



NATIONAL BUILDINGS CONSTRUCTION CORPORATION LIMITED
(A Government of India Enterprise)
"Committed to Customers Delight"

NBCC Bhawan, Lodhi Road
New Delhi - 110003

NATIONAL BUILDINGS CONSTRUCTION CORPORATION (DISCIPLINE AND
APPEAL) RULES, 1993

(as amended upto 31.08.2012)

1. Short title and commencement :-

- i) These rules may be called the National Buildings Construction Corporation (Discipline & Appeal) Rules, 1993.
- ii) They shall come into force on the 24th June, 1993.

2. Interpretation :

In these rules unless the context otherwise requires: -

- a) "Appellate authority" means the authority specified as such in the schedule;
- b) "Appointing authority" in relation to an employee of the Corporation means the authority empowered to make appointments to the class, grade of posts, as the case may be, in which he is for the time being employed;
- c) "Competent authority" means the authority empowered by the Board of Directors by any general or special rules or order to discharge the function or use the powers specified in the rule or order;
- d) "Board" means the Board of Directors of the Corporation and includes, in relation to the exercise or powers, any committee of the Board / Management or any officer of the corporation to whom the Board delegates any of its powers;

- e) "Chairman-cum-Managing Director" means the Chairman/Managing Director of the corporation.
- f) "Disciplinary authority" means the authority specified as such in the schedule;
- g) "Employee" means" an employee in the regular establishment of the Corporation.
- h) "Schedule" means the schedule appended to these rules;
- i) "Corporation" means the National Buildings Construction Corporation Limited.

3. Application :

These rules shall apply to every employee borne on the regular establishment of the Corporation.

Provided that the employee of the Central or State Government whose services are temporarily placed at the disposal of the Corporation shall be governed by the rules by which they were governed immediately before their services were placed at the disposal of the Corporation and the rules as amended thereafter from time to time by the Government concerned.

4. 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 is pending; or
 - b) 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 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 appointing 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 disciplinary 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 appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders.
5. An order of suspension made or deemed to have been made under this Rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.
6. No leave can be granted to an employee who has been placed under suspension.
7. An order of suspension shall be followed by a charge sheet within a reasonable period except where a case for a criminal offence against the employee is under investigation or trial.

5. SUBSISTENCE ALLOWANCE

- 1) An employee under suspension shall be entitled to draw subsistence allowance equal to 50 per cent of his basic pay provided the disciplinary authority is satisfied that the employee is not engaged in 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 of which he was in receipt on the date of suspension provided the suspending 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 allowances 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 per cent 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.
- 3) 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 decided to continue the suspension, the employee shall be entitled to subsistence allowance from the date he is granted bail.

6. TREATMENT OF THE PERIOD OF SUSPENSION

- 1) When the employee under suspension is re-instated, the competent authority may grant to 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 7, 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 allowance 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.

7. PENALTIES

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

[MINOR PENALTIES

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

MAJOR PENALTIES

- f) (i) *Save as provided in Clause (e), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay.*
- (ii) *Reduction to lower timescale 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 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, post .*
- g) *Compulsory retirement.*
- h) *Removal from service which shall not be a disqualification for future employment under the Govt. or the Corporation/Company owned or controlled by the Government.*

- i) *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 charges of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or for bearing to do any official act is established, the penalty mentioned in Clause (h) or (i) shall be imposed;

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

Explanation :

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

- (i) *Withholding of increment of an employee on account of his work being found unsatisfactory or not being of the required standard, or for failure to pass a prescribed test of examination.*
- (ii) *Stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar.*
- (iii) *Non-promotion, whether in a 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 to a lower grade or post, of an employee officiating in a higher grade or post, on the ground that he is considered, after trial, to be unsuitable for such higher grade or post, or on administrative grounds unconnected with his conduct.*
- (v) *Reversion to his previous grade or post, of an employee appointed on probation to another grade or post, during or at the end of the period of probation, in accordance with the terms of his appointment.*
- (vi) *Termination of service:*

- a) *Of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment.*
- b) *Of an employee appointed in a temporary capacity otherwise than under a contract or agreement, on the expiry of the period for which he was appointed, or earlier in accordance with the terms of his appointment;*
- c) *Of an employee appointed under a contract or agreement in accordance with the terms of such contract or agreement; and*
- d) *Of any employee on reduction of establishment.]¹*

8. PROCEDURE FOR IMPOSING MAJOR PENALTIES

- 1) No order imposing any of the major penalties specified in clause (f), (g), (h) and (i) of rule 7 shall be made except after an inquiry is held in accordance with the 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 enquire into, or appoint any Public Servant including a retired Public Servant, *[Retired Officer from Public Sector Undertakings]²* (herein-after called the Inquiring authority) to enquire into the truth thereof.
- 3) Where it is proposed to hold an inquiry, the disciplinary authority shall frame definite charges on the basis of the allegations against the employee. The charges, together with a statement of the allegations, on which they are based, a list of documents by which and a list of witnesses by whom, the article of charge are proposed to be sustained, shall be communicated in writing to the employee, who shall be required to submit within such time as may be specified by the Disciplinary Authority (not exceeding 15 days), a written statement whether he admits or denies any of or all the articles of charge;

EXPLANATION :

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

- 4) On receipt of the written statement of the employee, or if no such statement is received within the time specified, an enquiry may be held by the disciplinary Authority itself, or by any other public servant including retired public servant appointed as an Inquiring Authority under sub-clause (2);

Provided that it may not be necessary to hold an inquiry in respect of the charges admitted by the employee in his written statement. The disciplinary authority shall, however, record its findings on each such charge.

- 5) Where the Disciplinary authority itself inquires or appoints an inquiring authority for holding an inquiry, it may, by an order appoint a public servant to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- 6) The employee may take assistance of any other public servant including a retired public servant but shall not engage a legal practitioner for the purpose.

Provided that the employee shall not take assistance of a public servant who has two pending disciplinary cases on hand in which he has to function as Defence Assistant.

- 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 employee concerned pleads guilty.
- 8) 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.
 - (i) Inspect the documents listed with the charge-sheet;

- (ii) Submit a list of additional documents and witnesses that he wants to examine; and
- (iii) Be supplied with the copies of the statement of witnesses, if any, listed in the charge-sheet.

Note : Relevance of the additional documents and the witness referred to in sub-clause 8(ii) above will have to be given by the employee concerned and the documents and the witnesses shall be summoned if the inquiring authority is satisfied about their relevance to the charges under inquiry.

- 9) The inquiring authority shall ask the authority in whose custody or possession the documents are kept, for the production of the documents on such date as may be specified.
- 10) The authority in whose custody or possession the requisitioned documents are, shall arrange to produce the same before the inquiry 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 if the production of such documents will be against the public interest or the interest of the Company. In that event, it shall inform the inquiring authority accordingly.

- 11) 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 inquiry authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.
- 12) 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 witnesses. In such 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.

- 13) When the case for the disciplinary authority is closed, the employee may be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the 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.
- 14) 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 be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provision applicable to the witnesses for the disciplinary authority.
- 15) 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.
- 16) After the completion of the production of the evidence, the employee and the Presenting Officer may file written briefs of their respective cases within 15 days of the date of completion of the production of evidence.
- 17) If the employee 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, or through the assisting officer or otherwise fails or refuses to comply with any of the provisions of these rules, the Inquiring Authority may hold the inquiry ex-parte.
- 18) Whenever any inquiring authority, after having heard, 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 hereinbefore provided.

- 19) (i) After the conclusion of the inquiry, report shall be prepared and it shall contain;
- (a) A gist of the articles of charge and the statement of the imputations of misconduct or misbehavior.
 - (b) A gist of 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 of each article of charge and the reasons therefor.

EXPLANATION :

If in the opinion of the inquiring authority the proceedings of the inquiry establish any articles of charge different from the original articles of the charge, it may record its findings on such article of charge.

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

- (ii) 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-clause (i) above.
 - (b) The written statement of defence, if any, submitted by the employee referred to in such-rule (13).
 - (c) The oral and documentary evidence produced in the course of the inquiry.

- (d) Written briefs referred to in sub-rule 916) if any; and
- (e) The orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

20) [Continuation of Disciplinary Proceedings after retirement.

- (i) *Disciplinary proceedings, if instituted while the employee was in service whether before his retirement or during his re-employment, shall after the final retirement of the employee, be deemed to be proceeding 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.*
- (ii) *During the pendency of the disciplinary proceeding, the disciplinary authority may withhold payment of gratuity [for ordering]⁴ the recovery from gratuity of the whole or part of any pecuniary loss caused to the Company if the employee is found, in a disciplinary proceeding or judicial proceeding, 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 will be kept in view in the event of delayed payment, in case the employee is fully exonerated.]³*

[EXPLANATION : *The term disciplinary proceedings appearing in para (i) and (ii) above covers proceedings of both types i.e. major as well as minor.]⁴*

9. ACTION ON THE INQUIRY REPORT

- (1) *[The disciplinary authority, if it is not itself the inquiry 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 thereupon proceed to hold the further inquiry according to the provision of Rule-8 as far as may be.*

1-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 to the employee concerned who shall be required to submit, if he so desired, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the employees concerned.

1-B. The disciplinary authority shall consider the representation, if any, submitted by the employee concerned before proceeding further in the manner specified in sub rules (2) to (4).

- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for purpose.*
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion, that any of the penalties specified in clauses (a) to (e) of Rule-7 should be imposed on the employee it shall, notwithstanding anything contained in Rule-10, make an order imposing such penalty.*
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge, and on the basis of evidence adduced during the inquiry is of the opinion that any of the penalties specified in Clauses (f) to (i) of Rule 7 should be imposed on the employees, 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.*
- (5) 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.]⁵*

10. PROCEDURE FOR IMPOSING MINOR PENALTIES :

- (1) Where it is proposed to impose any of the minor penalties specified in clause (1) to (e) of Rule 7, the employee concerned shall be informed in writing of the imputations of misconduct or misbehavior against him and 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 pass orders.

- (2) The record of the proceedings shall include :
- (i) A copy of the statement of imputations of misconduct or misbehavior delivered to the employee;
 - (ii) His defence statement, if any; and
 - (iii) The order of the disciplinary authority together with the reasons therefor.

11. COMMUNICATION OF ORDER

Orders made by the disciplinary authority under Rule-9 or 10 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.

12. 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 specified authority may function as the disciplinary authority for the purpose of such common proceedings.

13. SPECIAL PROCEDURE IN CERTAIN CASES:

Notwithstanding anything contained in Rule 8 or 9 or 10, the disciplinary authority may impose any of the penalties specified in Rule – 7 in any of the following circumstances :

- (i) The employee has been convicted on a criminal charge, or on the strength of facts or conclusions arrived at by a judicial trial; or
- (ii) 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

- (iii) Where the disciplinary authority is satisfied that in the interest of the security of the Corporation it is not expedient to hold an inquiry in the manner provided in these rules.

[13 A :

Notwithstanding anything contained to the contrary in any other rule, the services of any employee shall be terminated by the company, if :-

- (a) *his post is abolished;*
(b) *he is declared on medical grounds; to be unfit for services in the company; or*
(c) *he remains on unauthorized absence for thirty days or more.*

EXPLANATION :

1. *In the case of (a) & (b) above, the services shall be terminated after giving three months or one months notice, as per the terms of appointment of the employee or pay in lieu thereof in both the cases.*
2. *In the case of (c) above, services of an employee shall be terminated if he fails to explain his conduct satisfactorily within 15 days from the date of receipt of the Show Cause Notice by him. The Management shall be empowered to take a decision without resorting to further inquiries.*
3. (a) *The decision in case of (c) above, would be taken only with the prior approval of a Screening Committee of two Directors / Executive Directors to be constituted for this purpose by the Chairman and Managing Director.*

(b) The reasons for the decision would be recorded in writing.]⁶

[Vide NBCC H.O. Circular No. 54(1)/87-Admn. Dated 30.05.1995 issued by Dy Manager (Personnel) following criterion/procedure has been laid down for determining medical unfitness for the purposes of Rule 13-A: --

(a) If an employee has been continuously on leave on medical grounds for a period of 12 weeks (including Sundays & Holidays) or he / she has been on leave for reasons of sickness for a total period of 120 days (including Sundays & Holidays) or more during a continuous period of six months or if a person though attending duties is found to be prima-facie week, sick, mentally deranged or of unsound mind, his/her case may be recommended for his/her thorough medical checkup by the Medical Board/Civil Surgeon and report indicating inter-alia the following :

- ✓ the disease he/she is suffering from;
- ✓ whether it is curable or incurable;
- ✓ whether the disease is infectious/contagious;
- ✓ in case of curable disease whether the person is like to be fit to resume his/her normal duties within a period of 12 months.
- ✓ Is he/she is fit to do his/her present job.

The H.R. Division in the Corporate Office shall make such references to the respective Civil Surgeon/Medical Board in respect of employees and officers whose personal files are maintained in the Corporate Office. Similar action shall be taken by the respective RBG / SBG / Zone(S) in respect of employees whose files are maintained in the Unit IV / Zone(s) ('C' & 'D' Group employees).

(b) If an employee is not found fit as per the report of the Civil Surgeon / Medical Board to do his present job or in case of curable disease, may not resume his/her duties within a period of 12 months and in case of employees suffering from incurable or infectious/contagious disease or suffering from lunacy or mental derangement and whose services cannot be utilized by the Corporation or whose attendance is likely to pose health hazard to others, his services shall be terminated after giving three months or one month notice, as per the terms of appointment of the employee or pay in lieu thereof.]

[Vide NBCC H.O. Office Order No. 54(1)/HRM/2012 dated 6.09.2012 Competent Authority has Constituted Screening Committee comprising of following Members for the purposes of Rule 13A(c) above: -

1. Shri A.K. Mittal, Director (Projects)
2. Shri S.K. Gambhir, Executive Director (HRM)

14. EMPLOYEES ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR STATE GOVERNMENT ETC.

- (i) Where an order of suspension is made or disciplinary proceeding is taken against an employee, who is on deputation to the Corporation from the Central or State Government or another public undertaking, or a local authority, the authority lending his services (herein-after referred to as the "Lending Authority") shall forthwith be informed of the circumstances leading to the order of his suspension, or the commencement of the disciplinary proceedings, as the case may be.
- (ii) In the light of the findings in the disciplinary proceedings taken against the employee;
 - (a) If the Disciplinary Authority is of the opinion that any the minor penalties should be imposed on him, it may pass such orders on the case as it deems necessary after consultation with the Lending Authority.

Provided that in the event of a difference of opinion between the Disciplinary and the Lending Authority, the services of the employee shall be placed at the disposal of the Lending Authority.
 - (b) If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on him, it should place 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.
- (iii) If the employee submits an appeal against an order imposing a minor penalty on him under sub-rule (ii) (a), 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 employees 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.

15. APPEALS

- (i) An employee may appeal against an order imposing upon him any of the penalties specified in Rule 7 or against the order of

suspension referred to in Rule 4. The appeal shall lie to the authority specified in the Schedule.

- (ii) An appeal shall be preferred within one month from the date of communication of the order appealed against. The appeal shall be addressed to the Appellate Authority specified in the Schedule and submitted to the authority whose order is appealed against. The authority whose order is appealed against shall forward the appeal together with its comments and records of the case to the appellate authority within 15 days. The appellate authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within three months of the date of appeal. The appellate authority may pass order confirming, enhancing, reducing or setting aside the penalty or remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.

Provided that if the enhanced penalty which the appellate authority proposed to impose is a major penalty specified in Clauses (f), (g), (h) and (i) of Rule 7 and an inquiry as provided in Rule 8 has not already been held in the cases, the appellate authority shall direct that such an inquiry be held in accordance with the provisions of Rule 8 and thereafter consider the record of the inquiry and pass such orders as it may deem proper. If the appellate authority decides to enhance the punishment but an inquiry has already been held as provided in Rule 8, the appellate authority shall give a show cause notice to the employee as to why the enhanced penalty should not be imposed upon him. The appellate authority shall pass final order after taking into account the representation, if any, submitted by the employee.

16. REVIEW

Notwithstanding anything contained in these rules, the reviewing authority as specified in the schedule may call for the record of any case involving a major penalty within three months of the date of the final order, and after reviewing the case, pass such orders thereon as it may deem fit.

Provided that if the enhanced penalty, which the reviewing authority proposes to impose, is a major penalty specified in clauses (f), (g), (h) or (i) of Rule-7 and an inquiry as provided under Rule-8 has not already been held

in these cases, the reviewing authority shall direct such an inquiry be held in accordance with the provisions of Rule 8 and thereafter consider the record of the inquiry and pass such orders as it may deem prompt, if the appellate authority decides to enhance the punishment but an inquiry has already been held in accordance with the provisions of Rule 8, the reviewing authority shall give show cause notice to the employees as to why the enhanced penalty should not be imposed upon him. The reviewing authority shall pass final order after taking into account the representation, if any, submitted by the employee.

17. 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.

18. 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 is sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

19. REPEAL AND SAVINGS

- (1) The NBCC (Discipline) Rules, 1970 shall cease to operate with effect from 24th June, 1993.
- (2) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, which have been superseded by these rules.
- (3) 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.
- (4) The proceedings pending at the commencement of these 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.

- (5) Any misconduct etc. committed prior to the issue of these rules shall be deemed to be a misconduct under these rules.

20. REMOVAL OF DOUBTS

Where a doubt arises as to the interpretation of any of these rules, the matter shall be referred to the CMD/Board for final decision.

21. AMENDMENTS

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

[SCHEDULE TO NBCC (DISCIPLINE AND APPEAL) RULES, 1993

<i>Level of posts</i>	<i>Appointing Authority</i>	<i>Disciplinary Authority</i>	<i>Penalties</i>	<i>Appellate Authority</i>	<i>Reviewing Authority</i>
1	2	3	4	5	6
<u>Group "A"</u>					
<i>Dy. General Manager & above</i>	<i>Chairman-cum-Managing Director</i>	<i>Chairman-cum-Managing Director</i>	<i>All (Major & Minor)</i>	<i>Board of Directors.</i>	<i>Authority next higher to the Appellate Authority.</i>
<i>DPM to PM & equivalent in other cadres</i>	<i>Director</i>	<i>Director</i>	<i>All (Major & Minor)</i>	<i>Chairman-cum-Managing Director</i>	<i>-do-</i>
<i>Sr. Project Executive and equivalent in other cadres</i>	<i>ED/GGM</i>	<i>ED/GGM</i>	<i>All (Major & Minor)</i>	<i>Director</i>	<i>-do-</i>
<u>GROUP "B"</u>					
<i>Project Executive and equivalent in other cadres</i>	<i>General Manager (Law) (for Tech./Purchase/Store Staff)</i>	<i>General Manager (Law)</i>	<i>All (Major & Minor)</i>	<i>ED/GGM</i>	<i>-do-</i>
	<i>General Manager (F) (for Finance & Accts staff)</i>	<i>General Manager (F) (for Finance & Accts. Staff)</i>	<i>All (Major & Minor)</i>	<i>Director</i>	<i>-do-</i>
	<i>General Manager (P) (for Pers. & Admn. Staff)</i>	<i>General Manager (P) (for Pers. & Admn. Staff)</i>	<i>All (Major & Minor)</i>	<i>Director</i>	<i>-do-</i>
<u>GROUP "C"</u>					
<i>OA-III to Jr. Project Executive</i>	<i>General Manager (Law) (for Tech./Pur./</i>	<i>General Manager (Law) (for</i>	<i>All (Major & Minor)</i>	<i>ED/GGM</i>	<i>-do-</i>

<i>and equivalent in other cadres</i>	<i>Store staff)</i>	<i>Tech./Pur./ Store staff)</i>			
	<i>General Manager (F) (for Finance & Accts staff)</i>	<i>General Manager (F) (for Finance & Accts. Staff)</i>	<i>All (Major & Minor)</i>	<i>Director</i>	<i>-do-</i>
	<i>General Manager (P) (for Pers. & Admn. Staff)</i>	<i>General Manager (P) (for Pers. & Admn. Staff)</i>	<i>All (Major & Minor)</i>	<i>Director</i>	<i>-do-</i>
<u>GROUP "D"</u>					
<i>Below OA-III and equivalent in other cadres</i>	<i>Manager</i>	<i>Manager</i>	<i>All (Major & Minor)</i>	<i>Dy. General Manager</i>	<i>-do-</i>

NOTE : Where the Appellate Authority is the Board of Directors, the Reviewing Authority will also be the Board.]⁷

Superscripts:

1. Substituted vide NBCC H.O. Circular No. 54(1)/Pers/2005/654 dated **2.3.2005** issued by Genl. Manager (Pers & IR) as per approval granted by BOD in their 345th meeting held on 7.2.2005. Also refer Corrigendum N. 54(1)/HRM/2012/3412 dated **14.08.2012** issued by ED(HRM).
2. Inserted vide NBCC H.O. Circular No. 54(1)/Pers/2003-2306 dated **19.12.2003** issued by General Manager(Pers & IR) as per approval granted by BOD in their 337th meeting held on 28.11.2003.
3. Inserted vide NBCC H.O. Circular No. 54(1)/2000-Admn. dated **9.5.2000** issued by Chief Manager(Pers & IR) as per approval granted by BOD in their 316th meeting held on 3.4.2000
4. Inserted vide NBCC H.O. Circular No. 54(1)/2003-Admn. dated **7.1.2003** issued by Company Secretary as per approval granted by BOD in their 333rd meeting held on 17.12.2002
5. Substituted vide NBCC H.O. Circular No. 54(1)/2001-Admn dated **18.1.2001** issued by Chief Manager(Pers & IR) as per approval granted by BOD in their 320th meeting held on 20.12.2000
6. Amended vide NBCC H.O. Circular No. 54(1)87-Admn. dated **14.6.1994** issued by Manager(Admn) as per approval granted by BOD in their 275th meeting held on 11.5.1994.
7. Amended vide NBCC H.O. Circular No. 54(1)/2007-Pers/631 dated **28.2.2007** issued by General Manager (Pers/IR) as per approval granted by BOD in their 361st meeting held on 19.2.2007

**LIST OF RULES & SUB-RULES WHICH HAVE UNDERGONE AMENDMENTS
OVER TIME**

S.NO.	Amended Rule/Sub-Rule
1	RULE 7 : PENALTIES MINOR AND MAJOR PENALTIES
2	RULE 8 : PROCEDURE FOR IMPOSITNG MAJOR PENALTIES Incorporation of Sub-rule 20
3	RULE 9 : ACTION ON THE INQUIRY REPORT
4	RULE 13 : SPECIAL PROCEDURE IN CERTAIN CASES INTRODUCTION OF RULE 13A
5	SCHEDULE TO NBCC (D&A) RULES, 1993