

**KERALA STATE ELECTRONICS DEVELOPMENT CORPORATION LTD.
CONDUCT DISCIPLINE & APPEAL RULES 1986**

Rule 1. SHORT TITLE AND COMMENCEMENT

(i) These Rules may be called the Kerala State Electronics Development Corporation Ltd. Conduct, Discipline and Appeal Rules, 1986.

(ii) They shall come into force with effect from 23.07.1986.

Rule 2. APPLICATION

These Rules shall apply to all employees including these on contract service but excluding these who are covered by the standing orders of the Corporation framed under the Industrial Employment (Standing Orders) Act 1946, as amended from time to time.

Rule 3. DEFINITIONS

In these Rules, unless the Context otherwise requires:

(a) 'EMPLOYEE' means any person employed in the Corporation other than the persons engaged on casual/ temporary basis and those who are covered under the standing orders framed under the Industrial Employment (Standing Orders) Act, 1946, as amended from time to time.

(b) 'CORPORATION' means the Kerala State Electronics Development Corporation Ltd., which expression shall include all its factories, Head Office and other Administrative Offices as well as Sales and Service Offices, Sub-offices, Branches, Work sites and Construction sites now in existence and those which may be established in future and wherever situated. The term 'Corporation' for the purpose of these Rules shall also include Electronic Research and Development Centre formed under the Travancore Scientific and Charitable Societies Act.

(c) 'BOARD' means the Board of Directors of the Corporation and includes any Committee thereof.

(d) 'Chairman' means the Chairman of the Corporation.

- (e) 'Managing Director' means the Managing Director of the Corporation.
- (f) 'Competent Authority' means the Managing Director or any authority or authorities so designated by the Managing Director by formal Office Orders from time to time.
- (g) 'Inquiring Authority' means any person or persons empowered by the Competent authority from time to time under these Rules to enquire into misconduct.
- (h) 'Government' means the State Government.
- (i) 'Appellate Authority' means the Chairman where the Managing Director is the Competent authority. In other cases where the competent authority is an authority so designated by the Managing Director by a formal Office Order, the Managing Director shall be the appellate authority.
- (j) 'Premises' means the factory buildings, the corporate Head Office, Administrative buildings, ancillary offices and other Administrative Offices, branches, Sales and service centers, godowns, warehouses, showrooms, stores and such other premises of the Corporation including the ER & DC, whether situated in India or abroad, whether at present existing or that may be established in future which are used for transacting any business of the Corporation and include vacant places, adjacent or appertinent to the Corporation and shall include estate and vehicles of the Corporation.

Rule 4. GENERAL

Every employee shall at all times (i) maintain absolute integrity (ii) maintain devotion to duty; and (iii) conduct himself in a manner conducive to the best interests of the Corporation and shall do nothing which is unbecoming of an employee or is prejudicial to the interest of the Corporation.

Rule 5. MISCONDUCT

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

- (1) Theft, fraud or dishonesty or breach of trust or misappropriation in connection with the business or property of the Corporation, or of property of any other person within the premises of the Corporation or of the

property of any of the Organisation sponsored by the Corporation.

(2) Taking or giving bribe 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 other 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, willful negligence in discharge of his duties, or commission of any act subversive of discipline or of good behaviour.

(6) Absence without leave or over-staying the sanctioned leave for more than seven consecutive days 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 malignering or slowing down of work.

(9) Damage to any property of the Corporation.

(10) Interference or tampering with any safety devices installed or violating the safety or environmental regulations in or about the premises of the Corporation.

(11) Drunkenness or riotous or disorderly or indecent behaviour in the premises of the Corporation or outside such premises where such behaviour is related to or connected with, the employment of the employee.

(12) Gambling within the premises of the Corporation.

(13) Smoking within the premises of the Corporation where it is prohibited or spitting in any place other than spittoons provided for that purpose or using any part of the premises as urinals, latrine, bathrooms etc. , other than the places provided for the said purposes.

(14) Collection without permission of the competent authority of any money within the premises of the Corporation except as sanctioned by any law of the land for the time being in force or rules of the Corporation.

(15) Sleeping while on duty.

(16) Commission of any act which amounts to a criminal offence involving

- moral turpitude.
- (17) Absence from employee's appointed place of work without permission or sufficient cause.
- (18) Purchasing properties, machinery, stores, etc. from or selling properties, machinery, stores etc. to the Corporation without express permission in writing from the competent authority.
- (19) Commission of any act subversive of discipline or of good behaviour.
- (20) Sub-letting or unauthorised use of the Corporation's quarters/ accommodation taken on lease by the Corporation without the permission of the management.
- (21) Mis-use of any amenity provided by the Corporation.
- (22) Participation and / or inciting others to participate, in strikes, gheraos, go-slow and similar other agitational activities, or abetting, inciting instigating or acting in furtherance thereof.
- (23) Unauthorised custody and use of the Corporation's equipment, tools, accommodation taken on lease by the Corporation/ Corporation quarters, offices, godowns, land or any other property of the Corporation.
- (24) Falsification of/ tampering with any records in the custody of the Corporation, impersonation or forgery.
- (25) Making representations to persons or bodies outside the Corporation, whether official or otherwise, on matters connected with the affairs of the Corporation or any grievances against the management.
- (26) Making representation or sending grievance petitions to the members of the Board of Directors or the Senior Management officers except through proper channel.
- (This does not prevent submission of appeals to the prescribed Appellate Authority under these rules).
- (27) Attending or holding meetings other than in the course of duty within the Corporation's premises without prior written permission of the competent Authority.
- (28) Distribution or exhibition of any newspapers, handbills, pamphlets etc.
- (29) Deliberately making any false statement before a superior knowing it to be false.
- (30) Proxy registering of attendance or abetting in the act of registering attendance of another employee.
- (31) Spreading or encouraging casteism, regionalism or communalism.
- (32) Abetment of or attempt of abetment of, any act which amounts to misconduct.

(33) Insubordination or disobedience, whether alone, or in combination with other or others.

(34) Conviction by any Court of law for economic offences.

(35) Engaging in any trade, money lending or any other activity, or attending to any work other than his allotted work within the Corporations premises.

(36) Engaging in any trade, business or other commercial in activity or accepting employment under any other person, firm, company or other organisation outside his hours of work during the tenure of service with the Corporation without the permission of the management.

(37) Any other act or omission which could be classified as misconduct or by which management loses confidence in the employee.

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

Rule 6. JOINING OF ASSOCIATIONS 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 Corporation or of the sovereignty and integrity of India or public order or morality.

Rule 7. TAKING PART IN DEMONSTRATIONS AND STRIKES

No employee shall

(i) engage himself or participate in any demonstration which is prejudicial to the interest of the Corporation or the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality, or which includes contempt of court, defamation or incitement to an offence; or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other employee of the Corporation.

Rule 8. CONNECTION WITH PRESS OR RADIO

(i) 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 or any newspaper or other periodical publication.

(ii) No employee shall, except with the previous sanction of the competent authority or in the bona-fide discharge of his duties, participate in a radio 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 periodicals.

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic scientific or professional in character.

Rule 9. CRITICISM OF GOVERNMENT AND THE CORPORATION

No employee shall, in any radio broadcast or in any document published under his name or in the name of any other person or in any communication to the press, or in any public utterances, make any statement:

(i) Which has the effect of adverse criticism of any policy or action of the Central or State Governments or of the Corporation; or

(ii) Which is capable of embarrassing the relations between the Corporation and the public.

Provided that nothing in these rules 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 bona-fide expression of views by him as an office-bearer of a recognised Association for the purpose of safe guarding the conditions of service of such employees or for securing any improvement thereof.

Rule 10. EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY

(1) Save as provided in sub-rule (2), 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) 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 Corporation;

(b) evidence given in any judicial enquiry or

(c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government or the Corporation.

Rule 11. UNAUTHORISED COMMUNICATION OF INFORMATION

No employee shall, except in accordance with any general or special order of the competent authority 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 other employee or any other person to whom he is not authorised to communicate such document or information.

EXPLANATION

QUOTATION by an employee in his representation to the Head of the Department or to the Chairman or to the Board of Directors of the Corporation or to any authority of the Corporation/ Government, from any letter, circular or office memorandum or from the notes on any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody for personal purposes shall amount to unauthorised communication of information within the meaning of this Rule.

Rule 12. INVENTIONS

(i) Any discovery, invention or improvement whatsoever relating to any process or method of any appliance or plant available for manufacture

carried on or experimented upon or made by an employee while in the service of the Corporation or in any firm or Company in which processes, method or discovery, etc., the Corporation has any interest, direct or indirect, shall forthwith be communicated to it. The employee shall furnish, at the request and expense of the Corporation, all particulars thereof and if required, but not otherwise, shall apply for all letters of patent and rights in India or elsewhere and give assignments and transfers to the Corporation or its nominees as may be considered necessary.

(ii) Letter of patent, if taken out, shall belong to the Corporation, the remuneration, if any, paid to any employee for any such invention shall be at the discretion of the Corporation.

Rule 13. PRIVATE TRADE OR EMPLOYMENT

No employee shall, except with the previous sanction of the competent authority, engage directly or indirectly in any trade or business or occupation or undertake any other employment. Provided that an employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific or professional character, subject to the condition that his official duties do not thereby suffer.

Rule 14. INSOLVENCY

An employee who applies to be, or is adjudged or declared insolvent shall forthwith report the fact to the competent authority.

Rule 15. CANVASSING OF NON – OFFICIAL OR OTHER INFLUENCE

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

Rule 16. SUSPENSION

(1) The competent authority or any authority to which it is subordinate may place an employee under suspension:-
(a) Where a disciplinary proceeding against him is contemplated or is pending or is ordered; or

- (b) Where, in the opinion of the authority aforesaid he had engaged himself in activities prejudicial to the interest of the Corporation; or
- (c) Where a case against him in respect of any criminal offence is under investigation or trial.
- (2) 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 enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.
- (3) Where a penalty of dismissal or removal from services 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 decides to hold a further enquiry 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.
- (4) 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.

Rule 17. SUBSISTENCE ALLOWANCE

- (1) Subsistence allowance shall be according to and subject to the provisions of the Kerala Payment of Subsistence Allowance Act, 1972.
- (2) In case an employee is not eligible for subsistence allowance as per the said Act, he will be eligible for subsistence allowance as per rules hereunder:
- (a) When ever an employee is placed under suspension, he shall be paid by the employer for the period during which he is under suspension subsistence allowance of an amount equal to fifty per cent of the wages which the employee was drawing immediately before such suspension.
- (b) Where the period of suspension exceeds ninety days, the amount of subsistence allowance shall for the period exceeding ninety days, be seventy five percent of the wages; and
- (c) Where the period of suspension exceeds 180 days, the amount of

subsistence allowance shall, for the period exceeding 180 days, be equal to the wages which the employee was drawing immediately before such suspension.

Provided that an employee shall not be entitled to any subsistence allowance if he accepts employment during the period of suspension in any establishment other than the establishment where he had been working immediately before his suspension.

Provided further that where the enquiry is prolonged beyond a period of 90 days for reasons, directly attributable to the employee, the subsistence allowance shall for the period exceeding 90 days, be reduced to $\frac{1}{4}$ of the wages.

(3) An employee shall not in any event be liable to refund or forfeit any part of the subsistence allowance admissible to him under sub clauses (1) or (2) of Rule 17 but when an employee is exonerated of the charges which caused his suspension, the subsistence allowance paid to him for any period shall be adjusted against the full wages admissible to him for the same period.

Rule 18. 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 19 the full pay and allowance 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 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 19. PENALTIES

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee namely:

Minor Penalties

- (a) Censure
- (b) Withholding /barring of promotion.
- (c) With holding of increments of pay with or without cumulative effect.
- (d) Recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders.

Major Penalties:

- (e) Reduction to a lower grade or post or to a lower stage in a time scale of pay for a specified period with further directions as to whether or not the employee shall earn increment 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 further increment of his pay.
- (f) Removal from service which shall not be a disqualification of future employment.
- (g) Dismissal.

Explanation:

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

- (i) Stoppage of an employee at the efficiency bar in a time scale, on the ground of his unfitness to cross the bar.
- (ii) 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.
- (iii) 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.
- (iv) Reversion to his previous grade or post of an employee appointed on probation to another grade or post during at the end of the period of probation in accordance with the term of his appointment.
- (v) Termination of Services.

- (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 on the expiration 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 an employee on reduction of establishment.

Rule 20. PROCEDURE FOR IMPOSING MAJOR PENALTIES

- (1) No order imposing any of the major penalties specified in clauses (e) , (f) and (g) of Rule 19 shall be made except after an enquiry is held in accordance with this rule.
- (2) Whenever the competent authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconducts or misbehaviour against an employee, it may itself inquire into or appoint any person or persons hereinafter called the inquiring authority to inquire into the truth thereof.
- (3) Where it is proposed to hold an enquiry, the competent 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 and a list of documents by which, and a list of witnesses by whom, the articles of charges 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 competent authority (not exceeding 3 days), a written statement whether he admits or denies any or all of the articles of charge.

Explanation:

It will not be necessary to show the document 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 inquiring authority constituted under sub clause (2).

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

(5) The competent authority is entitled to appoint a Presenting Officer to present the Management's case before the inquiring authority. The Presenting Officer so appointed shall be an employee of the Corporation.

(6) The employee may take the assistance of another employee of the Corporation.

(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 inquiry 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 document listed with the charge-sheet.
- (ii) submit a list of additional documents that he wants to examine and
- (iii) be supplied copies of the statements of witnesses, if any, listed in the charge-sheet.

Note: Relevancy of the additional documents referred to in sub-clause 8 (ii) above will have to be given by the employee concerned and the inquiring authority shall call for production of the documents if he is satisfied about their relevance to the charges under enquiry.

(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 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 if the production of such documents will be against public interest or the interest of the Corporation. In that event, it shall inform the inquiring authority accordingly.

(11) On the date fixed for the enquiry, 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 inquiring 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.

(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 witness. In such a case the employee shall be given an 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 of the prosecution before the inquiring authority is closed, the employee may be required to state his defence 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 then 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 inquiring 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) 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 cases, if they so desire.

(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 employee or otherwise fails or refuses to comply with any of the provisions of these rules, the inquiring authority may hold the enquiry 'Exparte'.

(18) Whenever the inquiring authority after having heard and recorded the whole or any part of evidence in any enquiry 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 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.

(19) (i) After the conclusion of the enquiry, a 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 on each article of charge and the reasons thereof.

Explanation: If in the opinion of the inquiring authority the proceedings of the enquiry establish any article 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 article 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.

(ii) The inquiring authority shall forward to the competent authority the records of enquiry which shall include

(a) the report of the enquiry prepared by it under sub-clause (i) above.

(b) The written statement of defence, if any, submitted by the employee referred to in sub-rule (13),

(c) The oral and documentary evidence produced in the course of the enquiry.

Rule 21. ACTION ON THE ENQUIRY REPORT

(1) The competent authority may for reasons to be recorded by it in writing remit the case to the inquiring authority for fresh or further enquiry and report and the inquiring authority shall there upon proceed to hold the further enquiry according to the provisions of Rule 20 as far as may be.

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

(3) If the competent authority having regard to its findings on all or any of the articles of charges is of the opinion that any of the penalties specified in rule 19 should be imposed on the employee it shall, notwithstanding anything contained in Rule 22 make an order imposing such penalty.

(4) If the competent authority having regard to the 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 22. PROCEDURE FOR IMPOSING MINOR PENALTIES

(1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of Rule 19 the employee concerned shall be informed in writing of the imputation of misconduct or misbehavior against him and given an opportunity to submit his written statement of defence within a specified period not exceeding 3 days. The defence statement, if any, consideration by the employee shall be taken into consideration by the competent authority before passing orders.

(2) The record of the proceedings shall includes:

(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 orders of the competent authority together with the reasons thereof.

Rule 23. COMMUNICATION OF ORDERS.

Orders made by the competent authority under Rule 21 or Rule 22 read with Rule 19 shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of enquiry, if any.

Rule 24. 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 proceeding and the specified authority may function as the inquiring authority for the purpose of such common proceedings.

Rule 25. SPECIAL PROCEDURE IN CERTAIN CASES

Notwithstanding anything contained in Rule 20 or 21 or 22, the competent authority may impose any of the penalties specified in Rule 19 in any of the following circumstances:

- (i) the employee has been convicted on a criminal charge involving moral turpitude by a court of law;
- (ii) Where the Managing Director is satisfied, for reasons to be recorded by him in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these rules;

Rules 26. OFFICERS ON DEPUTATION FROM THE CENTRAL GOVERNMENT OR THE 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 Corporate from the Central or State Government or another Public Under taking or a local authority, the authority lending his services (hereinafter 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 proceeding as the case may be.
- (ii) In the light of the findings in the disciplinary proceeding, take against the employee.
 - (a) If the Competent Authority is of the opinion that any of 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 competent and the lending authorities the services of the employee shall be placed at the disposal of the lending authority.

(b) If the competent authority is of the opinion that any of the major penalties should be imposed on him, it should replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry 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 employee shall be placed at the disposal of the leading authority and the proceedings of the case shall be transmitted to that authority for such action as it deems necessary.

Rule 27. APPEALS.

(i) An employee may appeal against an order imposing upon him any of the penalties specified in Rule 19 or against the order of suspension referred to in Rule 16. The appeal shall lie to the authority specified in Rule 3

(i)

(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 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 the records of the case to the appellate authority within 15 days. The employee is not entitled to a personal hearing before the Appellate Authority.

The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders within six 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 proposes to impose is a major penalty specified in clauses (e) , (f) and (g) of Rule 19 and an enquiry as provided in Rule 20 has not already been held in the case, the Appellate Authority shall direct that such an enquiry be held in accordance with the provisions of Rule 20 and thereafter consider the record of the enquiry and pass such orders as it may deem proper. If the Appellate Authority decides to enhance the punishment but an enquiry has already been held as provided in Rule 20 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 the final order after taking into account the representation, if any, submitted by the employee.

Rule 28. SUPPLEMENTARY PROVISIONS

The Chairman/ Managing Director will have the right to hold or institute independent enquiries in respect of any misconduct or review any order which is made or is appealable under these Rules after calling for the records of the case and after calling for the records of the case and after consultation with the competent authority where such consultation, in his opinion, is necessary and pass such other orders as he deems fit, provided that an order imposing or enhancing penalty shall not be passed unless the employee concerned has been given an opportunity of making any representation which he may wish to make against such penalty.

Rule 29. RETIREMENT

- (1) On Medical grounds: Any employee may at the discretion of the competent authority, be examined by the Corporation's Medical Officer/ Officers at any time during the course of his employment with the Corporation and/or by any other qualified Medical Practitioner approved by the Corporation, to find the employee's fitness or otherwise for continuance of his employment in the Corporation. If the employee is found unfit for continued employment by the competent Authority, he shall be compulsorily retired on medical grounds.
- (2) On attaining the age of superannuation. The age of superannuation shall be 58 years and an employee shall retire from service on the day of attaining the age of superannuation.

Rule 30. TERMINATION

(1) The services of any permanent employee may be terminated by the competent authority without assigning any reason if he is no longer required by the Corporation, by giving 3 months notice in the case of executive personnel and one month notice in the case of employees in supervisory cadre or by payment of salary at the basic rate of pay plus Dearness Allowance for a like period in lieu of notice.

The employment of any temporary probationary employee may likewise be terminated without notice and without assigning any reason.

(2) (a) A permanent employee desirous of leaving the Corporation's service shall give 3 months notice in the case of executive personnel and one month in the case of employees/ Supervisory cadre to the competent authority of his intention to do so or forfeit to the Corporation 3 months/ the month salary/ the basic rate of pay and dearness allowance in lieu of notice, as a case may be.

(b) The termination of service by proper notice or payment of wage in lieu of notice will not be regarded as a penalty within the meaning of Rule 19.

Rule 31.

If an employee absents himself without leave for more than 7 days or remains absent for more than 7 days beyond the period of leave granted, he shall be deemed as having voluntarily left and abandoned the Corporation's services from the date of commencement of such unauthorised absence provided in such cases of absence the employee fails to report for duty within the time specified in the notice served by Management to the employee.

Explanation: A notice sent by registered post by the Corporation to the address of the employee noted in the Corporation's records as also to the address, if any indicated by the employee in the leave application shall be deemed good services for this purpose.

Rule 32. SERVICE OF ORDERS, NOTICES, 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 33. 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 34. SAVINGS

1. 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.
2. The proceedings pending 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.

Rule 35. REMOVAL OF DOUBTS.

Where a doubt arises as to the interpretations of any of these rules, the matter shall be referred to the Chairman/ Managing Director, whose decision shall be final.

Rule 36. AMENDMENTS

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

KELTRON

CONDUCT DISCIPLINE & APPEAL RULES, 1986.
(Applicable to all non- workmen)

(Amendment/ modifications made in compliance with the directions issued by the Honb'le Supreme Court of India in its judgment in the Writ Petition (Crime) No. 666/70 of 1992)

In exercise of the powers vested with the Board of Directors of KSEDC Ltd. vide Rule 36 of the Kerala State Electronics Development Corporation Ltd. Conduct Discipline & Appeal Rules, 1986 (applicable to all non workmen), the 173rd Meeting of the Board of Directors of KSEDC Ltd. met on 25.09.2001 amended/ modified the Kerala State Electronics Development Corporation Ltd. Conduct Discipline & Appeal Rules so as to incorporate the following just below to Rule 5.16 as Rule 5.16(a).

Rule 5.16 (a)

Sexual harassment towards working women which includes such unwelcome sexually determined behaviour (whether directly or by implication) 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 un verbal contact of sexual nature.

This amendment/ modification will come into force with effect from the date of approval to this by the Board of Directors of KSEDC Ltd. ie. 25.09.2001.

Dated 16th November 2001.