shall be examined and shall be liable to cross-examination, re-examination and examination by the Presenting Officer and/or Enquiry Officer according to the provisions applicable to the witnesses for the disciplinary authority.

(23) The Enquiry Officer may, after the employee charged closes his defence and shall, if the employee charged has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee charged to explain any circumstances appearing in the evidence against him.

(24) The Enquiry Officer may, after the completion of the production of evidence, hear the Presenting Officer, appointed, if any, and the employee charged or permit them to file written briefs of their respective case, if they so desire.

(25) If the employee to whom a copy of the charge sheet has been delivered, does not submit a written statement of defence on or before the dates specified for the purpose or does not appear in person before the Enquiry Officer or otherwise fails or refuses to comply with the provisions of his Regulation, the Enquiry Officer may hold the enquiry *ex parte*.

(26) (i) Where a disciplinary authority competent to impose any of the minor penalties but not competent to impose any of the major penalties has itself enquired into or caused to be enquired into any of the charges and the authority, having regards to its own findings or having regard to its decision on any of the findings of any enquiring authority appointed by it, is of the opinion that any of the major penalties should be imposed on the employee, that authority shall forward the records of the enquiry to such disciplinary authority as is competent to impose such major penalties.

(ii) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witness is necessary in the interest of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these Regulations :

Provided that, if any witnesses are recalled, they may be cross-examined by or on behalf of the employee charged.

(27) Whenever any Enquiry Officer, appointed by designation, after having heard and recorded the whole or any part of the evidence in an enquiry ceases to exercise jurisdiction therein, and is succeeded by another Enquiry Officer which has and which exercises such jurisdiction, the Enquiry Officer 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 Enquiry Officer is of the opinion that further examination of any of the witnesses whose evidence has already been

recorded is necessary in the interests of the justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided...

Provided that, if any witnesses are recalled they may be cross-examined by or on behalf of the employee charged.

(28) Whenever any Enquiry Officer is appointed by name, he shall continue to be the Enquiry Officer even though he is transferred, promoted or reverted :

Provided that, if an Enquiry Officer appointed by name ceases to be the Enquiry Officer by an order of disciplinary authority and another Enquiry Officer is appointed by name or by designation, the new Enquiry Officer may act on the evidence so recorded by the previous Enquiry Officer or partly recorded by previous Enquiry Officer and partly recorded by the new Enquiry Officer :

Provided, that, if any witnesses are recalled, they may be cross-examined by or on behalf of the employee charged.

(29) After the conclusion of the departmental enquiry a report shall be prepared by the Enquiry Officer. Such report shall contain,—

- (i) each charge levelled in the charge sheet ;
- (ii) the defence of the employee in respect of each charge ;
- (iii) an assessment of the evidence in respect of each charge ;
- (iv) the findings on each charge and the reasons therefor as to whether the charge has been proved or not proved or partly proved as the case may be.

All documents produced in the enquiry shall be returned by the Enquiry Officer along with his enquiry report.

(30) Where, in the opinion of the Enquiry Officer the proceedings of the enquiry establish any charge, different from the original charge it may record its findings on such charge :

Provided that, the finding on such charge shall be recorded unless the employee charged has either admitted the facts on which such charge is based or has had a reasonable opportunity of defending himself against such charge.

(31) On examination of the findings of the Enquiry Officer, the disciplinary authority may accept or reject, wholly or in part such findings and cases of rejection of findings on any charge or charges the disciplinary authority may take any of the following actions namely :—

(i) Set aside the whole enquiry and appoint any other Enquiry Officer and direct him to hold fresh enquiry.

(ii) Set aside the enquiry in part and direct the same Enquiry Officer to enquire afresh from the beginning or from any stage of enquiry deemed fit or ask for clarifications from the Enquiry Officer on the points found necessary.

(iii) Set aside the enquiry and himself hold the enquiry and/or call for such documents and/or examine such witnesses (even again) as deemed fit by the disciplinary authority.

(32) The disciplinary authority shall then consider the report and come to its own conclusions. Where the findings of the disciplinary authority are different from those of the Enquiry Officer, it shall record its reasons for the same. The disciplinary authority shall then decide on the action proposed against the person charged viz,—

(i) What penalty should be imposed in respect of the charges, proved or not ;

(ii) if none of the charges is proved, whether the person charged should be exonerated or some other action should be taken against him ;

(iii) if the person has been under suspension, what order should be made regarding pay and allowances during the period of his suspension.

(33) If on reaching the conclusions that the charges are proved, it is proposed to impose any major penalty, the person charged shall be served with a show cause notice along with a copy of the findings of the Enquiry Officer, or mentioning conclusions of the disciplinary authority, in case of agreement or difference with the findings of the Enquiry Officer, as the case may be, specifying therein the penalty which the disciplinary authority proposes to impose and the grounds therefor :

Provided that, the disciplinary authority may specify the maximum penalty i.e. dismissal in the show cause notice and impose any other penalty in the light of the reply given.

(34) In making a representation (reply to show cause notice), the person charged will be entitled to show cause against the enquiry report, conclusions reached by the disciplinary authority as well as quantum and nature of the penalty.

(35) The disciplinary authority shall after considering the representation, if any, made by the person charged pass its final order and issue the order under its own signature :

Provided that, where the Board of Directors is the disciplinary authority all or any correspondence or orders in connection with a departmental enquiry may be signed by the Managing Director.

(36) Where the disciplinary authority, on a contention raised by the person charged or otherwise, finds that any irregularities have been committed and that they have caused or may have caused prejudice to the person charged, it shall further consider fresh or further enquiry in the manner provided in these regulations.

(37) (A) If the disciplinary authority having regard to its findings on any or any of the charges is of the opinion that any of the minor penalties should be imposed on the employee charged, it shall notwithstanding anything contained in Regulation 89 on the basis of the evidence adduced

during the enquiry determine what penalty, if any, should be imposed on the employee charged and make an order imposing such penalty.

(B) No order of dismissal, removal, or compulsory retirement shall be made with retrospective effect.

98. *Joint Enquiry.*—(1) Where two or more employees are concerned in any case the disciplinary authority competent to impose the penalty of dismissal from the services of the Corporation on all such employees may make an order directing that the disciplinary action against all of them may be taken in a common proceeding :

Provided, that where the disciplinary authorities competent to impose the penalty of dismissal on such employees are different an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to provisions of Regulation 76 any such order shall specify :

(i) the authority which shall function as the disciplinary authority for the purpose of such common proceedings ;

(ii) the penalties specified in Regulation 75 which such disciplinary authority shall be competent to impose.

SECTION VI—APPEALS, REVIEW AND REVISION

99. *Appeals.*—(1) Every employee shall be entitled to appeal against any order imposing any penalty specified in Regulation 75 or any order enhancing any penalty imposed under Regulation 75.

(2) An appeal under Sub-Regulation (1) shall lie,—

(i) Where the order imposing the penalty is made by the Secretary or any other officer/employee of the Corporation, to the Managing Director ;

(ii) Where the order imposing penalty is made by the Managing Director, to the Chairman ;

(iii) Where the order imposing penalty is made by the Chairman or Executive Committee, to the Board of Directors.

(3) No appeal shall be against any order made by the Board of Directors.

(4) Where the person who made the order appealed against, becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

100. *Time limit for preferring an Appeal.*—No appeal shall be entertained unless it is preferred within forty five days from the date of the order imposing penalty :

Provided that, the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

101. *Contents and Submission of Appeal.*—(1) Every appeal preferred under Regulation 99 shall contain all relevant facts and statements relied on by the appellant and shall be complete in itself.

(2) An appeal shall not be couched, in disrespectful or improper language. If so couched, the appellate authority may refuse to entertain it or in its discretion may return the appeal to the appellant and allow him an opportunity to submit within the time specified by it an amended appeal.

(3) Every person preferring an appeal shall do so separately and in his own name.

102. *Channel of Submission.*—(1) Every appeal shall be submitted by an employee through the authority from whose order the appeal is preferred and should be submitted through the Head of the office to which the appellant belongs/belonged. The appeal should be accompanied by a copy of the ordered appealed against :

Provided that, a copy of appeal may be submitted direct to the appellate authority.

(2) The authority which made the order appealed against shall, on receipt of a copy of the appeal, without waiting for any direction from the appellate authority, transmit to the appellate authority, every appeal together with its comments thereon and the relevant records as early as possible unless any appeal is withheld by it under Regulation 104.

103. *No Appeal by Name.*—An appeal shall not be addressed by name to any authority or to any member of Executive Committee or Board and any such act shall be deemed to be a misconduct.

104. *Withholding of Appeal.*—(1) An appeal may be withheld by the disciplinary authority if,—

- (i) it is an appeal against an order against which no appeal lies ; or
- (ii) it does not comply with the regulations of this section ; or
- (iii) it contains disrespectful or improper language ; or
- (iv) it is not preferred within the time and no reasonable cause is shown for delay ; or
- (v) it is repetition of a previous appeal and is made to the same appellate authority without adducing new facts or circumstances which afford ground for re-consideration.

(2) where an appeal is withheld, an order to that effect shall be made setting out reasons for such action and a copy of such order shall be sent to the appellant and to the appellate authority :

Provided, that, where an appeal is so withheld, the appellate authority may call for the appeal alongwith the relevant records for such action as that authority may deem fit.

(3) An appeal withheld for its containing disrespectful or improper language may be re-submitted thereafter any time within one month and such re-submitted appeal shall not be withheld if it is re-submitted in the form which complies with the provisions of this section of the regulation.

105. *Disposal of Appeal.*—(1) The appellate authority may, after consideration of case,—

- (i) confirm, modify or reverse the order appealed against ; or
- (ii) set aside, reduce, or enhance the penalty, imposed ; or
- (iii) remit 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 :

Provided that, the appellate authority shall not impose any enhanced penalty which neither the appellate authority nor the authority which made the order appealed against it competent to impose :

* Provided, further that, no order imposing an enhanced penalty shall be passed unless the appellant is given a reasonable opportunity of making any representation which he may wish to make against such enhanced penalty.

(2) The decision of the appellate authority shall be final. A copy of the appellate order shall be supplied to the appellant and to the disciplinary authority for such further action as might be necessary.

106. *Review.*—(1) Where no appeal is filed or no appeal lies the appellate authority or the Board of Directors may of its own motion or otherwise call for the records of any enquiry and review any order and set aside confirm or modify the order or the nature of punishment passed by a subordinate authority and reduce or annul the punishment or enhance it or substitute one punishment for another ; or remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case or pass such other orders as it may deem fit :

Provided, that, no punishment shall be enhanced unless the person against whom the original order was passed, is given an opportunity of making any representation which he may wish to make against such enhanced penalty.

(2) An authority passing the original order may revise the same *suo motu* provided that the revision is not to the detriment of the person concerned and based on fresh facts which were not before it when the original order was passed.

107. *Appeal against an order of Suspension.*—Any employee may prefer an appeal against an order of his suspension as an interim action. The provisions of this section shall be applicable to such appeal.

CHAPTER VII MISCELLANEOUS

108. *Deductions.*—The Corporation shall be entitled to make deductions from the salary of an employee on account of any advance, fine or amount of loss or damage in accordance with the provisions of these regulations, and/or any statutory provisions applicable to such employees.

109. *Provident Fund.*—(a) The Maharashtra State Warehousing Corporation Provident Fund Regulations, 1972 as amended from time to time shall be applicable to the employees of the Corporation.

(b) Maharashtra State Warehousing Corporation Employee's Group Savings Linked Insurance Scheme of Life Insurance Corporation of India, shall be made applicable to all employees eligible for Contributory Provident Fund contribution within the categories of Class I to IV.

110. *Application of Rules, Regulations, and Orders of the Government of Maharashtra.*—All matters, for which specific provisions have not been made in these Regulations shall, as far as possible and to such extent as may be considered appropriate by the Corporation, be regulated in the same manner as in the case of employees of the Government of Maharashtra.

111. *Interpretation.*—Where any question relating to the interpretation of these Regulations arises, it shall be referred to the Board of Directors for decision, and the decision of the Board of Directors shall be final.

112. *Repeal and Savings.*—(1) Any rules/regulations corresponding to these regulations in force immediately before the commencement of these regulations in so far as they apply to the persons to whom these regulations apply are hereby repealed :

Provided that,—

(a) Such repeal shall not effect the previous operations of the rules/regulations so repealed or any thing done or any action taken thereunder.

(b) Any proceedings (including appeal or revisions) under the rules so repealed which are pending at the date of commencement of these regulations shall be continued and disposed of as if in accordance with the provisions of these regulations.

(c) An appeal or revision preferred after the date of commencement of these regulations against an order made before such date shall be disposed of in accordance with the provisions of these regulations.

113. Nothing contained in these Regulations shall operate in derogation of any law for the time being in force or to the prejudice of any right under an agreement or contract of service, or award applicable to the Corporation.

By order of the Board of Directors,

(Signed),
Chairman and Managing Director,
Maharashtra State Warehousing
Corporation, Pune.

APPENDIX I (See Regulation 8)

Serial No.	Name of the post	Appointing Authority
1	All posts in Class I and II as defined in Reg. 5.	Board of Director or Executive Committee.
2	Appointment on contract basis on consolidated salary etc. in equivalent Categories of Class I and Class II Officers.	
3	All other appointments.	
4	All posts in Class III and Class IV as defined in Reg. 5.	Managing Director, (Chairman and Managing Director).
5	Appointment on contract basis on consolidated salary etc. in equivalent posts mentioned in Serial No. 4 above.	
6	All posts in Class III as defined in Reg. 5 but below the scale of Rs. 335—15—500—20—580—Extn—20—680.	Secretary (Joint Managing Director and Secretary).
7	All posts in Class IV as defined in Reg. 5.	

APPENDIX II

(See Regulation 11)

FORM OF MEDICAL CERTIFICATE

I hereby certify that I have examined Shri/Smt. _____ a candidate for employment in the post of _____ in the cadre _____ in the Maharashtra State Warehousing Corporation, Pune, Department and cannot discover that he/she has any disease (communicable or otherwise) constitutional weakness or bodily infirmity except _____.

I do not consider this a disqualification for employment in the office Maharashtra State Warehousing Corporation _____ as _____ years and 1 appearance he/she is about _____ years of age. He/she has been vaccinated.

Marks of Identification :—

(1)

(2)

Impression of left hand thumb/
Signature of the candidate.

(Name & Designation of the
Medical Officer).

(Seal of the Medical Officer)

APPENDIX III

(See Regulation 12)

FORM OF SECURITY BOND

KNOW ALL MEN BY THESE PRESENTS THAT

I, _____ son/daughter/wife/widow of
Shri _____ ordinarily residing at _____
_____ am held and firmly bond to the Maharashtra State
Warehousing Corporation (hereinafter referred to as "the Corporation") in
the sum of Rs. _____ (Rupees _____) to be
paid in cash for which payment, well and truly to be made, I bind myself,
my heirs, executors, administrators and legal representatives by these presents.

Signed and dated this _____ day of _____
one thousand nine hundred _____.

WHEREAS, the above bonden _____ (hereinafter
referred to as "the employee") was on the _____ day of _____
19 _____ appointed to and now holds the post of _____
in the Corporation AND WHEREAS the said _____ by
virtue of holding such post is bond to collect or receive property and
money which may come into his hands of possession or under his/her
control, and to keep and render true and faithful account of his/her dealings
therewith AND WHEREAS the employee is bound to keep such property
and money in the form and manner that may, from time to time, be laid
down by the Corporation, and also to prepare and submit such returns,
accounts and other documents as may from time to time be required of
him/her.

AND WHEREAS, the employee has, in pursuance of _____
Regulation 12 of the MSWC (Staff) Regulations, _____ agreed
to deposit the above mentioned sum of _____ (Rupees _____)
in the aforesaid manner as security for the due and faithful performance by
the employee of the duties of the said post and of any other post requiring
security to which he/she may be appointed at any time and all other duties
which may be required of him/her while holding any such post as aforesaid
and for the purpose of securing and indemnifying the Corporation against
all loss, injury, damage, costs or expenses which the Corporation, may in
any way, suffer, sustain or pay, by reason of the misconduct, neglect, oversight
or any other act or omission of the employee or of any person or persons
acting under him/her or for whom he/she may be responsible.

AND WHEREAS the employee has entered into the above written bond
in the sum of Rs. _____ (Rupees _____)
conditioned for the due performance by him/her of the duties of the said
post as aforesaid and if other duties pertaining thereto which may be required
of him/her and to indemnify the Corporation against loss from or by reason

of the acts of defaults of the employee and of all and every person or person
aforesaid.

NOW THE CONDITION OF THE ABOVE WRITTEN BOND IS such
that if the employee has whilst holding the said post as aforesaid, always
duly performed and fulfilled the duties of the said post and other duties
which may from time to time be required of him/her and shall duly pay
to the Corporation as it may direct or to the persons lawfully entitled thereto
all such moneys and securities for moneys and properties which are payable
or deliverable to the Corporation or to the persons lawfully entitled
thereto and shall come into his/her possession or control by reason of the
said post and shall duly account for and deliver up all moneys, papers and
other property which shall come into and the employee his/her heirs,
executors, administrators, or legal representatives, shall pay or cause to be
paid to the Corporation the amount of any loss or defalcation in the Corpo-
ration of or of the commodities deposited in a warehouse of the Corporation
within twenty four hours after the amount of such loss and/or defalcation
shall have been demanded from the employee by the Secretary of the Cor-
poration or any other officer duly authorised in this behalf by the Cor-
poration, such demand to be in writing and left at the office or last known
place of residence of the employee and shall also at all times indemnify
and save and keep harmless the Corporation from all and every loss, injury,
damage, actions, suits, proceedings, costs, charges or expenses which have
been or shall or may at any time or times hereafter during the service of
employment of the employees in such post as aforesaid he sustained
incurred suffered, brought, sued or commenced or paid by the Corporation by
reason of any act, embezzlement, defalcation, mismanagement, neglect, failure
misconduct, default, disobedience, omission or insolvency of the employee or
of any person or persons acting under his/her or for whom he/she may be
responsible then the above written bond shall be void and of no effect
otherwise the same shall be and remain in full force and virtue PROVIDE
ALWAYS and it is hereby declared and agreed that the said sum of
Rs. _____ (Rupees _____) after delivery and
deposit thereof as aforesaid shall be and remain with the Corporation for
the time being, as such security as aforesaid with full power to the Secretary
of the Corporation for the time being as occasion shall require, to apply the
said sum of Rs. _____ (Rupees _____) or an
part thereof, in and towards the indemnity of the Corporation or otherwise
as aforesaid.

AND it is hereby further agreed that in the event of the death of the
employee or in his/her final termination of the service from the Corporation
or in the event of the employee ceasing to hold any post requiring security
the said sum of Rs. _____ (Rupees _____)
or so much thereof as shall then remain in deposit and shall not have
been applied or appropriated as aforesaid shall be returned on the expiry
of six months from the date of death or final termination of service of the
employee or of his/her ceasing to hold a post requiring security as the case
may be, to his/her legal representatives or to him/her as the case may be.

without interest and this bond shall remain with the Corporation for recovering any loss, injury, damage, costs or expenses that may have been sustained, incurred or paid by the Corporation owing to any act, neglect or default of the employee or any such other person or persons as aforesaid and which may not have been discovered until after his/her death or the termination of his/her said service, or ceasing to hold any office for which the security was required.

PROVIDED FURTHER that, nothing therein contained for the security shall not be deemed to effect or prejudice the right of the Corporation to take proceedings upon or under this bond against the employee or against his/her heirs, executors, administrators, or legal representatives after his/her death, in case any breach of conditions of this bond shall be discovered after the return of the said security and the responsibility of the employee of his/her estate as the case may be, shall at all times continue, and the Corporation shall be fully indemnified against all such loss or damage as aforesaid at any time:

PROVIDED FURTHER that, nothing therein contained for the security hereby given shall be deemed to limit the liability of the employee in respect of matters aforesaid to the forfeiture of the said sum of Rs. _____ (Rupees _____ only) or any part or parts thereof and that should the said sum be insufficient to indemnify the Corporation in full for any loss or damage sustained by it in respect of matter aforesaid or any of them the employee shall pay the Corporation on demand such further sum as shall be deemed by the Secretary of the Corporation to be necessary, in addition to the said sum of Rs. _____ (Rupees _____) to cover such loss or damage as aforesaid and that the Corporation shall be entitled to recover such loss or damage as aforesaid and that the Corporation shall be entitled to recover such further sum payable as aforesaid in any manner open to it.

Signed by the above Bounden,

on

in the presence of

Signed for and on behalf of the Corporation by the Secretary of the Corporation duly authorised in that behalf in the presence of:

Note.—This bond is to be executed at the cost of the Bounded on a non-judicial stamp paper of requisite value according to the schedule of the State in which it is executed.

APPENDIX IV

(See Regulation 79)

I, _____
age _____ Occupation _____
Home residing at _____

Do hereby declare on solemn affirmation and state that during suspension period I will not accept any employment. In case during this period if any employment is accepted, I will inform the Head Office i.e. Maharashtra State Warehousing Corporation, Pune.

Date : _____ Signature : _____
Place : _____ Name : _____
Designation : _____
Address : _____

APPENDIX V

(See Regulation 94)

(Form of Charge Sheet)

To

Shri _____

Subject.—Charge Sheet.

You, Shri _____
are hereby charged as under:

Charge :—

2. A statement of allegations, a statement of documentary evidence and a list of witnesses are attached hereto.

3. - You are called upon to put in your written statement of defence to the Enquiry Officer along with such documents as you intend to rely on in your defence in answer to the above charges within _____ days from the date of receipt of this charge sheet and to state at the same time whether you desire to be heard in person by the Enquiry Officer. If you desire to examine any witnesses in your defence, you are called upon to furnish the names and addresses of your witnesses to the Enquiry Officer. On your failure to put in your statement within the time allowed to you, it will be presumed that you do not wish to make a statement.

4. You are further called upon to state why the above charges, or any of them, if held proved, should not be considered as good and sufficient ground to take disciplinary action against you. Any representation that you may make with regard to the action proposed to be taken against you would be considered by the competent authority before the final order of punishment is passed. You, may, if you so desire, apply for copies of the relevant documents.

(Disciplinary Authority).