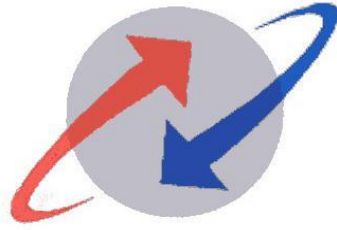


*(For Official Circulation Only)*



# **BSNL CONDUCT, DISCIPLINE AND APPEAL RULES 2006**

भारत संचार निगम लिमिटेड  
(भारत सरकार का उद्यम)

**Bharat Sanchar Nigam Limited**  
(A Govt. of India Enterprise)

**CORPORATE OFFICE  
NEW DELHI**

*(UPDATED UP TO 24-01-2013)*

**BHARAT SANCHAR NIGAM LIMITED**  
**BSNL Conduct, Discipline and Appeal Rules, 2006**

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## **BHARAT SANCHAR NIGAM LIMITED**

### **BSNL Conduct, Discipline and Appeal Rules, 2006**

#### **Rule 1. SHORT TITLE AND COMMENCEMENT**

- (1) **These rules may be called the Bharat Sanchar Nigam Limited (BSNL) Conduct, Discipline and Appeal Rules, 2006.**
- (2) **They shall come into force w.e.f 10<sup>th</sup> October 2006.**

#### **Rule 2. APPLICATION**

These Rules shall apply to all the employees of the BSNL (except those employees who are governed by the Industrial Employment (Standing Order) Act, 1946).

#### **Rule 3. DEFINITIONS**

In these Rules, unless the context otherwise requires:

- (1) **‘Appellate Authority’** means, the authority specified in this behalf in the Schedule appended to these Rules, and empowered to function as such.
- (2) **‘Appointing Authority’** means the authority empowered to make appointments to the service, grade or post as the case may be to which the employee for the time being holds.
- (3) **‘Board’** means the Board of Directors of the Company and includes in relation to the exercise of powers, any Committee/Sub-Committee of the Board or any officer of the undertaking to whom the Board delegates any of its powers.
- (4) **‘Chairman/Managing Director’** means the Chairman/ Managing Director of the Company.
- (5) **‘Company’** means the Bharat Sanchar Nigam Limited (BSNL).
- (6) **‘Competent Authority’** means the authority empowered by the Board of Directors by any general or special rule or order to discharge the function or use the powers specified in the schedule to these rules.
- (7) **‘Disciplinary Authority’** means the authority specified in the Schedule appended to these rules and competent to impose any of the penalties specified in Rule 33 of BSNL Conduct, Discipline and Appeal Rules, 2006.

- (8) **‘Employee’** means –
- (a) a person in the employment of the Company including employees whose service are temporarily placed at the disposal of the company or a subsidiary or any PSU but does not include casual employee, work charged or contingent staff or workmen as defined in Industrial Disputes Act, 1947 and those governed by Industrial Employment (Standing orders) Act, 1946, and,
  - (b) persons on deputation to the company from Central/ State Govt. or a subsidiary of the company or any other PSU.
- (9) **‘Family’** in relation to an employee includes:
- (a) the wife or husband as the case may be of the employee, whether residing with the employee or not, but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court;
  - (b) son(s) or daughter(s) or step-son(s) or step-daughter(s) or legally adopted son(s) or legally adopted daughter(s) of the employee wholly dependent on him/her, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law; and
  - (c) any other person related whether by blood or marriage to the employee or to such employee’s wife or husband and wholly dependent on such employee.
- (10) **‘Government’** means the Government of India.
- (11) **‘Inquiring Authority’** or **‘Inquiring Officer’** means any person or persons empowered by the Competent Authority from time-to-time under these Rules to inquire into misconduct.
- (12) **‘Premises’** means any building adjunct, installation and any plot of land, wherever situated and owned/hired by the Company.
- (13) **‘Public Servant’**- The term Public Servant shall have the same meaning assigned to it in Section 21 of the Indian Penal Code as amended from time-to-time.
- (14) **‘Reviewing Authority’** means the authority specified in the Schedule attached to these rules and empowered to function as such.
- (15) **‘Schedule’** means, the Schedule to these Rules, as specified from time to time.

**Rule 4. GENERAL**

- (1) Every employee of the Company shall at all times-
  - (a) maintain absolute integrity;
  - (b) maintain devotion to duty;
  - (c) do nothing which is unbecoming of a Public Servant;
  - (d) conduct at all times in a manner conducive to the best interest of the Company or which will enhance the reputation of the Company;
  - (e) do nothing to lower the image of the Company in the eyes of public;
  - (f) be courteous and prompt in his official dealings with the public.
- (2)
  - (a) Every employee of the Company holding a supervisory position shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.
  - (b) No employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior;
  - (c) The direction of the official superior shall ordinarily be in writing. Oral directions to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;
  - (d) An employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.
- (3)
  - (a) No employee shall indulge in any act of sexual harassment of any woman at her work place.
  - (b) Every employee holding a supervisory post shall take appropriate steps to prevent sexual harassment to any woman at such work place.

**Explanation:**

For the purpose of this rule, “sexual harassment” includes such unwelcome sexually determined behavior, whether directly or otherwise as: -

- (i) physical contact and advances;
- (ii) a demand or request for sexual favours;
- (iii) sexually coloured remarks;
- (iv) showing pornography;
- (v) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

**Rule 5. MISCONDUCT**

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

- (1) Theft, fraud or dishonesty in connection with the business or property of the Company, or of property of another person within the premises of the Company.
- (2) Taking or giving bribes or any illegal gratification or indulging in corrupt practices.
- (3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- (4) Furnishing false information regarding name, age, father's name, qualifications, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- (5) Willful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior.
- (6) Absence without leave or over-staying the sanctioned leave without sufficient grounds or proper or satisfactory explanation.
- (7) Habitual late or irregular attendance.
- (8) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- (9) Sabotage or damage to any property of the Company.
- (10) Acting in a manner prejudicial to the interests of the Company.
- (11) Interference or tampering with any safety devices installed in or about the premises of the Company or violating the safety or environmental regulations in or about the premises of the Company.
- (12) Drunkenness or riotous or disorderly or indecent behavior in the premises of the Company or outside such premises where such behaviour is related to or connected with the employment.
- (13) Gambling within the premises of the Company.
- (14) Smoking within the premises of the Company where it is prohibited.
- (15) Collection without the permission of the Competent Authority of any



money within the premises of the company except as sanctioned by any law of the land for the time being in force or rules of the Company.

- (16) Sleeping while on duty.
- (17) Commission of any act, which amounts to a criminal offence involving moral turpitude.
- (18) Absence from the employee's appointed place of work without permission or sufficient cause.
- (19) Purchasing properties, machinery, stores, etc., from/or selling properties, machinery, stores, etc. to the Company without express permission in writing from the Competent Authority.
- (20) Commission of any acts subversive of discipline or of good behaviour.
- (21) Subletting or unauthorized use of Company's premises, equipment, tools or any other property of the company.
- (22) Misuse of any amenity provided by the company.
- (23) Participation and/or inciting others to participate in strikes, gherao, go-slow and similar other agitational activities, or abetting, inciting, instigating or acting in furtherance thereof.
- (24) An act of sexual harassment of any woman at her work place.
- (25) An act to lower the image of the Company in the eyes of the public.
- (26) Tempering with or willfully damaging or falsification of Company's records, impersonation or forgery.
- (27) Making representations in order to bring any political or any outside influence to bear upon any superior authority to further employee's interest in respect of matters pertaining to employment, postings or transfers.
- (28) Making representation or sending grievance petitions to the Members of the Board of Directors or the Senior Officers except through proper channels. (This does not prevent submission of appeals to the prescribed Appellate Authorities under these rules).
- (29) Attending or holding meeting other than in the course of duty within the Company's premises without prior written permission of the Competent Authority.
- (30) Distribution or exhibition of any newspapers, handbills, pamphlets, etc.
- (31) Deliberately making any false statement before a superior knowing it to be false.

- (32) Proxy registering of attendance or abetting in the act of registering attendance of another employee.
- (33) Spreading or encouraging casteism, regionalism or communalism.
- (34) Abetment of or attempt at abetment of, any act which amounts to misconduct.
- (35) Spreading false rumors or spreading false information.
- (36) Carrying on money lending or any other private business without the written permission of the Company.
- (37) Habitual indebtedness or insolvency.
- (38) Interference or riotous or disorderly or indecent behaviour in the premises of the company.
- (39) Writing of anonymous or pseudonymous letters or associating oneself in writing such letters in respect of Company affairs.
- (40) Misuse of any advance or non-compliance with the provisions of terms and conditions governing grant of such advance as specified in the respective rules relating to the advance(s).

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

**Rule 6. EMPLOYMENT OF NEAR RELATIVES OF THE EMPLOYEES OF THE COMPANY IN ANY COMPANY OR FIRM HAVING BUSINESS RELATIONSHIP WITH THE COMPANY.**

- (1) No employee shall use his position or influence directly or indirectly to secure employment for any person related, whether by blood or marriage to the employee or to the employee's wife or husband, whether such a person is dependent on the employee or not.
- (2) No employee shall, except with the previous sanction of the competent authority, permit his son, daughter or any other member of the family to accept employment with any Company or firm with which he or she has official dealings or with any other Company or firm having official dealings with the Company:

Provided that where the acceptance of the employment cannot await the prior permission of the competent authority, the employment may be accepted provisionally subject to the permission of the Competent Authority to whom the matter shall be reported forthwith. The competent Authority should communicate the decision within 60 days from the date of receipt of the request of the employee.

- (3) The employee shall, as soon as, he becomes aware of the acceptance of an employment by a member of his family in any such company or firm,

intimate such acceptance to the competent authority and shall also intimate whether he has or has had any official dealings with that company.

- (4) No employee shall, in the discharge of his official duties, deal with any matter or give or sanction any contract to any Company or Firm/Corporation, or any other person if any member of his family is employed in that Company or Firm/ Corporation or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter or contract to his official superior and the matter or the contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.
- (5) Details in form A-1 is to be submitted by every employee on his first appointment in the company.

**Note: For purpose of this rule, the members of family will be as defined in schedule I of Section 6 of Indian Companies Act, 1956.**

**Rule 7. JOINING OF UNLAWFUL ASSOCIATION BY EMPLOYEES**

No employee shall join, or continue to be a member of an association the objects or activities of which are prejudicial to the interest of the Company or of the sovereignty and integrity of India, or Public Order or morality.

**Rule 8. DEMONSTRATIONS AND STRIKES**

No employee shall-

- (1) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
- (2) resort to or in any way abets any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other employee of the Company.

**Rule 9. CONNECTION WITH PRESS OR RADIO OR TELEVISION OR OTHER MEDIA**

- (1) No employee shall, except with the previous sanction of the competent Authority, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication or electronic media. If he accepts an advisory post without any remuneration he shall intimate the fact with details of the periodical etc. to the Company which in its judgment may require the employee to disassociate himself from the newspaper, or periodical, if it considers such an association to be prejudicial to the Company/Government interest.

- (2) No employee shall, except with the previous sanction of the competent authority or in the bona fide discharge of his duties, publishes a book, participate in a radio/television broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person to any newspaper or periodical or other vehicles of publicity, whatsoever:

Provided that no such sanction shall be required if such letter, broadcast or such contribution is of a purely literary, artistic or scientific or Engineering/ Sociological/ Historical character.

**Rule 10. TAKING PART IN POLITICAL ACTIVITIES**

- (1) No employee shall be a member of, or be otherwise associated with, any political party or an organization, which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) No employee shall canvas or otherwise interfere with, or use his influence in connection with or take part in an election to any Legislature or Local Authority.
- (3) If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity of the organization is subversive of the Government/Company by law established, the decision of the Government/Company thereon shall be final.

**Rule 11. CRITICISM OF GOVERNMENT AND/OR OF THE COMPANY**

No employee shall, in any radio broadcast or telecast through any electronic media or in any document published under his name or anonymously, pseudonymously or in the name of any other person or under any pen name or pseudonym, or in any communication to the press or in any public utterances, make any statement--

- (1) which has the effect of adverse criticism of any policy or action of the Central or State Government or of the Company; or
- (2) which is capable of embarrassing the relations between the Company and the public:

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

Provided further that nothing contained in this clause shall apply to bonafide expression of views by him as an office bearer of a recognized Trade Union/ Association/Society/Institution for the purpose of safeguarding the conditions of service of such employees or for securing any improvement thereof.

**Rule 12. EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY**

- (1) Save as provided in sub-rule (3), no employee shall, except with the previous sanction of the competent authority, give evidence in connection with any enquiry conducted by any person, committee or authority.
- (2) Where any sanction has been accorded under sub-rule (1), no employee giving such evidence shall criticize the policy or any action of the Central Government or of State Governments or of the company.
- (3) Nothing in this rule shall apply to:
  - (a) evidence given at any enquiry before an authority appointed by the Government, Parliament or a State Legislature or the Company.
  - (b) evidence given in any judicial enquiry; or,
  - (c) evidence given at any departmental enquiry ordered or by authorities subordinate to the Government.

**Rule 13. UNAUTHORIZED COMMUNICATION OF INFORMATION**

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

**Explanation:**

Quotation by an employee in his representation to the Chief Executive or to the Chairman or to the Board of Directors of the Company or to any authority of the Company/Government, or to any other person, from any letter, circular or office memorandum or from the notes on any file to which he is not authorized to have access, or which he is not authorized to keep in his personal custody or for personal purposes, shall amount to unauthorized communication of information within the meaning of this Rule.

- (2) Every employee of the Company shall follow the instructions with regard to security of information, as issued from time to time.

**Rule 14. INVENTIONS**

- (1) An employee who, while in the service of the Company makes any discovery, invention or modification to any process or method or equipment resulting in improvement of the Company's services, operations and products, shall forthwith communicate the fact to the Company.
- (2) The employee shall furnish, at the request and expense of the Company all particulars thereof and if required, shall apply for all letters of patent

and rights in India or elsewhere and give assignments and transfers to the Company or its nominees as may be directed by the Company.

- (3) Letter of patent, if taken out shall belong to the Company, and any remuneration payable to the employee for any such invention, discovery or modification shall be at the discretion of the Company.

#### **Rule 15. GIFTS**

- (1) Save as otherwise provided in these rules, no employee shall accept or permit any member of his family or any other person acting on his behalf, to accept any gift.

#### **Explanation:**

The expression 'Gift' shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or a personal friend having no official dealings with the employee. However, a causal meal or lift or other social hospitality shall not be deemed to be a gift.

**Note: An employee shall avoid acceptance of lavish hospitality or frequent hospitality from any individual or firm having official dealings with him.**

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gifts is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives or from his personal friends having no official dealings with him, but he shall make a report to the competent authority if the value of any gift exceeds:
  - (i) Rs.2, 000/- in case of Group 'D' and Group 'C' category. (Non-Executives)
  - (ii) Rs.5, 000/- in case of Group 'B' and above up to JAG category.
  - (iii) Rs.8, 000/- in case of SAG and HAG category.
  - (iv) Rs.10, 000/- in case of CMD and Board Directors (Full Time).
- (3) Gift received from foreign dignitaries/firms may be retained by the recipient if the value thereof does not exceed the amount mentioned in Para (2) above for different categories. The same shall, however, be intimated to the competent authority.
- (4) In any other case, an employee of the Company shall not accept or permit any other member of his family or any other person acting on his behalf to accept any gift without the sanction of the competent authority if the value thereof exceeds the amount mentioned in Para (2) above for different categories.
- (5) When more than one gift has been received from the same person/firm within a period of twelve months the matter shall be reported to the

competent authority if the aggregate value of the gifts exceeds the amount mentioned in Para (2) above for different categories.

**Rule 16. DOWRY**

No employee shall –

- (i) give or take or abet the giving or taking of dowry; or,
- (ii) demand directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

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

**Rule 17. PRIVATE TRADE OR EMPLOYMENT**

- (1) Subject to the provisions of sub-rule (2), no employee shall, except with the previous sanction of the Competent Authority-

- (a) engage directly or indirectly in any trade or business; or
- (b) negotiate for, or undertake, any other employment, or
- (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
- (d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or
- (e) take part, except in the discharge of his official duties, in the registration, promotion or management of any Bank or other company registered or required to be registered, under the Companies Act, 1956(2 of 1956), or any other law for the time being in force, or of any co-operative society for commercial purposes.
- (f) participate in or associate himself in any manner in the making of-
  - (i) a sponsored media (radio or television) programme; or
  - (ii) a media programme commissioned by Government media but produced by a private agency; or
  - (iii) a privately produced media programme including video magazine :

Provided that no previous permission shall be necessary in case where the employee participates in a programme produced or commissioned by Government /Company in his official capacity.

- (2) An employee may, without the previous sanction of the Competent Authority-
  - (a) undertake honorary work of a social or charitable nature, or
  - (b) undertake occasional work of a literary, artistic or scientific character, or
  - (c) participate in sports activities as an amateur, or
  - (d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organization, the aims or objects of

which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being force, or

- (e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of employees of the Company, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force :

**Provided that-**

- (i) his official duties shall not suffer thereby.
  - (ii) he shall, within a period of one month of his taking part in such activity, report to the Company giving details of the nature of his participation, and
  - (iii) he shall discontinue taking part in such activities, if so directed by the company.
- (3) (a) Every employee, on his initial appointment in the Company shall report to the Competent authority if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency within two months of his joining the duty.
- (b) If any member of family of an employee, who is already in service in the Company, engages in such trade or business etc., a report thereon shall be submitted by the employee within two months of commencement of such business.
- (c) No employee shall accept any employment with any of the companies/ business houses/ firms engaged in the same line of business as that of the Bharat Sanchar Nigam Limited (BSNL), for a period two years from the date of resignation/ superannuation / retirement/ removal from service as the case may be.
- (4) Unless otherwise provided by general or special orders of the Company, no employee may accept any fee or any pecuniary advantage for any work done by him for any private or public body or any private person without the sanction of the competent authority.
- (5) Functional Director of the Company, including the Chief Executive, who has retired from the service of the company, after such retirement, seeking post-retirement employment within two years from the date of his retirement should send application, in prescribed form i.e. **Form-6**, for seeking permission to accept commercial employment.

**Explanation:**

As per DPE vide OM No- 2(22)/99-GM-31 dt 10/5/2001 and No- 2(22)/99-GM-GL-039 dated 2<sup>nd</sup> September, 2002), it is decided that the administrative Ministries/Departments will be competent to consider and decide requests for post-retirement employment received in **Form-6** from former Board level executives of PSUs under their administrative control in consultation with DPE without involving the CVC, with the approval of their Minister-in-charge.



**Note:**

**The term “retirement” includes resignation; but not cases of those whose term of appointment was not extended by Government for reasons other than proven misconduct.**

**The term “business relations ” includes “ official dealings” as well.**

**Rule 17-A. SUBLETTING AND VACATION OF COMPANY ACCOMMODATION**

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

**Rule 18. APPROACHING FOREIGN GOVERNMENT FOR FINANCIAL ASSISTANCE**

No employee shall approach directly or indirectly a foreign Government or a foreign organization for financial assistance for visiting a foreign country or attending a course abroad without the prior permission of the Company.

**Rule 19. INVESTMENT, LENDING AND BORROWING**

No employee shall, save in the ordinary course of business with a Bank, Unit Trust of India, the Life Insurance Corporation, Housing Urban Development Corporation, City Industrial Development Corporation, Housing Development Finance Corporation or a firm etc. of standing, borrow money from or lend money to or otherwise place himself under pecuniary obligation to any person with whom he has or is likely to have official dealings or permit any such borrowing, lending or pecuniary obligation in his name or for his benefit or for the benefit of any member of his family.

**Rule 20. INSOLVENCY AND HABITUAL INDEBTEDNESS**

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

**Rule 21. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY**

- (1) (a) No employee shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family . ( **Form-1** ).
- (b) Any addition/extension in the immovable property subsequently shall be intimated/sanctioned.( **Form- 2&3&5** ).
- (2) No employee shall, except with the previous sanction of the competent authority, enter into any transaction concerning any immovable or movable property with a person or firm having official dealings with the employee or his subordinate.
- (3) Every employee shall report within a month to the competent authority every transaction concerning movable property owned or held by him in his own name or in the name of a member of his family, if the value of such property exceeds:
- (i) Rs.**100000**/- in case of employees in the Non-Executive category.
- (ii) Rs.**200000**/- in case of employees in the Executive category.

**Explanation No. I**

The term ‘movable property’ includes jewellery, vehicles, household articles, shares, securities, debentures, units of Mutual Funds/ UTI, Loans and Advances , insurance facilities with annual premia exceeding above limits.

**Explanation No. II**

The transaction entered into by spouse or any other member of the family of an employee of the company out of his or her own funds (including stridhan, gifts, inheritance, etc.) as distinct from the funds of the employee himself or herself, in his or her own name and in his/her own right, would not attract the provisions of the above sub-rule.

- (4) Every employee shall, on his first appointment in the Company, submit a return of his assets and liabilities etc **{Form A (2 to 8)}** within three months of joining giving the particulars regarding: -
- (a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person;
  - (b) shares, debentures and cash including bank deposits inherited by him or similarly owned acquired or held by him;
  - (c) other movable property inherited by him or similarly owned acquired or held by him if the value of such property exceeds:
    - (i) Rs.**100000/-** in case of Non-Executive employees.
    - (ii) Rs.**200000/-** in case of Executive employees.
  - (d) debts and other liabilities incurred by him directly or indirectly.

**Note: The value of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.**

- (5) Every employee shall beginning 1<sup>st</sup> January submit a return of immovable property inherited/owned/acquired by him either in his own name or in the name of any member of his family in January, as on 1<sup>st</sup> January in the prescribed **Form-4**.
- (6) The competent authority may at any time, by general or special order require an employee to submit within a period specified in the order a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the competent authority, includes details of the means by which, or the source from which, such property was acquired.
- (7) Every Return submitted under this rule shall be handled as secret document and the provisions of Rule 13 shall apply thereto.
- (8) In the event of no change in the list of the immovable property mentioned in sub-rule (4) above a '**No change**' Return shall be filed by the employee.

**Explanation:- For the purpose of Rules 5,6,9,12,15,21,21-A,21-B & 23, the competent authority is as under:-**

SSA level staff	:	SSA Head.
Circle level staff	:	Circle Head.
All India level staff	:	Circle Head where the staff is posted. For the circle Head, the competent authority will be <i>Director(HR)</i> .
Corporate office	:	Concerned <i>PGM BSNL CO /GM BSNL CO /Head of the Division. For the PGMs, BSNL CO/ GM, BSNL CO/ Head of Division, the competent authority will be Director (HR)</i> .

Papers and documents relating to these transactions shall be kept on record with the Vigilance Department at respective SSA/Circle/ Corporate office. The position will be reviewed by CMD for modification as and when necessary.

**Rule 21-A. RESTRICTION IN RELATION TO ACQUISITION AND DISPOSAL OF IMMOVABLE PROPERTY OUTSIDE INDIA AND TRANSACTIONS WITH FOREIGNERS ETC.**

Notwithstanding anything contained in sub-rule (1) of Rule 21, no employee shall, except with the previous sanction of the competent authority: -

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

**Explanation:**

In this rule the competent authority has the same meaning as in Rule 21.

**Rule 21-B DEALING IN COMPANY'S SHARES (IPO/FPO).**

Notwithstanding anything contained in Rule 21,

- (a) A full-time Director or any executive/ employee involved in the decision making process of fixation of price of an IPO/FPO of shares of a Company shall not apply either himself/herself or through any member of his/her family or through any other person acting on his/her behalf for allotment of shares (which includes all types of equity related instruments) in an IPO(Initial Public Offer)/FPO(Follow on Public Offer) of Company, even out of the category of preferential quota reserved for employees/ Directors of the Company.

- (b) All executives/ employees including full time Directors of Company who are in possession of unpublished price sensitive information would be prohibited from dealing/ transacting either in their own name or through any member of their family in the shares of their own company.
- (c) Full-time Director or executives /employees of Company or any member of his/her family or any person acting on his/her behalf shall not apply for shares out of any preferential quota reserved for employees/Directors of other companies.
- (d) All employees of the Company would be required to disclose to the company all transactions of purchase/sale in shares worth Rs. 20,000/- or more in value or existing holding/interest in the shares worth Rs. 20,000/- or more in his/her own company either in his/her own name or in the name of any family member to report to the Competent Authority\* indicating quantity, price, date of transaction and nature of interest within 4 working days.

\*NOTE:- In this rule Competent Authority means the Competent Authority defined in Rule 21.

**Rule 22. CANVASSING OF NON-OFFICIAL OR OTHER OUTSIDE INFLUENCE**

No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respects of matters pertaining to his service in the Company.

**Rule 23. RESTRICTION REGARDING MARRIAGE**

- (1) No employee shall enter into or contract marriage with a person having a spouse living;
- (2) No employee having a spouse living shall enter into or contract a marriage with any person,

Provided that the Board may permit an employee to enter into or contract any such marriage as is referred to clause (1) or clause (2) above if it is satisfied that-

- (a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
  - (b) there are other grounds for so doing.
- (3) An employee who has married or marries a person other than that of Indian Nationality shall forthwith intimate the fact to the competent authority.

**Rule 24. CONSUMPTION OF INTOXICATING DRINKS AND DRUGS**

An employee of the Company shall: -

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

**Rule 25. VINDICATION OF OFFICIAL ACTS AND CHARACTER OF EMPLOYEE**

- (1) No employee shall, except with the previous sanction of the competent authority, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or any attack of defamatory character:

Provided that if no such sanction is received by the employee within a period of three months from the date of receipt of his request by the competent authority, he shall be free to assume that the permission sought for has been granted to him.

- (2). Nothing in this rule shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private/personal capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the employee shall submit a report to the appointing authority regarding such action.

**Rule 26. CLASSIFICATION OF SERVICES**

The services of the employees of the Company are classified as follows: -

- (i) Executive
- (ii) Non-executive.

**Rule 27. CONSTITUTION OF SERVICES**

The services of employees in the Company shall consist of Executive and Non-Executive and various grades in these services are specified in the schedule.

**Rule 28. CLASSIFICATION OF POSTS**

The posts in Company are classified in Executive and Non-Executive categories. The details are given in the schedule.

**Rule 29. APPOINTING AUTHORITY**

The appointing authority for various grades in Executive and Non-Executive categories is specified in the schedule.

**Rule 30. SUSPENSION**

- (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Management by general or special order, may place an employee under suspension-
  - (a) where a disciplinary proceeding against him is contemplated or pending, or
  - (b) where, in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest of the Company, or
  - (c) where a case against him in respect of any criminal offence is under investigation or trial.
- (2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention by an order of the competent authority and shall remain under suspension until further orders. Similarly an employee who has been convicted for an offence, has been sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsory retired consequent of such conviction shall deemed to have been placed under suspension from the date of his conviction by an order of the competent authority and shall remain under suspension until further orders.
- (3) Where a penalty of dismissal or removal from service imposed upon an employee under suspension is set aside on appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- (4) Where a penalty of dismissal or removal from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the competent authority on consideration of the circumstances of the case decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the employee shall be deemed to have been placed under suspension by the competent authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.
- (5)
  - (a) Subject to the provisions contained in 30(5)(e), an order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.
  - (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 him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
  - (c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.

- (d) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension before the expiry of ninety days from the date of order of suspension on the recommendation of the Review Committee\*\* constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before the expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.
- (e) An order of suspension made or deemed to have been made under sub-rule 30(1) or 30(2) of this rule shall not be valid after a period of ninety days unless it is extended after reviews, for a further period before the expiry of ninety days:

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule 30(2), if the employee continues to be under detention at the time of completion of ninety days of suspension and the ninety days period in such case will count from the date the employee detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his Appointing Authority, whichever is later.

### **Rule 31. SUBSISTENCE ALLOWANCE**

- (1) Subject to provisions of sub-rule (3) an employee under suspension shall be entitled to draw subsistence allowance equal to fifty percent of his basic pay provided the competent authority is satisfied that the employee is not engaged any other employment or business or profession or vocation. In addition he shall be entitled to Dearness Allowance admissible on such subsistence allowance and any other compensatory allowance, which he was in receipt on the date of suspension provided the competent authority is satisfied that the employee continues to meet the expenditure for which the allowance was granted.
- (2) Where the period of suspension exceeds six months, the authority, which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:
- (i) The amount of subsistence allowance may be increased to 75% of basic pay and allowance thereon if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee under suspension.
- (ii) The amount of subsistence allowance may be reduced to 25 % of basic pay and allowances thereon if in the opinion of the said authority the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee under suspension.
- (iii) If an employee is arrested by the police on a criminal charge and bail is not granted, no subsistence allowance is payable. On grant of bail, if the competent authority decides to continue the suspension, the employee shall be entitled to subsistence allowance from, the date he is granted bail.
- (3) The subsistence allowance shall be paid only when the employee furnishes a certificate that he is not engaged in any other employment, business or profession or vocation and the competent authority is satisfied with the certificate.

\*\* (Guidelines at Para (4) issued by CVO vide their letter no. 212-52/2007-VM-V dated 17th Aug 2007 for composition of Review Committee may be followed till further orders).



- (4) (i) The following compulsory deduction should be enforced from the subsistence allowance: -
- (a) Income tax, wherever justified.
  - (b) House rent and allied charges i.e. electricity, water, furniture etc.
  - (c) Repayment of loans and advances taken by the employee.
  - (d) Contribution towards Employees Groups Insurance Scheme.
  - (e) CGHS Contributions.
- (ii) The following deductions are optional and should not be made except with the written consent of the employee: -
- (a) Premium due on Postal Life Insurance Policies.
  - (b) Amount due to co-operative stores and co-operative credit societies.
  - (c) Refund of advance taken from General Provident fund.
- (iii) The following deductions should not be made from the subsistence allowance: -
- (a) Subscription to General Provident fund.
  - (b) Amount due on Court attachments.
  - (c) Recovery of loss to BSNL for which the employee is responsible.

### **Rule 32. TREATMENT OF THE PERIOD OF SUSPENSION**

- (1) When the employee under suspension is reinstated, the competent authority may grant him the following pay and allowance for the period of suspension;
- (a) If the employee is exonerated and not awarded any of the penalties mentioned in Rule 33, the full pay and allowances which he would have been entitled to if he had not been suspended, less the subsistence allowance already paid to him; and,
  - (b) If otherwise, such proportion of pay and allowances as the competent authority may prescribe.
- (2) In a case falling under sub-clause (a), the period of absence from duty will be treated as a period spent on duty. In case falling under sub-clause (b) it will not be treated as a period spent on duty unless the competent authority so directs.

### **Rule 33. PENALTIES**

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

#### **(A) Minor Penalties**

- (a) Censure,
- (b) Withholding of promotion,
- (c) Withholding of increments of pay with or without cumulative effect,
- (d) Recovery from pay of the whole or part of any pecuniary loss caused by him to the company by negligence or breach of orders,
- (e) Reduction to a lower stage in the time scale of pay *by one stage* for a period not exceeding three years, without cumulative effect and not adversely affecting his pension / terminal benefits.

**(B) Major Penalties**

- (f) Save as provided for in clause (e) above, 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 expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay,
- (g) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the 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 grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post.
- (h) Compulsory retirement,
- (i) Removal from service which shall not be a disqualification for future employment under Govt./or the Corporation / Company owns or controlled by the Govt.
- (j) Dismissal from service which shall ordinarily be a disqualification for future employment under the Govt. or the Corporation/ Company owned or controlled by the Government.

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (i) or clause (j) shall be imposed:

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

**Explanations:**

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

- (i) Withholding of increment of an employee for failure to pass a prescribed test or examination;
- (ii) Stoppage of an employee at the efficiency bar time scale on the ground of his unfitness to cross the bar;
- (iii) Non-promotion, whether in an officiating capacity or otherwise, of an employee to a higher post for which he may be eligible for consideration but for which he is found unsuitable after consideration of his case;
- (iv) Reversion of an employee officiating in a higher grade or post to a lower grade or post on the ground that he is considered, to be unsuitable for such higher grade or post or on any administrative grounds unconnected with his conduct;
- (v) Reversion of an employee appointed on probation to another grade or post to his permanent grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;
- (vi) Compulsory retirement of an employee in accordance with the provision relating to his superannuation or retirement;
- (vii) Termination of service-
  - of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment;
  - of an employee appointed in a temporary capacity on the expiry of the period for which he was appointed or earlier in accordance with the terms of his appointment;

- of an employee appointed under a contract or agreement in accordance with the terms of such contract or agreement; and,
- of an employee on reduction of establishment.

#### **Rule 34. DISCIPLINARY AUTHORITY**

- (1) The Disciplinary Authority, as specified in the schedule or any authority higher than it may impose any of the penalties specified in Rule 33 on any employee.
- (2) The Disciplinary authority competent to impose any of the penalties specified in Rule 33 can institute disciplinary proceedings against the employee. Any authority higher than the Disciplinary Authority can direct the Disciplinary Authority to institute disciplinary proceedings against any employee.
- (3) The Disciplinary Authority competent to impose penalties specifies in clause (a) to (e) of Rule 33 can institute disciplinary proceedings against any employee for the imposition of any of the penalties in clause (f) to (j) of Rule 33, ***Notwithstanding that such disciplinary authority is not competent under these rules to impose any of the later penalties. However, the competent Disciplinary Authority as per the schedule shall issue the final orders imposing Major Penalty.***

#### **Rule 35. PROCEDURE FOR IMPOSING MINOR PENALTIES**

**Subject to the provisions of sub-rule 4 of Rule 37,**

- (1) Where it is proposed to impose any of the minor penalties specified in Clause (a) to (d) of Rule 33, the employee concerned shall be informed in writing of the imputation of the misconduct or misbehavior against him and shall be given an opportunity to submit his written statement of defence within a specified period (not exceeding 15 days). The defence statement, if any, submitted by the employee shall be taken into consideration by the disciplinary authority before passing orders.
- (1-A) ***Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, he should hold an inquiry in the manner laid down in sub rule (2) to(22) of Rule 36.***
- (2) The record of the proceeding shall include:
  - (a) a copy of statement of imputations of misconduct or misbehavior delivered to the employee;
  - (b) his defence statement if any.
  - (c) ***the evidence produced during the inquiry.***
  - (d) the orders of the competent authority together with the reason thereof.

#### **Rule 36. PROCEDURE FOR IMPOSING MAJOR PENALTIES**

- (1) No order for imposing any of the penalties specified in clause (e) (minor penalty) and (f) to (j) of Rule 33 shall be made except after an inquiry is held in accordance with this rule.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against an employee, it may itself inquire into, or appoint any public servant, **or appoint any retired employee of DOT/BSNL** (herein after called the Inquiring Authority) **in consultation with the Chief Vigilance Officer\*** to inquire into the truth thereof.  
***\*(As per the directions issued by CVC vide letter No.98/MSC/23,dated 25.3.03 & dated 1.8.2003/No.004/VGL/63 dated 18.11.2004)***
- (3) Where it is proposed to hold an inquiry, the disciplinary authority shall draw up or cause to be drawn up.
  - (a) the substance of the imputation of misconduct or misbehavior into definite and distinct articles of charge.
  - (b) each article of charge to be supported by

- (i) a statement of all relevant facts including any admission or confession made by the employee,
- (ii) a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained.

**Explanation:**

It will not be necessary to show the documents listed with the charge sheet or any other document to the employee at this stage.

- (4) The Disciplinary Authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputation of misconduct or misbehavior and list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified by Disciplinary Authority (not exceeding 15 days), a written statement of his defence and state whether he desires to be heard in person.
- (5)
  - (a) On receipt of written statement of the employee, the Disciplinary Authority may itself inquire into such of the articles of charges as are not admitted, or appoint an Inquiring Authority for the purpose under sub-rule (2).
  - (b) If all the articles of charge have been admitted by the employee in his written statement, the Disciplinary Authority shall record its finding on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Rule 37.
  - (c) Where the Disciplinary Authority itself inquires into any articles of charge or appoints an Inquiring Authority for holding any inquiry into such charge, it may, by an order, appoint a public servant to be known as “Presenting Officer” to present on its behalf the case in support of the articles of charge.
- (6) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to Inquiring Authority:
  - (a) A copy of the articles of charge and the statement of the imputations of misconduct or misbehavior;
  - (b) A copy of the written statement of the defence, if any, submitted by the employee;
  - (c) A copy of the statement of witnesses, if any, referred to in sub-rule (3) ;
  - (d) Evidence proving the delivery of the documents referred in sub-rule (3) to the employee;
  - (e) A copy of the order appointing the “Presenting Officer”.
- (7) On the date fixed by the Inquiring Authority the employee shall appear before the Inquiring Authority at the time, place and date specified in the notice. The Inquiring Authority shall ask the employee whether he pleads guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee concerned thereon. The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employees concerned pleads guilty.

- (8) (a) An employee may take the assistance of any other public servant/*retired employee of DoT/BSNL* but may not engage a legal practitioner for the purpose, unless the presenting officer appointed by disciplinary authority is a legal practitioner or, the disciplinary authority having regard to circumstances of the case so permits.
- (b) The employee shall not take the assistance of any public servant/*retired employee of DoT/BSNL* who has *seven* pending disciplinary cases on hand in which he has to function as Defence Assistant.
- (c) An employee against whom disciplinary proceedings are pending under these Rules shall not be entitled to assist another employee in disciplinary proceedings under these rules till the completion of such proceedings.
- (9) If the employee does not plead guilty, the Inquiring Authority shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence :
- (a) Inspect the documents listed with the charge-sheet:
- (b) Submit a list of additional documents that he wants to examine; and
- (c) be supplied with the copies of the statement of witness, if any, listed in the charge-sheet.

**Note:** Relevancy of the additional documents referred to 9 (b) and the copies of statements of witnesses referred to in sub-rule 9 (c) above will have to be given by the employee concerned, and the documents and witnesses shall be summoned if the Inquiring Authority is satisfied about their relevance to the charge under inquiry.

- (10) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, 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 the documents by such date as may be specified in the requisition:

Provided that the Inquiring Authority 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.

- (11) The authority, in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the Inquiring Authority on the date, place and time specified in the requisition notice:

Provided that the authority having the custody or possession of the requisitioned documents may claim privilege, for reasons to be recorded by it in writing, if the production of such documents will be against public interest or the interest of the Company. In that event, it shall inform the Inquiring Authority accordingly. The Inquiring Authority shall, on being so informed, communicate the information to the employee and withdraw the requisition.

- (12) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on a new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

- (13) Before the close of the prosecution case, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the charge-sheet or may itself call for new evidence or recall or re-examine any witness. In such a case the employee shall be given opportunity to inspect the documentary evidence before it is taken on record or to cross-examine a witness, who has been so summoned. The Inquiring Authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.
- (14) When the case for the *Disciplinary* Authority is closed, the employee 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 the employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.
- (15) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.
- (16) The Inquiring Authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (17) The Inquiring Authority may, after completion of the production of evidence, hear the presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective case, if they so desire.
- (18) If the employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence referred to in sub-rule (3) on or before the date specified for the purpose or does not appear in person, before the Inquiring Authority or otherwise fails or refuses to comply with any of the provisions of these rules, the Inquiring Authority may hold the inquiry 'Exparte'.
- (19) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in Clause (a) to (e) of Rule 33 (but not competent to impose any of the penalties specified in clause (f) to (j) of Rule 33) , has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that penalties specified in clause (f) to (j) of Rule 33 should be imposed on the employee, that authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.
  - (b) 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 witnesses is necessary in the interests 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 rules.

- (20) Whenever any Inquiring Authority after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself :

Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

- (21) After the conclusion of the inquiry, a report shall be prepared by the Inquiring Authority and it shall contain: -
- (a) the articles of charge and the statement of the imputations of misconduct or misbehavior;
  - (b) the defence of the employee in respect of each article of charge;
  - (c) an assessment of the evidence in respect of each article of charge;
  - (d) the findings on each article of charge and reasons therefor.

**Explanation:**

If in the opinion of the Inquiring Authority the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its finding on such article of charge:

Provided that the finding on such articles of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (22) The Inquiring Authority where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include-
- (a) the report of the inquiry prepared by it under sub-rule (21) above;
  - (b) the written statement of defence, if any, submitted by the employee referred to in sub rule ( 14 );
  - (c) the oral and documentary evidence produced in the course of the inquiry;
  - (d) written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the inquiry referred to in sub-rule ( 17 ) and ;
  - (e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

**Rule 37. ACTION ON THE INQUIRY REPORT**

- (1) The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by it in writing remit the case to the Inquiring Authority for fresh or further inquiry and report and the Inquiring Authority shall there upon proceed to hold the further inquiry according to the provisions of Rule 36, as far as may be.
- (2) (a) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the finding of the Inquiring Authority on any articles of charge to the employee

who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within 15 days, irrespective of whether the report is favourable or not to the employee.

(b) The Disciplinary Authority shall consider the representation, if any, submitted by the employee and record its findings before proceeding further in the manner as specified in sub-rule (3) to (6).

- (3) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any Article of Charge, record its reasons for such disagreements and record its own findings on such charge, if the evidence on record is sufficient for the purpose.
- (4) If the Disciplinary Authority having regard to its finding on all or any of the articles of charge is of the opinion that any of the penalties specified in Clause (a) to (e) of Rule 33 should be imposed on the employee, it shall, notwithstanding anything contained in Rule 35, make an order imposing such penalty.
- (5) If the Disciplinary Authority having regard to its finding on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in Clause (f) to (j) of Rule 33 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed. *Disciplinary authorities specified in BSNL CDA Rules 2006 can initiate major penalty proceedings but before imposing any major penalty prior approval of the appointing authority is necessary.*
- (6) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that no penalty is called for, it may pass an order exonerating the employee concerned.

#### **Rule 38. COMMUNICATION OF ORDERS**

Orders made by the Disciplinary Authority under Rule 35 or Rule 37 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

#### **Rule 39. COMMON PROCEEDINGS**

Where two or more employees are concerned in a case, the authority competent to impose a major penalty on all such employees may make an order directing that disciplinary proceedings against all of them may be taken in a common proceedings and the competent authority shall also specify the authority, which may function as the Disciplinary Authority for the purpose of such common proceedings, the penalties specified in Rule 33 in which such Disciplinary Authority shall be competent to impose and whether the procedure laid in Rule 35 or 36 and 37 shall be followed in the proceedings.

#### **Rule 40. SPECIAL PROCEDURE IN CERTAIN CASES**

Notwithstanding anything contained in Rule 35 or 36 or 37, the Disciplinary Authority may impose any of the penalties specified in Rule 33 in any of the following circumstances:

- (a) the employee has been convicted on a criminal charge or on the strength of facts or conclusions arrived by a judicial trial ; or
- (b) where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that



- it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
- (c) where the disciplinary authority is satisfied that in the interest of the security of State or of the Company it is not expedient to hold an inquiry in the manner provided in these Rules.

**Rule 41. PROCEDURE CONCERNING OFFICERS ON DEPUTATION FROM CENTRAL GOVERNMENT OR THE STATE GOVERNMENT OR ANOTHER PUBLIC UNDERTAKING OR A LOCAL AUTHORITY**

- (1) where the services of a Government servant are lent to BSNL or services of an employee of a public undertaking are lent to BSNL (herein after in this rule referred as “the borrowing authority”), the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing such Government servant or public undertaking employee under suspension and of the Disciplinary Authority for the purpose of conducting disciplinary proceeding against him.
- (2) where an order of suspension is made or disciplinary proceedings are taken against an employee who is on deputation to the Company from the Central or State Government or another Public undertaking or a local authority, the authority lending his services (hereinafter referred to as the “Lending Authority”) shall forthwith be informed by the borrowing authority of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.
- (3) In the light of the findings in the disciplinary proceedings, conducted against the employee: -
- (a) If the borrowing authority is of the opinion that any of the penalties specified in Clause (a) to (e) of Rule 33 should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with Lending Authority:

Provided that in the event of a difference of opinion between the borrowing and the lending authorities, the services of the employee shall be placed at the disposal of the Lending Authority.

- (b) If the borrowing authority is of the opinion that any of the penalties specified in Clause (f) to (j) of Rule 33 should be imposed on him, it shall replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action, as it deems necessary.
- (4) If the employee submits an appeal against an order imposing any of the penalty on him under sub-rule 3 (a) above it will be disposed of after consultation with the Lending Authority:

Provided that if there is a difference of opinion between the Appellate Authority and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

**Rule 42. PROVISION REGARDING EMPLOYEES LENT TO GOVERNMENT / SUBSIDIARY COMPANY OR OTHER PUBLIC UNDERTAKINGS, ETC.**

- (1) Where the services of an employee are lent to the Government or any authority subordinate, or to a Subsidiary Company or to any other public sector undertaking ( hereinafter referred to as the “borrowing authority”) the borrowing authority shall have the powers of the appointing authority for the purpose of placing such an employee under suspension and of the disciplinary authority for the purpose of conducting disciplinary proceedings against him, provided that the borrowing authority shall forth with inform BSNL ( hereinafter referred to as the lending authority ) of the circumstances leading to the order of suspension of an employee or the commencement of the disciplinary proceedings as the case may be.
- (2) In the light of the findings of the inquiring authority against the employee:
- (i) If the borrowing authority is of the opinion that any of the penalties specified in Clauses (a) to ( e ) of Rule 33 ( minor penalties ) should be imposed on the employee, it may, after consultation with the lending authority, make such orders in the case, as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

- (ii) If the borrowing authority is of the opinion that any of the penalties specified in clauses ( f ) to ( j ) of Rule 33 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit the proceedings of the inquiry for such action as deemed necessary to that authority

**Explanation:**

The disciplinary authority may make an order under this clause on the record of inquiry transmitted to it by the borrowing authority or by holding such further inquiries, as it may deem necessary , as far as may be in accordance with Rule 35,36 or 37

**Rule 43. SPECIAL PROVISIONS IN RESPECT OF D.O.T STAFF ON PERMANENT ABSORPTION IN BSNL – CONFERRING SAFEGUARDS RELATING TO SECURITY OF SERVICE ON DISMISSAL/REMOVAL.**

The D.O.T. employees on absorption in BSNL shall be governed by these rules from the date of their absorption in the company/date of issue of these rules. However, dismissal/removal from the service of BSNL after absorption, for any subsequent misconduct shall not amount to forfeiture of his retirement benefits for the service rendered in the Central Govt. Also in the event of dismissal/removal of such an employee from BSNL (i.e. D.O.T. staff permanently absorbed in BSNL), the employee concerned will be allowed protection to the extent that D.O.T. will review such order before final decision is taken by BSNL.

**Rule 44. ORDERS AGAINST WHICH NO APPEAL LIES.**

Notwithstanding anything contained in Rule 45, no appeal shall lie against –

- (i) Any order of Inquiring Board in the course of an inquiry under these Rules;
- (ii) Any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceedings, other than the order of suspension ;
- (iii) Any order passed by an Inquiring Authority in the course of an inquiry under Rule 36.

**Rule 45. ORDERS AGAINST WHICH APPEAL LIES**

Subject to the provision of Rule 44, an employee may prefer an appeal against all or any of the following orders, namely –

- (1) an order of suspension made or deemed to have been made under Rule 30;
- (2) an order imposing any of the penalties specified in Rule 33, whether made by the Disciplinary Authority or by any Appellate or Reviewing Authority;
- (3) an order enhancing any penalty, imposed under Rule 33;
- (4) an order which –
  - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
  - (b) interprets to his disadvantage the provisions of any such rule or agreement;
- (5) an order –
  - (a) stopping him at the Efficiency Bar in the time-scale of pay on the ground of his unfitness to cross the bar;
  - (b) reverting him while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty;
  - (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;
  - (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
  - (e) determining his pay and allowance-
    - (i) for the period of suspension, or,
    - (ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction of a lower service, grade, post, time-scale of pay, to the date of his reinstatement or restoration to his service, grade, or post, or
  - (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time- scale or pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

**EXPLANATION:** - In this rule –

- (i) the expression employee includes a person who has ceased to be in Company's service;
- (ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

**Rule 46. APPELLATE AUTHORITY**

- (1) An employee, including a person who has ceased to be in Company's service, may prefer an appeal against all or any of the orders specified in Rule 45 to the authority specified in this behalf in the Schedule.
- (2) Notwithstanding anything contained in sub-rule (1) –
  - (i) an appeal against an order in a common proceeding held under Rule 39 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate;
  - (ii) 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.
- (3) An employee may prefer an appeal against order imposing any of the penalties specified in Rule 33 to the Director (**HR**), BSNL Board where no such appeal lies to him under Sub Rule 1 or Sub Rule 2, if such penalty is imposed by any authority other than the Director (**HR**) BSNL Board on such employee in respect of his activities connected with his work as an office bearer of the recognized union / association.

**Rule 47. PERIOD OF LIMITATION OF APPEAL**

No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of **30 days** from the date on which a copy of the order appealed against is delivered to the appellant:

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 preferring the appeal in time.

**Rule 48. FORM AND CONTENTS OF APPEAL**

- (1) Every person preferring an appeal shall do so separately and in his own name.
- (2) The appeal shall be presented to the authority to which the appeal lies, a copy being forwarded by the appellant to the authority that made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.
- (3) The authority, which made the order appealed against, shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the Appellate Authority without any avoidable delay, and without waiting for any direction from the Appellate Authority.

**Rule 49. WITHHOLDING OF APPEAL :**

- (1) The authority which made the order appealed against may withhold the appeal if:
  - (a) it is an appeal against an order for which no appeal lies or:
  - (b) it does not comply with any of the provisions of Rule 48
  - (c) it is not submitted within the period specified in Rule 47 and no reasonable cause is shown for the delay: or
  - (d) it is a repetition of an appeal already decided and no new facts or circumstances are adduced:

Provided that an appeal withheld on the ground only that it does not comply with the provisions of Rule 48 shall be returned to the appellant, and if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

- (2) Where an appeal is withheld, the appellant shall be informed of the facts and reasons thereof.
- (3) At the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter, together with the reasons, for withholding them, shall be furnished by that authority to the Appellate Authority.

**Rule 50. TRANSMISSION OF APPEAL :**

- (1) The Authority which made the order appealed against shall, without any avoidable delay transmit to the Appellate Authority every appeal, which is not withheld under Rule 49 together with its comments thereon and the relevant records.
- (2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under Rule 49 and thereupon such appeal shall be transmitted to that Authority together with the comments of the authority withholding the appeal and the relevant records.

**Rule 51. CONSIDERATION OF APPEAL**

- (1) In the case of an appeal against an order of suspension, the Appellate Authority shall consider whether in the light of the provisions of Rule 30 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in Rule 33 or enhancing any penalty imposed under the said rules, the Appellate Authority shall consider –
  - (a) whether the procedure laid down in these rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
  - (b) whether the findings of the Disciplinary Authority are warranted by the evidence on the record; and
  - (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;

and pass orders –

- (i) confirming, enhancing, reducing, or setting aside the penalty; or

- (ii) remitting the case to the authority, which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the cases;

Provided that –

- (i) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in Clause (f) to (j) of Rule 33 and an inquiry under Rule 36 has not already been held in the case, the Appellate Authority shall, subject to the provisions of Rule 40, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 36 and thereafter, on a consideration of the proceedings of such inquiry and make such orders as it may deem fit;
  - (ii) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in Clause (f) to (j) of Rule 33 and an inquiry under Rule 36 has been held in the case, the Appellate Authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and,
  - (iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of Rule 35, of making a representation against such enhanced penalty.
- (3) In an appeal against any other order specified in Rule 45, the Appellate Authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

**Rule 52. IMPLEMENTATION OF ORDERS IN APPEAL**

The authority, which made the order appealed against, shall give effect to orders passed by the Appellate Authority.

**Rule 53. POWER TO RELAX TIME-LIMIT AND TO CONDONE DELAY**

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

**Rule 54. REVIEW**

- (1) Notwithstanding anything contained in these rules, the reviewing authority as specified in the schedule, may at any time, either on his or its own motion or otherwise call for the records of any inquiry and review any order made under these rules or under the rules repealed by Rule 58 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed and may -
- (a) confirm, modify or set aside the order; or
  - (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
  - (c) 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

(d) pass such other orders as it may deem fit.

Provided that no order imposing or enhancing any penalty shall be made by any Reviewing Authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in Clause (f) to (j) of Rule 33 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those Clauses, and if an inquiry under Rule 36 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 36 subject to the provisions of Rule 40.

Provided further that no power of review shall be exercised unless –

- (i) the authority which made the order in appeal, or
  - (ii) the authority, to which an appeal would lie, where no appeal has been preferred, is subordinate to him.
- (2) No proceeding for review shall be commenced until after –
- (i) the expiry of the period of limitation for an appeal, or
  - (ii) the disposal of the appeal, where any such appeal has been preferred.
- (3) An application for review shall be dealt with in the same manner as if it were an appeal under these rules.

#### **Rule 55. RETIREMENT**

(i) **On Medical grounds:**

An employee may, at the discretion of the competent authority, be examined by the Medical Officer / Officers as may be approved by the Company, at any time during the course of his employment with the Company to find the employee's fitness or otherwise for continuance of his employment in the company. If the employee is found unfit for continued employment by the competent authority, he shall be compulsorily retired on medical grounds.

(ii) **On attaining the age of superannuation:**

- (a) The age of superannuation shall be completion of 60 years and an employee shall retire from service on the last day of the month in which he attains the age of superannuation.
- (b) The company may, if it is in the interest of the Company so to do have the absolute right to retire an employee at any time after he completes the age of 55 years by giving him three months' notice in writing or on payment of three months salary to him in lieu of such notice.
- (c) An employee may also at any time after completing the age of 55 years voluntarily retire by giving three months' notice to the Company.

#### **Rule 56. TERMINATION**

(i) **Temporary employees:**

All temporary appointments in the Company are terminable at any time by giving one months' notice by either side viz. either by the employee or by the appointing

authority without assigning any reasons. The Appointing authority however reserves the right of terminating the service of an employee without notice or before the expiry of the stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

**(ii) Employees on probation:**

During the period of probation services of an employee are liable to be terminated at any time without assigning any reason whatsoever.

**(iii) Permanent employees:**

- (a) If a permanent employee is found guilty of misconduct or is found to be inefficient, his services are terminable only in accordance with the Conduct, Discipline and Appeal Rules of Bharat Sanchar Nigam Limited.
- (b) The services of an employee are terminable in accordance with the terms of appointment or on disciplinary grounds after following the proper procedure.

**Rule 57. SERVICE OF ORDERS, NOTICE, ETC.**

Every order, notice and other process made or issued under these rules shall be served in person on the employee concerned or communicated to him by registered post at his last known address.

**Rule 58. REPEAL AND SAVINGS**

- (i) Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the employees to whom these rules apply, are hereby repealed, provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules, provided further that such repeal shall not affect the previous operation of the rules so repealed and contravention of any of the said rules shall be punishable as if it were a contravention of these rules.
- (ii) An appeal pending at the commencement of these rules against an order made before the commencement of these Rules shall be considered and orders thereon shall be made in accordance with these Rules.
- (iii) The proceedings pending at the commencement of the Rules shall be continued and disposed, as far as may be, in accordance with the provisions of these Rules, as if such proceedings were proceedings under these Rules.
- (iv) Any misconduct, committed prior to the issue of these Rules, which was misconduct under the superseded Rules, shall be deemed to be misconduct under these rules.

**Rule 59. INTERPRETATION**

*In case of any doubt in application of BSNL CDA Rules 2006, the relevant G.O.I. Decisions / Instructions in Model CDA guidelines issued by the DPE, Fundamental Rules / Supplementary Rules, Central Civil Service (Conduct) Rules 1964, and Central Civil Services (Classified, Control and Appeal) Rules, 1965 as amended/modified from time to time shall be referred to, so long as these are not in contradiction with BSNL CDA Rules 2006 as amended time to time. If any question arises relating to the Interpretation of BSNL CDA rules, it shall be referred to the BSNL Board whose decision thereon shall be final.*



## **Rule 60. AMENDMENTS**

The Board may amend, modify, alter, relax or add to these Rules, from time to time and all such amendments, modifications, alterations or additions shall take effect from the date stated therein.

## **Rule 61. DISCIPLINARY PROVISIONS FOR RETIRING EMPLOYEES**

**(1) The employee against whom disciplinary proceedings have been initiated will cease to be in service on the date of superannuation but the disciplinary proceedings will continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof. The concerned employee will not receive any pay and/or allowance after the date of superannuation. He will also not be entitled for the payments of retirement benefits till the proceedings are completed and final order is passed thereon except his own contribution to Provident Fund and he will be entitled for the provisional pension as per applicable rule.**

(2) Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during the re-employment, shall after the retirement of the employee, be deemed to be proceeding under these Rules and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.

(3) During the pendency of the disciplinary proceedings the disciplinary authority may withhold payment of gratuity for ordering the recovery from gratuity of the whole or part of any pecuniary loss caused to the company, if the employee is found in the disciplinary proceedings or judicial proceedings to have been guilty of offences/misconduct as mentioned in sub-section (6) of Section 4 of the Payment of Gratuity Act, 1972 or to have caused pecuniary loss to the company by misconduct or negligence, during his service including service rendered on deputation or on re-employment after retirement. However, the provisions of Section 7(3) and 7(3A) of the payment of Gratuity Act, 1972 should be kept in view in the event of delayed payment in case the employee is fully exonerated.

**(4)(1) Chairman/Managing Director is the competent authority to issue sanction to institute the departmental proceedings against the absorbed employees after retirement for withholding a pension for combined service of BSNL and DOT period (herein referred as pension) or gratuity or both either full or in part or withdrawing a pension in full or in part, whether permanently or for a specified period and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Company, if, any disciplinary or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:**

**Provided that the Administrative Ministry shall be consulted before any final orders are passed:**

**Provided further that where a part of pension is withheld or withdrawn, the amount of such pensions shall not be reduced below the amount of rupees one thousand two hundred and seventy five (Rs. three thousand five hundred from 01.01.2006).**

**(4)(2)(a) The disciplinary proceedings referred to in sub-rule 4(1), if instituted while the absorbed employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the absorbed employee, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the absorbed employee had continued in service :**

**Provided that where the disciplinary proceedings are instituted by an authority subordinate to the Chairman/Managing Director, that authority shall submit a report recording of its findings to the Chairman/Managing Director.**

**(4)(2)(b) The disciplinary proceedings, if not instituted while the absorbed employee was in service, whether before his retirement, or during his re-employment,-**

- (i) Shall not be instituted save with sanction of the Chairman/Managing Director,**
- (ii) Shall not be in respect of any event which took place more than four years before such institution, and**
- (iii) Shall be conducted by such authority and in such place as the Chairman/Managing Director may direct and in accordance with the procedure applicable to disciplinary proceedings in which an order of dismissal from service could be made in relation to the absorbed employee during his service.**

**(4)(3) In the case of the absorbed employee who has retired on attaining the age of superannuation or otherwise and against whom any disciplinary or judicial proceedings are instituted or where disciplinary proceedings are continued under this rule, a provisional pension shall be sanctioned with the prior approval of Department of Telecom.**

**(4)(4) Where the Chairman / Managing Director decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a absorbed employee.**

**(4)(5) For the purpose of this rule,-**

**(a) disciplinary proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the absorbed employee or the pensioner, or if the absorbed employee has been placed under suspension from an earlier date, on such date; and**

**(b) Judicial proceedings shall be deemed to be instituted-**

**(i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made, and**

**(ii) in the case of civil proceedings, on the date the plaint is presented in the Court.**

#### **Explanation**

**For the purpose of these rules “absorbed employee” means DOT including erstwhile DTS/DTO employees who have taken permanent absorption in BSNL.**

**FORM-1**

**Form for giving prior intimation or seeking previous sanction in respect of acquisition/ disposal of Immovable/Movable property**

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

- (1) Name (in Full):
- (2) Designation:
- (3) Posting details: (i) Place of Posting:  
(ii) SSA :  
(iii) Name of Circle:
- (4) Pay Details:  
(i) Scale of pay with effective date:  
(ii) Present basic pay :
- (5) Purpose of application:  
(i) Sanction for transaction, or:  
(ii) Prior intimation of transaction:
- (6) Whether property is being acquired or disposed off :
- (7) Probable date of transaction:
- (8) Mode of acquisition/disposal (sale/ purchase, gift, mortgage, lease or otherwise):
- (9) In case of Immovable property:  
(a) Full details about location, viz., Municipal No., Street/Village/Taluk/ District and State in which situated:  
(b) Extent of property and description, in case of cultivable land wet, dry or garden land:  
(c) Whether freehold or leasehold:  
(d) Whether the applicants interest in the property is in full or part (in case of partial interest, the extent of such interest must be indicated):
- (10) In case of Moveable property:  
(a) Description of Motor vehicle:  
(i) Type of Vehicle:  
(ii) Make :  
(iii) Model:  
(iv) Registration No.:  
(b) Description of property other than Motor vehicle:  
(i) Type of Vehicle:  
(ii) Make :  
(iii) Model:
- (11) Total price of the property:  
(Market Value, in case of gifts)

- (12) In cases of acquisition, source(s) from which financed/ proposed to be financed:  
 (a) Personal savings:  
 (b) Other sources (giving details):
- (13) In the case of disposal of property, was requisite/sanction/intimation obtained/ given for its acquisition? (A copy of the sanction/acknowledgement should be attached):
- (14) (a) Name and address of the party with whom transaction is proposed to be made:  
 (b) Is the party related to the applicant? If so, state the relationship?  
 (c) Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings in near future?
- (15) In case of acquisition by gift, whether sanction/ requisite intimation obtained/ given for its acquisition under Rule 15 of Conduct Rule (If so, copy of the sanction or intimation should be attached) :
- (16) Any other relevant fact which the applicant may like to mention:

DECLARATION

I, ....., hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described above from/to the party whose name is mentioned in Item 14 above.

OR

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

**Station:**

**Signature:**

**Date:**

**Designation:**

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

**FORM-2**

**Form of report/application for permission to the prescribed authority for the building of or addition to a house**

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

Date.....

To,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sir,

Permission may be granted to me for the building of a house/the addition to the house. The estimated cost of the land and materials for the construction extension is given below: -

(1) **Land:**

(a) Location—

(i) Survey number:

(ii) Village :

(iii) District :

(iv) State:

(b) Area :

(c) Cost :

(d) Whether previous sanction obtained in acquiring the land as per rule 21.

(Please enclose copy of such sanction):

(2) **Estimated Construction Cost:**

(a) Civil works:

(b) Electrical works:

(c) Any other special fittings:

(d) Other costs with details etc:

(e) Total cost of constructions:

The construction will be supervised by myself/ will be done by

\* .....

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

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

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

Amount (in Rs.)

(i) Own savings:

(ii) Loans/Advance with full details:

(iii) Other sources with details:

Yours faithfully,

.....

---

\* Strike out the portions not applicable.

\*\* Enter the name and place of business of the contractor.

**FORM-3**

**Form of report to the prescribed authority after completion of the building/extension of a house**

Date.....

To,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sir,

(1) Permission was granted to me in Order No. .... Dated .....for the building of a house at an estimated cost of ..... on land with following details:

- (i) Survey No.:
- (ii) Village:
- (iii) District:
- (iv) State:

(2) The house has since been completed.

(3) The actual cost of construction is Rs. \_\_\_\_\_ and was financed as under: -

Amount (Rs.)

- (i) Own Savings :
- (ii) Loans /Advances with full details:

(4) Reasons for variation in cost: .....

**Note:** Variations in cost of construction, between the figures given above and figures while taking prior sanction, is explained below:

I hereby undertake to state that the above particulars given by me are true and correct.

Yours faithfully,

\_\_\_\_\_

\_\_\_\_\_

---

\* Enclose copy of sanction issued.

**FORM-4**

**STATEMENT OF ANNUAL RETURN OF IMMOVABLE PROPERTY**

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

For the year ending .....

As on .....

(1) Name of officer (in full) and service to which the officer belongs.....

(2) Present post.....

Present pay .....

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

**Date:**

**Signature:**

- (1) Inapplicable clause to be struck out.
- (2) In case where it is not possible to access the value accurately, the approximate value in relation to present conditions may be indicated.
- (3) Includes short terms lease also.

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



**FORM-5**

**VALUATION REPORT**

I/We hereby certify that I/we have valued House.....  
.....

Constructed by Shri/Smt.....and I/we give below the values at  
which I/we estimate the cost of the house under the following headings: -

<b><u>Heading</u></b>	<b><u>Cost (in Rs)</u></b>
(1) Bricks	
(2) Cement	
(3) Iron and Steel	
(4) Timber	
(5) Sanitary Fittings	
(6) Electrical Fittings	
(7) Any other Special Fittings	
(8) Labour Charges	
(9) Any other Charges	

**Total Cost of the Building** \_\_\_\_\_

Date.....

(Signature and Designation  
of the Valuation Authority)

**FORM- 6**

**Form of application for permission to PSE executives to accept commercial employment within a period of two years after retirement.**

- (1) Name of the Executive ...  
(in BLOCK letters)
- (2) Date of retirement ...
- (3) Particulars of the Ministry/Deptt./Office/PSE in which the executive served during the last 5 years preceding retirement (with duration):

Name of Ministry/ Department/Office/PSE	Post held	Duration	
		From	To

- (4) Post held at the time of retirement and period for which held ...
- (5) Pay scale of the post and pay drawn by the Executive at the time of retirement...
- (6) Pensionary benefits:

Pension expected/sanctioned, if any (communication if any, should be mentioned)	Gratuity, if any

- (7) Details regarding commercial employment proposed to be taken up –
- (a) Name of the firm/company/co-operative society, etc. ...
- (b) Products being manufactured by the firm/ type of business carried out by the firm, etc. ...
- (c) Whether the executive had during his official career, any dealings with the firm, etc. ...
- (d) Duration and nature of the official dealings with the firm ...
- (e) Whether the PSE in which the executive was working had any dealings with the firm, etc. if so, give details ...

- (f) Name of the job/post offered ...
  - (g) Whether post was advertised, if not, how was offer made (attach newspaper cutting of the advertisement, and a copy of the offer of appointment, if any) ...
  - (h) Description of the duties of the job/post ...
  - (i) Remuneration offered for post/job ...
- (8) Any information, which the applicant desires to furnish in support of his request ...

(9) Declaration:-

I hereby declare that –

- (i) the employment, which I propose to take up, will not bring me into conflict with Government/PSE;
- (ii) my commercial duties will not be such that my previous official position or knowledge or experience under Government/PSE could be used to give my proposed employer an unfair advantage;
- (iii) my commercial duties will not involve liaison or contact with the Government departments/ PSEs.

**Signature of the applicant**

Dated:

Address:

**FORM-A1**

**FORM TO BE FILLED BY BSNL EMPLOYEES ABOUT FAMILY DETAILS  
ON FIRST EMPLOYMENT**

(Under Rule 6 of BSNL Conduct, Discipline and Appeal Rules, 2006)

---

(1) Close relatives who are nationals of/or are domiciled in other countries	Name	Nationality	Present address	Place of Birth	Occupation*
--	------	-------------	-----------------	----------------	-------------

---

- (i) Father
- (ii) Mother
- (iii) Wife/Husband
- (iv) Son(s)
- (v) Daughter(s)
- (vi) Brother(s)
- (vii) Sister(s)

---

(2) Close relatives resident in India, who are of non-Indian origin	Name	Nationality	Present address	Place of Birth	Occupation*
---	------	-------------	-----------------	----------------	-------------

---

- (i) Father
- (ii) Mother
- (iii) Wife/Husband
- (iv) Son(s)
- (v) Daughter(s)
- (vi) Brother(s)
- (vii) Sister(s)

---

I certify that the foregoing information is correct and complete to the best of my knowledge and belief.

Signature.....  
Designation.....  
Date.....

\*If public service, give full particulars regarding designation of the post held, name of department/office, etc., where employed and the date of such employment.

Note 1. - Suppression of information in this form will be considered a major departmental offence for which the punishment may extend to dismissal from service.

Note 2. – Subsequent changes, if any, in the above data should be reported to the Head of Office/Department, at the end of each year.

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**ANNEXURE-I**

**EXTRACT FROM INDIAN COMPANIES ACT, 1956**

SECTION 6 – Meaning of ‘Relative’ – A person shall be deemed to be a relative of another if, and only if

- (a) They are members of a Hindu Undivided family; or
- (b) They are husband and wife; or
- (c) The one is related to the other in the manner indicated in Schedule (I-A) below: -

**SCHEDULE I-A**

**List of Relatives:**

Father

Mother (including step-mother)

Son (including step-son)

Son’s wife (Daughter-in-law)

Daughter (including step-daughter)

Father’s father                     }

}

Father’s mother                 }

}

Grand parents (both paternal and maternal)

Mother’s mother               }

}

Mother’s father                 }

Son’s son (Grand son)

Son’s son’s wife (Grand daughter-in-law)

Son’s daughter (Grand daughter)

Son’s daughter’s husband (Grand-son-in-law)

Daughter’s husband (son-in-law)

Daughter’s son (Grand son)

Daughter’s son’s wife (Grand daughter-in-law)

Daughter’s daughter (Grand daughter)

Daughter’s daughter’s husband (Grand son-in-law)

Brother (including step-brother)

Brother’s wife (sister-in-law)

Sister (including step-sister)

Sister’s husband (brother-in-law)

**FORM-A2**  
**FORM FOR BSNL EMPLOYEES IN RESPECT OF DEPENDENT STATUS**  
**ON FIRST APPOINTMENT**

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

- (1) **Name:** (2) **Employee No:**  
(3) **Designation:** (4) **Date of Birth:**  
(5) **Date of Entry in the Department:** (6) **Family Status as-**

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

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

**Place:**

**Date:**

**Signature:**

**FORM-A3**

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

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

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

<b>Claim*</b>	<b>Particulars of nominees(s)</b>	<b>Relationship</b>	<b>Age</b>	<b>Share payable</b>	<b>Alternate Nominee, if Ist nominee is pre-deceased</b>	<b>Share payable</b>
<b>Gratuity</b>						
<b>Leave Encashment</b>						
<b>Others (if any admissible)</b>						

This nomination supersedes any nomination made earlier.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

Signature of the employee

**WITNESS:**

(1) \_\_\_\_\_

(2) \_\_\_\_\_

Name & Designation:

Employee No:

Office Address:

Signature of Head of Office

Designation:

\* As admissible from time to time as per BSNL Rules.

**FORM-A4**

**STATEMENT OF MOVABLE PROPERTY ON FIRST APPOINTMENT**

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

(1) Name (in full):

(2) Employee No:

(3) Designation:

(4) Present Basic Pay:

(5) Department:

(6) Scale of Pay:

(7) Date of Appointment:

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



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

**Date:**

**Place:**

**Signature:**

**Note:** In this-

- (1) Jewellery owned by him (total value).
- (2) Silver and other precious metals and precious stones owned by him not forming part of jewellery (total value).
- (3) (i) Motor Car, (ii) Scooters/Motor Cycles, (iii) Refrigerators/Air-conditioners, (iv) Radios, Radiograms, Television sets and any other article, the value of which individually exceeds the amount of Rs.25, 000/-.
- (4) Value of terms of movable property individuals worth less than Rs.25, 000/- other than articles of daily use such as clothes, utensils, books, crockery, etc. added together as lump sum.
- (5) In columns 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.
- (6) In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

**FORM-A5**

**STATEMENT OF IMMOVABLE PROPERTY ON FIRST APPOINTMENT**

(e.g. Lands, House, Shops, Other Buildings, etc.) as on 1<sup>st</sup> January 20 \_\_\_\_\_

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

- (1) Name of officer (in full) and service to which the officer belongs.....
- (2) Present post..... Present pay.....
- (3) Date of Joining .....

Sl.No.	Descriptions of the property including under construction	Precise Location (Name of District, Taluk and Village in which property is situated and also its distinctive number, etc)	Area of land in case of land and buildings	Nature of land in case of landed property	Extent of interest	If not in Own Name, state in whose name held and his/her relation-ship to the employee	Date of Acquisition	How acquired-(Whether by purchase, lease, Mortgage, gift or Otherwise), with date of acquisition and name, with details of persons from whom acquired	Value of the property and How financed(Pl. see Note 2 below)	Particulars of sanction of prescribed authority, if any	Total annual Income from the property	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

**Date:**

**Signature:**

**Note:**

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

**FORM-A6**

**STATEMENT OF LIQUID ASSETS ON FIRST APPOINTMENT**

**as on 1st January 20\_\_\_\_**

**(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)**

- (1) Name of officer (in full) and service to which the officer belongs.....  
(2) Present post .....Present pay .....  
(3) Date of Joining .....

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

**Date:**

**Signature:**

**Note:**

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

**FORM -A7**

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

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

- (1) Name of officer (in full) and service to which the officer belongs.....
- (2) Present post .....Present pay .....
- (3) Date of Joining .....

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

**Date:**

**Signature:**

**Note:** Insurance policies, the annual premium of which exceeds Rs.10, 000/- or one sixth of the annual emoluments received from the company whichever is less are to be included in this statement.

**FORM – A 8**

**STATEMENT OF DEBTS AND OTHER LIABILITIES ON FIRST APPOINTMENT as on 1st January 20\_\_**

(Under Rule 21 of BSNL Conduct, Discipline and Appeal Rules, 2006)

(1) Name of officer (in full) and service to which the officer belongs.....

(2) Present post .....Present pay .....

(3) Date of Joining .....

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

**Date:**

**Signature:**

**Note:**

- (1) Individual items of loans not exceeding Rs.5, 000/- need not be included.
- (2) In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.
- (3) The statement should also include various loans and advances available to employees like advance for purchase of conveyance, etc. (other than advances of pay and traveling allowances, advances from the Provident fund, and loans on Life Insurance Policies and Fixed Deposits.

**SCHEDULE OF APPOINTING, DISCIPLINARY, APPELATE AND REVIEWING AUTHORITIES IN BSNL**

**FOR NON-EXECUTIVES**

**(FOR ABSORBED GROUP 'C' & 'D' & EQUIVALENT DIRECTLY RECRUITED NON-EXECUTIVES)**

Sl.No.	Group Category & Pay Grade	Appointing Authority	Disciplinary Authority		Appellate Authority for Major Penalty & Reviewing Authority for Minor Penalty	Reviewing Authority for Major Penalty
			Minor Penalty	Major Penalty & Appellate Authority for Minor Penalty		
1.	NE-1 to NE-4*, (Group 'D') Maximum of scale up to Rs.6, 200/-	STS Group A' / DE/CAO/ Equivalent officer.	JTS Group 'A' / SrSDE/SDE/ SrAO/AO/ Equivalent officer.	STS Group 'A' / DE/CAO/ Equivalent officer.	DGM concerned/SE/ Equivalent officer.	GM concerned/CE/ Equivalent officer.
2.	NE-5 to NE-11*, (Group 'C') Maximum of scale up to Rs.12, 245/-	DGM concerned/S E/ Equivalent officer.	STS Group 'A' / DE/CAO/ Equivalent officer.	DGM concerned/SE/ Equivalent officer.	GM concerned/CE/ Equivalent officer.	CGM concerned/ Equivalent officer.

**Note:**

- (1) All above mentioned officers and their equivalents shall exercise the powers of disciplinary authorities in respect of employees working under them. (including officers on deputation/deemed deputation).
- (2) Where officers of the level indicated in the schedule are not available, then the officers in the higher scale(s)/grade shall exercise these powers.
- (3) These authorities are for all Non Executive employees in all wings, i.e. Civil, Electrical, Arch., Finance & Telecom.
- (4)\*An appeal against an order of punishment specified in Rule 33 of the BSNL Conduct/Discipline and Appeal Rule 2006, shall henceforth be made by the concerned office bearer of the recognized union/association to the Director(**HR**), BSNL Board under the provisions of Rule 46(3) of the BSNL Conduct/Discipline and Appeal Rule 2006.
- (5) (i) "CGM or equivalent" will also include Officer holding or entrusted with the charge of the office of CGM or equivalent, provided that the charge is for not less than 45 days.  
 (ii) "GM or equivalent" will also include Officer holding or entrusted with the charge of the office of GM or equivalent, provided that the charge is for not less than 45 days.  
 (iii) Equivalent means equivalent Officer in the concerned wing, i.e. BSNL Finance, Civil, Electrical, Architecture, etc.

(As amended vide notification no. 10-5/2012-WS&I Dated 24.01.2013)

Equivalent to Cadre in CDA/Categories of Non Executives*	Scale of Pay Scale In CDA	Corresponding IDA Pay scale
NE-1	2550-55-2660-60-3200	4000-120-5800
NE-2	2610-60-3150-65-3540	4060-125-5935
NE-3	2650-65-3300-70-4000	4100-125-5975
NE-4	2750-70-3800-75-4400	4250-130-6200
NE-5	3050-75-3950-80-4590	4550-140-6650
NE-6	3200-85-4900	4720-150-6970
NE-7	4000-100-6000	5700-160-8100
NE-8	4500-125-7000	6550-185-9325
NE-9	5000-150-8000	7100-200-10100
NE-10	5500-175-9000	7800-225-11175
NE-11	6500-200-10500	8570-245-12245

**Note :** These Authorities will come in to force with effect from date of absorption/appointment of the employee in the company.

**SCHEDULE OF APPOINTING, DISCIPLINARY, APPELATE AND REVIEWING AUTHORITIES**  
**IN BSNL FOR EXECUTIVES (FOR ABSORBED GROUP 'B' OFFICERS & EQUIVALENT DIRECTLY**  
**RECRUITED EXECUTIVES)**

**(A) FOR MINOR PENALTY**

<b>Equivalent to Cadre in CDA</b>	<b>Pay Scale In CDA</b>	<b>Corresponding IDA Pay scale</b>	<b>APPOINTING AUTHORITY</b>	<b>DISCIPLINARY AUTHORITY</b>	<b>APPELLATE AUTHORITY</b>	<b>REVIEWING AUTHORITY</b>
Assistant, PA, JAO, JTO(Telecom) & Equivalent, AD(OL), AD(PR)	6500-200-10500	9850-250-14600	GM/Equivalent Dealing with HR in the circle office	DGM/ equivalent officer dealing with HR.	Director @ GM/ Equivalent	CMD@ CGM/ Equivalent
AAO/AO/SO/PS/ SDE(T) & Equivalent	7500-250-12000	11875-300-17275	Director	GM/Equivalent officer dealing with HR	Director@ CGM/ Equivalent	CMD@ Director
Sr.SDE/Sr.AO/SO (With 4 Year of regular Service)/	8000-275-13500	13000-350-18250	Director	GM/Equivalent officer dealing with HR	Director@ CGM/ Equivalent	CMD@ Director
Adhoc - CAO,PPS,STS & Equivalent	10000-325-15200	14500-350-18700	Director	GM/Equivalent officer dealing with HR	Director@ CGM/ Equivalent	CMD@ Director

**(B) FOR MAJOR PENALTY**

<b>Equivalent to Cadre in CDA</b>	<b>Pay Scale In CDA</b>	<b>Corresponding IDA Pay scale</b>	<b>APPOINTING AUTHORITY</b>	<b>DISCIPLINARY AUTHORITY</b>	<b>APPELLATE AUTHORITY</b>	<b>REVIEWING AUTHORITY</b>
Assistant, PA, JAO, JTO(Telecom) & Equivalent, AD(OL), AD(PR)	6500-200-10500	9850-250-14600	GM/Equivalent Dealing with HR in the circle office	GM/ equivalent officer dealing with HR.	Director @ CGM/ Equivalent	CMD@ Director
AAO/AO/SO/PS/ SDE(T) & Equivalent	7500-250-12000	11875-300-17275	Director	CGM/Equivalent officer dealing with HR	Director	CMD
Sr.SDE/Sr.AO/SO (With 4 Year of regular Service)/	8000-275-13500	13000-350-18250	Director	CGM/Equivalent officer dealing with HR	Director	CMD
Adhoc -CAO,PPS,STS & Equivalent	10000-325-15200	14500-350-18700	Director	CGM/Equivalent officer dealing with HR	Director	CMD

**Note 1.** : JTO/SDE/ Sr. SDE shall cover all JTO/ SDEs / Sr. SDEs of all wings i.e. Civil, Electrical, Arch. & Telecom.

**Note 2.**

- (a) All above mentioned officers and their equivalents shall exercise the powers of disciplinary authorities in respect of employees working under them. ( includes officers on deputation/deemed deputation)
- (b) Where officers of the level indicated in the schedule are not available, then the officers in the higher scale(s)/grade shall exercise these powers in the above schedule.
- (c) Where pay scale is not figured in between above range of pay scales in the above schedule, the Disciplinary/Appellate/Reviewing Authorities of next higher pay scale shall be applicable.
- (d) The above Disciplinary/Appointing/Appellate/Reviewing Authorities in the case of recently absorbed Group 'B' Officers/ Direct recruited officers shall be exercised as per BSNL Conduct, Discipline and Appeal Rules 2006.
- (e) (i) "CGM or equivalent" will also include Officer holding or entrusted with the charge of the office of CGM or equivalent, provided that the charge is for not less than 45 days.  
(ii) "GM or equivalent" will also include Officer holding or entrusted with the charge of the office of GM or equivalent, provided that the charge is for not less than 45 days.  
(iii) Equivalent means equivalent Officer in the concerned wing, i.e. BSNL Finance, Civil, Electrical, Architecture, etc.

**(As amended vide notification no. 10-5/2012-WS&I Dated 24.01.2013)**

**Note 3.** *Director means the Functional Director Dealing with the HR of the Company.*

**@ Note4:** These will be the Authorities for the cases dealt during their period in DOT/DTS/DTO.

**Note5:** These Authorities will come in to force with effect from date of absorption/appointment of the officer (Executive) in the company.

**SCHEDULE OF APPOINTING, DISCIPLINARY, APPELLATE AND REVIEWING AUTHORITIES IN BSNL  
FOR EXECUTIVES**

**(FOR ABSORBED GROUP 'A' OFFICERS & EQUIVALENT DIRECTLY RECRUITED EXECUTIVES)**

**(A) for Minor Penalty:**

Equivalent to Cadre in CDA	Pay Scale In CDA	Corresponding IDA Pay scale	Appointing Authority	Disciplinary Authority	Appellate Authority	Review Authority
JTS	8000-275-13500	13000-350 - 18250	Director	CGM/PGM BSNL CO/ GM BSNL CO	Director	CMD
STS	10000-325-15200	14500-350-18700	Director	CGM/PGM BSNL CO/ GM BSNL CO	Director	CMD
JAG	12000-375-16500	16000-400-20800	CMD	CGM(for field unit ) / Director (For BSNLCO)	Director(for field unit) / CMD (for BSNLCO)	CMD ( for field units)/ Board of Directors(for BSNL CO)
JAG(NFSG)	14300-400-18300	17500-400-22300	CMD	CGM(for field unit ) Director (For BSNLCO)	Director(for field unit) / CMD (for BSNLCO)	CMD ( for field units)/ Board of Directors (for BSNL CO)
SAG	18400-500-22400	23750-600-28550	CMD	Director	CMD	Board of Directors
HAG	22400-525-24500	25000-650-30200	CMD	Director	CMD	Board of Directors

**(B) for Major Penalty:**

Equivalent to Cadre in CDA	Pay Scale In CDA	Corresponding IDA Pay scale	Appointing Authority	Disciplinary Authority	Appellate Authority	Review Authority
JTS	8000-275-13500	13000-350 18250	Director	Director	CMD	Board of Directors
STS	10000-325-15200	14500-350-18700	Director	Director	CMD	Board of Directors
JAG	12000-375-16500	16000-400-20800	CMD	CMD	Board of Directors	Board of Directors
JAG(NFSG)	14300-400-18300	17500-400-22300	CMD	CMD	Board of Directors	Board of Directors
SAG	18400-500-22400	23750-600-28550	CMD	CMD	Board of Directors	Board of Directors
HAG	22400-525-24500	25000-650-30200	CMD	CMD	Board of Directors	Board of Directors

Note: (1) **Director means the Functional Director Dealing with the HR of the Company.**

- (2) All above mentioned officers and their equivalents shall exercise the powers of disciplinary authorities in respect of employees working under them. ( includes officers on deputation/deemed deputation).
- (3) Where officers of the level indicated in the schedule are not available, then the officers in the higher scale(s)/grade shall exercise these powers in the above schedule.
- (4) Where pay scale is not figured in between above range of pay scales in the above schedule, the Disciplinary/Appellate/Reviewing Authorities of next higher pay scale shall be applicable.
- (5) The above Disciplinary/Appointing/Appellate/Reviewing Authorities in the case of recently absorbed Group 'A'/ Direct recruited officers shall be exercised as per BSNL Conduct, Discipline and Appeal Rules 2006.
- (6) (i) "CGM or equivalent" will also include Officer holding or entrusted with the charge of the office of CGM or equivalent, provided that the charge is for not less than 45 days.  
(ii) "GM or equivalent" will also include Officer holding or entrusted with the charge of the office of GM or equivalent, provided that the charge is for not less than 45 days.  
(iii) Equivalent means equivalent Officer in the concerned wing, i.e. BSNL Finance, Civil, Electrical, Architecture, etc.

**(As amended vide notification no. 10-5/2012-WS&I Dated 24.01.2013)**

**Note : These Authorities will come in to force with effect from date of absorption/appointment of the officer in the company.**