

NATIONAL HIGHWAYS AUTHORITY OF INDIA (CONDUCT DISCIPLINE AND APPEAL) REGULATIONS , 1997

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2. Application.- These regulations shall apply to any person appointed by the Authority to a post specified in column 2 of the First Schedule 3, Definitions.- In these regulations unless the context otherwise requires (a) (b) (c) (d) (e? "Act" means the National Highways Authority of India Act, •1988 (68 of 1988) "Appellate Authority", in relation, to a post or category of posts, means the officer or authority specified in column 6 of the First Schedule ; "Appointing Authority", in relation to a post or a category of posts, means the officer specified in column 3 of the First Schedule ; "Authority" means the National Highways Authority of-india constituted under Section 3 of the Act ; "Chairman" means the Chairman of the Autturity , (0 (g) (h) (k) 21 - "Disciplinary relation to a post pr category of posts, means the authority specified in column 4 of the First Schedule ; "Family" in relation to an officer or employee, includes• - (ii) (iii) the wife or husband, as the case may be, whether residing with him or does not include at wife or husband, as the case may be, separated from the, officer or, employee by a. decree pof divorce or judicial' separation or any other order of a compe!eot court , sons or daughters: or step-sons or steprdaughter.sg of the officer or employee wholly dependent on him any other person related .by blood •or marriage to the offger or employee or to his wife or husband, as the case may be, and. wholly dependent on the officer or employee , "Member" meads a Member of the Authority ; "Offcer or employee" means an officer or employee of the Authori_ty holding any of the posts specified in column 2 of the First Schedule ; "Reviewing Authority", in relation to a post or category of posts, means the officer or authority speqified in column 7e of the First Schedule; "Schedule" mgans any of,the Schedulesi annexed tp these regulations "Standing Committee" •mearis- the Committee constituted under regulation 4. Liability to abide regulations and orders.- Every officer or employee shall conform to and abide by the provisions of the Act. the rules framed thereunder,} these regulations and any. other. regulations made by the Authority under section 35 of the Act and Shal! obsebye,,comply with and obey ali orders and directions Which mays from time to time, be given to him by any person under whose jurisdiction, superintendence or control he may, for the time being, placed

5. Obligation to maintain secrecy,• (I) : Every officer or. employee including,an Adviser or Consultant shall maintain secrecy regarding the affairs of the Authority and shall not divulge, directly or indirectly, any information ofa confidential nature unless compelled to do so by any judicial or other authority, or unless instructed to do so iq writing by a superior officer in the discharge of his duties. 16 THE GAZETTE OF, INDIA : EXTRAORDINARY (PART (2) Every officer or, employee including an Adviser or. Consultant shall, before entering upon his duities, make a declaration-of fidelity and secrecy in the form' set out in the Second Schedule

6. Employees to promote Authority's interest.- Every officer or employee shall serve the Authority honestly and faithfully, use his utmost endeavours to promote the interests of the Authority and shall show courtesy and attention in all transactions and dealings between the Authority, and any other body or authority. 7.7 'Prohibition against participation in politics and standing for election.- No officer or employee shall take active part in politics or in any political demonstration, or stand for election as member of a Municipal Council, District Board or any other Local or Legislative Body

8. Employees not to seek outside employment.- No officer or employee shall accept, solicit or seek any outside employment or office, whether stipendiary or honorary', without the previous sanction of the Chairman. 9. Employment after, retirement.- No officer or employee shall within a period of two years from the date when he finally ceases to be in the service of the Authority, accept or, undertake any commercial employment (full time or part time) except with the prior written approval of the authority. Explanation:- For the purpose of this regulation, "commercial employment" means . (ii) employment in any capacity, including that of an agent under a company, cooperative society, firm or individual engaged in trade, commercial, industrial or professional business and includes a directorship of such a company and partnership. of 'such firm but does under a body; corporate wholly or substantially held or Controlled by the Government; setting up a practice, either independently or as partner of a firm as adviser or consultant in matters in respect of which the retired officer:- (b) has no professional qualification and the matters in respect of which the practice is to be set up or is carried out are, related to his official knowledge or experience or The matters in respect of which such practice is to be, set up are such as are likely to give his clients an unfair advantage by reason of his previous official position ; or [m] (iii) undertaking work involving liaison or contact with the offices or officers of the Authority or Government

10. Acceptance of gifts.- An officer or employee shall not solicit or accept or permit any member of his family to accept any gift from a constituent of the Authority. 11. Private trading.- No officer or employee shall engage any commercial business or pursue it either on his own account or as agent for others, nor act as an agent for an insurance company nor shall be connected with the formation or management of a joint stock company

12. Movable, immovable and valuable property.- (1) No officer or employee shall, except with the previous written permission of the Authority, acquire or dispose of any immovable property either in his own name or in the name of any member of his family, (2) No officer or employee shall, except with the previous sanction of the Authority, enter into any transaction; concerning any immovable or movable property with a person or a company having official dealings with the officer or employee. (3) Every officer or employee shall report to the 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 ten thousand rupees. (4) Every officer or employee shall, on his first appointment in the Authority, and in the month of January each year, submit a return of assets and liabilities in the terms set out in the Third Schedule. 13.1 Penalties.- Subject to the provisions of sub-regulation (2), an officer or employee who (1) commits a breach of any provisions of these regulations or who displays dishonesty, negligence, irregular attendance, inefficiency or drunkenness, indolence or who knowingly does anything detrimental to, the interests of the Authority or in disobedience with its instructions, or who commits a breach of discipline or is found to possess wealth disproportionate to his known sources of income shall be liable to the following penalties:- Minor penalties 17 (a) (b) (c) 1084 GI/97—3 reprimand ; withholding of increment or promotion ; demotion to a lower post or. grade or. to a lower stage in his incremental scale , THE GAZETTE OF INDIA : EXTRAORDINARY [PART III—part 4) recovery from pay of the whole or part of any pecuniary loss caused to the (d) Authority by the officer or employee • Major penalties compulsory retirement (e) (f) removal from service ; dismissal , (g) (2) No officer or employee shall be subjected to the penalties specified in clauses (b), (c), (d), (e), (f) or (g) of sub-regulation, (1) except by an order in writing signed by the disciplinary authority, and no such order shall be passed without the charge or charges being formulated in writing and given to the officer or employee so that he may have reasonable opportunity to answer them in writing or in person, as he prefers, and in the latter case his defence shall be taken down in writing and read to him , Provided that the requirements of this sub-regulation may be waived, if the facts on the basis of which action is to be taken have been established in a court of law or Court Martial or where the officer or employee has absconded or where it is for any other

reason impracticable to communicate with him or where there is difficulty in observing them and the requirements can be waived without injustice to the officer or employee. In every case where all or any of the requirements of this sub-regulation are (3) waived, the reasons for so doing shall be recorded in writing

14. Suspension.- (1) The appointing authority or the disciplinary authority may place an officer or employee under suspension where a disciplinary proceeding against him is contemplated or is (a) pending; or (b) where a case against him in respect of any criminal offence is under investigation or trial. (2) An officer or 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 and shall remain under suspension until he is cleared of the charge and the suspension order is revoked by the Appointing Authority or the Disciplinary Authority. (3) Where a penalty of dismissal or removal from service imposed upon an officer or employee under suspension is set aside in appeal or on review and the case is remitted for further enquiry, the order of his suspension shall be deemed to have continued in force until the order for dismissal or removal from service is finally revoked. (4) An order of suspension made or deemed to have been made under this regulation may at any time be revoked by the authority which made the order or any authority to which that authority is subordinate

15. Power to impose penalties.- The disciplinary authority may impose any of the penalties specified in regulation 13 on an officer or employee

16. Procedure for imposing major penalties.- (1) No order imposing any of the major penalties specified in clause (e), (f) and (g) of regulation 13 shall be made except after an enquiry held in the manner hereinafter provided. (2) Where the disciplinary authority is of the opinion that, there are grounds for inquiring into the conduct of an officer or employee, it may by itself inquire into or by order appoint any officer, of the Authority to enquire into the conduct of the officer or employee (hereinafter referred to as the inquiring authority). Provided that in cases investigated by Central Bureau of Investigation or the Central Vigilance Commission, the disciplinary authority may nominate an officer of the said Bureau or the Commission, as the case may be, as the Inquiring Authority. (3) Where it is proposed to hold an inquiry, the disciplinary authority, the inquiry authority or the person nominated under the proviso to sub-regulation (2) shall frame definite charges on the basis of the allegations against the officer or 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 charges are proposed to be established, shall be communicated in writing to the officer or employee, who shall submit within such time as may be specified by the disciplinary authority (not being less than fifteen days from the date of receipt of the communication), a written statement indicating whether he admits or denies all or any of the charges. (4) On receipt of the written statement, or if no such statement is received within the time specified, an inquiry may be held by the disciplinary authority itself, or by, any other officer referred to in sub-regulation (2). (5) Where the disciplinary authority itself inquires or appoints an inquiring authority, it may also by an order appoint an officer or employee to present on its behalf the case in support of the articles of charges (hereinafter referred to as the Presenting Officer) Provided that in cases investigated by Central Bureau of Investigation or the Central Vigilance Commission, and where an officer of the said Bureau or the Commission has been nominated as the inquiring authority, the disciplinary authority may nominate an officer of the said Bureau or the Commission, as the case may be, as the Presenting Officer. (6) The officer or employee whose conduct is being inquired into may take the assistance of any other officer or employee to present the case on his behalf. (7) On the date fixed by the inquiring authority, the officer or employee shall appear before him at the time, place and date specified in the notice. If the officer or employee pleads guilty to any of the charges, the inquiring authority shall record his plea, sign the record and obtain his signature thereon. The inquiring authority shall return a finding of guilt in respect of those charges to which the officer or employee pleads guilty. If the officer or employee does not plead guilty, the inquiring authority shall (8) adjourn the case to a later date not exceeding thirty days, after recording an order that the officer or employee may, for the purpose of preparing his defence :- (i) inspect the documents listed with the chargesheet; (ii) submit a list of additional documents and witnesses that he wants to examine; and (iii) be supplied with copies of the statements of witnesses, if any, listed in the chargesheet. (9) On the date fixed for the inquiry, the oral and documentary evidence by which the charges 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 officer or 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. Before the close of the case for the disciplinary authority, the inquiring authority may, in its discretion, allow the presenting officer to produce evidence not included in the chargesheet or may itself call for new evidence or recall or re-examine any witness. In such case, the officer or 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 (11) When the case for the disciplinary authority is closed, the officer or 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 officer or 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. (12) On the completion of the evidence, the officer or employee and the Presenting Officer may file written briefs of their respective cases within fifteen days of the date of completion of the evidence. If the officer or employee does not submit the written statement of defence (13) on or before the date specified for the purpose or does not appear in person or through the Presenting Officer or otherwise fails or refuses to comply with any of the provisions of these regulations, the inquiring authority may hold the inquiry ex-parte, (14) After the conclusion of the inquiry, a report shall be prepared by the inquiring authority and, where he is not the disciplinary authority, forward the same to the disciplinary authority. The report shall contain - a gist of the charges and the statement of the imputations of (a) misbehaviour, a gist of the defence of the officer or employee in respect of each such charge and an assessment of the evidence in respect of each such charge; and (c) the findings on each charge and the reasons therefor. (d) 17. Procedure for imposing minor penalties.- (1) Where it is proposed to impose any of the minor penalties specified in clauses (a) to (d) of regulation 13, the officer or employee shall be informed in writing of the imputations against him and given an opportunity to submit his written statement of defence within a specified period (not being less than fifteen days from the date of receipt of statement of imputations). The statement, if any, submitted by the officer or employee shall be taken into consideration by the disciplinary authority before passing any order. (2) The record of the proceedings shall include (i) a copy of the statement of imputations of misbehaviour delivered to the officer or employee; his defence statement, if any; and the orders of the disciplinary authority together with the reasons therefor, 18. Communication of orders.- Orders made by the disciplinary authority under regulation 16 or regulation 17 shall be communicated to the officer or employee concerned, who shall also be supplied with a copy of the report of inquiry, if any. 19. Common proceedings.- Where two or more officers or employees are concerned in a case, the authority competent to impose a major penalty on all such officers or employees may make an order directing that the disciplinary proceedings against all of them may be taken in a common proceeding. THE GAZETTE OF INDIA : EXTRAORDINARY 20. Officers or employees on deputation.- [PART III—SEG. 41 (1) Where an order of suspension is made or disciplinary proceedings are initiated against an officer or employee, who is on deputation to the 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 proceedings, as the case may be. In the light of the findings in the disciplinary proceedings, take action (2) against such officer or employees - (a) (b) if the disciplinary authority is of the opinion that any of the minor penalties should be imposed on him, it may pass such orders in that case as it deems necessary after consultation with the lending authority. Provided that in the event of a difference of opinion between the disciplinary authority and the lending authority, the services of the officer or employee shall be placed at the disposal of the lending authority; 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 record of proceedings of the inquiry for such action as the lending authority may deem necessary. If the officer or employee submits an appeal against an order imposing a (3) minor penalty on him under clause (a) of sub-regulation (2), it shall be disposed of after consultation with the lending authority. Provided that if there is a difference of opinion between the disciplinary authority and the lending authority, the services of the officer or employee shall be placed at the disposal of the lending authority and the record of the proceedings of the case shall be transmitted to that authority for such action as it may deem necessary

21. Constitution of Standing Committee.- For the purpose of hearing appeal or reviewing a case, the Authority may constitute a Standing Committee comprising of at least two Members of whom one shall be the Member in charge of administration and the other shall be the Member in charge of the Department in which the officer or employee belongs. The Chairman shall be the presiding officer of each such Standing Committee

22. Appeal.- (1) An officer or employee may appeal before the Appellate Authority against an order imposing upon him any of the penalties specified in regulation 13 or against the order of suspension made under regulation 14. (2) " An appeal shall be preferred within one month from the date of receipt of the order appealed against with a copy to the authority whose order is appealed against. The authority whose order is appealed against shall forward the copy of appeal together with its comments and the records of the case to the appellate authority within fifteen days of the receipt of appeal. The appellate authority shall consider the appeal and 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 within three months of the date of the appeal. Provided that if enhanced penalty, which the appellate authority proposes to impose, is a major penalty specified in clauses (e), (f) or (g) of regulation 13 and an inquiry as provided in regulation 17 has not already been held in the case, the appellate authority shall direct that such an inquiry be held in accordance with the provisions of regulation 17 and thereafter consider the record of the inquiry and pass such orders as it may deem proper

23. Review'- Notwithstanding anything contained in these regulations, the reviewing authority may call for the record of the case within six months of the date of the final order and after reviewing the case, pass such orders thereon as it may deem fit

24. Service of orders, notice, etc.- Every order, notice and other process made or issued under these regulations shall be served in person on the officer or employee concerned or communicated to him by registered post at his last known address with acknowledgement due

25. Residuary matters.- Matters with respect of which no specific provisions have been made in these regulations, shall be regulated under the provisions of the Central Civil Services (Conduct, Classification and Appeal) Rules, 1965, as amended from time to time, and the instructions issued thereunder by the Central Government. NEELAM NATH, Member (F&A)